

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
MISSISSIPPI, BILOXI DIVISION

CYRIL T. FANECA, JR.

VS.

No. 2604

UNITED STATES OF AMERICA

DEPOSITION OF

JAMES JOSEPH P. McSHANE

APPEARANCES:

Hon. Edward L. Cates, Attorney, Box 2005,  
Jackson, Mississippi; and  
Hon. Harvey H. Hutchins, Attorney, Gulfport,  
Mississippi;  
For Plaintiff.

Hon. Carl Erdley, Asst. Attorney-General,  
Department of Justice, Washington, D. C.;  
Hon. John Doar, Asst. Attorney-General,  
Department of Justice, Washington, D. C.;  
Hon. Robert E. Hauberg, U. S. Attorney,  
Jackson, Mississippi; and  
Hon. E. R. Holmes, Assistant U. S. Attorney,  
Jackson, Mississippi;  
For Defendant.

Court Reporter's Transcript of the testimony of the above-named witness had upon the taking of his deposition on the 11th day of December, 1962, in the Grand Jury Room, Post Office Building, Biloxi, Mississippi, in the Southern Division of the Southern District of Mississippi, before Mrs. Irene Humphreys, Chief Deputy Clerk for the United States District Court for the Southern District of Mississippi, who administered the oath to the witness.

MR. CATES: This is the deposition of Mr. James P. McShane in a case of Cyril T. Faneca, Jr., versus U. S. A., et al. Notice was originally given in this case on the 1st of November, 1962. Subsequent motions were made to vacate the ex parte order of Judge Harold Cox of the Southern District; however, an order was entered on November 27, 1962, requiring the appearance of Mr. McShane at Biloxi, Mississippi, on the 11th day of December, 1962, for the purposes of taking his oral deposition, and we request that the reporter make this part of the record.

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IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF MISSISSIPPI BILOXI DIVISION

CYRIL T. FANECA, JR.

PLAINTIFF

VS.

NO. 2604

UNITED STATES OF AMERICA, ET AL

DEFENDANTS

ORDER

(Filed Nov 27 1962)

Came on for hearing this day upon motion of the Plaintiff, Cyril T. Faneca, Jr., to grant reargument upon This Court's order of November 21, 1962 and hearing upon this Court's order of November 24, 1962, requiring the Defendant, James P. McShane, to show cause why he should not be required to present himself at Oxford, Mississippi, for the

purposes of taking his deposition by oral examination by the Plaintiff, Cyril T. Faneca, Jr., with counsel for both the Plaintiff and all of the Defendants being present, and the Court being fully advised in the premises herein does find that the deposition of the Defendant, James P. McShane should be taken upon oral examination by the Plaintiff, Cyril T. Faneca, Jr., at Oxford, Mississippi, but that the Defendant, James P. McShane should be afforded both civil and criminal immunity to service of process of any kind or type, both State and Federal.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the deposition of the Defendant, James P. McShane, shall be taken by oral examination by the Plaintiff, Cyril T. Faneca, Jr., and upon agreement by all parties, it is further ordered that the said deposition shall be taken at Biloxi, Mississippi, on the 11th day of December, 1962, at the expense of the Plaintiff, Cyril T. Faneca, Jr., and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, upon agreement of all parties, that the deposition of the Plaintiff, Cyril T. Faneca, Jr., shall be taken at Biloxi, Mississippi, on the 12th day of December, 1962, at the expense of the Defendants, and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, upon agreement of all parties, that the Defendant, James P. McShane, and the Plaintiff, Cyril T. Faneca, Jr., will present themselves for the taking of their deposition upon the aforementioned dates, and that no intermediate steps will be taken by any of the

Defendants or the Plaintiff, to set aside this order, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Defendant, James P. McShane, is granted both civil and criminal immunity from arrest, service of process from both civil and criminal State Courts of the State of Mississippi and from the Federal Court of the Southern District of Mississippi.

ORDERED, ADJUDGED AND DECREED, this the 27th day of November, 1962.

/s/ Harold Cox  
UNITED STATES DISTRICT JUDGE

/s/ Edward L. Cates  
EDWARD L. CATES, ONE OF THE  
ATTORNEYS OF RECORD FOR PLAINTIFF

EDWIN R. HOLMES, JR.  
ASSISTANT UNITED STATES ATTORNEY  
FOR THE SOUTHERN DISTRICT, FOR  
THE DEFENDANTS, THE UNITED STATES,  
KATZENBACH AND McSHANE

A TRUE COPY, I HEREBY CERTIFY.  
LORVCE E. WHARTON, CLERK  
BY:

/s/ B. Price  
Deputy Clerk

((SEAL))

\* \* \* \*

((Continuing:))

MR. EARDLEY: No objection.

MR. CATES: The Plaintiff, Cyril T. Faneca, Jr. is willing and does waive signature by Mr. McShane, and the presence of the officer before whom the deposition is to be taken----

MR. EARDLEY: We agree to the waiver of Mrs. Humphreys, but we are going to have Mr. McShane sign the deposition.

MR. CATES: So the record may be clear, will the defendant also insist upon certification by the officer before whom the deposition is taken, Mrs. Humphreys?

MR. EARDLEY: Yes.

MR. CATES: Plaintiff requests that it be placed under seal.

MR. EARDLEY: No objection.

MR. CATES: Let the record also show that the defendant, James P. McShane, was sworn by the officer before whom the deposition is being taken.

JAMES JOSEPH PATRICK McSHANE, having been duly sworn, testified as follows:

EXAMINATION BY MR. CATES:

Q. Would you state your name?

A. James Joseph Patrick McShane.

Q. Would you give your residence, please?

A. 714 North Prior Street, Alexandria, Virginia.

Q. Is that more than a hundred miles from the Southern District of Mississippi, the United States District Court?

A. Yes, sir, it is.

Q. Would you give your present occupation, please?

A. I am the Chief of the Executive Office for the United States Marshals.

Q. Would you give the duties of that office, please?

A. The duties of the office are to supervise the ninety-two marshals who are assigned to the ninety-two judicial districts throughout America.

Q. How long have you been in Federal service?

A. Since June of 1957.

Q. Does that office require your traveling throughout the United States?

A. Occasionally it does.

Q. To the various judicial districts of the United States?

A. Yes, sir.

Q. Would you give us your background, please, for qualification to be a Federal marshal? What background do you have?

A. Starting when? How far back?

Q. Well, I don't know. That is what I want you to give me. When did you first come into police work?

A. I was appointed a probationary patrolman in December, 1936, with the New York City Police Department, and I served in the capacity of a patrolman and a detective from December of 1936 until I retired from the department in June of 1957. Then in June of 1957 after retiring from the New York City Police Department, I went to work on the staff of the Senate Rackets Committee, headed by Senator McClellan, and I worked

from June of '57 until September of 1959 in the role of an investigator. In September of 1959 the committee was dissolved, went out of business, and I went to work for Senator Kefauver, who was the chairman of the Anti-trust and Monopoly Subdivision, as an investigator. At that time they were investigating price fixing and about to launch an investigation into the profession of professional boxing. I stayed with the Anti-trust committee until July of 1960, when I resigned. I went to work for the Democratic National Committee to do security work and also to do advance work. I came back with Senator Kefauver's committee in December of 1960 to finish up the final phase of professional boxing, and I stayed there until May of 1961, when I was appointed the United States Marshal for the District of Columbia, and from May of 1961 until June of 1962 I was the marshal for the District of Columbia, when I resigned and was appointed Chief of the Executive Office of the United States Marshals, which is the position I have at the present time.

Q. Why did you resign from the Rackets Committee and then re-join it in 1959 and 1960?

A. I didn't re-join the Rackets Committee.

Q. I thought you did.

A. No. If I said that, it was not so. The Rackets Committee was in business from June of 1957 until September of 1959 when it was dissolved, and at that time Senator Kefauver's Anti-trust Committee was about to launch an investigation into professional boxing. I had

had some experience boxing as a youth, and he hired me, and I stayed with the Anti-trust and Monopoly Subcommittee from September of 1959 until July of 1960.

Q. That is when you resigned?

A. Yes, sir.

Q. Why did you resign?

A. To go to the Democratic National Committee.

Q. What background of education do you have?

A. Public school education, 8th grade.

Q. You have been to high school?

A. No, sir, never went to high school.

Q. Not a college graduate?

A. No, sir.

Q. What police education do you have?

A. Well, in New York City there is a private institute known as Dellahanty's Institute, which prepares those interested in becoming members of the New York City Police Department, Fire Department, and several other civil service offices there. I went there a little over two years, about two and a half years, prior to taking the examination. While in the police department, I spent six months in the Police Academy, and occasionally would take refresher courses at the Academy; also attended the Detective School that they have in the Academy.

Q. What background do you have in riot control?

A. Riot control, at Dellahanty's Institute we took courses in riot control, mob control, use of tear gas equipment; this also was taught to us in the Police Academy. On



occasions while with the New York City Police Department, I was involved in disorders -- places like Madison Square Garden, Union Square, which is the equivalent of Hyde Park in New York, where anyone can go there and speak and say anything he wants short of preaching anarchy. Quite frequently I would be assigned to their May Day parade. I was also involved in the Harlem Riot in 1943, which lasted a little better than three days.

- Q. How would you classify your previous experience and accomplishments? As poor, fair, good, exemplary, or just what?

MR. EARDLEY: I don't understand the question.

MR. CATES: How would he classify his previous employment record and accomplishment, as good, fair, poor, exemplary, or what.

MR. EARDLEY: I don't see where that has anything to do with the issue in this case, and how could he classify it?

MR. CATES: He could in his own mind.

MR. EARDLEY: If he was classified by his superiors, let him state that. I object to any self analysis.

Q. Would you answer the question?

A. Would you mind repeating it?

Q. How would you classify your previous employment experiences? Would you classify them as good, fair, poor, exemplary, or just how would you characterize them?

- A. In what way? I don't follow you.
- Q. I mean while you were employed by the New York Police Force or any other employment.
- A. I would say good.
- Q. Would you have any objection to granting me authority to see any records of this police force?
- A. Surely.
- Q. You would.
- Were you ever demoted while on the New York Police Force?
- A. Yes. In 1954 -- Let me get the date straight. I believe it was in September of 1954 that I was demoted and sent to the Bronx, for holding an umbrella over the heavyweight champion of the world at that time, Rocky Marciano.
- Q. This was a demotion, for that?
- A. Pardon?
- Q. That act of indiscretion?
- A. Well, there were two schools of thought on it. The Commissioner thought at the time that it was; later on he said he was wrong.
- Q. Who was the Commissioner? Do you remember?
- A. Francis Adams.
- Q. Would you grant me authority to see the record on that?
- A. Surely.
- Q. If I prepared an authorization, would you sign such?
- A. Surely.
- Q. Would you also sign an authorization as to any other previous places of employment for me to see?
- A. Surely.
- Q. When did you first come to Mississippi on official Federal service?

A. On official Federal service?

Q. Yes.

A. Back in, I believe, October, September, 1957.

Q. What capacity did you come in?

A. As an investigator for the Senate Rackets Committee, investigating teamster violence in Jackson and surrounding areas.

Q. Did you have occasion to come to Mississippi during 1962?

A. Yes, sir, I did.

Q. When did you come, the first time?

A. I would say the 15th of September, 1962.

Q. Where?

A. To Oxford.

Q. Who was in your company then?

A. Can I give you the background?

Q. Sure.

A. I arrived down here on the 15th of September, which was a Saturday, with Mr. Cameron, who was on the staff of the Executive Office for the United States Marshals. We met down in Memphis with roughly 20 or 21 deputy marshals. That was a Saturday. On Sunday we came to Oxford -- at least, I did. And my recollection is that Cameron was with us, and I looked over the physical lay-out of the Town of Oxford. I went and consulted with Mr. John Philips, who was the United States Marshal in that particular district. I also sent several marshals in cars before and after us to examine the physical

lay-out of the town itself, the surrounding areas, and also went to the campus of the University to look over the physical lay-out.

Q. Is Mr. Cameron, or any of the other 21 marshals you mentioned, marshals of the Northern District of Mississippi?

A. As such, no, but they had been sworn in as deputy United States marshals by Mr. Cameron. He was given that authority by the Attorney-General.

Q. When was the next occasion that you were in Mississippi?

A. I returned to Memphis that day after spending a couple of hours with Mr. Phillips, and later that night went back to Washington, and returned here on the 10th of September--

Q. Here? Or where?

A. Excuse me. To Millington, Tennessee, which is the Naval Air Base adjacent to the City of Memphis itself. And the following day I left Memphis in a car with a driver from the Border Patrol by the name of Chamblee, C-h-a-m-b-l-e-e, Charles Chamblee; Deputy United States Marshal Ellis Duly, D-u-l-y; Mr. St. John Barrett, who was an attorney with the Department of Justice; Mr. Meredith, and myself. -- Did I say the 20th?

Q. Yes.

A. Yes, that's the 20th.

Q. Do you instruct marshals in any capacity?

A. In what way?

Q. I don't know. That is the reason I am asking you. Do you

instruct any marshal in any capacity? In other words, if I applied to become a marshal, <sup>who</sup> would instruct me if I were hired?

- A. The particular local marshal of the particular judicial district you would be in. If you were in Los Angeles, you would apply to the marshal in Los Angeles; if you were in New Orleans, you would apply to the marshal in New Orleans. In the judicial district where you make application.
- Q. Right. Now, the marshal of that particular judicial district is the one responsible for his training, a deputy marshal's training?
- A. Insofar as the deputy marshal is concerned, in the ordinary duties of the deputy marshals, such as the serving of processes, the transportation of prisoners, making arrests, or warrants - things of that nature.
- Q. You do no training whatsoever yourself of personnel that become United States marshals or United States deputy marshals?
- A. No. Now, may I just clarify that?
- Q. Sure.
- A. The difference between a deputy marshal and the United States marshal is, one, that a deputy marshal is appointed by the particular marshal of the particular judicial district he is in. No certain qualifications. But certain standards that the Department of Justice has set up for deputy United States marshals: Number One, they have to be between the ages of 21 and 40;

they have to have at least two years of police experience within an accredited police force; or, three, have to have three years of a college education with a minimum of eighty credit hours. These have been established and set up by the Department of Justice; whereas, the United States marshal, per se, is appointed by the President, and I believe the age is up to 60.

- Q. None of these personnel had been trained by you, as I gather?
- A. Myself? Actually trained?
- Q. Yes.
- A. No.
- Q. What are the duties of a United States marshal?
- A. Of the United States marshal?
- Q. Yes.
- A. Well, he is the officer of the court. When courts are in session, he sees that they are properly supervised, that order is maintained in the court, that the prisoners are safeguarded. He is also charged with the transportation to and from the court of prisoners, and also to various parts around the country. He is charged with the disbursement of fees of the court. He is responsible for the salaries of the judges and the United States attorneys and their staffs. He serves warrants, makes arrests on warrants, and any orders of the court that are directed to him, it is

his duty to enforce them.

Q. To enforce them?

A. Yes.

Q. Under what authority is it his duty to enforce them?

A. Because he is an officer of the court.

Q. Under what authority, Mr. McShane, are there any orders that he has to enforce? In other words, any statutory duty?

A. Number 1, Mr. Cates, I am not a lawyer. You realize that.

Q. Right, but I'm asking you what your knowledge is.

A. My knowledge is that if you are going to ask me to give you a specific chapter, a particular law, I'm not going to be able to do that for you. I do know that if a judge or a court of the Federal system directs a marshal to take a certain action or arrest a certain person or do a certain thing that is lawful, it is his duty to do that.

Q. Right. But under what law or under what statutory authority are you to enforce any decrees of the court?

A. Now, when you say "statutory" authority, you are asking me to name specifically.

Q. No, I'm trying to get you to tell me what you know of what your duties as a U. S. Marshal are.

A. Number One, I took an oath to uphold and support the Constitution.

Q. That is not the question. The question is: Under what authority do you have to enforce any decrees? This is what you said - not me - and I want to know under

what authority do you have to enforce.

- A. By the fact that the courts themselves have said that a marshal is the officer of the court and it is his duty to enforce such laws and enforce such orders as they may direct.
- Q. I direct your attention to 28 U.S.C.A. 547 and ask you if you can find for me where you are to enforce any decrees of a United States court. At the bottom of the page, sir.

MR. EARDLEY: I want to interpose an objection here. It is all right for you -- and we have no objection -- to your inquiring of Mr. McShane what personal knowledge he has of the statutes, but when he has already advised you he can't name the statutes, I don't believe interrogating the witness about the proper interpretation of a statute is going to assist in resolving the issues in this case. As he stated, he is not a lawyer, and any interpretation he gave I am afraid would not be very helpful to the court in this instance.

- Q. Would you answer the question of whether you find any statutory authority there for you to enforce any decree of the courts?

MR. EARDLEY: I suggest that the document which you have called his attention to speaks for itself.



- Q. Once again I ask you. Would you answer the question?
- A. No, sir.
- Q. Thank you. On September 20th, I believe you stated you went to Oxford, Mississippi. Is that correct?
- A. Yes, sir, I did.
- Q. This was again in your official capacity?
- A. As the Chief United States Marshal?
- Q. Right.
- A. Yes, sir. Also, I had been sworn in as a deputy United States marshal for the Northern District of Mississippi.
- Q. By whom?
- A. By Mr. Cameron.
- Q. At that time what happened?
- A. We left Memphis about 2:30. My instructions were to go to Batesville, meet Colonel Birdsong.
- Q. Under whose instructions?
- A. Under the instructions, I believe, of Mr. Burke Marshall of the Civil Rights Division.
- Q. What were those instructions?
- A. The instructions were that I was to take Mr. Meredith, I was to go to Batesville, go to the Highway State Police quarters there, and I was to meet with Colonel Birdsong who would direct us to the campus where we would be taken in and Mr. Meredith would be registered.
- MR. EARDLEY: I'm sorry. I have lost the date.
- THE WITNESS: September 20th.
- Q. Who was in your party at that time?
- A. Mr. Chamblee, who is a Border Patrolman assigned to drive

our car; Mr. Ellis Duly, deputy United States marshal for the District of Columbia, who had been sworn in as a deputy United States marshal for the Northern District of Mississippi; Mr. St. John Barrett, attorney for the Department of Justice; Mr. Meredith and myself.

Q. Under what court order were you operating then, or were you operating under a court order?

A. I don't believe we were acting under a court order that day.

Q. When you got to the campus, what happened?

A. Well, prior to going to the campus, I went to the Highway State Police at Batesville. I got out of the car. I went in, I guess with Colonel Birdsong. --I waited a few minutes; he came out of his office, and he and I went in. And Mr. Barrett went with us.

Q. Who was with Colonel Birdsong?

A. I recall an Inspector Griffin. And there were several other officers of rank.

Q. Did you catch their names?

A. No, I didn't. We were introduced, but I do recall Inspector Griffin because he and I had a conversation. That is what stood out in my mind about the fact his name was Griffin. Colonel Birdsong went over the details of how we were going to be taken onto the University grounds, and he wanted to know did I have any objection to his taking charge and running the operations. I said I absolutely had not. Colonel Birdsong was extremely cooperative and very courteous.

He said, "We'll work it this way: two cars in front of you and another car behind you." I said, "That's fine." So my recollection is that I think we left there about 4:30 or a quarter to five, I think we left Batesville. We went to Oxford, went on the University grounds, and in approaching the grounds, I saw quite a number of policemen, highway policemen in uniforms. They were attired in the same manner as Colonel Birdsong's men. We saw this tremendous crowd. We went up onto this road, a winding road, and hundreds of people jeering, shouting, and pulled up into this building which I subsequently found out was the Alumni House. We got out of the car. Again there was this terrific name-calling, shouting, everything else, but at no time did I see anything that would indicate that the highway police did not have the crowd under control. It was quite apparent they did. We were taken into the Alumni House by several police officers and what I presumed to be several officials of the University. We went into this sort of lobby, were taken to the right and into a rather large room which looked to me to be an auditorium. Pleasantries were exchanged. We waited a few minutes, and in walked a man whom I identified as Governor Barnett, having seen his pictures in the papers and T. V. We were introduced all around. We were given seats in the front row, and in the front row was Mr. Meredith, Mr. Barrett, myself; and in the second row, sitting between Mr. Barrett and myself, was Deputy Duly.

The man who identified himself as Mr. Ellis, I believe, the registrar for the University, stated that he had a statement he wanted to make, and in effect the message was that he was not in a position or was not the registrar, that the powers had been handed over to Governor Barnett. He got up and went to the back of the room. I suggested to Mr. Barrett he ask Mr. Ellis for a copy of the statement or at least let him look at it. Mr. Barrett did. Mr. Ellis conferred with the gentleman alongside him, and Mr. Ellis then said no, he would not turn the paper over. Governor Barnett then said he had a proclamation to read, and he read it. In effect, the proclamation said that entrance to the University was being denied James Meredith. And he gave the proclamation to Mr. Meredith, and he shook hands all around. Several of the officials and Governor Barnett walked out of the room, across the lobby to a room across the hall. And about this time a man whom I later found out to be Sheriff Joe Forist approached Mr. Meredith, handed him several papers calling for his appearance, I believe, in a state court somewhere in Mississippi sometime in December. Mr. Barrett wanted to discuss some questions, I believe, with Mr. Ellis, so we walked across the hall, knocked on the door. A gentleman came out, and we asked for Mr. Ellis, and he said that he wasn't there. As the door was being closed, I could see in the background Mr. Ellis standing there, so we waited there a few minutes and Colonel Birdsong came out and Mr. Barrett

expressed his wishes to speak with Mr. Ellis. Colonel Birdsong in that time and in effect said that we ought to leave well enough alone, that "things are pretty hot and everything so far has gone along peacefully; let's keep it that way and get out of here." Mr. Barrett agreed to that. We walked back across the road, got hold of Mr. Meredith, Deputy Duly, and we walked out and got in the car, were escorted again off the campus with this constant shouting and name-calling. But that was the extent of it.

- Q. There were no incidents while you were there?
- A. None at all outside of this name-calling and shouting.
- Q. No violence?
- A. No violence at all. The police had the crowd completely under control.
- Q. Were they armed at that time?
- A. I really can't recall.
- Q. After you left the campus on the 20th, when did you come back into Mississippi?
- A. I came--
- Q. --Or where did you go from there? Did you go back to Batesville and then Memphis?
- A. I believe Colonel Birdsong escorted us as far as Batesville to the junction, and we got onto the new Route 55, and he left us there, and we proceeded on to Memphis.
- Q. Then when did you come back into Mississippi?
- A. Came back into Mississippi on the 25th of September.

Q. Again, were you in official capacity and in Federal service?

A. Yes, sir.

Q. Was this again back to Oxford?

A. No, this was to Jackson, Mississippi.

Q. This was to the Woolfolk Building?

A. Pardon?

Q. Was this to the Woolfolk Building?

A. I don't know if it was the Woolfolk Building.

Q. Was it to a State Office Building in Jackson?

A. Yes.

Q. Were there any incidents that day?

A. We came into the airport, and as we approached the building quite a number of people gathered out in the street, and policemen --

Q. No violence?

A. No violence at all. We went to the door of the building, and it was locked, and I recall a uniformed policeman asking us to identify ourselves, which we did. Then we went into the lobby. We were met by Colonel Birdsong. Of course, this tremendous crowd in the lobby, but there was a cordon of police on both sides, and we had free space to walk, and the crowd was completely under control.

Q. You went upstairs?

A. To the 10th floor.

Q. And Meredith was denied again by Governor Barnett, and then you left? Is that correct?

- A. Would you mind repeating that?
- Q. You went up in the elevator, you were met at the door by Governor Barnett --
- A. We were escorted off the elevator and went to Room, I think, 1007. We had to wait a few minutes, and Governor Barnett stepped out and read another proclamation which in effect denied admission. And if I recall correctly, at that time I attempted to serve some papers on the Governor. At least, I handed them to him, and he refused to accept them.
- Q. And you left the building with no incident?
- A. That's right. No incident. We come back downstairs and the police were in the lobby. They opened the door for us. We walked into the street where the crowd was gathered, got into the car and drove to the airport, and everything was completely under control.
- Q. Were you operating then under any court order, or what specific instructions were you operating under?
- A. I believe at that time we were acting under a court order of the Fifth Circuit Court of Appeals.
- Q. Do you remember what that order was? Had you read the records?
- A. No, sir.
- Q. Did the order state in any particular that you were to enforce anything?
- A. I can't recall that, Mr. Cates.
- Q. Did it state that you were to enter any premises or to do

anything in that nature?

A. I can't recall.

Q. Did it require anything more than service of papers?

MR. EARDLEY: If he didn't read it, I don't see how he can answer the question.

MR. CATES: I am testing his knowledge.

A. I can't recall, Mr. Cates.

Q. Now, when was the next time you came into the State of Mississippi?

A. I believe the following morning.

Q. The following morning? On the 26th?

A. On the 26th. We went back to Oxford. And we were met at the airport by several highway police who, this particular officer said he had been directed to take us to the campus, and we told him we were there for the purpose of registering Meredith. He said, "Follow me." So we got into our cars and went back down off the highway onto Route 6 and were taken up to the University grounds. Just as we got inside the University grounds starting up this road, he cut off to the right and stopped. Directly in front of us was this large cordon of uniformed highway police. Directly in back of them was a group of either plain-clothesmen or sheriff's men. It's hard for me to make out, except they did wear these badges.

Q. Under what instructions were you operating then?

A. To take James Meredith up to the ---

Q. --who gave you these instructions?

A. Verbally or written or what? I just want to make sure.



Q. Either or both, if you had them.

A. My recollection is that morning that in conferring with Mr.

Doar he was the one that directly told me we were going to--

Q. Who is Mr. Doar?

A. He is an attorney with the Department of Justice.

Q. What did Mr. Doar instruct you, what instructions did he--?

A. That we were going back up to the University and take Mr. Meredith in and register him, and that we had a court order to that effect.

Q. That you were to register him?

A. Yes, on the University grounds.

Q. Did you see this court order?

A. I may have seen it.

Q. Did that court order require the registration of James Meredith?

A. I just can't recall.

Q. You hadn't read the order at all?

A. If I did read it, I just browsed through it. I have no definite recollection.

Q. Did you try to force your way into the campus?

A. Well, may I continue and give it in sequence?

Q. Answer this question and then give it in sequence.

A. It is hard to do that unless I give you it in sequence. I'll tell you if I tried to force my way in there, but I would like to give it the way it happened. I approached this police officer, and I said, "I thought you were going to take us up onto the University to help us register Meredith."

Q. Who was the officer?

A. I don't recall. I did see him that day and I do recall seeing him that Sunday. He was driving Colonel Birdsong's car that Sunday when we met. He said, "My instructions are to take you this far and no further." So then I saw a gentleman standing in front of the police, the line of police. I walked over and identified myself. He identified himself as Lieutenant-Governor Johnson. We shook hands. I told him the purpose of my visit. He said he had a proclamation to read, which he did. At the conclusion of it, he handed the proclamation to Meredith, and he said he was not to be admitted.

Q. Did you attempt to go in?

A. I attempted to go in, yes.

Q. How many times?

A. I'd say four or five, maybe six times.

Q. Physically you tried to go through?

A. Through the line. First I tried to get through Governor Johnson, who wouldn't budge. Then I went over to the left side of the line and attempted to gain an entrance through there, and the police resisted, and several times I tried to get through at various points along the line, and each time they resisted and I was unable to get past them.

Q. Did you have any court order that required you to try to physically go through?

A. A court order to physically----?

Q. Yes.

A. I think I would have to say no to that. I don't believe---

a court order in and of itself, physically, no.

- Q. When was the next occasion you came to the campus, or did you come to the campus again?
- A. Well, the following day.

MR. EARDLEY: What day is that?

THE WITNESS: This would be the 27th.

- A. Governor Johnson, the visit with him was the 26th. The following day with about forty deputy marshals and Mr. Meredith, we left Memphis.
- Q. Where were these marshals from?
- A. From up in Millington. We had them up at Millington at the Naval Air Base, stationed there. And we left Millington.
- Q. Were they deputized too?
- A. Yes, deputized as deputy marshals for the Northern District of Mississippi.
- Q. What is the normal number of marshals in the Northern District of Mississippi?
- A. Seven -- ten at the most. May I proceed?
- Q. Sure.
- A. We left Millington with, I'd say, around forty deputy marshals in several cars with Mr. Doar, Mr. Meredith, and myself, and our instructions were to go to the University grounds again and drive up---
- Q. --Whose instructions were these?
- A. These, I believe, were the instructions of Mr. Burke Marshall from Washington. Drive to the University grounds and --
- Q. Did you have any incidents other than your physically

trying to force yourself on the campus on the 26th?  
Was there any violence?

A. Oh, no.

Q. Other than that?

A. No, sir. You mean prior to getting there, while we were  
Lieutenant-  
there, and on leaving/Governor Johnson?

Q. Correct.

A. No, sir. There was a crowd there, and quite large, and the usual name-calling and shouting, but the highway police had everything under complete control. And then --- You broke my continuity of thought. -- Oh, leaving Millington, coming down on the 27th. -- And we got, I think, about fifteen miles from Oxford. I believe the name of the town was Como. About fifteen or eighteen miles from there. -- When we got a call over the air for Mr. Doar to call Mr. Marshall, I believe, in Washington. And he did, and he came out and told us we were to return to Millington, that they had information in Washington that the crowd down at the University grounds was much larger than anticipated. They were quite unruly, that the police apparently were unable to control them, and for us to go there would only make matters worse. So we turned around and went back up to Millington. We did not go to the campus that day.

Q. I hand you a copy of the University of Mississippi map and ask you to put your name at the bottom of it, please.  
Do you have a pen?

A. No, I haven't.

(Counsel hands to witness)

(Witness signs)

Q. When did you come back onto the campus of the University of Mississippi. -- First, are there any markings or anything on there?

A. I don't see any.

Q. In other words, none other than the map itself?

A. That is correct.

Q. It is clear?

A. Yes.

MR. EARDLEY: We stipulate that is a correct map of the area.

Q. When did you come back to the campus of the University of Mississippi?

A. On Sunday, which was the 30th of September. I left Millington Air Base and I arrived at Oxford Airfield about 2:25 P.M.

Q. When did you go on the campus?

A. Can I just go in sequence so we'll have it straight?

Q. Right.

A. I arrived about 2:25 P.M. from Millington. Upon arriving there, I was instructed --- Prior to leaving Millington I was instructed to contact the U. S. Attorney's office, contact Mr. Groh, G-r-o-h, who was an attorney with the Department of Justice.

Q. There in Mississippi?

A. No, sir. Washington. But he was in the U. S. Attorney's office in Oxford, Mississippi.

MR. EARDLEY: Physically.

A. I was instructed to contact Mr. Groh in the U. S. Attorney's office and be guided by what he told me, whatever instructions he may give. So I with great difficulty finally found a phone booth, after spending 15 or 20 minutes. It seemed they had only one public booth at the airport and that had been taken by the newspapermen. And I finally prevailed on them to let us have it for a little while. I contacted Mr. Groh and he told me to stand by, that Mr. Katzenbach was en route from Washington.

Q. Who is he?

A. Deputy U. S. Attorney-General.

Q. On the 28th you don't know from your personal knowledge what number of highway patrolmen were on the campus?

MR. SANDLEY: On the 28th? I'm sorry. We were on the 30th, and now you have gone back to the 28th?

MR. JAMES: That's right.

Q. On the 28th do you know how many highway patrolmen were on the campus?

A. I wasn't there on the 28th.

Q. I thought you said on the 28th you came back and you were told you couldn't make it, at Como, so you went back to Millington.

A. No, this would be the 27th.

Q. Do you know the number of highway patrolmen on the 27th at Oxford, Mississippi?

A. The day we started and turned around?

Q. Yes.

A. No.

Q. Do you know from your personal knowledge whether the crowd was unruly?

A. My personal knowledge, no.

Q. Do you know from your personal knowledge whether there were any incidents on the campus that day?

A. No, sir.

Q. Did any marshals come in from the rear of the campus by the hospital area?

MR. BARDLEY: If we are going to use that now as a reference, could we have it marked as an exhibit so the record will show he is referring to that?

MR. CATES: Sure. Let's mark that as Exhibit 1.

Same marked as Plaintiff's Exhibit No. 1 to deposition of McShane.

A. What are you referring to?

Q. I'm talking about on the 30th of September, 1962.

A. Can I get up to how we got on the--

Q. --Just answer the question here.

A. What is the question?

Q. Were there any marshals that came in through the west gate in through to the hospital area over to Baxter Hall on

the 30th of September, 1962?

- A. You mean come in through here instead of going directly to the campus?
- Q. Well, this is the campus.
- A. You will have to bear with me as to this because I'm not as familiar with it as somebody else who has lived there quite a while. Now, your question is, did any marshals?
- Q. Right.
- A. At what particular time?
- Q. On the 30th of September, 1962.
- A. At what particular time?
- Q. I don't know. That is what I'm trying to locate. I don't even know that any did. That is why I'm asking you the question.

MR. EARLEY: At any time?

MR. CATES: Yes.

- A. There is a possibility that later that evening after we were on the campus and Mr. Meredith was taken from the airport to Baxter Hall that they may have used that. I honestly don't know.
- Q. Do you know whether or not there were any highway patrolmen at the juncture back here of the entrance.

MR. EARLEY: Pointing to the west end?

MR. CATES: West end, or west gate of the University.

- A. I saw quite a number of highway patrolmen there. That's



what I wanted to get up to.

- Q. Let's pinpoint it. At the west gate were there any?
- A. Where would that be from the junction coming from Oxford and Route 6?
- Q. Right. The west gate and Highway 6 intersect each other at the campus.
- A. That would be the west gate?
- Q. Yes.
- A. When I passed there earlier in the afternoon, I saw quite a number.
- Q. What time did you pass?
- A. It was a little after four o'clock.
- Q. How many is a great number?
- A. I saw about 10 or 12 in that particular area.
- Q. Were they armed at that time?
- A. I don't recall.
- Q. What was the main thrust of the marshals? Through what gate onto the campus?
- A. Let me explain that to you.
- Q. Just answer one at a time, because I want to ask some other questions. Through what gate and by what means was the main thrust of the marshals onto the campus?
- A. Would this be Route 6? (indicating)
- Q. Yes.
- A. This would be leading down from the airport?
- Q. Over here, back over here behind you.
- A. Yes. This would be the airport down here. This is the  
(indicating)  
Lyceum?
- Q. No.

There is the northern edge here. (Indicating)

- A. Where would the Lycours be? Here?
- Q. Right. Without looking at the map, can you tell me through what gate the main thrust of the marshals came?
- A. No, not by the name, except it seemed to have a big sort of an arch, and it looked to me what would be the principal road leading onto the thing. There was no thrust at all because we were being led by Colonel Birdsong, so we weren't thrusting our way in.
- Q. When did you meet with Colonel Birdsong?
- A. After Mr. Katzenbach arrived -- In the meantime, there had been another message for me to call Mr. Groh, which I did, and--
- Q. Excuse me. You haven't answered the question. What time did you go on the campus?

MR. BARDLEY: He answered that.

MR. CATES: No, sir.

MR. BARDLEY: A few minutes ago, he said about four o'clock, as I recall it.

MR. CATES: Let him repeat it then.

- A. No, but it was a little after four.
- Q. What time did you meet with Mr. Birdsong?
- A. When Mr. Katzenbach arrived, I told him of the message to call Mr. Groh, and I believe he also had a call from Washington, and I'm also certain he had a call from the

Attorney-General to speak with him. After these conversations, he directed me to take my men to the campus, and we had the men in trucks, and I was in the first truck.

Q. What size truck?

A. What are they? Half ton Army trucks. I believe they call them half ton Army trucks. And I was in the first truck, and then directly behind our truck, in the second truck, -- rather, in between -- was Mr. Katzenbach's car. We left the airport and started down the road and got a quarter of the way down the road, and it was very difficult to maneuver along because of the fact there were cars, apparently sightseers, on both sides.

Q. How many men did you have with you then?

A. About 170.

Q. Was there any problems on the campus at that time?

A. Well, I want to get up to---

Q. Just answer the questions.

A. I don't know because I hadn't been to the campus.

Q. When you got on the campus, were there any disturbances?

A. None at all.

Q. What time was this?

A. We met Colonel Birdsong, I would say -- Oh, I'd say it was about a quarter of a mile down the road when we saw his car come up, and the officer driving it was the same

officer that had directed us onto the campus on September 26th.

Q. When you got there--

A. And Colonel Birdsong and Mr. Katzenbach conferred for a few minutes, and then Mr. Katzenbach told me to--

Q. --Stop. Let me ask you some questions. Now, who was in your party when you got on the campus?

A. Well, I was in the cab of the first truck.

Q. Right.

A. And in that cab was a driver whom I had never met before.

Q. Who was your superior, or did you have a superior with you in charge?

A. Mr. Katzenbach.

Q. Who was his superior, or was he completely in control or charge?

A. He would be completely in control.

Q. All of you at that time were in Federal service working in your official capacities for the Government? Is that correct?

A. I would say yes.

Q. You drove up to the Lyceum?

A. I wanted to explain going up there. Colonel Birdsong turned his car around and in effect said, "Follow us." He got in the car, Mr. Katzenbach's car followed, and our truck, the truck I was in, was directly in back of them. But on the way, with stopping and going, the photographers' cars started getting in between us and civilian cars, and the police had a little bit of difficulty trying to find out who really belonged and

who didn't.

Q. Right. But you were able to get on the campus?

A. We arrived at the entrance of the campus grounds and there were two highway cars blocking the entrance. Colonel Birdsong got out and spoke to some officers. They got into their cars and backed away. We followed Colonel Birdsong's car and drove up onto the campus to the Lyceum.

Q. Did you have any conversation with Colonel Birdsong prior to going onto the campus?

A. No, outside of just---

Q. --Did you ever inform Colonel Birdsong of any plan you had as to going on the campus?

A. I, of my own knowledge?

Q. Yes, right.

A. No.

Q. Do you know whether Mr. Katzenbach did?

A. I don't know about that.

Q. Do you know whether there was any coordination between the two? Did you offer any coordination to the highway patrol between your forces and the highway patrol?

A. Well, my previous experiences with Colonel Birdsong had been extremely pleasant. He was always cooperative.

Q. That is not the answer to the question. Did you offer any plan or did you offer any solution to what you were attempting to do?

A. When we arrived there?

Q. Yes, sir, to Colonel Birdsong.

A. I had a <sup>brief</sup> ~~pre~~ conversation with Colonel Birdsong, and the idea was this: We wanted to draw up a plan. There were

five entrances to the University and each of them, my understanding was there were highway patrol cars with uniformed police.

Q. Did you talk to Colonel Birdsong?

A. Yes, but I'm going to get to that. But it was briefly.

I said, "We would like to set up something where we could have one of your cars and your men and several of our men."

Q. You are back up on the campus at the Lyceum building. What time is it now?

A. I'd say about 4:20, 4:30.

Q. How many marshals did you have with you at that time?

A. About 170.

Q. 170 when you arrived there?

A. Yes.

Q. How many marshals did you have with you later in the night, or what was the total number of marshals you had on September 30th?

MR. EARDLEY: You mean at the campus?

MR. CATES: Yes, sir.

A. About 400.

Q. Were they all down at the Lyceum Building?

A. No, sir.

Q. Did you have a conversation with Colonel Birdsong about following him onto the campus, or did somebody else have the conversation?

A. Somebody else had the conversation.

MR. EARDLEY: Are we back on September 30th?

MR. CATES: On September 30th, yes.

Q. So prior to reaching the Lyceum, you never had a conversation with Colonel Birdsong concerning any plans or formulation of any plans?

A. No, sir.

Q. After you reached the Lyceum building, what other persons did you meet from the Justice Department or from the Marshal's office there?

A. Well, when we got to the Lyceum, Mr. Katzenbach was there, Mr. Schlei, S-c-h-l-e-i.

Q. What is his capacity?

A. Legal counsel for the Department of Justice. Mr. Ed Guthman, G-u-t-h-m-a-n; he's the Director of Public Information for the Department of Justice. I'm sure one or two more, but at the moment the names slip my mind.

Q. Was Mr. Doar there?

A. Mr. Doar, no, sir.

Q. Was Mr. Doar over on the campus on September 30th?

A. Any time during September 30th?

Q. Yes.

A. Yes.

Q. When was he there?

A. I believe it was later in the evening.

Q. Was a William Tucker there? Do you know William Tucker?

A. I'm not familiar with the name.

Q. Never heard of him?

A. No, sir.

Q. You don't know whether he is or isn't a U. S. marshal?

A. I know he is not a U. S. marshal.

Q. Do you know whether he is or is not a border patrolman?

A. That I don't know.

Q. You wouldn't deny it?

A. I just don't know.

MR. CATES: Would you mark this as Plaintiff's Exhibit 2? (Hands to reporter)

( Same marked as Plaintiff's Exhibit 2 to deposition of McShane)

MR. EARDLEY: Is this scaled or free-hand?

MR. CATES: This is superimposed. It is not a scale, no, sir.

MR. EARDLEY: It is a general representation?

MR. CATES: General representation.

MR. EARDLEY: I have no objection to it on that basis.

Q. Mr. McShane, would you locate the Lyceum building on Plaintiff's Exhibit 2?

A. Right here. (Indicating)

Q. With reference to the Lyceum building, would you draw or take a pencil and show how the marshals came onto the campus and how they came to the building, please? I'll let you do it with ink so it can't be erased.

A. Now, I want to be sure this is right. Out here would be the airport? This is Route 6 coming in down here?

MR. EARDLEY: This won't be very helpful on the record. Let's get the directions straight off the record.

(Off the record)



MR. CATES: Test the record indicate that the defendant is looking at Plaintiff's Exhibit Number 2.

A. My recollection is that Sunday afternoon we come in here on what is known as Engineer's Drive, but I recall it as Sorority Row, and come up here, made a right turn, and come up around in front of the Lyceum and stopped here. (Indicating)

Q. Would you plot that in, please, with pen, and then write your name on it?

A. (Witness draws)

Q. Now, at that time, how many marshals did you have with you?

A. About 170.

Q. Who deputized them, or were they?

A. They were. John Cameron.

Q. Were there some who were border patrolmen?

A. That is correct.

Q. What was the distinction between border patrolmen and marshals? How did you distinguish between the two?

MR. EARDLEY: Do you mean physically tell one from the other?

MR. CATES: Yes. In other words, were there any distinguishing uniforms or other?

A. No, they were in the same attire.

Q. What is the duty of a border patrolman?

A. Border patrolman -- Border Patrol is part of the Immigration and Naturalization Department, which in turn is a

department of the Department of Justice; and basically its duties, the duties of a border patrolman are to supervise the borders on the Canadian and Mexican borders on people attempting to enter the country illegally.

Q. Do you know whether they have any background in riot control?

A. My understanding---

Q. Excuse me. Do you know? --Not what you understand.

A. Actually, physically, no, if they do any riot---

Q. All right. Have they ever worked with the U. S. marshals in any type of riot control before?

A. Yes, sir.

Q. When was this?

A. Montgomery, 1961.

Q. Is their mission to control riots? Is that one of their missions as policemen?

A. You mean on this particular---

Q. No, sir. Just general, general duties.

A. General duties?

Q. That you know of.

A. No, sir.

Q. Is one of the duties of a marshal to control riots?

A. One of the general duties?

Q. Yes.

A. No, sir.

Q. In other words, the marshals and the border patrolmen are not prepared to cope with riots?

MR. EARDLEY: He didn't say that.

- A. No, sir, I didn't say that.
- Q. I'm asking you is that right or wrong.
- A. It is wrong.
- Q. How are they, if it is not their duties?
- A. Since 1958 the Executive Office of the United States Marshals has established training classes. They have three every year and they usually are held out in the Middle West or Southern areas. And certain deputy marshals are picked every year to attend these classes, and attending these classes they are given instructions in the law of arrest, self defense, judo --
- Q. By whom?
- A. By group leaders who have been --
- Q. I know, but by the Justice Department, state officials, local city police officers?
- A. No, by the Executive Office of the United States Marshal, picks these instructors.
- Q. Do you have a regular school to do this with?
- A. They have a school they have established.
- Q. Who is head of the school?
- A. The school?
- Q. Who is the principal, or --?
- A. Jack Cameron would be the overall supervisor, the one in charge, but school, per se, no; if you mean by that a physical school, no.
- Q. Are they required to go to such course?
- A. If they are picked, they are required to go.
- Q. How are they picked? By their own request, or like in the

military you just pick some people to go each year?

- A. They usually try to get younger types of deputy, one with some knowledge of-- or rather, who had some previous experience in law enforcement.
- Q. Why do you establish this school if it is not one of the duties of the marshal?

MR. DOAR: He didn't say that. He said "normally."

MR. CATES: Let him answer. He is very capable.

MR. DOAR: I don't want you to mislead him. He didn't say that.

MR. CATES: I think he can take care of himself.

- Q. Why do you train them when it is not one of the <sup>normal</sup> duties of the marshals to so control riots?
- A. Since 1953 when this --- Excuse me. Let me get the record straight. The Executive Office of the United States Marshals was established back in 1956 by the attorney-general at that time, Mr. Rogers. In 1958 the President sent marshals to a certain area in the country where he thought they would be needed. As a result of that, these training classes were set up, and in the event that at some future date the president or the attorney-general should see fit to call upon a group of marshals to go somewhere to enforce the law or the law of the Federal courts that they would be qualified, that they would have some knowledge of riots, some knowledge of mob control, some knowledge of the use of tear gas equipment, all of which is part of the curriculum of

these training schools now.

Q. At the time you arrived here at the Lyceum, were there any marshals at Baxter Hall?

A. No, sir.

Q. When did the marshals go to Baxter Hall? At what time?  
I'm trying to ---- To clarify the question, at what time did the marshals go there?

A. I would say I think about six o'clock. I dispatched about 24 or 25 deputy marshals up to Baxter Hall.

Q. Was Meredith in their company at that time?

A. No, sir, he wasn't.

Q. They went to Baxter Hall and surrounded it?

A. Well, they went there and they conducted a thorough search of the premises, and in the cellar, the ground floor.

Q. Who gave them authority to so search?

A. I instructed them that when they were there they were to see that there was nothing there of any nature that would possibly injure them or Mr. Meredith at a later date than the evening.

Q. Who gave you authority so to do?

A. The fact I was charged with safeguarding Mr. Meredith and seeing he got on the campus, and one of my duties was to see that he was looked after.

Q. But no one gave you authority so to do?

A. I would say-----

Q. You just assumed the authority?

A. No, I did not assume the authority. This is the authority, that at the direction of the Fifth Circuit Court of Appeals.

Q. Under what order did they tell you to search Baxter Hall?

A. There was no order ever given to me specifically to search Baxter Hall. If you will just bear with me -- When I say "search the halls," there were no students dormitories invaded, there were no--

Q. --At no time that night there were no student dormitories invaded?

A. Bear with me. This is prior to the arrival of Mr. Meredith. They went through the halls of the dormitory. They went downstairs by the basement. They went upstairs, but they did not go into any student's room at that particular time, as far as I know. The purpose of doing that was to see there were no explosives at any time present.

Q. You couldn't tell of your own personal knowledge whether they did or did not go into any of the rooms?

A. As far as I know, they did not.

Q. You were really not there.

A. No, sir.

Q. So you don't know.

A. As far as I know, they did not.

Q. You don't know because you were not there.

A. That is true.

Q. How many other marshals joined them at Baxter Hall?

A. Well, these 24 or 25 were dispatched up there about six o'clock.

Q. Under whose control were they?

A. They were under the control of some deputy whose name escapes me at the moment. I did not go with them at that time. Subsequently, I did go up there, and I also

looked the premises over in the company of Chief Tatum, who was the chief of police of the University there.

Q. You don't know who the person in charge of them was?

A. At that particular time when I sent them up?

Q. Right.

A. No, sir, I can't recall.

Q. Do you know if he was a deputy marshal?

A. He would have been a deputy United States marshal.

Q. He wasn't a border patrolman?

A. No, sir. So, as I say, I arrived there, and then shortly after I arrived, Mr. Meredith arrived at Baxter Hall.

Q. When you arrived at the Lyceum Building around four, did you see any representative from the State of Mississippi?

A. Outside? I would say no.

Q. Did you later that night see anybody at the Lyceum building who were representing Governor Barnett or the State of Mississippi in any capacity?

A. At a later hour that night, I saw a gentleman who was identified to me as Senator Yarborough, State Senator Yarborough.

Q. Did you see any other person representing himself either as a state representative, a senator, or a representative of the government?

A. I can't recall.

Q. You would not deny, would you, that there were others who were in the same capacity as Senator Yarborough there that night?

A. Would I deny there were not?

- Q. That there were others.
- A. I would not deny. There could be others.
- Q. You just don't know whether there were or were not?
- A. That is correct.
- Q. Did you ever have a conversation with Senator Yarborough?

MR. BARDLEY: You mean on that night?

MR. CATES: Yes, on the night we are speaking of,  
September 30th.

- A. My only recollection -- I have two recollections of Senator Yarborough: Number 1, when I arrived back from Baxter Hall and found that the situation had changed greatly insofar as the crowd was concerned --
- Q. I'm asking about Senator Yarborough.
- A. I went looking for assistance from Colonel Birdsong, and they told me he was in conference. I deemed it necessary that I walk into the conference and break it up, in effect, and ask Colonel Birdsong to ---
- Q. Was Colonel Birdsong talking to Senator Yarborough at that time?
- A. He was in the room with him, and I have a recollection when he came out somebody introduced me to Senator Yarborough.
- Q. Now, when you interceded in that conversation between Colonel Birdsong and Senator Yarborough, did you have a conversation then with Senator Yarborough?
- A. When I went into that room, there was Senator Yarborough present, and Colonel Birdsong, Mr. Katzenbach, Mr. Schlei, Mr. Guthman, and possibly one or two others. Just this general group. In other words, it was not



limited to Senator Yarborough and Colonel Birdsong.

Q. Now, how long were you there with that group?

A. A minute, two minutes.

Q. Approximately what time was this?

A. This now would have been about ten to eight, five to eight.

Q. Five to eight?

A. Yes. Ten to eight, five to eight.

Q. Did you leave that group of people after that moment that you were there?

A. Yes.

Q. Did you come back in where there was this same group of Senator Yarborough, Colonel Birdsong, Mr. Guthman, Mr. Schlei, and Mr. Katzenbach?

A. Did I come back again into the conference?

Q. Yes.

A. It could be. I just don't remember. Could be.

Q. When was the last time you saw any person, whether it be Senator Yarborough or any other state representative -- I mean by that civilian; not speaking of Colonel Birdsong and so forth -- there on the campus? What time was the last time you saw them?

A. This would be between five to eight and eight o'clock I saw Senator Yarborough addressing a group of people, and he had great difficulty making himself ---

Q. You can't pinpoint the time Senator Yarborough addressed the students September 30th, 1962?

A. Specifically, at the time as to the minute?

Q. Not to the minute; to the hour.

A. Between five to eight, and eight o'clock. In other words,  
between 7:55 and 8:00 P.M.

Q. What time of the night was Meredith taken to Baxter Hall?  
Do you remember?

A. I believe he arrived at Baxter Hall about 6:30, 6:45.

Q. Did you go with Meredith to Baxter Hall?

A. No, I didn't.

Q. When did you go to Baxter Hall, at what time?

A. Just about the time he arrived.

Q. You weren't in his party? You went separately?

A. I went up from the Lyceum. He came from the airport.

Q. How many marshals were at Baxter Hall at that time?

A. Upon his arrival?

Q. Correct.

A. I believe there were about 24 or 25.

Q. Were all of these personnel at Baxter Hall United States  
marshals, as distinguished from United States Border  
Patrol?

A. Well, I can't answer that, Mr. Cates.

Q. You didn't make a list of those personnel who went to Baxter  
hall? In other words, have a list?

A. No, sir.

Q. All right. How long did you remain at Baxter Hall?

A. I stayed at Baxter Hall until about, I'd say, about 7:15  
or 7:30. In between that time.

Q. Then you went back to the Lyceum building?

A. Yes, sir.