

Mr. Herbert H. Schlei
Assistant Attorney General
Office of Legal Counsel

Mr. John A. Martin
Legal Assistant

*Do not have copy
and to the King memorial*

October 31, 1962
JAM:ab
144-40-254
#11801

University of Mississippi Situation.

Enclosed please find the following items:

(1) Copies of five letters delivered to Dean Love by me last Friday informing him of incidents in which disciplinary action by the Dean or the Student Judicial Council was thought advisable.

(2) The copy of a letter to Dean Love asking him not to proceed any further with any action against James O. Defibaugh.

(3) Copy of the substance of the testimony of two soldiers in regard to the attempted purchase of tear gas ammunition by student Jerry Weeks.

(4) The letter from the Student Judicial Council relating to the trial of Tommy Wayne Scott and Anson H. Shelton, Jr.

(5) A letter sent by Dean Love to me in regard to the Robertson student. This letter is indicative of the attitude that Dean Love has toward student discipline. It seems to me that a "very careful search" would have made it clear that "L. Taylor Robinson" was the same person as Lucius T. Robertson.

Last Thursday I met with Professor Willis and the Defibaugh boy. I am of the opinion that a letter from either yourself or the Attorney General to Defibaugh is in order. He seemed like a very fine person and, as his professors say, he is quite a good student.

cc: Records
Chrono
Dear
Futzel
Trial File

the Park ... Best Troops?

Before we come to the ... where we and other ... to send troops to help out India, let it be noted that there are two places at which Indian forces are concentrated ... in her present war.

1—India has more than 5000 troops stationed in the Congo. They are among her best fighting men. They can't shoot at the Red Chinese from Katanga Province. They can't ... by the United Nations and repaired with military units of some countries which is not at war with Red China.

2—India has a very sizable part of its army still facing Pakistan. Some estimates run as high as 100,000 or more. These are among India's best troops. However, Indian states they may be armed to meet the fact ... highly ...

... of India ... parts of ... the ... of ... But it is ... the ... would ... practical ... on the ... disputed ... state.

Pakistan well knows by now the strategic meaning of the Chinese drive southward—the bell may be taking for Pakistan too. It is an opportune time for Washington and London to impress this on both India and Pakistan and perhaps bring a new agreement between the two in the interests of mutual defense, and getting more Indian units on the firing line.

And as for the master of Krishna Menon, ... worth at least 10 ... divisions to India. As a "defender" ...

It's Up to Chancellor Williams

Chancellor J. D. Williams of the University of Mississippi has been rightly concerned over the possibility that Ole Miss might lose its accreditation. But the outside interference—political and otherwise—that caused him this concern two weeks ago has stopped.

Now the interference is coming from within the university in the form of ruffianism by some of the students.

There has been understandable objection in Mississippi to the federal government coming in and ordering this and that done. The way to avoid that is for local authorities to do their duty.

Chancellor Williams is the authority at Ole Miss. Misbehavior by students is allowed to continue and grow more violent will endanger the status of the uni-

versity as surely as outside interference. Interprising of Ole Miss students is not the proper responsibility of the federal government. Chancellor Williams has that responsibility and he has the authority to do it. It's up to him.

And to James Meredith—

And meanwhile, it seems to us that James Meredith, the focal point in this situation, should give some thought to his own responsibility. He has had good protection and has the opportunity he sought to pursue his education at Ole Miss. He owes it to the institution, to himself as a student and to his relationships with the other students to avoid provoking new imitation. He ought to help the situation, summer down.

New Clipping from
Memphis Commercial
Appeal - 11/11/62

Text of Speech
of Chancellor J. D.
Williams, U. of Miss.
before joint meeting
of Lions Club, Kiwanis
Club, East Greenville
Kiwanis Club and
Wash. Cty. Alumni
Assn. at Greenville,
Miss.

Sent to Mr. Doan
by Mr. Graham.

3/4/63

Umm

Typed 11/11/62

144-60-254
11,801

Mrs. Mill Hall
P. O. Box 427
Greeneville, Tennessee

Dear Mrs. Hall:

Thank you for your letter of October 16, 1962. I appreciate your interest in writing. I am sure that you realize that the use of troops at Oxford was made necessary by the unusually high degree of violence and the uncontrolled rioting. No troops were called in until the violence made this action imperative.

Very truly yours,

ROBERT F. KENNEDY
Attorney General

cc: Sec.
Chrono.
Mr. Deane
Mr. Barrett
Mr. Schwab
Trial File (En. 1140)

ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1 Mr. Marshall	
2	
3	
4	
5	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Nov. 2, 1962

(Crim. Div.)

Mr. Rosthal/called at 9:35. Message was this:

Guns of the men who were in Oxford on the 30th, and who had admitted firing them, were checked, and they were all negative.

[Signature]

FROM	
NAME	BUILDING, ROOM, EXT. DATE

St. Jean Barrett
Second Assistant
Civil Rights Division

November 1, 1962

FIS:am
LHM-25
11,8-1

Frank E. Samels
Attorney

Oxford 101

A review of our newspaper and other files relating to the desegregation of the University of Mississippi fails to disclose any newspaper reports suggesting that United States Marshals prevented students from leaving classrooms which James Meredith had entered. The closest thing to such a statement is a remark in the Jackson, Mississippi Clarion Ledger that the Army had assumed the responsibility for students leaving and entering the school. This security precaution is a far cry from restricting the movement of students from a class. Several students were, of course, arrested during and after the riot, and many of them have been disciplined by the University. None of these arrests was for leaving a classroom in which Mr. Meredith was present.

I have spoken with Chief Marshal McNamee and shown him the letter from C. C. Salvage of Birmingham, Alabama. Mr. McNamee advises that no action such as that described in the letter was taken by United States Marshals or other armed personnel.

Attached is a proposed letter to Senator Sparkman on this matter.

Attachment

cc: Rec.
Chrono.
Mr. Doar ✓
~~Mr. Tolson~~
Trial File (En. 111.)

Typed 11/2/62

BM:TES:ms
144-40-254
11,801

Honorable Jack Sparrow
United States Senate
Washington 25, D. C.

Dear Senator Sparrow:

Thank you for forwarding to us a copy of the letter of Mr. Charles C. Salvage of Birmingham, Alabama, relating to the Meredith case. This communication has been referred to the undersigned for reply.

Please be assured that no United States Marshal or other officer of the Federal Government has made any attempts to prevent any student from leaving a classroom in which Dr. Meredith was present. While several students were arrested in connection with the rioting which took place on the evening of September 3, and early morning of October 1, 1962, no action of any kind has been taken against a student under the circumstances described in Dr. Salvage's inquiry.

Sincerely yours,

BERNARD MARSHALL
Assistant Attorney General
Civil Rights Division

cc: Rec.
Chrono.
Mr. Barrett
Mr. Doar -
~~Mr. Tolson~~
Trial File (Rm. 1140)
Deputy Attorney General

Tension increases on U of M campus

Continued from Page 1

Chemistry Building subterranean Wednesday and reinforced the new wave of violence which struck the U of M campus this week. The subter search for explosives in "get rid of the job for several weeks."

And this was the one thing that had not been expected.

The Miss and federal officials pursuing a report that an attempt would be made to dynamite Baxter Hall, where Meredith is housed with an escort of 150 marshals began beefing up the guard here early Wednesday afternoon.

THE MILITARY information of snipers from a window in Baxter Hall—adjacent to the building where Meredith is housed—has been reported.

Also out in the rally night mingling with students and protesting about 20 members of the University faculty hierarchically under orders to do so from the administration.

Identification cards of at least 100 people can be expected to be issued in the next few days. But no one would discuss the exact number of the specific charges.

AS THE RAYSONET WEIJING MI's withdrew their cards around Lester Hall Mississippi University is considered a "wilderness" when his ID card highway patrolmen and police from Clarkdale—20 miles distant—arrived on campus last night.

The action will be speedy, Attorney General Nicholas Katzenbach has been asked for talks about mounting tensions for the reinforcements to campus security forces. The search took nearly 100 hours. From other probes of

came on the third floor of Baxter.

The only treatment Meredith got from campus firemen was to the void shoulder on a void of his.

Several were frankly apprehensive that an attempt might be made to kill Meredith under such circumstances.

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UNDESIGNED DEPARTURE REVERSED BY MP'S
 ... Ole Miss student tries to leave dorm via window.
 MP's force him to return

Guards search UM dorms for weapons

BY GEORGE METZ, News Mississippi Bureau
 OXFORD, Miss., Nov. 1—University of Mississippi officials fear Halloween may arrive here one day late as 2,000 students prepare for a pep rally tonight.

The rally, to celebrate Ole Miss' game Saturday with Louisiana State University at Baton Rouge, was called off Tuesday. But many students privately have vowed if the rally is called off again, they'll hold it any way.

Behind the rally postponement is administration fear of new violence directed at Ole Miss' first Negro student, James H. Meredith.

15 hours before Nov 1, 1964

REPORTS THAT students would attack Meredith's residence with dynamite and have called night curfew off a search of Baton Rouge and Lumbert dormitories by federal troops and campus police.

The attempt like the leadership for the bloody September riot was reported to come from outside.

"I don't mind saying a report was received that some persons were headed this way with heavy guns filled with gaspowder and dynamite," said Burns Tatum, Ole Miss campus police chief.

Tatum's own campus police force, backed up by several armed federal Charlotte police, covered Mississippi State Patrol cars, patrolled the campus for the first time since violence flared here a month ago.

BEN NASH, director of student activities, said however that the solitary used the dynamite as a pretext for searching the dormitories. He said they had been waiting to for some time.

Reports that a disassembled M1 rifle, a pistol and two hand grenades were found during the search were later denied by campus police who make all arrests and search in all searches on campus.

Turned up to the search were two plaster bars and grenades several "shove bombs," some.

Turn to Page 10, Column 4

AT 'OLE MISS': UNEASY PEACE

Return to Normalcy Seen Despite Continued Racist Agitation

By CLAUDE MERRIN

Special to The Associated Press

OXFORD, Miss., Nov. 1

For the first time in the history of Mississippi, a month ago there is hope of the return of the state to normalcy. It stems from the announcement of the termination of the university administration's participation in student disorder.

The announcement has not created any sense of relief, but the bitter refusal of white to accept integration. The presence of James H. Meredith is tolerated, but only because he is the most of the students. And this is the reason for the military police and other forces. Federal troops are a great quantity of the state's National Guard.

The presence of the troops, these measures are necessary to prevent a return of the violence that met the arrival of Mr. Meredith. The state's first Negro student, James H. Meredith, is a white man. A series of protests are being held in the state, but a group of militant white among the students has organized a series of protests. The protests were presented by campus police of faculty members reinforced by police men and state troopers.

Accreditation

The concern with which the university regards these new outbreaks is demonstrated by Chairman J. D. Williams' assertion that they endanger not only the institution's accredited standing but also its existence. He has warned that students involved in any trouble in the future may be expelled.

The continuing controversy has badly shaken faculty morale. Many professors have voiced anger over what they consider a lenient attitude on the part of the administrators in dealing with trouble makers. They have told university officials that their practice is near an end. And those with job offers elsewhere are being urged to accept.

There is unrest among the students. For three nights the week many found it difficult to study because of sporadic demonstrations, exploding fireworks in and around their dormitories and other distractions. A number of them, particularly those in graduate schools, have urged the administration to halt the disorder.

The Mississippi Daily Herald newspaper has given its support to the protest. It has then in the past Tough Party, but enforced and a few of the rebellion's members are not as important as the students. The students of a few days ago were angry who have nothing to do to them but to stay in the state.

The reluctance of the administration to discipline is attributed by students of the state to the relationship that exists between the university and Miss. legislators generally.

Council Claims

The Citizens Council, which claims for itself the role of a bitter in racial matters, refuses to concede for example that the university is segregated. The Citizens Council, the monthly organ of that white supremacist organization has declared.

It must be clear that any claim that the segregation banner has been free here in Mississippi is a patent nonsense. It is this appeal that Meredith will receive at Ole Miss only as long as the Kennedy Administration is willing to keep him there by force of arms. A vast ground swell of public opinion and indignation is building up against the Kennedy government in the South but throughout the nation. The South will defend and we have just begun to fight.

The university's problem is deepening. Those who demonstrate against Mr. Meredith's presence are further complicated because some Mississippians seem to have no understanding of what is involved. Outbursts of outrage have gone up over the seizure of the territory after a soldier was struck in the face by a firebomb. The discovery of a small amount of fireworks and weapons has received little notice as has the fact that university officials were in charge of the search.

Students and citizens have denounced the arrests of two Ole Miss youths for passing out

leaflets and a letter to the state. The leaflets were distributed among those who were arrested but there was another address. The leaflets were written when said in part.

Rev. J. A. Kennedy is the most famous name. Kennedy has never had he has rebelled given and comfort to the enemy and he has used every weapon to destroy the Constitution of the United States of America.

Campus sources in the campus claim that the hard core students responsible for much of the trouble number more than 25. Some of these students are involved in a plot that will include the "Freedom Riders" which distributed pamphlets and leaflets in groups.

Indignation

At least one of these who have played a major part in the disturbances are expected to be expelled shortly. The story was dampen the enthusiasm of others who might be inclined to continue the campaign against Mr. Meredith and his promoters. Observers in Jackson say the action may bring heated criticism of the university administration to national notice.

However, Governor Barnett and his supporters are coming and willing to meet any sort of pressure on the university. The Southern Association of Colleges and Secondary Schools, the regional accrediting agency already has warned against potential interference at Ole Miss. Mr. Barnett has written the association giving it his assurance that student freedom will be maintained.

Further Chancellor Williams is said to have the unanimous support of the state Board of Trustees of Institutions of Higher Learning. This is a constitutional agency over which the Governor has no control.

Some faculty members and students still fear that an attempt may be made to teach off further violence and thus provide an excuse to raise the university. Most observers doubt the NAC over the Citizens Council has advanced such a drastic step.

Recent developments indicate that peace of a sort will soon be restored to the university. But there now seems to be no hope that Mr. Meredith will be able to remain on the campus without a guard during the three semesters of study he must complete if he is to become the first Negro graduate of Ole Miss.

*Study - Marshall
old memo*

J

Burke Marshall
Assistant Attorney General
Civil Rights Division

November 5, 1962

Henry Putzel, Jr., Chief
Voting & Elections Section

HP:bab

Possible applicability of 18 U.S.C.
592 (Troops at Polls) to military
personnel at Oxford, Mississippi,
on election day, November 6, 1962.

72-012
144-100-40-1

This refers to your request of November 2, 1962, that on November 3, 1962, I call to the attention of James Greh at Oxford, Mississippi, the above statute in order to avoid any possible incident whereby military personnel stationed at Oxford could be charged with any infringement of its terms.

Shortly after noon, EST, on November 3, I spoke with Mr. Greh and read to him the text of 18 U.S.C. 592 and called to his attention Army Regulation 500.50, "Emergency Employment of Army Resources," dated 19 July 1962, paragraph 7b, entitled "Elections," implementing that statute.

I asked Mr. Greh to contact Army authorities immediately to make sure that they were familiar with the statute and would avoid any situation in which it could be claimed that military personnel had acted inconsistently with its requirements.

I asked Mr. Greh if any troops were stationed at or near the polls. He answered in the negative but said that there were roving details in Oxford who should be cautioned about the statute.

He said that Major Chisholm of the Army was in his office at the time of my call and that he would immediately discuss the matter with him. Mr. Greh said that he would call me back later during the day to advise me that all precautions had been taken to avoid any incident in which it could be claimed that the statute had not been observed.

I also mentioned 18 U.S.C. 593, which deals with interference by armed forces with the right to vote and called his attention to the Army Regulation, 600.20, in implementation thereof (Army Command Policies and Procedure), entitled

Records
Chrono
Mr. Dear ✓
cc A'Hear

"Political Activities," dated 3 July 1962, paragraph 42.

- 2 -

Before calling Mr. Greh I talked with Mr. James W. Platt, Deputy Coordinator, Federal Voting Assistance Program, Department of Defense (Code 11, Ext. 79141), who, after checking, advised me about the Army Regulations referred to above.

MEMO ROUTING SLIP		NEVER USE FOR APPROVAL, CONCURRENCES, OR SIMILAR ACTIONS		APPROVALS	ACTION
1 TO	MR. REMBEY CLARK	INITIALS		<input type="checkbox"/>	CIRCULATE
		DATE		<input type="checkbox"/>	DISMISS
2	JUSTICE DEPT.	FILE		<input type="checkbox"/>	
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3	ALUMNI HOUSE	NOTE AND RETURN		<input type="checkbox"/>	
		DIS CONVERSATION		<input type="checkbox"/>	
4	OR FORD JAMES	SEE ME		<input type="checkbox"/>	
		SIGNATURE		<input type="checkbox"/>	
REMARKS					
FOR YOUR INFORMATION					
FROM		L. Col WINK		DATE	
		G-2 2d INF DIV		PHONE	

DD FORM 95
1 OCT 66

REPLACES PREVIOUS EDITION.

GPO 1961 600230



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, NOVEMBER 15, 1962

The FBI has completed laboratory examination of 450 weapons, including 367 .38 caliber revolvers carried by Deputy United States Marshals, in the investigation of events connected with the riot at the University of Mississippi, September 30, Attorney General Robert F. Kennedy announced today.

None of these weapons could have fired the bullets which killed Paul Guihard and Walter Roy Gunter during the riot, FBI Director J. Edgar Hoover informed the Attorney General.

Both Guihard, a French newsman, and Gunter, a resident of Oxford, Mississippi, were killed by bullets fired from .38 caliber Special Smith & Wesson revolvers or weapons of similar rifling, Mr. Hoover said.

Of the 545 deputy marshals who were on duty at the University of Mississippi, 367 carried revolvers of this description. All have been examined with negative results, Mr. Kennedy said.

The FBI also examined 46 shotguns, 19 rifles and 18 pistols which were seized during the riot or confiscated in searches of automobiles arriving in the Oxford area on October 1 and 2.

The ballistic examinations were completed this forenoon. However, investigation of other matters in connection with the riot is continuing, Mr. Kennedy said.

The FBI Laboratory made approximately 1,100 ballistic comparisons involving the 450 weapons and also examined 14 items of clothing from the bodies of the two victims. It was determined that a bullet hole in the back of the coat worn by Mr. Guihard was caused by a shot fired from a distance of less than one foot, Mr. Hoover said. No bullet holes were found in the clothing of Mr. Gunter.

The FBI also examined five .22 caliber bullets recovered from the doors or walls in the Lyceum Building on the University of Mississippi campus. None of these five bullets were fired from any of the weapons submitted, Mr. Hoover said.

To date, FBI laboratory personnel have spent approximately 825 hours in examination of evidence in connection with the case.

Judge William M. O'Harr of the Mississippi state courts has directed national attention to what could be a flagrant violation of the Constitution by the federal government.

Evidence gathered by federal troops in the Meredith case at the University of Mississippi has been rejected by the judge on the grounds that federal troops obtaining the evidence had acted illegally in doing so. Assuming that the judge's conclusions as to the assembling of this evidence is right, he could not have acted otherwise and still obeyed prevailing decisions of the Supreme Court on the acceptability of evidence.

II

At the time the armed troops raided the dormitories and obtained a quantity of arms little or nothing was said about their actions being a violation of a fundamental provision of the Constitution—and a provision that has been broadened rather than limited by recent court decisions.

The Fourth Amendment of the Constitution quite specifically protects all citizens from unreasonable search and seizure; it is unquestionably a "civil right." The Amendment says:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

III

The students who had collected and stored the arms were wrong in so acting. They ought not to have considered taking the law into their own hands. But two wrongs do

not make a right. The federal troops did not have jeopardized the safety of one man. What the federal troops did, according to the court, was to infringe a constitutional right of every American citizen, regardless of his race, color, creed or disposition.

Martial law has never been declared in Mississippi, not even in the University area. Only under martial law is there any possible room for suspension of fundamental civil liberties.

IV

The Constitution, as noted here, plainly prohibits such searches and seizures without search warrants under such conditions as existed on the University of Mississippi campus. In case after case, the federal courts have thrown out evidence and upset convictions in instances involving far more fragile violations of the Fourth Amendment than this.

There was plenty of time for the federal authorities to obtain search warrants. The procedure need not have consumed any unusual amount of time.

It is incidents such as this that make the Mississippi affair far more dangerous to the civil liberties of all the people than anything that was done in the unhappy Little Rock affair a few years ago. In Oxford, civil liberties specifically guaranteed by the Constitution apparently are being ruthlessly violated.

One cannot give meaning to one vague "equal protection of the law" and "due process" clauses of one amendment by violating other more specific sections of the Constitution.

Although this matter comes up in a de-segregation case, it has, really, nothing to do with that issue. It has to do with a right of all citizens which is fundamental to

Mc

Pamphlet About Ole Miss Certain To Cause Concern

By WILLIAM R. STREET

A pamphlet being distributed by the Citizens Council in Jackson, Miss., is certain to cause some concern among officials and alumni of the University of Mississippi.

The eight-page "Operation Ole Miss" advertisement of an educational institution which the Federal Government "takes by force" if the people vote to do so. It then discusses a possible reopening along private school lines.

Leading alumni of the university are expected to meet on campus Saturday prior to the Ole Miss-Charleston football game. There is a little doubt that the pamphlet will come up for discussion, either officially or informally.

At the other extreme, the pamphlet also is being distributed to the public. It is being distributed to the public in a number of ways. It is being distributed to the public in a number of ways. It is being distributed to the public in a number of ways.

The pamphlet is being distributed to the public in a number of ways. It is being distributed to the public in a number of ways. It is being distributed to the public in a number of ways.

It has been evident that some of the demonstrators of groups against the university have been active in the past. They have been active in the past. They have been active in the past.

Four students have been expelled from the university as a result of the recent demonstrations and for other reasons.

James Stewart today after a public appearance by Jackson to receive a plaque from the NAACP. He was accompanied by six United States deputy marshals.

Asked about reports he is taking most of his course at Ole Miss, he gave a cryptic answer: "I haven't paid much attention to that."

Ray Wilkins, executive secretary of the NAACP, delivered an address on Mississippi and our citizens at a Sunday rally of the organization in Jackson. He charged that the Governor and his white Citizens Council advisers "continually helped the Negroes in their civil rights drive. They supported in quantitative fashion everything an colored people have been saying about oppression in Mississippi," he said.

Marshals retained his arrest Saturday night and appear to be holding him.

Typed: 11/19/62

Study
for - [unclear]
Paul

Investigation Files

11/19/62

Rupert J. Grah, Jr.
Attorney
Civil Rights Division

RJC:seh
144-40-234
011,801

Oxford Riot - Presence of Mississippi Highway Patrol
on University of Mississippi Campus
on October 31, 1962.

At approximately 8:30 p.m. on Wednesday, October 31, 1962 the presence of cars from the Mississippi Highway Patrol were first observed on the University of Mississippi Campus. The reports on the number of cars present varied from six to ten. They were patrolling the campus itself and several of the cars were parked in a small roadside park across Highway 6 from the Sorority Row entrance to the campus. Their presence caused some consternation as we did not know for what purpose they were there, although we had heard rumors that student demonstrations would be taking place on that night which was also Halloween. At approximately 10:00 p.m. Mr. Dear decided to make contact with the Highway Patrol. Mr. Dear halted a car driven by Officer Stennis in front of Baxter Hall. Stennis radioed to his superior, Inspector Griffin, who was in charge of the contingent. Griffin said that he would meet with us, and Officer Stennis drove us to the roadside park where Inspector Griffin, Mr. Crockett, a plain clothesman, were parked. Sheriff Joe Ford and Mr. Scarborough were also present, but they did not talk to us. The latter were in a car bearing Mississippi tag number 560, Lafayette County. From subsequent inquiry I learned that there is a Mr. Scarborough on the Mississippi State Sovereignty Commission.

Mr. Dear spoke to Mr. Griffin and Mr. Crockett in a friendly manner, offering our cooperation in keeping the peace on the campus. Officer Griffin who did most of the talking was very belligerent. He said that Col. Birdsong, the head of the Mississippi Highway Patrol, had called him and told him to come to the campus, and that if anything developed during the night, Col. Birdsong would send as much additional help as was needed. Both

cc: Records

Dear ✓

Futzel

Mr. Crockett and Mr. Griffin were outspoken in their remarks about the abuse and mistreatment they received at the hands of the marshals and troops during the rioting on the night of September 30, 1962, but they said that they were present to give us assistance if anything developed. In response to Mr. Doar's question they said that they had no word that anything in particular was going to happen on this night. Much of the conversation was repetitive, particularly with respect to the activities of the marshals on the night of the riot. At one point Mr. Griffin said something to the effect, "If we wanted to cause trouble we could get something started in a minute, but that's not what we're here for, we are here to help you."

Mr. Doar asked whether a meeting with Col. Keller, the local army commander, could not be arranged at the armory. This request was vehemently refused at first, but later Mr. Griffin and Mr. Crockett came around to the position that they would meet with Col. Keller but not at the armory as they wouldn't "run after him". This point was also discussed, and Mr. Doar was finally able to get them to agree, tentatively, to meet at a different place. The courthouse was suggested as a meeting place, but no definite time was set inasmuch as Col. Keller had not yet been consulted. We didn't know when he would be available.

As we were leaving, Mr. Griffin commented that they would be leaving town very shortly, but no explanation was given for this. When Mr. Doar and I left, it was our understanding that a meeting for later that night would be arranged, but this meeting never took place.

It was as we were leaving that I learned the name of Mr. Scarborough. He had been talking to Officer Stennis, who spoke Mr. Scarborough's name as they parted.

We returned to Baxter Hall and contacted Col. Keller about the proposed meeting. Col. Keller subsequently told me that he spent sometime that night trying to locate the officer in charge of the Highway Patrol without success. At about midnight Col. Keller asked a Highway Patrolman to contact Officer Griffin but the patrolman was unable to do so. This patrolman was sarcastic and uncooperative

in dealing with Col. Keller. At approximately this time Dr. Haywood, the Provost of the University and Lt. Col. Stuart, the army ROTC commander, happened to be on campus. Dr. Haywood told Col. Keller (and Dr. Haywood subsequently told me the same thing) that he was as surprised as anyone to see the Highway Patrol on campus. Earlier in the week Dr. Haywood had expressed the fear that the summoning of the Highway Patrol might be used as a pretext for closing the University by the extremists. Dr. Haywood related the following with respect to the presence of the Highway Patrol. It appears that the Chancellor had been out of town on Tuesday and Wednesday of that week. While in Jackson, he had tried to see the Governor about the use of the Highway Patrol in the event that help was needed. The Chancellor's position was that the Highway Patrol would be under his control on campus. The Chancellor was unable to talk to Governor Barnett and the Governor's aide was non-committal. Between 5 and 7 p.m. on October 31, the Chancellor had Hugh Clegg, the Director of Development, call Governor Barnett and inquire about the Highway Patrol. Governor Barnett told Clegg to call Col. Birdsong with his request. This was done but Col. Birdsong said he couldn't comply unless the sheriff of the county (Joe Ford) asked for the Highway Patrol. Accordingly some university official, possibly Clegg or Chief Tatum, made this request of Ford who in turn called Col. Birdsong. The army later received a copy of a letter from the Chancellor to Sheriff Ford containing a formal, continuing request to him. We have a copy in our file in Oxford.

Dr. Haywood said that the Chancellor's reasons for calling the Highway Patrol were threefold: (1) the Chancellor wants the Highway Patrol to help, if needed, and he wants them under his control. By requesting their presence when there was no real danger of violence, the Chancellor had an opportunity to see how they would conduct themselves and cooperate in the future. Dr. Haywood said that if they were uncooperative the Chancellor would withdraw his request to have them present on the campus; (2) the presence of the Highway Patrol in addition to the troops may serve to "spite the guns" of the pressure groups. I understand him to mean by this that the pressure groups are less likely to continue to cause trouble when the Highway Patrol is present, and less likely to attack the authority

of the Highway Patrol to be on the campus to keep peace. In addition, their presence will tend to identify the State with the situation on campus; (3) the Highway Patrol will look bad and be discredited if it does not help in the event of violence and disorder.

At approximately 4 o'clock on the following day, November 1, 1962, the Chancellor asked Col. Keller to come to a meeting with the local law enforcement people. I did not attend this meeting and was not aware of it. I understand that the Chancellor, Dean Love, Chief Tatum of the campus police, and Sheriff Joe Ford were present. Although invited, the Highway Patrol had not sent a representative to the meeting. The purpose of this meeting was apparently to establish contact between the army at the University and the local law enforcement officials. Sheriff Ford did not have much to say, except that he was not under an injunction to protect Mr. Meredith. He did say however that upon Chief Tatum's request he would ask the Highway Patrol to come to the campus to help maintain the order. I gather that very little was actually resolved at the meeting, but Col. Keller assured all present that the army would be happy to cooperate with anyone interested in keeping the peace.

Since that time the Highway Patrol has not been in evidence on the campus, except on the day of the Chattanooga football game, November 10.

The university's intention with respect to the use of the Highway Patrol in the future is very vague. Faculty members and some university officials express grave concern about the reliability of the Highway Patrol.

My notes indicate that on the day after Halloween Agent Bruce Hedge of the FBI told me that the FBI monitor had heard Chief Tatum request Sheriff Ford to have additional assistance available. Hedge said that this intercept was made at approximately 5 p.m. on October 31, but we were not advised of it.

SCHEDULE WORK SHEET
THE UNIVERSITY OF MISSISSIPPI

JAMES MERRITT, James H

HOOR	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
8:00	A COURSE & NO IN DS & ROOM INSTRUCTOR	B HIST 387.1 CIND 27 DR MARRON	A COURSE & NO IN DS & ROOM INSTRUCTOR	B HIST 387.1 CIND 27 DR MARRON	A COURSE & NO IN DS & ROOM INSTRUCTOR	
9:00	B HIST 387.1 CIND 27 DR MARRON	C POL SCI 305.1 COURSE 208 DR JEFFREY	D FRENCH 301-1 COURSE 208 DR JEFFREY	C POL SCI 305.1 COURSE 208 DR JEFFREY	C POL SCI 305.1 COURSE 208 DR JEFFREY	
10:00	D FRENCH 301-1 COURSE 208 DR JEFFREY	E COURSE & NO IN DS & ROOM INSTRUCTOR	F COURSE & NO IN DS & ROOM INSTRUCTOR	D FRENCH 301-1 COURSE 208 DR JEFFREY	E COURSE & NO IN DS & ROOM INSTRUCTOR	
11:00	F COURSE & NO IN DS & ROOM INSTRUCTOR	G COURSE & NO IN DS & ROOM INSTRUCTOR	H COURSE & NO IN DS & ROOM INSTRUCTOR	G COURSE & NO IN DS & ROOM INSTRUCTOR	F COURSE & NO IN DS & ROOM INSTRUCTOR	
12:00	G COURSE & NO IN DS & ROOM INSTRUCTOR	H COURSE & NO IN DS & ROOM INSTRUCTOR	H COURSE & NO IN DS & ROOM INSTRUCTOR	H COURSE & NO IN DS & ROOM INSTRUCTOR	H COURSE & NO IN DS & ROOM INSTRUCTOR	
1:00	J SPAN 101.9 GRAD 10 DR JEFFREY	K ENGL 200.1 MORR 204 DR MARRON	J SPAN 101.9 GRAD 10 DR JEFFREY	X COURSE & NO IN DS & ROOM INSTRUCTOR	J SPAN 101.9 GRAD 10 DR JEFFREY	
2:00	L MATH 121.10 PHY 15 DR MARRON	L MATH 121.10 PHY 15 DR MARRON	K ENGL 200.1 MORR 204 DR MARRON	Y COURSE & NO IN DS & ROOM INSTRUCTOR	K ENGL 200.1 MORR 204 DR MARRON	
3:00	M COURSE & NO IN DS & ROOM INSTRUCTOR	N COURSE & NO IN DS & ROOM INSTRUCTOR	M COURSE & NO IN DS & ROOM INSTRUCTOR	L MATH 121.10 PHY 15 DR MARRON	M COURSE & NO IN DS & ROOM INSTRUCTOR	
4:00	N COURSE & NO IN DS & ROOM INSTRUCTOR	P COURSE & NO IN DS & ROOM INSTRUCTOR	P COURSE & NO IN DS & ROOM INSTRUCTOR	N COURSE & NO IN DS & ROOM INSTRUCTOR	P COURSE & NO IN DS & ROOM INSTRUCTOR	
5:00	R COURSE & NO IN DS & ROOM INSTRUCTOR	S COURSE & NO IN DS & ROOM INSTRUCTOR	R COURSE & NO IN DS & ROOM INSTRUCTOR	R COURSE & NO IN DS & ROOM INSTRUCTOR	S COURSE & NO IN DS & ROOM INSTRUCTOR	

EXCERPT OF MINUTES OF BOARD OF TRUSTEES
OF STATE INSTITUTIONS OF HIGHER LEARNING

November 15, 1962

"On motion made by Mr. Charles D. Fair, seconded by Mr. H. G. Carpenter, the following resolution was unanimously adopted by the Board:

RESOLUTION

WHEREAS, it has come to the attention of the board that the Department of Justice is guarding Baxter Hall at the University of Mississippi and is forcing the resident students in Baxter Hall to exhibit their student identification cards prior to entering or leaving Baxter Hall; and


WHEREAS, it has further come to the attention of the Board that the resident students of Baxter Hall have been denied the privilege of having visitors and guests in their dormitory quarters by the Department of Justice; and

WHEREAS, the right of free and ordinary access to and use of student living quarters to the student residents of Baxter Hall should not be so interfered with by the Department of Justice or any other governmental agency;

NOW, BE IT THEREFORE RESOLVED, that this Board protest to the Department of Justice of the United States Government as to such actions and that the Mississippi Congressional Delegation be advised of this situation with the request that they take such action as they may deem proper in this matter."

I, the undersigned, E. R. Jobe, Executive Secretary of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi do hereby certify that the above and foregoing is a true and correct copy of the minutes of said Board in meeting on November 15, 1962, and the same appears of official record.

Witness my official signature this 19th day of November, 1962.


E. R. Jobe, Executive Secretary
BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING

Board of Trustees
Institutions of Higher Learning

1807 WOOLFOLK BUILDING
JACKSON, MISSISSIPPI

Office of the Executive Secretary

November 19, 1962

DOCKETED
NOV 22 1962

H. 101

Honorable Robert F. Kennedy
United States Attorney General
Washington, D.C.

Dear Sir:

I am enclosing a copy of a resolution adopted by the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi in connection with the manner in which troops of the United States Army are required to perform their duties in guarding a dormitory at the University of Mississippi.

Very truly yours,



E. R. Jobe
Executive Secretary

ERJ:ns
Enclosure *V. M.*

100-41-574

DEPARTMENT OF JUSTICE	
10	NOV 21 1962
RECORDS BRANCH	
CIV. RIGHTS DIV.	
Gen. Lit. Sec.	

V. M.

11/26/62

John Dear
First Assistant
Civil Rights Division

FRS:ach
144-40-254
11,801

Frank F. Schwab
Attorney

Conduct of State Troopers during Oxford Crisis

You have requested me to investigate the conduct of the State Highway Patrol and other state officers during the Oxford riot. My reading of the various accounts of the Oxford riot - and particularly those of the Marshals, Border Patrolmen, and Bureau of Prisons personnel - indicates that the Mississippi law enforcement officers on the scene did not arrest a single rioter and, except for some slight effort for a very brief period when the crowd first built up, never really tried to control the crowd. It is evident from the Yarbrough-Katzenbach conference and from the monitoring of the State Police radio that the police was withdrawn intentionally and that the plan to withdraw the police in the middle of the rioting was formed at a high level before the violence even began. In view of the apparent complicity of Mississippi deputy sheriffs in the arrival and activities of General Walker and his supporters (see particularly the statement of Reporter Rogers of the Denver Post) and in the light of the telephone calls made by Judge Moore and by William J. Simmons to outsiders, it seems reasonable to postulate that the State Government was party to a plan to create a riot and to do nothing to control it.

The degree to which we will be able to substantiate such complicity may become more evident upon the completion of the FBI investigation of the Citizens' Council's role in the Oxford riot. Even prior to the completion of that investigation, however, we can establish, on the basis of statements already in our files, not only lack of helpfulness on the part of State officers, but also numerous hostile acts on their part. Set forth below is a synopsis of these acts, together with the names of witnesses able to testify with respect to such acts.

cc Records
Chrono
Mr. Marshall ✓
Mr. Putzel
Trial File

1. Prior to the firing of the tear gas, when the mob was engaged in hurling missiles at the marshals, a number of the Highway Patrolmen shone their lights at the marshals, which not only gave the mob lighted targets at which to fire, but also had the effect of impairing the marshals' vision. In the words of Marshal Delmer E. Anglin, who is from Louisiana ("I am a souther boy myself and I don't blame them for some things, for the way they felt about it."), the conduct of the State Police was as follows:

The State Police shined their lights on me there so the kids could see. We told the State Police to turn the lights out, to take the lights off me. They had the lights right straight on me so the kids could throw at me.

Anglin was wounded during the riot. Marshal Herschel Garner, of Little Rock, Arkansas, stated that

the state patrolmen, who were off at an angle of about 45 degrees on our right, would shine their flashlights in our eyes which would blind us and harper us in our efforts to dodge the rocks and bricks being thrown at us.

The statements of Mr. Dolan of the Department of Justice, of Marshal James T. French of Pensacola, Florida (who was Garner's squad leader) and of Inspector Welch of Laredo, Texas are to the same general effect.

2. According to Border Patrolman Donald W. Albert of Del Rio, Texas, the State Police not only failed to arrest the trouble-makers in the crowd but, in one case took a rioter from the marshals and returned him to the student lines, remarking that they would not let the marshals arrest or harm him. This incident was also witnessed by Miss Sidna Brewer, editor of the student newspaper, and by Marshal Nolan Douglas of Texas. Marshal Edward T. Bartholomew also relates an incident which may be the same one, but does not describe it in as much detail.

3. When the Highway Patrolmen made their mass exit from the scene of the riot, they evidently made a serious attempt to run some of the marshals down with their cars. The apparent victim of one such incident, Senior Patrol Inspector Henry of Key West, Florida, said of the Highway Patrol that

They made a mass exodus at about, I would say at 9:45 to 10:00 p.m. There appeared to be 12 to 15 cars loaded with five men in each vehicle and as I was attempting to move them out of the traffic circle one of them floor-boarded the accelerator and tried to run me down. However, I was able to jump out of the way.

This incident is confirmed by Marshals Garner, Welch, and Lowe.

4. Another example of conduct on the part of the State Police which went beyond mere inaction in the face of violence was the furnishing of instructions on how to inflict the most serious damage to Government property. In the words of Patrol Inspector Brewer,

I overheard one highway patrolman tell a youth who was standing in front of the line in front of me, that if he cut the stem of the tire close to the rim of those Army trucks that it would be difficult to repair. The youth did this and flattened the tires on the Army trucks.

Correll J. Sigmon of Charlotte, North Carolina, one of the seriously wounded marshals, saw three troopers stand around as a student let the air out of the tires of an Army truck.

In addition, Marshal Garner saw a slap jack (or sapper handle) sticking out of the pocket of a student and confiscated it. The student told him this weapon was given to him by a Highway Patrolman. Patrol Inspector French is aware of this, and in his statement of October 3, 1962 advised that Garner still has the instrument. There is obviously a hearsay problem here, but the weapon could be important if it bears any State Police markings.

5. Almost every Marshall present during the riot will testify that the State Police did little or nothing to control the violence and, in fact, laughed and joked with the rioters. To illustrate the attitude displayed I have selected a few colorful examples:

(a) Chief Patrol Inspector Clark states that a man came to him and asked him to help a man who was being beaten up by the mob in his car (probably Gordon Yoder - F.K.S.). A state trooper asked the man what he wanted and on being told, said: "Let them kill the nigger!" and demanded where the man was from.

(b) Patrol Inspector French went to the State police and asked them to move because tear gas would be fired. The troopers responded with curses, expressions of hatred, and threats to kill the Marshals. Marshal Bartholomew quotes one trooper as saying: "If y'all hurt one of those students I am going to take this magnum I have and kill every god damn one of you."

(c) During the rioting, after seeing a man with his face bloody, Jennifer Harmon, an 19-year old Ole Miss. student, ran to the State police and said that someone would be killed if they didn't do something about it. A policeman invited her to tell her "federal buddies" about it and someone told her to go on the stage. In a similar incident, one Highway Patrolman said, according to Marshal Felix Aycock, "Let 'em do it" when told the rioters were setting an Army truck on fire.

In view of all the above, it is not surprising the Marshal Russell Jordan of Louisiana heard the crowd yell of the troopers that "they're on our side." I believe that the evidence summarized above, and further evidence along the same lines which is certain to turn up as our investigation proceeds, contains the makings of a strong case for the proposition that even before the Highway Patrol's indefensible departure from the scene of the riot, the trooper-engaged in active, albeit often minor, harassment of the Marshals in their attempts to control the crowd.

Nicholas deB. Katzenbach
Deputy Attorney General

November 30, 1962

John Dear
First Assistant
Civil Rights Division

Press Clippings at the University
of Mississippi

Here is a summary of your press clippings at the University of Mississippi. Two paper clips mark your discussion of going to the Lyceum. Apparently you discussed this on October 2 with the press and in your speech before the University students on October 9.

Please return it.

Enclosure

December 3, 1962

EM:MJC:ash
144-20-234
11801

Donald M. McGannon, President
Westinghouse Broadcasting Company
122 East Forty-Second Street
New York, New York

Dear Mr. McGannon:

As I mentioned on the telephone yesterday, we are anxious to view again the film taken by Reginald Smith, of your Cleveland television outlet, at the University of Mississippi on September 30, 1962. In conjunction with the Government's defense of several different pieces of litigation emanating from the Oxford riot, this Department is interested in examining all available photographs of what transpired on the University campus on September 30. Reginald Smith has indicated that he was the second photographer to gain access to the campus on that date, and the 100 feet of film he took could be extremely useful to us. We may wish to make still shots of some of the frames.

We hope that your Company will see its way clear to permitting us to borrow this film. While some of your officials have explained that your established policy requires the service of a subpoena duces tecum, I wish to point out that under Rule 45(b) of the Federal Rules of Civil Procedure it would be necessary for us to notice the deposition of an appropriate corporate official before we could compel the production of the film. I am sure that you appreciate the delay, and the inconvenience to all concerned, attendant upon such a procedure.

cc: Records
Chrono
Dear ✓
Trial File(Rm. 1140)

Thank you for your consideration of this request.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

By: HARRISON J. GOLDIN
Attorney

Meredith - Ole Miss



Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, DECEMBER 11, 1962

Enforcement of court orders requiring the admission of James H. Meredith to the University of Mississippi cost the Department of Justice an estimated \$406,508 between September 15 and October 31, Attorney General Robert F. Kennedy said today.

The bulk of the expense, \$292,769, was for overtime pay and travel expenses for deputy United States Marshals, Mr. Kennedy said. Overtime pay totaled \$190,715 and travel totaled \$102,054.

A total of 541 deputy marshals and specially deputized Border Patrolmen and Bureau of Prisons personnel were sent to the University of Mississippi to prevent interference with the court orders.

Other expense included \$67,723 for supplies and equipment, \$23,469 for communications; and \$22,547 for miscellaneous -- including \$11,668 for repairs to vehicles damaged during rioting on the University campus on the night of September 30.

Copy for Attorney Daniel Kennedy ²³⁰⁰ #9782

I would appreciate receiving
your comment.

12703 Buckley, Omaha
Nebr. by my (myself)

November 25 1962
152-153-4-1
DEPT. OF THE INTERIOR
NOV 30 1962
REC

Justice Hugo L. Black
Supreme Court of the United States
Washington 25, D.C.

Dear Sir:

I have some thoughts and questions - related to
the North v. Texas case.

Let us assume that the Brown - Board of Education
decisions of 1954 and 1955 were just and proper decisions
of the Supreme Court. This is an assumption that is not
necessarily valid and certainly not accepted by a large
number of people, but - aside that I might be the
forerunner for my questions, it is an assumption that we
will make.

In the 1954 decision, the Court made the following
statement: "Because these are class actions, because of
the wide applicability of the decision, and because of
the great variety of local conditions, the formulation
of issues in these cases presents problems of considerable
complexity." It is a recognition of the seriousness
of these problems that the Court heard additional argu-
ments relative to the issues to be ruled on the case
before the Court.

In the 1955 decision relating only to the desegre-
gation of these constitutional principles may
require solution of varied local school problems.

2.

School authorities have the primary responsibility for choosing, assessing, and solving these problems, courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles." In the same vein, the Court stated further that "the courts will require that the defendants make a prompt and reasonable start toward full compliance.... Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling - on appropriate manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date." The Court also stated that in rendering decrees the courts were to be guided by "equitable principles" - or "a practical flexibility."

On October 1, The National Observer reported that you upheld the same court order "to the urging of the Justice Department." (1) What was the nature of the urging? (2) How much was you influenced by the urging?

(3) In ruling that Meredith should be admitted to the University of Mississippi "at the opening of the new academic year commencing in September, 1952," was the Court of Appeals and the Supreme Court guided by the 1955 Brown decision? (4) If not, why not? (5) If the Evans v. Board of Control (350 US 413) decision, or similar reasoning, was the

basis for the ruling, why was it assumed that "problems of considerable complexity," which were acknowledged to exist in the primary and secondary school situations, somehow miraculously disappeared at the college level?

(6.) If you and the lower court were guided by the 1955 Brown decision, what evidence was presented in the Mendell case which indicated that the school officials of the University had taken adequate steps to prepare the school for desegregation?

Do you rely on the Mendell v. Fair case, you make the following statement: "I agree with the Court of Appeals that the steps issued ... can only work further delay and injury to moment while immediate enforcement of the judgment can do no appreciable harm to the University or the other respondents."

(7.) What was the basis for the lower court's opinion that immediate enforcement of the judgment was proper?

(8.) What was the basis for your agreement with the lower court's opinion? (9.) (a) Was not the University acting against a particular classification of people

— i.e., Negroes — rather than the person of James Mendell; (b) therefore, was it realistic and judicious for the courts to consider Mendell as the sole "moment" and thereby establishing, or trying to establish, a false sense of urgency — regard to enforcement? (10.) Did

the lower court give adequate consideration to "equitable principles"? (11.) Was consideration given to the possibility

4.

of killings and other violence with the advent of immediate desegregation? (12) Did not some grow that the judgment of the courts was wrong? (13) Are not such problems more properly handled by legislative bodies rather than by judicial bodies?

(14) Why did the lower court feel that it was proper to ignore completely the precedent step of requiring "action of school authorities [constituting] good faith implementation of the governing constitutional principles"? (15) Why omit contempt of court citations aimed promptly to those responsible for "good faith implementation"? Do you believe you yourself enjoined the respondent from "taking any steps to prevent enforcement of the Court of Appeals judgment and mandate." (16) Was not this order clearly violated? (17) Why did not the Justice Department prosecute the respondents — specifically, why was not Governor Bennett brought to trial for contempt?

Sen. Daniel reported — The Washington Post — September 22 that "a source... said it was felt that any direct action against the Governor would be 'playing into Governor Bennett's hands.'" (18) Are the people now dead and is the world undergoing mental torture (getting a shock?) simply because the Justice Department chose to play politics with the due process of law?

5.

It seems to me that the Judiciary Committee of the Congress should next to look into the Marshall case in order to see if legislation is needed to make the Federal courts more judicial and the Justice Department more just.

Copies of this letter are being sent to the other justices of the Supreme Court, to the Fifth Circuit Court of Appeals, to the White House, to the Department of Justice, and to the appropriate committee and members of Congress who might be interested.

Finally, I hope that you have read and absorbed the excellent speech by John C. Butterfield printed in the October 1962 issue of the American Bar Association Journal. I am not a lawyer, but it seems to me that Mr. Butterfield has fearfully given further support to a philosophy which should have never arisen — especially on the Supreme Court and the Tax Court. The great trend toward centralization of power is tending to make the Federal Government into some kind of god, and this is happening to the detriment of our traditional religious institutions. Are we to watch quietly as the attempt is made to replace God with an omnipotent civil state?

Sincerely yours,
Thomas W. Case

By Ferguson

DURHAM (AP) — Charles C. Ferguson, general counsel for the U.S. Civil Rights Commission expressed concern Monday over the possibility that the federal government may have become involved in a "deal" with Mississippi in the James Meredith case.

He also said the government's handling of the Meredith case has been inadequate.

Speaking at the North Carolina College weekly forum assembly, Ferguson declared "I have been seriously concerned and disturbed about the adequacy of the federal governmental response to the constitutional crisis in Mississippi."

The attorney general has recently revealed that there was an agreement between the Justice Department and the State of Mississippi in regard to Mr. Meredith's enrollment.

"In light of recent events, and in light of the crisis engendered by the enrollment, it seems to me that we must think out whether the governmental response has been adequate to the challenge hurled by Mississippi, which is the most serious since the Civil War," Ferguson said in his speech at the college for Negroes.

"In the conviction," he continued, "it is significant to note that the Circuit Court of Appeals for the 5th Circuit has recently requested the Department of Justice to institute criminal proceedings against Gov. Ross Barnett and the lieutenant governor."

"The question is raised as to whether even this response to the challenge will be adequate. Perhaps what we must now do is to establish the whole relationship between the federal government and Mississippi. We should perhaps re-examine the federal program in Mississippi to determine whether these programs are being disrupted in order to carry out the policy of Mississippi or the policy of the federal government."

Ferguson, a Rutgers Law School professor on leave to serve with the Civil Rights Commission, lamented the need for such a commission. "It is quite a disgrace that this country has to have a civil rights commission some 20 years after its founding."

"But it is a further disgrace," he said, "that the commission is so small — so ineffectual — and has so little to work with."

COPY

12-10-62

INTERDEPARTMENTAL COMMUNICATION

TO: • Chancellor J. D. Williams
FROM: • R. H. Barrett, Forum Committee
SUBJECT • Alumni House and Santha Rama Rau

DOCKETED

December 4, 1962

DEC 10 1962

It is my understanding that Dr. Willis has talked with you about the difficulties on Thursday in regard to Miss Santha Rama Rau (Mrs. Faubion Bowers). I do not know precisely what he told you, but I understand that this was based on a brief conversation between me and Dr. Fortenberry as I was hurrying to the airport. I do not care to raise or to continue any controversy on this matter, but it does seem appropriate to state what happened.

Shortly after the University driver left Miss Rau at the Alumni House, she attempted to reach Mr. James Meredith by phone, since she wanted to have a conversation with him. Someone informed Mr. Griffin of this, and he apparently became rather concerned lest Miss Rau would invite Meredith to the Alumni House. In any case he telephoned me and in a rather belligerent manner informed me that:

1. if she did so, he would ask her to leave the Alumni House,
2. the Alumni House was under the control of the Alumni Association rather than the University, and,
3. Forum speakers were allowed to stay at the Alumni House only as a special favor to O.D.K. (I did not really understand his point here, since I had understood that the Alumni House commonly accepted reservations from almost anyone requesting them.)

In any case I suggested that it would damage the University if anyone forced any distinguished visitor to leave the Alumni House. I also suggested that he was unduly worried about possible developments, and that I would telephone Miss Rau, explain the situation, and try to make arrangements which would not involve the Alumni House in any way.

This was done after a considerable expenditure of my time, and I see no reason for going into the details. For some reason that I do not understand, Mr. John Martin, the Department of Justice representative who was here, contacted Dean Love on the problem.*

In this particular matter I did what I have done many times in the past regarding Forum speakers who have wanted to see someone on the campus or in the general area. I am responsible for the schedule of these speakers, and I am primarily concerned that they should meet the schedule of meetings which has been arranged. It happened that Miss Rau was scheduled to meet with the Scholars group at 4:30 p.m., to have dinner with Mortar Board at 6:00 p.m., and to speak at the Forum at 8:00 p.m. For each of these she

*Since writing this I have talked with Mr. Martin, and the reason was perfectly valid.

Chancellor J. D. Williams

Page 2

December 4, 1962

was to be picked up at the Alumni House 10 to 15 minutes before the scheduled time. With this busy schedule, it was not easy to arrange for her to talk with anyone. In any case no one other than me is able to arrange additions to such a schedule, nor should they even be troubled about it. Of course Miss Rau should have telephoned me first on the matter, but she is an adult who is accustomed to reaching people by phone and who did not understand the complications which might result from a given telephone call. In fact she may have tried to phone me, but I was particularly busy that afternoon. I explained the situation, and I think she understood the factual aspects of the problem while remaining somewhat mystified at its other facets.

As far as I am concerned this particular problem was solved satisfactorily. I am bothered by the possibility that any distinguished visitor might be ordered to leave the Alumni House, and I will have to give some consideration to this in arranging accommodations for future visitors. These visitors come here for the main purpose of appearing on the Forum, and I have to be prepared to see that nothing interferes with that primary purpose. It is usually a fairly easy matter to make certain also that they leave with the best possible impression of the University.

cc: Dr. Charles F. Haywood
Dr. William Willis

Russell H. Smith

DOCKETED

DEC 10 1962

A Resolution Adopted by the Faculty of The University of Mississippi
in its General Meeting on December 6, 1962

The Faculty of The University of Mississippi commends Miss Sidna Brower, editor of The Mississippian, for her unwavering determination to follow a constructive editorial policy of her own choosing during the extended crisis at the University. By holding to the American ideal of a responsible free press, she has significantly contributed to the preservation of the University's integrity.

Also adopted was a long resolution supporting the Chancellor on the expulsion of Robertson and asking for determined action from the Chancellor and the Board of Trustees in securing cancellation of the order for readmission.



JAN:mhs Typed 12/11/62

Mr. John E. Allen
Cadet First Lieutenant
Army ROTC Drill Team
University of Mississippi
University, Mississippi

Dear Mr. Allen:

I am in receipt of the letter of the Army ROTC Drill Team dated November 29, 1962 and wish to make reply to them through you.

Let me state that your men owe no apology to me personally or as a representative of the Department of Justice. The position of the Department in incidents involving student misconduct is that almost always the matter rests solely in the hands of the University administration. Only if the incident were of such nature as to constitute interference with the court's order in Meredith v. Fair, or were otherwise a violation of a federal statute is the Department involved. We inform the proper University officials of such incidents of misconduct as come within our knowledge simply as a matter of courtesy and with a deep and abiding belief that all laws, which include University regulations, are best obeyed until they are, by orderly processes, repealed.

Your request that no news release be made either of the incident or of your letter comports with Departmental policy, and I can assure you that we have not, nor will we, make any such releases.

Sincerely yours,

cc: Records
Chrono
Mr. Bear
Mr. Putzel
Trial File (Rm. 1140)

JOHN A. MARTIN
Attorney
Civil Rights Division

Chancellor Williams, Univ. of Miss.
Dean L. L. Love,
Col. Keller, Army Hqrs., Oxford, Miss.

MIAMI, FLA.
NEWS

EVENING 147,882
SUNDAY 123,501

DEC 28 1967

Stir Of Conscience In Mississippi

*Hope, for a season, bids the world
farewell.*

*And Freedom shriek'd as Kosciuszko
fell!*

So wrote the poet, Thomas Campbell. But freedom lived, as Kosciuszko lived, in the hearts of the Poles whose hopeless battle he had fought. Freedom will live in Poland again. As the kaisers and the czars who ruled it were chased away, so were the Nazis in their still cruder assault. So will be the Communists, for all their power and ruthlessness.

Freedom lives, too, in the little town in Mississippi named for the Polish patriot who had entered the fight for American independence even before he set out to rescue his own land from the czars. There's an editor in that town who had the courage to rebuke the police department for jailing James Meredith on a trumped-up traffic charge.

Editor Billy McMillan made it plain, in his weekly, that he does not hold with integration. Actually, he considers James Meredith's attempt to enter the state university a tragedy. But he won't stand still for vengeance camouflaged with a cloak of justice.

This wasn't freedom's death rattle in the throat of Kosciuszko. It was the beginning of a stirring of conscience. It was a brave act in midpassage of the wrenching transformation of a society. In Kosciuszko, Miss., hope is back in season.



Department of Justice

STATEMENT BY ATTORNEY GENERAL ROBERT F. KENNEDY - JANUARY 7, 1963

Of course, the situation at the University of Mississippi has been very difficult for Mr. Meredith.

Many members of the faculty have made an effort in the highest traditions of their profession to obey the Court's orders and assist Mr. Meredith in getting an education. But it is true that a number of officials charged with the administration of the University have not met their responsibilities. It is incumbent upon them and state law enforcement officials to make it possible for Mr. Meredith to continue his education without interruption. I would hope that they will take appropriate steps now to do so.

Mr. Meredith is as free to leave the school as he was to enter it. I would hope that in making a final decision on this, Mr. Meredith will consider that he chose to go to the University of Mississippi and the energies and hopes of many of his fellow citizens have been involved in his admission and continued attendance.

Should Mr. Meredith feel obliged to leave the University because of extreme racial intolerance which has focused hostility on him, it would be a reflection on the University of Mississippi and the State of Mississippi. That this could occur anywhere in the United States is a reflection on all of us.

CLOSED SESSION

Federal Grand Jury Empanelled at Oxford

OXFORD, Miss. (AP) — U.S. District Judge Claude Clayton, empanelled Tuesday a federal grand jury which is expected to consider charges against at least 11 persons stemming from University of Mississippi desegregation incidents.

The 23 members of the Grand Jury immediately went into closed session. It was believed they were considering other cases before turning to cases connected with the desegregation crisis.

U. S. Atty. H. M. Ray declined to comment on what cases he was presenting to the panel.

The all-white Grand Jury includes two women, first of their sex ever selected in the northern district of Mississippi.

One of the women, Mrs. Glenn Ballard of Tupelo, was named deputy foreman. The other woman member is Mrs. Marshall Allen of Amory.

Arthur L. Hickman of New Albany was named jury foreman.

Court officials declined to enumerate the number of cases expected to be considered by the panel.

Authorities arrested at least 11 persons — including former Army Maj. Gen. Edwin A. Walker — in the days following the campus riot that killed two and injured hundreds last fall.

Charges against the 11 included interference with federal officers in performance of their duties, conspiracy to impede officers, rebellion and insurrection, and conspiracy to oppose the authority of the United States.

In addition to Walker, those whose names have been made public include:

Melvin Bruce of Decatur, Ga., Robert Blackard of Memphis, Warren Gilbert Merr of Olive Branch, Miss., Philip Lloyd Miles and K. Lames May of Prichard, Ala., Richard Hayes Hinton of Lumberton, Miss., Frank Lerner Ott and Joseph Ostrer of Kentwood, La., and Edward Louis Shade of Atkinson, Miss.

The jurors were selected from a venire of 65 which included six Negroes.

Other members of the panel: Marshall R. Morris of Greenville, D. G. Fennell Jr., of New

Albany, S. Leroy Reed of Belzoni, Bonner W. Long of Elze Springs, Tommy Caldwell of Sherman, Kenneth E. Mayhall of Belzoni, J. Leonard Myers of Greenville, Alvin M. Goldberg, of Belzoni, J. E. Cojerman of Greenwood, Billy L. Koonce of Amory, F. T. Leavell of Minter City, Horace Carver of Baldwyn, Dudley Miller of Fulton, Ernest Heath of Duck Hill, John W. William of Baldwyn, Sarah Berryhill of Puntotoc, James F. Slaughter of Silver City, D. H. Waters of Houston, Herman Philpot of Bonnevillie and W. M. Coppage of Itta Bena.

Wednesday Morning, January 9, 1963
Starkville Daily News — Starkville, Mississippi

NEGRO JEEERED AT UNIVERSITY

**Meredith Is Greeted With
Catcalls At School
Cafeteria**

OXFORD, Miss. (UPI)—Negro student James H. Meredith was greeted with jeers and catcalls for the second successive night at the University of Mississippi cafeteria Tuesday night.

About 25 of 100 students walked out after the 30-year-old Air Force veteran arrived at the cafeteria, focal point of rowdy demonstrations against Meredith last fall until the university threatened stern disciplinary action.

"Ignore the nigger with vigor," the departing students shouted. Most of the remaining students applauded them. A similar demonstration was staged by about 80 students when Meredith entered the cafeteria Monday night.

Revival of the demonstrations apparently was caused by Meredith's announcement Monday that he could not remain at "Ole Miss" under the present circumstances. Meredith said he would not register for the second semester beginning Feb. 2 unless "definite and positive changes are made." Final examinations for the current term began Jan. 11.

A federal grand jury began closed door hearings Tuesday on charges against 11 persons, including former Maj. Gen. Edwin Walker.

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