

UNITED STATES GOVERNMENT

W. S. Bennett
DEPARTMENT OF JUSTICE

Memorandum

TO : John Dear
First Assistant

FROM : Denis E. Dillon
Legal Assistant
Civil Rights Division

DATE: November 21, 1962

DED:ash

SUBJECT: Memoranda Re Oxford Riots, September 30 and October 1, 1962

S

These memoranda are in response to a questionnaire sent out by the United States Marshal's office. The purpose of the questionnaire was to collect information to be used in the event of a Congressional inquiry. The information on these letters represent the only statements we now have from these individuals. Marshal Butler has not yet responded to the questionnaire. He is now assigned to the United States Marshal's office in Tampa, Florida.

Denis E. Dillon

File - Oxford Riots

[Handwritten mark]

US v. Barnett

Director
Federal Bureau of Investigation

November 20, 1962

Burke Marshall
Assistant Attorney General
Civil Rights Division

BH:JD:lvw 9782
144-100-40-1

United States v. Mississippi, et al
Lois K. Barnett, Contempt of Court

In connection with our recent request that you furnish us with all photographs of certain events during the period September 20-October 1, and to assist you in developing the facts in which we are interested, there is attached two notebooks of pictures already obtained for use by the Department of Justice in one or more phases of the University of Mississippi case.

The first notebook shows pictorially the developments of the afternoon and evening of September 20. These pictures are arranged chronologically and show the situation around the Lyceum from the time the marshals arrived until the marshals fired tear gas.

In your collection of additional pictures, this is the type of picture we are interested in. Each picture should be enlarged to at least 8 x 10 and developed as clearly and as distinctly as possible. Since most of the prints in these notebooks must be returned (particularly those belonging to LIEN) you may have to obtain prints of these pictures as well. In doing this it would seem to be important to work from the negative. As to all of these pictures it is important to establish the time the picture was taken. It may be that the photographer is unable to establish the time, but can establish the time the picture was taken in relation to another picture which the photographer made or to a picture which shows the clock on the front of the Lyceum clearly enough to determine the time. Aside from our purpose of pictorially showing the situation as it developed on September 20

cc: Records
Chrono
Boar ✓
Greene
U.S. Attorney

we are interested in determining the number of state policemen, sheriffs and deputy sheriffs on the campus that afternoon, so that any other pictures that were taken that afternoon in Oxford of Mississippi law enforcement officers should be included. As to each of these pictures, including the ones already contained in the notebooks that portray Mississippi law enforcement officers please make all reasonable efforts to determine the identity of the officer, his home address and where he was stationed.

When you finish these pictures please arrange them chronologically with a narrative explanation as to the foundation proof established and as to what the picture shows. The explanations found in the notebook are not to be considered to be accurate and you should develop accurate foundation proof.

The second notebook is a collection of pictures of Mississippi police officers presumably taken between September 30 and October 1 at Oxford. As to these pictures as well as any other similar pictures please determine the time the picture was taken, the identity and duty station of the police officers. When you finish these pictures please assemble chronologically with a narrative explanation as to the foundation proof and the content of the picture.

Barnett
P. Meredith

Miss Isobel L. Blair
Attorney, Appeals and Research
Civil Rights Division
John Dear
First Assistant

November 30, 1962

JB:lvw

Telegram from Attorney General of the State of
Mississippi, Joe Patterson

The attached correspondence was inadvertently
misaid. Since it has been in the Department for
some time and no answer has been sent, Mr. Marshall
and I agree that no answer should be sent at this
time. The material may be filed in the appropriate
file.

Director
Federal Bureau of Investigation

December 3, 1962

Durke Marshall
Assistant Attorney General
Civil Rights Division

JD:lvm 9783
144-100-40-1

U.S. v. Mississippi, et al
(Re: L. Barnett, Contempt)

This will supplement our request of November 16 in connection with the above matter and is furnished to assist you in conducting certain of the investigation requested.

James Clayton of the Washington Post wrote a number of articles on the Mississippi situation between September 13 and October 1. In certain of these articles he reported certain facts with respect to activities of the Board of Trustees of Higher Learning and of Governor Barnett's dealings with the Board of Trustees. Mr. Clayton has advised us that his source for most of this information was a newspaperman in Jackson named Kenneth Toler who is the Jackson correspondent for the Memphis Commercial Appeal.

As we have previously indicated the Board of Trustees held a number of meetings in September prior to the time that they appointed Governor Barnett registrar to deal with James Meredith. It is believed that the following meetings were held:

September 4 At this meeting the Board of Trustees withdrew all powers from the university officials to deal with James Meredith.

September 14 The fourteenth was on Friday. Clayton reported only that after the Board met there was no announcement and that the Board stated that they would meet again on Monday which was September 17.

cc: U.S. Attorney
Records
Chrono
Dear ✓
Trial File (Room 1140)

On September 15, Kenneth Toler told John Dear that at the meeting on September 14, Barnett was represented by 2 men named Boren, Edward Cates and an attorney named Clarke.

September 17 Clayton reported that the Governor met with the Board and that the Board is reported to be split, 6 opposed to the Governor, 5 in favor of the Governor and 2 undecided.

On September 15, Kenneth Toler told John Dear that the Board stood 9-3 against closing the school. For your information I am enclosing a list of names of the members of the Board of Trustees and call your attention to the fact that the first four names plus Leon Lowrey, who is a special trustee, were appointed by Governor Barnett and in all probability were the Trustees that backed the Governor's stand. This list also contains the names of the employees of the Board when you may wish to interview to develop the facts of this case.

Claude Sitten of the New York Times reported that the Board felt at the September 17 meeting that any defiance should come from the Governor. He also reported that a lot of pressure was being put on the Board to assume the burden of refusing to admit Meredith and that Barnett, some other state officials and the leaders of the White Citizens Council had begun an effort to bring the recalcitrant trustees in line.

September 19 An evening meeting was held at Jackson. It was a very late meeting because on September 20, M. M. Roberts told John Dear at Hattiesburg that he did not get home until 3:00 a.m. At that meeting Clayton reported that the Governor asked the Trustees to resign if they were not willing to go to jail but some trustees were balking. Obviously, one of the Trustees who balked was Talley Riddell. Clayton also reported that either on the eighteenth or nineteenth, Attorney General Patterson had told them

that they and not the Governor would be the ones to face heavy fines and jail sentences. Clayton also reported that several trustees think the Governor is putting them in a position of bearing all of the burden of desegregation while he stands to make political capital with the situation.

September 20

The Board met again at noon and named Governor Barnett registrar. The motion naming him registrar was made by M. H. Roberts and seconded by Leon Lowrey.

**BOARD OF TRUSTEES
INSTITUTIONS OF HIGHER LEARNING
STATE OF MISSISSIPPI**

Members with Terms Expiring May 7, 1972:

| | |
|--|---------------------|
| W. O. Stone, Central Supreme Court District | Jackson |
| Ira L. Morgan, State-at-Large | Oxford |
| M. M. Roberts, Sixth Congressional District | Hattiesburg |
| E. Ray Irard, Southern Supreme Court District | Marshallburg |

Members with Terms Expiring May 7, 1968:

| | |
|---|------------------|
| Verner S. Holmes, M.D., Seventh Congressional District | McComb |
| J.M. Lipscomb, First Congressional District | Madison |
| S.R. Evans, State-at-Large | Greenwood |
| Tully D. Riddell, Fifth Congressional District | Quitman |

Members with Terms Expiring May 7, 1964:

| | |
|---|---------------------|
| Charles D. Fair, Fourth Congressional District | Louisville |
| H. S. Carpenter, Third Congressional District | Rolling Fork |
| T.J. Tubb, Northern Supreme Court District | West Point |
| R.S. Smith, Jr., Second Congressional District | Ripley |
| Leon Lowrey, La Rave Trustee | Clive Branch |

Officers of the Board:

| | |
|------------------------------------|-------------------|
| T.J. Tubb, President | West Point |
| V.S. Haines, Vice President | McComb |

Staff of the Board

| | |
|-----------------------------|-----------------------------------|
| E.R. Jobe | Executive Secretary |
| J.L. Scott | Auditor |
| Woodrow W. Clark | Research Assistant |
| W.S. Campbell, Jr. | Architect |
| Miss Annie M. Tucker | Nurse Education Consultant |
| James M. Martin | Bookkeeper |
| Mrs. Ann Sibley | Secretary |
| Mrs. Gram Harris | Secretary |
| Mrs. Doris Winters | Secretary |

The Board maintains offices in the Woolfolk State Office Building, Room 1207, Jackson, Mississippi.

Typed: December 6, 1962

DEC 7 1962

U.S. v. [unclear]

To: Mr. [unclear]

Director
Federal Bureau of Investigation

Attention: Mr. Fred Woodcock

BW: NJG:ach
144-40-254
11,501

Burke Marshall
Assistant Attorney General
Civil Rights Division

Prints from World Wide Photo

Relative to your memorandum of October 17, 1962 to Assistant Attorney General Herbert J. Miller, Jr., I would like to request that you obtain for our pictorial chronology prints in the following five of the categories specified in that memorandum:

- 1) Views of downtown Oxford Courthouse Square (if these pictures fall within the relevant time period);
- 2) Guards at campus entrances (if these pictures fall within the relevant time period);
- 3) View of marshals arriving, assembling, arming, etc.;
- 4) Aerial view of the campus area; and
- 5) Views of burnt automobiles and the rubble strewn campus after the rioting (if these fall within the relevant time period).

This memorandum confirms the previous telephone discussion of this matter on Thursday, 6 December 1962, between Mr. Goldin of this Division and Mr. Woodcock of your Bureau.

cc Records
Chrono
Mr. Dear ✓
Mr. Putzel
Trial File
U.S. Attorney

US v. *[Handwritten signature]*

**William J. Holleran
Executive Assistant
Civil Rights Division**

December 7, 1962

**JD:HJC:ash
144-40-234
11801**

**John Bear
First Assistant**

**Purchase of Film Re Desegregation of the University
of Mississippi**

In connection with our attempt to assemble a detailed and complete pictorial chronology of the situation on the campus of the University of Mississippi on September 30, 1962, the Federal Bureau of Investigation has learned that the Columbia Broadcasting System in New York has 3200 feet of motion picture film which it is prepared to make available to us. The CBS film is a negative, not suitable for viewing in that form. In order to be inspected it must be developed into positive movie film; it can then be shown on a standard film projector in the manner of ordinary motion pictures. Once the negative has been developed into positive film it will become our property to do with as we choose; we will be able to develop any suitable frames into prints.

CBS' charge for this operation is .07 per foot (for a total charge of \$224.00), which apparently covers overtime costs of assembling, developing and splicing the film; \$28.00 for research; and \$25.00 for handling charges. The total cost is \$277.00.

cc: Records
Chrose
Bear ✓
Trial File(Rm. 1140)

UNITED STATES GOVERNMENT

Memorandum

TO : The File

DATE: Dec. 10, 1962

FROM : *[Signature]* John Barrett, Second Assistant
Civil Rights Division

SJB:arg 11,801

SUBJECT: Oxford Riot

144-40-254

I received a telephone call from [redacted] in the FBI, today regarding our request that the Bureau investigate Barnett's order of September 28 to the "Citizen Force" to return to the campus (p. 3 of Appendix B).

M. C. Strider has been interviewed. He states that sometime during the period September 25-30, 1962, a meeting was held in Jackson, attended by eleven members of the Mississippi Fish and Game Commission, and fourteen ward-supervisors who work under the commission. At this meeting Strider had announced that the Governor would advise Strider if their assistance was necessary at the University. Strider states that the Governor never called upon the Fish and Game people and they never participated in the events at Oxford.

Strider states that he cannot make the minutes of the Fish and Game Commission meeting available without consulting the members of the commission. He will consult them and be in touch with the Bureau again. The Bureau will furnish us copies of the minutes if they are made available.

Inasmuch as Strider, in his interview, denies the statements made in the news article, I told Mr. Woodcock that I wished the Bureau to determine the source of the news story and interview such source.

We will be receiving a full report of Strider's interview.

cc: Chron.
Mr. Barrett
Trial File (Rm. 1140)

Handwritten notes:
2/20
Rev
W. Woodcock
my file

US v. Ravnitz

T. 12/11/62

**Director
Federal Bureau of Investigation**

**Burke Marshall
Assistant Attorney General
Civil Rights Division**

**BM:RJS:ash
144-40-234
11801**

**Purchase of Film Re Desegregation of the University
of Mississippi**

In accordance with my recent conversation with Mr. Woodcock of your Bureau regarding the 1200 feet of film taken by the Columbia Broadcasting System at Oxford, Mississippi, I have cleared with the appropriate authorities the procurement of this material. I include with this memorandum an inter-office communication from this Division which recites the appropriate facts and figures relative to this transaction. This Division, in accordance with your request, may be billed for the charges.

Attachment

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



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C.

December 10, 1962

Address Reply to the
Division Indicated
and Refer to Initials and Number

BM:SJB:arg 9782
144-100-40-1

AIR MAIL

Mr. John Doar
c/o United States Attorney
Louis C. LaCour
637 Federal Building
New Orleans 12, Louisiana

File
U.S. Barrett

Dear John:

Enclosed are twelve copies each of two versions of an application for a show cause order against Barnett and Johnson. None of them is signed, but I assume that one set can be signed by you if it is approved.

Except for the omission of the September 27 incident in one of the applications, both are the same.

I am enclosing an original and three copies of a draft order to show cause. The draft of the order assumes an application in which the September 27 incident is omitted. I will expect to talk with you on the phone tomorrow.

Sincerely,

ST. JOHN BARRETT
Second Assistant
Civil Rights Division

Encls.

Barnett

EM:ls
T. 12/21/62
144-100-40-1

December 21, 1962

John C. Satterfield, Esquire
Attorney at Law
340 First National Bank Building
Jackson, Mississippi

Re: Meredith v. Fair
No. 19,475

Dear Mr. Satterfield:

For your information, I am enclosing a copy of the application filed today in connection with the contempt proceedings which the Department of Justice has been instructed by the Court to present against Governor Barnett and Lt. Governor Johnson. Formal service will be made when and if the Court issues an order to show cause based upon this application.

Very truly yours,

Durke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Deer ✓
Putzel
Trial File (1140)

Barnett

T. 12/21/62
EM:ls
144-100-40-1

December 21, 1962

Charles Clark, Esquire
Attorney at Law
P. O. Box 1046
Jackson, Mississippi

Re: Neredith v. Fair
No. 19,475

Dear Mr. Clark:

For your information, I am enclosing a copy of the application filed today in connection with the contempt proceedings which the Department of Justice has been instructed by the Court to present against Governor Barnett and Lt. Governor Johnson. Formal service will be made when and if the Court issues an order to show cause based upon this application.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: Records
Chrono
Dear ✓
Putzel
Trial File (1140)

BN:stj 9782
144-100-40-1

December 21, 1962

Honorable Joe T. Patterson
Attorney General
State of Mississippi
Jackson, Mississippi

Re: Meredith v. Fair
No. 19473

Dear General Patterson:

For your information, I am enclosing a copy of the application filed today in connection with the contempt proceedings which the Department of Justice has been instructed by the Court to present against Governor Barnett and Lt. Governor Johnson. Formal service will be made when and if the Court issues an order to show cause based upon this application.

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

cc: Records
Chambers
Boar ✓
Greene
Trial File (1140)

December 28, 1962

Leon Jaworski, Esq.
Fulbright, Crooker, Freeman,
Eaton & Jaworski
Attorneys at Law
Houston, Texas

Dear Mr. Jaworski:

Enclosed is the proposed
order form submitted to the court
which was mentioned in our letter
to you of December 21.

Sincerely,

Linda Steres
Secretary to Mr.
Marshall

Enclosure

Bryant

155

Director
Federal Bureau of Investigation

January 3, 1963

DM:HJC:wm
144-100-41-1
6782

Burke Marshall
Assistant Attorney General
Civil Rights Division

Desegregation of the University of Mississippi

In reference to your memorandum dated December 21, 1962 enclosing contact prints taken by Bob Williams of the Memphis Commercial Appeal, I am returning these prints herewith. Please procure enlarged copies, and obtain relevant identification, in conformity with the previous discussion between Mr. Woodcock of your office and Mr. Goldin of our office.

I am also returning 30 strips of contact prints taken by Fred J. Griffith of the Memphis Commercial Appeal. In that connection I refer you to your memorandum dated December 17, 1962. Please obtain enlargements of the marked pictures, together with identifying information, as previously discussed by Mr. Goldin of our office and Mr. Woodcock of your office.

Reference is also made to your memorandum dated December 16, 1962 enclosing photographs of Fred Griffith of the Memphis Commercial Appeal. Please obtain further identification, in conformity with the oral instructions delivered to Mr. Woodcock by Mr. Goldin, of the 12 photographs selected for such identification. These 12 photographs have been identified for Mr. Woodcock by Mr. Goldin.

Reference is made to your memorandum of December 14, 1962 enclosing photographs taken by Linnie Sutherland of the Jackson Clarion Ledger and Jack Thornell of the Jackson Daily News. Please obtain further identification, in conformity with the oral instructions given Mr. Woodcock by Mr. Goldin, of the eight photographs specified by Mr. Goldin for such identification.

Attachment

| | | | |
|-----|---------|------------|-----------------------|
| cc: | Rec. | Mr. Dear | Trial File (Rm. 1140) |
| | Chrono. | Mr. Putzel | W. S. A. (Oxford) |

Director
Federal Bureau of Investigation

By: HJG:acb
144-100-40-1
1782

Burke Marshall
Assistant Attorney General
Civil Rights Division

Desegregation of the University of Mississippi

Referring to your memorandum dated January 2, 1961, we have selected all five of the attached photographs for further identification in conformity of our previous memorandum and with the oral discussion between Mr. Goldin of our office and Mr. Woodcock of your office.

Referring to your memorandum dated January 2, 1961, we are returning the Wide World Photos, Associated Press, having worked for further identification nine of the large photographs and three of the contact prints.

Referring to your memorandum dated December 12, 1961, attaching films transmitted by the Columbia Broadcasting System. I am returning herewith two reels. These reels are negative films, and cannot be viewed until they have been processed into positive film. Two of the reels were processed into positive film and could be viewed. Please arrange for the further processing of the two attached reels.

cc Records
Chrono
Mr. Dear
Mr. Barrett
Trial File
U.S. Attorney

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH

CLERK

OFFICE OF THE CLERK

January 5, 1963

POST OFFICE BOX 20120
NEW ORLEANS 20, LA.

Hon. Ross R. Barnett
Governor of Mississippi
State Capitol Building
Jackson, Mississippi

Hon. Paul B. Johnson, Jr.
Lieutenant Governor of Mississippi
State Capitol Building
Jackson, Mississippi

Re: No. 20240 - United States of America
vs. Ross R. Barnett and Paul B.
Johnson, Jr.

Gentlemen:

Find enclosed certified copy of an order entered by this Court on January 4, 1963, in the above cause, which has been docketed under the above number as a new proceeding and which order is self-explanatory.

Very truly yours,


EDWARD W. WADSWORTH
Clerk.

cc and enc:

Hon. Paul B. Johnson, Jr.
Nattiesburg, Mississippi
Mr. Charles Clark
Mr. Dugas Eshands
Mr. Joe T. Patterson
Mr. John Doar
Mr. Burke Marshall
Mr. Walter Suthon
Mr. Francis T. Zachary
Mr. Charles L. Sullivan
Mr. J. D. Doty

Mr. W. H. Barbour
Mr. Chester H. Curtis
Mr. Will A. Hickman
Mr. M. B. Montgomery
Mr. Edward L. Cates
Mr. Orna R. Smith
Mr. J. P. Coleman
Mr. Ben H. Walley
Mr. Fred B. Smith
Mrs. C. B. Motley
Mr. R. Jess Brown

NOTE:—If counsel does not reside within the circuit, it will be permissible to sign and file this appearance, provided counsel is admitted either to the Bar of his own Circuit or of the Supreme Court of the United States.

APPEARANCES FOR COUNSEL

**United States Court of Appeals
FOR THE FIFTH CIRCUIT**

No. 80240

UNITED STATES OF AMERICA

DEFENDS

ROSS E. BARNETT and PAUL B. JOHNSON, JR.

The Clerk will enter my appearance as Counsel for the

(Name)

(Office Address)

(City)

NOTE—Must be signed by a Member of the Bar of the United States Court of Appeals for the Fifth Circuit. Individual and not firm name must be signed, and post-office address added.

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
Office of the Clerk
New Orleans, La.

NOTICE:

ATTACHED IS FORM FOR THE ENTRY OF APPEARANCE WHICH SHOULD BE SIGNED AND RETURNED PROMPTLY SO THAT YOUR NAME, AS COUNSEL OF RECORD, CAN BE ENTERED ON THE DOCKET. IF THIS IS NOT DONE IT IS POSSIBLE THAT YOU MAY NOT RECEIVE THE USUAL NOTICES, SUCH AS THE TIME FOR FILING BRIEFS, ANY PRELIMINARY ORDERS ENTERED BY THE COURT IN YOUR CASE, AND COPY OF THE PRINTED CALENDAR WHEN ISSUED SHOWING THE TIME, DATE AND PLACE YOUR CASE IS ASSIGNED FOR ORAL ARGUMENT AND SUBMISSION.

EDUARD W. WADSWORTH,
Clerk

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK
January 7, 1963

POST OFFICE BOX 20120
NEW ORLEANS 20, LA.

Hon. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D. C.

Mr. John Satterfield
Attorney at Law
P. O. Box 486
Yazoo City, Mississippi

Hon. Joe T. Patterson
Attorney General
State of Mississippi
Jackson, Mississippi

Mr. Charles Clark
Attorney at Law
P. O. Box 1046
Jackson, Mississippi

Re: No. 20240 - United States of America -vs- Ross
R. Barnett and Paul B. Johnson, Jr.

Gentlemen:

Confirming my previous advice by telephone, I am directed by the Court to advise counsel that the Court has signed a show cause order in the above matter to be heard in the courtroom of the Court of Appeals in New Orleans at 9:30 A. M., February 8, 1963. The Court has directed that I notify counsel that all preliminary matters appropriate to be considered by the Court prior to the actual taking of testimony be presented to the Court at this hearing. This includes all dilatory pleas, any motions attacking jurisdiction of the Court, any motions touching on the nature of the proceedings and the manner and place of a trial, if one is to be had, as well as any challenge to the sufficiency of the notice of the charges. The Court has also directed that I request counsel to confer, if possible, and exchange memoranda touching on any of the points to be raised at the hearing, and to file motions or pleas that are to be made in writing on or before February 1st, accompanied by such memorandum as may be deemed appropriate.

The Court also requests that the parties stipulate as to any formal matters as to which there is no real contest, and that the parties be prepared to state to the Court at the time of the hearing what issues remain for consideration thereafter.

Very truly yours,

E. W. Wadsworth
EDWARD W. WADSWORTH,
Clerk

cc's on attached page.

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH
CASE

OFFICE OF THE CLERK

POST OFFICE BOX 20120
NEW ORLEANS 20, LA.

Page 2

January 7, 1963

cc: Mr. Dugas Shands
Assistant Attorney General
Jackson, Mississippi

Mr. Thomas H. Watkins
Attorney at Law
Jackson, Mississippi

Mr. Garner W. Green, Sr.
Attorney at Law
Jackson, Mississippi

Mr. John Dear
Assistant Attorney General
Washington, D. C.

Mr. Walter Suthon
Attorney at Law
New Orleans, Louisiana

Mr. Francis T. Zachary
Attorney at Law
Hattiesburg, Mississippi

Mr. Charles L. Sullivan
Attorney at Law
Clarksdale, Mississippi

Mr. R. Jess Brown
Attorney at Law
Vicksburg, Mississippi

Mr. J. D. Doty
Attorney at Law
Pontotoc, Mississippi

Mr. W. H. Barbour
Attorney at Law
Yazoo City, Mississippi

Mr. Chester H. Curtis
Attorney at Law
Clarksdale, Mississippi

Mr. Will A. Hickman
Attorney at Law
Oxford, Mississippi

Mr. M. B. Montgomery
Attorney at Law
Jackson, Mississippi

Mr. Edward L. Cates
Attorney at Law
Jackson, Mississippi

Mr. Orna R. Smith
Attorney at Law
Ecorse, Mississippi

Mr. J. P. Coleman
Attorney at Law
Jackson, Mississippi

Mr. Ben H. Walley
Attorney at Law
Jackson, Mississippi

Mr. Fred B. Smith
Attorney at Law
Ripley, Mississippi

Mrs. C. B. Motley
Attorney at Law
New York, New York

JAN 12 1963

Burke Marshall
Assistant Attorney General
Civil Rights Division

January 9, 1963

Harrison J. Goldin
Attorney

HJG:ash
144-100-40-1
9782

Contempt Trial of Barnett and Johnson

Question

Does the Order to Show Cause in criminal contempt issued against Barnett and Johnson require their personal attendance upon the return date, or may they, consistent with the language of the Order, appear through counsel?

Answer

Barnett and Johnson may appear through counsel.

Discussion

The cast of the Order to Show Cause in Blackmer v. United States, 284 U.S. 421 (1931) parallels the Order issued by the Fifth Circuit against Barnett and Johnson on Jan. 4, 1963. In the Blackmer case, the respondent was "cited and admonished to appear before this Court [to] show cause." The Blackmer Court overruled objections to its jurisdiction by respondent's attorney and ordered Blackmer to file an answer. Through his attorney, Blackmer pleaded not guilty. After a subsequent hearing from which Blackmer was absent but at which he was represented by counsel, the Court entered a verdict of guilty.

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

Criminal Cases Generally

No problem of an analogous nature is ordinarily presented in the usual criminal prosecution. Since an arraignment, the criminal proceeding that is comparable to a hearing on the order to show cause for criminal contempt, is ordinarily a feature of a defendant's detention, he is usually present to plead or to hear a plea entered in his behalf. In a small number of cases, however, the defendant has been absent when his attorney has entered a plea on his behalf at the arraignment. In these cases, no objection to the procedure has been raised on that score. Since a criminal contempt proceeding is something less than an ordinary prosecution, see e.g., Bullock v. U.S., 265 F.2d 683 (6th Cir., 1959), cert. den. 360 U.S. 909, 932, A fortiori, an appearance by an attorney alone at a hearing on an order to show cause satisfies the mandate of the order.

On the other hand, Rules 10 and 34 of the Federal Rules of Criminal Procedure seem to presuppose the defendant's presence at his arraignment. Moreover, by specifying that in crimes punishable by relatively light sentences defendants may waive arraignment, Rule 43 appears to require an arraignment in the presence of the defendant in all other instances. However, the case law asserts that since an arraignment is for the defendant's own protection, see e.g., Glouster v. U.S., 296 F.2d 853, 855 (8th Cir., 1961), he can usually waive the proceeding. Garland v. Washington, 232 U.S. 642 (1914); Beatty v. U.S., 203 F.2d 692 (4th Cir., 1953) (arraignment and plea waived by going to trial), Kennedy v. U.S., 259 F.2d 883 (5th Cir., 1958).

If, despite the apparently mandatory language of Rule 43, arraignment can be waived entirely, arguably the "presence" requirement in the Rule is satisfied if the defendant is represented by counsel. Indeed, the Kennedy case, id at 884, seems to accept without question the propriety of a plea by counsel in the absence of a defendant. And though the issue of whether a plea may be issued by counsel in the defendant's absence is not considered in U.S. v. Johnson, 149 F.2d 53 (7th Cir., 1945), cert. den. 326 U.S. 722, that procedure was in fact followed there.

- 3 -

It would appear, therefore, that Barnett and Johnson need not appear at the hearing; it is sufficient if they are represented there by counsel.

Typed Jan. 10, 1963

JAN 11 1963

Director
Federal Bureau of Investigation

EM: JNP:ms
144-100-40-1
4782

Burke Marshall
Assistant Attorney General
Civil Rights Division

Ross E. Barnett
Paul R. Johnson, Jr.
Contempt of Court

This refers to your covering memorandum of January 3, 1963 forwarding a copy of a news item from page six of the Memphis (Tenn.) Press-Scimitar of December 18, 1962, concerning, in part, a chronological report of events in the Meredith matter prepared by the University of Mississippi and signed by Chancellor J. D. Williams.

Please secure two copies of the University's chronology of events.

cc: Rec.
Chrono.
Mr. Dear
Mr. Putzel
Trial File (Rm. 1140)
U.S. Attorney (Oxford)

J.R. Don

**COX, DUNN & CLARK
ATTORNEYS AT LAW**

DEPOSIT GUARANTY BANK BUILDING
JACKSON 1, MISSISSIPPI

VERDAMAN B. DUNN
CHARLES CLARK
WILLIAM H. COX, JR.

TELEPHONE 2-1-0000
TELETYPE 2-1-0077

January 16, 1963

**Hon. Edward W. Wadsworth, Clerk
U. S. Court of Appeals, 5th Circuit
P. O. Box 30120
New Orleans 30, Louisiana**

**Re: Show Cause Order issued to Governor Barnett
and Lieutenant Governor Johnson.**

Dear Mr. Wadsworth:

This will acknowledge receipt of your letter of January 7, 1963. The undersigned will be of counsel for the defendants in the above matter. We understand your letter to mean that the court has, through you, requested counsel to confer, if possible, and to exchange memoranda and to file all written motions on or before February 1.

In view of the uncertainty as to the procedural rules which will govern this matter and the possibility that an attempted compliance with the requests of your letter may be construed later to have operated as a waiver of rights which our clients possess, we respectfully suggest that the court enter an order directing the procedure to be followed. We will then do our best to comply.

Respectfully yours,

Charles Clark

**Charles Clark
Special Assistant Attorney General
of the State of Mississippi**

CS:ln

cc: Hon. Burke Marshall

cc: Hon. John Boer

T. 1/13/63

Director
Federal Bureau of Investigation

Bucke Marshall
Assistant Attorney General
Civil Rights Division

BM:JMF:ach
144-100-40-1
9722

Ross L. Barnett, Paul B. Johnson, Jr.
Contempt of Court

This refers to the report of Special Agent
G. Myrvia Alderson in the above matter, dated
December 13, 1962 at New Orleans.

At page 29, interviewee Clifton Sessions in-
dicates that Governor Barnett's proclamation con-
vening the legislature in special session involved
initially only reapportionment, but was amended so
as to permit the consideration of legislation aimed
at thwarting Meredith's admission to the University.

Most of the Governor's conduct with respect to
Meredith is relevant to the issue of his "intent"
when he later violated the Court of Appeals' order
of September 25, 1962.

Therefore, please obtain a copy of the original
proclamation and a copy of the amended version, or
the amendment if it was issued as a separate document.

cc: Records
Chase
Bear ✓
Trial File(Rn. 1140)
USA, Oxford, Miss.

JAN 21 1963

BM:JMF:ach
144-100-40-1
9782

Typed: 1/17/63

Honorable J. Arthur Younger
House of Representatives
Washington 25, D. C.

Dear Congressman Younger:

This refers to your note of December 10, 1962, referring to me the enclosed letter from W. Ross Beveridge inquiring about the status of the proceedings against Governor Ross F. Barnett in the United States Court of Appeals for the Fifth Circuit.

On September 28, 1962, that Court held Governor Barnett to be in civil contempt of its order of September 25, and he was ordered to purge himself by taking certain steps by October 2.

The Court did not decide whether the Governor had purged himself, but on November 15, 1962, it directed the Department of Justice to institute criminal contempt proceedings against Governor Barnett and Lieutenant-Governor Paul Johnson, Jr.

On December 21, 1962, the Attorney General filed with the Court an application for an order requiring the Governor and Lieutenant-Governor to show cause why they should not be held in criminal contempt. On January 5, 1963, the Court, in effect, ordered the defendants to plead to the charges on February 8. Presumably, if they plead not guilty the Court will then fix a date for the trial of the charges against them.

I trust that this information will answer Mr. Beveridge's question.

Best wishes.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure
ccRecords
Chrono
Dep. Atty. Gen.
Mr. Bear ✓
Erisl note

MISSISSIPPI
DEPARTMENT OF JUSTICE
JOE T. PATTERSON, ATTORNEY GENERAL

January 21, 1963

Honorable Edward W. Wadsworth
Clerk
United States Court of Appeals
Fifth Circuit
P.O. Box 30120
New Orleans 30, Louisiana

Re: Show Cause Order to Governor Barnett
and Lieutenant Governor Johnson

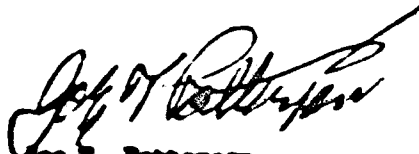
Dear Mr. Wadsworth:

With reference to your letter of January 7, 1963, please be advised that I will be one of counsel for the defendants in the above matter.

In further reply to your said letter of January 7, 1963, please refer to letter dated January 16 from Honorable Charles Clark, Special Assistant Attorney General which fully states my position in this matter.

Thanking you very much, I am

Very truly yours,



Joe T. Patterson
Attorney General

JTP/lw

cc - Mr. Charles Clark
Cox-Dunn & Clark
Jackson, Mississippi

Mr. Burke Marshall
Assistant Attorney General
Department of Justice
Washington, D. C.

**Director
Federal Bureau of Investigation**

**Burke Marshall
Assistant Attorney General
Civil Rights Division**

**Ross E. Barnett;
Paul W. Johnson, Jr.
Contempt of Court**

**RM:JRP:ms
21-40-17
12,232**

This refers to the reports heretofore furnished by your Bureau in the above matter.

Governor Barnett, and Lieutenant Governor Johnson if he is a lawyer, have been admitted to practice before the various federal and state courts, probably including the United States Supreme Court, the United States Court of Appeals for the Fifth Circuit, the United States District Courts in Mississippi, and state courts in Mississippi. Please secure from the clerks of all courts of whose bars each is a member one certified copy of the document or record reflecting the admission and present membership of each.

By covering memorandum and enclosure dated January 14, 1963, you furnished to this Division a kinescope, made available by WDSU-TV in New Orleans, of the confrontation between Meredith and Lieutenant Governor Johnson at Oxford on September 26, 1962. We understand that only film, not sound, was originally taken by WCTV of Memphis. However, persons who were there have indicated that a reporter held a microphone among the participants, apparently taping the proceedings. Also, several photographs that your Bureau furnished of this incident depict an unidentified man holding the microphone as described.

Please ascertain the identity of any person or persons who recorded the proceedings and obtain from him or them a duplicate of any recording that was made.

cc: Rec.
Chrono.
Mr. Dear ✓
Mr. Barrett
Trial File
U.S. Attorney (Oxford)

- 2 -

Any billing arrangements for duplicated material should be handled as previously indicated, i.e., through Mr. Holleran of the Administrative Section of this Division.

FEB 5 1963

Typed: January 22, 1963

Director
Federal Bureau of Investigation

BH:DD:ach
144-100-40-1
9782

Burke Marshall
Assistant Attorney General
Civil Rights Division

Desegregation, University of Mississippi

The pictures relating to the desegregation of the University of Mississippi described herein have been delivered to Mr. Fred Woodcock of your Bureau. I request that the following actions be taken with regard to the pictures specified.

a) Identify all the people in the following pictures:

- 1) The Life Magazine picture taken by photographer Charles Moore numbered MO-157-110-1A4.
- 2) The Life Magazine picture taken by photographer Lynn Pelham dated October 11, 1962, numbered P-3 and referred to in the report of Leonard C. Petersen of the Miami, Florida Office dated January 7, 1963.

b) Enlarge the following pictures:

- 1) The Life Magazine picture taken by photographer Fred Ward at approximately 5:45 p.m. on Sunday, September 30, 1962, from the North East corner of the Lyceum. This picture is referred to in the FBI memorandum dated December 26, 1962.
- 2) The Life Magazine picture taken by photographer Phelps G. Schulte numbered 915B and referred to in the FBI report of Leonard C. Petersen of the Miami Office dated January 7, 1963.
- 3) The Life Magazine picture taken by photographer Fred Ward on Sunday, September 30, 1962, at approximately 6:15 p.m. in front of the south entrance to the Lyceum. This picture is referred to in your memorandum dated December 26, 1962.

cc Records
Chrono
Mr. Deas ✓
Mr. Barrett
Trial File
U. S. Attorney

Typed 1-24-63

FEB 1 1963

Director
Federal Bureau of Investigation

RM:ED:mu
144-100-40-1
9782

Burke Marshall
Assistant Attorney General
Civil Rights Division

Desegregation, University of Mississippi.

The photographs mentioned in this request have been delivered to Mr. Fred Woodcock of your Bureau. Please furnish the information desired as to each photograph.

- (1) U. S. News and World Report Magazine photograph numbered #2, 9337. Who is the photographer? What is the exact location?
- (2) U. S. News and World Report Magazine photograph with notation indicating it was taken from Volume LIII--No. 10 Washington, D. C. Who is the photographer? What time was the picture taken? What is the exact location?
- (3) The Life magazine photograph taken by Photographer "Flip" Schulke numbered 65777-SC8-22FA and referred to in the FBI memo dated 1-9-63. What time was this picture taken?
- (4) The Life magazine photograph taken by Photographer "Flip" Schulke numbered 65777-SC7-7 and referred to in the FBI memo dated 1-9-63. What time was this picture taken?

cc: Rec. this picture taken?
Chrono.

Mr. Dear
Mr. *Burke Marshall*
Trial File (Rm. 1140)
U.S. Attorney (Oxford)

FEB 13 1962

BM:PLS:ms
SI-40-17
12,232

William H. Vaughan, Jr., Esq.
Fulbright, Crocker, Freeman,
Bates & Javernick
Bank of the Southwest Building
Houston, Texas

Re: United States v. Barnett and Johnson

Dear Mr. Vaughan:

I am enclosing a collection of selected descriptions of the rioting at Oxford, Mississippi on the night of September 30 to October 1, 1962. They are among the best in our files in relation to the events of that night, with particular reference to the activities of the Mississippi State Highway Patrol.

The statements enclosed include the following:

Newsman

William C. Crider
James C. Kemp
G. Michael Lala
Dudley Morris
Fred Powledge
John Rogers
Ed Turner (Statement and Newsprint)
Charles Whiteford
Gordon Yoder

cc: Rec.
Chromo
Mr. Dear ✓
Mr. Putnel
Trial File (Rm. 1140)

**Personnel Under the Command of the Chief
United States Marshal**

Red Alexander
Delmer E. Anglin
Felix Aycock
Edward T. Bartholomew
Page L. Brewer
Richard E. Dick
Noel H. Douglas
James French
Daniel F. Furglove

**University of Mississippi Faculty,
Chaplains, etc.**

Rev. Duncan M. Gray, Jr.
Evans Harrington
William C. Herndon
James Silver (statement and letter
to Memphis Commercial Appeal)
Rev. Wofford K. Smith
Richard S. Stewart (joint interview
with Mrs. Stewart)

Students of University of Mississippi

Sidon Brewer
Frank Leening
Gerald Mertens
Thomas Wayne Sears (joint interview
with Jennifer Harmon)

Very truly yours,

JOHN BOAR
First Assistant
Civil Rights Division

P.S. Jack:

The statement of Robert E. Dick is good but
I want to tell you he first denied that he used
his weapon and later admitted that he did.

W. H. VAUGHAN, JR.

John:

file - 65000000
my file

I have no voice and
no secretary - otherwise
fine.

Thank you so much for
the enjoyable evening and
delicious meal. Tell your
wonderful family hello
for me.

I received the FBI
reports and McShane's
deposition. Am making
headway on the reading.

Jack

Director
Federal Bureau of Investigation

February 16, 1963

BR:JD:lvm 51-40-17
12,222

Surbs Marshall
Assistant Attorney General
Civil Rights Division

Re: R. Barnett; Paul B. Johnson, Jr., Contempt
of Court

This memorandum confirms conversations on February 14, 15 and 16 between Mr. Woodcock of your Bureau and Messrs. Dillon and Flannery of this Division.

It is the task of this Division to collect and coordinate all information that may be evidentiary in the criminal contempt case against Governor Barnett and Lt. Governor Johnson in the one criminal and three civil cases pending against Department of Justice officials (Mississippi v. McShane, Prosser v. Fitzsimbach and McShane, and Wenley v. Lippincott, McShane, Dear and [redacted]). Moreover, our knowledge of the whereabouts of Mississippi's law enforcement personnel and legislators at crucial moments between September 23 and October 1, 1962 will assist us in seeking a permanent injunction against the state in United States v. Mississippi, to show conclusively that all the state's executive and legislative machinery was mobilized to thwart rather than to implement the orders of the Court of Appeals.

The following aspects of the above matter require certain additional investigation to be conducted:

1. We have selected for possible use as exhibits at the trial certain of the photographs previously supplied by your Bureau. We wish to know the name, address, and duty station of each law enforcement officer, uniformed or in plain clothes, depicted in each photograph. All Mississippi Highway Patrolmen, all sheriffs and their deputies, special or regular, and all municipal or local law enforcement personnel should be thus identified.

cc: Records
Trial File (Room 1140)
Chrono
Dear ✓

JAN 23 1963

January 24, 1963

BN:RJP:cu
51-40-17
12,232

Mr. Eugene Juster
Director of Newsfilm
National Broadcasting Company
Room 601, 30 Rockefeller Plaza
New York 20, N. Y.

Re: United States v. Barnett and Johnson

Dear Mr. Juster:

This letter refers to our telephone conversation earlier today about newsfilm concerning James H. Meredith at the University of Mississippi.

As I indicated when we spoke, I was able to make arrangements with Mr. Bob Asman here at WRC-TV to view the film you sent down for their documentary on January 27, 1963.

Several portions of the film will be valuable to us in preparing for the trial of the pending criminal contempt case against Governor Ross S. Barnett and Lieutenant Governor Paul S. Johnson, Jr.

Mr. Asman agreed, subject to your approval, to furnish us with the pertinent frames of film before returning the reels to your library in New York.

After speaking with you today, I told him that his arrangement with us was agreeable to you.

We are grateful for your assistance in this matter and we are especially appreciative to Mr. Asman and his associates for their unflinching cooperation.

Best wishes.

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

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

By:

J. Harold Plannery
Attorney

Mr. Bob Asman
WRC-TV
4001 Nebraska Ave.
Washington, D. C.

The File

January 25, 1963

Burke Marshall
Assistant Attorney General

SI-40-17
12,232

United States v. Barnett and Johnson

The following matters were discussed in the meeting on January 16, 1963, with Leon Jaworski and Mr. Vaughn:

1. Mr. Jaworski and his associates will present all matters to the Court, including the position of the government on whatever pre-trial matters are taken up at the hearing on February 8.

2. I undertook to arrange a meeting with counsel for Governor Barnett in New Orleans during the week beginning January 21.

3. With respect to the possibility of a commissioner to take evidence, it was agreed that the disadvantages of having a hearing before eight judges were so great that we should take the unavoidable risk of telling the Court that, in our view, the Court had the power to follow that course. It is recognized that, if counsel for Barnett do not agree to this procedure, there is a substantial risk of reversal by the Supreme Court. Another course which should be suggested to the Court, in the event of no agreement with counsel for Barnett, would be for the case to be heard by a panel of three judges, with their decision reviewable by the entire bench of the Fifth Circuit.

If evidence is taken before a single person, it was agreed that the person should preferably be a judge, but that the government should not suggest a name to the Court of Appeals if that were avoidable. If a name had to be suggested, the judges mentioned were Brewster, Prettyman, Beatie, Bolt, Swigart, or a member of the Court of Appeals.

If a commissioner is appointed, he should have subpoena power, should just take evidence, without making findings.

cc: Chrono
Records
Messrs. Marshall
Dear
Barrett
Trial File (1140)

should pass on the admissibility of evidence, and otherwise have the power to control the hearings, and should be enabled to perform such additional functions as the Court might from time to time assign to him.

4. It was the view of Mr. Jaworski that the Court should sit in New Orleans because of the possible damage to the dignity of the Court if it had to take evidence in Jackson. On the other hand, it was agreed that if the place of sitting were a controlling factor in obtaining agreement from counsel for Barnett to the appointment of a commissioner, we should at least agree that the parties could apply to the Court to have the commissioner sit in Mississippi for the purpose of taking evidence from Barnett or Johnson, or possibly other witnesses. We should avoid requiring the Governor to absent himself from the state for any substantial period.

5. It was agreed that the government should advise the Court that it is not required to give Barnett a trial by jury. This is not constitutionally necessary; the governing statutes all relate only to contempt trials in district courts; and the order violated was, in any event, sought by the United States. This point is to be briefed by Mr. Jaworski.

6. It was agreed that the basic issue was simply whether there was willful defiance of orders of the Court by Barnett and Johnson. We should accept a full burden of proof on this. I agreed to obtain assistance from the Criminal Division in the precedents to support the position that willfulness can be inferred from circumstantial evidence, and that evidence of statements and actions by the Governor prior to the actual contempts charged were relevant to show state of mind. This point should be briefed for the Court.

In addition, we will probably have to rebrief the questions of jurisdiction and mootness.

7. I undertook to have the Governor and Lt. Governor served again by a deputy from the Eastern District of Louisiana.

8. Mr. Jaworski will have prepared a separate brief on the contempts by Johnson, dealing with the fact that he was not personally named in the September 25 order of the Court of Appeals.

9. I undertook to talk to the Attorney General about his testifying, and about how to deal with the President's conversations with the Governor.

10. If possible, Mr. Jaworski will attempt to embarrass the defendants in open Court into producing recordings of the telephone conversations.

11. I should supply Mr. Jaworski with copies of all Court orders back to the order in June enjoining the prosecution of Meredith for falsely stating that he resided in Hinds County.

12. We should obtain certified copies of all proclamations issued by the Governor during the month of September.

13. We should obtain copies of all speeches given by the Governor, and all public statements by the Governor, regarding the Meredith case, and his position concerning desegregation.

14. Sometime after the February 8 hearing, I should arrange with Mr. Vaughn to have him see all the photographs we have collected.

STATE OF MISSISSIPPI
Department of Justice

JOE T. PATTERSON
ATTORNEY GENERAL
DUGAS SHANDS
J. R. GRIFFIN
MARTIN R. MCLENDON
WADE H. CREEKMORE
ASSISTANT ATTORNEYS GENERAL



G. GARLAND LYELL, JR.
DELOS H. BURKS
WILL S. WELLS
GUY N. ROGERS
R. HUGO NEWCOMB, SR.
ASSISTANT ATTORNEYS GENERAL
PETER M. STOCKETT, JR.
DARRYL A. HURT
SPECIAL ASSISTANT ATTORNEYS GENERAL

JACKSON 5
January 31, 1963

Honorable Edward W. Wadsworth, Clerk
United States Court of Appeals for
the Fifth Circuit
P. O. Box 30,120
New Orleans 30, Louisiana

Re: Appellate Cause No. 19,475
Original Action No. 20,240

Dear Mr. Wadsworth:

Pursuant to the Order of the Court dated January 24, 1963, we enclose our pleadings and motions to be filed in the above styled proceedings. I am forwarding to you the original and nine (9) copies of each plea and motion with the request that you docket these motions in the order in which they are arranged in this package.

Because we are not fully advised as to the procedure which will be applicable to original action 20,240, we respectfully request that you advise the Court that we request the motions herein filed to be considered as alternatively filed, to-wit: that all motions and pleas subsequent to the first be considered as filed and presented only if all preceding motions and pleas have been disposed of adversely.

Respectfully yours,

A handwritten signature in cursive script that reads "Charles Clark".

CHARLES CLARK
Special Assistant Attorney General

CC/mb

Enclosures

CC: Burke Marshall, Esq.
Leon Jaworski, Esq.

2. On many of the photographs we have numbered (with a yellow grease pencil) pictured individuals whose identities are presently unknown to us. Their names and addresses should be ascertained. We are particularly interested in identifying legislators and other state officials who appear in the photos.

After two copies of each photograph have been reproduced in your laboratory, attorneys from this Division will number the persons to be identified as on the originals for the use of your investigating agents in the field.

In order to identify legislators and other state officials you may wish to contact your sources in the state's legislative and executive branches, newspaper sources, University officials and faculty, and persons already identified in the photographs. In identifying law enforcement officers the interviewing agents may wish to contact Highway Patrol officials, Sheriffs, and local Police Chiefs. Because time is a factor in this matter, it will not be necessary for the investigating agents to pursue exhaustively the identities of those persons whose features are obscure in the pictures.

3. Please determine the organization and structure of the Mississippi Highway Safety Patrol. Secure an organizational diagram showing the flow of authority from the Commanding Officer of the Mississippi State Highway Patrol down through the subordinate units. Include the number of districts into which the state is divided and the names and home addresses of the Commanding Officers in the various subordinate units. Determine the address of the main headquarters in each organizational unit.

From a review of your records, please furnish us with an outline summary of the instances during the years 1960, 1961 and 1962 in which the Highway Patrol performed law enforcement functions other than those involving traffic safety. That is, we wish to know about their crime investigating activities, arrests of felons and misdemeanants, apprehension of fugitives, riot or crowd control experiences, etc.

Please secure also the names of all county sheriffs and their deputies.

In obtaining this data, we call your attention to the fact that there may be a roster or central index of state law enforcement officials or possibly some sort of manual published by the Sheriff's Association.

Among the purposes of the foregoing request are (1) to secure the names of all possible witnesses to be subpoenaed for trial; (2) to secure the names of all persons whom we may wish to have interviewed for their versions of the events; (3) to enable us to know in advance of trial the whereabouts of possible witnesses for the defense and what their opportunities were to observe the events they may describe; (4) to enable us to determine what law enforcement personnel to select for interview or testimony with respect to the orders given, if any, by Governor Barnett or Lt. Governor Johnson pertaining to enforcement of the orders of the Court of Appeals.