

T. 2/4/63

FEB 5 1963

The File

January 30, 1963

John L. Murphy, Chief  
General Litigation Section  
Civil Rights Division

JLM:11h #9782

~~100-100-40-1~~

51-40-17 #12,232

James M. Meredith v. Charles  
Dickson Fair, et al.

*R. L. Barnett*

Special Agent Lavin telephoned this morning to advise that Mr. U. Clegg, who presently holds a security post with the University of Mississippi, had advised the Bureau that Chancellor Williams had recently been contacted by Governor Barnett and requested not to permit James Meredith to register for and continue in the spring semester at the University. Barnett called the Chancellor's attention to an article which appeared in a Memphis newspaper on November 19 in which Meredith was reported to have stated that his purpose in entering the University was not so much to secure an education but to obtain equal rights and opportunities for his people; that grades were a secondary factor, the right to fail being as important as the right to pass. Barnett claimed this statement indicated that Meredith's purpose in seeking admission to the University was improper and that he is not a fit person to be continued in residence as a student. According to Clegg the Chancellor rejected the Governor's request, stating he was obliged to abide by the federal court order which had ordered Meredith's admission.

*File*  
*2/4*

Clegg also reported that Barnett had asked Williams for the names of the University attorneys and on January 27th had discussed with two of them the matter of Meredith's continuance as a student. At this conference Barnett is supposed to have advised the attorneys that he had requested the Chancellor not to permit Meredith to register for the spring semester; that the legislature had given him authority to close the University down and that he had the "guts and inclination" to close the University should Meredith be permitted to continue. Clegg stated that the attorneys to whom Barnett had made the foregoing statements are Jack Doty of Pontotoc, and Orms Smith of Corinth. Mr. Clegg requested, however, that the names of these attorneys not be disclosed.

Records  
Chrono  
Mr. Murphy

Clegg advised that Meredith had attained a 2.1 average for the semester just completed although he failed one subject. Clegg stated that these grades would not subject Meredith to probationary status and he would be eligible to continue at the University if he wished to do so. Clegg stated that registration for the spring semester would take place on January 31 and he requested that the Marshals have Meredith on campus at 10:00 a.m. on that day. Classes commence on February 2.

The Bureau has notified Colonel Birdsong as well as other state officials.

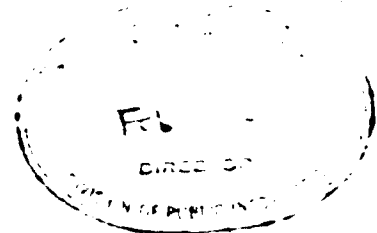
LEO W. O'BRIEN  
87th St., New York

FRANCIS X. KELROY  
ADMINISTRATIVE ASSISTANT

COMMITTEES  
INTERNAL AND INSULAR AFFAIRS  
SUBCOMMITTEE ON FOREIGN COUNTRIES  
CHAIRMAN, SUBCOMMITTEE ON  
INTERNAL AND INSULAR AFFAIRS

**Congress of the United States**  
**House of Representatives**  
**Washington, D. C.**

31 January 1963



Mr. Edwin O. Guthman  
Special Assistant for Public Information  
Department of Justice  
Washington 25, D. C.

Dear Mr. Guthman:

I wish to thank you for your letter of the 28th<sup>th</sup> enclosing a communication to be forwarded to Mr. Clifford B. Smith, of Schenectady, New York

I believe you have answered Mr. Smith's questions concerning the Government's cast against Governor Barnett of Mississippi, but if he has any further need for information I will again write you.

With kindest wishes, I am

Sincerely yours,

*Leo W. O'Brien*  
LEO W. O'BRIEN

O'B:h

FILED  
BY J W  
ON FEB 19 1963

*File  
E.A.*

51-42-17

STJ.T  
FEB 19 1963

BM:PAS:mu  
SI-40-17  
12,232

H.P.

William M. Vaughan, Jr., Esq.  
Pulbright, Crocker, Freeman,  
Bates & Jaworski  
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:

Newsmen

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

D  
2/19/63

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

REVENUE

1963

84991

**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  
Melan E. Douglas  
James French  
Daniel F. Purglove**

**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. Wefford K. Smith  
Richard S. Stewart (joint interview  
with Mrs. Stewart)**

**Students of University of Mississippi**

**Sidna Brower  
Frank Leeming  
Gerald Mertens  
Thomas Wayne Sears (joint interview  
with Jennifer Harmon)**

**Very truly yours,**

**JOHN DOAR  
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.**

2/15/63

DOAR: Governor BARNETT, my name is JOHN DOAR from the Department of Justice.

MC SHANE: Governor, how are you?

Gov. Hi, how are you feeling? Good to see you again.

MC SHANE: Good to see you, Sir.

GOV. Hope you're doing well.

MC SHANE: We're trying to.

GOV. I believe--

MC SHANE: Governor, I would like to hand these papers to you from the Federal Court.

GOV. What papers are they?

DOAR: These are a summons and a petition from the Federal Court and temporary restraining orders, Governor.

GOV. Well, it is my policy as Governor of the Sovereign State of Mississippi not to accept summons, not showing any disrespect to the great petition offered to me, but it has been my policy I take the advice of the Attorney General of Mississippi in this particular matter. I have been instructed by the Attorney General of Mississippi not to accept any process or any summons.

DOAR: Governor BARNETT, we are going to leave this summons here with you, and I want to explain to you that the Circuit Court of Appeals for the Fifth Circuit entered a temporary restraining order at 8:30 this morning, enjoining you from interfering in any way with the registration of JAMES MEREDITH at the University of

FILED  
JAN 17 1963

51-40-17

51-40-17 - F.P. LWF

Mississippi, pursuant to order of the Court for the full panel of the Fifth Circuit. I would like to get on now, Governor, with the business of registering Mr. MEREDITH.

GOV. All right, now, Gentlemen, in response to that, I say this — You are now asking that he be permitted to register or enroll as a student at the University of Mississippi. Is that right?

DOAR: That's right, and these here are speaking for JAMES H. MEREDITH. JAMES H. MEREDITH is right here.

GOV. All right, now, in response to that, I'll say this: I have a proclamation here and I'd like to be permitted to read it to you people. This is to JAMES H. MEREDITH, applicant for admission as a student at the University of Mississippi:

I, ROSS R. BARNETT, Governor of the great and Sovereign State of Mississippi, having heretofore by proclamation, acting under the police powers of the Sovereign State of Mississippi, and upholds the sovereignty of this State, on September fourteen nineteen hundred sixty-two, in a State-wide television program, and in order to prevent violence, and in order to prevent a breach of the peace, and in order for his own protection, and in order to preserve the peace, and in order to maintain and perpetuate the dignity and

tranquility of the great and Sovereign State of Mississippi, and having previously, on September twenty, nineteen hundred and sixty-two, at the University of Mississippi, in the city of Oxford, denied to you, JAMES H. MEREDITH, admission to the University of Mississippi under such proclamation, and for such reasons, do hereby now and finally, deny you admission to the University of Mississippi. And in witness thereof, I have hereunto set my hand and caused the great seal of Mississippi to be affixed on this, the twenty-fifth day of September, A.D., nineteen hundred and sixty-two. I sign this personally, ROSS N. BARNETT, Governor of Mississippi, and with the great seal of the State of Mississippi, attached to this proclamation, attested by the Honorable WEBER LADNER, Secretary of State. I hand you the original of this proclamation.

DOAB: Governor BARNETT, I'd like to call your attention again, Sir, to the Court's order of 8:30 this morning, Federal Circuit Court of Appeals. This Court enjoins you from interfering with, or obstructing by any means, or in any manner, with the performance of obligations or the enjoyment of rights under this Court's order of July 28, 1962,



which provided for the -- directed the Board of Trustees and the registrar of the University of Mississippi to register JAMES MCKREDIT. Now, I call upon you again to permit us to go on in to see Mr. ELLIS and get this young man registered.

GOV.

In response to that, I'll say this, that I am complying with the laws of our State Constitution, the Constitution of Mississippi, and, certainly, I'm complying with the Constitution of the United States. I have no apology to make for it. I took an oath when I was inaugurated Governor of this State to uphold and to try to maintain and perpetuate the laws of Mississippi. Now, I have tried to respect the acts of our legislature of Mississippi. I have a high regard for our legislators who make our laws. I have a high regard for the people who promulgated this great Government of ours. I have a high regard for the provisions of our Constitution of Mississippi and the Constitution of the United States. I believe in the Tenth Amendment to the Constitution of the United States, which, in substance, says that all the powers not expressed or granted by the Constitution to the Federal Government belong to the States respectively, or to the people when not

prohibited by the Constitution. For a hundred years our Supreme Court of the United States upheld the Tenth Amendment to the Constitution. In substance, our United States Supreme Court for many, many years, approximately a hundred years, held positively and unmistakably that when the Tenth Amendment provides that all of the powers not expressly granted, and I take that it means not written in the Constitution, given unto Federal Government the power, certain powers, that they belong to the States respectively or to the people and, especially, this is true when not prohibited by the Constitution to the States. Gentlemen, my conscience is clear, I am abiding by the Constitution of the United States, and the Constitution of Mississippi, and the laws of the State of Mississippi. Thank you.

MC SANE: Governor, will you please accept this?

(Boos, unidentified voices)

DOAR: Do you still refuse to permit us to come in the door?

GOV. Yes, Sir. Yes, Sir.

DOAR: All right, Governor.

GOV. Thank you. Thank you.

GOV. I do that politely.

DOAR: And we can leave politely.

Typed 3-8-63

MAR 19 1963

BM:ILB:bab 12,232  
91-40-17 G

MAR 13 1963

Reverend Paul T. Martin  
The First Church in Wenham  
Congregational  
Wenham, Massachusetts

Dear Reverend Martin:

This is in reply to your inquiries about contempt proceedings against Governor Barnett and Lieutenant Governor Johnson.

Last October, as you know, both men were found guilty of civil contempt. Thereafter, at the Court's request, the Government instituted criminal contempt proceedings, and a hearing was held on February 8, 1963, before the Court of Appeals for the Fifth Circuit in New Orleans. Neither the Governor nor the Lieutenant Governor appeared in person, but they were, of course, represented by counsel. The Court now has the case under advisement.

Thank you for your interest and your courtesy in writing the Department.

Sincerely,

BURKE MARSHALL  
Assistant Attorney General  
Civil Rights Division

By:

HAROLD N. GREENE  
Chief, Appeals and  
Research Section

Records  
Chrono  
Miss Blair  
Mr. Greene (2)

COMMUNICATIONS SEC.  
MAR 13 1963 R.R.R.

# The First Church in Wenham

Congregational

Minister

REV. PAUL T. MARTIN

Clerk

Mrs. CLARA JONES



Wenham, Massachusetts

# 12,232

February 17, 1960

Mr. Robert Kennedy  
Attorney General  
Department of Justice  
Washington, D. C.

Dear Mr. Kennedy:

I write you asking if the Governor and Lt. Governor of Mississippi, having been charged with contempt of court in the Oxford, Mississippi affair, were to be brought to trial for their offenses.

There has been no open acknowledgment of any inquiry.

I still would like to know if you intend to take any action against these gentlemen. My question remains -- why have they not been brought to trial for contempt of court?

Very truly yours,

*Paul T. Martin*

Paul T. Martin

PT:55

51-45-17

75 FEB

CIV. RIGHTS DIV.  
Gen. Lt. Sec.

51-45-17

The First Church in Wenham  
Congregational



WENHAM MASSACHUSETTS

THE REVEREND PAUL T. MARTIN  
MINISTER

RECEIVED

DEC 10 1962

CRIMINAL DIV.

MRS. CLARA JONES  
CLERK

Mr. Robert F. Kennedy  
Attorney General  
Department of Justice  
Washington, D.C.

Dear Mr. Kennedy:

Because I should like the information for a talk I am giving, I should like to know if the Governor and Lt. Governor of Mississippi, charged with contempt of Court, have been brought to trial. If they have not been brought to trial, I should like to know specifically why not.

Sincerely yours,

*Paul T. Martin*

Paul T. Martin

PTM:ss

51-40-17

DEPARTMENT OF JUSTICE	R E
22 DEC 7 1962	R D
RECORDS BRANCH	

*diff copy  
12/11/62*

CIV. RIGHTS DIV.  
Gen. Inv. Sec.

Director  
Federal Bureau of Investigation

February 16, 1963

BM:JD:lw 31-40-17  
12,222

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

Loss R. Barnett; Paul E. Johnson, Jr., Contempt  
of Court

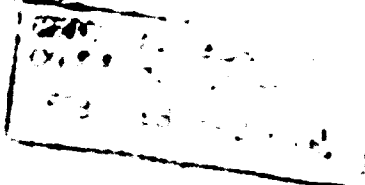
This memorandum confirms conversations on February 14, 15 and 18 between Mr. Woodcock of your Bureau and Messrs. Dillon and Flannery of this Division.

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, Fameca v. Katzenbach and McShane, and Wesley v. Katzenbach, McShane, Borg and Tucker). Moreover, our knowledge of the whereabouts of Mississippi's law enforcement personnel and legislators at crucial moments between September 25 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



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 annual 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.



**Memorandum**

TO : The Files

DATE: 2-18-63

FROM : Mr. J. H. Flannery

51-40-17  
12,232SUBJECT: United States v. Barnett & Johnson; Contempt of Court

This memorandum describes the film viewed by Doar, Dillon, and Flannery on February 14, 1963.

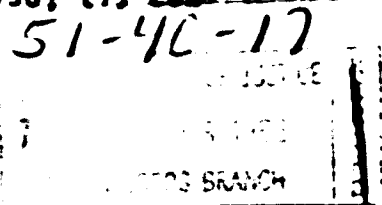
The first reel is in a large cannister marked "NBC-TV-News". It is a silent film depicting: (1) the Ole Miss campus early on October 1, 1962, including cars still burning; (2) student prisoners being marched on the campus by troops; (3) Chief Burns Tatum.

The second reel consists of the material secured from NBC via WRC-TV in Washington. Its silent portion depicts: (1) Col. Birdsong at the Oxford airport with McShane on September 30, 1962; (2) state police at the campus, same day; (3) state police leaving campus on 9/30 ( 8:00 to 9:00 p.m.; we think); (4) aerial views of campus probably on 10/1; (5) Barnett speech (sound) at Ole Miss football game in Jackson on 9/29.

The third reel was Movietone #1. It consists of: (1) Editor's Choice commentary; (2) Smith announcing that the Houston game will be played in Jackson instead of Oxford; (3) more post-10/1 commentary; (4) Meredith going to classes with McShane; and finally (5) an important segment which the Bureau is segregating showing Barnett and a crowd on the campus on either 9/26 or 9/27.

We saw next Movietone #5. It consists of: (1) post 10/1 Oxford street interviews; (2) Oxford street scenes; (3) troop arrivals and deployment on or after 10/1.

We watched next a reel marked "Charles Cadwell WMCT [Memphis] Spot News." This important film (silent) depicts: (1) rioting on 9/30; (2) dawn on 10/1; (3) morning, 10/1; (4) Meredith going to class on 10/1; (5) police at the campus on 9/26; (6) inside the Lyceum on 9/30; (7) confrontation on 9/26, Meredith-Johnson.



We watched last Movietone news reel #2. It consists of: (1) street interviews; (2) post-riot scenes; (3) shots of General Walker, apparently shortly after his arrest.

Each of the above reels is tabbed with a brief statement of its content.

The Bureau is presently excerpting the last item on Movietone news #1 and splicing the intro to the Cadwell film, as well as splicing the several weak portions of an unviewed reel.

The Files

2-18-63

51-40-17

12,232

Mr. J. H. Flannery

United States v. Barnett & Johnson; Contempt of Court

F  
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cc: Rec. ✓ Trial File (Rm. 1140)  
Chrono.  
Mr. Doar  
Mr. Putsel

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Each of the above reels is tabbed with a brief statement of its content.

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Typed: Feb. 19, 1963

John Doar  
First Assistant  
Civil Rights Division

FES:sch  
51-40-17  
12,232

Frank E. Schwelb  
Attorney  
Civil Rights Division

United States v. Barnett and Johnson

The Death of Walter Ray Gunter

Walter Ray Gunter, a resident of Oxford, Mississippi, was shot in the head at approximately 11 p.m. on September 30, 1962, while standing on some drainage tile near the Science Building being under construction about 200 yards Southeast of the Lyceum. He was killed by a copper coated lead bullet of the type used in Western and Winchester ammunition, fired from a .38 caliber Smith and Wesson or similar revolver.

The identity of the person who fired the bullet which killed Gunter is unknown. No weapon was available to the FBI for testing fired the fatal shot. The Lafayette County Grand Jury concluded that Gunter was killed by a stray bullet. This conclusion is supported by the available evidence.

Gunter's death was investigated by the Mississippi Bureau of Investigation (M.B.I.), and by the FBI, and evidence relating to it came to light in interviews conducted by Department of Justice attorneys. The material below includes the principal evidence discovered in these investigations. In the summaries of the statements of interviewees, the language of the witness has been used if available and has been placed in quotation marks for purposes of identification. Explanatory comments by the writer of this memorandum have been placed in brackets.

A. Statements of Witnesses

1. CHARLES BERRYHILL, Route 1, Box 30, Oxford, Mississippi

cc Records ✓  
Chrono  
Mr. Barrett  
Mr. Owen (1136)

(a) To FBI, October 3, 1962

He and Gunter arrived on the campus at about 7:40, stayed 15 minutes, left, and returned at 8:30. They moved to a position near the power plant, Southeast of the Lyceum. He and Gunter stood on some sewer pipe covers 18-20 inches high and were able to see over the heads of the crowd. When the marshals fired gas, the crowd retreated and he and Gunter would run south and return when the students moved towards the Lyceum again. During this time he heard what he believed to be shotguns fired near the Fine Arts Center and the YMCA, and he thought he heard pistol shots somewhere on the campus.

At about 11 p.m., the marshals fired tear gas grenades and the students retreated to his position. He again left his position. He saw that Gunter did not follow. He returned to the sewer pipe covers and found that Gunter had been shot in the head. He called over George Buffalo, Jr., of Oxford, and told him about it. Berryhill said Gunter had been standing next to him, facing the Lyceum, with his hands in his pockets. He estimated they were 50-75 yards from the marshals' positions. He estimates that Gunter was shot 15 to 30 minutes after the arrival of the first National Guard units. He believed someone tried to fire over the heads of the students and shot Gunter accidentally.

(b) To FBI, November 13, 1962

Interviewed a second time on November 13, 1962. Berryhill added the following information:

- (1) Before Gunter was shot, Berryhill saw a firetruck sitting in the Grove in front of the Lyceum. The rioters connected the hose to a hydrant in order to douse the tear gas grenades. This was done twice. Somehow, the marshals disabled the hose, possibly by shooting into it. In any event, the truck had been under the control of the marshals for about 20 minutes at the time Gunter was shot.

(ii) Mr. Berryhill agreed to meet agents at the Lyceum the following day to reconstruct the scene at Gunter's death. He never showed up and attempts to locate him since November 13, 1962, have been unproductive.

2. GEORGE W. BUFFALOE, JR., Phillips Road, Oxford, Mississippi;  
Student, University of Mississippi

To FBI

Buffaloe and a friend, Larry Sauls, were standing on the sidewalk along the east side of the science building, watching the rioting in front of the Lyceum. Gunter and Berryhill were standing behind them. During a lull in the attacks on the marshals (exact time unknown), he heard the ring of a bullet above his head, followed by a thud, but no report of a shot. Berryhill yelled. He looked back and Gunter was sprawled in a sitting position on top of a section of cement culvert lined along the edge of the sidewalk. His back was against a temporary wooden guard rail. His head was leaned forward and Buffaloe noted a bloody spot on his forehead from which blood was dripping into his lap. Someone immediately called an ambulance and they had Gunter in the hospital within fifteen minutes.

Buffaloe is sure the bullet traveled over his head because the man on his right said it was to his left whereas the man on his left said it was on his right. When Gunter was shot, it was at least ten minutes since the last attack on the marshals.

During a lull between prior attacks, Buffaloe had gone forward with many onlookers and noted that he stepped over a fire hose with holes in it. Small streams of water were coming through the perforations. There may have been two hoses; one from the Lyceum to the fire truck, the other from a hydrant in front of the YMCA to the fire truck. In any event, Gunter was shot sometime after the hose had been put out of commission.

3. V. EDWARD MULLIGAN, Graduate Student, University of Mississippi

Oxford address: 1005 East Jackson Avenue, Oxford,  
Mississippi

Home address : 520 69th St. North, St. Petersburg,  
Florida

(a) To Department of Justice Attorney

"It was around 11:00 o'clock or a few minutes later. When I returned to the campus, I went into the parking lot which is behind the placement center and the biology building, where we have a permit to park our automobiles. And this parking lot is immediately behind my brother's office. Just as I pulled into the parking lot there were a number of students running down the hill carrying a boy and shouting at me to stop, that they had a boy who was shot, and so I stopped and they brought the boy up and I told one of the fellows to take off his T-shirt and put it over his head -- the boy's head who was wounded, he had a bullet wound in his forehead.

I told them to put his shirt over his forehead to stop the bleeding. We got the boy into the car, two fellows drove with me, I do not know their names, and it was fairly dark back there and I am not sure I could even identify them. Events were happening pretty quickly.

At that point we attempted to get to the hospital as fast as possible. I went with my horn blowing all the way. There were not state troopers to give me any support anywhere along the way. The boy -- we had to fight traffic all the way and the boy was dead before we arrived at the hospital."

(b) To FBI

Mr. Mulligan advised the FBI that he is not willing to testify to the information contained in his statement until



he obtains his Doctor of Psychology degree in about a year. After that he would be willing to testify.

4. MILLS POWELL, Student, University of Mississippi

(a) To M.B.I.

Powell says he was standing within three feet of Gunter when he was shot at about 10 p.m. on September 30. [Apparently this estimate is considerably too early.] Gunter was standing on some tile which placed him 18 inches higher than the others. He did not see Gunter fall but examined him after noticing him slumped over. He found he was shot in the forehead. The bullet came from the direction of the Lyceum. No one in the group [around the Science Building under construction] was armed. He heard a bullet whizzing through the air -- the only one he heard -- about the time Gunter fell.

5. JOE BOYLES, Student, Northwest Junior College, Senatobia, Mississippi; resident of Balesville, Mississippi

To M.B.I.

Boyles advised the M.B.I. that he arrived in Oxford at about 11 p.m. in a group of about ten male students from Northwest Junior College. They threw a few rocks and heckled the marshals. There were 15 or 20 persons in the vicinity of the new building under construction. A fire truck headed towards the Lyceum. The marshals fired pistol shots. Hearing the bullets, he ran 30 feet to get behind a tree. Someone yelled, "This guy has been shot!" He saw Gunter slumped to the ground with blood gushing from his forehead. Some of the group put Gunter in a 1955 or '56 two-door Pontiac. He times this [obviously erroneously] as having taken place at about 1 a.m.

6. JERRY PITCOCK, Student, Northwest Junior College; resident of Balesville, Mississippi

To M.B.I.

Pitcock was in the same group as Boyles and arrived in Oxford at about 10 or 10:15. They parked on University Avenue near the bridge. They talked to several other boys, and proceeded to the campus. He stood 25 or 30 yards in

front of Gunter, whom he had never seen. He thought he heard bullets coming through the trees. Someone shouted that a boy was shot. Some boys loaded Gunter into a 1956 or 1957 Pontiac hardtop. He just got a casual look at the body. Things were getting too rough for his group so they returned to Senstobis.

[Several other Northwest Junior College students in this group gave statements to the M.B.I. and the FBI, but none had significant information]

B. Other Sources

1. Oxford Hospital Record

The list of injured persons brought to Oxford Hospital on the night of the riot, which hospital authorities permitted M.B.I. personnel to copy, contained the following entry:

"Ray Gunter, White Male, Age 23, Route 5, Oxford, employed by Toco Music Company, dead on arrival, gunshot wounds forehead, entered hospital 11:20 p.m., Dr. Holley."

2. Autopsy Report

The Autopsy of Walter Ray Gunter conducted by Dr. Jerry Thomas Francisco, Shelby County, Tennessee, Medical Examiner, identified the cause of death as "Gunshot wound of head."

3. Ballistics Tests

(a) According to the FBI Report of October 6, 1962 (Memphis, Tennessee), page 514, ballistics laboratory tests conducted by the FBI showed that Gunter was killed by a copper-coated lead bullet of the type used in Western and Winchester ammunition, fired from a .38 caliber Smith and Wesson or similar revolver.

(b) On February 14, 1963, Special Agent Fred Woodcock advised Justice Department Attorney Frank E. Schwelb that the FBI had examined all weapons submitted for examination by personnel under the command of the Chief United States Marshal during the period of the riot. None of these weapons could have fired the bullet which killed Gunter.

4. Final Report of Lafayette County Grand Jury, Special November 1962 Term

The portion of the Grand Jury's Report dealing

with Gunter reads as follows:

"IN RE: DEATH OF WALTER RAY GUNTER:

Mr. Walter Ray Gunter, age 23, was shot to death at about 11 p.m. on September 30th. He was standing on some drainage tile, 18 to 20 inches in height, at the Southwest Corner of a Science building then under construction. This point is about 200 yards Southeast of the Lyceum building.

Mr. Gunter was there as an observer and was facing the Lyceum building. His position placed him higher than the people in front of him. At the time the marshals were firing tear gas into the crowd immediately in front of Mr. Gunter. The Marshals were facing the position taken by Mr. Gunter and were armed with .38 ~~sm~~ caliber pistols as well as night sticks and tear gas guns. That just prior to the time that Mr. Gunter was shot the crowd had rushed the marshals and the marshals were countercharging into the crowd. Mr. Gunter was hit in the forehead by a copper coated lead bullet used in Western and Winchester ammunition which was fired from .38 caliber Special Smith and Wesson revolver which caused a wound measuring 0.8cm in horizontal diameter and 0.9cm in vertical diameter which caused his death. We find that the shot was fired by party unknown and that the bullet was a stray."

3. False Leads

The M.B.I. received two leads as to the identity of the person who killed Gunter but each proved to be without substance.

- (a) On October 4, 1962, Ralph O. White, Attorney, P. O. Box 66, Batesville, Mississippi, wrote a letter to District Attorney Yancey in Bruce, Mississippi advising that William Dugger, Jr., of Batesville, a student at Northwest Junior College in Senatobia, Mississippi, had stated that he had seen a Federal Marshal shoot Gunter. The letter stated that Dugger had been apprehensive about giving this information to the authorities. When the M.B.I. interviewed Dugger, he denied that he had seen anyone shoot Gunter or that he had ever said he did. He stated that he came down to Oxford with the group from Senatobia, leaving Northwest Junior College around 9:30, and that he had been standing 15 feet from Gunter but had not seen him fall. He helped load Gunter in a car in which the latter was taken to the hospital. This was the extent of Dugger's knowledge of the matter. [In Mr. White's letter, the boy's name was spelled DUGGER, but in the M.B.I. Report it was written DUGGAR].
- (b) According to the M.B.I., FBI Agent Robin Cotten received information that an Army Sergeant had told A. M. Norwood of New Albany, Mississippi, that he saw a man killed. Agent Cotten and two M.B.I. investigators interviewed Mr. Norwood. Mr. Norwood stated that his son was a Sergeant in the National Guard but had never said he saw Gunter killed. He said that some unknown subject stated that he had carried Gunter to the hospital. This unknown subject turned out to be University of Mississippi student Buffalo, who had already been interviewed and whose interview is included in this memorandum.

6. Firing of Weapons by Marshals

The following persons under the command of the Chief United States Marshal reported firing their weapons under the circumstances set forth below:

- (a) Border Patrol Inspector Richard B. Dick, 426 South Cleveland, Oceanside, California, fired

his snub-nosed 2-inch barrel revolver twice at the tires of the fire truck the second time the rioters obtained control of it. On this occasion, according to Dick, they were trying to run the Marshals down.

- (b) Border Patrol Inspector Albert S. Taylor, 3120 Anderson Road, National City, California shot six shots from his '357 magnum into the hose of a fire truck in the control of the rioters. This was sometime between 8 and 12 p.m. Much later in the night, he fired one or two shots with a .38 into the tires of a driverless Chevrolet which had been turned on the marshals.

Both Dick and Taylor stated that their guns were among those sent to Washington for testing. It would appear from their statements and that of Special Agent Woodcock that neither of them could have shot Gunter.

2/19/63

Director  
Federal Bureau of Investigation

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

Ross A. Barnett; Paul B. Johnson, Jr.;  
Contempt of Court

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51-40-17  
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CHH

FEB 21 1963

This memorandum confirms conversations on February 14, 15 and 18, between Mr. Woodcock of your Bureau and Messrs. Dillon and Flannery of this Division.

The following aspects of the above-matter require certain additional investigation and action to be conducted on an expedited basis in preparation for trial.

1. Secure pictures relating to the above-captioned matter taken by photographer Cort West and turned over by him to the Memphis office of your Bureau. Determine the time, date and location at which each picture was taken. Identify those people appearing in the pictures. If there are any law enforcement officers in these pictures we wish to know the name, address and duty station of each.

2. Several pictures taken by Photographer Jerry Huff have been delivered to Mr. Woodcock of your Bureau. Mr. Huff states that these photographs were taken on September 26 or September 28, 1962. Comparison with other photographs which were taken on September 27, 1962 indicates that these photographs were probably taken on this day. September 27, 1962 was the day on which an attempt to register James Meredith at the University of Mississippi was called off before the Meredith party reached Oxford. Nothing of any relevancy occurred in Oxford on September 28, 1962. Interview Mr. Huff

cc: Records  
Chron.  
Mr. Dear  
Mr. Barrett  
Trial File (Rm. 1140)  
United States Attorney, Oxford, Miss.

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MEMORANDUM  
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in order to determine if he can fix the date on which the photographs were taken.

3. A Life Magazine picture showing University of Mississippi campus Police Chief Burns Tatum was delivered to Mr. Woodcock of your Bureau. Please make an 8"x10" enlargement of this picture for use in our chronology and determine the time, date and location at which the picture was taken. Determine also the name, employer and home address of the photographer.

4. Three reels of movie film were delivered to Mr. Woodcock of your Bureau. Please splice two of the reels and excerpt one segment of the third reel. This matter was discussed by Mr. Flannery of this Division and Mr. Woodcock on February 18, 1962.

5. Please furnish the home address of the following named photographers whose pictures were used in our chronology:

- a. Marion Triosko - U.S. News and World Report
- b. Fred W. Lyon - United Press International, Atlanta, Georgia
- c. James Bourdier - Associated Press, Times-Picayune Building, New Orleans, La.
- d. Jerry Huff - United Press International, Nashville, Tennessee
- e. Judith Gardner - Student, University of Mississippi, Oxford, Miss.
- f. Fred Powledge - Atlanta Journal, Atlanta, Ga.
- g. Jerry McNeill - United Press International
- h. William Leaptrott - Memphis Press Scimitar, Memphis, Tenn.



- i. Francis Miller - Life Magazine, Chicago, Illinois
- j. Bob Williams - Memphis Commercial Appeal, Memphis, Tennessee
- k. Kimble Sutherland - Clarion Ledger, Jackson, Mississippi
- l. Charles L. Moore - Corcoran and Moore, 3108 Caffery Drive, Montgomery, Ala.
- m. Pete Fisher - United Press International  
1024 North Rampart Street  
New Orleans, Louisiana

T. 2/25/63

Director  
Federal Bureau of Investigation

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

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FEB 26 1963

Ross A. Barnett; Paul B. Johnson, Jr.,  
Contempt of Court

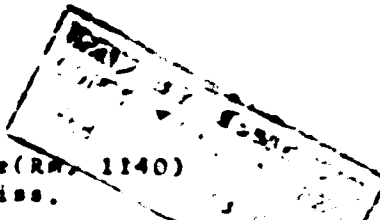
This memorandum confirms a conversation on February 21, 1963 between Mr. Woodcock of your Bureau and Mr. Dillon of this Division.

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6-11  
2-27
1. We have delivered to Mr. Woodcock a number of contact prints which were supplied to us through your Bureau by Mr. William Leaptrott, a photographer who works on the Memphis Press-Scimitar a newspaper located in Memphis, Tennessee.

We would like to have 8 x 10 inch enlargements made of sixty-eight of these prints in accordance with the terms set forth by Mr. Leaptrott and referred to by you in the memorandum dated December 11, 1962. For purposes of identifying the desired prints, an "x" mark has been scratched on each.

2. Please determine the location, date and time at which each picture was taken.
3. On many of the prints we have circled (with a yellow grease pencil) certain individuals whose identities are presently unknown to us. Their names and addresses should be ascertained. We are particularly interested in identifying legislators and other

cc: Records,  
Chrono  
Doar  
Putzel  
Trial File (RM 1140)  
USA, Oxford, Miss.



state officials who appear in the photos. It is not feasible with the prints in their present size to number the persons we would like to have identified. We have circled their heads, and where a group is too large or too far in the background to make this practical, we have circled the entire group.

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 and their deputies; special or regular, and all municipal or local law enforcement personnel should be thus identified.

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.

4. A Department of Justice purchase order has been delivered to Mr. Woodcock. This should be delivered to Mr. Leaptrott

with the film from which the enlargements are to be made.

3. Please determine the home address of Richard Pipes, a photographer on the Amarillo Globe News Publishing Company, 600 Harrison Street, Amarillo, Texas.
6. We have delivered a picture taken by Richard Pipes on October 1, 1962 to Mr. Woodcock of your Bureau. Mr. Pipes stated that the man we have circled with yellow grease pencil is a Mississippi Highway Patrolman. His uniform, however, appears different from that of other members of the Mississippi Highway Patrol. Determine who he is and if he is a law enforcement officer. If he is, please determine his address and duty station.

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

*File JHF  
By:  
Bas  
51-40-17*

\_\_\_\_\_  
JAMES H. MEREDITH,

Appellant

v.

\_\_\_\_\_  
CHARLES DICKSON FAIR, et al.,

Appellees

NO. 19,475

\_\_\_\_\_  
UNITED STATES OF AMERICA,  
Amicus Curiae and Petitioner.

v.

\_\_\_\_\_  
STATE OF MISSISSIPPI, et al.,

Defendants.

APPLICATION FOR AN ORDER REQUIRING  
ROSS R. BARNETT AND PAUL B. JOHNSON, JR.  
TO SHOW CAUSE WHY THEY SHOULD NOT BE  
HELD IN CRIMINAL CONTEMPT

Pursuant to this Court's order of November 15, 1962, the Attorney General of the United States applies to the Court for an order requiring Ross R. Barnett and Paul B. Johnson, Jr., to show cause, if any they have, why they should not be held in criminal contempt of this Court for wilfully disobeying the temporary restraining order entered on September 25, 1962, in United States v. State of Mississippi, et al., No. 19,475, and as a first count against Ross R. Barnett, states:

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FIRST COUNT

1. Ross S. Barnett is Governor of the State of Mississippi and, as such, is an officer and agent of the State.

2. On July 28, 1962, this Court entered its order in the case of James H. Meredith, et al. v. Charles Dickson Fair, et al., No. 10475, requiring the defendant officials of the University of Mississippi and the defendant members of the Board of Trustees of Institutions of Higher Learning of the State of Mississippi to register and admit James H. Meredith to continued attendance as a student at the University of Mississippi on the same terms and conditions as are applied to other students.

3. On September 18, 1962, this Court ordered that the United States be designated and authorized to appear and participate as amicus curiae in the case of Meredith v. Fair, referred to in the preceding paragraph, with the right to submit pleadings, evidence, arguments and briefs and to initiate such further proceedings, including proceedings for injunctive relief, as might be appropriate in order to maintain and preserve the due administration of justice and the integrity of the judicial processes of the United States.

4. On September 24, 1962, this Court, in instructing the defendant officials of the University of Mississippi and the members of the Board of Trustees of Higher Learning what they must do to comply with this Court's order of July 28, 1962, directed the defendant Robert B. Ellis, Registrar of the University, to be available at Jackson, Mississippi, at the office of the Board of Trustees, from 1:00 p.m. to

8:00 p.m. on September 25, 1962, for the purpose of registering James H. Meredith and admitting him as a student to the University.

5. On September 25, 1962, the Attorney General filed in this Court in the name of and on behalf of the United States, amicus curiae, an action titled United States v. State of Mississippi, et al., which was ancillary to the case of Meredith v. Fair. In connection with its complaint in the case of United States v. State of Mississippi, the Attorney General, in the name of and on behalf of the United States, applied for, and the Court on September 25, 1962 issued, a temporary restraining order restraining the State of Mississippi and Ross R. Barnett, their agents, employees, officers and successors, together with all persons in active concert or participation with them, from interfering with or obstructing by any means or in any manner the enjoyment of rights or the performance of obligations under this Court's order of July 28, 1962 and an order of the United States District Court for the Southern District of Mississippi entered September 13, 1962, both of which orders require the enrollment of James H. Meredith at the University of Mississippi.

6. On September 25, 1962, the State of Mississippi and Ross R. Barnett were each served with summons and with copies of the complaint filed by the Attorney General in the name of and on behalf of the United States, together with the application for a temporary restraining order and the temporary restraining order issued by this Court as described in the preceding paragraph.

7. On September 25, 1962, Ross R. Barnett, after service of the summons and other papers upon him and upon the State of Mississippi as described in the preceding paragraph, and while having actual notice of the terms of the temporary restraining order, wilfully prevented James H. Meredith from entering the office of the Board of Trustees in Jackson, Mississippi at a time when James H. Meredith, as Ross R. Barnett well knew, was seeking to enter the office for the purpose of registering as a student in the University pursuant to this Court's order of July 28, 1962.

8. The conduct of Ross R. Barnett, as herein described, was in wilful disregard and defiance of the temporary restraining order entered by this Court on September 25, 1962.

As a second and further count against Ross R. Barnett and Paul B. Johnson, Jr., the Attorney General of the United States further states:

SECOND COUNT

9. The United States realleges and re-states each of the facts and matters set forth in paragraphs 1, 2, 3, 5 and 6 of the First Count.

10. Paul B. Johnson, Jr. is Lieutenant Governor of the State of Mississippi and, as such, is an officer and agent of the State.

11. On September 26, 1962, Ross R. Barnett authorized and directed Paul B. Johnson, Jr., as his officer and agent, and as an officer and agent of the State of Mississippi, to prevent James H. Meredith from entering the campus of the



University of Mississippi, in Oxford, Mississippi, and from enrolling as a student in the University.

12. On September 26, 1962, Paul B. Johnson, Jr., acting as the officer and agent of the State of Mississippi and of Ross R. Barnett pursuant to the authorization and direction described in the preceding paragraph, and while having actual notice of the terms of the temporary restraining order described in paragraph 5, wilfully prevented James H. Meredith from entering the campus of the University of Mississippi in Oxford, and did thereby prevent James H. Meredith from enrolling as a student in the University.

13. In all of the acts and conduct described in paragraphs 11 and 12, Ross R. Barnett and Paul B. Johnson, Jr., were in active concert and participation each with the other.

14. The acts and conduct of Ross R. Barnett and Paul B. Johnson, Jr. described in paragraphs 11 and 12 were in wilful disregard and defiance of the temporary restraining order issued by this Court on September 25, 1962.

As a third and further count against Ross R. Barnett and Paul B. Johnson, Jr., the Attorney General of the United States further states:

#### THIRD COUNT

15. The United States re-alleges and restates each of the facts and matters set forth in paragraphs 1, 2, 3, 5, 6, and 10.

16. During the day of September 27, 1962, Ross R. Barnett and Paul B. Johnson, Jr., as Governor and Lieutenant Governor of Mississippi, respectively, assumed responsibility for and personal direction of measures necessary to maintain law and order on the campus of the University of Mississippi in Oxford, Mississippi, in connection with the expected enrollment of James H. Meredith at the University.

17. On September 27, 1962, James H. Meredith left Memphis, Tennessee, enroute to Oxford, Mississippi to enroll in the University of Mississippi pursuant to the order of this Court of July 28, 1962, and the order of the United States District Court for the Southern District of Mississippi of September 13, 1962.

18. On September 27, 1962, Ross R. Barnett and Paul B. Johnson, Jr., knowing that James H. Meredith was enroute to Oxford for the purpose of enrolling in the University, wilfully failed to take such measures as were necessary to maintain law and order upon the campus of the University to the end that James H. Meredith might enroll as a student pursuant to the order of this Court, and did, instead, direct and encourage certain members of the Mississippi Highway Safety Patrol, sheriffs and deputy sheriffs of the various Mississippi Counties, members of the police departments of various Mississippi cities, and other officials and residents of Mississippi to obstruct and prevent the entry of James H. Meredith upon the campus of the University that day. The acts and conduct of Ross R. Barnett and Paul B. Johnson, Jr., in directing and encouraging efforts to exclude James H. Meredith from the campus of

the University did effectively on that day cause James H. Meredith to abandon his effort to enter the campus and cause him to return to Memphis, Tennessee.

19. All of the acts, conduct and omissions of Ross R. Barnett and Paul B. Johnson, Jr., described in this Third Count, were in wilful disregard and defiance of the temporary restraining order issued by this Court on September 25, 1962.

20. In all of their actions, conduct and omissions described in paragraphs 16 and 18, Ross R. Barnett and Paul B. Johnson, Jr. were in active concert and participation, each with the other.

As a fourth and further count against Ross R. Barnett, the Attorney General states:

#### FOURTH COUNT

21. The United States re-alleges and restates each of the facts and matters set forth in paragraphs 1, 2, 3, 5, and 6.

22. On September 28, 1962, this Court adjudged Ross R. Barnett to be in civil contempt of the restraining order of September 25, 1962, and directed that among the things he must do to purge himself of that contempt was to notify all law enforcement officers and all other officers under his jurisdiction or command:

To maintain law and order at and around the University and to cooperate with the officers and agents of this Court and of the United States in the execution of the orders of this Court and of the District Court for the Southern District of Mississippi to the end that James H. Meredith be permitted to register and remain as a student at the University of Mississippi under the same conditions as apply to all other students.

23. The Mississippi Highway Safety Patrol is a law enforcement organization of the State of Mississippi and is a part of the executive department of the State under the authority of Ross R. Barnett as governor.

24. On September 30, 1962, Ross R. Barnett personally assumed the responsibility, as Governor of the State of Mississippi, to direct and request all available law enforcement officers of the State and its political subdivisions to assist in maintaining law and order at the campus of the University of Mississippi in Oxford, Mississippi, in connection with the enrollment of James H. Meredith as a student in the University.

25. On September 30, 1962, James H. Meredith entered the campus of the University of Mississippi for the purpose of enrolling and attending the University as a student. James H. Meredith's entry upon the campus was accomplished without any interference or obstruction as a result of cooperation between the State Highway Patrol and officials of the United States Department of Justice.

26. On September 30, 1962, Ross R. Barnett, knowing of the planned entry of James H. Meredith upon the campus of the University of Mississippi, knowing that disorders and disturbances had attended and would attend such entry, and knowing that any failure by the Mississippi Highway Safety Patrol to take all possible measures for the maintenance of peace and order upon the campus could and would result in interference with and obstruction to the carrying out of this Court's order of July 28, 1962, wilfully failed to exercise his responsibility, authority and influence as Governor to maintain law and order upon the campus of the University of Mississippi.

27. As a result of the acts and omissions of Ross R. Barnett described in the preceding paragraphs the entry of James H. Meredith upon the campus was followed by disorder, disturbances, and acts of violence designed to prevent and discourage his enrollment and attendance at the University of Mississippi.

28. All of the acts, conduct and omissions of Ross R. Barnett described in the Fourth Count of this application were in wilful disregard and defiance of the temporary restraining order issued by this Court on September 25, 1962.

Upon the basis of the facts set forth in the First, Second, Third and Fourth Counts above, the Attorney General, on behalf of and in the name of the United States, requests the Court to enter an order requiring Ross R. Barnett and Paul B. Johnson, Jr., to appear before this Court at a time and place to be fixed by the Court, to show cause why they should not be held in criminal contempt. If, upon such appearance, Ross R. Barnett and Paul B. Johnson, Jr., or either of them, pleads not guilty to the charges set forth in this application, the United States further requests that a time and place be set for hearing upon the charges.

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ROBERT F. KENNEDY  
Attorney General

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BURKE MARSHALL  
Assistant Attorney General

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JOHN DOAK  
Attorney