

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

UNIVERSITY OF MISSISSIPPI

Meredith v. Fair

Trial Files

Briefs

1-6-55

**Director
Federal Bureau of Investigation**

**BM:JHF:ash
144-100-40-1
9782**

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

**United States v. Mississippi, et al.
Ross R. Barnett, Contempt of Court**

In preparation for criminal contempt proceedings against Ross R. Barnett, Governor of Mississippi and Paul B. Johnson, Jr., the Lieutenant Governor, for their failures to comply with the orders of September 25, 28, and 29, 1962, of the United States Court of Appeals for the Fifth Circuit, we request the following investigation to be conducted on an expedited basis.

I. Background Materials

Appendix A is a collection of references to the Governor's various acts and statements about school desegregation and federal court orders going back to 1959. It includes the gist of his statement or act, the source of our information about it, possible investigative leads, and the data about it that we wish to be secured.

As you will note, we wish to secure texts or recordings of various of his speeches and/or the names of reporters (together with their notes) and other possible witnesses who were present to hear what was said.

With respect to his conferences and other deeds, we wish to know the circumstances in complete detail, including who were there, what was said and by whom, what decisions were made and how were they implemented.

In addition, please review your materials such as those relating to Ku Klux Klan activities which may shed some light on Barnett's and Johnson's positions with respect to federal court desegregation orders. Our dossier is far from complete and we wish to be familiar with all pertinent data.

The principal radio and television networks and their stations in Jackson, Mississippi should be contacted to secure copies of any audio or video tapes of the Governor's or the Lieutenant Governor's speeches or public appearances since January, 1959. Please obtain also the names and addresses of persons who can authenticate each tape or other item secured.

II. Recent Developments

Please provide us with a detailed reconstruction of Barnett's and Johnson's whereabouts and activities on a daily basis during the period from September 1, through October 3, 1962.

We shall wish to know where they went, what they did, with whom they talked--personally or by telephone from their offices or the Governor's mansion--what decisions were made, and what was done by whom to implement them.

Appendix B is a partial list of specific recent events about which we wish to know full details. It includes the events, the participants (to the extent that we know them), what occurred, possible investigative leads, and the further data we wish you to obtain.

We understand that the FCC monitored the broadcasts of the Mississippi Highway Patrol during the rioting at Oxford on the night of September 30. Please secure from that agency copies of all tapes, recordings, or transcripts of what was said over the Patrol radios.

We shall also wish to have a complete record of all long distance telephone calls to and from the offices and homes of Barnett and Johnson during the period from September 1, 1962 through the date this investigation is conducted.

Attachments

Typed: 11/15/62

John Dear
First Assistant
Civil Rights Division

11/16/62

JMP:scb

J. Harold Flannery
Attorney
Civil Rights Division

144-100-40-1
#9782

Criminal Contempt Proceedings Against Ross R. Barnett.

The key elements of criminal contempt are the contemnor's willfulness or mens rea in acting as he did and his disregard for the court whose order he violated.^{1/}

The nature and level of willfulness required have been variously described by the commentators,^{2/} but it is reasonably clear that a Screws v. United States^{3/} specific intent need not be shown. That is, the fact finder may infer objectively a generalized evil intent from the actor's conduct. However, it is equally true that evidence, otherwise inadmissible, may come in as bearing on the defendant's state of mind when he acted.

Similarly, although the contemnor's disregard for the court relates to the purpose of the proceeding rather than to the nature of his act, evidence tending to show a studied, longstanding loathing for federal court orders should be admissible to show the need for criminal proceedings to vindicate the court, although it might be irrelevant in a civil proceeding.

The foregoing is a preface to my conclusion that if and when Governor Barnett is tried for criminal contempt, we should attempt to introduce a catalogue of his words and deeds with respect to school desegregation going back at least to 1959.

^{1/} Gompers v. Bucks Stove & Range Co., 221 U.S. 418-441-443 (1911).

^{2/} Compare Moshevitx, Contempt of Instructions, 43 Col. L. Rev. 780793 (1943) with Howe, Criminal Contempt: Violations of Instructions in the Federal Courts, 32 Indiana L. J. 514,530 (1957).

^{3/} 325 U.S. 91,104 (1945).

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

This may seem superfluous legally and from the standpoint of market ability, because it's no news to anyone that he is a staunch segregationist. However, we should dramatize his unique intransigence to justify limiting the criminal proceedings to him - i.e., to show that he is not a martyr-scape-goat, singled out arbitrarily - and to illustrate that our society can not permit contempt for order to be the basis for one's public career.

Finally, it will be tactically important to illuminate the background of Barnett's acts because we have already conceded that after 28 September he did not affirmatively obstruct Meredith's admission. That is, some of his conduct that we shall wish to show as a part of the contempt were acts of omission which are not too persuasive absent a showing of Barnett's state of mind when he failed to do them.

The Trial

Typically, the trial would be like that for civil contempt, i.e., showing the service of the order of September 25, the grave subsequent events, and his vacillation during the crisis. However, I think that the real nature and meaning of his conduct would be shown if we were to, in effect, set the stage by thoroughly delineating Barnett's character as a preface to the events of Meredith's admission.

We should, therefore, start now to prepare a brochure of his pertinent words and deeds in this matter, and to that end texts of his speeches and similar "hard" evidence, including documents, should be gathered. The attached request to the Bureau was drafted in this vein.

The Contempt

Of what order or orders is Barnett in contempt, and precisely what acts or omissions constitute the contempt?

Governor Barnett can not be held in criminal contempt of the Court of Appeals and District Court injunctions of July 28

and September 13, respectively, because he was not bound by them unless he was "in active concert or participation" with those enjoined and had actual notice of the decrees.

Because Barnett violated the Court of Appeals TRO of September 25 so clearly, I think we should avoid the difficult question whether he was sufficiently in privity with the Board of Trustees to be bound by the earlier orders directed to them.^{4/}

^{4/} This issue, on which the cases and commentaries are confusing and at variance, I am now researching thoroughly because it will come up frequently. Representative discussions are at 7 Moore, Federal Practice 1470, §65.13; 3 Barron & Holtzoff, Federal Practice and Procedure 501, §1437; Moskowitz, op. cit. supra at page 613; Note, supra, 32 Indiana L. J. 514, 524; Note, 37 Yale L. J. 83 (1947).

The statements in the cases range from that in Ex Parte Lennon (dicta) 146 U.S. 348, 354 (1907):

The facts that petitioner was not a party to such suit, nor served with process of subpoena, nor had notice of the application made by the complainant for the mandatory injunction, nor was served by the officers of the court with such injunction, are immaterial so long as it was made to appear that he had notice of the issuing of an injunction by the court. To render a person amenable to an injunction it is not necessary that he should have been a party to the suit in which the injunction was issued, nor to have been actually served with a copy of it, so long as he appears to have had actual notice (emphasis added).

to that in Kean v. Hurley, 179 F.2d 888, 890 (C.A. 8, 1950):

... persons who are not parties to the injunction or in privity with them, and whose rights have not been adjudicated therein, are not bound by the decree and can not be held liable for acts done contrary thereto even though the decree assumes to bind them.

4/ Cont'd:

Recent cases say uniformly that, to be held in contempt, one must be in active concert with the enjoined party who commits the violation. Not clear, however, is whether the participation must precede the order or whether post-decree participation (in the violation by one with notice) will suffice.

The better view, for two reasons, is that a non-party must be a participant prior to the issuance of the decree in order to be amenable to contempt proceedings. First, one can not be in contempt of an injunction unless he is bound and Rule 65(d) identifies (presumably limited to presently ascertainable) participants as those enjoined. That is, it would appear that the class of participants who may be held in contempt closes when the decree issues and binds only prior and present participants. Secondly, only pre-decree participants have had their day in court when the order issues, and even they get their day only technically on the theory that the party defendants represent the class of actors. See Scott v. Donald, 165 U.S. 107,117 (1897).

CHRONOLOGY OF EVENTS
1:00 P.M. - 8:00 P.M.
Sunday, September 30, 1962

- 1:00 P.M.** Marshall calls Dear at Milligan Airbase. Advised that marshals to take over campus that afternoon. Should be prepared to leave by helicopter on very short notice. As many marshals to be moved at one time as there are planes. Some of helicopters can land at campus. Others at airport. There should be cars wait- at airport. Dear advised Chertoff of these instructions. (Dear)
- 1:30 P.M.** Dolan leaves Milligan for fish camp with reconnaissance force. (Dolan)
- 3:00 P.M.** Dolan meets Colonel Birdson at Alumni House. (Dolan)
- 3:30 P.M.** Five Border Patrol planes with 125 marshals and approximately 70 border patrolmen arrive at Oxford airport.
- 3:50 P.M.** Dolan leaves for airport with Colonel Birdson. (Dolan)
- 4:00** Intschbach, Schick, Guthman, Reis, Markham arrived at Oxford. Marshals instructed to load in army 6 x 6. All but 75 loaded.
- 4:10 P.M.** Dolan and Birdson arrive at airport entrance road to meet 4 C-54's with marshals. Dolan and Birdson lead them into campus via sorority row. Intschbach and party in convey.

- 4:15 P.M. Marshals arrive at Lyceum. Katzenbach meets Biscanog and Clegg and obtains permission to dismount marshals. Marshals dismount.
- 4:26 P.M. Marshals lined up in front of and on north side of Lyceum on curb. Groups of state police in street. Crowd small. Marshal's chain of command-- 3 group leaders--Daley on north; Butler in front of Lyceum; Forcht at southeast corner; Cameron second in command; McShane in command. (Life photo)
- 4:33 P.M. Katzenbach calls Assistant Attorney General from Clegg's office [Guthman] All justice department officials inside with Clegg, Ellis and Love. Katzenbach and Clegg discuss housing. Clegg provides Katzenbach with key and directions *to Baxter*. Katzenbach tells McShane to bring in rest of marshals from airport and to take detail to Baxter Hall to secure it.
- 4:50 P.M. Two plane loads of border patrolmen arrive at airport. *OSBANDORFER* in first plane.
- 5:00 P.M. Katzenbach calls Attorney General and tells Attorney General that Meredith should be put on campus by car.
- 5:10 P.M. Marshall calls Deas at Milligan and says to have Meredith on field at Oxford at 5:50 p.m.

3:10 P.M. **Crowd somewhat larger in front of Lyceum.
No disturbance. [Life photo]**

3:20 P.M. **Aerial view of Lyceum shows crowd, state
police and line of marshals around east
and north side of Lyceum. [Life photo]**

3:20 P.M. **Fifteen of 30 border patrol cars at airport.
Fifteen cars west of airport.**

3:29 P.M. **Border patrol planes take off from Oxford to
go to Milligan to get prison guards.**

3:30 P.M. **Katsenbach and Gathman leave for airport
from Lyceum.**

3:45 P.M. **Katsenbach and Gathman arrive at airport.
Second group of marshals had landed and were
awaiting instructions.**

- 5:50 P.M.** Meredith in Border Patrol plane over campus.
- 6:05 P.M.** Meredith lands at airport.
- 6:15 P.M.** Convoy with Meredith enter campus. Highway Patrol car in lead; one truck with 15 marshals & Border Patrol cars; Border Patrol car with Katzenbach, Gathman, Dear, Meredith, truck with 15 marshals. Border Patrol car in rear. [Log]
- 6:30 P.M.** Meredith at Baxter Hall.
- 6:40 P.M.** Katzenbach, Gathman, Dear leave for Lyceum to discuss registration of Meredith at 8:00 A.M. next morning.
- 7:00 P.M.** Marshal Whitman hit with large piece of concrete. He had been ordered to Baxter earlier; he stayed there until Meredith came. He then got in truck and started to come back to Lyceum. Left side of face fractured. Left arm fractured. Right arm broken. [The place where this occurred not established. Presumably in front of Lyceum as he was alighting.] *Time approximate*
- 7:15 P.M.** Feder car attacked on circle northeast of Lyceum.

- 7:18 P.M. Yerborough, Melauria and Birdseye approach Deane in front of Lyman and ask to see Katzenbach -- go to Clegg's office.
- 7:23 P.M. FBI advice Deane that all Mississippi Highway Patrol ordered to pull out. [Log]
- 7:34 P.M. FBI advises that Highway Patrol pulled out [Log]
- 7:40 P.M. Yerborough, Katzenbach and Melauria leave Clegg's office to talk to troops. (Approximate)
- 7:40 P.M. Deane calls for radio communication at Barker at Nechase's instruction.
- 7:45 P.M. -
7:55 P.M. Gas fired by marshals. [Radio Log has 7:45 written in by Leppich. Most newspaper men and Marshall say 7:55 - 7:58. LIFE pictures show gas at 7:57.]

Dear

Nicholas deB. Katzenbach
Deputy Attorney General

November 21, 1962

JD:lvw

John Spar
First Assistant
Civil Rights Division

Chronology of Events on September 30, 1962, Oxford,
Mississippi

Attached is a Chronology from 1:00 p.m. to 8:00 p.m. on September 30. I have delivered copies to Messrs. Oberdorfer, Schlei, Guthman, Dolan, Reis and Markham, and have asked them to correct or fill in their chronology where they can.

There are three things that I wish to call to your attention:

(1) There are indications that Yarborough had already called off the state police during the time that he was conferring with you in Clegg's office. The FBI monitoring the state highway patrol radio reported this to our base radio. Some witnesses report that the state police seemed to have thinned out between 7:00 and 8:00 p.m. in front of the Lyceum. The pictures that I have studied seem to indicate that the police had thinned out. Any information that we can gather on this seems to me to be important.

(2) I do not have a clear picture of the time of arrival of all of the marshals, border patrolmen and prison guards at Oxford nor their movement from the airport to the University. I think we should be clear on this.

(3) I understood that on Friday a plan was developed for entering the University if resistance was encountered. I have been unable to locate that plan.

**Miss Novello, Secretary to the
Attorney General Room 5115**

**Per our telephone conversation
this morning.**

**Senator Stennis' second letter of
Nov. 21 does not appear to have reached
your office, as it should have since it
provides the copy of the Resolution
of the Board of Trustees of State Insti-
tutions of Higher Learning (dated Nov.
19, 1962) that was missing from the
first letter of that date which the
Senator says he personally handed to
the Attorney General.**

**Ann R. Gow
Civil Rights Division**

11/27/62

Barnett Proclamations

<u>Date</u>	<u>Substance</u>	<u>Circumstances</u>	<u>Remarks</u>
9/13/62	doctrine of interposition invoked; Barnett volunteers to go to jail rather than integrate (speech).	last part of TV speech, WLBT - Jackson	Govt.'s exhibit at 9/21 District Court hearing and in Court of Appeals on 9/28 and 10/12/62.
9/20/62	order to trustees to reject Meredith, invoking police powers to block him and anyone else whose admission would breach peace (order).	?	introduced by Govt. at 10/12 Court of Appeals hearing and by Govt. on 9/28(7).
9/20/62	to Meredith refusing his admission, similar to order to immediately above (order).	read to Meredith by Barnett at Oxford in presence of McShane, Barrett, et al.	Govt. exhibit in Court of Appeals on 9/28 and 10/12/62.
9/24/62	to state officials directing the arrest of federal officers who violate Mississippi law. (proclamation)	?	Govt. exhibit in Court of Appeals on 9/28 and on 10/12/62.
9/25/62	to Mississippi law enforcement officers, interposing state's police powers (styled-executive order).	?	Govt. exhibit in Court of Appeals on 9/28 and on 10/12/62.

9/29/62	to Meredith denying him admission to the University "finally".	read to Meredith at State Office Bldg. in Jackson before McShane, Dear, et al. (Room 1007 - Trustees Room)	Govt. exhibit in Court of Appeals on 9/28 and 10/12.
9/25/62	executive order to Russell D. Moore, III, interposing state's police powers.	?	?
9/25/62	executive order to Lt. Gov. Jamaica interposing state's police powers.	read to Meredith by Johnson at Oxford on 9/26 before McShane, Dear?	?
9/25/62	executive order to General (sic) Birdsong interposing state's police powers.	?	?
9/29/62	executive order to Senator George Yarbrough interposing state's police powers.	read to Dear and Katzenbach at Oxford on 9/30 immediately before riot.	

Chronology Addenda (11/20/62)

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Source</u>	<u>Manner of Proof</u>
9/4/62	Trustees withdraw from University officials all authority to deal with Meredith and reserve that power to themselves by unanimous enclosed order.	Did Barnett have anything to do with this? Wilfulness.	Court of Appeals contempt hearing of 9/24/62	Testimony by trustees of minutes of meeting.
9/17/62	Trustees reply to Meredith's telegram of 9/11 (requesting instructions from Hillis about registration) telling him to come to Jackson on 9/20 at 3:00 p.m.	Did Barnett have anything to do with this? Wilfulness.	Court of Appeals contempt hearing of 9/24/62.	Testimony by trustees of minutes of meeting.
9/19/62	Attorney General Kennedy wires trustees and University officials as to their responsibilities.		District Court contempt hearing of 9/21/62.	
9/20/62	Barnett addresses formal executive order to trustees directing them to reject Meredith and anyone else whose admission would breach the peace.	Wilfulness	Court of Appeals hearing of 9/24/(?)	Trustees testimony or minutes; authenticated text.
9/20/62	Trustees invest Barnett with power to act upon Meredith's application.	Was Barnett directly involved in this? Intent.	Court of Appeals contempt hearing of 9/24/62.	Testimony by trustees and minutes of their meeting.

9/24/63	Barnett issues proclamation to state officials directing the arrest of federal officials who violate state law.	Wilfulness - Intent	Court of Appeals hearing of 9/28; and 10/12/63.	Certified Copy
9/25/63	Barnett issues executive order to all sheriffs and law enforcement officers interposing state's police powers to prevent breach of peace.	Wilfulness - Intent	Court of Appeals hearing of 9/28.	Certified Copy
9/25/63	Barnett issues executive order to Russell D. Moore, III, interposing state's police powers.	Wilfulness - Intent		Certified Copy
9/25/63	Barnett issues executive order to Lt. Gov. Johnson interposing state's police powers.	Wilfulness and Johnson's active concert and participation.		Certified Copy
9/25/63	Barnett issues executive order to General (sic) Birdsong interposing state's police powers.	Wilfulness		Certified Copy

9/26/62

University attorney Betty Phoebe Court of Appeals re officials and trustees compliance with Court's order of 9/24, and states that Hillis was physically restrained from registering Meredith at Jackson on 9/26 (sic - he must have meant the 25th) and that persons unconnected with the University bleached Meredith at Oxford on 9/26.

Contempt: Barnett at Jackson; Johnson at Oxford.

Meredith v. Hillis, Court of Appeals. Copy of report to C.A. by clerk who rec'd call. on 9/26/62. Testimony by Betty Hillis, and one of our people who was at Oxford on 9/26/62.

9/29/62

Executive order to Senator Yarbrough interposing state's police powers, by Barnett.

Willfulness and non-compliance with Court of Appeals civil contempt order of 9/28.

Certified Copy

United States v. Mississippi, et al.

Barratt and Johnson, Criminal Contempt;
Chronology and Trial Preparation Outline.

as of 11/22/62.

**Significance
or Theory of
Admissibility** **Source** **Number of Proof**

Event

Date

- 1/01 Meredith applies for admission to Ole Miss.
- 3/31/61 Meredith files suit in U.S. Dist. Ct. (S.D. Miss.).
- 12/12/61 Judge Hise denies preliminary injunction.
- 1/12/62 Court of Appeals affirms Judge Hise's denial of preliminary injunction.
- 2/3/62 Judge Hise dismisses complaint on merits.
- 2/12/62 Court of Appeals denies Meredith motion for injunction pending appeal.
- 6/12/62 Court of Appeals enjoins Hinds County D.A. Paul Alexander from proceeding with criminal case against Meredith on ground of false voter registration.
- 6/23/62 Court of Appeals reverses Judge Hise on the merits.
- 7/17/62 Court of Appeals orders Judge Hise to enjoin defendants.
- 7/18/62 Cameron issues first stay (30 days) of Court of Appeals mandate.

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Source</u>	<u>Summary of Proof</u>
7/27/62	Court of Appeals vacates Cameron's stay and issues new mandate.			
7/28/62	Court of Appeals issues permanent injunction to remain in effect until compliance.			
7/28/62	Cameron stays Court of Appeals mandate for second time (30 days).			
8/4/62	Court of Appeals vacates stay and confirms its orders in force.			
8/6/62	Cameron extends stay to include Court of Appeals order of 8/4/62.			
9/10/62	Justice Black vacates Cameron's stays and orders Court of Appeals judgment to become effective immediately.			
9/10/62	Barnett vows to block Meredith's entrance.	Wilfulness- Intent	McComb Enterprise or authentication of Journal; 9/11/62, UPI; Jackson Daily News, 9/11/62, W.L. Pearl	reporters' testimony or authentication of news stories
9/11/62	Barnett meets with trustees, sees several ways to block Meredith.	Wilfulness- Intent	Jackson Clifton- Ledger; 9/12/62 AP	reporters' testimony or authentication of story; testimony by trustees; minutes of meeting authenticated by Jebb.

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Source(s)</u>	<u>Manner of Proof</u>
9/12/62	Barnett asks all Mississippians to listen to his TV speech of 9/13/62.		Jackson Clarion Ledger, 9/13/62	
9/13/62	Judge Mize issued permanent injunction.			
9/13/62	Barnett issued proclamation and makes TV speech accompanied by Simmons, Watkins, Beard, Moore and McLaurin at NLR.	Wilfulness- Intent		Authenticate and introduce text of speech and proclamation
9/13/62	Johnson statement supporting Barnett	Wilfulness- Intent	VPI, Hattiesburg, 9/13/62; AP Hattiesburg, 9/14/62	Authenticate and introduce text of statement; reporters testimony or authentication of news stories
9/14/62	Mississippi charges Meredith with a felony falsely procuring registration in Hinds County.	Intent, if Barnett or Johnson was involved	Court of Appeals order of 10/19/62	Certified copies of documents
9/14/62	Hugh Boren and Ed Cates represent Barnett at Board of Trustees meeting		Daily Tupelo Journal, 9/17/62	Minutes of meetings; testimony by trustees
9/16/62	Johnson speech to Mississippi Nore in Jackson asking all to back Barnett.	Wilfulness- Intent	Clarkdale Press Register, 9/14/62 UPI	Authenticate and introduce text; testimony by reporter or other hearer; authentication of news story

<u>Date</u>	<u>Event</u>	<u>Significance as Theory of Admissibility</u>	<u>Source</u>	<u>Number of Pages</u>
9/17/62	Barnett with Patterson, Clark, and 3 Jackson attorneys meet with trustees, 6 trustees against Barnett, 5 for him, and 3 unaffiliated.		Daily Topics JOURNAL, Vol from Jackson; Washington Post (Clayton) 9/18/62	Minutes of meetings; trustees testimony
9/18/62	U.S. enters <u>Meredith v. Fair</u> against <u>curley</u>		Flannery attended session	
9/18/62	Legislature meets in special session to consider reappointment; adopts resolution backing Barnett.			
9/19/62	<u>Madame</u> injunction (Jones County) against Meredith.			
9/19/62	Barnett attends evening meeting with trustees at State office Building in Jackson. Riddell has heart attack.	Wilfulness- Intent	Washington Post, 9/21/62, testimony by Jas. Clayton trustee from Oxford, 9/20	Minutes of meetings; testimony by trustees
9/20/62	Mississippi legislature makes it a crime for one with criminal charges against him to enter a state institution of higher learning; Barnett amends special session proclamation.	Wilfulness (if introduced by Barnett)	Washington Post (Clayton) 9/20/62	Authenticate and introduce text of bill and amendment to proclamation; reporters or other testimony about session of legislature

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Sources</u>	<u>Manner of Proof</u>
9/20/62	Barnett, Johnson, and legislative leaders meet in Governor's office; bill passed and constitutional amendment proposed giving Governor power to deny Meredith admission.	Wilfulness- Intent	Memphis Commercial Appeal (probably Kenneth Barnett-Johnson state- 9/20/62	Authentication and texts of documents; authentication of evidence or testimony by reporters about Barnett-Johnson statements of purpose
9/20/62	Meredith tried in absentia in Hinds County on misdemeanor charge; convicted; warrant issued for his arrest.			
9/20/62	Justice Department removes Meredith case to U.S. Dist. Ct., S.D. Miss.; motion to vacate denied; application for IRO partly granted enjoining arrest of Meredith and U.S. officers.		Plannery	
9/20/62	Barnett's law partner, Hugh Cunningham, secures injunction against Meredith from Lafayette County Court.	Wilfulness- Intent	Daily Typele Journal, by William Hiles, 9/21/62	Certified copies of pleadings and order
9/20/62	Barnett, Patterson, Birdsang, Gilfoy, and D.A. William Waller meet with trustees.		Memphis Commercial Appeal, 9/20/62, Kenneth Toler	

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Source</u>	<u>Impact of Event</u>
9/20/62	Chancery Court of Hinds County enjoins Meredith upon motion of Barnett represented by Y. Watkins.	Wilfulness-Intent	N.Y. Times Chronology of 10/1/62	Certified copies of pleadings and order
9/20/62	Barnett rejects Meredith at Oxford, reads proclamation.	Wilfulness-Intent	Barnett	Barnett, perhaps others present
9/20/62	Judge Wise orders University officials, Chancellor J.D. Williams, Dean A.B. Lewis, and Registrar R.B. Mills, to show cause why they should not be held in civil contempt of his injunction of 9/13/62.			
9/20/62	Court of Appeals issues TRO at Hattiesburg against arrest of Meredith and application to him of S.D. 1501.			
9/20/62	Bill Barnett got a separate injunction from Hinds County Chancery Court against the Board of Trustees?			
9/21/62	Judge Wise acquits University officials of civil contempt in Meridian.			
9/21/62	Court of Appeals orders Trustees to show cause on 9/24 why they should not be held in contempt of injunction of 7/20/62(C.A.) and 9/13/62(S.D.Miss).			

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Source</u>	<u>Name of Person</u>
9/23/62	Court of Appeals at New Orleans orders 3 University officials also to show cause why they should not be held in civil contempt of 7/28 and 9/13 orders.		New Orleans Times Picayune, 9/25/62.	Testimony by Minor if he has direct knowledge or possibly G. Green, Sr.
9/24/62	Garner Green, Sr. reportedly advise Barnett that he can issue arrest of proclamation of 9/25.	Wilfulness- Intent	V.P. Minor from Jackson	
9/25/62	U.S. sees Mississippi, Barnett, et al., obtains TRO from C.A. against interference with Meredith.			
9/25/62	Barnett is served with process, receives notice of TRO, rejects Meredith at State Office Building in Jackson; sends proclamation. (Bays Patterson told him not to accept process.)	Contempt	Dear, McShane, film	Film, McShane; show service and notice, also film
9/25/62	Court of Appeals orders Barnett to show cause why he should not be held in civil contempt on 9/28 at New Orleans of its order of 9/25.			

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Sources</u>	<u>Manner of Proof</u>
9/26/62	Johnson (after service of process on State on 9/25) with notice of TRO rejects Meredith at Oxford.	Contempt	Dear, McShane, film	McShane, film, show service and notice, aise
9/26/62	Barnett arrives by car late at Oxford; he, Johnson, and others confer at Alumni House.	Johnson's "active concert or participation"	Montgomery Advertiser, 9/27, AP Oxford	Testimony by participant at meeting
9/26/62	Court of Appeals orders Johnson to show cause why he should not be held in civil contempt of its order of 9/25 in New Orleans on 9/29.			
9/27/62	Attempt by Meredith to register called off at the last moment.		NY Times, 9/28/62, UPI	
9/27/62	Reporter asks Barnett if he intends to appear at New Orleans on 9/28 and Barnett says he doesn't know.	Wilfulness and perhaps notice of TRO	Jackson Clarion Ledger, 9/28, E. Noel	Direct testimony by Noel or others; Noel authenticates news story
9/27/62	Sheriff W.T. Farrell of Natchez told to tell other sheriffs to be available for duty at Oxford on 9/27/62.	Part of contempt if ordered by Barnett to block Meredith	Jackson Clarion Ledger, 9/28, Edmund Noel	Testimony by Farrell or some other sheriff
9/27/62	Sheriffs and other law officers attend closed meeting at Court-house in Oxford.	Instructions relayed from Barnett or Johnson?	John Dear	Testimony by participant at meeting
9/28/62	Mississippi moves to participate <u>amicus curiae</u> in Barnett contempt proceeding; denied.			

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Sources</u>	<u>Names of Proof</u>
9/28/62	Court of Appeals holds Barnett in civil contempt and orders him to purge himself by 10/2.			
9/28/62	Barnett meets with attorneys and legislators at his office after Court of Appeals hearing.	Discussion may show wilfulness	Jackson Clayton Ledger, 9/29, AP from New Orleans	Testimony by a participant
9/28/62	Barnett orders "citizen force" back onto campus; H.C. Strider of Mississippi Fish and Game Commission says 250 of his men altered for duty.	Details of orders may show wilfulness if from Barnett or Johnson; also additional contempt	Washing- ton Star, 9/29; AP, New Orleans, 9/29	Persons to whom orders given or who heard orders given
9/29/62	Mississippi adopts statute making all anti-Meredith acts of its officials acts of the State.	Does this show wilfulness or continuing contempt if proposed by Barnett or Johnson?	Washington Star, 9/29; AP, New Orleans, 9/29	Certified copy of text
9/29/62	Court of Appeals holds Johnson in civil contempt and orders him to purge himself by 10/3 at 11 a.m.			

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Sources</u>	<u>Manner of Proof</u>
9/29/62	Mississippi legislature provides for payment by State of any fine imposed on Barnett.	Wilfulness or continuing contempt?	Washington Post, 9/30 by R. Baker at Oxford, 9/29	Certified copy of text
9/29/62	Barnett and Birdsong meet with W.M. Rainsch, L.P. Davis, Jr., and L. A. West, all of Louisiana to plan cooperative action.	Wilfulness, continuing contempt?	Washington Star, 9/30 by Cecil Holland, Oxford, 9/29	Testimony by a participant, Birdsong
9/29/62	Col. Birdsong and members of Johnson's staff meet with racists from Mobile, Alabama.	Johnson's intent and continuing contempt	Washington Post, 9/30, UPI, Mobile, 9/29	Testimony by a participant
9/29/62	Barnett talks by telephone several times with President Kennedy and Attorney General Kennedy.	Vacillation (intent); continuing contempt	Justice Department records by auditor	Authentication of records or transcript by auditor
9/29/62	Johnson confers at Governor's Mansion and makes statement.	Intent	Jackson Clarion Ledger, 10/1, C.M. Hills	Authenticated text or tape of film
9/29/62	Joint state legislative committee publishes report saying Meredith unqualified for admission to Ole Miss.	Intent, if Barnett or Johnson sponsored this	N.Y. Times, 10/1, by Peter Khias in Jackson on 9/30	Authenticated text of report

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Sources</u>	<u>Manner of Proof</u>
9/29/62	Johnson tells closed meeting of Mississippi senators that state will not resist federal force.		Washington Post, 9/30 by R. Baker at Oxford, 9/29	Testimony by participant, or possibly Baker
9/29/62	Mississippi moves Court of Appeals to dissolve TKO and stay on dismiss contempt			
9/29/62	Mississippi moves to participate <u>amicus curiae</u> in Johnson contempt proceeding; denied.			
9/30/62	Barnett talked by telephone with President and Attorney General.	Vacillation (Intent); continuing contempt	Justice Department records	Authentication of record or transcript by auditor
9/30/62	Barnett makes statements to public shortly after noon and in early evening.	Intent or substantive contempt		Authenticated texts or filmed tapes
9/30/62	Barnett confers early evening with 2 conflicting sets of advisors.	Intent	Washington Post, 10/2, Clayton; N.Y. Times, 10/2, Smith	Testimony by participants; possibly reporters
9/30/62	Barnett proclamation to Yarbrough regarding keeping order and by implication turning Highway Patrol over to him; Patrol fades away; rioting begins.	Contempt	Goldin chronology	Eye witness testimony; authenticated text of proclamation

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Sources</u>	<u>Manner of Proof</u>
10/1/62	Barnett makes public statement at about 1:35 a.m.	Intent		Authenticated film-- tape
10/1/62	Barnett makes TV statement blaming U.S. for riot.		Washington Post, 10/2, (text appears in by Clayton Washington Star of at Jackson 10/2, AP) on 10/1	Authenticated tape
10/2/62	Court of Appeals hearing in New Orleans on Mississippi's motion to dissolve TRO; denied.			
10/2/62	Court of Appeals hearing on whether Barnett and Johnson had purged themselves of civil contempt; case continued after hearing until 10/12/62.			
10/2/62	U. S. District Judge Mike vacates McAdams (Jones County) injunction; Government withdraws partly pending application of 9/20 for TRO.			
10/2/62	Court of Appeals acquits University officials of civil contempt; dismisses citation as to trustees on account of their promises and compliance.			
10/3/62	Barnett denounces federal invasion and calls upon Mississippians to oppose it.	Contempt; Intent	Washington Post, 10/4, W. Chapman at Jackson, 10/3	Authenticated audio- video tape from WLBT in Jackson

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Sources</u>	<u>Manner of Proof</u>
10/12/62	Court of Appeals hearing in New Orleans. Barnett denies (through Clark) that he promised on 10/2 to comply with C.A. order. Government dismisses Messers case in Court of Appeals.		Washington Star, 10/13, by AP New Orleans	
10/12/62	Barnett asks Board of Trustees if Meredith can be expelled on grounds of insanity.	Content; Intent	N.Y. Times, 10/13, by T. Buckley at Oxford; Birmingham News, 10/12; Delta Democrat-Times, 10/12, UPI, West Point, Miss.	Testimony by one or more trustees
10/12/62	Barnett appears on CBS TV news program.			
10/13/62	Barnett appoints lawyers to represent Ole Miss students.	Intent	Jackson Clarion Ledger, 10/14/62, by C. M. Hills	Lawyers appointed or persons with whom he discussed appointments
10/16/62	Barnett issues statement to news-men from his office denying contempt and that he had purged himself.	Intent	Washington Post of 10/17 by AP in Jackson on 10/16	Audio-video tape or authenticated text

<u>Date</u>	<u>Event</u>	<u>Significance or Theory of Admissibility</u>	<u>Source</u>	<u>Manner of Proof</u>
10/16/62	Alabama delegation of Senator Inglehardt and 3 newsmen offer Barnett affidavits of 3 Alabama officials who were on campus on 9/30.		Seima (Alabama) Times Journal of 10/17, probably by Arthur Capell, city editor	
10/24/62	Barnett states that the trustees asked him to act as registrar with respect to Meredith's application.		Jackson Clarion Ledger, 10/25, by James Saggus	
10/27 ?	Barnett announces that he is sending a form letter to all who write to him.		Jackson Clarion Ledger, 10/28	
11/3/62	Barnett addresses Mississippi Industrial and Technological Research Commission at Jackson (Sun 'n' Sand Motel) and stresses success of defiance.		Jackson Clarion Ledger, 11/9/62	
11/13/62	Court of Appeals orders Justice Department to proceed against Barnett and Johnson for criminal contempt.			

Appendix A

Background Chronology

Item:

Barnett speaks at Memphis Exchange Club on 1/20/59 and praises Gov. Faubus for his actions at Little Rock.

Barnett vows continued total segregation for Mississippi, 6/13/59.

Barnett pledges school segregation "at all costs" in his inauguration speech on about 1/20/60.

Barnett delivers a pre-segregation speech at Columbia, South Carolina, 1/29/60.

Sources

Memphis Commercial Appeal by Richard T. Allen.

Memphis Commercial Appeal, 6/14/59, by CHIEF Sessions, UPI, Jackson, 6/13/.

New Orleans Times Picayune, 1/26/60, by W. F. Minor at Jackson

Shreveport, (La.) Times, 1/30/60, AP.

Possible Investigative Leads and Data to be Served:

Secure any text or tape of this speech that may exist; interview the reporters who were present for details of Barnett's remarks about preserving segregation in Miss.

Interview reporters for circumstances and details of speech. Secure any text or recording that may exist.

We have the text of this speech, but an audio-video tape should be secured if one exists.

A recording or tape of this speech should be secured if it exists. Reporters present should be identified and interviewed for the details of Barnett's remarks.

Items

Barnett delivers pro-segregation speech to Louisiana Citizens's Councils, 3/7/60.

Barnett says his election was a mandate to preserve segregation, 1/4/61.

Barnett tells Junior Chamber of Commerce in Atlanta, Georgia that Supreme Court decisions are not the law of the land, 1/28/61.

Barnett prepares, but does not present, a segregation resolution at the Governors conference in Hawaii during last week of June, 1961.

Sources

Jackson Clarion Ledger, 2/5/61; New Orleans Times Picayune, 3/8/60; Birmingham News, 3/8/60, AP.

Jackson Clarion Ledger, 1/3/61, by C. N. Mills.

New Orleans Times Picayune, 1/29/61.

Jackson Clarion Ledger, 7/5/61, by C. N. Mills.

Possible Investigative Leads and Data to be Secured:

Reporters present should be identified and interviewed for details of speech, and any available recording should be secured.

Full details of this speech should be secured, as should the text and any available recording.

The text and any recording of this speech should be secured, or reporters present should be identified and interviewed for details of speech.

A copy of this resolution should be secured.

John Dear
First Assistant

November 30, 1962

DD:mu
11,801
144-40-254

Denis Dillon

Defendants, United States v. Walker

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

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

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

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

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

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

THE NEW YORK TIMES, WEDNESDAY, DECEMBER 5, 1962.

Reinstatement of Student Worries Mississippi U.

By THOMAS BUCKLEY
Special to The New York Times
OXFORD, Miss., Dec. 4
The court-ordered reinstatement of a student expelled after demonstrations against James M. Meredith has confronted University of Mississippi officials with a problem they regard as no less grave than integration. They fear that if a precedent is set by which the courts can reach disciplinary action through normal procedures, hope of controlling the student body will be lost. They foresee endless, harassing legal procedures. Of greater importance, according to a high official, is the implied curtailment of academic freedom through judicial interference. The State Board of Trustees of Higher Learning is moving

to have the order quashed by the judge who issued it. Noting that the order, issued last Thursday by Judge J. C. Stennett in Chancery Court in Jackson, had been based on charges of unlawful search and seizure, Thomas Jefferson Tubbs, board chairman, said: "If the action of the court stands to the point where the universities can't expel because of technicalities of defense that common criminals can demand, then the board of trustees and the institutions are in for a hard time in running decently disciplined places of learning."

"Last ditch" been Should this step fail, board is prepared to carry the case to the State Supreme Court. Should that court allow the decision to stand, it was learned, the association placed the to recent criticism of the association as "Marxist" by Senator James O. Eastland, Democrat. It is said to have said the membership in Alabama and Louisiana, who had signed

Chancellor John D. Williams, other high administrative officials and many faculty members are expected to resign. Dr. Williams, who has attempted to guide the school through extraordinary difficulties in the registration of Mr. Meredith, a Negro, is known to regard the legal action as "the last ditch." Such a wave of resignations would likely lead to the withdrawal of accreditation from all the state's colleges and graduate schools by the Southern Association of Colleges and Secondary Schools.

Chancellor Williams, attempted to stop Mr. Meredith's enrollment. There will be an "immediate and rigorous re-examination of the accredited status of the institution," the association warned, if evidence arises of "encroachment" by groups, investigating committees or other agencies, as judged by normal standards. Move to Break Away Meanwhile, a move was afoot to have all state-supported institutions in the South withdraw from the association and form their own accrediting body. The move is believed related to recent criticism of the association as "Marxist" by Senator James O. Eastland, Democrat. It is said to have said the membership in Alabama and Louisiana, who had signed

The reinstated student is Robert Robertson, 19-year-old sophomore from Jackson. He and three other students were ordered expelled for having taken part in demonstrations in Baker Hall, Mr. Meredith's office, on the night of Oct. 29. Federal marshals and military police officers subdued Mr. Robertson's group and a riotous scene at the request of the campus police. In a locked baggage they found cherry bombs, dynamite and 80 student identification cards, which Mr. Robertson later conceded had been obtained illegally. Melvin B. Bishop, Mr. Robertson's lawyer, is appealing the university's decision to university officials. The punishment was too severe in view of the youth's previous clean record.

New York Times
New York, New York
Date: 12/5/62

The File

Dec. 7, 1962

**St. John Barrett
Second Assistant
Civil Rights Division**

SJB:arg 11,801

Oxford Riot

144-40-254

Richard Lavin, of the FBI, advised me today of information the Bureau had received from Ned Touchstone, a Citizens Council leader in Shreveport, Louisiana. Touchstone advised that Melvin Bruce, of Decatur, Georgia, who was arrested in Oxford at the time of the riot (see FBI report 10/6/62) would be in Louisiana on Tuesday and Wednesday of next week, attending mass meetings of the Citizens Council. Bruce claims to have been mistreated by U. S. Marshals in Oxford. George Shannon, editor of the Shreveport Journal, told Bruce he did not want him to hold a press conference in Shreveport as Shannon had already written an article on the merits of which Bruce complains. Bruce will, however, hold press conferences in either Baton Rouge, New Orleans, or both.

cc: Chron.
Mr. Doar
✓ Mr. Barrett
Trial File

The File

Dec. 7, 1962

**St. John Barrett
Second Assistant
Civil Rights Division**

SJB:arg 11,801

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**cc: Chren.
Mr. Dear
Mr. Barrett
Trial File**

†

The File

Dec. 10, 1962

St. John Barrett, Second Assistant
Civil Rights Division

SJB:arg 11,801

Oxford Riot

144-40-254

I received a telephone call from Fred Woodcock, in the FBI, today regarding our request that the Bureau investigate Barnett's order of September 28 to the "Citizen Force" to return to the campus (p. 5 of Appendix B).

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

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

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

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

X
cc: Chren.
Mr. Barrett
Trial File (En. 1140)

The File

Dec. 10, 1962

**St. John Barrett, Second Assistant
Civil Rights Division**

SJB:arg 11,801

Oxford Riot

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

Mr. Marshall

Dec. 12, 1962

St. John Barrett

SJB:arg

Oxford Riot

Congressman Williams is undoubtedly up to no good in asking for the names and addresses of the federal marshals. He may wish to give to his fellow Southern congressmen the names and addresses of those coming from their districts. He may wish to furnish the information to Citizens Council groups, or he may wish to make the information available (by way of congressional discovery) for use in the various pending lawsuits. My own view is that we should gracefully furnish the information he asks in the first instance. If there is a determined effort to obtaining it, either through Congressional Committee action or discovery in one of the pending lawsuits, it seems to me that the identities of the marshals will be eventually disclosed. Any effort to avoid their disclosure might be misconstrued as an effort to suppress the true facts, or to protect the marshals from the results of their "misconduct." I would hope that if disclosure would result in any reprisals the federal government would be able to deal with them.

I discussed this matter briefly with Mr. Guthman when I telephoned him regarding the list. His reaction was that the list of names should not be furnished.

T. 12/3/62
BM:SJB:arg 9782

DEC 12 1962

144-100-40-1

Honorable Joseph Campbell
Comptroller General of the United States
General Accounting Office
Washington 25, D. C.

Dear Mr. Campbell:

The Attorney General has asked me to reply to your letter of November 20, 1962, concerning the transportation of Mr. James H. Meredith, at government expense, after his enrollment at the University of Mississippi pursuant to federal court order. You refer specifically to his transport by government plane to Memphis.

For your information I am enclosing copies of the four pertinent court orders entered in the Meredith case. These are three orders of the United States Court of Appeals for the Fifth Circuit entered July 28, September 25 and October 19, 1962, together with an order of the United States District Court for the Southern District of Mississippi entered September 13, 1962. You will note that these orders not only prohibit activities and conduct which would interfere with Mr. Meredith's entry into the University but also relate to his continued attendance there. It is clear that the government's obligation in assuring compliance and preventing interference with the court orders did not cease when Mr. Meredith was enrolled.

Your letter of November 20 sets out your conclusion that the use of government funds was authorized under the circumstances described in Assistant Attorney General Burke Marshall's letter of October 11, 1962. Those circumstances related to the Department's obligations concerning Mr. Meredith's enrollment under court orders then in effect. These orders, now supplemented by the order of October 19, require the Department to assume the burden of continuing

cc: Records
Chron.
Mr. Andretta
Mr. Coburn
Mr. Marshall
Mr. Holloman
✓ Mr. Barrett

enforcement while Mr. Meredith remains in attendance at the University. In discharging this obligation we must maintain Department officers at the scene for as long as circumstances require their presence.

It must be understood that Mr. Meredith is a free agent and may leave the campus whenever he desires. This Department has no authority nor any desire to restrict his travel. Hence, when Mr. Meredith exercises his privilege of leaving the campus the Department is, in some instances, obliged to afford adequate security to prevent others from committing acts in violation of the court orders. This sometimes requires the use of government vehicles. On occasions when such vehicles are used Mr. Meredith is accompanied by officers of the Department in the conduct of their official business. Such transport at government cost is provided in the best interests of the government, since it minimizes the risk of unlawful interference with Meredith's continued attendance, and affords the accompanying officers maximum control of any situation that might develop.

With reference to the government-owned plane transportation, the Immigration and Naturalization Service has advised me of the following trip:

10/12/62 - Departed Oxford, Mississippi, 3:30 p.m.
Arrived Memphis, Tennessee, 4:00 p.m.
Departed Memphis, Tennessee, 6:10 p.m.
Arrived Jackson, Mississippi, 7:30 p.m.

Flight time, 1 hour and 50 minutes.

Hours of flight, 1 hour and 50 minutes	
at \$24.51	\$44.93
Cost of pilot (salary, etc.)	<u>17.45</u>
Total	\$62.38

I am advised that on this occasion the plane was flown to Memphis with Mr. Meredith and accompanying

Department officers for the sole purpose of picking up two assigned marshals who were to serve as additional protection for Mr. Meredith in Jackson, Mississippi.

The Immigration and Naturalization Service reports a cost of \$13.00 for ground transportation involving Mr. Meredith after his enrollment on October 1. The Service no longer has vehicles assigned to the University area.

During the month of October 1962, the United States Marshals and the Civil Rights Division spent an estimated \$3300.00 for automobile transportation in the University of Mississippi area in connection with the Meredith case. No breakdown has been made as to the numbers of officers involved or their duties on any particular trip, including such transportation of Mr. Meredith as was required.

I believe that the authorities which you refer to in the first paragraph of your letter of November 20 supporting the use of government funds, are equally applicable to this situation.

Sincerely,

NICHOLAS GEORGE KATZENBACH
Deputy Attorney General

Form No. DJ-96a
(Rev. 4-13-61)

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO	
NAME	BUILDING AND ROOM
1. Mr. Barrett	
2.	
3.	<i>my file</i>
4.	
5.	

SIGNATURE COMMENT PER CONVERSATION
 APPROVAL NECESSARY ACTION AS REQUESTED
 SEE ME NOTE AND RETURN NOTE AND FILE
 RECOMMENDATION CALL ME YOUR INFORMATION

ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
 PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS Mr. Doar left the following message for you re your memo of 12/14/62, "Oxford Riot", 144-40-254:

"This is very good. Will you keep after it. Also get the tape for us. Let me know.

John

FROM		
NAME	BUILDING, ROOM, EXT.	DATE
Verne		