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**HUGH DOWNS WAS SEEN ON THE TELEVISION
SCREEN, IN NEW YORK STUDIO.**

DOWNS: "Frank, in a few moments we're going to hear from Washington, and our guest Burke Marshall, who's the Assistant Attorney General on Civil Rights, with our Martin Agronsky...

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"The integration crisis at the University of Mississippi has not yet run its course. It's still underlaid by passions and prejudices that have a savage potential, and an unfortunate history of lasting a long time. Last night the Washington Evening Star commented editorially that in the face of open insurrection, the President had no alternative but to use the troops. But the Star said if the new bitterness, the fresh hatreds enkindled by their use is to be contained, mature statemanship and wise leadership must now be forthcoming. The qualities of course must come from President Kennedy, and those whom he has entrusted to deal with this problem on his behalf.

"One of the most important of these is Assistant Attorney General for Civil Rights, Burke Marshall. Mr. Marshall, with his chief, the Attorney General, kept the vigil with President Kennedy all night Sunday night in the White House. Our Washington correspondent Martin Agronsky has asked Mr. Marshall to review this crisis in Mississippi and its implications. Martin."

MARTIN AGRONSKY WAS SEEN ON THE SCREEN, SEATED WITH HIS GUEST, BURKE MARSHALL, IN THE WASHINGTON STUDIO.

AGRONSKY: "Good morning, Hugh. Mr. Assistant Attorney General, Mr. Marshall, you spent that long night with the President, with the Attorney General at the White House, on Sunday night from the time the President made his speech at ten o'clock, until 5:30 in the morning. That was the period in which the riot occurred, that was the period in which two people were killed--all that violence took place. I wonder if you can tell us what happened that night. Can you give us any background on that?"

MARSHALL: "Well, I guess everyone knows what happened, Mr. Agronsky, in general. The Attorney General said last night it was the worst night he ever spent, and it was certainly a very difficult night for everyone. It was most difficult for the marshals that were down there. They were faced--they were pulled from many places in the country all of a sudden--they'd been trained, but they were pulled down there suddenly--they were put in there on the campus at the University--they were faced with a very large and unruly mob at night. There were bricks and bottles thrown at them out of the dark. As the evening went on there were shots out of the dark, both shotgun and rifles, and I think the fact that they responded the way they did, without firing back, without retaliating any more than they had to, and finally preserving the peace and the law in Oxford is a tremendous achievement."

AGRONSKY: "That's the story of the marshals. What about the story of the President of the United States and his brother, the Attorney General, during that night? There were a whole series of conversations with Mississippi's Governor Barnett. Can you tell us anything of what the Governor said, and what the President said? There is a fundamental conflict now between the Governor, the President, and the Attorney General. The Governor says it was the fault of the federal government that violence broke out. The Attorney General says it was not, and so does the President. Can you give us the government's side of that?"

MARSHALL: "Well, what happened, Mr. Agronsky, was that on Sunday, there were conversations between the Attorney General and the Governor. Those related to having Mr. Meredith put on the

campus at the University on Sunday afternoon. The Attorney General and the Governor had an arrangement as to how that would be done. The Governor arranged for the cooperation of the state police, he said. The state police did in fact meet the marshals, they took them on to the campus of the University, and after it appeared that the campus was secure, that there was not--at that time it appeared there was not going to be any serious trouble--the state police and the University officials helped escort Mr. Meredith, who flew down from Memphis, on the campus at the University. That was in the late afternoon, and that was essentially what happened on Sunday between the Attorney General and the Governor.

"From there on it was a question of attempting to keep the Governor to his assurance that state law enforcement officers would be used to control any disturbance that might arise."

AGRONSKY: "There are two important points here. One is that the federal government now says--the Attorney General now says--that Governor Barnett actually asked for a show of Federal force. Is that correct?"

MARSHALL: "Well I think that on Sunday, what the arrangement was, that a large number of marshals would come in before Mr. Meredith came in--"

AGRONSKY: "At the Governor's request?"

MARSHALL: "The Governor and the Attorney General had an understanding on that matter, on Sunday."

AGRONSKY: "Last night the Governor said in a telecast, and I quote now, this is Governor Barnett, he emphatically and positively denied that he had ordered state highway patrolmen withdrawn from the campus of the University at the peak of the riot. Is that correct?"

MARSHALL: "The Governor said it--I suppose it's correct that he said it, and I don't know what orders the Governor gave to the state police. It is a fact that the state police were withdrawn from the campus at the height of the riot, and during the two most difficult hours they were not there. And when they came back they did not do much to assist, and most of the state police that were in the vicinity never came back at all--they

just stood out on the highway and did nothing."

AGRONSKY: "When Governor Barnett spoke to the President of the United States in the early hours of Monday morning, did he at that time in any way indicate that he would comply with these orders and that he would do anything to stop the violence?"

MARSHALL: "I didn't hear what the Governor said to the President. I think that the Governor did say--he always said all along--that he would instruct state officers to assist the federal officers in quelling any disturbance. I think he told the President that. As I say, Mr. Agronsky, what he told the state officers to do I do not know. The fact of the matter is that the state officers did nothing for the two most difficult hours, and that even when they were there they were not very helpful."

DOWNS: "I wanted to ask Mr. Marshall if he had any idea where Governor Barnett got the idea that the U. S. Marshals, were as he put it, trigger happy. Did he have access to some incident that wasn't reported, or did he get ahold of erroneous information?"

MARSHALL: "I don't know, Mr. Downs, where he got that. The marshals, as I stated, in my judgment, I think in the judgment of anyone that was there, acted with immense bravery, immense control. They never fired a shot at all. The people that were hurt with gunshot wounds were hurt by Mississippians, or by other members of the mob--not by the United States marshals."

AGRONSKY: "Mr. Marshall, can we return to this fundamental conflict about who was at fault here. I don't know whether it can be documented, but Governor Barnett also contended last night that the violence was inflamed deliberately in order that the resulting resistance could be--and these are the words he used--cited as justification for military force against the people of a sovereign state in the crushing of the rights of the state. How would you respond on behalf of the federal government to that?"

MARSHALL: "Well, Mr. Agronsky, of course that gets silly. The violence that came to Oxford the night before last, was from the people that lived down in Mississippi. They objected to a court order. There wasn't any choice on the part of the federal government, whether to enforce that court order or not. If the constitutional framework of the country is going to be preserved, an order of the federal court, no matter what it says, and no

matter how objectionable it is, has got to be enforced. Otherwise the framework of law in the country would break down. Now there was objection to that court order. It was deeply resented in the state of Mississippi. The Governor deliberately inflamed that resentment. He made a speech invoking the doctrine of interposition which has been repudiated by the Supreme Court of the United States, and by history for many many years. And he gave a speech which I think certainly could fairly be said to have told the people of Mississippi that they did not have to comply with federal law."

AGRONSKY: "I'd like to interrupt here for a moment--station break--"

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DOWNS: "Speaking from Washington is Martin Agronsky and Mr. Burke Marshall, who is Assistant Attorney General for Civil Rights, ...but back to Washington now. I'd like to ask Mr. Marshall if there is any evidence in his opinion now of a moderate faction anywhere in Mississippi that might help them mitigate the circumstances?"

MARSHALL: "The number of students who participated in the violence is a small number--a small percentage of the students that were there--and I think there are a great many people in Mississippi that have privately said to each other and to the Governor that the course the Governor has been following, of resistance and defiance of federal law is a course that will bring disaster on the state. I hope that in the next day or so many more of those people speak out."

AGRONSKY: "Mr. Marshall, Governor Barnett has until one o'clock this afternoon, our time, 11 o'clock in the morning, in New Orleans at that time to appear before the Fifth Circuit Court of Appeals and purge himself of contempt. If he merely sends attorneys and does not appear himself, will he have purged himself of contempt, and is the admission of Meredith in effect the purging of the contempt citation?"

MARSHALL: "Well of course, Mr. Agronsky, since that's all before the court, I don't want to go into it. I don't think the court order requires Governor Barnett to appear in person down

there today."

AGRONSKY: "Would you regard then the admission of Meredith as having met the requirement of purging the Governor of contempt?"

MARSHALL: "That's up to the court. The whole purpose of the contempt citation is to enforce the court order, and it's up to the court to decide whether or not he's purged himself."

AGRONSKY: "Is it the intention of the federal government to keep on the campus of the University of Mississippi the troops that are necessary to preserve order, just as long as their objection to the attendance of Meredith to classes at the University of Mississippi--will they see that he gets to class every day, from here on in?"

MARSHALL: "Mr. Agronsky, it is the intention of the federal government to--the duty of the federal government, the responsibility of the federal government to enforce that court order. And whatever is necessary, as the Attorney General and the President have said all along, to do that, to accomplish that, is going to be done. Now I hope that the students of the University and the people of Mississippi are going to accept the fact that that court order has to be respected and obeyed and that Mr. Meredith has a right to go to classes as he did yesterday, and he's going to do today, and he'll continue to do so."

AGRONSKY: "And the government will see that he does. May I ask just very very quickly, sir, we have a report that a Negro girl is also applying at the University of Mississippi and --for admission to the classes. Is that correct, and will the federal government support her application?"

MARSHALL: "Mr. Agronsky, I don't know whether it's correct, and to say will the federal government support her application, is to put it in the wrong light. What happens is that these people have a right to bring a suit, and once they bring a suit, if they get a court order, then it is the responsibility to enforce the order. That's all the federal government has to do with it."

AGRONSKY: "Thank you very much."

DOWNS: "Could I get one more question in, Martin. I'd like to know if the school could be closed by the government of the

state, or if that action is anticipated?"

MARSHALL: "Mr. Downs, there is a state statute that empowers the Governor, or purports to empower the Governor to close the University. I hope--I very much hope that he doesn't invoke that statute. I think it would be a great loss to the state, and for the country to lose the University of Mississippi."

DOWNS: "Thank you very much. Thank you, Martin. Mr. Agronsky has brought us Mr. Burke Marshall, Assistant Attorney General for Civil Rights, discussing the Mississippi crisis."

REPORT ON MISSISSIPPI

MONDAY, OCTOBER 1, 1962

ANNOUNCER: Today in Oxford, Mississippi, James Meredith, the Negro, was registered as a student at the University of Mississippi. This, then, was the climax of an emotional, and as it turned out, bloody struggle between the forces of segregation and the power of the federal law.

Protected by United States Marshals and government troops, the 29-year old veteran signed in at the registrar's office of Ole Miss which during all of its 114 years had never knowingly accepted a Negro student.

It was not by any stretch of the imagination a typical registration and it remains to be seen whether James Meredith can ever enjoy a normal life in Oxford. Today, at least, he was surrounded by men who carried guns and his way was cleared for him by representatives of the Federal Government. There was John Doar, Assistant Attorney General, on the scene. There was James McShane, the Chief of the United States Marshals. They and the force of U. S. Army soldiers made these scenes within the halls of the university possible.

Outside the campus was strewn empty tear gas canisters, smashed and smoking cars lined the routes. Two men were dead and many more injured. Young men were held by the forces of the law in the savage violence of a few hours. All of this so that one man might have an education.

Bitter passions had been aroused, old antagonisms aggravated. It was one of the most acute sectional disputes since the war between the States. It is against this background that we present this turn of recent events in Mississippi.

NBC News presents, Report on Mississippi. October 1, 1962.

MR. FRANK McGEE: Negro James Meredith attended classes at the University of Mississippi today but the crisis brought on by his breaking of the State's color bar is far from resolved.

Today there were riots on the streets of Oxford where the university is located. The Mississippi National Guard pressed into federal service was compelled to fire over the heads of the ranks. Federal troops also fired above the crowds, used tear gas and fixed bayonets in order to attempt to quell the demonstrations and disperse the mob.

Edwin Walker, once a Major General in the Army and now an advocate of extreme right wing causes, led some of the rioting. At midday Walker was charged with rebellion, insurrection and seditious conspiracy spelled out in enough counts that if convicted on all of them Walker would spend thirty-nine years in jail and pay fines of \$40,000.

In Washington, amid charges and counter-charges with the Kennedy Administration accusing the Mississippi Governor of breaking a pledge to help preserve the law and maintain order and with a Mississippi Congressman charging that federal troops are, in his words, "Needlessly beating the citizens of Oxford with rifle butts," all of this following a wild night of almost civil war on the university campus in which students and others rampaged for 11 hours in which two persons were killed, more than a score injured, seven vehicles burned, 150 persons arrested.

This inflicted before the transfixed stare of the world that will be long, indeed, and leave livid scars of angry rebuffs.

We begin our detailed report by turning to NBC News, Memphis, Tennessee's Bill Ryan.

MR. RYAN: What most Americans were afraid would happen, what a few hoped would happen, did occur last night and today in Oxford, Mississippi. Violent rioting broke out, two persons lost their lives, more than 75 were injured.

The rioting started on the campus last night, then spread to the downtown section of the City of Oxford. Here are films recording events of the past 24 hours in that city. This was the scene on the campus of Ole Miss last night. The lights of cars bearing Federal marshals who moved to the campus from the Naval Air Station outside Memphis. Their first arrival on the campus was greeted without incident, there was no trouble, but when word spread that Negro James Meredith was on the campus and had been brought to Ole Miss to register, the fighting started.

It started first with rocks and soda pop bottles being thrown at the marshals and they retaliated by firing tear gas as you can see here. The tear gas fired from the marshals point of concentration of strength at the Lycium, the main administration building on the campus of Ole Miss. Working away from the Lycium building toward the end of the campus to the main gates and ultimately the downtown section of the city, that is where the rioters had their strength, you can see what they did during the night on the campus of Ole Miss, cars burned, canisters which had contained tear gas lying on the curbs.

These now would be the Army troops moved in to restore order to give more muscle to the efforts of the federal marshals, to bring peace and order to the campus of Ole Miss. There are many here who were arrested.

Then the troops started clearing out the last pockets of resistance on the campus as James Meredith himself, escorted by the Chief U. S. Marsnai, James McShane on Meredith's left, came to the campus this morning, walked up the steps of the Lycium building and headed for the registrar's office.

He had done his battling in the federal courts and they had ruled that the registrar must admit him. There had been a pitched battle on this campus the night before, the marshal's helmet, and now Meredith was at the registrar's office, was signing in as a student, signing in formally at Ole Miss.

The back out through the hallways again, out to the steps of the Lycium, walking down on the campus which had the appearance somewhat of a deserted battlefield, which in fact had it been during the night.

After Meredith was enrolled he went to a class but there was still work for the Army people in Oxford. Downtown Oxford now became the focal point of the resistance to the Federal Government.

The troops moved in there as the marshals had the night before on the campus of Ole Miss, the Army troops used tear gas here in the downtown section of the city to restore order.

There are among the soldiers in the city some Negroes. This further enraged the passions of those who were violating the law. Pop bottles were thrown at the soldiers, one Negro soldier was injured about the neck and shoulders. The tear gas rolled down the sidewalks, those who refused to obey orders were taken into custody, more than 100 reported in federal custody at this time.

There were, as you can see here, minor injuries but only minor injuries to some of the soldiers, members of MP battalions, battle groups from Fort Benning, Georgia.

This would be the former Major General Edwin Walker who commanded the troops which enforced desegregation of Little Rock, Arkansas, in 1957. He was arrested at a military roadblock just outside Oxford, charged with a number of crimes including conspiracy to obstruct justice, rather conspiracy to resist federal marshals, actually doing so, inciting rebellion or insurrection.

He could get as much as 39 years in jail and there could be fines for the former General of up to \$40,000. He made appearances on the campus last night during lulls in the rioting and repeated his allegations that if there was violence and if there was bloodshed and people were injured it would be the responsibility of the Federal Government.

Now what has been going on today down there and how can we get this somewhat in context so that we have official versions of what happened in this interview tape recorded in Oxford, Mississippi, with NBC's Frank Gordon and Edwin Guthman, special assistant to the Attorney General for Civil Rights, tells how the fighting started.

MR. GUTHMAN: This is the Lycium building behind us here. The people were mostly just curious, they were well behaved.

MR. GORDON: This is the Lycium building right behind us, this is the central administration building for the university.

MR. GUTHMAN: Yes. As the evening wore on I thought there were maybe a thousand or 1500 students here. I thought there were about seven that were causing the trouble. Later on there seemed to be more people and the crowd became uglier and pretty soon we were getting rocks thrown on us and bricks.

The marshals took quite a bit and finally a pipe came sailing through the air, hit one of the marshals on the head. This group was pressing closer towards the trucks, they were setting fire to the trucks. Marshal McShane gave the order to fire tear gas and disperse the group, and from then on for quite a while there was a fairly tough evening.

MR. GORDON: The marshals were lined up in front of that building back of us.

MR. GUTHMAN: Why?

MR. GORDON: And they fired the tear gas down in this direction.

MR. GUTHMAN: Down here, that is right.

MR. GORDON: And that is when all the trouble started.

Ed, how many persons have been arrested so far?

MR. GUTHMAN: Well, our last count, Frank, there were 112.

MR. GORDON: 112?

MR. GUTHMAN: Correct.

MR. GORDON: What are they going to be charged with?

MR. GUTHMAN: Well, the FBI got here at 6:30 this morning and they are questioning the men. Most of them are men and they are adults from as far away as Georgia. They are being questioned by the agents and by the marshals and they are determining now what the men are to be charged with.

The charges range up into calling for penalties or ranging up to 20 years in prison and a \$20,000 fine. Very serious matter.

MR. GORDON: Ed, how many troops are there in Oxford now?

MR. GUTHMAN: Well, there are quite a few. I don't know exactly, Frank.

MR. GORDON: Would you say there were 3,000 or more?

MR. GUTHMAN: Yes, and certainly at this time.

MR. GORDON: Do you have any plans to call for any more troops?

MR. GUTHMAN: I don't know, Frank. That is being decided elsewhere.

MR. GORDON: Now James Meredith registered this morning. It is now noontime. Is he in class now?

MR. GUTHMAN: Well, he was in class this morning, registered. He went to class and I think he goes back to class this afternoon.

MR. GORDON: Is it the Justice Department's intention to keep him in class?

MR. GUTHMAN: Well, the only reason that any of us are here is to enforce the orders of the federal courts. The Department of Justice didn't get into this case until after the Supreme Court had ruled and they came in with evidence that the federal court might be circumvented and the Department of Justice came in to protect the integrity of the court, see that the court's orders were obeyed.

That is why we are here, that is why the Army is here and we will see that it is done.

MR. GORDON: Ed, where does Governor Barnett stand right now in relationship to the Justice Department?

MR. GUTHMAN: Frank, that is a matter for the Court of Appeals to the 5th Circuit down in New Orleans, it is their case and they will make their decision.

MR. GORDON: Now you arrested or a federal marshal has arrested General Walker just a few minutes ago. What is going to happen to him what is going to become of him?

MR. GUTHMAN: He has been arrested on warrant charging him with conspiring to assault the United States marshals in the performance of their duty and obstructing court orders.

He was taken a few minutes ago to appear before a United States Commissioner in Oxford. We will have to await the result of that hearing. He was apprehended at the roadblock about 11:30 in an automobile with three other persons.

MR. McGEE: Thus, where we stand right now is this: There is complete federal authority in the town of Oxford, Mississippi. The troops and the marshals are there to protect law and order, to see that the orders of the federal courts are enforced and that James Meredith is not injured in his efforts to attend the University of Mississippi.

The story, though, is far from over. Bill Ryan, NBC, News, Memphis.

MR. RYAN: It was disclosed today that Mississippi Governor Ross Barnett and Attorney General Robert Kennedy conversed several times yesterday by telephone. Out of those conversations an agreement seemed to have been reached with the Governor making two critical pledges: first, that Meredith and the U. S. marshals would be admitted to the campus without opposition; second, that the Mississippi State Police would cooperate with the marshals in trying to maintain order.

The first of these was honored, the Kennedy Administration feels the second was not.

We turn now to Ray Scherer, NBC News, White House correspondent in Washington.

MR. SCHERER: The two sides are, of course, blaming each other for what happened last night. The Administration's version is this: It was Governor Barnett himself who suggested bringing James Meredith to the campus yesterday, Sunday. The Governor promised the President over the telephone he would guarantee adequate State police protection if trouble developed.

That is why the President put off his television speech several hours. That is why the marshals went in alone without troops. After Meredith was installed the Mississippi State Police suddenly disappeared. Robert Kennedy protested. The police were called back. Forty minutes later the State police disappeared again.

This, the Administration says was critical for then the riot started. The worse violence occurred as the State police sat in their cars a quarter-mile away.

The President called Governor Barnett and reminded him of his pledge. The State police did not return for two hours and 15 minutes. By that time things were out of hand. The President feels let down by Governor Barnett, perhaps doublecrossed is the more accurate description.

Now here is NBC Congressional correspondent, Robert McCormick.

MR. McCORMICK: Most members of Congress are trying very hard today to do nothing to make the Mississippi worse, discussion was comparatively brief and comparatively mild. Mississippi Senator Stennis continued his policy of trying to be calm and non-inflammatory.

SENATOR STENNIS: I think as a whole the people of Mississippi have been very restrained under the mounting pressures over a long period of time and deserve a great deal of credit in the way that they have fulfilled this, almost in control.

MR. McCORMICK: A few Senators and Congressmen lambasted the southern authorities but southerners themselves thought that Meredith should be withdrawn, Stennis thought it was the only solution.

SENATOR STENNIS: I think this has gone too far and caused so much trouble already that it will not be possible to have an undisturbed atmosphere, if I may say, or continue the university classes in peace, quiet, that things will be stood up in the State and elsewhere and on the campus to the extent that the only practical thing to do is to withdraw this applicant, his application, and let him go on somewhere else to school.

That is the only way we are going to be able to have a real session in the University of Mississippi for this year. That is the practical thing to do.

MR. McCORMICK: Mississippi Representative Williams demanded a House investigation of the affair. University officials and others suggested the Senate Judiciary Committee do the investigation. Eastland of Mississippi is Chairman of that committee. He virtually guaranteed an investigation would be made.

SENATOR EASTLAND: As Chairman of the Judiciary Committee I am going to do my duty. I think it would be better for members from other States, of course, to -- I don't want Mississippi just Mississippians there but I think that Senators from other States should participate and get what the real facts were.

After all, three lives have been lost and many have been wounded.

MR. McCORMICK: Senator Eastland was asked when his committee might actually begin such an investigation. For a number of reasons an immediate start is not likely.

SENATOR EASTLAND: Well now we are in the closing days of Congress. Many members have key bills and when we could get the maximum number there, I don't know. I do think that it would be appropriate to have a few days of cooling off period.

Conditions, I understand, are tense and we certainly would not want to make a step that might cause some trouble.

MR. McCORMICK: Robert McCormick, NBC Congressional correspondent.

MR. McGEE: Governor Barnett is still under court orders to purge himself of contempt by 10 o'clock eastern daylight time or be jailed and fined \$10,000 a day until he does. Whether his actions to date are enough to clear him of the charges, only the court can decide.

During the day the Governor issued a statement from his headquarters in Jackson. For that story and a report on other events in the capitol city, here is Kenneth Bernstein, NBC News, Jackson, Mississippi.

As you can see we have encountered some difficulties with our communication to Jackson, Mississippi. We will attempt to bring in Kenneth Bernstein and his report a bit later in this program.

One of the minor ironies is that Meredith's first class today was on the subject of Colonial American History. The 29-year old veteran, it would seem, could add a chapter of his own on contemporary American history. His struggle to enter the University of Mississippi began 21 months ago in January of 1961.

Since then it has followed a pattern so familiar it is wearisome. First, minor technicalities of school enrollment regulations were invoked to deny him admission. This, of course, made court action inevitable and then State officials mounted a counter-offensive.

When they discovered that Meredith had given one home address in registering to vote and a different address in testifying on his school case, he was convicted of perjury or lying.

Then a law was passed saying a person so convicted could not be admitted to the university. It was picayune, pettifoggery, and predictable but frustrating. At one point Meredith explained his reasons for continuing the struggle.

(September 12)

QUESTION: What made you decide on this?

MR. MEREDITH: Well, I thought that I should get an education in my own State and, of course, Ole Miss, to my knowledge, is the best university in the State, and also it is the only school that offers the courses that I am particularly interested in.

QUESTION: When you say you were interested in going to the University of Mississippi even as a boy, were you aware at that time that Negroes did not go to the University of Mississippi?

MR. MEREDITH: Well, I have been aware for a long time on the so-called case for the Negro, yes. I have been aware.

QUESTION: Therefore, you have wanted to overcome this barrier since you were a boy?

MR. MEREDITH: That is right. That is correct.

QUESTION: In this battle of yours to get into the University of Mississippi, do you consider yourself an individual or part of a greater goal or motive?

MR. MEREDITH: Well, of course I am acting as an individual but I should hope that the outcome will affect a whole lot of people and even so much as America. I should think it would be important to America.

QUESTION: How could it affect people in Mississippi, do you think?

MR. MEREDITH: Well, the greatest need that the people in Mississippi has is for a better opportunity to make a decent living and I think that in Mississippi comes more in line with the general American way of life when they offer more opportunity for their citizens to receive an education and training.

I think this is the great benefit that Mississippi will derive from this.

QUESTION: Do you think that there will be any difference in the benefit that you say will be derived between the white people of Mississippi and the Negro people of Mississippi?

MR. MEREDITH: Well, certainly there will be some difference. Everyone practically in Mississippi, whites and Negroes, look upon Negroes as being inferior and, of course, this causes this result, that it is natural from a race believing they are inferior or never believing that they are, and of course, the Negro has to get rid of this and, of course the whites do not.

MR. McGEE: Governor Barnett's administration had not generated much excitement in Mississippi and it was believed by some that his political forces were slipping but that was before the desegregation of the university had become an inflamed issue.

By September 18 the Governor had by proclamation interposed the sovereignty of the State of Mississippi and the university and the desegregation orders of the federal courts. The effectiveness of the interposition has long been discounted by most legal authorities but the legislature swept up by the Governor's promise to go to jail rather than yield proclaimed its support of the move. The Governor responded with a ringing speech, he promised to keep the faith.

VOICE: We, the duly elected representatives of the State of Mississippi, do hereby join our Governor in full support on the stand he has taken to oppose an event by means available to the sovereign powers of our State against unlawful, unwarranted aggression and usurpation by the Federal Government.

VOICE: The Honorable Governor Ross Barnett, Governor of Mississippi.

GOVERNOR BARNETT: You know that I am going to stand steadfast all the way down the line.

. . . Applause . . .

MR. McGEE: On September 24 the Chairman of the University Board of Trustees promised the Federal Court of Appeals that Meredith would be permitted to register the following day. When Meredith, accompanied by federal marshals, arrived in Jackson the following day a group of 1500 to 2,000 had followed. Some were students who made the 175-mile trip from the university, some were residents of Jackson, others were neither.

Robert Ellis, the University Registrar, was in the State Office Building, he either would not or could not agree to the marshal's request that he register him at the Federal Building.

When Meredith arrived he was greeted with curses and insults from the crowd which at one time threatened to break through the police lines to get at the Negro.

Governor Barnett was greeted in keeping with his newly discovered popularity.

Meredith never did get to see the Registrar Ellis that day. Governor Barnett took over and dealt with Meredith himself. The Governor read a proclamation.

(September 25)

GOVERNOR BARNETT: In substance, our United States Supreme Court for many, many years, for approximately a hundred years, held positively and

unmistakably that when the Tenth Amendment provides that all of the powers not expressly granted, and I take it that it means not written in the Constitution, giving to the Federal Government certain powers, then they belong to the States, respectively, or to the people.

Especially this is true when not prohibited by the Constitution to the States.

Gentlemen, my conscience is clear. I am abiding by the Constitution of the United States and the Constitution of Mississippi and the laws of the State of Mississippi.

Thank you.

VOICE: Governor, do you accept this? Do you refuse to permit us in the door?

GOVERNOR BARNETT: Yes.

MR. MCGEE: Five hours after Barnett had barred Meredith from the university, the United States Circuit Court of Appeals cited the Governor for contempt for defying that Court's orders.

Barnett was highly visible to his supporters, wherever he went he was hailed. The Legislature passed a resolution hailing him but to the authorities trying to serve him with a summons for contempt, the Governor was unapproachable. At one point even the slot of his mail box was blocked by State police.

The Governor always was shielded by his own police, delivery boys were turned away lest they be carrying the summons. At one point a bench warrant for the Governor's arrest. A telegram from the Court was returned as undeliverable.

While the Governor was alluding the subpoenas, Lt. Governor Johnson barred still another attempt by Meredith to register. Johnson thus put himself in line for a contempt citation of his own.

On Saturday, the Court of Appeals found Governor Barnett and Lt. Governor Johnson guilty of contempt of court. Barnett seemed unaffected. That night he attended the Mississippi-Kentucky football game and heard a hastily, improvised tune called "Go Mississippi" or a new version.

GOVERNOR BARNETT: (September 29)

Mr. Chairman and my fellow Mississippians. (Applause.) I love Mississippi. (Applause.) I love her people. (Applause.) her customs, (Applause) and I love and I respect our heritage (Applause).

I am grateful for the Jackson Real Estate Board for promulgating this wonderful song and to the legislators for enacting it as our great Mississippi song, "I Love Ole Mississippi" (Applause).

MR. MCGEE: Sunday afternoon the Mississippi National Guard was federalized. Governor Barnett faded from the public view.

He spoke to his people of calmness while vying to continue the fight against segregation. He decried bloodshed. The negotiation with President Kennedy caused a delay in the President's brief address to the nation that night.

PRESIDENT KENNEDY: My obligation under the Constitution and the statutes of the United States was and is to implement the orders of the court with whatever means are necessary and with as little force and civil disorder as the circumstances permit.

It was for this reason that I federalized the Mississippi National Guard as the most appropriate instrument, should any be needed, to preserve law and order while United States marshals carried out the orders of the court and prepared to back them up with whatever other civil or military enforcement might have been required.

I deeply regret the fact that any action by the Executive Branch was necessary in this case but all other avenues and alternatives including persuasion and conciliations had been tried and exhausted.

MR. MCGEE: A moment ago our sound circuits failed as we attempted to bring in Kenneth Bernstein with a report from Jackson, Mississippi. We are hoping that difficulty has been overcome and we would like to try again.

To Kenneth Bernstein, NBC News, Jackson, Mississippi.

MR. BERNSTEIN: Jackson, the State Capital, was subdued today. People were talking about what might have been done and what should have been done. Mostly they were not talking, they were listening to the bad news.

Governor Barnett spent the day in the Governor's Mansion trying to find a way out of the crisis. At one o'clock in the afternoon he went on television with a one-minute appeal urging the citizens to stay home and he asked out-of-staters who had flocked to the college town of Oxford to return to their homes. The flag over the capitol was lowered to half mast.

Governor Barnett has not spoken to newsmen since the crisis began but he has agreed to make a statement to NBC news. This is the televised report.

GOVERNOR BARNETT: It makes my heart heavy with extreme sadness, two people are dead, the French newspaperman and a male student. I deeply sympathize with the members of the families of these and those who were injured

While the State of Mississippi was in control of its internal affairs at the University of Mississippi, no violence occurred. Yesterday, hundreds of federal marshals backed by more than 15,000 armed troops installed James Meredith on the campus of the University of Mississippi. Students gathered and demonstrated. They were noisy, they were boisterous, but not violent. This is a natural thing for students to do.

When a large number accumulated at one point the federal officers asked for Mississippi Highway Policemen to deal with them. These three officers had the cooperation of the majority of the students. The unarmed highway patrolmen with their backs to the armed marshals were successfully moving the students when a pop bottle thrown by one of the crowd started in the

street and the marshals immediately fired point-blank into the backs of the State officers who were only a few feet from them and into the group of young people.

This was a direct cause of violence on the campus at the university. Five unarmed highway patrolmen have been hospitalized from the effects of tear gas fired by the federal marshals. The federal marshals were men who were inexperienced, nervous, you might say trigger-happy.

Their instability and unwarranted brutality against unarmed youths will forever blacken the record of all federal officers. They were quick to fight American youths but to my way of thinking they are extremely slow to fight Castro.

The people of Mississippi are enraged, they are incensed and rightly so. Free men do not submit weakly to this kind of treatment. No bloodshed or violence took place while Mississippi officers were in control at the University of Mississippi.

Our people have been inflamed deliberately in order that the resulting resistance can be cited as justification for military force against the people of a sovereign State and a crushing of the rights of the States.

I have requested that all Mississippians remain absolutely calm but the federal authorities alone have the power to stop bloodshed in Mississippi. They can stop it if they act now to remove James Meredith from the university and the thousands of armed troops that are Meredith's bodyguard. That will stop it.

I would like to add an additional statement. I have not seen all of the statements issued today by the Department of Justice but I want the people of the nation to know the following facts: From the time it became apparent that the Federal Government intended to place Meredith in the University of Mississippi by armed forces I have been called many, many times by the President and by the Attorney General of the United States and I have called them many times in an effort to persuade them that their action should not be taken.

As late as last Sunday morning I urged them, I begged them to at least wait a while and give Mississippi a cooling-off period before making this desperate attempt to enter him in the University of Mississippi because I knew that it was a dangerous situation and that many people would probably be killed. My plea was ignored.

When it was made known to me that they would forcibly put Meredith in the university either Sunday, September 30, or Monday, October 1, I realized that Oxford would be crowded Monday with thousands and thousands of people, not only from Mississippi but from many other states.

I knew there would be many deadly weapons there on Monday and that hundreds of people would probably be killed. The only alternative offered by the Federal Government was whether Sunday or Monday would be the day

Meredith would be forcibly put into the university.

The decision to put Meredith on the campus last Sunday night was that of the Federal Government. I was compelled to admit that it would be better for them to place him on the campus by helicopter Sunday than to force him in with widespread bloodshed during the day of Monday.

My friends, that was my honest conviction. I believed then and I believe now that if he had gone into the campus of the university on Monday, today, there would have been probably 20,000 more people there, many of them with guns and hundreds of people would have been killed.

I have consistently stated that I would use all the forces at my command to try to maintain law and order.

Now friends, that is what I have honestly and sincerely tried to do. More than 15 hours before bringing Meredith into Mississippi the President took the National Guard away from me and then created this explosive situation in our State about placing Meredith on the campus at the university.

The President and the Attorney General were repeatedly warned of the grave danger involved. I did not know that the Federal Government had actually placed Meredith in the University of Mississippi until I was advised of this fact by the Attorney General only a few minutes before he reached the campus. I knew they were thinking seriously about it, I knew that they intended to either put him there Sunday or Monday, and they asked me if it would be less violent there Sunday or Monday.

I had to frankly and honestly tell them that since there were not many people there Sunday that there probably would be less violence there on Sunday.

Since the Federal Government has put Meredith at the University of Mississippi I have repeatedly urged the federal officials to remove Meredith from the campus and from Mississippi.

I have and shall continue to handle this difficult situation in a manner that will avoid violence and bloodshed if humanly possible. In this matter the Federal Government has been the aggressor from the very beginning and it must assume the responsibility for resulting tragedy.

I understand from statements of Attorney General Kennedy, which I have not yet seen, that he has charged me with having withdrawn highway patrolmen from the campus Sunday night. I emphatically and positively deny that statement.

MR. BERNSTEIN: Thus, new details and new allegations from Governor Barnett, his latest word on the continuing crisis in Mississippi. Kenneth Bernstein, NBC at WLBT, Mississippi.

MR. MCGEE: You have just heard Governor Barnett's side of the controversy. Obviously there is another side.

At this moment the Attorney General of the United States, Robert Kennedy, is standing by in our Washington studios to talk with NBC David Brinkley. We will see what he has to say and continue our report on Mississippi in just a moment.

MR. MCGEE: Let us turn now to NBC's David Brinkley in Washington.

MR. BRINKLEY: Mr. Attorney General, a moment ago we heard Governor Barnett say that since the beginning the Federal Government in this case has been the aggressor. Is that true?

ATTORNEY GENERAL KENNEDY: Actually, Mr. Brinkley, we have only been in this case for approximately a week. This case started about eighteen months ago. It was a private law suit between Mr. Meredith and the State of Mississippi, it went through the lower courts, went through the Circuit Court, was ultimately considered by the Supreme Court. The Supreme Court, the lower courts, all held that Mr. Meredith should be entered in the University of Mississippi and that that should take place about ten days ago.

It was only when the orders of the court were being circumvented, when the orders of the court were being violated that we got into the case. The Federal Government, therefore, has only been in this case approximately ten days. Before that, it was private litigation between Mr. Meredith and the State of Mississippi. When the orders of the court were not being followed, when they were being violated, it is our responsibility to take some action to see that they are followed. We moved into this case only at that time.

MR. BRINKLEY: Until that time you were in no way involved?

ATTORNEY GENERAL KENNEDY: We had nothing to do with Mr. Meredith's getting into the University of Mississippi. We had a responsibility as the President mentioned last night, to insure that the orders of the court are followed. That is our responsibility and we intend to meet it.

MR. BRINKLEY: The Governor said as you heard that the marshals on the campus were, as he put it, trigger happy. What can you tell us about that?

ATTORNEY GENERAL KENNEDY: Well, in the first place the arrangements made for the marshals to go on the campus were made with Governor Barnett as he stated this evening. They arrived, the arrangements were made by the head of the Mississippi State Police as to where they should go, how they should deploy themselves, they took up positions, a crowd surrounded them, started to throw rocks, started to throw bottles, started to throw pieces of steel and metal, got uglier and uglier and finally after approximately an hour or an hour and a half of this kind of activity when the mob was moving in on them the marshals fired some tear gas, to try to disperse the crowd. They had instructions and orders not to fire at the mob. They had orders and

instructions that they should preserve the peace and do the least damage possible. But they were being pushed back, it was an extremely dangerous situation and they fired tear gas to disperse the mob. I might say later on they held out there for approximately six hours, very brave men in my judgment, they were fired upon, they were hit and they were Molotov cocktails had been thrown at them and yet not one marshal fired a gun. In my judgment, the City of Oxford, the State of Mississippi, the University of Mississippi and the American people, owe these marshals a great debt of gratitude.

MR. BRINKLEY: The Governor and also Senator Eastland whom we heard a few minutes earlier, urged that Meredith now be taken out of the University. Did you have any part in doing that?

ATTORNEY GENERAL KENNEDY: He is not going to be withdrawn from the University of Mississippi. If he desires to leave the University of Mississippi obviously he can go to any university that he wants but we have not suggested that he leave the University of Mississippi and as long as he remains in the University of Mississippi in accordance with the court orders we will meet our responsibilities.

MR. BRINKLEY: Did Governor Barnett make an agreement with you and with the President and break it?

ATTORNEY GENERAL KENNEDY: Well, as he explained, he had an understanding with us that was made at approximately 12:45 on Sunday morning that Mr. Meredith would be entered into the University of Mississippi, that he would be preceded by marshals, that Mr. Meredith would then come into the University of Mississippi and he would remain there. It was Governor Barnett's responsibility which he undertook at this time to maintain law and order, to insure that no violence occurred and if there were any disorders to handle it with the State Police with the help and assistance of the marshals. When violence did occur, the State Police were withdrawn. I received notification of that at approximately 9:25 last evening. I got in touch with the representative of the Governor, protested, said that this was a violation of the agreement that they had and the marshals, the State Police were returned at approximately ten minutes of ten. Ten minutes before the President went on in his news broadcast in his speech. The situation became more difficult then until about a quarter of eleven. The violence grew and at that time the State Police were withdrawn again, all of them got in their automobiles and drove away and disappeared for approximately two hours and a half. The Governor says that he is not responsible for that, the fact is, that the State Police when the violence became serious withdrew and left this extremely precarious position to the United States Marshals. We learned at approximately one o'clock at night that there were 150 State Police parked in approximately 80 automobiles about a quarter of a mile from the scene of all these disorders and refused to come back.

MR. BRINKLEY: Mr. Kennedy, a more general question here, why would you say a thing like this has occurred in Mississippi but not in other southern states?

ATTORNEY GENERAL KENNEDY: I think first there is a responsibility on the part of the political leaders. It is always easy to get up and subject such as this which is very emotional and not show any courage at all, which is to go along with the stream and I think that unfortunately that is generally what has happened in the State of Mississippi. I am very aware of the fact that this creates a tremendous emotional problem and it causes a tremendous controversy but the fact is that the courts had acted. I might not like the decision but the courts had acted and we are a government and people of laws, not of men. You can't decide that in New York you don't like the income tax laws so therefore you are not going to pay any income tax or Al Capone in Chicago say I don't like the laws against killing people, so that is all right for me, or something like that in Mississippi, I say I don't like this particular law so I don't have to pay any attention to it. We have to obey the law or our society means nothing. I think the political leaders have a responsibility. I think the clergy has a responsibility and I think the newspapers do. I think that the reason that Georgia has made as much progress as it has made is because of the tremendous leadership that it has received from many of its political leaders and from a great newspaper man, Ralph McGill. He in my judgment has changed the complexion of that state.

MR. BRINKLEY: We are going to hear from him in a moment. Tell us your own feelings about this experience you have been through and are going through personally?

ATTORNEY GENERAL KENNEDY: Well, I think last night was the worst night I ever spent because we had -- these marshals had been perhaps regionally signed up thinking they were just going to go from the jail to the judge's office, not realizing that they would be involved in things like that. They were called down, all brought together, never worked together, they were put out there with instructions not to fire. They were fired on, hit, they were -- things were thrown at them, it was an extremely dangerous situation. All they had finally was the tear gas.

We received notification that the tear gas was running out, that they only had four or five pints. They brought up the -- the mob brought up a bulldozer and attacked the houses in which they were staying and I think they were that close if the tear gas had not arrived in the last five minutes and if these men had not remained true to their orders and instructions, they had lost their head and started firing at the crowd, you would have had immense bloodshed and I think it would have been a very tragic situation. So you hear these reports that were coming in to the President and myself, all last night, on the situation with the State Police having deserted the situation and these men standing up there with courage and ability, great bravery, that that was a very moving period in my life.

MR. BRINKLEY: Well, Mr. Attorney General, thank you very much.

Now we are going to pursue this story further and hear from Sander Vanocur.

MR. VANOCUR: As the Attorney General said, Ralph McGill, the publisher of the Atlanta Constitution, has changed the complexion of the State of Georgia. Mr. McGill has done even more, it is not easy to be a southern editor. He has not only endured; he has prevailed.

Mr. McGill, how was Georgia spared the agony Mississippi is now undergoing?

MR. MCGILL: It was very kind of the Attorney General to speak of me but we had a lot of help. We had help from the clergy, we had help from the mayor, we had help from the Chief of Police, we had help from the Governor of the State. We had help from the newspapers, we had help from the responsible people. This is what is missing in Mississippi.

MR. VANOCUR: Mr. McGill, I have heard you speak of the power structure. Has the power structure advocated responsibility?

MR. MCGILL: The power structure exists in the south in one part of the states, the merchants, the clergy, the newspapers, the power structure in general, the people who are responsible. I can think of only two papers in Mississippi which in my opinion have lived up to their responsibilities. Greenville Hardy Carter's paper and two below, just in the capital of the state, the Clarion Ledger devoted its front pages to informally incitements to deny the court order. Governor Barnett is a member of the White Citizens Council. The White Citizens Council has rather boasted they have controlled politics in Mississippi. In my opinion they have very thoroughly. I don't think this would be denied. The governor himself in his appearance gave pretty good illustration of why the moderate voices in Mississippi have not had an opportunity to be heard, they are there, they are wonderful people in Mississippi, but they have had not outlet in their press, in their politics, in their clergy, businessmen, I am sorry to say, but I think that a very strong indictment ought to be drawn against what we call the power structure of Mississippi.

I do think it has abrogated its responsibilities.

MR. VANOCUR: Mr. McGill, when troops were based in Little Rock, they passed a sign put up by the Little Rock Industrial Committee which said, "If the people of Arkansas will not, who will build this state?"

If your newspapers in the power structure will not, and the politicians will not, then who leads the states in the south?

MR. MCGILL: Mr. Vanocur, let's not forget that in most of the southern states the power structure is led very well. We have a sick situation in Mississippi. It is generally believed that the situation of Alabama also is sick, because of the abdication there of responsibility and by most of the power structure. What worries me is what is going to happen to the children and the people in Mississippi and in the south. We have less education in the south than in any other region. We sacrifice. We spend more of our tax

dollar, we try, but we have not got the resources. Yet we have politicians who are willing to destroy their state university or to degrade them, destroy their prestige and risk their accreditation -- what for? I don't know. Political power, personal power, personal vanity, but what about the young people of Mississippi, all of these other states? What is Alabama going to answer? What is South Carolina going to say? These are the big questions. The attention now is focussed on the Governor and the responsible people of Alabama and South Carolina; what are they going to say after Mississippi?

MR. VANOCUR: Mr. McGill, sitting here tonight, you live your whole life in the south, can you give any optimistic view of this area that you have lived in?

MR. MCGILL: Yes, most of it is done very well. Most of it has not done what Governor Barnett did, speaking of the Sovereign State of Mississippi. It is not sovereign, there has not been a sovereign state when the federal power is engaged since 1789. This is why we have a Constitution. This is what most of the governors of Tennessee, Virginia, North Carolina, West Virginia, Missouri, Florida, Texas, and in Georgia, tremendous progress. This is the story, progress, and not Barnett in Mississippi.

MR. VANOCUR: Thank you, Mr. McGill.

Ralph McGill, the publisher of the Atlantic Constitution. This is Sander Vanocur, NBC News in Washington.

MR. MCGEE: I suspect that had we all been alive a hundred years ago before the Civil War engulfed the nation and that tragic event, what we have heard tonight would have for us now a tragically familiar sound. Then, as now, two sides had grown so far apart that it seemed their leaders have grown deaf, dumb and blind in accord with each other in the way they give violently contrasting interpretations to the same set of facts. It will accomplish nothing, of course, if what we have seen and heard tonight serves only to inflame passion. I do not suggest that judgment be suspended but that we not permit passion to affect our judgment.

Frank McGee, NBC News.

Good Evening.



Department of Justice

STATEMENT BY ATTORNEY GENERAL ROBERT F. KENNEDY

FOR 6:15 P.M. OCTOBER 1, 1962

The federal marshals who finally preserved order in Oxford, Mississippi, showed bravery and devotion to duty in keeping with the highest traditions of law enforcement officers of this nation. When the state police left, they were faced with an unruly mob of students and hoodlums numbering more than 2,500 over an extended period of time. Bricks, bottles, fire bombs and shots from secret snipers in the dark seriously menaced their personal safety.

Yet despite this extreme provocation, the marshals acted with restraint and judgment. They fully obeyed orders to use the minimum force necessary to protect lives and refrained from returning fire.

Deputy Marshal Graham E. Same was critically wounded and a number of other deputies were wounded and injured. Border Patrolman Charles B. Chamblee made repeated trips for tear gas supplies through the mob.

Men like Deputy Marshal Same, Patrolman Chamblee, Chief Marshal James McShane, and John W. Cameron, his assistant, acted in the finest tradition of the federal service.

I would also like to pay tribute to seven officials of the University of Mississippi who worked through the night with the marshals to preserve law and order. They set a fine example of citizenship. These men are:

Dean of Students Al L. Love
Tom S. Hines, Director of Student Activities
John W. White, Director of Physical Plant Department
Chief Burns Tatum, Chief of the Campus Police
Frank E. Moak, Director of Student Placement and
Financial Aid
Douglas Hodo and Kenneth Wroten, University Field
Representatives

I would also like to call attention to a brave and selfless physician, Dr. L. G. Hopkins of Oxford. When he heard about the difficulties on the campus of the University, he voluntarily presented himself for assistance in treating the wounded. He made an immeasurable contribution.

There were a number of University of Mississippi students as well who took the side of law and order and tried to help quell the disturbance.

The University of Mississippi, the town of Oxford, and the entire state should be grateful along with the country for the service performed by these men last night.



Department of Justice

FOR IMMEDIATE RELEASE
OCTOBER 1, 1962

In view of statements made on the floor of Congress regarding the timing of the marshals' appearance on the campus of the University of Mississippi, the Attorney General issued the following statement:

The admission of both the Federal marshals and Mr. Meredith to the University of Mississippi campus Sunday evening was arranged by Governor Barnett Sunday morning.

Mr. Meredith was escorted onto the campus by the State Police and university officials on the basis of the prior arrangement between the Governor and the Department of Justice.

The Governor also assured the Department of Justice that law and order would be maintained by State Police. Until this arrangement was made it was thought that troops might be necessary to bring Meredith onto the campus and to maintain law and order. Following Mr. Meredith's arrival on the campus the Department was informed by representatives of the Governor that law and order could be maintained with the forces then available.

Shortly afterwards when difficulties began, the State Police received orders to withdraw from the area. A protest was made to the Governor's representatives and shortly afterwards, the State Police were returned. When further violence occurred, the State Police were again withdrawn and during the several hours when the rioting was most intense, the State Police were not available. During at least part of this period of time approximately 150 of the Police were observed sitting in their automobiles within one-half mile of the rioting and shooting.

The Governor made the arrangements for Mr. Meredith to attend the University of Mississippi as a student and the arrangements for the preservation of law and order.



Department of Justice

STATEMENT BY THE ATTORNEY GENERAL, ROBERT F. KENNEDY

SEPTEMBER 27, 1962

It has been clear from the time of the court's decision ordering the University of Mississippi to accept Mr. Meredith that there would be but one resolution to these difficulties. The orders of the federal courts can and will be enforced. It is important to our country, however, that if possible, that this be accomplished without force and without civil disorder.

Every American has the duty to obey the law and the right to expect that the law will be enforced.

It is fundamental in our system that there be respect for the law and compliance with all laws -- not just those with which we happen to agree. The course which Governor Barnett is following is, therefore, incompatible with the principles upon which this Union is based.

As the Legislature of the State of Mississippi stated in solemn resolve 129 years ago:

"This state owes a duty to the Union above all minor consideration . . . The doctrine of Nullification is contrary to the letter and spirit of the Constitution, and in direct conflict with the welfare, safety and independence of every State in the Union; and to no one of them would its consequences be more deeply disastrous, more ruinous, than to the State of Mississippi"

This matter will be before the court again tomorrow in New Orleans. At that time, Governor Barnett will have an opportunity to state his case before all the judges of the Court of Appeals for the Fifth Circuit. I hope that this matter will be resolved peacefully and without violence or further action by the federal government.

However, if this is not to be, the federal government will see to it that the orders which are presently outstanding are maintained and enforced, whatever action that ultimately may require.



Department of Justice

STATEMENT BY DEPARTMENT OF JUSTICE
SEPTEMBER 27, 1962

The Marshals escorting James Meredith to Oxford, Mississippi, have been directed to return to Memphis without attempting to enter the University of Mississippi.

This action was taken at 6:35 PM (EDT) after receipt of information from Oxford that a large crowd had gathered and that the force accompanying Mr. Meredith might not be sufficient to accomplish its mission without major violence and bloodshed for the citizens of Mississippi.

Several hundred additional United States Marshals are proceeding to Memphis to augment the small force which has been there since last week.

FROM FLANNERY AT 7:50

September 26, 1962

The U.S. Circuit Court of Appeals for the Fifth Circuit at 5:30 p.m. CST signed an application by the Department of Justice asking that Lieutenant Governor Johnson of Mississippi be called to show cause why he should not be held in contempt of court.

The court ordered Johnson to appear personally in New Orleans Saturday, September 29 at 10 a.m. to show cause.

Signed by Judges John Minor Wisdom, Richard T. Rives and John R. Brown.

Some excerpts from the order:

This Court, having entered a temporary restraining order on September 25, 1962, restraining the State of Mississippi, Ross R. Barnett, their agents, employees, officers and successors, together with all persons in active concert and participation with them from interfering with or obstructing by any means or in any manner the performance of obligations or the enjoyment of rights under this Court's order of July 28, 1962 and the order of the United States District Court for the Southern District of Mississippi of September 13, 1962.

It appearing from the verified application of the United States amicus curiae herein that Paul B. Johnson, Jr. is an agent and officer of the state of Mississippi; that on September 26, 1962 after receiving actual and constructive notice of the terms of this court's temporary restraining order of September 25, 1962 and while acting in concert and active participation with Ross R. Barnett he prevented James H. Meredith from entering the campus of the University of Mississippi at Oxford, Mississippi and did thereby prevent James H. Meredith from enrolling in and attending the University all for the purpose of interfering with and obstructing James H. Meredith in the enjoyment of rights and preventing and obstructing the officials of the University and the Board of Trustees... from performing obligations under this court's order...and U.S.D.C. order.



Department of Justice

ADDRESS

by

James Symington

Administrative Assistant to the
Attorney General

Calvert Presbyterian Church
Fairfax County on Human Relations
Arlington, Virginia

November 15, 1962

THE OXFORD INCIDENT

Some say it started when a voice yelled, "Let him who has not sinned cast the first stone". If so, it was an error in judgment. There were so many good people standing around. But when did it start? Did it start with Meredith's decision to apply in February 1961? Or did it start with the Supreme Court's decision in the Brown case in 1945? Was it the decision of the American people in adopting the 14th Amendment? Of the colonists to engage in the slave trade? Or was it the decision of Providence in giving man the unique problem of racial difference?

For convenience we might begin with the decision in the Brown case. The court said there that separate education was not equal education, and it directed total compliance with its order to end such separation in public schools "with all deliberate speed". By this expression the court may not have meant then, and perhaps it didn't mean now, but certainly it meant "now and then". James Meredith was 21 at the time, young enough to hope at least that he might some day attend the university of his choice in his home state. Seven years later he did apply to the University of Mississippi. His application was denied. One of the reasons for the denial - as mentioned recently by a University official - was his "excitability on the race issue".

Here is a condition which, if applied to other students on the night of September 30th, might have reduced the enrollment at Ole Miss by a substantial margin. In fact, if personal gentleness and calm are criteria for remaining in good standing, James Meredith would be a candidate for honours. Not that he lacks awareness or sensitivity. His calm is all the more impressive because of the wounds it conceals.

Following rejection of his application, Meredith on May 31, 1961, filed suit in the United States District Court against the University Trustees and others claiming his admission was denied solely because of his race, and seeking to enjoin the Trustees from further denying admission. An unfavorable decision of the District Court was reversed by the Court of Appeals for the 5th Circuit, which concluded,

"We see no valid, non-discriminatory reason for not accepting Meredith".

After further delays and stay orders that same court on July 28, 1962 entered an order requiring University compliance with its former orders to admit Meredith either immediately or in September. Further attempts to secure stay orders and block Meredith's admission for the fall term prompted the United States Government to file a brief as friend of court in support of its motion in the Supreme Court to vacate the stays.

A point to bear in mind is that the United States did not file the suit in this case. This was the suit of an individual. The United States did not enter its appearance until after that individual's request for judicial assistance was granted, and his admission had been ordered. The announced intention of responsible state authorities in Mississippi to thwart and block the execution of the courts' orders made it necessary for the Federal Government to act to preserve the integrity of the courts and to prevent their orders from being thwarted and

blocked. In the dialogue that ensued between the Attorney General of the United States and various officials of the State of Mississippi, the Attorney General attempted with both dignity and sympathy to explain the gravity of the situation which would be created if law and order were not upheld by local authorities while the orders of the courts were carried out. One Mississippi official has contended he has tape recordings of some of these conversations. If so, they would be welcome additions to the National Archives reflecting as they must, if they are intact, nothing but credit on the Attorney General of the United States. But the dialogues proved futile because the guidance mechanism for the reaction of Mississippi has already been set and the fuze lit by the authorities in that State. We were on a collision course. The United States had no alternative but to preserve both law and order. And the alternatives of Mississippi had been more or less abandoned in a diffuse way to elements in that State and some other States which were neither by experience nor inclination discerning in matters of law or order.

There are those who enjoy playing the "if" game. Opponents of Meredith's application say, if only Meredith had waited. If he had not had the help of the NAACP, if he had come only for an education, if no marshals had been sent, if no troops had been sent, if people would only leave things as they are, etc. On the other side of the "ifs" might include, if the Trustees had admitted Meredith, if Mississippi State officials had not interfered with their decision but instead recognized their mutual responsibility to uphold the law, and if the State police and highway patrol had acted to preserve law and order, I personally believe that if the President's speech asking the help and cooperation of Mississippi citizens had been heard in time by substantial numbers of them, it would have awakened them to the true issues involved. But the President's radioed appeal was never heard by the gathering crowd which had already begun its bombardment of the Marshals earlier that Sunday evening, September 30, 1962.

I was in the Attorney General's office at the time, with a phone at one ear and a portable radio at the other. In the one I received a report that some of the marshals had just been seriously wounded by rocks or bricks; in the other I heard the words, "my fellow citizens". It was a long night. It seemed incredible then. It does now. But it happened. After an all night vigil I flew to Oxford with a small group of lawyers, deputy marshals, and two secretaries. As we circled the little airfield near Oxford we could see army trucks, jeeps and soldiers. We were met by marshals, tired, tight-lipped men, who advised us to roll up the windows of the already battered cars, and cover our faces if necessary. As we entered the town and campus tear gas still emanating from the grass, trees and buildings burned and made us feel a little silly to be wiping our eyes in the presence of the veterans of the night before who had grown used to it. The Justice Department's headquarters were located in the Lyceum Building. It is a fine building, but neither it nor the campus were looking their best. The streets and paths were littered with broken bricks, bottles, glass fragments and empty cannisters of tear gas. Two or three fire-gutted cars still smoked, as patrolling soldiers, and class bound students passed each other with nervous glances. All seemed in a state of shock -- not only because of the recent tragedy, but because of the sheer incongruity of a military presence on an American campus. There was little humor at the time, but not long after signs of "Made in occupied Mississippi" appeared on a few cars. This was the lighter side. But the deep frustrations and sense of lost dignity tempted some students to jeer the

soldiers themselves, young men who might or might not look forward to a college education. There was tension then. There is less now, but the strange story of James Meredith's enrollment at the University of Mississippi is still being written. It is my hope and belief that firmer hands guided by sounder minds are writing it.

I have mentioned the "if" game. Most of the people and press which opposed Meredith, and the United States courts and Government, narrowed their objections to the very moment of decision. The tear gas they said was fired at or about 8:00 PM for no reason at a group of friendly curious students - it was a vicious, even sadistic move, which would incite any American to counter action. Our records are replete with statements volunteered by students, faculty members and townspeople, that the Marshals fired barely in time to keep from being overrun. How can these positions be reconciled? They cannot. But it might be noted that in a mob of nearly 3000 persons, those in the rear might not realize the felonies being committed by those in the front, I can visualize that in the din and confusion of a student mob, heavily infiltrated by outside troublemakers, both innocence and guilt are intermingled; but they must then share equally the consequences of duly deputized men striving to protect themselves and the law. If the marshals had been trigger conscious never mind trigger happy, as so many charge, the tragic death toll would have been higher, and may not have excluded students -- something for the citizens of Mississippi to consider as they re-examine their leadership.

I remember in my own university days the attraction of a shouting mob of students. There were differences however. For one thing, we were not encouraged by adults either in public or private life to proceed with the riot, and if we chose to ignore their discouragement we were taken in hand both by campus and local police. Suspension and expulsion were clear and present dangers to any student who overstepped the bounds, particularly if he added vandalism to his activities.

What profound cynicism must animate any person in authority to encourage young people into unlawful conduct which can blight their lives and sadden their families. It could never have been done unless those young people and their families had not been coddled by their leadership into believing the unbelievable. It can't happen here, they were told, and they believed. Radio announcements urged Mississippians to rush to the defense of the University. One student telephoned by his family on the night of the riot, attempted to reassure them that he was not involved. How dare you not be! he was asked, and then told, get in there and fight . . . all this to oppose one man from attending school, and the efforts of the United States Government to protect him. Why?

I wanted to know. I talked with students, with faculty and with local ministers. I also accepted an invitation to address the local Lions Club in Oxford. My first opportunity to talk with students was during their detainment for questioning, or relinquishment of firearms and ammunition. I hasten to note that Mississippians are a hunting people, not unlike Missourians. It is the exception to find a person there who is not ready, willing and able to bring down a squirrel, a deer or a duck at a moment's notice. So for many of these students the road blocks and car checks -- discontinued after a few days, were, while they lasted, an inconvenience to say the least. But the events of the preceding Sunday night and Monday morning, justified no less vigilance on the part of the military.

Another outbreak would have been unthinkable. Although numerous protests, verbal and written, were entered against this procedure, the legal authority is as clear as the practical necessity for it. And when the "take" included machetes, molotov cocktails, and a samurai sword, I felt less apologetic. The number of squirrels who have fallen prey to these devices must be marginal at most. In any event this was my chance to talk with students. It was a weird and not entirely satisfactory interlude for them or for me. But it gave us a chance to consider together how regrettable it was that their first contact with their national government should come this way - a Government for whom very possibly some of them might wish to serve - as Mississippians had so well served and were serving both in war and peace. And I asked them what caused this thing, what happened. Some were openly critical of the leadership of the school and State, some were silent; none were abusive. I had the feeling that these boys could be counted on to uphold the law if given the chance. They were not given much of a chance. What a crushing responsibility to place on young people. It may seem curious that all over the world the student element stands in protest against the past. Here it is the future that is protested. Why? I think for one thing there is a lack of the usual free student spirit, marked by a genuine campus ethic, as distinguished from the views and attitudes inculcated or maintained at home by family and in some cases church. Many of the students spend weekends at home and have these attitudes refreshed. So the campus is not a new experience, but merely a gathering place to give voice to the old. A local "moderate" minister told me that he could not get through to one student. Although the boy could not articulate his opposition to change, he said to the minister, "my daddy could explain it" . . . and "my preacher could tell you". Think of the confusion and tearing pain of a boy arrested for carrying out ideas given him by his father or his preacher. I am talking here about a fraction of the students. Some others have independent minds; or minds conditioned with tentler precepts by their parents. It is easier for them to keep silent, however so as not to be branded a "collaborationist" -- which means siding with their National Government.

The faculty is a troubled group as you can imagine. For the most part they have defended the law and the actions of the government to uphold it. Many ministers joined to condemn the violence and lawbreaking. One at least did not. He told me that I represented a tyranny. With reams of biblical quotations he supported that theory as well as the theory that every effort should be made to prevent one race from associating with another on any basis. He said that the people of his State had a right to revolt against the federal tyranny. I asked him if they had a right to revolt against any other arbitrary denial of rights other than denial by the Federal government, and what were the responsibilities of the federal government in such case. He said the question was too hypothetical, but that, and I quote him, "It's better to have a lot of little tyrannies, than one big one". As you see there is a firm emotional posture here which is not to be upset by appeals to reason. A change of heart is as emotional a phenomenon as a tear, a laugh, or a punch in the nose. You can't go down in your swallow-tail coat and recite passages from the constitution or the good book and expect to work miracles. Opponents of desegregated schools can also read and recite. It is the slow but sure evangelism of the human condition that will, I believe, prevail. One sad, but perhaps hopeful development is apparent to me. As we look back over the years, it seems the quality of protest has declined. Unlike Shakespeare's quality of mercy, the quality of protest has become strained

It droppeth as the not so gentle epithets from the mouths of unlettered men whose votes some lettered men value . . . too much. When contracting ideas meet one generally proves to have the greater dignity if not the most powerful support. Opponents of the more dignified idea tend to advance the less dignified arguments. Here are some of them:

1. To accept the court's decision in this case is to make the South as corrupt as the North. On this issue of equal rights if the South can become as corrupt as the North it will be an improvement.

2. Look at the race riots in the North; we have peaceful relations with the minority in the South. True, there has been less fuss, and if the price of such peace is for a portion of the population to accept uncomplainingly denial of the vote, free speech and assembly, then we are asking modern Americans to pay a price for that peace which early Americans would not pay. If they had paid it, it might not be the stars and stripes that is occasionally torn from its standard these days, but the Union Jack. We demand a "just peace" abroad. Should we demand less at home? Also, it is not a proven fact that denial of equal educational opportunity is the best way to avoid unrest.

3. You don't believe in State's Rights. I most emphatically do believe in the rights of States. But what is a State - an association of people dedicated to a common purpose? Who belongs to that association, and what is the common purpose? I believe in States Rights, but also in the rights of individuals. Denial of legitimate rights of individuals is not a States Right, any more than the right of a Kingdom or an Empire.

4. The unpleasant term "mongrelization" is mentioned. What worries me is the mongrelization of American principle.

5. Why don't you try this desegregation business? In the first place you've just accused us of trying it, and in the second place it has not resulted in the dire consequences predicted. Look to Atlanta, to Norfolk, to Little Rock and Clinton, and see the progress made. A Negro was captain of the football team my senior year at Yale - 12 years ago. He was my friend. Judging from the communications I've received from the Alma Mater, it would not appear that applications have dropped off. They still exceed the vacancies. If you want success stories, and are willing to listen to them, they are available in quantity. The willingness to listen - there's the problem.

What is a University - a place to hide from the world? Or a door to the world? Why does a man enter any association - to escape reality or to find it? To accept responsibility or to avoid it? To discover or to get lost? Man, the hunter . . . what is he hunting today? American man, the defender, what is he defending? The sentry in Viet Nam, the pilots, the navigators . . . others who struggle . . . The Negro medal of Honor winners at Santiago, Cuba in 1898 and in Korea -- what were they fighting for? when the great roll is called, where were we all? What was our proudest hour . . . Let's listen: "I fought for a child's life; I was a Doctor"; "I saved an unjustly condemned man; I was a lawyer"; "I worked with my hands and saw my work succeed and my sons grow; I was a father." I fought, I struggled to stop a boy from going to school. I was his fellow man,

his fellow American, his fellow student. Why? I don't really know. You better ask my father.

Thus the quality of protest declines. Pride becomes petulance. Majesty, meanness; nobility, nagging. It was not always so.

One of the most remarkable men of 19th century America was John Quitman, Governor of Mississippi from 1849 to 1850. His father had come from Germany and the name was an old Saxon derivative meaning "freeman". Governor Quitman was indicted by the federal Government. Interesting parallels marked the case. The indictment was founded upon the Governor's alleged violation of the Neutrality Act when he sought to help one General Lopez, a Cuban liberator of that time, unshackle Cuba from Spain. President Fillmore was concerned at the money and men being supplied for this purpose, and the United States Court in New Orleans issued a warrant for the Governor's arrest.

It was an unhappy experience, not least for the District Attorney who was the Governor's friend. Faced with the prospect of being removed from the seat of his government for trial in another State, Governor Quitman penned an address to his people describing the conditions leading up to the day of reckoning, and saying:

"Unconscious of having, in any respect, violated the laws of the country, ready at all times to meet any charge that might be exhibited against me, I have only been anxious, in this extraordinary emergency, to follow the path of duty. As a citizen, it is plain and clear I must yield to the law, however oppressive or unjust in my case; but as chief magistrate of a sovereign state I had also in charge her dignity, her honor, and her sovereignty, which I could not permit to be violated in my person. Resistance by the organized force of the state while the federal administration is in the hands of men who appear to seek some occasion to test the strength of that government, would result in violent contests, much to be dreaded in the present critical condition of the country, and I therefore, fellow-citizens, now resign the high trust confided to my hands, with no feeling of personal regret except that I could not serve you better; with no feeling of shame, for I am innocent of the causes which have induced the necessity of this step."

The Governor did resign, attended the Louisiana court in his own person, was acquitted and returned to Mississippi to be elected to Congress, and honored and revered in memory since that time.

Whether history will be as kind to those involved in the various contests of today remains to be seen. It seems to me that in this case this mantle of dignity has been discarded momentarily, and left in the dust by its proper legatees. But Mississippians will not let it lie there. Conversations with teachers, lawyers, editors, and fine people, young and old convince me that it won't be left there long. It is the living inheritance of a noble people whose forefathers bled and suffered with Lee of Virginia, and it can't be taken from them by lesser men.

This brief episode in the life of a gallant Mississippian has no particular relevance here, except in so far as it illustrates the difference between statesmanship and brinkmanship in domestic affairs.

As I look back over what I have said here, it suddenly seems very smug and self-satisfied. It is not meant to be. There are certainly enough problems in our private lives and own communities to occupy our serious attention, an attention we usually fail to pay. And we have not met the test. But the map of the United States represents not only a network of roads and rivers and mountains, but a nervous system which stretches over the entire nation, and twinges everywhere with every hurt. Some take comfort in the fact that Karl Marx was a racist as he most certainly was, or gloat in the fact that discrimination is practiced in both communist and neutralist countries, or complain that the nations of world hold the United States to a standard which they cannot meet at this time. A double standard. We should welcome the fact that we are the high standard bearer. If word came down from heaven that some angels were less equal than others only an atheist would be unconcerned, even though the proper study of mankind is man. But we should realize that America is heaven on earth. Just attend ceremonies of a Citizenship Day, where the oath of allegiance to the American flag is taken by men and women who chose this land to live in, and you will understand.

It is for all of us to keep America the envy of the world. We can do it by defending the right in our daily lives and attitudes, not by leaving it to courts and troops as the case may be. If we belong to service clubs, schools, churches, or other associations with branches North or South where problems exist, we should be constantly using these channels of communication to share information, impart logic, and remove fear. This is a task for people, not just government.

There is an expression, "Let George do it." Judging from matters as they stand it would appear George has not been worthy of the trust placed in him.

A young American later to become President had this to say:

"Shall we expect some transatlantic military giant to step the Ocean, and crush us at a blow? Never! All the armies of Europe, Asia and Africa combined ... could not by force, take a drink from the Ohio, or make a track on the Blue Ridge in the trial of a thousand years.

"At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide."

That was Abraham Lincoln speaking, in Springfield, Illinois, in 1838. He had a large audience. It consisted of every generation of Americans to be born thereafter.

ed a massacre at Ole Miss

BY GEORGE B. LEONARD,
T. GEORGE HARRIS and
CHRISTOPHER S. WREN

BETWEEN NOON and midnight of September 30, 1962, this nation came within one man's nod of a state-sized civil war. The riot that exploded at the University of Mississippi in Oxford brought death to two men and injuries to hundreds. But it was a pep rally compared with what almost happened.

A group of Mississippi leaders had been secretly planning to form a wall of unarmed bodies that would not yield until knocked down and trod upon by Federals. Many segregationists were prepared to go to jail. Many were ready to fight with fists, rocks and clubs. Some resolved to stand until shot down. Others planned to defy the orders of their leaders and conceal pistols on their persons.

"In retrospect, I'm thankful that 5,000 to 10,000—maybe 15,000 to 20,000—fellow Mississippians didn't go there and get killed," said Dr. M. Ney Williams, 40, a director of the Citizens' Council and adviser to Gov. Ross Barnett in the crisis. This earnest segregationist may have overstated, but he is one of a small group who knew the situation's real potential. No one who understood Mississippi's "wall-of-flesh" strategy estimates that less than "hundreds" would have been killed had the plan been carried out.

What the segregationists did not know is this: While Barnett was encouraging their efforts, he was—throughout the four days before the riot—secretly suggesting schemes to Attorney General Robert Kennedy that would allow Negro James Meredith to enter Ole Miss.

This strange story has never been told. To uncover the facts behind the Battle of Ole Miss, three LOOK editors spent weeks interviewing more than 105 individuals in Jackson and Oxford, Miss., Atlanta, Ga., and Washington, D.C. From this search, LOOK has pieced together a chronicle of courage and cross-purposes, of passion and patience, of a massacre barely avoided.

The untold story begins after Mississippi's legal fight to keep Meredith out of Ole Miss had failed. By Thursday, September 27, Governor Barnett was legally on the defensive. He was under orders from the 5th U.S. Circuit Court, meeting the next day in New Orleans, to show cause why he should not be held in contempt of court. Three times already, he had blocked Meredith's attempts to enroll. Barnett knew that if he did not let the Negro into Ole Miss he probably would be held in contempt—and face a huge fine and possibly jail.

Other pressures were bearing down on Ross Barnett, an ambitious man who wanted to be loved by all. He was, of course, getting pressure from Robert Kennedy through a series of personal phone calls. But an unexpected pressure was building up in Mississippi. The state's permanent leadership—the bankers, educators, lawyers and businessmen whose power is not limited to a governor's term—had begun meeting in homes and offices, phoning one another for sobering talks. Now, on the 27th, Thursday morning, the grapevine and the telephone brought Barnett a word of caution, in contrast to the usual counsel of defiance. We back your principles, Governor, the permanent leaders said in essence, but we hope your actions will not harm Ole Miss.

Was it too late for reason to prevail? The signs were bad. By noon,

continued

The marshal saw it coming out of smoke and



65 per cent of the major cities of the South. So on the whole I think there is an improvement, but I don't think there is any cause for over-optimism. Turn those statistics around and they show you that there has been no desegregation of any kind in 35 per cent of the cities. In addition, in my judgment, there are many places in the North where the situation is just as bad although, perhaps, discrimination takes more subtle forms. No section of the country can point to another.

JFK—Do you feel whites in America realize the Negro's plight? Do you feel they are really concerned? And has the Justice Department done enough in the area of education and information to point up the problem?

RFK—Yes, I think increasingly so. The role of the churches exercising their moral leadership on both sides has been both great and encouraging. The Department of Justice has no responsibility to dramatize problems. Our job is in the courtroom. But, whatever the case, I think the American is aroused and aware.

JFK—Unlike the President, you have not hired a Negro on your personal staff. Since you have done so much in this area, don't you feel the addition of one would better enable you to gain a fuller scope of the problem?

RFK—"Personal Staff" is a meaningless term. Negroes hold important positions in the Department of Justice and participate in policy decisions affecting civil rights, criminal cases and many other matters. They have been selected because of their ability and character—not because they are Negroes. "I'll hire a Negro for any position, but, I don't believe in hiring a person just because he is a Negro.

JFK—You have probably done the most for Negroes and you have probably been criticized the most by Negroes. Do you feel discouraged or feel that your efforts have not been appreciated?

RFK—When it comes to criticism, I think I have to agree with Lincoln that if the end brings me out all right, what is said against me won't amount to anything, but if the end brings me out wrong, 10 angels swearing I was right won't make any difference.

FOR IMMEDIATE RELEASE
SEPTEMBER 30, 1962
OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

TELEVISED REMARKS OF THE PRESIDENT
TO THE NATION, SEPTEMBER 30, 1962

Good evening, my fellow citizens.

The orders of the court in the case of Meredith versus Fair are beginning to be carried out. Mr. James Meredith is now in residence on the campus of the University of Mississippi.

This has been accomplished thus far without the use of National Guard or other troops. And it is to be hoped that the law enforcement officers of the State of Mississippi and the Federal Marshals will continue to be sufficient in the future.

All students, members of the faculty, and public officials in both Mississippi and the Nation will be able, it is hoped, to return to their normal activities with full confidence in the integrity of American law.

This is as it should be, for our Nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law is the surest road to tyranny. The law which we obey includes the final rulings of the courts, as well as the enactments of our legislative bodies. Even among law abiding men few laws are universally loved, but they are uniformly respected and not resisted.

Americans are free to disagree with the law but not to disobey it. For a government of laws and not of men, no man, however prominent and power, and no mob, however unruly or boisterous, is entitled to defy a court of law. If this country should ever reach the point where any man or group of men by force or threat of force could long defy the commands of our court and our Constitution, then no law would stand free from doubt, no judge would be sure of his writ, and no citizen would be safe from his neighbors.

In this case in which the United States Government was not until recently involved, Mr. Meredith brought a private suit in Federal Court against those who were excluding him from the University. A series of Federal Courts all the way to the Supreme Court repeatedly ordered Mr. Meredith's admission to the University. When those orders were defied,

and those who sought to implement them threatened with arrest and violence, the United States Court of Appeals consisting of Chief Judge Tuttle of Georgia, Judge Hutcheson of Texas, Judge Rives of Alabama, Judge Jones of Florida, Judge Brown of Texas, Judge Wisdom of Louisiana, Judge Girwin of Alabama, and Judge Bell of Georgia, made clear the fact that the enforcement of its order had become an obligation of the United States Government. Even though this Government had not originally been a party to the case, my responsibility as President was therefore inescapable. I accept it. My obligation under the Constitution and statutes of the United States was and is to implement the orders of the Court with whatever means are necessary, and with as little force and civil disorder as the circumstances permit.

It was for this reason that I federalized the Mississippi National Guard as the most appropriate instrument should any be needed to preserve law and order while United States Marshals carried out the orders of the court and prepared to back them up with whatever other civil or military enforcement might have been required.

I deeply regret the fact that any action by the Executive Branch was necessary in this case, but all other avenues and alternatives, including persuasion and conciliation had been tried and exhausted. Had the police powers of Mississippi been used to support the orders of the Court, instead of deliberately and unlawfully blocking them, had the University of Mississippi fulfilled its standard of excellence by quietly admitting this applicant in conformity with what so many other southern state universities have done for so many years, a peaceable and sensible solution would have been possible without any federal intervention.

The Nation is proud of the many instances in which Governors, educators and everyday citizens from the South have shown to the world the gains that can be made by persuasion and good will in a society ruled by law. Specifically I would like to take this occasion to express the thanks of the Nation to those Southerners who have contributed to the progress of our democratic development in the entrance of students regardless of race to such great institutions as the state supported universities of Virginia, North Carolina, Georgia, Florida, Texas, Louisiana, Tennessee, Arkansas and Kentucky.

I recognize that the present period of transition and adjustment in our nation's southland is a hard one for many people. Neither Mississippi nor any other southern state deserves to be charged with all the accumulated wrongs of the last 100 years of race relations. To the extent that there has been failure, the responsibility for that failure must be shared by us all, by every state, by every citizen.

Mississippi and her university moreover are noted for her courage, for their contribution of talent and thought to the affairs of this nation. This is the state of Lucius Lamar and many others who have placed the national good ahead of sectional interest. This is the state which had four Medal of Honor winners in the Korean War alone. In fact, the Guard unit federalized this morning, early, is part of the 155th Infantry, one of the ten oldest regiments in the Union and one of the most decorated for sacrifice and bravery in six wars.

In Mississippi in 1945 Jake Lindsey was honored by an unusual joint session of the Congress. I close therefore with this appeal to the students of the University, the people who are most concerned.

You have a great tradition to uphold, a tradition of honor and courage, won on the field of battle and on the gridiron as well as the university campus. You have a new opportunity to show that you are men of patriotism and integrity. For the most effective means of upholding the law is not the state policeman or the marshals or the National Guard. It is you. It lies in your courage to accept those laws with which you disagree as well as those with which you agree. The eyes of the nation and all the world are upon you and upon all of us, and the honor of your university and state are in the balance. I am certain the great majority of the students will uphold that honor.

There is in short no reason why the books on this case cannot now be quickly and quietly closed in the manner directed by the Court. Let us preserve both the law and the peace and then healing those wounds that are within we can turn to the greater crises that are without and stand united as one people in our pledge to man's freedom.

Thank you and good night.



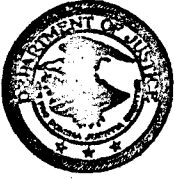
Department of Justice

FOR IMMEDIATE RELEASE
SEPTEMBER 25, 1962

The Department of Justice is asking the Court of Appeals to issue an order requiring Governor Barnett to show cause why he should not be held in contempt.

We understand that Meredith will go to the University of Mississippi tomorrow to begin attending classes and will be accompanied by U. S. Marshals.

We also announced that the Attorney General had conferred with the President during the day about the situation in Mississippi.



Department of Justice

STATEMENT ISSUED BY DEPARTMENT OF JUSTICE
8:40 P.M., SEPTEMBER 21, 1962

The ruling of the district court need not be appealed since essentially the same question will be before the Court of Appeals in New Orleans on Monday. We will ask that court tomorrow to include the three University officials along with the University trustees in the order to show cause why they should not be held in contempt for refusing to register Mr. Meredith.

We are taking this action because the University officials were charged by the courts to admit Mr. Meredith and have failed to do so. It is our conviction that they cannot evade the courts' orders by seeking to turn over this responsibility to the governor or anyone else.

The courts have ordered the University to accept Mr. Meredith. It is our responsibility, together with the courts, to see that these orders are obeyed no matter what course ultimately is necessary.



Department of Justice

Statement by Department of Justice
September 20, 1962

The Department of Justice will move tonight to ask Judge Sidney Mize in Meridian to issue an order requiring three officials of the University of Mississippi to show cause tomorrow why they should not be held in civil contempt for failing to accept Mr. Meredith as a student at the University in accordance with Federal court orders.

The three officials are: Chancellor John Davis Williams; Dean Arthur B. Lewis of the College of Liberal Arts; and Registrar Robert Byron Ellis.

The Department of Justice will meet its responsibilities to see that the court's orders are carried out. In our view, Governor Barnett's actions have no legal effect. We are proceeding against those named in the court's orders whose responsibility, in our opinion, remains unaffected by the Governor's actions.

Text of the Attorney General's Wire
September 19, 1962

I have today sent the following telegram to Euclid Ray Jobe, executive secretary of the Board of Trustees of State Institutions of Higher Learning:

"The purpose of this telegram is to inform you and the Board of Trustees of the University of Mississippi of the Government's views on the legal position in the Meredith case. The officials of the University, including the Registrar, have been ordered by both the District Court for the Southern District of Mississippi and the Court of Appeals for the Fifth Circuit to accept and retain Meredith as a student this semester at the University. All members of the Board of Trustees are covered by these orders. The Board of Trustees is prevented by these orders and by an additional order of Justice Black of the Supreme Court of the United States, which has the concurrence of each Justice of the Supreme Court, from taking any steps to hinder compliance with the orders.

"We have cooperated and will continue to cooperate with Governor Barnett and other State officials in making every effort to avoid law enforcement problems. It is our purpose to see that the orders of the Court are complied with peacefully. However, I am informed that Meredith has been

unable to obtain any commitment from you or the Board that he will be registered in Jackson without evasion or delay if he goes there in response to your telegram. I have been unsuccessful in obtaining any such commitment as well.

Under the circumstances, it is Meredith's intention to proceed tomorrow to Oxford, Mississippi, to register, along with other new and transfer students. It is the responsibility of the Department of Justice to take all appropriate action to make the orders of these courts effective. It is our view that a refusal by the officials of the University in Oxford to register Meredith in Oxford tomorrow would be in violation of the orders of the District Court and the Court of Appeals. It is also our view that any orders or other steps by the Board of Trustees intended to prevent the officials of the University at Oxford from registering Meredith in the regular course would be in violation of the orders of the District Court, the Court of Appeals and the Supreme Court of the United States.

I respect the State of Mississippi whose citizens have made many contributions to the country, and the great University which you are privileged to serve. Historically, American citizens have freely and frequently disagreed with or disapproved of laws and court decisions but have obeyed them nevertheless. The Federal Courts have spoken

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unequivocally on this matter. All of us as citizens of the United States have a responsibility to obey the law and I as Attorney General have the responsibility to enforce the law. I am confident that you will act in such a way not only as to preserve order but as to assist in meeting our responsibilities.

Sincerely,

ROBERT F. KENNEDY
Attorney General