

They're stopping everybody. I don't know what that means. Let's do something about this. The next group (of troops) ought to ring the town. Keep new people in and then start picking up the rubble rangers in there now.

C: Lou, we can't spare the men yet. But we'll throw it out for later.

(Black Line out)

820 R: (to Recountah) The Deputy hit in the left chest, Joseph Benson, ED-17 Brantlyn. He'll be damned if he'll give up the card. Wounded slightly. Also to get something nice about it

Recountah: Do things sound quieter? What are the troops doing?

R: They're doing something -- things are quiet.

Recountah: How many prisoners so far?

R: About 23, perhaps half are students. None brought in by soldiers yet.

(Brief discussion with C about authority for holding prisoners)

C: Does the Military rule apply?

823 R: A little firing going on now. Happens in spurts. Colonel here thinks it sounds like a shotgun.

C: We're checking on Marshal Stone again -- we'll let you know.

824 (Col. McDonald, Medical called remooey.

Col. McDonald, COMARC (Continental Army Command) part of a portable hospital out of Bangs, with special corgans. Helicopter and going, too.

(Black Line out)

C: (Advised Lou of same -- to go to Oxford hospital area.)

Low (aside) We should have provided ration... let... someone
this line a minute. We've gotten problems. (Close black line)

5:21

C: Joe - we've got pretty good hospital equipment... all we can get to he's still in surgery.

DeLoach: We have report that one of the campus policemen... (Browning .22 automatic) and they are supposed to be bringing...

5:22

(Attorney General returns - with a smile... Forke also.)

DeLoach: There was a car burning

5:25

C: See what situation on tear gas is... Do you want need more

R: Hold on... you, we need all we can get. Listen, send some
office along with R.

R: You better talk to DeLoach (Markham).

DeLoach (Tells about new type of tear gas - previous had not so good)

Ramsey advises General Abrams of need for long-range projectile type... 206
Flight Right 1. 1.

5:42

(Black Line) - LFO Having trouble working out rations. Troops have
advanced with down bayonettes into areas.

Can't figure out how to get men out of there before the troops arrive
in the morning. Men will just have to do without rations. (All LFO
has

5:44

(White) - Now car burning. "Substantial violence." Troops have
moved out. Reiss can't tell what situation. Newspaper says men
believe convoy stopped by Melvin Costello.

5:48

Report to Clark from Memphis on James - condition good - report
given to Reiss.

5:51

(Black Line) LFO Another National Guard unit advised. Small unit
out there. On the campus?... Passed message on to Reiss.

5:55 -

5:59

(White Line) Ed Gethman - spoke to Kennedy - reporters will say
US took a toll of a lot before moving. McShane pig on

6:01

(Black Line) - LFO - 600 MPs coming in - "closing on Oxford" -
trying to decide where CP will be - in area - Hick and general ar-
together - LFO says no vehicles or at least a hard time assembling
them.

6:07

Reiss says apparently report of violence wasn't serious - just tear gas
people still carrying on - Some of marshals able get relief.

6:11

Clark ~~XXXXXXXXXXXX~~ suggests to Reis that perhaps some troops be used to seal off the campus. Reis will look into it.

6:21

Nick to Clarke - Big group of prisoners - Wants to bring them before the US Commissioner and then transport to Memphis prison - These ~~XXXX~~ men were armed - last man had gun and ammo from Decatur, Georgia. Check out whether we can get commissioner who is reliable - What do about bail...

Burke Marshal on phone to Nick. Main thing is to get through to daylight. These are Klan people, Nick surmises

Nick has reported that captured armed civilians bus is coming.

One man making coming down to join Arch Roberts

6:25

Clark in touch with "Ray" on the identity of the U. S. Commissioners Ref.

6:41

(continuation) Reviewed statutes with Herb and H. R. -- 18 USC III, 1509, 2383, 2384--

John Dear spoke with Burke Marshal EX and Robert Kennedy.
Quiet around Mieretta.

XXXX

Low Walker driving into model station wagon - Mansel Motel - reported by Dear -

6:47

23rd Infantry Battle Group arrived - Army - LFO - 1500 men.

6:49

Nick to R. K. - No shooting by marshals except for fire here. More prisoners - few students - Got of state men - with 23rd have about 2300 men - Guard are helpful with Billingsley to tell what to do. Have picked up most of the people with general. No shooting now. A few "Cocktails".

6:51

LFO reports 2 soldiers injured when ~~xxxx~~ railroad ties dropped on them.

Nick says picking up many prisoners now. Squads out. Got many with general. Over 10 prisoners.

7:05

Schind - Can we locate any cars? One drove his car as part of attack. Found evidence in the car - Drove across state lines with unregistered firearms.

111 Doctor from town came voluntarily - because heard people hurt.
Dr. Jerry Hopkins - Oxford... Ag or Pres. send wire. He came
voluntarily - call at E. Came in through mob... invaluable.
Young fellow with southern accent.

112 Joe Babin spoke to Duke Marshall... Get FBI investigation of all
men taken prisoner. Last couple of groups - almost no students.
Babin, Earl Thompson of Memphis - Get guns and ammo.

113 RR to Chattanooga. Do you know what we say to question: Where
was Army for four hours? No. Army must answer. Abrams has no
answer. Delayed getting going and then waited one hour at airport.

10:15 Gov. Barnett on way (K)
Do we let him in?
AG: No
I: Yes
Clark: Yes
AG: will call President

10:25 Trer. thinks no (AG)
Art AG leave it up to K
Suggest hold him at airport
Amy ~~evacuate~~ him until order is restored
special

10:35 LFO: Susans (unidentified) using the Memphis phone.

10:40 Miller to Col. Redman: is our Memphis phone -- Redman, will check and disconnect.

10:45 Tel to Lou: Redman checking out phone at Memphis

10:55 Mob throwing rocks at Amy MP's in square (Lou). People heading for Registrar's office; Registrar may have to evacuate office (Lou) Tell him to get out (AG)

11:00 Meredith on way to class; crowd booting him (Lou)

11:05 Meredith back in Lyceum; on campus crowd being dispersed (LCO)

11:05 200 Marshals being moved to fishcamp.
Mob being moved by military apparently under control.

11:10 No Governor yet (Schlei)
Meredith to 9 o'clock class (Kala)
No arrival by Governor.
Will be in turned back.
Nick: students congregating.
Lou: Meyer says mob is not local.

11:20 No word on Governor? No (Schlei)

11:30 Crowd in square under control of MP's (Schlei and Lou)

11:40 Vice Chancellor Clegg of Uni.: "By what authority is government occupying university?" (Schlei)
(Auss to get marshals and troops out?)

Will be able to move out within hour -- Except we will
keep basement (where phones are)

11:55 Move headquarters? (Nick)
Prisoners
Marshals
Phones

Can't leave building at this point

12: Enough to pick up Walker? (A)

Miller: Yes

Warrant? (K)

Miller: Yes

12:10 Bureau of Prisons people left for day (Schles) Have
to get them back to move prisoners.

12:35 Walker just entered Lyceum

12:37 Fritchard: People not at Hotel Lebraten, room #22x #76 vacant.

12:40 Belcher to Reiss: Got story from Don Savill who'll testify.
Reiss: Can we arrest without warrant?
Nick on phone -- Nick has Walker in custody and holds.
says take him to Commissioner. Give Reiss 15 U.S.C. 17a, 1507,
372, 2383, 2384 as _____ in warrant against Walker.

12:42 Clark to Reiss: Commissioner in Fed. Bldg. Reiss coming down
with witness and maybe two.

12:47 Marshall to Barrett: Are you ready for hearing this afternoon?
Tomorrow? Will court convene?

12:51 Need soldiers over where we have prisoners. Pronto.

12:53 Cut off. Operator cut off.

12:55 Desperate situation on prisoners. Can't take them this
fast. Wants to screen out ones who may be picked by mistake.
Clark says can be there soon.

Miller: Is military getting up stockade. Nick can't handle
more.

2:05 AG reads statement on Walker.

D

U

-3-

2:30

Cancel extra 50 prison guards per Nick Katzenbach.
Guards now there will be sufficient.

Shirley Lee us - Barnett
Director

Statement by Governor Barnett of Mississippi
11:00 p.m., CST, September 30, 1962;

Some reports interpreting my statement tonight as altering my stand are positively untrue and wholly unfounded. My friends, I repeat to the people of Mississippi now, I will never ~~yield~~ yield a single inch in my determination to win the fight we are engaged in. I call upon every Mississippian to keep his faith and his courage. We will never surrender.

SECRET Yarbrough Riot Story

By CHARLES M. HILLS
Charles Ledger Staff Writer

For once in our career, we have some trouble stating our position in between legislative sessions, but if cold weather doesn't catch us, we'll make it.

For the past week, this column has done yeoman's duty getting before you the letters of our readers, and this day is no exception.

In, here goes:
Since many people have been concerned as to what happened just before the time the U. S. marshals shot tear gas pellets into the students at Ole Miss on the night of September 22, Senator George M. Yarbrough of Red Bank, who was representing the Governor, has given the following statement:

SENATOR SAYS

"I arrived on the Ole Miss campus at 6 o'clock P. M. Sunday, September 23 to find approximately 60 U. S. marshals had surrounded the Lyceum building, standing shoulder to shoulder. The marshals were armed with double barrel tear gas guns, protective yellow veils, with additional tear gas pellets and pistols.

"At approximately 7 o'clock P. M. Senator John McLaurin, Col. T. B. Birdsong, Commissioner of Public Safety, and I went to the Lyceum building to conduct them in charge to see that no violence would be committed to the students or by anyone.

"We met with Mr. Katsenbach, Mr. Katsenbach, Mr. Robert Smith, Mr. John Dyer and Mr. Ed Cochran. Mr. Katsenbach, assistant Attorney General, was in charge.

"I told Mr. Katsenbach that they had had some trouble and suggested that I contact the highway patrol to see if they could be of any help in clearing the highway to the campus."

CONTACT

"Upon contacting the governor's office I was advised to keep the highway patrol on duty at the campus. The highway patrol remained on duty until Monday morning when relieved at highway point by federal troops. No order at any time was given for the highway patrol to withdraw."

"I then asked that I be given the opportunity to address the students in front of the Lyceum building. This was granted. Mr. Katsenbach, myself and others went out the east door of the Lyceum building just as the U. S. marshals were getting ready to shoot gas on the students. I asked Mr. Katsenbach to stop the marshals, which he did.

"I then addressed the students and asked that they not do anything to cause any violence, to move back across the street and go to their rooms. The students requested that I ask the governor to come to the campus. I promised them that I would contact the governor if they would move back and be quiet. This they agreed to and were moving back off the street.

RECOUNT

"Highway patrolmen were between the U. S. marshals and the students, facing the students and with their backs to the marshals. The patrolmen, armed and without gas masks (the ones they had were out of date for the new type of gas with which the marshals were armed) were moving the students back across the street.

"The ones in charge of the U. S. marshals seemed pleased that I was trying to quiet the students, and at my request, talked to the U. S. Attorney General, Mr. Bobby Kennedy, to get assurance that the Governor would not be arrested if he came to the campus. The Attorney General did not give any assurance."

BIRDSONG TALKS

"Col. T. B. Birdsong was talking to the U. S. Attorney General when we heard the gas pellets being fired into the students and into the backs of the highway patrol who were unarmed and without gas masks. This was two or three minutes after I left to see if arrangements for the governor to come to the campus could be made.

"The students were much quieter at the time they were fired upon than when I first went out the door to talk to them. The highway patrol would have had the street cleared in a very few minutes, if the gas had not been fired.

"I told Mr. Katsenbach that they had made a grave mistake and that I wanted to know who gave the order to fire the gas.

"In my opinion there was no reason for the U. S. marshals to fire the gas, as the students were making no move other than at a pop rally. It is my opinion that the U. S. marshals should have been ordered to stand back and let the students pass.

'Big Lie' Technique Charged To Bobby

The "big lie technique" was charged today to U. S. Attorney General Robert Kennedy in his statements blaming Mississippi officials for violence at the University of Mississippi by Hinds County Judge Russel Moore, eyewitness-chairman to the Oxford affair.

Judge Moore, one of three personal representatives of Governor Ross Barnett on the Ole Miss campus preceding enrollment of James Meredith and during the outbreak of disorder over the armed takeover by U. S. Marshals and Federal troops, said "Kennedy seeks to defame Governor Barnett by alleging that the governor breached his promise and removed the Highway patrol from the Ole Miss campus on the night of Sept. 30, 1962."

Judge Moore issued a statement late yesterday covering events surrounding the Sunday night action, and related Atty. Gen. Kennedy's recent television interview when he claimed the patrolmen were withdrawn "at a crucial point during the rioting."

The Hinds county judge, and two others who had been designated by Gov. Barnett as advisers and representatives in the Ole Miss crisis, were added in a federal court injunction yesterday, enjoining them from any interference with Meredith in the University case.

George Yarborough, of Red Banks, president pro tem of the state senate, and Sen. John McLaurin, of Brandon, were included in the federal court order which also named Sheriff J. R. (Bub) Gilbey in the latest writ.

The sheriff and a number of other Jackson law enforcement officers, in addition to the governor, lieutenant governor, state attorney general and other law officers listed by title and class, were cited in the original injunction which was made permanent by the U. S. Fifth District Court of Appeal last week.

Judge Moore's statement was as follows:

"Apparently the 'big lie technique' employed by the attorney general of the United States has not had its effect. I note in today's paper the Attorney General seeks to defame Governor Barnett by alleging that the Governor breached his promise and removed the Highway Patrol from the Ole Miss campus on the night of Sept. 30, 1962.

"This allegation by Atty. Gen.

Kennedy is about as accurate as the allegation he made on television on the night of Oct. 1, 1962 when he said that the Justice Department had only been involved in the Meredith case for a period of one week.

"It is a matter of public record that the Justice Department had filed an amicus curiae brief before Justice Hugo Black approximately four weeks prior thereto.

"Either this was, as in his present statement a willful distortion of the truth or a display of complete ignorance.

"I was present on the campus of Ole Miss at the time the United States marshals fired their first volley of tear gas into the backs of the Mississippi Highway Patrolmen and when several were injured within approximately 15 minutes Sen. George Yarborough placed a call to the Governor and requested permission to remove the Patrol.

"The call was completed about 9 pm and at that time the Governor and his aides refused to permit us to order the Patrol to withdraw. The Governor stated that they remain and seek to quell the riot. He ordered Sen. Yarborough and his party to return to Jackson and we left about 9:30 pm.

"When we left the campus the Highway Patrol was on the scene. Had it been my decision I would have removed them without delay as they were unarmed and not equipped to remain in the area where the armed U. S. Marshals were firing the tear gas indignantly."

IN JAYCEE BROCHURE *Citation
JDH/CA*

Riots At Ole Miss Laid To Kennedys

The Junior Chamber of Commerce in Mississippi blames President Kennedy and Atty Gen Robert F Kennedy for the riots on the University of Mississippi campus when Negro James H. Meredith was enrolled Sept 30.

The Jaycees, in a brochure entitled "Ole Miss: A Warning For Americans," said the violence was "precipitated by the unwillingness of Atty Gen Robert F Kennedy and President John F Kennedy to await the completion of judicial processes which they had invoked."

Meredith's forced enrollment, the brochure said, was not worth "violence and death and destruction."

Gov. Ross R. Barnett's legal position was also defended. His refusal to admit Meredith despite U. S. Supreme Court Associate Justice Hugo Black's order, presented a legal test of state rights which should have been settled in court, the Jaycees said.

Black had ordered the Negro admitted although the full court had not officially rejected a motion that it consider an appeal from the state. It was, however, rejected eight days after the riot.

The Jaycees said they don't feel the "forced education of one man" is "worth millions of dollars in expense, the interruption of an education for 5,000 other students, denial of the constitutional rights of many, violence, and death and destruction."

Gene Williams, the junior chamber's governmental affairs chairman, said hundreds of thousands of copies have been printed. They will be sent to Jaycee organizations over the nation.

The brochure also had this to say:

Meredith, protected by over 600 federal marshals, arrived on the university campus. The marshals encircled the Lyceum Building — the main administration building — fully armed with night sticks, gas masks, tear gas guns, revolvers and wearing protective vests and riot helmets.

A crowd of university students and outsiders, many from other states, gathered in the vicinity of the marshals. The unarmed Mississippi highway patrolmen stood between the marshals and the crowd.

"Some of the crowd began to taunt and jeer the marshals. Several articles were thrown in the direction of the marshals. Without warning, on orders of James P. McShane, the chief federal marshal, the marshals fired tear gas projectiles at close range directly into the crowd. This incensed the crowd and the riot began."

The Jaycees said the marshals' conduct was "reprehensible" and accused them of treating prisoners in a "shocking manner."

The night of Sept. 30 and the next day were hours of unbelievable for terms those prisoners," they added, "some of whom had nothing to do with the riot. The marshals administered beatings with nightsticks, knocking a few almost into a state of unconsciousness."

The prisoners were neither fed nor given water for many long hours," the brochure continued. "With tear gas in the air, the area was hardly bearable. Many of the boys had dried blood on their clothes and faces."

Shufly - U.S. Bank
Invest - T

Director
Federal Bureau of Investigation

November 15, 1962

Burke Marshall
Assistant Attorney General
Civil Rights Division

BA:JD:stj
144-61-409

Cyril T. Ponce, Jr. v. United States, et al.

NOV 19 1962

On November 1, 1962 Cyril Ponce, Jr. filed an action in the Southern District of Mississippi against the United States of America and Deputy Attorney General, Nicholas Katzenbach and James P. McShane, as well as other unknown Deputy U.S. Marshals. The gist of the complaint was that the marshals wrongfully and unlawfully injured the plaintiff by firing tear gas projectiles at or near him.

In connection with this litigation it may be necessary to establish by photographs and other physical evidence the sequence of events during September 30 and October 1. In addition to determining the sequence of events it may be necessary to have available for presentation fair and accurate descriptions of the situation at the University of Mississippi from the time that the marshals arrived on Sunday afternoon, September 30, until the military arrived early on the morning of the 1st of October. An effective way to establish conclusively what the situation was on the campus at any particular time is through the assembly of photographs taken at the time by persons at the scene. It is possible through the use of the photographs to have the photographer identify the time that the picture was taken or to show the picture to one or more persons who are portrayed in the picture and obtain from them a positive statement as to the time that the picture was taken. In some instances a clock in the picture itself will portray the time that the picture was taken. For example, I have a picture before me taken by a "Life Magazine" photographer of a scene in front of the Lyceum Building. The clock on the Lyceum shows the time to be 4:23 and it is clear from the scene itself that this was taken on Sunday afternoon after the marshals had arrived on the campus.

cc: Records
Chene
Bear ✓
Greene

Trial File (1140)
U.S. Attorney

We know that a number of major publications, including "Life", "News Week", "U.S. News & World Report", and a number of television networks, had extensive pictorial coverage of these events.

Will you therefore please undertake to obtain suitable 8"x10" prints of all available photographs from all readily available sources taken from noon September 30, 1962, to noon October 1, 1962 at or near the campus at Oxford. When you submit your report to us please have the photographs assembled chronologically with an explanation of the time that the picture was taken and a short statement of what the picture shows, as well as the identity of the witness who can establish the time.

If you are unable to determine the time exactly, please furnish the photograph anyway in a separate subdivision of your report.

We are also interested in obtaining all photographs taken at the following times and places indicated below with the same information attached to your report:

1. Oxford, Mississippi, on September 20, 1962, this being the date of James Meredith's first attempt to register;
2. Jackson, Mississippi, on September 25, 1962, this being the date on which an unsuccessful attempt was made to serve Governor Barnett with a court order and, at the same time, to register Meredith;
3. Oxford, Mississippi, on September 26, 1962, this being the date of the next attempt to register Meredith;
4. Oxford, Mississippi, on September 27, 1962, this being the date on which a crowd gathered in anticipation of another attempt to register Meredith.

If you have any question about this assignment, please contact Mr. John Boer or Mr. St. John Barrett of my Division.

Thank you.

- 3 -

In connection with carrying out this request if it is not feasible for you to quickly determine the time and place of the photograph, please furnish the photograph anyway for inspection by us. This will greatly reduce the number of photographs whose time and effort will have to be spent in establishing when the picture was taken.

Since dictating this memorandum the Department has been instructed by the Circuit Court of Appeals for the Fifth Circuit to institute and prosecute criminal contempt proceedings against Ross W. Barnett and Paul S. Johnson.

The information which you furnish in connection with this memorandum will be used in connection with that prosecution as well.

File Use Barrett
Dwight

STATEMENT OF JAMES MC SHANE

My name is James McShane. I live at 714 North Prior Street, Alexandria, Virginia. I am 33 years of age. I am married. We have two children, a boy 18 and a girl 17. I was born and raised in New York City and attended Public School No. 3 in Manhattan through the eighth grade. When I was 14 years of age I went to work in Wall Street as a runner delivering stocks and bonds to various brokerage houses. I worked there for a year and then held several jobs in the building construction trade as a laborer. Then I went to work for Consolidated Edison as a maintenance man. I worked there 9 years and then went to work for the New York City Police force in the year 1936.

At that time I was 27 years of age. I decided to take the competitive examinations. I recall that of the 30,000 persons who took the examination, 3,500 persons passed. I stood 864 on the patrolmen's list. Prior to taking this examination I went to Belchany Institute, a private school that specializes in training you to take the tests required to become employed in city government service.

I was married in 1934. From the time I started work on the police force in 1936 until I retired in June 1957, I worked continuously for the New York City Police Department. For the first 2 1/2 years I was a patrolman, and thereafter I worked as a detective. During that time I did every conceivable kind of duty as a policeman and detective, including handling of crowds in such places as Madison Square Garden during meetings which were held there by left wing groups, as well as the May Day parade and other large scale parades where there was a serious possibility of disorder.

After leaving the police force I went to work for the Senate Rackets Committee. I was acquainted with Robert Kennedy. We had mutual friends in New York and I contacted him seeking employment with that Committee. Mr. Kennedy interviewed me and then introduced me to Senator McClellan who likewise interviewed me. After that interview I was offered and accepted employment with the Committee. I stayed with that Committee until September 1959 when it dissolved. I then went to work for Senator Kefauver's Anti-trust and Monopoly Subcommittee. Rand Dixon was the Chief Counsel for that Committee. However,

it was Senator Kefauver who conducted the final interview before I was hired. I stayed with that Committee through July of 1960 when I resigned to work for the Democratic National Committee during the 1960 Presidential Campaign. I was employed to travel with President Kennedy and to act as one of his security force as well as to do advance planning with local police and other persons in cities where President Kennedy was scheduled to speak. The purpose of the planning was to arrange routes, anticipate problems with crowds and traffic and see that the President's schedule functioned smoothly and that his wellbeing was provided for. Thus, during the fall of 1960 I worked with the local police in Los Angeles, Cleveland, Milwaukee, Madison, Philadelphia, Buffalo, Syracuse, Utica and Albany, New York, all places where the President visited and was greeted by large crowds of people. After the election in 1960 I returned to my work with the Kefauver Committee.

My job involved the investigation of price fixing and professional boxing. I was appointed Marshal for the District of Columbia on May 10, 1961. On May 20, I was sent by the Attorney General to Montgomery, Alabama, and placed in charge of some 600 deputy marshals under the

general command of Deputy Attorney General Byron White. On the following day I conferred with local police officials there and assigned marshals to patrol certain parts of Montgomery, Alabama. On Sunday night after I arrived some of the deputy marshals under my direction had to use tear gas to disperse a large mob that was gathered in front of the Negro church in Montgomery. I arrived at the church after the tear gas had been used and observed that without the assistance of local law enforcement people a mob which had been throwing rocks, bottles, who burned an automobile and who made every effort to bypass the line of deputy marshals and enter the church had been dispersed and broken up into small segments by the use of gas. As a matter of fact I found that the gas had quieted down the crowd so much that it was not necessary to use gas for the rest of the evening.

After coming back from Montgomery I participated in a number of meetings in the Department of Justice where discussions were held as to how deputy marshals could be better used in situations where local law enforcement officials were either unable or unwilling to protect Negro citizens who sought to exercise their constitutional

rights. As a result of these discussions I knew that certain deputy marshals, including Jack Cameron, Ellis Daley, Donald Forsht, and Al Butler, instituted additional training classes where approximately 150 deputy marshals received intensive riot control training during the summer of 1961. The instruction which they received included the procedures to be adopted by the deputy marshals in handling a mob; the proper use of tear gas equipment and the command structure. I did not personally attend these classes but I consulted with Mr. Cameron and Mr. Henry of the Department of Justice as to what instructions the deputy marshals were to receive and I assembled certain information for them on the methods used by the city police in New York in handling riots.

At that time the Department of Justice was developing a manual for the proper handling of riots, the objective being to control a mob with the least possible damage to people and property.

In the fall of 1961 I went to New Orleans with a group of deputy marshals, I was in charge, to stand ready to go to Natchez, Mississippi, in the event that local law enforcement officials were not able to maintain law and order.

Local law enforcement officials were able to handle the crowd in McComb and I did not go there.

In the summer of 1962 the training classes for the deputy marshals were intensified. By that time I had been appointed and assumed the duty as Chief United States Marshal. These classes lasted two weeks each and there were three of them during the summer. These classes were organized and planned under my direction and supervision. I attended part of one of the classes and observed marshals practicing with tear gas and carrying out operations as a squad and as a group.

In September of 1962 I was told by the Attorney General to have some of my men check the University of Mississippi and become familiar with its layout. I myself left Washington on September 13 to inspect Oxford, Mississippi. I was told to have twenty-five deputy marshals at Hillington Air Base with me for the purpose of accompanying James Meredith to the University of Mississippi at the time he applied for registration there. On Sunday the 16th I went to Oxford and consulted with the local United States Marshal and looked over the physical layout of the

town. I had a number of my deputy marshals check over the campus so that they would be completely familiar with the campus. On the same day I met Mr. Meredith at Memphis.

I flew back to Washington early Monday morning and thereafter had several conferences with Department of Justice officials with respect to the possible need for marshals to enforce the orders of the federal courts in the litigation involving James Meredith.

I left Washington on the 19th and returned to Memphis with instructions to accompany Meredith into the University on the following day. The next day I left Memphis at about 2:00 p.m. with James Meredith, St. John Barrett, an attorney for the Department, and another deputy marshal and went to Natchezville, Mississippi, where I met Col. Birdson and Inspector Griffin of the Mississippi Highway Patrol. There plans were worked out whereby they would escort us to the University grounds. The police officers extended us full cooperation when we went to the campus and to the Alumni House for the attempted registration. I recall that there was a crowd of students outside the Alumni House but that the state police had the situation completely in hand and that there were no rocks or stones or debris thrown at

any of us as we came or as we left.

I returned to Millington Air Base and stayed there until the 23rd when I went to New Orleans for the purpose of being a possible witness in the Meredith case which was pending in the Circuit Court of Appeals. I stayed in New Orleans until the afternoon of the 25 of September when I went to Jackson with Mr. Meredith and Mr. Dear. While in Jackson I had an opportunity to observe the way in which the local police in Jackson handled the crowds there, and they did it in an excellent fashion.

After we left Jackson we returned to New Orleans. On the next day Mr. Meredith, Mr. Dear and myself went to Oxford where Lt. Governor Johnson refused to admit Meredith. There state police had complete control of the situation at the main entrance of the University.

On the 27th I left Millington Air Base with 15 or 40 deputy marshals in automobiles to return with Meredith to Oxford. On the way to Oxford I was instructed not to proceed because the state police did not have the situation under control. That night I returned to New Orleans and testified before the Circuit Court of Appeals on the 28th in the Meredith case. (While there I testified as follows):

DIRECT EXAMINATION

BY MR. BARRETT:

Q. Would you state your full name please.

A. My name is James McInane, and I am the Chief United States Marshal.

Q. Are you deputized or sworn, I should say, as a Marshal for either district of Mississippi?

A. Yes, sir, as a Deputy Marshal.

Q. Which district?

A. The Southern District.

Q. Mr. McInane, on September 25th of this year were you given some papers for service on Ross R. Barnett?

A. Yes, sir, I was.

Q. Where did you go to serve them?

A. Went to the State Office Building at Jackson, Mississippi.

Q. Who, if anyone, was with you?

A. There was Mr. John Dear, an Attorney for the Department of Justice, and Mr. James Meredith, and -- excuse me, Mr. Barrett -- and also Mr. Warren Swerton, the Deputy United States Marshal.

Q. Were you there for any purpose other than to serve the process of this Court?

A. Yes, sir. We were there for the purpose of having Mr. Meredith registered as a student at the University of Mississippi.

Q. When you got to the office building, Mr. Nashane, were there people there about the building?

A. Yes, sir, there were.

Q. Would you describe the situation there at that time.

A. Mr. Barrett, we arrived at 4:30 p.m. in front of the building. Mr. Meredith, Mr. Dear, Mr. Emerton, myself got out of the car. There were quite a number of people on the -- I believe it was the lawn of the building -- and there were quite a number of policemen leading from our car into the entrance to the building. We left the car, walked up a number of steps, came to the entrance to the building, and the door was closed. A uniformed policeman asked us to identify ourselves, which Mr. Dear did. He then opened the

door and permitted us to enter. Then we got in, into the lobby, and there were a number of people in the lobby, also a number of uniformed policemen, and it was there that we met Col. Birdsong, who was the Superintendent of the Mississippi State Highway Police. He took us through the lobby and around towards the elevators where we noticed -- or rather I noticed that there was an elevator door was open. There was a uniformed policeman standing at the door, and the elevator was ready for us. We then got on the elevator as did Col. Birdsong and an unidentified plainclothes man, who apparently was assigned to Col. Birdsong's staff. We went to the 10th floor. We got off on the 10th floor. There were quite a number of uniformed policemen standing directly in front of us. We then turned -- we were told by Col. Birdsong to turn to the right, and we started down a rather long corridor which was just packed with people, civilians, and quite a number of uniformed policemen in front of us. The crowd was so

dense that these uniformed policemen, who were leading the way for us, on occasion had to push civilians and apparently employees back into the entrances of the several offices that we passed on the way down. Mr. Emerton was first, Mr. Bear was second, Mr. Meredith was third, and I was behind Mr. Emerton (sic). When we got to almost the end of the corridor, there was this large camera, which I would call it a TV camera, on tripods. At that point it was quite difficult to get through, because naturally the passageway was much smaller. Finally they did effect passage for us. When we got to the end of the corridor, in front was a closed door, and it was my feeling that we were to enter that door. We stayed there for a short period of time, and then we turned around, and I saw this door on my left, which was room 1007, and we were directed by these policemen to turn in that direction, which we did. It was a short momentary pause. The door was opened, and there standing about three feet from the threshold of

of the door and stopped right on the threshold, and at that moment as he stopped directly in back -- as I recall, over my left shoulder there were lights went on which shone directly on the Governor. Pleasantries were exchanged. The Governor said that he was happy to see Mr. Dear and myself again, and at that point I said to the Governor that, "I have some papers" -- I started to say, "I have some papers to serve," and then Mr. Dear went on to explain what the papers were.

Q. Was the Governor in the door when it opened?

A. I just want to explain it as clearly as I can, Mr. Barrett.

Q. Yes. Thank you.

A. The door was closed. When the door opened, it went back the full length, and I would say roughly about three feet from the threshold of the door stood the Governor. Now as soon as the door was opened and he could see us and we could see him, he walked forward this approximately

of the door and stopped right on the threshold, and at that moment as he stopped directly in back -- as I recall, over my left shoulder there were lights went on which shone directly on the Governor.

The greetings were exchanged. The Governor said that he was happy to see Mr. Bear and myself again, and at that point I said to the Governor that, "I have some papers" -- I started to say, "I have some papers to serve," and then Mr. Bear went on to explain what the papers were.

Q. Was the Governor in the door when it opened?

A. I just want to explain it as clearly as I can, Mr. Barrett.

Q. Yes. Thank you.

A. The door was closed. When the door opened, it went back the full length, and I would say roughly about three feet from the threshold of the door stood the Governor. Now as soon as the door was opened and he could see us and we could see him, he walked forward this approximately

three feet or whatever it was and stood directly in the center of the threshold. Now on his right was what looked to me to be a plainclothes man; on his left was a uniformed policeman; directly in back of him there were quite a number of people standing directly behind him and what looked to me to be several desks, and there were people standing on the desks looking out in our direction and over the Governor's shoulder.

Q. Was there room to walk through the door?

A. No, sir.

Q. -- without removing either the Governor or the men standing on either side of him?

A. No, sir, there was not.

Q. Mr. McShane, do you recall a microphone, a radio microphone?

A. Yes, I do, sir. At the time that the Governor stood on this spot in the center of the threshold and the light went on, these lights directly in back of me, and shone directly on the Governor's face, somebody in back of Mr. Bear leaned over his right shoulder and put a micro-

phone between Mr. Boar's face and Gov. Barnett's face and hold it there throughout the entire proceeding.

Q. When you went to the office, Mr. McShane, were you expecting the transactions there to be broadcast in film?

A. Oh, absolutely not, Mr. Barrett:

MR. BARRETT: If the Court please, I will ask that this Return of Service and attached documents, which have previously been filed with the Clerk, directed against Ross E. Barnett, the return signed by Mr. McShane, be marked for identification as an exhibit.

CHIEF JUDGE TUTTLE: Have you established that these are the papers that Mr. McShane had with him at this time?

MR. BARRETT: I have not. However, I would like them marked, if I may, first.

THE CLERK: Exhibit 4.

CHIEF JUDGE TUTTLE: Government's Exhibit 4.

(The document referred to by Counsel had been previously marked for identification as "Government Exhibit 4." See Page No. 15 of this record.)

Q. (Exhibiting documents to witness) Mr. McShane, I will show you a group of papers that have been marked for identification as "Government Exhibit 4," and I will ask you if these are the papers that you had with you for service on the Governor on the occasion about which you have just testified.

A. May I just look through them, Mr. Barrett?

Q. Surely.

A. Yes, sir, they are.

CHIEF JUDGE TUTTLE: Now will you tell the Court what these papers are, the essential ones dealing with today's hearing, Mr. Barrett.

MR. BARRETT: Yes indeed. These papers attached to the summons that the witness has just identified or rather the return of service are, first, a summons issued by the Clerk of Court.

JUDGE RIVES: To whom?

MR. BARRETT: To Ross E. Barnett as Governor, Ross E. Barnett, Governor of the State of Mississippi. A Temporary Restraining Order issued by this Court and dated September 25th, that being certified by the Clerk as a true copy.

CHIEF JUDGE TUTTLE: Is that the order dated 8:30 o'clock?

MR. BARRITT: I believe it is, 8:30 a.m., September 23th. A Notice of Motion and Motion for Preliminary Injunction in the same manner, noticing hearing for October 3th at 10:00 a.m.; the Petition of the United States as Amicus Curiae for an Injunction; and a memorandum of points and authorities, a legal memorandum in support of the Motion for Preliminary Injunction; and the Application for a Temporary Restraining Order, all of them being certified by the Clerk as true and correct.

Q. Mr. McShane, on the occasion about which you have just been testifying, did you call to the Governor's attention the papers which constitute "Government Exhibit 4" for identification?

A. Yes, sir.

Q. Would you just tell the Court what you said about them in the Governor's presence and what you did with them.

A. As the Governor stood there and after pleasantries had been exchanged, he stood back and he waited, and I said, "Governor, I have some papers"

-- and I don't believe I finished the sentence. Mr. Dear identified the papers, what they were, and at that point I handed the papers to the Governor, who -- in the meantime I was holding the papers in my hands with both hands, and I offered them to him, and he looked at them, and he didn't open up his hand to give any indication that he was about to accept them. I then touched his right hand with them. He then went on to explain that he was not in the habit of accepting any processes as Governor, that he would not accept these, and Mr. Dear again reiterated what the papers were, the significance of them, what they stood for, and again I touched the Governor's right hand, and again he gave no indication that he would accept them, and then he went on to read a proclamation.

Q. Mr. McShane, did you earlier this morning watch a film, a sound film, of the events of that day?

A. Yes, sir, I did.

Q. And that was here in this courtroom?

A. Yes, sir.

Q. At an earlier hour? Is that correct?

A. That is correct, sir.

Q. Was the film and the soundtrack an accurate portrayal of what happened when you were there?

A. Yes, sir, it was.

Q. With the Court's permission, I would like to ask you to watch that film now, and I will ask you again whether or not the particular film shown portrays the events and reproduces the words spoken.

A. Yes, sir.

CHIEF JUDGE TUTTLE: Do you have the film?

MR. BARRETT: With the Court's permission, the camera is set up and the film is ready to run.

CHIEF JUDGE TUTTLE: Mr. Barrett, at least the majority of the Court feels it is not necessary to show the film for the purpose of proving service of notice. Assuming we go to the merits of the case, we are not saying you cannot show the film when it comes to proving what the Governor did with respect to your tender of Mr. Meredith as a student for registration.

MR. BARRETT: Yes. I would like at this time to offer into evidence "Government Exhibit 4" for identification.

CHIEF JUDGE TUTTLE: It may be admitted. (Whereupon, the document offered by Counsel, marked for identification as "Government Exhibit 4," was again admitted in evidence. See Page No. 13 of this record.)

MR. BARRETT: I have no further questions.

CHIEF JUDGE TUTTLE: Excuse me. Did you just offer it for identification or did you offer it in evidence?

MR. BARRETT: At this time I am offering it in evidence.

CHIEF JUDGE TUTTLE: Actually it is part of the Court's record, but to make it absolutely certain, it is admitted in evidence.

MR. BARRETT: I have no further questions of this witness at this time. However, we will wish to recall him on the merits.

CHIEF JUDGE TUTTLE: All right.

(Witness excused)

FURTHER DIRECT EXAMINATION

BY MR. BARRETT:

Q. Mr. McShane, I would like to call your attention to an answer you gave to a question earlier today. I believe you testified that you were sworn in as the Special Deputy Marshal for the Southern District of Mississippi. Was that correct?

A. That is correct, sir.

Q. And were you so sworn in?

A. No, sir, I was not.

Q. For what district were you sworn in?

A. I was sworn in for the Northern District of Mississippi.

Q. Thank you, Mr. McShane.

MR. BARRETT: Now, with the Court's permission, I would like it to look at a film that we are prepared to play at this time.

CHIEF JUDGE TUTTLE: Mr. Barrett, what is the proof as to what event is about to be shown here? What date and time does this represent? Has Mr. McShane --

MR. BARRETT: I will ask the witness now.

CHIEF JUDGE TUTTLE: This is the time that he appeared at the office in the State Office Building?

MR. BARRETT: On September 25th.

CHIEF JUDGE TUTTLE: In Room 1007?

THE WITNESS: Yes, sir, 1007.

MR. SATTERFIELD: May I assume, please the Court, that our status in participation in the proceedings has not changed from the previous announcement?

CHIEF JUDGE TUTTLE: That is right. Mr. Satterfield, of course, we are happy to have you present in Court and observe any phase of it.

MR. SATTERFIELD: I see.

CHIEF JUDGE TUTTLE: But you are not before the Court as a party or amicus.

MR. BARRETT: If the Court please, I believe the Reporter was not present in the courtroom when Your Honor announced Court's finding that the service was adequate as shown by the evidence and --

CHIEF JUDGE TUTTLE: You mean our lady here, our reporter?