

# Memorandum

TO : John Doar  
First Assistant  
Civil Rights Division

DATE: 11/28/62  
FES:seh  
144-40-254  
11,301

FROM : Frank E. Schwelb  
Attorney  
Civil Rights Division

SUBJECT: Justification of Marshal McShane's Conduct.

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

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

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

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

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

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

(a) Supporting Matter

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

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

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

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

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

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

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

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

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

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

(b) Evidence in McShane's Favor

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

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

These included:

- (1) The wrecking of the car of Hoyetone News cameraman Gordon Yoder and the mistreatment of Yoder and his wife by the crowd. Yoder places this as happening between 7:15 and 7:45, but most of the journalists, including Reginald Smith of KYA-TV, Cleveland, Ohio, who took some not too successful film of the incident, state that it happened before 7 p.m. This incident was witnessed by most of the journalists and many of the marshals, for it happened near the Lyceum. Among the best witnesses are Mr. and Mrs. Yoder, Reginald Smith, Smith's associate Albert Dancy, journalists William Crider (Associated Press), Ed Turner (Oklahoma T.V. Corporation), Sterling Slapney (U. S. News and World Report), Professor and Mrs. Silver, students Robert H. Bolling and James Defibaugh, and a number of the marshals. C. Michael Lala of WDSU-T.V., New Orleans, gives an indication of the atmosphere at the time of the assault on Yoder when he states that one of the rioters was yelling "Get a rope! Get a rope!" Mr. Lala's statement is one of the most lucid ones in our file.
- (2) The showering of the marshals with pipes, bricks, bottles, lighted cigarettes, eggs and other missiles. Even the Grand Jury acknowledges that this occurred, but minimizes it. Practically every marshal who was interviewed states that the shower of missiles was becoming quite dangerous. Appropriate witnesses as to this would be some of the injured marshals (Anglin, Whitman, Simon and Sane). Red Alexander, a sergeant leader of deputy marshals from the Western District of Texas, gives a very graphic description of what was going on. In his words:

We discussed the feasibility and advisability of throwing

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : John Dear  
First Assistant

DATE: November 30, 1962  
DD:mu  
11,801  
144-40-254

FROM : Denis Dillon

SUBJECT: Defendants, United States v. Walker

On October 1, 1962 United States Attorney H. M. Ray filed complaints before United States Commissioner Cwar Craig, Oxford, Mississippi, against Edward Shade, William G. Marr, Jr.; Robert W. Blackard; Melvin Bruce; Kline May; R. Hayes Hinton; Frank Lamar Ott; Joseph E. Cutrer; Phillip Lloyd Myles; William D. Marlow, IV, Davis A. Richards; Johnny McCormick; Billy Guinn White; James W. Jackson; Charles Phillip Russell; Thacker Grant Hughes; James Franklin Stuart and Charles Luper Clark. Complaints charged each person with violations of Title 18 U.S.C., Sections 111, 372, 2383 and 2384. Twelve of these 18 persons, namely, Shade, Marr, Blackard, Bruce, May, Hinton, Ott, Cutrer, Myles, Marlow, Richards and McCormick appeared before the United States Commissioner in Oxford. The other six did not. Mr. H. M. Ray, United States Attorney at Oxford, Mississippi called the Department of Justice on November 2, 1962 and requested information as to whether he should dismiss the complaint at this time, continue the matter in its present status for future determination or have these persons brought before the Commissioner at this time. Deputy Attorney General Katzenbach advised that the charges be dropped against Thacker Grant Hughes III. He advised that James Stuart be continued as a defendant in order to give substance to the Department's promise to criminally prosecute students who participated in the riot if the University took no action. The Judicial Council recommended Stuart's expulsion, but their recommendation was not followed. The evidence against White, Russell, Marlow, and Jackson is not strong, but their statements are contradictory and Mr. Katzenbach believes that the Department should temporarily continue them in their present status.

It was recommended that Charles Luper Clark be arrested, photographed and brought before the United States Commissioner.

The following pages are a compilation of the evidence we have against the 18 aforementioned persons to date.

The strongest cases we have on the evidence now available are those against Ott and Bruce.

I suggest that we have a picture of Charles Luper Clark shown to the Marshals who were in Oxford the night of the riot, and who say they can identify him. This has not yet been done. I think it might be helpful to have pictures of the other defendants shown to the Marshals and troops. Someone may recall seeing them participating in unlawful actions against the Federal authorities.

*Sam. C. Hill*

711  
UNITED STATES GOVERNMENT

# Memorandum

Barrett  
DEPARTMENT OF JUSTICE

Inset,

TO : Nicholas deB. Katzenbach  
Deputy Attorney General

DATE: November 30, 1962

FROM : <sup>40</sup>John Doar  
First Assistant  
Civil Rights Division

SUBJECT: 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 ~~to~~

Enclosure

Wh



Form No. CVP-17  
(Ed. 6-22-64)

Civil Rights Division

- Assistant Attorney General
- First Assistant
- Second Assistant
- Chief, Trial Staff
  - Mr.
- Chief, General Litigation Sec.
- Deputy Chief, Gen. Litigation Sec.
  - Head, Const. Rights Unit
    - Mr.
  - Head, Federal Custody Unit
    - Mr.
- Chief, Appeals & Research Sec.
  - Miss Blair
- Chief, Voting & Election Sec.
  - Mr.
- Not Indexed - For Information

INDEX TITLE:

Per your request - Statement made  
by Deputy A.G. Katzenbach.

Cross Ref:

Charlie

RETURN TO EDITORIAL CLERK - EP 1616

Nicholas Katzenbach told reporters late yesterday the FBI is seeking the rioters who fired the fusillade of shots with a view to Federal prosecution of them on insurrection and rebellion charges.

Mr. Katzenbach said that as far as he knew there was no clue to the identity of the killers.

Eveing Star 10/3/62

Nicholas Katzenbach explained Tuesday why the Federal forces set such store by the Lyceum Building, center of the storm in Sunday night's rioting. He said Baxter Hall would have been a hard place to defend, surrounded as it is by other dormitories and that the Lyceum was needed for a communications center. Presumably, Meredith could have been moved to the Lyceum if it had been necessary. In answer to another question, Mr. Katzenbach said Oxford and the university are not under martial law. "This is less than martial law."

Commercial Appeal 10/3/62

Re: Football game: Comments by Nicholas De B. Katzenbach and Edwin O. Guthman, indicated that the Government might still force the game to be canceled. "This is a problem that has been discussed with the university officials and the local officials," Mr. Katzenbach said. "All of us are anxious to maintain a situation of normalcy on the campus. All of us are anxious to avoid any incidents."

N. Y. Times 10/4/62

United States Assistant Attorney General Nicholas Katzenbach told a news conference: "Meredith has plans which will take him off the campus, irrespective of whether the game is played or not."

Commercial Appeal 10/4/62

Soon after the transfer of the game was disclosed, Deputy United States Attorney General Nicholas Katzenbach said the bulk of the 300 marshals brought here from all over the country will be relieved during the day to return home to their usual duties. Mr. Katzenbach said about 70 marshals will be retained here for the present but this number also will be speedily reduced. Asked to give the Justice Department estimates of how long the Army's imposing military strength would be required to keep the Negro student safely in Ole Miss, Mr. Katzenbach said, "My crystal ball is very cloudy." As for the Justice Department's assessment of the situation on the campus regarding the Negro student, Mr. Katzenbach said: "I don't think he is going to be assaulted on the campus. I have great confidence in the students that they are not going to do anything like that." Mr. Katzenbach who had been in conferences with university and Army officials, said that Mr. Meredith had plans "that will take him off the campus" for the week end. He claimed he had no idea where Mr. Meredith, who is guarded wherever he goes by United States Marshals, will spend the week end.

Star 10/4/62

Nicholas Katzenbach, told newsmen here that while there was some relaxation in Meredith's security guard, he did not know when further reductions in the troops might come. At some point, he added, local authorities may have to assume responsibility for Meredith's safety. As for the football game, Katzenbach said no federal troops or marshals will be detailed to Jackson. Re: five carloads of U.S. marshals who were halted at Holly Springs, Miss. Katzenbach said the convoy was permitted to continue within a short time and added: "There had been no drinking among the men and none was arrested."

Clarion Ledger 10/5/62

Nicholas deB. Katzenbach said the marshals would be reduced from a peak strength of 538 to 70. a further drop to 25 is expected next week. The number of injuries inflicted by a howling mob of 2,500 that laid siege to the marshals last Sunday night was disclosed definitely for the first time by Mr. Katzenbach. The Deputy Attorney General said agents of the FBI had made "some progress" in their search for the snipers who killed a French news correspondent and a local white man.

N.Y. Times 10/5/62

Mr. Katzenbach said he is returning to Washington Monday, too. He did not disclose if there would be any movement of the approximately 13,000 Army troops over the week end. "Eventually, it is our hope to return the protection of Meredith

over to local authorities and, beyond that we hope it will come to pass that he will need no more protection than anyone else," Mr. Katzenbach said. Star 10/5/62

Mr. Katzenbach said the clothing worn by French newspaperman Paul Guihard, who was shot to death in the campus rioting last Sunday, has been sent to the FBI laboratory in Washington for examination. Star 10/5/62

At the time Edwin A. Walker's appearance before the commissioner, he had talked with Deputy United States Attorney General Nicholas DeB. Katzenbach, had been advised of his rights and had waived counsel and a hearing. Star 10/5/62

Army and Justice Department versions of today's sniper incident varied in detail but there was agreement on the broader aspects of the occurrence. Nicholas deB. Katzenbach, assistant to Attorney General Robert Kennedy, said the source of the Justice Department's information was the FBI. "My faith in the FBI is such that I believe the FBI report," Katzenbach, "The Army report and the FBI report are not too far apart," he added. Katzenbach said that despite the "sniper" incident there were no immediate plans to reinstate military roadblocks around the school. Post 10/6/62

The question of disciplinary action against the

students was raised by Nicholas deB. Katzenbach, the Deputy United States Attorney General. Mr. Katzenbach said he had been assured by Hugh Clegg, assistant to the chancellor, that if the students' names were turned over to the university "disciplinary action would be weighed." Thirteen names of those picked up by deputy marshals were given to the university after the riot, which brought death to two men and injuries to about 375 persons. "They were clearly participants in this (riot) in almost every instance," the Deputy Attorney General said. He added that detailed information on the students' action also would be passed on to educators.

N.Y. Times 10/6/62

"I think we've gone a long way toward relieving tensions here and getting back to normalcy," Nicholas Katzenbach said.

Lafayette County Sheriff Joe Ford attempted to serve warrants Friday on four U.S. marshals involved in an incident at Holly Springs, Wednesday night but was told they were gone. Justice dept. officials told Ford the men had been withdrawn from duty in the James H. Meredith case at the University of Mississippi. Deputy U.S. Atty. Gen. Nicholas Katzenbach, at Oxford, denied the charges against the marshals.

Clarion Ledger 10/6/62

In Oxford, the Justice Department is appealing quietly to university student leaders to help make life more tolerable

for Meredith, who remains under a shrinking federal guard. "We're not asking them to like it," said Deputy Atty. Gen. Nicholas Katzenbach. "But we are hoping there will be some generally respected student who will stand up and say, "All right, let's knock it off" when the jeering and the catcalls break out."

Birmingham News 10/7/62

Mr. Katzenbach, Attorney General Robert F. Kennedy's first assistant, is in charge here of the effort to enforce Federal court orders for Mr. Meredith's attendance at the university. He discussed his plan today in an interview on a cleaned-up campus, peaceful and more than half deserted.

Mr. Katzenbach said he has been sufficiently encouraged by the conversations with the students to arrange for some discussions next week with campus leaders. "We don't want to tell them what we think they ought to do," he said. "We want to explain to them what we have done, answer any questions they have, and see what their ideas are as to what they, as students, should do." One of the first students Mr. Katzenbach talked with was Sidna Brower, editor of the Student newspaper, the Mississippian.

Star 10/7/62

Nicholas deB. Katzenbach, deputy United States assistant Attorney General, indicated surprise yesterday that no disciplinary action had been taken against the 13.

N.Y. Times 10/7/62

Deputy Attorney General Nicholas deB. Katzenbach told students at the University of Mississippi Law School today "not to hope for a miracle" that would remove James H. Meredith from the campus. "Mr. Meredith is not going to withdraw, he's going to be right here," Mr. Katzenbach said. He urged the students to say, "knock it off, this is getting boring." when "loudmouths" spoke of possible violence to the university's Negro student. Mr. Katzenbach, the second ranking man in the Justice Department, is in charge of the department's operations here. He received a standing ovation of nearly a minute from his audience of 200 students, when he finished speaking. The one-hour meeting in the school's mock-court room ended with a question-and-answer period. Then, for thirty minutes, Mr. Katzenbach, Dean Robert J. Farley and Professor John H. Fox, director of admissions, talked informally with twenty students who remained behind. He also criticized the the bar in Mississippi for not expressing itself during the mounting Meredith crisis. "Above all others," he stated, "they should have been educating the people of the state to the fact that without law and obedience of the courts there is only anarchy." Mr. Katzenbach appeared at the invitation of the faculty. Classes were cancelled during the period, but attendance was not obligatory. Even so, it appeared that virtually the law school's 223 students were present. Later Mr. Katzenbach spoke at a closed luncheon meeting of student leaders that was also attended by Dr. John D. Williams, the chancellor of the university.

Mr. Katzenbach and Mr. Doar returned to Washington tonight. Mr. Katzenbach indicating that the situation was under



control, said he could "find no reason for staying." In addressing the law students, Mr. Katzenbach was on familiar ground. He taught at both the University of Chicago and the Yale University Law School before joining the Kennedy Administration in January, 1961. Mr. Katzenbach's remarks were heard by at least three members of the state House of Representatives who are also law students. All have consistently supported Gov. Barnett's defiance of the Federal Courts in the Meredith case. One, Joseph R. Meadows, asked Mr. Katzenbach during the question to ring the Lyceum Building with marshals' late last Sunday. Mr. Katzenbach indicated that the step was taken on the advice of Gov. Barnett. He said the Department of Justice's only mistake may have been in "waiting too long" to use tear gas on the mob that besieged the marshals. He pointed out that the rioters had injured several marshals and had tried repeatedly to set fire to the canvas tops of Army trucks before the order to fire was given at 8 P.M. Mr. Katzenbach again assailed the State Highway Patrol for its withdrawal from the campus. He said he had made repeated pleas that it continue to guard at least the entrances, thus barring outsiders from joining the battle. The students laughed as Mr. Katzenbach said of the patrol, "they had succeeded pretty well in the past." He referred to the three times that attempts by marshals to put Mr. Meredith on the university grounds had failed.

N.Y. Times 10/9/62

Interviews with students today indicate they are settling into a grudging and in most cases bitter acceptance of

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the 29-year-old Negro's presence. One student objected vigorously to Attorney General Robert F. Kennedy's statement that more violence could be expected in the more dangerous Southern integration cases. Katzenbach asked if any of the would-be lawyers could honestly disagree with that prediction. None did. He told them the Justice Department does not intend to let up in its initiation of Negro voting rights cases. To the group of student leaders, including the campus newspaper editor and the student body president, Katzenbach said he wanted to clarify the Government's position. He made no specific request but told them they must bear a heavy burden of responsibility in this crisis.

Post 10/9/62

Katzenbach said he reminded the students that the executive department's role in the Meredith case is one of enforcing court orders, and that as prospective lawyers they should understand that the 10th Amendment is not involved in such enforcement. He said any lawyer is free to denounce a court interpretation of the law as erroneous - but not to advocate disobeying it. He said lawyers should be last to suggest that the executive department should second guess the court as to which orders should be obeyed and which should not. Katzenbach was questioned about an interview in the London Sunday Times in which Atty. Gen. Kennedy was quoted as saying there might be more violence before desegregation problems were settled in the South. Katzenbach said he asked if there were anyone in the audience who was prepared to say there would be no further violence in the South. Nobody stood up. He was asked also: If Southerners were being

asked to take a moderate course, would it not be proper to ask groups like the NAACP to provide a breathing spell by not pressing further demands for integration? He said he replied that the various school suits were brought by private individuals and groups, not the Justice Department, and therefore were not under the control of the government. He said that in some specific situations where there appeared to be danger of violence - such as the one in Albany, Ga., - there have been 'discussions' with both sides. Sometimes, he said, the result was a breathing spell.

Clarion Ledger 10/9/62

Nicholas Katzenbach said the FBI investigation's probe of the death of a French newsman and an Oxford man, was "definitely not at a dead end." Although Katzenbach refused to disclose contents of the FBI's analysis of clothing worn by the Frenchman and ballistics tests, run on the two bullets, he did say, "We know more now than we did."

Birmingham News 10/9/62

Deputy Attorney General Nicholas Katzenbach said documentary evidence about the students' role would be turned over to university officials today. Earlier, they were given a list of students the Justice Department said took part in the riots that left two dead and scores injured. Mr. Katzenbach also said putting disciplinary action in the hands of the university does not mean that no criminal charges will be filed against the students. He said this matter is being left open.

Star 10/10/62

Deputy Attorney General Nicholas Katzenbach said he turned over to Dean L. L. Love, director of student activities, a list naming seven students "on whom we have competent evidence," that is, evidence that would be admissible to a court of law. The University said later that one of those listed "had no connection" with the University. Post 10/11/62

Deputy U. S. Atty. Gen. Nicholas Katzenbach said the six were not charged under the federal code, because their activities were not as serious as the others charged. Birmingham News 10/11/62

Nicholas deB Katzenbach, added that evidence involving 20 students here would be given to the university in the next few days. The evidence, obtained from eyewitnesses was described as "competent in courts of law." N.Y. Times 10/12/62

Deputy Attorney General Nicholas Katzenbach yesterday criticized the American legal profession for its failure to help win public acceptance of court decisions on school desegregation and other civil rights issues. The Mississippi situation, he told a meeting of the Junior Section of the District Bar Association, capped "almost a decade of silence by the legal profession in the aftermath of the Supreme Court decision on school desegregation."... Post 10/25/62

Dean L. L. Love told the students that Deputy Atty. Gen. Nicholas deB. Katzenbach, who returned to the campus from Washington late today, had informed him that any student arrested in the renewed disturbances would be charged with contempt of court for interfering with Meredith's presence on campus.  
Post 10/31/62

A U.S. Justice Department representative today criticized University of Mississippi officials for failing to discipline students taking part in demonstrations protesting the presence of Negro student James Meredith. He indicated the federal government might take action against demonstrators. Katzenbach made his comments after two nights of violent demonstrations by students. He said he planned to leave today but indicated he would take with university officials about lack of discipline against student demonstrators. Katzenbach said the Department of Justice has never waived its right to prosecute offenders on criminal charges. He evaded a question on whether dormitory rooms would be searched for firecrackers but said "I guarantee they will not be searched if there are no more demonstrations.

Clarksdale Press Register 10/31/62

Katzenbach left the campus to return to Washington after conferring with university officials and also Army officers who have remained on duty since Meredith was enrolled in the all-white university four weeks ago. Katzenbach said he "was very pleased with university officials" with regard to their planning to hold down student outbursts. The Justice Department official

said there would no tightening of security measures around Meredith despite the noisy and potentially dangerous firecracker barrage which broke out around the Negro's dormitory Monday night. Katzenbach said he was "concerned about the demonstrations" but had planned to make the trip to the campus anyway in order to talk to Army officers and marshals stationed here "to get their views of several problems." Katzenbach said justice department officials "have no more desire than anybody else" to keep soldiers and federal marshals around Baxter Hall where Meredith is living and the adjacent dormitory, Gerard Hall. Reportedly one of the complaints which students voiced to Dean Love when he went to Baxter Hall Monday night in an attempt to quiet the disturbances was over the number of soldiers kept on duty around the dormitory. "I don't think its a particularly good time to reduce personnel," Katzenbach declared. "But when the situation permits we will lighten the number of personnel on the campus." He said such a move had been under consideration prior to the outbreak of firecracker throwing on the campus. There are about 15 federal marshals and approximately 500 military police troops on duty at Oxford, Katzenbach said. The justice department official contradicted reports which were said to have originated from him that the justice department planned to invoke the injunction against students for harassing or interfering with Meredith's attendance at Ole Miss. In Washington, a Justice Department spokesman said Katzenbach had strongly urged university officials to take disciplinary action to prevent further incidents.

Times Picayune 11/16/62

U.S. Atty. Gen. Katzenbach warned Wednesday that students continuing to participate in such activity may face criminal charges.

Commercial Dispatch 11/1/62

Katzenbach who flew to Oxford Tuesday after a series of demonstrations Monday night, said the Justice Department might step into the discipline situation if the university fails to act. "The university has the means to bring this situation under control," he said. "Punishment is necessary." Katzenbach evaded answering a direct question whether Justice Department agents would search students' rooms for firecrackers but said: "I guarantee they will not be searched if there are no more demonstrations."

Clarion Ledger 11/1/62

Nicholas deB. Katzenbach deputy United States attorney general, told students at a conference yesterday that the answer to discrimination in the North lay in the community action rather than in the law.

N.Y. Times 11/12/62

# Raffles Are Set

## Return To Camp's Routine To University's Aim, Chance for Gays

BY WILLIAM S. STREET  
Special Staff Writer

UNIVERSITY, Miss., Oct. 2 — The embattled campus of the University of Mississippi is making a cautious attempt Tuesday to return to the routine.

Charles and D. Williams announced that Homecoming festivities planned for Friday and Saturday will be held as scheduled. Williams said that a general strike of students is being called for Friday and Saturday. The strike is being called by the Student Government and the Student Union. Williams said that the strike is being called in protest of the university's handling of the James Ray case.

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The Department of Justice announced Tuesday that about 15 additional prisoners were paroled on Monday night and Tuesday. The paroling of the prisoners had not only a few who had had preliminary hearings.

One man said he thought a group of thugs was formed to ward men of return to the campus and to Oxford will be about completed, hitting the students.

At the same time, the university is expected to attend the trial of James Earl Ray in London. Williams said that the university is expected to attend the trial of James Earl Ray in London.

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# Mississippi Leaders Appeal To Barnett For Sane Path

By William S. Street  
Special Staff Writer

JACKSON, Miss., Oct. 2 — Mississippi's top business and professional leadership concerned over James reportedly recommended to Gov. Ross Barnett by some advisers in the Meredith controversy, Tuesday called for a "sane approach" within the framework of law and order.

An estimated 100 leaders from all sections of the state met at the King Edward Hotel in a move to gain a moderate approach and "the aid of the Governor in the handling of the situation."

James reportedly recommended to Gov. Ross Barnett by some advisers in the Meredith controversy, Tuesday called for a "sane approach" within the framework of law and order.

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James Earl Ray  
Trial  
Date: 10/2/68



# Justice Aides Tell Mississippi Class Negro Will Stay

By THOMAS R. BROWN

WASHINGTON, Aug. 25 (AP)—Justice Department officials today told a group of Negro leaders in Mississippi that the federal government will not force them to accept a plan for a "Mississippi class" of Negroes. The officials said the plan, which would have required the state to accept a large number of Negroes, was not in the best interests of the Negroes. They said the plan was a "sell-out" and that the Negroes should continue to fight for their rights. The officials also said that the federal government would continue to support the Negroes in their fight for equality.

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Continued on Page 11

...of the Negroes...  
...of the Negroes...  
...of the Negroes...

An Army spokesman said that 5,000 troops were being sent to Mississippi to help the Negroes. He said that the troops were being sent to help the Negroes in their fight for equality.

Mr. Meredith is expected to arrive in Memphis today. He is expected to stay in Memphis for a few days before heading for Jackson. He is expected to stay in Memphis for a few days before heading for Jackson.

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STARTING HIS SECOND WIFE, James H. Meredith is going to stay in Memphis and help as he leads his drive. He had been away from the army for a weekend.

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Barnett

## Department of Justice

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FOR IMMEDIATE RELEASE  
TUESDAY, DECEMBER 11, 1962

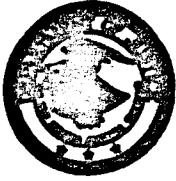
Enforcement of court orders requiring the admission of James H. Meredith to the University of Mississippi cost the Department of Justice an estimated \$406,508 between September 15 and October 31, Attorney General Robert F. Kennedy said today.

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.

*U.S. v. Barnett*



## Department of Justice

FOR IMMEDIATE RELEASE  
FRIDAY, DECEMBER 21, 1962

The Department of Justice, at the direction of the Court of Appeals for the Fifth Circuit, today instituted criminal contempt proceedings against Governor Ross R. Barnett and Lieutenant Governor Paul B. Johnson in the James Meredith case.

Attorney General Robert F. Kennedy said the action, filed in New Orleans, was drawn in four counts. Each charged wilful disregard and defiance of the Court's order forbidding the Governor and other officials to interfere with Mr. Meredith's admission to the University of Mississippi.

Mr. Kennedy said Governor Barnett was named in all four counts and Lt. Governor Johnson in two.

The Department filed the application in compliance with a Court of Appeals order issued November 15. Orders requiring Mr. Meredith's admission were issued by the Court on July 28 and September 24 and by the United States District Court for the Southern District of Mississippi on September 13.

In addition, on September 25, the Court of Appeals granted a Government request for an order forbidding any interference with or obstruction of those orders.

Governor Barnett was notified of this order on the same day, the Department said in the first count of the application filed today. Nevertheless, later in the day, he prevented Mr. Meredith from entering the office of the Board of Trustees in Jackson, Mississippi, to register as a student in the University.

The second count charged that on September 26, at the direction of Governor Barnett, Lt. Governor Johnson kept Mr. Meredith off the University campus and prevented him from enrolling.

The third count named both the Governor and Lieutenant Governor. It charged that despite their responsibility to maintain law and order in the state and at the University, they failed to do so, causing Mr. Meredith to abandon another attempt to enter the campus and enroll, on September 27.

In fact, the application asserted, the defendants instead directed and encouraged certain members of the state patrol, sheriffs, various police officers and others to obstruct and prevent Mr. Meredith's admission.

The fourth count was directed only against Governor Barnett. It charged that on September 30, Governor Barnett, knowing of the planned entry of Mr. Meredith onto the campus and knowing that violence was likely, wilfully failed to exercise his responsibility to maintain law and order on the University campus.

*U.S. v. Barnett*



## Department of Justice

FOR IMMEDIATE RELEASE  
SATURDAY, DECEMBER 22, 1962

Attorney General Robert F. Kennedy today announced the appointment of Leon Jaworski of Houston, Texas as special counsel to represent the United States in the criminal contempt proceeding filed Friday against Governor Ross R. Barnett of Mississippi for violating United States Court of Appeals orders.

Mr. Jaworski is immediate past president of the American College of Trial Attorneys and senior partner of a Houston, Texas law firm.

"We have made this appointment because a number of high officials of the Department of Justice were personally involved in negotiations with the Governor and in actions taken by the Department to enforce court orders in the James H. Meredith case," Mr. Kennedy said.

"As a result, they might very well be called as witnesses in the contempt proceeding. In accord with normal legal practice and past Department policy when attorneys are to be witnesses, therefore, we have sought outside counsel, and we feel fortunate to have secured the service of so distinguished an attorney as Mr. Jaworski."

Mr. Kennedy said Mr. Jaworski will be in charge of the Government's participation in the case. The criminal contempt application, which also named Lieutenant Governor Paul B. Johnson, was filed with the Court of Appeals for the Fifth Circuit at the direction of that court.

Mr. Jaworski, 57, is senior partner of the Houston law firm, Fulbright, Crocker, Freeman, Bates and Jaworski, which he joined as an associate in 1931.

He received his Bachelor of Laws degree in 1925 at Baylor University which, in 1960, conferred on him an honorary Doctor of Laws degree. He received a Master of Laws degree from George Washington University in 1926.

He is a Ruling Elder in the Presbyterian Church and a past president of the Houston Red Cross and the Houston Chamber of Commerce.

In addition to serving as president of the American College of Trial Attorneys, 1961-1962, Mr. Jaworski is president of the State Bar of Texas, and a member of the American Bar Association's Standing Committee on the Federal Judiciary.

During World War II, as an Army colonel, he was chief of the War Crimes Trial Section in Europe and prosecuted some of the first major war crimes trials. He described these in a book, After Fifteen Years, published in 1961.

Form No. DJ-960  
(Rev. 4-13-61)

DEPARTMENT OF JUSTICE  
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. Mr. Dear	1143
2.	
3.	
4.	
5.	

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<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

John:

This memo by Andy Phelan  
Charles Walker's itinerary beginning  
at paragraph 8 on page.

*Use Bureau  
S. [unclear]  
[unclear]* Nick

FROM		
NAME	BUILDING, ROOM, EXT.	DATE

*A. Fleming*

Carl W. Belcher, Chief  
General Crimes Section

December 11, 1962

Andrew Phelan

Edwin A. Walker, Desegregation of University  
of Mississippi.

Former Major General E. A. Walker was arrested at Oxford, Mississippi, on October 1, 1962 and charged with violations of Title 18, U. S. C. Sec. 111 (forcible interference with a Federal officer engaged in the performance of his official duty), Sec. 372 (conspiracy to impede officer by force), Sec. 2383 (rebellion and insurrection) and Sec. 2384 (conspiracy to oppose by force the authority of the United States). The arrest and subsequent charges were precipitated by the actions of E. A. Walker prior to and during the riot on the campus of the University of Mississippi on the evening of September 30, 1962.

At the outset of the investigation into the aforementioned charges alternative theories were considered:

1. That E. A. Walker had been in contact with persons unknown at Dallas, Texas, prior to his coming to Oxford, Mississippi, and it had been determined beforehand that they would organize a forcible resistance to the enforcement of the order of the 5th Circuit Court of Appeals directing the registration of James Meredith at the University of Mississippi and/or;

2. That E. A. Walker had only intended to participate in a peaceful demonstration against the registration of James Meredith but that when he arrived at the campus of the University of Mississippi he got caught up in the riot which had already begun and he commenced to make speeches and perform actions which tended to spur on those present to forceful action against the United States Marshals.

With these alternatives in mind investigation into the activities of E. A. Walker prior to his arrival at the University of Mississippi on September 30, 1962, was performed. The following is a chronology of events which transpired prior to his arrival on campus:

1. On September 26, 1962, Walker had been listening to an opinion type program, known as "The Party Line", which originated at station K&H of Shreveport, Louisiana. Apparently without prior consultation with his associates at Dallas, Texas, he contacted the station and expressed a desire to make a statement. In his statement to the program, Walker said "It is time to rise and make a good stand beside Governor Ross Barnett of Jackson, Mississippi. He is showing the way. Now is the time to be heard ten thousand strong from every state in the Union."

(Note: This was the first time that Walker had expressed any interest in going to Mississippi. Investigation indicates that the statement had been made on the spur of the moment and that Dr. Robert Morris and others contacted Walker and advised against any participation on the part of Walker).

2. September 27, 1962, Walker contacted Eddie Barker of Station KRLD, Dallas, Texas, and informed him that he wished to make a statement. This statement was taped by Mr. Barker and was subsequently used on television broadcasts during the evening of September 27, 1962. This was the first of Walker's television broadcasts. It was in this broadcast that Walker urged a movement to go to Mississippi to be heard ten thousand strong from every state in the Union. He further stated that "it is the time to wave the flag of freedom when the President permits or uses any troops in the State of Mississippi."

3. Also on September 27, 1962, Walker contacted the following individuals:

A. Thomas Hill, a salaried employee of the John Birch Society at Belmont, Massachusetts;

B. Robert De Rugh, National Coordinator of the Minutemen Association at Horbourne, Missouri.

C. Fred C. Koch, described as the moving force behind the Citizens Against Communism group at Wichita, Kansas.

These individuals each had a telephone conversation with Walker on the 27th and a statement as to the contents of the conversation is presently being sought by the Bureau.

4. On September 28, 1962, Eddie Barker of KRLD, Dallas, Texas, on instructions from his home office, in New York City, contacted General Walker concerning the possibility of Walker making an additional statement to the press. Walker agreed, but during the making of this statement he was much more reserved than he had been on September 27. During this statement the following questions and answers occurred:

- C. "Should you and your followers use force?"
- A. "I hope that no physical force is ever used in Mississippi."
- C. "If the Government used physical force would you oppose it?"
- A. "I think public opinion would prevent any need for physical force."

Walker stated that he intended to go to Mississippi when Federal troops were used. Further, he stated "I am anticipating no violence at all. I certainly hope there is no violence. I am certainly one man that has stood in front of violence in Little Rock, I certainly would not approve of any violence, but I think everybody has the right to show opposition in regard to Governor Barnett." This statement was televised on the evening of September 28.

(Note: Following his televised statements, Walker received numerous messages from all parts of the country indicating a desire to go with him to Mississippi. It has been reported that throughout these contacts Walker steadfastly advised against any use of force or violence on the part of those who wished to join him in Mississippi.)

5. September 28, 1962, Walker was contacted by Louis Leman from the Mansion Restaurant at Oxford, Mississippi, who is reported to have said "I am talking to the students on the campus and all we need is leadership. How soon can you get here?"

6. September 28, 1962, Walker was in contact with the office of Governor Barnett at Jackson, Mississippi.

7. September 28, 1962, during the evening meeting held at the home of E. A. Walker, Ashland, F. Burchwell visited Walker at home to inform him that the General had his support. Burchwell indicated that Walker wanted no force or violence from those who wished to go with him to Mississippi.

8. September 29, 1962, at approximately 11:30 <sup>A.M.</sup> ~~pm~~ Walker departed Dallas, Texas, by private plane, piloted by James Allred, for Jackson Mississippi. (James Allred on September 30, 1962 along with a Gordon Oakley drove Walker's automobile to Oxford, Mississippi. Walker was in this automobile when he was stopped and arrested on October 1, 1962.) During the evening of September 29, 1962 Walker made a statement from the Sun and Sands Motel at Jackson, Mississippi in which he indicated that he had come to Mississippi to stand beside Governor Barnett. Thereafter he



- 4 -

departed Jackson, Mississippi and arrived at Oxford, Mississippi at approximately 12:30 a.m. on the morning of September 30, 1962. Walker was then registered at the Mansel Motel, under the fictitious name of John Waters.

9. September 30, 1962, Walker is reported to have been in Jackson, Mississippi during the morning but this has not been confirmed. At 2:00 p.m. he lunched at the Mansion Restaurant. At 4:30 p.m. he held a press conference at the Ole Miss Motel in which he indicated that thousands were coming to help, however he would not elaborate on how they would help. At 6:00 p.m. Walker attempted to enter the campus of the University of Mississippi but was turned back by State Police. At 6:30 p.m. Walker was observed at the Town Hall in conference with Sheriffs and deputy sheriffs of local counties but there have been no reports as to what transpired during this meeting. At approximately 7:30 p.m. Walker had dinner with Louis Loman at the Mansion Restaurant and at 8:00 p.m. he left for a short period to hear the President's speech. The proprietor of the restaurant related that upon his return Walker remarked that the speech was "nauseating, nauseating." Walker was next observed entering the campus at the University Avenue entrance at approximately 8:45 p.m. He was in the company of several persons at the time and would call out to groups as he passed to "come on come on". He then proceeded up University Avenue to the vicinity of the Confederate monument located at the far end of the circle in front of the Lyceum Building.

In addition to the evaluation of Walker's actions four individuals from Dallas, Texas were interviewed on December 3, 4, 5, 1962. It had been considered that these persons would be in a position to furnish the necessary evidence as to the formation of a criminal conspiracy on the part of E. A. Walker at Dallas, Texas. The results of these interviews are as follows:

A. Bob Duke - was employed by Walker during the month of September, but left his job on October 1, 1962 because he did not wish to get involved with any conflict involving the Government. He is an individual of low intelligence and has a criminal record. He did not wish to be interviewed and was very evasive when questioned. Duke indicated that Walker wished to protest the use of Federal troops in Mississippi but had no intention of employing the use of force or violence. Duke further related that Walker counseled against the use of force or violence to those who offered to join him in Mississippi.

B. The individual designated as Confidential Informant T1 refused to testify under any circumstances. He did relate, however, that members of Walker's staff had informed him that Walker's resistance in Mississippi would be through peaceful demonstrations and he definitely did not want any force or violence employed.

C. Charles Waters, previously identified as Confidential Informant T2 related that upon contacting Walker's office on the evening of September 29, 1962 he was informed by an individual who identified himself as Robert Surrey that Walker's followers were to meet at 10:00 a.m. on Sunday morning at Jacksonville, and on 8:00 a.m. Monday morning at Oxford for further instructions. He was advised that he should only bring himself. Waters was present at Walker's office on September 30, 1962 for two hours but heard no comments indicative of the use of force other than a secretary's remarks that Walker would do whatever he had to do.

D. Ashland F. Burchwell, stated on interview, that he was in contact with Walker on September 28, but merely to state that he agreed with Walker's position in reference to Mississippi. In regard to a meeting which he had attended on the evening of September 29, Burchwell related that the meeting was called to discuss the possibility of going to Mississippi and that it had been decided that the group would not go. He related also that weapons found in the automobile which he was driving when arrested were being moved from one residence to another. (Note: I do not believe that Burchwell is being truthful as to the reason why he had the weapons in his immediate possession, however, present facts indicate that there is no relationship between the weapons and E. A. Walker.)

In relation to the violation which Walker was charged with at Oxford, Mississippi on October 1, 1962 the following have been established:

1. In order to constitute a violation of Section 2383, Title 18, USC the acts of the defendant must have deprived the Government of control or authority for some period of time. (Internal Security). On the evening of September 30, 1962, U.S. Marshals sought to control the Lyceum Building at the University of Mississippi. At no time did the rioters break through the line of Marshals and deprive them of control of that building. In view of the previous strict application of the section and the fact that the Government had not been deprived of its authority it is felt that the actions herein do not constitute a violation of this section.

2. Section 2384 refers to conspiracies to forcibly oppose the authority of the Government of the United States. Law under this section indicates that force is a necessary element of the statute, that the force must be pleaded and proved. In the instant case it has been determined that although there was agreement by Walker and others to come to Mississippi the element of force is conspicuously lacking. The possibility of establishing a conspiracy at the campus of the University of Mississippi on the evening of September 30, 1962, and using the force of the rioters against the Marshals as the element necessary for application of the statute has been considered. However, two problems arise: A. Lack of any evidence clearly establishing a

co-conspirator. It could be inferred that Louis Leman was a co-conspirator as much as he was with Walker constantly from the time Walker arrived at Jackson, Mississippi until his arrest at Oxford, Mississippi on October 1, 1962. However, the facts indicate that Leman was more of an aid or an employee of Walker's rather than a co-conspirator, and there is no indication that he had even contemplated any use of force. In establishing that Walker entered into a conspiracy upon his arrival at the campus of the University of Mississippi on September 30, 1962, we would have to assert that Walker joined a conspiracy already in progress. The riot at this time had already been in force for at least an hour and an half and it is clear that Walker had taken no action to precipitate its beginning. From the practical standpoint this would be detrimental to our law suit in as much as Walker would have to be named with some 2500 other rioters unknown to the grand jury and also that all students from the University of Mississippi who were involved in the riot would have to be considered co-conspirators with Walker. For these reasons it would appear that we could not substantiate a violation of Section 2384.

3. Section 372 calls for a conspiracy to prevent by force, intimidation, or threat, an officer of the United States from performing his duties. Here again the element of force is necessary for application of the section. Further, the same difficulties arise in establishing this conspiracy as were present in the establishment of a conspiracy under Section 2384. An additional difficulty arises under this section in that in all of Walker's statements he has indicated that he would oppose the use of Federal troops in Mississippi when they were used. Section 372 applies to officers of the U.S. and there is no indication that this section would be applicable to Federal troops.

4. Section 111 applies to anyone who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any Federal officer while engaged in or account of the performance of his official duties. It has been established that Walker himself took no affirmative action against the United States Marshals on the evening of September 30, 1962. Therefore in order to charge Walker as a principal we would establish that under Title 18, Section 2, USC he aided and abetted or willfully caused others to perform these violations. It is under this section that I feel we have our best opportunity to obtain an indictment and a subsequent conviction of Edwin A. Walker. The substance of the violation would be that Walker as a result of his speeches and actions at the campus of University of Mississippi on September 30, 1962 did suppr on, counsel, urge, encourage and incite the rioters to action against the United States Marshals who were attempting to enroll J. Meredith at the campus of the University of Mississippi, in response to an order of the Fifth Circuit Court of Appeals. This theory includes the following:

A. Prior to the presence of Walker on the campus the mob was disorganized and without any leadership and that subsequent to his presence the mob tended to be organized and directed.

B. As a result of Walker's statements individuals who would not have taken any action were provided with the justification and proceeded to take against the Marshals as a result of his statements.

C. As to those individuals who were already engaged in unlawful acts against the United States Marshals Walker did aid and abet these persons in their actions in that he directed, advised and counseled them in the performance of these actions.

Evidence to support these allegations will be secured from faculty members, campus policemen, clergy, students, and reporters who were present on the scene when Edwin A. Walker made his statements, and will testify as to his actions throughout the evening of September 30, 1962, and his participation in the riot.

In respect to the alternatives as previously set forth, therefore, the evidence secured at this time indicates that although there was an agreement to go to Mississippi, there was not a conspiracy to use force laid at Dallas, Texas or prior to the time that Walker arrived at the University of Mississippi campus. As to the second alternative it is determined that the actions of Walker on the campus of the University of Mississippi on the evening of September 30, 1962 do constitute a violation of Section 111, in that Walker aided and abetted the rioters in their actions against the United States Marshals which had already commenced when he arrived at the campus, and further that as to certain individuals who would not have acted without his urging and counseling, he did willfully cause those persons to take action against the Marshals which they would not have taken without his encouragement.

The facts presently established also indicate a violation of Title 18 USC, Section 1509, in that Walker willfully attempted to prevent, obstruct, impede or interfere with due exercise of rights or the performance of duties, under the order of the Fifth Circuit Court of Appeals. This section was added in May, of 1960 and at the present time there are no cases reported under it. Further, it is a misdemeanor violation and carries a maximum penalty of not more than \$1,000 and/or imprisonment for one year. I feel that some consideration should be given to securing an indictment under this section in as much as Walker himself performed no affirmative acts which constitute a violation of section 111, but that he is made a principal through the application of

- 8 -

Title 18, USC, Sec. 2. There is no question as to what Walker said or as to what role he played, however, numerous statements have indicated that the rioters did not listen to him, that the nature of his speeches was not such as to incite to riot and that he was only an observer. For this reason, therefore, I feel that we would be better advised to secure an indictment of his misdemeanor or count rather than gamble only on a felony count.

- 4 -

Marshal Bartholomew has identified a picture of Dykes as that of a person taken off the fire truck George Howard Jetton was driving.

APPENDIX

Persons with useful descriptions of the  
bulldozer and firetruck incidents.

Bulldozer Incidents

Marvin C. Morrisett	U.S. Marshal
Richard E. Dick	Border Patrol
Clarence Feeley	Border Patrol
Lloyd Spivey	Law Student, Univ. of Miss.
Donald R. Forsht	U.S. Marshal
William R. Dunn	Border Patrol
Donald Cameron	U.S. Marshal
Charles Lawrence Reeves -	

Fire Truck

Eric Maurice Tubbs	Superintendent of Fire Trucks Univ. of Miss.
Charles R. Mathis	Correction Officer
George Jetton	
Edward T. Bartholomew	U.S. Marshal
Sterling Slaphey	Reporter, U.S. News and World Report
Bill Fischer	United Press International
Stewart Manley	Student, Univ. of Miss.
Lloyd Spivey	" "
Thomas Pritchard, Jr.	Border Patrol
Richard E. Dick	" "
Albert S. Taylor	" "
Seibert W. Lockman	U.S. Marshal
Clarence Feeley	Border Patrol
Donald R. Forsht	U.S. Marshal

# Memorandum

TO : Mr. John Doar  
First Assistant  
Civil Rights Division

DATE: Jan. 18, 1963

DED:au

FROM : Mr. Denis E. Dillon  
Attorney

SUBJECT: Desegregation, University of Mississippi.

I have read all the available material in our files dealing with the Oxford riot and have been able to identify only four new potential defendants. These are Abraham Anthony Joseph, Sherman Higginbotham, Billy Hines Hanson, and George Howard Jetton. The only really strong case on the available evidence is the one against George Howard Jetton.

I believe the FBI should question Billy Hines Hanson again to determine which of his companions he can identify as participating with him in throwing rocks at the Army troops.

The following pages contain a summary of the available information on these people.

Very  
all this  
from U.S. Court



Abraham Anthony Joseph  
531 East Jefferson Street  
Yazoo City, Mississippi

In a statement given to the FBI and reported by SA  
John T. Reynolds October 26, 1962. Joseph states:

1. He arrived in Oxford with a group of people at about 5:00 a.m. October 1, 1962. Some of the people in the group were "Pete" Lungrin, an Ables boy, and Dave Roberts. He doesn't remember who the others were.
2. He and others in the group carried guns in the car to Oxford. They stored the guns in a small cafe on Highway #7 because the highway patrol would not let them into Oxford with the guns.
3. He threw a few bottles and rocks at the United States Army troops in Oxford.
4. He was never arrested or detained by United States Marshals or Federal Troops while he was in Oxford.

Sherman Higginbotham  
2563 Sunny Hill  
Memphis, Tennessee

In a statement given to the FBI and reported by SA William H. Lawrence, October 6, 1962, page 211, Higginbotham states:

1. He and his brother Carl Higginbotham arrived at Oxford about 3:00 or 3:30 a.m., October 1, 1962.
2. Sherman and Carl Higginbotham were never able to get onto the campus.
3. He became separated from his brother.

He was arrested when he stopped at a service station for a soft drink at about noon on October 1, 1962. He was alone at the time.

Sherman Higginbotham was re-interviewed by the FBI on October 16, 1962. This interview was reported by SA William H. Lawrence, November 6, 1962, page 199. In this interview Higginbotham stated:

1. He and his brother Carl Higginbotham arrived in Oxford about 1:00 a.m., October 1, 1962.
2. He observed the demonstrations from a bridge on a street which lead up to the campus.
3. Carl Higginbotham left to return to the car about 3:30 or 4:00 a.m. Sherman Higginbotham went back to the car about a half hour later. He could not find his brother.
4. He stayed near a service station in Oxford all day, making phone calls and trying to locate his brother until approximately 3:00 p.m. when Army troops arrested him.
5. He found his brother at the National Guard Armory where they both had been taken after their arrest.
6. He at no time was on the University of Mississippi campus, nor did he commit any acts of violence.
7. He knows "Jackie" Marr and saw him briefly in the Lyceum after his arrest. He did not

Sherman Higginbotham - (Cont'd.)

tell Marr he hit a marshal with an iron pipe.

Witnesses:

1. Robert W. Blackard - Blackard in a signed statement says he saw Sherman Higginbotham on the campus a few times during the riot. Higginbotham told Blackard that he had been chased into a building by U.S. Marshals after he had hit a soldier with an iron bar.  
  
(Report of SA William H. Lawrence, October 6, 1962, page 37).
2. Carl Dean Higginbotham - He contradicts his brother Sherman's statement that Sherman never went on the University campus. Carl Higginbotham places the scene of both his and Sherman's arrest on the campus, not at a service station as Sherman states. Carl also says he and his brother were together when arrested.  
  
(Report of SA William H. Lawrence, October 6, 1962, page 209).
3. William Gilbert "Jackie" Marr - Sherman Higginbotham told him that he hit a U.S. Marshal on the chest with an iron pipe and then ran into a building on the campus.  
(Report of SA William H. Lawrence, October 6, 1962, page 315).