

# “The Fight for Men’s Minds”: The Aftermath of the Ole Miss Riot of 1962

*by Charles W. Eagles*

On Sunday afternoon, September 30, 1962, President John F. Kennedy deployed 500 United States marshals to ensure the safe enrollment of James Meredith as the first black student at the University of Mississippi. For twenty months, since January 1961, Meredith had in the federal courts sought the right to enter Ole Miss, and finally in early September United States Supreme Court Justice Hugo Black ordered his admission. Led by Governor Ross R. Barnett, Mississippi segregationists several times rebuffed Meredith. After negotiations with state officials, the Kennedy administration decided to send Meredith and the federal forces onto the campus late Sunday afternoon. A small contingent of marshals escorted Meredith to his accommodations in Baxter Hall, a dormitory on the campus’s western edge. While a much larger force encircled the Lyceum, the university’s main administration building, a crowd gathered across the street in the park-like circle. At dusk the throng became a mob, heckled and jeered the marshals, and finally besieged them in a major riot. White militants, encouraged by Barnett’s resistance and the inflammatory rhetoric of segregationist and states’ rights leaders, joined the violent students in launching bricks, bottles, and gunfire toward the marshals. In response, marshals fired tear gas. In the ensuing conflict, two men died, dozens sustained serious injuries, and scores were arrested. Following a nationally televised appeal for law and order, President Kennedy sent federalized units of the Mississippi

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National Guard and later thousands of regular Army troops to rescue the marshals and restore peace.<sup>1</sup>

After the military secured the campus early Monday morning, Meredith registered and attended his first classes, and a critical stage in the desegregation crisis passed. In a major victory against white supremacy, he had inflicted a devastating blow to white massive resistance to the civil rights movement and had goaded the national government into using its overpowering force in support of the black freedom struggle. Though Meredith's enrollment and his graduation ten months later made the result of the crisis clear, observers experienced great difficulty sorting out what had actually happened during the long conflict that had culminated in a night of violence, much less assigning responsibility for the tragic events.

Two articles in the *Meridian Star* illustrated some of the obstacles. Both Tom Gregory, a staff writer, and Kenneth L. Dixon, the paper's managing editor, had witnessed the conflict. The following Sunday's edition ran separate accounts by Gregory and Dixon flanking a photograph of the Lyceum in the midst of the crisis. As Dixon led his story, "What follows is the truth as I saw it happen—not the whole truth, for no man will ever have a grasp of that." Though they stood only thirty feet apart, the two journalists reached different conclusions. Gregory believed the students had responded to the directions of the highway patrolmen and had not provoked the tear gas. Contending that the firing of the tear gas "was unnecessary," Gregory concluded, "I think that it started the riot." His managing editor, however, thought the crowd had become a rioting mob that attacked journalists and the marshals. A "compact rioting squad" of about two hundred spurred the violence and repeatedly surged toward the highway patrolmen and marshals; he compared the mob to a prowling tiger that had tasted blood and wanted more. Dixon thought the marshals had waited too long to fire the tear gas and the troops came too late. "I say the crowd should have been dispersed before it became a mob," wrote Dixon.<sup>2</sup> Although Gregory and

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<sup>1</sup> For discussions of the riot and its historical context, see Charles W. Eagles, *The Price of Defiance: James Meredith and the Integration of Ole Miss* (Chapel Hill: University of North Carolina Press, forthcoming 2009). Other discussions may be found in Russell H. Barrett's contemporary account, *Integration at Ole Miss* (Chicago: Quadrangle, 1965), and William Doyle's much narrower, old-fashioned military history, *An American Insurrection: The Battle of Oxford, Mississippi, 1962* (New York: Doubleday, 2001).

<sup>2</sup> *Meridian Star*, October 7, 1962.

Image courtesy Mississippi Department of Archives and History



*Armed National Guard troops at the University of Mississippi.*

Dixon stuck to the events that they had observed and avoided larger political questions, their accounts demonstrated the complexity of the issues and the ambiguity of the events and suggested the lines of the major debate that soon emerged.

A few days later the *Memphis Commercial Appeal* observed that the contest had shifted to “the one battlefield that counts most: The fight for men’s minds.” Its cross-town rival later agreed: “The next skirmish between Mississippi and the Federal Government is expected to find salesmanship the chief weapon on both sides.”<sup>3</sup> Participants in the public

<sup>3</sup> *Memphis Commercial Appeal*, December 16, 1962 (first quotation); *Memphis Press-Scimitar*, October 10, 1962 (second quotation). Many individuals provided eyewitness accounts in the press that contributed to the public discussion of the riot. For examples, see *Jackson Clarion-Ledger*, October 10 and 30 (Senator John McLaurin), October 14 (Representative James Mathis), October 21 (Senator George Yarbrough), and November 15 (Janice Neill, university student); *Jackson Daily News*, October 8 (Marshal Alexander Koenig) and October 27 (Judge Russell Moore); *Columbia (South Carolina) State*, November 1 (Senator John McLaurin); *Washington Post*, October 14 (Marshals Thomas W. Irvine, Willard McArdle, and Clarence A. Butler); unlabeled clipping, [*Memphis Commercial Appeal*, October 4, 1962?] (Marshal Joseph O. Denson, # 891) in FBI Files. The FBI Files pertaining to the University of Mississippi and James Meredith were obtained under the

relations battle over the causes and effects of the conflict sought to allot responsibility and assess blame. Among the many varied perspectives, one side generally expressed remorse over the violence, advocated law and order as essential for progress, and blamed Mississippi's leaders, especially Governor Barnett, for precipitating the crisis. The other side, consisting primarily of Mississippi segregationists, blamed the marshals, the Kennedys, integrationists, and communists for causing the conflict, and they voiced continued support for white supremacy and states' rights. The national administration responded to the controversy over the crisis in Mississippi through statements that defended the decisions of the Kennedys and the actions of the Justice Department, the marshals, and the Army. Portraying Barnett as reckless for leading the state to the brink of disaster, the Kennedys revealed the governor's duplicitous negotiations to enroll Meredith at the university.

One of the first to speak out was William H. Mounger, the president of Lamar Life Insurance Company. At 7:40 a.m. on Monday, October 1, he strode into the studio of his company's Jackson television station and interrupted WLBT's regular morning broadcast. For about eight minutes Mounger spoke extemporaneously about the events of the last few hours. In the week leading up to the conflict in Oxford, Mounger had quietly but unsuccessfully consulted with other business leaders in Jackson about ways to avert a disaster. He knew many of the state's leaders from his undergraduate and law student days at the university in the 1930s and from his later work with the Delta Council and in the insurance business. Frustrated after Sunday night's riot, the Methodist minister's son decided to act by addressing the citizens of Jackson directly over his company's station.<sup>4</sup>

Though rambling and repetitious, Mounger made several clear points. After apologizing for not speaking out earlier, he deplored the violence on the Ole Miss campus; he argued that "law and order and decency in this state" required an immediate halt to fighting and bloodshed.

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Freedom of Information Act. Hereinafter each individual document will be cited by the last series of numbers in its document number (e.g., #157-401-891 is cited above as #891).

<sup>4</sup> Interview with William H. Mounger in Verner Holmes Papers, Archives and Special Collections, J.D. Williams Library, University of Mississippi (hereinafter cited as Mounger interview and as ASCUM); William H. Mounger to J.D. Williams, October 3, 1962, in University Files, ASCUM; *Jackson Clarion-Ledger*, February 28, 1962. Copies of a later typescript of Mounger's remarks on October 1 are in the Holmes Papers and in the University Files, hereinafter referred to as Mounger's Remarks.

In very simple language he told his early morning viewers, “We are a part of the United States of America, and we must obey the laws of the United States of America.” He wanted the world to understand that Mississippians “may disagree with some of the laws of this country, but that we believe in constitutional government.” Mounger reminded Mississippians of their obligation to settle their differences under the Constitution and the law. The insurance executive admitted that he and other adults in the state had “failed to stand up and give guidance” to students and had “allowed them to be incited to the point that they, themselves, have caused violence and resisted the United States of America.” In his opinion, the governor and his legal advisers had to explain fully the importance of the Tenth Amendment to the Constitution and “the basic law upon which they are proceeding,” and he wanted Barnett to arrest General Edwin Walker and any others who had incited violence. Speaking as a private citizen and not in his corporate capacity, Mounger also called on the governor to reveal any agreement that he or other state officials had made with the federal government involving Meredith’s enrollment.<sup>5</sup>

The next day, less than forty-eight hours after the riot, many of the state’s business and professional elite met in Jackson. Informal conferences held in the previous few days by Mounger, Ed Brunini, and other civic leaders in the capital, resulted in telegrams summoning the state’s leadership to an emergency meeting in the ballroom of the King Edward Hotel. In response, 127 white men gathered to speak out about the crisis wracking their state. Frank E. Everett, Jr., a Vicksburg lawyer who had advised and represented university officials during Meredith’s lawsuit, presided. The gathering included bankers, lumbermen, attorneys, farmers, industrialists, and local politicians from across Mississippi. The president of the Mississippi Farm Bureau, the head of the Mississippi Municipal Association, the president of the Mississippi

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<sup>5</sup> Mounger’s Remarks (all quotations). The *Washington Post* on October 2, 1962, carried an article about Mounger’s television appearance and noted that Mississippi afternoon papers on October 1 did not even mention it. Most secondary works also failed to discuss Mounger’s stand. At the request of Nicholas Katzenbach, who said Mounger was a friend of U.S. attorney H.M. Ray, Robert Kennedy six weeks later thanked Mounger for his public stand. See notes on telephone call from Nicholas Katzenbach, October 3, 1962, and Robert F. Kennedy to William Mounger, November 15, 1962, in Robert F. Kennedy Papers, John F. Kennedy Presidential Library, Boston, Mass.

Press Association, at least three bank presidents, and Oxford's mayor Richard Elliott attended.<sup>6</sup>

Although the group decided at the outset to criticize no individual and to advocate no political cause, it did speak out. "We are grieved at events which have taken place at the university," they declared. Going further, they said that "enforcement of law and order and not mob rule is absolutely essential to the peace and safety of all of our homes and all of our citizens." They called for an investigation of the riot and for the arrest of anyone who participated in the disturbance. Hoping to guard the university's accreditation, the civic elite pledged their support for Chancellor J.D. Williams and assured the university faculty that they could "pursue their educational careers in financial security and with dignity." At the same time, they appealed to students for "calmness" and "restraint and judgment."<sup>7</sup>

The corporate pillars worried about their state's economic health and prosperity. Aware of the riot's potentially disastrous effects on attracting industry to Mississippi, they called for "binding up our present wounds" so the state could "continue to march forward." As boosters, they urged citizens to unite as a prerequisite for continuing the state's "tremendous—almost unbelievable—progress." Lest they appear wavering in their dedication to the Mississippi way of life, the assembled notables reasserted that the *Brown* decision "was morally and legally wrong."<sup>8</sup> The priority of the business elite, nevertheless, seemed to be more concerned about perpetuation of the state's progress than the preservation

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<sup>6</sup> *Jackson Clarion-Ledger*, October 3, 1962; *Jackson State Times*, October 4, 1962; *Memphis Commercial Appeal*, October 3, 1962; *Oxford Eagle*, October 4, 1962; Mounger Interview; Resolution of 128 Mississippians, [October 2, 1962], in University Files. The Holmes Papers also contain an undated and unsigned statement marked "confidential—partners eyes only" that summarizes the role of members of the Brunini law firm in the Meredith case in 1961-62. Reports of the number of participants has varied from 127 to 135, but the copy in the University Files reports 128.

<sup>7</sup> *Jackson Clarion-Ledger*, October 3, 1962 (all quotations). The *Memphis Press-Scimitar* of October 3, 1962, also reprinted the text of the resolution.

<sup>8</sup> *Memphis Press-Scimitar* of October 3, 1962. For other examples of reactions from the business community to the civil rights movement, see the essays in Elizabeth Jacoway and David R. Colburn, eds., *Southern Businessmen and Desegregation* (Baton Rouge: Louisiana State University Press, 1982). The essay on Mississippi deals only with the response of the Jackson business community to the movement in the capital city. See Charles Sallis and John Quincy Adams, "Desegregation in Jackson, Mississippi" in Jacoway and Colburn, eds., *Businessmen and Desegregation*, 236-256.

of racial segregation; they appeared more interested in accommodating change than in continuing the defiance of the last few weeks.

The day after the business and professional leaders called for peace and order, two other groups spoke out. The executive committee of the Episcopal Diocese of Mississippi commended the stand taken by the corporate elite and called for a special prayer service in churches on Friday. At the same time in Oxford, the university's chapter of the American Association of University Professors (AAUP) charged some of the state's press with provoking "a general state of confusion, alarm, and misdirected wrath" by circulating "irresponsible" and distorted stories. Calling for an investigation of the riot because they believed that blaming the marshals for the disorder was "not only unfair and reprehensible, but ... almost



Ross Barnett, governor of Mississippi 1960–64.

completely false," the AAUP implicitly placed responsibility for the riot with white Mississippians. A Jackson *Daily News* headline explained, "UM Profs Take Up For Feds." Two other religious groups also entered the post-riot discussion. When considering whom to blame for the riot, the editor of the weekly *Mississippi Methodist Advocate* answered, "All of us are guilty! We in the church are to blame because we allowed such a force of hate to build up in our state." Feeling a similar guilt, Oxford's white ministers called for a "time of repentance" on the Sunday after the riot. Mississippians should repent "for our collective and individual guilt in the formation of the atmosphere which produced the strife" at the university. From their pulpits, Oxford's Methodist, Baptist, Presbyterian, and Episcopalian clergy repeated their message. The Reverend Duncan Gray, for example, called Barnett "a living symbol of lawlessness," but he acknowledged the guilt of "decent, respectable, and responsible" Mississippians who had allowed an atmosphere of "fear and intimidation ... of defiance and irresponsibility" to dominate their state.<sup>9</sup>

<sup>9</sup> Resolution of the University of Mississippi AAUP, October 3, 1962, in Race Relations file, ASCUM (first and second quotations); *Jackson Daily News*, October 4, 1962 (third quotation); *Washington Post*, October 5, 1962; "Who Is to Blame," *Mississippi Methodist Advocate*, October 10, 1962, 3 (fourth quotation); *Jackson Clarion-Ledger*, October 4, 7 (fifth and sixth quotations), and 8, 1962; *Memphis Commercial Appeal*, October 8, 1962 (seventh, eighth, and ninth quotations); *Memphis Press-Scimitar*, October 8, 1962. The Oxford Church of Christ minister was not asked to sign the appeal because the church

Jackson political columnist Charles Hills must have taken the ministers' comments as confirmation of his earlier prediction that the "skalawags [sic] and the moderates are going to crawl out of the walls now" because nobody likes a loser. He alerted his readers to "watch the peace-lovers come to the fore, grab a nigger neck and start bellowing brotherly love." Referring to "scaly-backed professors and Judas-enrolled psalmists around the University of Mississippi," he blasted people who had demonstrated their disloyalty by agreeing with the state's critics in the Washington and the national media. His colleague Tom Ethridge also criticized the national press for attaching the "moderate" tag on the business and professional leaders who called for law and order. In an attempt to maintain unity, Ethridge denied that the signers of the statement were hostile to the Barnett administration.<sup>10</sup>

Other elements of the state's press expressed regret and called for peace. *Jackson State Times* editor Oliver Emmerich hoped for a quick end to "finger-pointing and accusations." Though he opposed integration, Emmerich emphasized obeying the federal courts, "whether we like it or not." As part of the nation, Mississippi simply had to abide by the *Brown* decision and the Fourteenth Amendment. He hoped "that a climate of calmness and clear-thinking will prevail." The *Tylertown News* agreed in calling for "cool heads and sane judgment." Feeling sad, frustrated, and disappointed, the Walthall County editor regretted that he had not spoken out earlier against the violence and hatred whipped up in his state. He had never seen whites "so unanimously and emotionally united behind a cause" as they had been in support of Governor Barnett. After the "violence, bloodshed, and humiliation," however, the southern Mississippi weekly believed whites "must purge our hearts and our emotions of hate so that we can think and act as sane men and women."<sup>11</sup>

Hodding Carter, Jr., could only despair over the "comforting delusions of folklore" promulgated by "charlatan politicians." According to the editor of the Greenville *Delta Democrat Times*, many white Mississippians saw Barnett as "a second Jefferson Davis" and remained unaffected by

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did not participate in meetings with the other denominations. See *Louisville Courier-Journal*, October 5, 1962.

<sup>10</sup> *Jackson Clarion-Ledger*, October 4 (first and second quotations), 6 (third quotation), and 12, 1962 (fourth quotation).

<sup>11</sup> *Jackson State Times*, October 4, 1962 (first, second, and third quotations); *Tylertown News*, October 4, 1962 (fourth, fifth, sixth, and seventh quotations).

the fact that their “cause is as lost today as it was 100 years ago.” The Citizens’ Council, a pessimistic Carter contended, had “fashioned a grip on the public’s emotions and mind” and virtually destroyed all dissent in the state. Hazel Brannon Smith, editor of the *Lexington Advertiser*, charged that civilized people judged Mississippians “as an ignorant, narrow, bigoted, intolerant people with little regard for human rights and Christian values.” She condemned the governor’s actions because they “ignited the ugly spirit of rebellion and sedition which has carefully been nurtured in our state by irresponsible extremist and pressure groups in the past eight years.” Perhaps the most stinging criticisms of Mississippi appeared in the *Pascagoula Chronicle*. Editor Ira Harkey, who would win the 1963 Pulitzer Prize for his editorials, blamed “violent talk” by the state’s “false prophets who deluded the people for eight years into believing we could maintain school segregation.” The leaders had caused the “appalling climax of murder, mayhem, and destruction.” Refusing to find “scapegoats” elsewhere, Harkey instead pointed the finger of responsibility “inward ... where the blame has lain from the beginning.”<sup>12</sup>

The Pascagoula newspaper also published a biting analysis of the Oxford crisis written by Representative Karl Wiesenburg. In a five-part series entitled “The Oxford Disaster ... Price of Defiance,” Wiesenburg argued that Barnett had “led his state down a path that inevitably led to riot, destruction and death.” A methodical review of the state’s legal and constitutional defenses caused Wiesenburg to dismiss states’ rights and interposition as false and erroneous, and he declared, “We are Americans by allegiance, and Mississippians by residence... We are Americans first and Mississippians second.” According to Wiesenburg, by choosing defiance rather than compliance, Barnett fomented “mass hysteria” in which “reason and logic were abandoned.” In proposing that the state should have complied with the court orders, Wiesenburg said, “This is not submission, this is not surrender, this is the American way

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<sup>12</sup> *St. Louis Post-Dispatch*, October 21, 1962 (first and second quotations); *St. Petersburg (Florida) Times*, October 3, 1962 (third, fourth, and fifth quotations); *Lexington Advertiser*, October 4, 1962 (sixth and seventh quotations); *Pascagoula Chronicle*, October 9 (eighth and ninth quotations) and November 14 (tenth quotation) and 30 (eleventh and twelfth quotations). For his editorials Harkey also won a public service award from Sigma Delta Chi. The journalism group also recognized other journalists for their coverage of the Ole Miss riot: Peter Goldman of *Newsweek* for his reporting, Paul F. Conrad of the *Denver Post* for his editorial cartoon, and KWTW of Oklahoma City for its reporting. See *Washington Post*, April 11, 1963.

of life." Defiance of the federal courts, however, had led to "destruction, disgrace, disaster and death."<sup>13</sup>

Memphis newspapers lodged similar criticisms of Mississippi officials and defended the actions of the federal government. Supporting the Kennedy administration's idea that Americans were not free to disobey the law, the *Commercial-Appeal* deplored "the stain that mob rule left on the state Sunday" and blamed the "political demagoguery" of the state's leaders for the violence. One columnist expressed dismay that in the riot the Confederate flag had "become a rallying point for hoodlums and crackpots," and he decried the "pious statements that invite violence while purporting to deplore it." In the same vein, the *Press-Scimitar* observed that Barnett's "inflammatory acts and statements have stirred atavistic fears and hatreds," and it rejected the governor's "cynical ... contempt of the law." In general terms it applauded the accommodation to social change and praised the Kennedy administration's "[f]irmness" and "patience under extreme provocation."<sup>14</sup>

Across the nation, while most publications deplored the violence and defended the Kennedy administration, southern newspapers often endorsed Barnett's stand, and a few national commentators offered qualified support based on constitutional interpretation. In the *National Review*, for example, William F. Buckley questioned Barnett's commitment: "If you tell the world you will go to jail rather than comply with a court order because you consider it a matter of principle, why then go to jail, dammit ... The only honorable course of action for Governor Barnett to have taken, as he saw himself overwhelmed, was to resign his office." Buckley deplored the influence of racism in Mississippi, but he judged Barnett's defense of states' rights "admirable" and had "considerable sympathy for the right of a community up against the rights of a Supreme Court." Though the *New York Times* blamed "Governor Barnett and the mongers of hate" for the riot, its senior columnist, Arthur Krock, maintained that the United States Supreme Court had not followed due process in the Meredith case and attributed political

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<sup>13</sup> *Pascagoula Chronicle*, December 17 (first, third, and fourth quotations), 18, 19 (second quotation), 20, and 21 (fifth and sixth quotations), 1962. Harkey reprinted Wiesenburg's assessment in a pamphlet entitled *The Oxford Disaster ... Price of Defiance* and fifteen thousand copies circulated in Mississippi. See *Pascagoula Chronicle*, April 2, 1963.

<sup>14</sup> *Memphis Commercial Appeal*, October 2, 1962 (first, second, third, and fourth quotations); *Memphis Press-Scimitar*, October 1, 1962 (fifth, sixth, and seventh quotations).

Image courtesy Mississippi Department of Archives and History



*Mississippi governor Ross Barnett en route to the Lyceum at the University of Mississippi.*

motives to the Kennedy administration’s action at Ole Miss before the full Supreme Court could hear Mississippi’s appeal. David Lawrence, editor of *United States News and World Report*, found the riot’s sources in the illegal adoption of the Fourteenth Amendment in 1868. Without excusing racism or violence at Ole Miss, he emphasized the “complete disregard of the Constitution” during Reconstruction when politicians “despotically tore that document to shreds and imposed a series of illegal acts on the people of a defeated South.” Recognizing southern “bitterness and resentment,” Lawrence argued that the prior “illegality breeds illegality.”<sup>15</sup>

<sup>15</sup> William F. Buckley, “On the Right: The Mess in Mississippi—An Afterword,” *National Review*, October 23, 1962, 304 (first, second, and third quotations); *New York Times*, October 2 (fourth quotation) and 9, 1962; David Lawrence, “Illegality Breeds Illegality,” *United States News & World Report*, October 8, 1962, 123-24 (fifth, sixth, seventh, and eighth quotations). For examples of other southern commentaries in defense of Barnett, see the many editorials entered into the *Congressional Record* by southern congressmen and senators in the days after the riot.

The most widely read account of the riot, which appeared in the December 31 issue of *Look* magazine, exposed Barnett's culpability. After an extensive investigation, *Look* coolly and relentlessly exposed both the complex events of the riot and the previously hidden background of the fateful weekend in Oxford. A team of three reporters worked for more than two months to piece together the intricate stories of secret negotiations between Barnett and the Kennedys, the mobilization and deployment of federal marshals and troops, Edwin Walker's incitement of armed resistance, and the Sunday night riot. By telling "how a secret deal prevented a riot at Ole Miss," the article undercut Governor Barnett's explanations of events by revealing his duplicitous dealing both with the Kennedys and with his fellow Mississippians. The reporters apparently had the cooperation of Justice Department sources because the department's spokesman confirmed its accuracy. Chancellor Williams in a letter to one of the *Look* writers, judged the article "thoroughly researched and most carefully written" and "the best wrap-up article that I have seen." Governor Barnett, of course, dismissed it as "a typical piece of irresponsible journalism, completely ridiculous, and in keeping with the consistently biased position of" *Look*. Calling it "acute and subtle propaganda," Lieutenant Governor Paul Johnson, Jr., criticized the article's "grotesque exaggerations" and its "misstatements, intentional hiding of cold truth, confused dates, actions, and names." Judge M.M. McGowan described the article as "scurrilous."<sup>16</sup>

The fight over the causes and meaning of the Ole Miss riot continued for months. Though critics of Barnett did not always agree, they generally deplored the violence, criticized the governor's leadership, and defended the actions of the Kennedy administration. An opposing view, however, quickly developed and dominated the public discussion in Mississippi. It praised Barnett's defense of states' rights and the southern way of life, and it excoriated the Kennedys' brutal viola-

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<sup>16</sup> George B. Leonard, T. George Harris, and Christopher S. Wren, "How a secret deal prevented a massacre at Ole Miss," *Look*, December 31, 1962, 18-24, 29-30, 32, 34, 36 (first quotation); J.D. Williams to George Harris, December 18, 1962, in University Files (second and third quotations); *Meridian Star*, December 21, 1962 (fourth quotation); *Memphis Commercial Appeal*, December 19, 1962 (fifth quotation); *McComb Enterprise Journal*, December 19, 1962 (sixth and seventh quotations); *Jackson Daily News*, January 8, 1963 (eighth quotation). The papers of Kenneth Toler, Special Collections, Mitchell Memorial Library Mississippi State University, Starkville, Mississippi, also contain copies of statements by Barnett and Johnson.

tion of the Constitution. Though many defenders of Mississippi also rejected violence, they blamed the riot on forces from outside the state and remained defiant in their opposition to integration. The first versions of the defense appeared immediately after the climactic events. For example, early Monday afternoon as the campus began to recover from the previous night’s disorder, the president of the student body issued an official statement. Richard B. Wilson, Jr., declared a “state of emergency” because his university had been “invaded and occupied by forces of the United States Government,” which had “precipitated serious demonstrations” on the campus. He seemed to place all responsibility for initiating the riot on the federal marshals, and by remaining silent about anything that Barnett and other state officials may have done to contribute to the crisis, he appeared to confirm the position that blamed the Kennedy administration entirely.<sup>17</sup>

Others soon joined the defense of Mississippi. On Monday afternoon a front-page editorial in the *Meridian Star* called the day of Meredith’s enrollment “the most tragic day in Mississippi history since Reconstruction” and insisted that “we cannot resign ourselves to defeat. We must keep fighting. We must never rest until we re-segregate our schools.” Although it opposed violence and considered forceful opposition to the Army “madness pure and simple,” the *Star* maintained that “there is still time to have racial integrity.” The *Meridian* editor found some solace in the fact that “Mississippi did not weakly surrender”; the university may have been integrated, but “no one can say we didn’t try our best to preserve segregation.”<sup>18</sup>

Sharing the *Star*’s outrage, Jackson columnists Tom Ethridge and Charles Hills repeated the states’ rights and white supremacy arguments. Ethridge railed against the “arrogant and ruthless combination” of the courts, the Kennedys, and the NAACP that “apparently would kill everybody in Mississippi if necessary to force integration at Ole Miss.” The events at Oxford reminded him of the Soviet Union crushing the Hungarian revolt in 1956. According to Hills, federal forces “punished” his state “because it objected to being mongrelized ... because it did not care to be negroid in totality.” In his assessment of the weekend’s

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<sup>17</sup> “Declaration of Emergency by the President of the University of Mississippi Associated Student Body,” October 1, 1962, University Archives.

<sup>18</sup> *Meridian Star*, October 1 (first, second, third, and fourth quotations) and 2, 1962 (fifth and sixth quotations).

violence, Hills specifically blamed the marshals and soldiers as the prime “perpetrators” of violence. He also unapologetically declared that he would “just go on being a bigot, a reactionary, a rebel and lick our wounds, till the next fight starts, and plan to win somehow.” In his stubborn view, “we’re licked but not beaten.”<sup>19</sup>

Smaller papers added their voices to the protests. A *Gulf Coast Gazette* columnist praised Barnett’s “great courage” in opposing federal tyranny; efforts to integrate the university revealed the Kennedys and others as “pawns in the scheme of the anti-Christ to mongrelize the South!” The *Macon Beacon* regretted that Barnett had not done more to avoid trouble and placed most of the blame on the Kennedy administration. It understood, for example, that using Negro troops “would incite rioting and arouse emotions.” The *Rankin County News* also faulted the federal government for using a “herd of 700 scared, untrained ... Federal employees designated as ‘U.S. marshals.’” The marshals’ so-called “fright and inexperience” caused them to start the riot by needlessly firing tear gas. Referring to the “most tragic week” for Mississippi in one hundred years, the Vicksburg newspaper saw the “real and basic issue is state sovereignty versus full Federal Control” and called for the state to “map a program of attack.” To inspire his readers, the editor proclaimed, “We have been conquered physically, but we must not surrender our spirit.”<sup>20</sup>

On the floor of the United States Congress, most of the Mississippi delegation stood solidly behind Barnett and rebutted the attacks on their state. Mississippi’s senators, for example, entered into the *Congressional Record* the report they had received early Monday morning from the group of trustees and university officials meeting on campus. Although based tentatively on information available by 2 a.m., it amounted to a preliminary indictment of the United States marshals. Influenced by ex-FBI official Hugh Clegg, the report called the firing of tear gas “unnecessary and illogical” and alleged the federal actions “clear indications of amateurism by untrained marshals who had poor leadership with bad judgment.” The Justice Department’s “incompetency and unjustified ac-

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<sup>19</sup> *Jackson Clarion-Ledger*, October 2 (first, second, fourth, and fifth quotations), 3 (third and sixth quotations) and 4, 1962 (seventh and eighth quotations). Hills was not alone; Helen C. Matthews of Hattiesburg wrote to agree with Hills: “I join you in continuing to be a bigot, reactionary and rebel!” See Hills’s column, *Jackson Clarion-Ledger*, October 6, 1962.

<sup>20</sup> *Gulf Coast Gazette*, October 3, 1962 (first and second quotations); *Macon Beacon*, October 4, 1962 (third quotation); *Rankin County News*, October 4, 1962 (fourth quotation); *Vicksburg Sunday Post*, October 7, 1962 (fifth, sixth, seventh, and eighth quotations).

tion ... led to and provoked” the riot. After placing the document in the record, Senators James O. Eastland and John C. Stennis spoke to the Senate. Stennis exonerated Mississippi officials and police; instead the Kennedy administration had taken over the entire situation and bore the responsibility for the violence. If state authorities had been allowed to maintain control, Stennis contended, the disaster could have been avoided. Eastland laid the blame for the bloodshed directly on the Fifth Circuit Court of Appeals: “I think that court is largely responsible.” More specifically, he charged that Judge Elbert Tuttle had become what he called “a Government judge” because he wanted to curry favor with the administration to gain an appointment to the Supreme Court.<sup>21</sup>

In the House of Representatives, all of the state’s congressmen except Frank Smith expressed outrage. Read by Arthur Winstead, a statement from the five urged the president to cease the exercise of “federal might.” Not only did deployment of the Army threaten to destroy the university, but it had so angered Mississippians and other Americans that a “holocaust is in the making.” Thomas Abernethy, dismissing the idea that either General Walker or the people of Mississippi had caused the conflict, instead blamed “Attorney General Kennedy’s trigger-happy marshals.” Speaking for his state, he said, “We are only the victims.” Jamie L. Whitten, who represented Oxford and northeastern Mississippi, also criticized the Supreme Court’s decisions regarding race. Through its decrees, according to Whitten, the Court had “change[d] the Constitution by an unconstitutional procedure—using naked power and calling the result right.”<sup>22</sup>

On Monday, a few blocks away, the Kennedy administration released two statements denying the allegations that the marshals had caused the riot. The Justice Department declared that Meredith’s arrival at the campus Sunday evening had been “arranged with Governor Barnett” who had assured federal officials that state law enforcement personnel could

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<sup>21</sup> U.S., Congress, Senate, *Congressional Record*, 87<sup>th</sup> Cong., 2<sup>nd</sup> sess., October 1, 1962, vol. 108, part 16, 21426 (first, second, and third quotations) and 21427 (fourth and fifth quotations); *New York Times*, October 2, 1962; *Jackson Clarion-Ledger*, October 2, 1962; *Memphis Commercial Appeal*, October 2, 1962. A copy of the statement by the university trustees and officials can be found in the files of the Institutions of Higher Learning, Mississippi Department of Archives and History, Jackson, Mississippi

<sup>22</sup> U.S., Congress, House of Representatives, *Congressional Record*, 87<sup>th</sup> Cong., 2<sup>nd</sup> sess., October 1, 1962, vol. 108, part 16, 21511 (first and second quotations), 21508 (third and fourth quotations), and 21509 (fifth quotation); *Jackson Clarion-Ledger*, October 2, 1962.

maintain the peace at the university. The Justice Department charged that Barnett had “renege[d] on his promise to maintain law and order” because the state highway patrol withdrew after the violence began. Late Monday afternoon, the attorney general praised the marshals. Though the mob had “seriously menaced their personal safety,” the marshals “showed bravery and devotion to duty” and “acted with restraint and judgment.” While Robert Kennedy acknowledged the contribution of university employees who worked in the Lyceum with the marshals throughout Sunday night, he paid special tribute to James McShane and the other marshals for upholding “the finest tradition of federal service.”<sup>23</sup> Replying to critics, the administration refused to allow the marshals to be blamed for the disorder.

Monday evening, scarcely twenty-four hours after the riot, Governor Barnett himself appeared on television for the second time that day. Earlier in the afternoon he had made a one-minute statement over WLBT in which he called for “peace and harmony,” law and order, and an end to violence. In an appearance on national television that evening, he presented a more contentious and extended explanation of Mississippi’s side. Acknowledging repeated contacts with the Kennedy administration, the governor stressed that he had tried to dissuade them from putting Meredith on the campus so hostilities could be reduced. When he realized on Sunday that the Kennedys would not relent, Barnett admitted that Sunday would be preferable because “Oxford would be crowded on Monday and ... hundreds of people would probably be killed.” He could not, however, maintain the peace because the president “took the National Guard away from me and then created this explosive situation in our state by placing Meredith on the campus.” According to Barnett, the “federal government has been the aggressor from the outset. It must assume responsibility for the resulting tragedy.” Denying that he had withdrawn the state patrol, Barnett claimed they had the situation under control until the marshals took the “unwarranted and unnecessary action” of firing tear gas. The intrusion of “reckless,” “inexperienced,” and “trigger-happy” federal forces caused the “violence, bloodshed and death.” He charged that the marshals “went completely wild” Sunday night. Reiterating his adherence to states’ rights, Barnett maintained that the federal government had deliberately provoked the crisis so

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<sup>23</sup> The two statements issued by the Department of Justice on October 1, 1962, are in the Robert F. Kennedy Papers. The second was read by Robert Kennedy at 6:15 p.m.

that it could justify using military might against a sovereign state. The only solution proposed by the governor involved the removal of both the federal troops and James Meredith from the university. Acknowledging no fault on the state’s part, Barnett remained intransigent.<sup>24</sup>

Two days later Barnett made another television address to the state in which he asked citizens to remain calm and patient even though he labeled Oxford an “armed camp” that held residents “captives of an all-powerful federal government.” He continued to argue that Meredith lacked the mental and moral qualifications to be a student at the university. In his usual blunt language, Barnett declared that the situation “will in no way weaken our courage and faith or deter our case” for states’ rights and constitutional government. “We will oppose this illegal invasion,” he proclaimed, “by every legal means that is available to us.” Though he announced no new strategy, he encouraged Missis-sippians to believe that “we shall, in the end, attain victory. Right most certainly will prevail.”<sup>25</sup> Despite the power of the federal government, Barnett remained defiant.

In an interview on “The Today Show” early Tuesday morning, Assistant Attorney General Burke Marshall stated that the Kennedys had earlier reached an agreement with Governor Barnett for putting Meredith on the university campus. The administration had tried “to keep the Governor to his assurance that state law enforcement officers would be used to control any disturbance that might arise,” but instead the state highway patrol “were withdrawn from the campus at the height of the riot.” Marshall also praised the marshals’ “tremendous accomplishment” in maintaining order without resorting to gunfire; they “acted with immense bravery, immense control. They never fired a shot at all.” (The marshals had, in fact, fired many shots at the fire truck and bulldozer.) When asked about Barnett’s charge, Marshall termed “silly” the allegation that the federal government had instigated violence to

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<sup>24</sup> SAC [Special Agent in Charge] New Orleans to Director FBI, October 1, 1962 (# 370), in FBI Files (first quotation); *Jackson Clarion-Ledger*, October 2, 1962 (all other quotations); *Jackson Daily News*, October 2, 1962; *Memphis Commercial Appeal*, October 2, 1962. Barnett had also ordered the state flag to fly at half-mast because the “invasion” of the state had caused “bloodshed” among its citizens. See *Memphis Commercial Appeal*, October 2, 1962. On October 12, Barnett made a similar presentation on a national CBS news television show. See *Meridian Star* and *Jackson Daily News*, October 13, 1962.

<sup>25</sup> *Jackson Clarion-Ledger*, October 4, 1962 (all quotations); *Jackson Daily News*, October 4, 1962; *Memphis Commercial Appeal*, October 4, 1962.



Image courtesy Mississippi Department of Archives and History

*James Meredith with U.S. marshals.*

justify the use of the army. Mississippians who sought to thwart a court order caused the violence, Marshall maintained, and the governor had “deliberately inflamed that sentiment” by advocating interposition and by suggesting Mississippians did not have to obey the law.<sup>26</sup>

The Kennedy administration defended the marshals and soldiers but otherwise had little involvement in the public relations battle.<sup>27</sup> Though the president and the attorney general may have felt no need to continue to justify their actions, in a rapidly changing world they had to move on to other issues. What became known as the Cuban missile crisis quickly demanded their attention. In the late summer rumors had grown that the Soviet Union had installed offensive missiles in Cuba, and pressures for action by the United States had intensified. On Oc-

<sup>26</sup> Partial transcript, NBC’s “The Today Show,” October 2, 1962, in Burke Marshall Papers, Kennedy Library.

<sup>27</sup> On Thursday, President Kennedy, speaking by telephone to a ceremony for the marshals in the attorney general’s office, praised the marshals and expressed his gratitude for their service in Oxford. See Statement from the President, October 4, 1962, in Burke Marshall Papers, Kennedy Library.

tober 15, two weeks after the riot in Oxford, United States intelligence photographs revealed missiles in Cuba. As the nation experienced the most fearful crisis of the Cold War, interest and concern abruptly moved from parochial interests of Mississippi, integration, and states’ rights to global worries over communism, nuclear war, and national survival. For the Kennedy administration the controversy over its intervention in Mississippi diminished in significance.

In the developing dialogue, Mississippi’s reply to Marshall and the administration came later Tuesday in Jackson. Fred Beard, the WLBT station manager, an adviser to Barnett and a leader in the Citizens’ Council, arranged a news conference for eyewitnesses who would confirm Barnett’s account of Sunday night’s events. Responding to friendly questions by local newsmen, Lieutenant Governor Paul B. Johnson, Senator John McLaurin, and Gwin Cole of the state highway patrol told “what really happened” Sunday. Denying the patrolmen had been withdrawn from the campus before the Army relieved them, Johnson claimed “nothing but law and order” prevailed with the patrol in charge, and he explained that some troopers had to leave because of “ineffective” gas masks. Early Monday morning, the patrol had regrouped to receive instructions for redeploying at more roadblocks. The lieutenant governor also claimed that the marshals “provoked” the riot by firing tear gas, but before that, Cole declared, the students had not thrown “anything larger than an egg,” and he and McLaurin said that the students had actually become more calm right before the marshals opened fire. Although Barnett used the state highway patrol to prevent violence at Ole Miss, Johnson expressed his view that the governor would not employ the troopers to keep Meredith in the university, or, as he put it, “use any of our state forces to ‘wet-nurse’ anyone.”<sup>28</sup>

Despite scattered editorial criticism, Barnett’s popular support remained strong. On Tuesday, the state senate passed a resolution commending the governor. Automobile radio aerials in Jackson still sported Confederate flags, and their bumpers boasted stickers proclaiming “Ross Is Right.” Some women walking by the Governor’s Mansion carried small

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<sup>28</sup> SAC New Orleans to Director FBI, October 3, 1962 (#487), in FBI files, included a transcript of the news conference, from which all quotations are taken. See also *Jackson Daily News*, October 3, 1962; *Washington Post*, October 3, 1962; *New Orleans States-Item*, October 3, 1962; *New Orleans Times-Picayune*, October 3, 1962; *Baltimore Sun*, October 3, 1962; *Jackson Clarion-Ledger*, October 3, 1962; *Memphis Commercial Appeal*, October 3, 1962.

rebel flags. Civic and professional groups adopted resolutions supporting Barnett and criticizing the Kennedy administration. They included the Jackson Legal Secretaries Association, the Lexington Rotary Club, the Mt. Olivet Veterans of Foreign Wars and American Legion, and the Newton Chamber of Commerce. Many Mississippians seemed especially provoked by religious figures who called for repentance. In response, the Sunflower County Baptist Association protested “the illegal use of federal forces ... to impose federal will over state authority.” A Grenada woman “bitterly resent[ed]” the “pious appeal” of the Oxford ministers. From the coast an editor who feared “racial mongrelization” blasted the Oxford clergy’s “unparalleled ignorance” and “treachery” to Mississippians.<sup>29</sup>

The Citizens’ Council, of course, remained adamant. Robert B. Patterson, founder of the Citizens’ Council, contended that the “dark cloud that hangs over Oxford has a silver lining. It has united our people.” They would, he believed, oppose the “ruthless grab for political power” that motivated the Kennedys. Just as he had since 1954, Patterson urged whites to unite “to prevent Negro political domination and racial amalgamation from becoming a reality.” To “the racial perverts and the ruthless politicians who would destroy the South,” Patterson warned, “We have only begun to fight.” Within a few weeks of the riot, the council published a brochure entitled “Operation Ole Miss” by a pseudonymous James Cincere, a Mississippi lawyer. Without mentioning Barnett, Cincere protested “military rule,” warned of a dictatorship, and defended freedom in education. The solution, he argued, was to make the university a private institution beyond the reach of the federal government.<sup>30</sup>

Agreeing with Patterson’s stand, one influential commentator denounced all who appeared to question the state’s position. Florence Sillers Ogden, sister of the speaker of the house and columnist for the Sunday *Jackson Clarion-Ledger*, branded the Oxford clergy and the

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<sup>29</sup> *Jackson Clarion-Ledger*, October 3, 6, 13, 25 (first quotation), and 31, 1962; *Jackson Daily News*, October 18 (second and third quotations), *Gulf Coast Gazette*, October 10, 1962 (fourth, fifth, and sixth quotations).

<sup>30</sup> *Jackson Clarion-Ledger*, October 22 (first, second, third, fourth, and fifth quotations) and November 4, 1962; “Operation Ole Miss” (sixth quotation); *Memphis Commercial Appeal*, November 5, 1962. Copies of the pamphlet can be found in many places, including the University Files. In a letter to the editor, university student and future Mississippi congressman Jon Hinson declared, “I am irrevocably opposed to racial integration and to the wanton usurpation of the rights of the Sovereign states by the Federal Government.” See *Jackson Daily News*, October 30, 1962.

AAUP as Kennedy supporters, and she reproached the business leaders because their statement “gave no comfort to a state bleeding and torn, trampled in the dust under the marching heel of military might.” They appeared to her to advocate “peace at any price” when she believed the people really wanted freedom more than peace, and by freedom she certainly meant the freedom to segregate. Ogden also criticized the United Daughters of the Confederacy because they did not come to Mississippi’s defense at a Jackson meeting right after the riot. Even more disappointing for her was the cancellation of an October 3 meeting of women leaders to protest the invasion of their state. Her objection did, however, help spark a meeting of 1,000 women on October 30 that featured her as the major speaker. She told the new Women for Constitutional Government, “It is our civil rights that are being violated,” and she praised Barnett, the legislature, and other state leaders. With her support the new organization’s “Bill of Grievances” backed Barnett and echoed the segregationists’ complaints about an “unlawful invasion” of Mississippi, federal tyranny, the “brutal treatment of students,” and biased press coverage. The bill also claimed that before the marshals fired tear gas “not one act of violence had occurred.”<sup>31</sup>

As the lines of debate hardened and sharpened, nearly everyone supported some kind of investigation. One of the first calls for an investigation of the riot came from Senator Eastland. In addition to the NAACP, some senators objected, and the United States Senate inquiry apparently soon fizzled, in part because other reviews had commenced. The FBI, along with local police, began investigations into the deaths of Paul Guihard and Ray Gunter, the only fatalities during the chaos on the campus. The FBI’s extensive probe included the collection and laboratory testing of all weapons used by the U.S. marshals on duty at the university on September 30. FBI agents also interviewed scores of marshals, reporters, students, university employees, and others who witnessed the riot. Justice Department officials created timelines of their activities and produced detailed studies of specific incidents during the riot, and Army units produced self-studies of their performance. In Mississippi, the state highway patrol gathered written statements

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<sup>31</sup> *Jackson Clarion-Ledger*, October 14 (first and second quotations) and 28, 1962; *Jackson Daily News*, October 24 and 30 (third, fourth, fifth, sixth, and seventh quotations). In a letter to the editor, University of Mississippi professor Jim Silver took issue with the Bill of Grievances; see *Memphis Commercial Appeal*, November 4, 1962.

from dozens of patrolmen and created an official history of the patrol's involvement. None of the investigations uncovered any conclusive evidence about who killed either Guihard or Gunter or anything new about the events of September 30-October 1, and all of the government reports remained removed from the public debate.<sup>32</sup>

The first written public report "published and distributed as a public service" came less than four weeks after the riot from the Mississippi Junior Chamber of Commerce. Entitled "Oxford: A Warning for Americans," it told "the real story of Oxford." Gene Wilkinson, a former counsel to Governor Barnett, chaired the Jaycees' governmental affairs committee that prepared the report. On every point it vindicated Mississippi's actions and condemned the Kennedy administration. The Jaycees, therefore, exonerated all Mississippians of responsibility for the crisis and the riot. The blame also rested on marshals because "their conduct was reprehensible!" Calling the riot "one of the most tragic events in the history" of the nation, the Jaycees warned their fellow Americans, "Tyranny is tyranny—whatever the form." As part of the state's public relations offensive, the Jaycees expected to spend \$20,000 to distribute 250,000 copies nationwide.<sup>33</sup>

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<sup>32</sup> On Eastland's short-lived investigation, see *Nashville Tennessean*, October 3, 1962; *Jackson Daily News*, October 2 and 3, 1962; *Jackson Clarion-Ledger*, October 3, 1962; *New York Times*, October 4, 1962; *Memphis Commercial Appeal*, October 4, 1962; Hugh Clegg, "Somebody Jumped the Gun," unpublished manuscript in author's possession, 246-49. Three investigators dispatched to Mississippi included L.P.B. Lipscomb, a native of Meridian and an attorney for the Senate Judiciary Committee, and James T. Kendall, a native of Jackson and former assistant attorney general of Mississippi. On October 10, Eastland personally visited the university to observe conditions (see *Memphis Commercial Appeal*, October 11, 1962). No further discussion of Eastland's investigation appeared in the sources. The FBI's investigation can be followed in its files on the Meredith case. The undated Official Report of the Mississippi State Highway Patrol and the reports by individual patrolmen can be found in the papers of the Mississippi State Sovereignty Commission, McCain Library, University of Southern Mississippi, Hattiesburg, Mississippi. The Justice Department's investigation of the bulldozer and fire truck incidents is in the Marshals' papers. Reconstructed timelines can be found in many collections, especially in the Burke Marshall Papers, Kennedy Library. Army after-action reports are summarized in "Appendix A: Oxford Lessons and Recommendations," in Paul J. Scheips, "The Role of the Army in the Oxford, Mississippi, Incident, 1962-1963," Histories Division, Office of the Chief of Military History, Department of the Army, June 24, 1965, 256-80.

<sup>33</sup> "Oxford: A Warning for Americans" (all quotations). Copies for "Oxford: A Warning for Americans" can be found in the University of Mississippi Archives and in the Mississippi State University Archives. All quotations come from the brochure. See also *Jackson Daily News*, October 9 and 27, 1962; *Meridian Star*, October 27, 1962; and *Jackson Clarion-Ledger*, October 10 and 28, 1962.

For most white Mississippians, however, a committee of the state legislature conducted the most thorough and significant inquiry. In 1946 the legislature had established a General Legislative Investigating Committee to function between sessions of the legislature with wide investigatory authority including the power to subpoena witnesses and take sworn testimony. Operating much like a grand jury, the committee conducted its hearings in confidential closed sessions, though reporters sometimes discovered its activities. In the aftermath of the rioting in Oxford, legislators called for the appointment of the committee, and the lieutenant governor and the Speaker of the House each named three members.<sup>34</sup>

On Thursday, October 4, the six-man committee began its investigation even before the legislative session ended. The panel included Senator George Yarbrough of Red Banks, who had represented the governor on the campus the night of the riot. In nineteen sessions over the next seven months, the committee compiled nearly fifteen hundred pages of testimony from almost one hundred witnesses who included Chancellor Williams, Provost Charles Haywood, the dean of students, several university policemen, doctors and nurses from the Ole Miss infirmary, and more than a dozen students, including the president of the student body and the newspaper editor. Four members of the Board of Trustees of the Institutions of Higher Learning, the mayor of Oxford, and the lieutenant governor also testified before the legislative panel; more than a score of highway patrolmen and other police officers reported on their work at the time of the riot, as did a number of other observers

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<sup>34</sup> Chapter 281, Laws of Mississippi 1946 (House Bill no. 372); *New York Times*, *Washington Post*, and *New Orleans Times-Picayune*, all for October 7, 1962; *Jackson Clarion-Ledger*, October 4, 1962; *Southern School News*, May 1963. On October 5, the House of Representatives also passed a resolution before adjourning requesting the federal government to remove Meredith from the university, withdraw the marshals, and release the federalized units of the National Guard. Only Joe Wroten of Greenville and Karl Wiesenburg of Pascagoula opposed it. See *Jackson Clarion-Ledger* and *Meridian Star*, October 6, 1962. At first the legislature opted for an investigation by a standing committee. Worried that E.K. Collins and other extremists on the committee might act in ways that would jeopardize the university’s accreditation, Representative J.P. Coleman and others opposed assigning the investigation to the committee. When the special session of the legislature adjourned instead of recessing, the standing committee’s role died.

and participants in the disturbances. The investigating committee also gathered information from other governmental authorities.<sup>35</sup>

In the first stage of the hearings, which lasted five months, the committee concentrated on events before the marshals fired tear gas on the evening of September 30. After it hired John Satterfield of Yazoo City as counsel early in February, the committee soon shifted its focus. The former president of the American Bar Association, gubernatorial adviser, and ardent segregationist told the committee that the “chief purpose of additional testimony is to develop the excesses of the marshals, their brutality and violence” against students and others taken into custody. Satterfield wanted to establish the marshals’ “cruelty” and to prove that they started the riot. “If the people of the United States could understand that this was a McShane riot or a Kennedy riot and not a Mississippi riot,” Satterfield confidentially advised Russell Fox, “the damage done to Mississippi could be largely removed.” The second stage of the investigation included a week in March on the campus when the committee interviewed students about their experiences at the hands of the marshals.<sup>36</sup>

On April 24, 1963, the legislative investigating committee released its report. Largely written by Satterfield, it thoroughly condoned the actions of Mississippi officials and completely condemned the behavior of the federal government. In a prologue to its fifty-five-page report, the committee placed the recent events into a larger question of whether the executive branch of the federal government would be allowed “*to pervert to political purposes its vast power.*” In addition to the Kennedy administration’s coercion of the steel industry over prices earlier in 1962, the committee saw other examples of “the planned federal take-over” in housing, voting and elections, education, and employment. What oc-

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<sup>35</sup> Transcripts of the testimony before the General Legislative Investigating Committee (GLIC) are in the GLIC Papers, Mississippi State Records Center, Jackson, Mississippi; *Memphis Commercial Appeal*, October 5, 1962.

<sup>36</sup> John C. Satterfield to Russell L. Fox, January 28 (second and third quotations) and March 1 (first quotation), 1963; testimony before GLIC, in GLIC Papers; *Jackson Daily News*, February 7, 1963. The legislature approved a resolution that permitted GLIC to continue operating even while the legislature was in special session. See *Greenville Delta Democrat Times*, February 26, 1962. The *Jackson Daily News* incorrectly reported on October 25, 1962, that the committee had completed its work. Satterfield had already made up his mind about the causes of the riot and expressed his views in several public speeches. For examples, see *Jackson Daily News*, October 24 and November 13, 1962.

curred in Mississippi in the fall of 1962 could, the committee warned, happen to anyone in the nation unless federal power was restrained.<sup>37</sup>

The investigating committee announced four more specific findings. First, the Kennedy administration “precipitated the crisis” when it failed to allow for the resolution of three pending court cases before it acted. Without waiting, the Kennedys “rushed” to register Meredith before the entire Supreme Court had a chance to consider the case on October 8. If the legal processes had been allowed to work completely, the committee suggested, then the state would have peacefully abided by the final verdicts, even if they called for the integration of the university. The unyielding committee maintained, however, that Barnett and Johnson “might have been successful and obtained a judgment in their favor.” Second, the committee concluded that John and Robert Kennedy bore “full responsibility” for what happened on September 30. By illegally federalizing the Mississippi National Guard, the president and the attorney general had stripped the governor of his ability to preserve the peace. The administration compounded its error by relying on “untrained and inexperienced federal personnel, without planning, equipment, or proper procedures.” According to the report, the unconstitutionally deployed regular Army forces had no plans for coordinating with the marshals. The Kennedy administration compounded its errors when it created a “spectacular scene” by stationing the marshals and their big Army trucks around the revered Lyceum where they attracted great attention and drew a crowd. The report concluded that the marshals fired tear gas “without justification and without warning.”<sup>38</sup>

Third, the committee cleared the Mississippi State Highway Patrol of all liability. The patrol had maintained order before the federal marshals supplanted them and did not withdraw from the scene until the marshals had gassed them so intensely that they had to retreat briefly for “relief and reassignment.” The committee found that the highway patrol had

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<sup>37</sup> *A Report by the General Legislative Investigating Committee to the Mississippi State Legislature Concerning the Occupation of the Campus of the University of Mississippi September 30, 1962 by the Department of Justice of the United States* ([Jackson], [1963]), 4 (first quotation) and 6 (second quotation). The report can be found in the University of Mississippi Archives. Hereinafter it will be referred to as *GLIC Report*.

<sup>38</sup> *GLIC Report*, 11 (first quotation), 50 (second and third quotations), 23 (fourth quotation), 47 (fifth quotation), 24 (sixth quotation), and 30 (seventh quotation). The committee referred to an article on “Practical Measures for Police Control of Riots and Mobs” that coincidentally appeared in an FBI Law Enforcement Bulletin dated October 1, 1962.

“conscientiously and continuously rendered every possible assistance to the Justice Department to prevent violence and to maintain and restore order.” As long as the state troopers were in charge, no violence occurred, but once the federal forces took over, the patrol “had no control” and violence resulted. Fourth, the report suggested the innocence of civilians by describing the people who gathered in front of the Lyceum before the riot began as “boys and girls.” The committee concluded that “[n]o marshal had been injured at any time prior to the firing of the gas” and dismissed charges that injuries to marshals had provoked the firing of tear gas as “false and a deliberate ruse subsequently conceived to attempt to justify the firing of the gas.” Only after the firing of the tear gas “incensed” the crowd did a “violent mob” emerge and a riot begin. The marshals’ subsequent treatment of apprehended rioters, “planned and executed as physical torture,” elicited the committee’s harshest words; the investigators contended that the marshals beat, clubbed, and generally abused the rioters taken into custody.<sup>39</sup>

The investigating committee submitted its “complete factual report” to the governor and the legislature without proposing any remedial action, but it promised to continue its work and make recommendations later. Though many of the state’s political leaders hailed the report, it failed to persuade everyone. Ira Harkey, for example, called it “useless” and “cynical” because it blamed the marshals for “enforcing the law” and ignored “the politicians who defied the law and called out the mobs.” According to the Pascagoula editor, any so-called brutalities that occurred came only after “hoodlums attacked representatives of their nation’s law.” He thought the investigative committee wanted “to place the blame everywhere but where it belongs” and amounted to an attempt to “add another coat of whitewash to our own guilt.”<sup>40</sup>

In Washington the Justice Department branded the report an “untruth document” so “characterized by bias, factual errors, and misstatement” and “so far from the truth that it hardly merits an answer.” It completely ignored, for example, Governor Barnett’s deal with the federal government to have marshals bring Meredith to the campus. In a 650-word statement, the Justice Department pointed out that the

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<sup>39</sup> *Ibid.*, 45 (first quotation), 47 (second quotation), and 11 (third quotation), 33 (fourth quotation), 24 (fifth quotation), 25 (sixth quotations), 26 (seventh quotation), 27 (eighth quotation), and 17 (ninth quotation).

<sup>40</sup> *Pascagoula Chronicle*, April 26, 1963.

report provided no verifiable names or facts and instead "distorted or ignored" known facts. It amounted to "a grievous slander against a courageous group of deputy marshals, more than two-thirds of whom are Southerners." To allegations of prisoner abuse, the Justice Department commented, "It is strange indeed that none of the so-called brutalities were reported by the several hundred newsmen ... who witnessed the riot and its aftermath." The conditions of the rioters held in the Lyceum "were not the best," the statement conceded, "but were not nearly so bad as those the marshals had to undergo" outside as the mob attacked them. Suggesting the legislative committee undergo "some self examination," the Justice Department concluded, "There is going to be very little possibility for progress and understanding among all of us as a people in this difficult field if responsible local officials put their heads in the sand and manufacture rather than face the facts."<sup>41</sup> As the Justice Department's reaction showed, almost seven months after the conflagration at the university, the dispute remained unresolved.

On the same day that the legislative committee released its report and the Justice Department responded, the controversy continued when an Oxford theater showed a film entitled "Oxford U. S. A." A filmmaker from Dallas, Texas, had recorded many scenes and events while on campus from September 30 to October 2, 1962. A few weeks later Patrick M. Sims of Sims Associates negotiated a contract with the Mississippi State Sovereignty Commission to produce a documentary on the riot to "point out and accentuate Mississippi's point of view, moral code and political standing ... and to point out the true facts in answer to erroneous charges and misconceptions." The film substantiated the official state version of the riot; advertisements for the film accurately promised, "Verifies Legislative Investigation" and "Federal Atrocities Revealed." Before it appeared for three nights in Oxford, the film had been shown to appreciative audiences in Jackson and in Alabama.<sup>42</sup>

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<sup>41</sup> *GLIC Report*, 54 (first quotation); *Washington Post*, April 25, 1962 (second, fourth, and sixth quotations); *Jackson Clarion-Ledger*, April 25, 1962 (third quotation); *Memphis Commercial Appeal*, April 25, 1962 (fifth, seventh, eighth, ninth, tenth, and eleventh quotations).

<sup>42</sup> Sims Associates to State Sovereignty Commission, December 10, 1962 (first quotation), in Mississippi State Sovereignty Commission papers, Mississippi Department of Archives and History, Jackson, Mississippi (hereinafter Sovereignty Commission Papers); *Jackson Daily News*, March 29, 1963; *Mississippian*, April 23, 1962 (second and third quotations)

The forty-three-minute film consisted of interviews with students, still shots of the university, interviews with political figures, and film of the riot itself. The Sovereignty Commission had worked with Sims on the production of the film, especially the narration, so that it provided a one-sided view of events favorable to the state. The governor, lieutenant governor, and state attorney general spoke without any rebuttal. Though the picture quality was poor and much of the sound track unintelligible, the audience cheered every time Barnett and other local officials appeared, and they booed, jeered, and cursed every appearance of James Meredith, his supporters, or any black person. It presented no scenes of students rioting, all destruction of property came at the hands of federal forces, the injured shown included only students, only marshals and soldiers were shown using force, and students interviewed appeared to be uninvolved observers of the riot. The Sovereignty Commission used the film to spread the Mississippi interpretation of the riot, and within eighteen months civic groups from Massachusetts to California had seen the state's most visible entry in the public relations war.<sup>43</sup>

Several people in the audience, however, left the theater dissatisfied. Paul Hahn, an anthropologist at the university, charged that "Oxford U. S. A." consisted largely of a collage of "distorted stories (largely from hearsay evidence), half truths, and out and out lies." At the same time marshal Robert Haislip concluded that the documentary "had been carefully edited so as to present a biased, one-sided impression of the rioting." Present at the first Oxford showing, Haislip reported with some relief that the film had failed to "stir up the students" because they left the theater in an orderly manner except for "a few cat calls and derogatory remarks." In the *Mississippian*, a student criticized "Oxford U. S. A." because it contained little that was new. Instead of convincing the writer of the justness of Mississippi's cause, the film only confirmed "that the Oxford tragedy was and still is, a bloody political abortion conceived in the haste, heat and high pressure of the political expediency of both the

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<sup>43</sup> Robert Haislip to Jack Cameron, April 26, 1962, in United States Marshals Papers, Arlington, Va. (obtained under Freedom of Information Act). Haislip was a U.S. marshal. The commanding officer of the Army force in Oxford knew that some marshals and soldiers (in civilian clothes) planned to attend the first Oxford showing of the film. See CO USAFOX to War Room, April 24, 1963, in Records of the [United States Army] Oxford, Mississippi, Operation, 1961-63, Record Group 319, National Archives, College Park, Md.; Yasuhiro Katagiri, *The Mississippi State Sovereignty Commission: Civil Rights and States' Rights* (Jackson: University Press of Mississippi, 2001), 120-21.



*James Meredith walking with Chief Marshal James J.P. McShane (left) and Assistant Attorney General John Doar (right).*

Kennedy and Barnett administrations and culminating through mass hysteria, incompetence and double-dealing.” Resulting from the “caloused and ruthless ambitions of men who would use us to further their own political careers,” the disaster only made victims of the university’s teachers, staff, and students. At the same time, James Meredith won great acclaim, and the NAACP and the Citizens’ Councils each gained a great fund-raising cause. While the Kennedys “paid off their campaign debt to the minority bloc,” Barnett strengthened his political power preparatory to a run for the U.S. Senate.<sup>44</sup>

While the two sides battled through the media for public opinion, a series of more serious legal contests proceeded in various courts. In addition to the federal contempt cases against Barnett and Johnson that had not been resolved, legal actions included the work of two grand juries and several civil suits. Although the legal contests did not explicitly seek either to persuade the public or to fix responsibility for the tragedy of September 30, each case did, at least implicitly, seek to

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<sup>44</sup> Paul G. Hahn to *Mississippian*, May 2, 1963 (first quotation); Robert Haislip to Jack Cameron, April 26, 1962, in Marshals Papers (second, third, and fourth quotations); *Mississippian* April 26, 1963 (fifth, sixth, and seventh quotations).

establish publicly and formally who had acted properly in the clash on the Oxford campus. In the end, however, they resolved very little.

Within hours of the riot's end, federal officials began a legal case against Edwin Walker. For weeks the FBI had kept the former general under surveillance, and on Sunday night the Justice Department's Ramsey Clark told the FBI that the attorney general wanted Walker arrested at the first opportunity. Monday morning Walker and his aides went to downtown Oxford, and shortly after eleven o'clock, as they drove away from the square, a military roadblock stopped them. After waiting half an hour for directions, the soldiers took Walker to the Lyceum. When he emerged the ex-general said, "I appear to be taken into custody." He had indeed been arrested and charged under federal law with seditious conspiracy, an offense that carried a possible penalty of twenty years in prison and a \$20,000 fine. Later in the day Walker waived a preliminary hearing before the local federal commissioner and, due to a lack of adequate jail facilities in northern Mississippi, was sent to a federal medical center for prisoners in Springfield, Missouri. While Walker went to Missouri, the Justice Department obtained from the Bureau of Prisons' chief psychiatrist in Washington an opinion on Walker's condition. Using some of Walker's military medical records, news accounts from Oxford, and other documents, the doctor concluded that Walker's behavior "may be indicative of underlying mental disturbance." As a result, U.S. District Court Judge Claude F. Clayton on Tuesday directed that Walker undergo a psychiatric examination, but later he released Walker on \$50,000 bond and ordered a psychiatric exam at a Dallas medical school. The chairman of the psychiatry department at the Southwestern Medical School later concluded that Walker was neither insane nor mentally incompetent.<sup>45</sup>

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<sup>45</sup> [deleted] to A. Rosen, October 1, 1962 (#255); A. Rosen to [deleted], October 1, 1962 (#140); SA [Special Agent] [deleted] Memphis, Report on Edwin Walker, October 1, 1962 (#502); Report of Special Agent, October 12, 1962 (#866); and SAC Memphis to Director FBI, November 24, 1962 (#1480), all in FBI Files; *Newsweek*, October 15, 1962, 28 (first quotation); *Jackson Clarion-Ledger*, October 2, 1962; *Memphis Press-Scimitar*, October 3, 1962; *Meridian Star*, October 6, 1962; *Jackson Clarion-Ledger*, October 7, 1962; Opinion of the Judicial Council Concerning the Complaints Received Against Charles E. Smith, M.D., enclosed with William J. McAuliffe, Jr., to Charles E. Smith, M.D., May 27, 1963, in Burke Marshall Papers, Kennedy Library (second quotation). McAuliffe was the secretary of the American Medical Association, and he sent Smith a copy of the council's report concerning allegations that Smith, the doctor for the Bureau of Prisons, had "made a medical diagnosis of General Walker without a personal examination contrary to good

In late November, Walker returned to Oxford for a hearing in federal court. On a visit to the university campus, he tried unsuccessfully to visit Chancellor Williams and Hugh Clegg, signed autographs for several students, and congratulated the Rebels football team. In court, his lawyers protested that he had not been given time to secure counsel and was not given a hearing before being committed, that sending their client to Springfield was “a fantastically dangerous procedure,” and that the government doctor’s report contained “libelous, scandalous, scurrilous statements.” The federal government’s hasty actions had, they alleged, violated Walker’s rights. After a two-day hearing, Judge Clayton ruled that Walker was competent to stand trial. Walker’s fate awaited a federal grand jury.<sup>46</sup>

Even before being found competent to stand trial, however, Edwin Walker staged a counterattack. In Lafayette County circuit court on October 22, lawyers for Walker charged that Van Savell, an Associated Press reporter, had written and the AP had disseminated a “completely false, unfounded, and malicious report” of Walker’s activities on the university campus. In a dispatch from Oxford, Savell had written that Walker had “assumed command of the crowd” and “led a charge of about 1,000” students against the marshals stationed around the Lyceum. The retired general claimed he never offered any leadership to the mob. Walker later moved his lawsuit to federal court and filed additional lawsuits in other states against the AP and a number of individual newspapers that carried the AP story. In a Texas court, Walker later won \$500,000 in compensatory damages from the AP, and state appeals

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medical practice and that he violated the physician-patient confidential relationship by making public statement concerning General Walker’s health.” The council concluded that Smith “had not violated Principles of Medical ethics.”

<sup>46</sup> *New Orleans States-Item*, November 19 and 20, 1962; *New Orleans Times-Picayune*, November 20, 1962; *Jackson Clarion-Ledger*, November 20, 1962; *Jackson Daily News*, November 20, 1962 (first and second quotations); *New York Times*, November 22, 1962; Memphis to Director FBI, November 19 (# 1438), 20 (#1445, #1446), and 21 (#1447), all in FBI Files. One of Walker’s lawyers was Joe W. Matthews, Jr., a great-great grandson of Joseph W. Matthews, governor of Mississippi in the 1840s. Another was Murray L. Williams of Water Valley, a former U.S. attorney for northern Mississippi. Walker’s chief counsel was Clyde J. Watts of Oklahoma City, a retired general and friend from their student days at New Mexico Military Institute. See *Memphis Commercial Appeal*, October 7, 1962, and *Daily Oklahoman*, October 8, 1962. In December, at the invitation of Walter Sillers, Walker spoke to the Mississippi House of Representatives, but only after the House approved the invitation 101-to-10. See *Meridian Star*, December 7, 1962.

courts upheld the verdict. On appeal to the U.S. Supreme Court, however, Walker lost. In an important decision affecting libel law, the high court ruled in June of 1967 that not only was Walker a public figure who involved himself in a public controversy that required immediate news coverage, but “nothing” in the AP dispatch “gives the slightest hint of a severe departure from accepted publishing standards.”<sup>47</sup> Although Walker eventually lost his challenge, his lawsuit staked his claim against the federal government’s charge of seditious conspiracy.

On November 12, after Walker filed his lawsuit but before a federal grand jury could meet, a Lafayette County grand jury of twenty-three men, mostly farmers, started its investigation into the riot and the two deaths at the university six weeks earlier. Judge W.M. (Jack) O’Barr, appointed by Barnett to fill a vacancy, presided over the circuit court. In his injudicious two-and-a-half page charge to the grand jury, O’Barr blasted the “diabolical political Supreme Court made up of politically greedy old men” who attacked the Constitution, but he saved his harshest words for the Kennedy administration: “the hungry, mad, ruthless, ungodly power mad men who would change this government from a Democracy to a totalitarian dictatorship.” The court and the Kennedys had, according to the judge, “attempted to crush the people of this State” by enforcing the “unlawful” court order for Meredith’s admission. Judge O’Barr reminded the jurors that government officials held no immunity from prosecution, even “John F. Kennedy, his stupid little brother Robert Kennedy, [and] Mr. McShane.” Calling for “positive action,” the judge urged the jurors to demonstrate that they “will no longer be trampled or allow stupid blunders and greed by a few to precipitate murder, assault and battery with intent to kill, assault, criminal trespass, unlawful search and seizure and many other criminal acts against the laws of this State, including our necessary segregation laws to go unpunished.”<sup>48</sup>

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<sup>47</sup> *Jackson Clarion-Ledger*, October 1 (third quotation) and 23 (first quotation), 1962; *Curtis Publishing Co. v. Butts*, 388 U.S. 130 (1967) (second, fourth, and fifth quotations); Circuit Court Minute Book K, Lafayette County, Regular November Term 1962, 163. The Walker case was decided with a case involving allegations in the *Saturday Evening Post* that University of Georgia football coach Wally Butts “fixed” a game against the University of Alabama. Butts also lost his case. In the Walker and Butts cases, the United States Supreme Court extended its earlier ruling on slander and libel involving public officials in *New York Times v. Sullivan*, 376 U.S. 254 (1957).

<sup>48</sup> Charge to the Lafayette County Grand Jury by Judge W.M. O’Barr, November 12, 1962, in James W. Silver Papers, ASCUM (all quotations). The adjective “stupid” had been blocked out of the copy in the Silver papers but was quoted in newspaper accounts; for

Over four days, the grand jury considered evidence presented by district attorney Jesse Yancey, Jr., of Bruce. In addition to evidence from state and federal sources, the jurors heard testimony from nineteen witnesses who included Senator George Yarbrough, Dean L.L. Love, Gwin Cole of the Mississippi Highway Patrol, university police chief Burnes Tatum, Professor Jim Silver, and an Army officer with the military police on the campus. Outside the closed courtroom, Yancey complained about the lack of cooperation from federal agencies. He also explained that the grand jury would be especially interested in determining if the marshals fired tear gas "prematurely" because, according to the district attorney, "It is generally agreed the firing made the riot uncontrollable."<sup>49</sup>

On November 16, the grand jury reported to Judge O'Barr. It praised the performance of the highway patrol, commended the local police and university officials, but criticized the provocative use of the marshals. After hearing nineteen witnesses and studying state and federal reports, the grand jury criticized the actions of the federal marshals. Their "arbitrary and unnecessary action" in surrounding the Lyceum had "the sole purpose of agitating and provoking violence," and their unwarranted use of tear gas "set off the tragic violence that followed." The report condemned the "many cruel and inhuman acts of violence inflicted by the marshals" on prisoners. At the same time the jury also commended the highway patrol for having control of the situation until the marshals used tear gas and praised the work of the Lafayette County sheriff.<sup>50</sup>

The grand jury failed to identify anyone responsible for the deaths of Ray Gunter and Paul Guihard, but it did return indictments against two people. It apparently indicted Pfc. Dominic Niglia, a military policeman from Fort Dix, who on the evening of October 30 had fired a rifle into a dormitory at the university. After the incident, the Army quickly sent

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examples, see *Jackson Clarion-Ledger*, *Meridian Star*, and *Memphis Commercial Appeal*, all for November 13, 1962. Judge O'Barr was one of four plaintiffs who had a \$400,000 lawsuit pending against John F. Kennedy as a result of an automobile accident at the 1960 Democratic National Convention in Los Angeles; see *New York Times*, November 17, 1962.

<sup>49</sup> *Greenville Delta Democrat Times*, November 14, 1962 (quotation); *Jackson Daily News*, November 14, 15, and 16, 1962; *New Orleans Times-Picayune*, November 14, 15, and 16; *Memphis Commercial Appeal*, November 14, 15, and 16, 1962.

<sup>50</sup> Final Report Lafayette County, Mississippi, Grand Jury, November 16, 1962, in Records of the United States Marshals Service, Northern District of Mississippi, Oxford Division, Investigation into the University of Mississippi Desegregation Riots, 1962-1963, Record Group 527, National Archives Southeast Region, Atlanta, in Morrow, Ga.

Niglia back to his home base, so the Lafayette County sheriff never had an opportunity to serve the indictment, and the case was dropped. The second person indicted was James P. McShane, the chief of the United States marshals. The grand jury alleged that McShane “unlawfully and feloniously” fired tear gas that “did incite a riot” and “as a result ... Walter Ray Gunter ... was killed.” Five days later, Sheriff Joe Ford executed the indictment when McShane surrendered in Oxford; the marshal was immediately released on a writ of habeas corpus. Legal experts thought neither Niglia nor McShane could be prosecuted in a state court because they had acted as agents of the federal government. In September 1963 the circuit court case against McShane was continued, and on September 15, 1964, the court dropped the case completely.<sup>51</sup>

McShane also faced civil lawsuits brought by an Ole Miss student and by three men detained during the riot. On November 1, 1962, Cyril T. Faneca, Jr., filed a federal lawsuit against McShane and Nicholas Katzenbach, an assistant attorney general. In effect claiming that the Justice Department officials caused the riot and that marshals had “wrongfully and in a negligent manner” fired tear gas at him, Faneca asked for \$40,000 in damages for the violation of his constitutional rights. The case appeared before Judge Harold Cox, a friend of Senator Eastland and a Kennedy appointee who was notorious for referring in court to blacks as “chimpanzees” and for having used the word “nigger.” After Judge Cox rejected the defense’s motion to dismiss the case, the defendants sought relief from the Court of Appeals for the Fifth Circuit. The appellate court considered the Faneca case in conjunction with three suits against McShane and Katzenbach, along with Assistant Attorney General John Doar and William Tucker, a marshal from Kansas. In the additional cases, three Alabama men arrested during the riot sought \$50,000 each in damages because they alleged the defendants had violated their civil rights, wrongfully arrested them, prevented them from consulting a lawyer, and generally mistreated them while in custody. Federal District Court Judge Claude F. Clayton dismissed the three

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<sup>51</sup> Indictment of James P. McShane (all quotations), <sup>51</sup> *Instanter Capias*, Circuit Court, Lafayette County, Special November Term, 1962; *New York Times*, *Jackson Clarion-Ledger*, and *Jackson Daily News*, all on November 17 and 22, 1962. The newspapers reported Niglia’s indictment, but the records of the Lafayette County circuit court contain no record of it because it records indictments only *after* they have been served. On the Niglia incident, see *Memphis Commercial Appeal* November 1 and 4, 1962, and *Jackson Daily News*, November 2, 1962.

cases because the defendants had acted within their legal authority and were, therefore, immune from liability claims. On June 1, 1964, the Fifth Circuit Court of Appeals sustained the district court’s dismissal of the three cases brought by the Alabamians and for the same reasons threw out Cyril Faneca’s suit. In the spring of 1965, the Supreme Court refused to hear Faneca’s appeal, and his case was finally dismissed.<sup>52</sup>

One year after Faneca filed his lawsuit, Colonel T.B. Birdsong of the Mississippi Highway Patrol brought suit against the Curtis Publishing Company, publisher of the *Saturday Evening Post*. An article by Robert K. Massie, “What Next in Mississippi?” sparked the case. Massie witnessed the riot and did extensive follow-up research in the state for ten days before submitting his article that said in part, “A sizable portion of the blame must go to the gray-uniformed men of the Mississippi Highway Patrol. ‘Those bastards just walked off and left us,’ said one top official of the Department of Justice.” Asking for \$1 million in damages, Birdsong alleged that the magazine had, “maliciously, falsely and with an intent to defame,” held him and other patrolmen “up to public scorn, ridicule and contempt.” Malcolm Montgomery, a former law partner of Ross Barnett, filed the suit in federal court in Birmingham because the magazine and its publisher had no representatives in Mississippi. Later Birdsong added fourteen patrolmen to the case as fellow plaintiffs. In

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<sup>52</sup> Complaint, *Cyril T. Faneca, Jr. v. United States of America, et al.*, U.S. District Court for the Southern District of Mississippi, Biloxi Division, November 1, 1962, in Records of the District Courts of the United States, Record Group 21, National Archives Southeast Region, Atlanta (first quotation); *Jackson Daily News*, November 3, 21, and 29, 1962; *Jackson Clarion-Ledger*, November 11 and 21, 1962, and February 6, 1963; *Meridian Star*, December 10 and 12, 1962; *Montgomery Advertiser*, February 6, 1963; *Memphis Commercial Appeal*, March 10, 1963; Declaration, *Virgil Norton v. James P. McShane, Nicholas Katzenbach, John Doar, and William Tucker*, Circuit Court of Lafayette County, February 4, 1963; *Norton et al. v. McShane et al.* 33 F.R.D. 131 (1963); *Norton et al. v. McShane et al.* 332 F. 2d 855 (1964) and 380 U.S. 981 (1965); *U.S. v. Faneca, Jr.* 332 F. 2d 872 (1964); and *Faneca v. U.S.* 380 U.S. 971 (1965); Jack Bass, *Unlikely Heroes*, (New York: Simon and Schuster, 1981), 166 (second and third quotations). Ed Cates, the former assistant state attorney general, represented Faneca. On Cates’s bizarre career, see Bill Minor, “Faulkner’s Characters Couldn’t Top These,” in *Eyes on Mississippi: A Fifty-Year Chronicle of Change* (Jackson: J. Prichard Morris, 2001), 23-25. RG 21 in National Archives—Southeast Region contains most of the case file for Faneca’s lawsuit and some of the documents in the Norton case.

preliminaries to a trial, the district court judge ruled in favor of the plaintiffs, and Curtis Publishing subsequently appealed.<sup>53</sup>

In February 1966 a three-judge panel of the Court of Appeals for the Fifth Circuit ruled that the Mississippi patrolmen could not use Alabama law to sue because its statute had broader provisions than the similar one in their own home state. "What interest does Alabama have in this lawsuit?" the court asked, and it decided that Alabama had none. The patrolmen should instead seek relief in the Mississippi legislature by changing that state's law. The appellate panel also decided that the offending "words of vituperation and abuse" in the *Saturday Evening Post* article "had no real meaning" except to reveal the emotion of the speaker and that "such words are not themselves actionable as libelous." The court therefore threw out Birdsong's lawsuit.<sup>54</sup>

A few criminal cases also developed out of the riot. A federal grand jury, which for the first time in northern Mississippi contained women, convened in Oxford early in 1963 to consider charges against eleven people apprehended during the riot. After hearing testimony, the jury indicted four men for interfering with and obstructing marshals while they carried out their duties. The government dropped charges against Edwin Walker and six others. Three Alabamians, Richard Hays Hinton of Lucedale and Kline Lamar May and Philip Lloyd Miles from Prichard, went to trial in Oxford in June. During the trial charges were dropped against May. The prosecution charged that the defendants participated in the riot as part of a group organized in Mobile—the Alabama Volunteers—who came to Oxford to help Barnett. The defendants disavowed any participation in the conflict and any knowledge of the weapons described by the prosecution. At the end of the trial, the all-white jury took only seventy minutes to find them not guilty.<sup>55</sup>

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<sup>53</sup> Robert K. Massie, "What Next in Mississippi?" *Saturday Evening Post*, November 10, 1962, 18-23 (quotation on page 19); *Colonel T.B. Birdsong v. Curtis Publishing Company*, case file in RG 21 in National Archives Southeast Region, Atlanta.

<sup>54</sup> *Curtis Publishing Company v. Birdsong, et al.*, 360 F.2d 344 (1966).

<sup>55</sup> *Jackson Daily News*, January 16 and 22, and June 4 and 6, 1963; *New Orleans Times-Picayune*, January 16, 1962; *Washington Post*, June 8, 1963; *Mississippian*, June 11, 1963. The *National Observer* reported that one juror said nine jurors wanted "to give the general a medal" (see January 28, 1963). Hugh Cunningham, a former law partner of Ross Barnett, and Murray Williams, a Water Valley attorney who also represented Edwin Walker, were the defense lawyers.

The federal grand jury also indicted Melvin Bruce of Decatur, Georgia, whom it described as a "professional agitator." An avowed Nazi, the thirty-six-year-old disabled veteran had been held in jail in Memphis for fifty-four days on charges of assault, interfering with the marshals, and insurrection. Bruce denied his guilt and in public appearances told of the "horror and sadism" he experienced as a prisoner under the control of "brutal" and "sadistic" marshals. At his trial early in July, prosecutors presented testimony that Bruce had supplied weapons and gasoline to members of the mob on campus. Bruce's attorney, J.B. Stoner, a Ku Klux Klansman and founder of the National States' Rights Party, maintained that Bruce had not resisted marshals and that prosecutors produced no evidence connecting Bruce to gasoline. After an hour's deliberation, the all-white jury in Oxford found Bruce innocent.<sup>56</sup> As a result, no person was ever convicted for participating in the riot.

For white Mississippians, perhaps the one most important legal action involved the contempt charges against their governor and lieutenant governor. The Fifth Circuit Court of Appeals had directed Barnett and Johnson to appear in New Orleans on October 2 to explain why they should not be held in contempt. At the hearing, and at another ten days later, neither man appeared. Charles Clark and state representative Joe Patterson maintained that the court did not have jurisdiction in the case and that Barnett and Johnson had complied with the court orders. Responding to the lawyers' suggestion that Meredith's enrollment had proven compliance, a miffed Judge Elbert Tuttle remarked that Meredith was only "barely" a student. According to observers, however, the biggest "bombshell" came when Charles Clark claimed the governor and lieutenant governor would obey court orders only "to the best of their ability" and as far as they were "legally permitted to do so" by the state laws and constitution. The judges termed such statements "ridiculous," and Judge Richard Rives declared, "We have indeed entered 'Alice in Wonderland' where language does not mean what it says." According to the lawyers for the federal government, Mississippi demonstrated

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<sup>56</sup> *Jackson Daily News*, January 16, 1963 (first quotation); *New Orleans Times-Picayune*, January 10, 1963 (second, third, and fourth quotations); *Memphis Commercial Appeal*, November 24, 1962; *Jackson Clarion-Ledger*, January 16 and July 2 and 3, 1963. Bruce spoke to the Citizens' Council of Greater New Orleans (see *New Orleans Times-Picayune*, January 10, 1963) and wrote a major account of his Oxford experiences that appeared as "Oxford Victim Tells His Story" in the *American Eagle* of April 1964 (see clipping in University Archives).

“absolutely no watering down or withdrawal from” its “policy of defiance” of the court orders. At one point the hearing became so tense that the judges took a ten-minute recess to calm down. The court postponed any decision until it received briefs from each side.<sup>57</sup>

Although the NAACP called for the arrest of both Barnett and Johnson, the Department of Justice agreed that Barnett had partly cleared himself of contempt of the court orders and advocated only a fine of \$100,000 and \$10,000 more each day until he fully complied. Barnett, however, denied that he had purged himself of contempt or even that he was in contempt. Claiming to have followed his oath of office, he declared, “I shall never apologize for anything I have said or done in this regard because I have acted in good faith . . . My conscience is clear.” After hearing from all the parties, the court of appeals on October 19, 1962, ordered Barnett, Johnson, and other state officials not to interfere with James Meredith, but it deferred action on the contempt charge. Four weeks later, however, the court directed the attorney general to charge the governor and lieutenant governor with criminal contempt, which unlike civil contempt assumes willful and deliberate contempt. Because Justice Department lawyers had been directly involved in many of the disputed events, the Justice Department named Leon Jaworski, president of the Texas bar, as special prosecutor in the case. At a hearing in early February 1963, defense lawyers argued for the dismissal of all charges, but a jury trial if the case proceeded. Though no circuit court of appeals had ever heard a criminal contempt case, Jaworski defended the court’s right to pursue contempt charges and argued that a jury trial was not allowed in criminal contempt cases. The question of a jury trial hung up the court, and finally in April of 1963 the evenly divided Fifth Circuit Court of Appeals sent the question to the United States Supreme Court.<sup>58</sup>

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<sup>57</sup> *Jackson Clarion-Ledger*, October 3 and 13 (first, third, fourth, sixth, seventh, and eighth quotations), 1962; *Baltimore Sun*, October 13, 1962 (second and fifth quotations); see also *New York Times*, *Washington Post*, and *New Orleans Times-Picayune*, all for October 13, 1962. The only significant discussions of the contempt case appear in Bass, *Unlikely Heroes*, 194-200 and 248-58, and Frank T. Read and Lucy S. McGough, *Let Them Be Judged: The Judicial Integration of the Deep South* (Metuchen, NJ: Scarecrow Press, 1978), 254-65. Barnett could not appear in federal court in New Orleans on October 12 because he had to crown the state forestry queen at the governor’s mansion. See *Jackson Daily News* and *Memphis Commercial Appeal*, October 12, 1962.

<sup>58</sup> *Jackson Daily News*, October 15 and 17 (quotation), November 16, 1962, and January 6 and February 1 and 9, 1963; *Jackson Clarion-Ledger* October 16 and 17, November

In October 1963, the Supreme Court heard arguments on a jury trial in criminal contempt cases. Six months later the Supreme Court ruled in a 5-4 decision that Barnett did not have a right to a jury trial as long as the penalty did not exceed a fine of \$500 or a jail sentence of no more than six months. In the spring of 1964, the Supreme Court refused to rehear the case. Finally in April 1965, the Fifth Circuit Court of Appeals dealt with it, even though Barnett had yielded the governorship to Johnson after the election of 1963. The seven surviving judges who had originally considered the case (Judge Cameron had died in April 1964) reached a controversial decision. By a 4-3 margin, the court decided that a trial would not serve the public interest. The majority pointed to the “substantial compliance with the Court’s orders,” the long “lapse of time,” the absence of any need to deter others from similar action, and “the changed circumstances and conditions.” With relief, the majority seemed happy to “close out another part of the same chapter” of the court and civil rights.<sup>59</sup>

In dissent Judge Elbert Tuttle believed that the “charges were sufficiently grave” to demand a trial and that “the public interest” required a trial. A disappointed Judge Brown also wanted to hold Barnett “accountable.” Judge John Minor Wisdom offered the most scorching dissent. He objected that the governor who had practiced interposition escaped “the risk of punishment that an ordinary citizen” would face. Disparaging the court’s reliance on its perception of what was best for the public as an example of “judicial license,” Wisdom compared the court’s reasoning to looking into a “crystal ball.” Calling it the case of “The Man in High Office Who Defied the Nation,” he proposed “an unedifying moral”:

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16 and 17, December 21, 22, and 23, 1962, and January 6, February 7 and 9, 1963; *New Orleans Times-Picayune*, October 16 and 17, 1962, February 2 and 9 and April 10, 1963; *New York Times*, October 20 and November 16, 1962, and February 9 and April 10 and 15, 1963; *Atlanta Journal*, October 20, 1962; *Meridian Star*, December 23, 1962; *Memphis Commercial Appeal*, December 23, 1962; *Washington Post*, February 9, 1963; *U.S. v. Barnett and Johnson* 330 F. 2d 369 (1963). Judge Ben Cameron did not participate in the court action in October and November of 1962, and he dissented in the court’s order in January 1963 that Barnett and Johnson show cause. When the court also rejected in April 1963 a number of motions made by attorneys for the state, Judge Cameron again dissented. Leon Jaworski had spoken to the Junior Bar Association of Mississippi on June 14, 1962; see *Mississippi Law Journal*, 33 (October 1962), 435-45.

<sup>59</sup> *U.S. v. Barnett and Johnson* 346 F. 2d 99 (1965) (first, second, and third quotations on page 100, and fourth quotation on page 101).

The mills of the law grind slowly—but not inexorably. If they grind slowly enough, they may even come, unaccountably, to a gradual halt, short of the trial and judgment an ordinary citizen expects when accused of criminal contempt. There is just one compensating thought: Hubris is grist for other mills, which grind exceedingly small and sure.<sup>60</sup>

In the public battle over the meaning of the disturbance, the University of Mississippi itself had to deal with its own involvement in the crisis. In the riot's aftermath, the administration began to compile what the chancellor called "a fair and accurate record" of the institution's role in the entire controversy over James Meredith's admission. Before the release of the report, university officials made few comments. Several days after the riot, Chancellor Williams conceded that the school had "been humiliated and embarrassed" by the recent events and that the institution's prestige had been damaged by the "most tragic" rioting, but he did not know what could have prevented it except greater patience by the courts toward white opposition to the *Brown* decision. He also expressed his concern for the university's accreditation. Though he described most students as "very confused, very torn between loyalty to the state and to the nation," the chancellor stated that he "would be disappointed if our students in the final analysis did not support the nation over the state." Regarding James Meredith, he predicted that Meredith would eventually be accepted by his fellow students. After sixteen years as chancellor, Williams remained hopeful for the school. "My heart is here," he declared. "As long as I feel that I can make a contribution ... I will stay."<sup>61</sup>

In his first speech two weeks after the riot, the chancellor told 150 alumni in Tupelo that throughout the crisis his two goals had been "to keep Ole Miss open and to avoid violence." One had been achieved.

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<sup>60</sup> Ibid, 102 (first and second quotations), 103 (third quotation), 104 (fourth and fifth quotations), 105 (sixth quotation), 109 (seventh, eighth, and ninth quotations).

<sup>61</sup> *The University of Mississippi and the Meredith Case* (University, Mississippi, November 15, 1962) (hereinafter cited as *UM and Meredith*); *New York Times*, October 8, 1962 (first quotation); *Jackson Daily News*, October 5, 1962 (second and fourth quotations); *Jackson Clarion-Ledger*, October 5, 1962 (third quotation); *Memphis Commercial Appeal*, October 5, 1962 (fifth quotation). In the weeks after the riot, Chancellor Williams and other officials spoke frequently about matters internal to the university, especially student discipline on campus.

Trying to absolve the university of some responsibility, he claimed that the university had no policy denying admission to any qualified person, that no qualified Negro had ever applied, and that his institution had been a victim of "political interference" by the federal courts and the board of trustees (he did not mention the governor). Looking forward, Williams worried about decreasing enrollment, losing faculty, and declining prestige, but his chief concern was maintaining accreditation. In response the alumni adopted a resolution affirming their belief in the "paramount importance" of maintaining accreditation.<sup>62</sup>

Williams's remarks took on added significance after his counterpart at the University of Southern Mississippi spoke the next day. William D. McCain, president of the University of Southern Mississippi, pledged, "I will fight by every means I know to prevent integration of the University of Southern Mississippi," and he promised, "There will be no rioting and bloodshed on the [USM] campus." He told Jones County alumni that he had not voted for the Democrats in 1960 and that he had little respect for the way John and Robert Kennedy had handled the situation in Oxford. Referring to the 1954 *Brown* decision, President McCain explained that Mississippians "have to use every means we can to delay this unjudicial decree."<sup>63</sup> If Chancellor Williams seemed defensive, irresolute, and even moderate when compared to McCain, the chancellor had had to deal with the real effects of the crisis at his university, not just talk about them.

Two weeks later in Greenville, Williams spoke more extensively to a combined meeting of several civic clubs and the local alumni association. Williams urged Mississippians to be "[f]irst and foremost" Americans and "to put behind us bitterness and hatred," but without "gloss[ing] over" the "sad and humiliating" experience. The chancellor admitted that "to our shame, in that mob were some of our own students," but he contended that student involvement in the disorder declined as the level of violence increased, in part because other students worked diligently to prevent violence and student involvement. He expressed pride in the overwhelming number who did not participate in the upheaval.

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<sup>62</sup> *Jackson Clarion-Ledger*, October 18, 1962 (first quotation); *Meridian Star*, October 17, 1962 (second quotation); *Memphis Commercial Appeal*, October 18, 1962; *New York Times*, October 18, 1962; Resolution of the Lee County Chapter of the University of Mississippi Alumni Association, October 18, 1962 (third quotation), in University Files.

<sup>63</sup> *Jackson Clarion-Ledger*, October 18, 1962 (all quotations); *New Orleans Times-Picayune*, October 18, 1962.

Absolving the university of responsibility, he argued that it “had become a pawn in a combat between powerful political forces” and that the “effective control of the university was taken out of our hands.” Williams suggested that the board had been similarly a victim of larger political forces, and he defended the board’s action in naming Governor Barnett registrar because the trustees had decided Barnett should be the one to defend his own policy of interposition and state supremacy.<sup>64</sup>

Speaking one month after the riot, Williams closed his Greenville address not by defending racial segregation of the past but by advocating the university’s future. “Shall we continue to have a real university,” he asked, “or only the outward husk and mere appearance of a university?” As he had said in Tupelo, the “problem now is not black or white” but the fate of the university. Anxious to resume the task of creating a real university that he had begun in 1946, the chancellor challenged Mississippi to defend academic freedom as an essential ingredient for the university’s and the state’s progress. “Every new idea is to some degree dangerous,” he recognized, “but none is so dangerous to a free society as mental stagnation and intellectual dry rot.”<sup>65</sup>

A week later, in a speech to the Jackson Junior League, the university’s vice chancellor, Alton Bryant, praised Williams’s Greenville address and stressed that Ole Miss students, especially the student government leaders, also deserved “support and admiration” for their “self discipline and responsible citizenship.” Bryant went further, however, and lashed out at the “faceless and nameless” individuals who pursued “diabolical plans” to create disturbances on campus that would lead to the closing of the university. The people who directed the “forces of destruction and decadence” were, in Bryant’s opinion, “moral and physical cowards” who used “students as pawns.” Saying what the chancellor could not, Bryant appealed for support for the university and for public opposition to efforts to close Ole Miss.<sup>66</sup>

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<sup>64</sup> *Memphis Commercial Appeal*, November 1, 1962 (all quotations). Other newspapers reported Williams’s talk, but the *Memphis Commercial Appeal* reprinted the complete text.

<sup>65</sup> *Ibid.* (first and third quotations); *Jackson Clarion-Ledger*, October 18, 1962 (second quotation).

<sup>66</sup> W. Alton Bryant, “Mississippi Students,” November 8, 1962, in University Files (all quotations); *Jackson Clarion-Ledger*, November 9, 1962; *Memphis Commercial Appeal*, November 10, 1962.

On November 15, the university issued its formal written report on the "Meredith case." Reflecting the chancellor's earlier statements, its forty-two pages dispassionately detailed events from Meredith's application through his October 1962 enrollment at the university, and it described the events of September 30-October 1. It offered some solace in the fact that the marshals and soldiers had apprehended few Ole Miss students, fewer actually than from other colleges. It also stressed both that "outsiders were participating actively in the early stages of the riot" and that students "began dispersing fairly early so that by midnight few were left among the demonstrators." Some students may have participated in the riot, the report suggested, but they were not responsible for what had happened.<sup>67</sup>

Emphasizing that the university's leaders had been "completely cleared of contempt charges," the report claimed that they had never violated university policies, state or federal law, or the principles espoused by the Southern Association of Colleges and Schools (SACS), and the document also maintained the trustees never broke state law. As for Barnett, it contended he had acted legally when he refused to register Meredith in Jackson, but after the board withdrew his authority as registrar, the governor had acted on his own. Though the analysis viewed the controversy as a political conflict between state and federal power, it denied that the university had experienced "political interference." Political pressures had been put on the institution but "these actions were never intended to interfere with the internal operation of the University." Trying to ward off challenges to its accreditation, the report maintained that Ole Miss had "maintained its academic integrity." It emphasized that the university's SACS accreditation amounted to a "stamp of approval" that certified its work as meeting certain standards of quality. Comparing accreditation to licensing of professionals or maintaining quality control in industry, the report emphasized that accreditation gave value to the degrees earned by students. The report warned that political interference constituted "grounds for disaccreditation." The document's brief treatment of accreditation only introduced the university's complex struggle to maintain accreditation and its public reputation.<sup>68</sup> The university's dealings with accrediting agencies involved

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<sup>67</sup> *UM and Meredith*, 12-13, 24-25 (both quotations on page 25).

<sup>68</sup> *Ibid.*, 17-20 (first quotation on page 19; second quotation on page 19; third, fourth, and fifth quotations on page 14; sixth quotation on page 14). A SACS official explained the

an open discussion of the university's role in the Meredith crisis, and the accrediting bodies had a significant effect on the institution's future.

The University of Mississippi was a charter member of SACS, and had successfully attained reaccreditation in the spring of 1959. An active participant in SACS, Chancellor Williams in 1961 had been re-elected to a three-year term on the Commission on Colleges and Universities, which oversaw SACS's involvement in higher education. Williams also served on committees within the commission and on teams that reviewed institutions for accreditation.<sup>69</sup>

SACS had a keen interest in protecting its members from political interference that threatened academic freedom and the integrity of the institutions. When the controversy of James Meredith's admission to the university intensified in the summer of 1962, SACS began to monitor the developing situation. After following developments in Mississippi, SACS chairman Henry King Stanford, the president of the University of Miami, on September 23 called a special meeting of the executive council of SACS's Commission on Colleges for September 28. In the meantime, he dispatched SACS executive secretary Gordon Sweet to confer with officials at the university. After visiting for several days, Sweet reported that university administrators wanted SACS to refrain from making a statement and to allow the governor to fight his case in the courts against the national authorities. In a seven-hour meeting in Atlanta, the council concluded that Barnett's actions had compromised the integrity of the university and its trustees. Consequently, SACS sent Barnett, the trustees, and the institutions under the trustees, telegrams warning them that the institutions would lose their accreditation unless the governor ceased his interference. Nearly seven hours later, in the

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ramifications of losing accreditation; see *Meridian Star*, November 27, 1962. In a speech to a civic club in Forest on October 24, Vice Chancellor Alton Bryant warned that a university that lost accreditation would be "isolated from the rest of the academic world" and that an unaccredited institution faced serious difficulties attracting students and faculty, gaining government contracts, and cooperating with other accredited schools. Without the sanction of its regional accrediting agency, the accreditation of the university's professional schools would also be jeopardized. See *Greenville Delta Democrat Times*, October 25, 1962.

<sup>69</sup> *Proceedings of the Sixty-Sixth Annual Meeting of the Southern Association of Colleges and Secondary Schools*, 7, 152, and 159. For histories of the organization, which dropped "secondary" from its name in 1961, see James D. Miller, *A Centennial History of the Southern Association of Colleges and Schools, 1895-1995* (Decatur, GA: SACS, 1998), and George Jackson Allen, Jr., "A History of the Commission on Colleges of the Southern Association of Colleges and Schools, 1949-1975" (Ph. D. diss., Georgia State University, 1978).

middle of the night, Barnett called Stanford at home to explain that he had not intended to interfere with the board of trustees, but only intended to use his police power to maintain peace and order and to preserve the Tenth Amendment.<sup>70</sup>

SACS’s concern escalated after the riot to “include a concern for the atmosphere on the campus and the stability of the educational program.” The secretary to the board of trustees tried to assure SACS that the trustees and the university administration operated fully in accordance with state law and the constitution, and the university registrar confidently declared that accreditation would continue. SACS officials, however, publicly emphasized that accreditation remained in jeopardy “until they get things straightened out” and that SACS “will not tolerate such political interference.” In a special meeting two weeks later, the trustees reminded SACS that the board had revoked Barnett’s authority to act as registrar and that it had done nothing else to “compromise the integrity” of the university. In “the strongest possible terms,” the board promised SACS it would adhere to SACS standards, “secure the integrity” of state institutions, and “safeguard [them from] ... political interference.” Barnett also tried to protect accreditation by telling SACS that the board controlled the university and that he had no “wish or purpose to accept or assume any of these prerogatives.”<sup>71</sup>

Early in November, Sweet returned to the Oxford campus. Though he detected pressures on the university from outside forces such as the Citizens’ Council, he also observed freedom of expression and thought on the campus. He attributed faculty departures to the university’s precarious financial condition, not to threats to academic freedom. While some observers fretted about the university’s slowness in disciplining student protestors, Sweet recognized the power of popular opinion in the state and pointed to strong stands by the chancellor and the student

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<sup>70</sup> Henry King Stanford, “Statement on the Mississippi Case, 1962,” November 27, 1962, in Minutes of the Commission on Colleges, in SACS *Proceedings*, November 26-29, 1962, 169-70 and 173-74 (hereinafter referred to as Stanford Statement); Allen, “A History of the Commission on Colleges,” 189-92; *Jackson Clarion-Ledger* and *Memphis Commercial Appeal*, both September 29, 1962. For earlier concerns by SACS, see *Vicksburg Evening Post*, May 24, 1962, and *Jackson Clarion-Ledger*, September 22, 1962.

<sup>71</sup> Stanford Statement, 171 (first quotation); *Memphis Commercial Appeal*, October 3, 1962 (second quotation); *Nashville Tennessean*, October 3, 1962 (third quotation); Minutes, Board of Trustees Institutions of Higher Learning, October 18, 1962 (fourth, fifth, sixth, and seventh quotations); Ross R. Barnett to Henry King Stanford, October 25, 1962, in University Files (eighth quotation); *Jackson Daily News*, October 19, 1962.

government. In his report, Sweet hoped SACS's actions would help the university. He did not want the organization to withdraw accreditation because that would leave the university vulnerable to the reactionary forces. At the same time, he believed putting the university on probation would minimize violations of SACS's policies. As a solution, he advocated close monitoring of the university to insure its continued compliance and integrity.<sup>72</sup>

At its annual meeting in Dallas late in November, SACS's Commission on Colleges considered the Mississippi case. Claiming that the delegates wanted to assist Mississippi in any way they could, he maintained that SACS sought "to defend higher education in the South, not to go around clobbering colleges and universities with a big stick." Nevertheless, the actions of Barnett and other politicians concerned SACS. Chancellor Williams, Provost Charles Haywood, Vice Chancellor Bryant, and four trustees presented the university's case in closed-door sessions. After four days of hearings, committee meetings, and discussions, the assembled delegates reached a compromise that received unanimous support—even Chancellor Williams voted for it. The Commission on Colleges placed the university and the state's other public colleges in an "extraordinary status" that neither revoked accreditation nor exonerated the schools but instead "placed [them] under continued and careful observation" by SACS until its next meeting. In the meantime, SACS would watch for "weakening" of the board of trustees, outside political pressure that threatened academic freedom, fiscal retaliation by the legislature against the schools, and a breakdown in the student discipline necessary at academic institutions. SACS's employment of a unique *extraordinary status* for Mississippi's colleges allowed the university to avoid losing its accreditation.<sup>73</sup>

As one Texas newspaper observed, "The University of Mississippi escaped by a whisker the loss of her academic prestige and accreditation" but now had to "walk a tightrope of admonition." A relieved Chancellor Williams recognized how fortunate he and his university had been. After the vote, he expressed his deep gratitude for the "expression of understand-

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<sup>72</sup> Stanford Statement, 170; Allen, "A History of the Commission on Colleges," 195-96.

<sup>73</sup> *Memphis Commercial Appeal*, November 27, 1962 (first quotation); Minutes of the Commission on Colleges, in SACS *Proceedings*, November 26-29, 1962, 171-72 (second, third, and fourth quotations); *Jackson Daily News*, November 29, 1962; *Dallas Morning Herald*, November 29, 1962; *Newsweek*, December 12, 1962, 87.

ing and support” by the accrediting group. Judging the action “helpful and appropriate” because it looked to the future, Williams declared, “Now is not the time for recrimination, for vindictive commentary, or criticism.” Feeling “like a football coach who has had a bad season,” the optimistic chancellor hoped to avoid retribution within the state and



Image courtesy Mississippi Department of Archives and History

*The aftermath of the riot at Ole Miss.*

to concentrate instead on the improvement of the state’s colleges and universities. SACS’s decision also pleased many faculty and other administrators at the university. By avoiding sanctions by the regional accrediting authority, the university retained some status and authority in the academic world.<sup>74</sup>

All white Mississippians, however, did not share an appreciation for SACS. Even before the vote in Dallas, the fervid *Quitman County Democrat* had blasted SACS as part of a conspiracy with the *New York Times*, the Rockefeller Foundation, and the Council of Foreign Relations

<sup>74</sup> *Houston (Texas) Chronicle*, November 29, 1962 (first and second quotations); *Jackson Daily News*, November 29, 1962 (third, fourth, and fifth quotations); *Newsweek*, December 12, 1962, 87 (sixth quotation); *Memphis Commercial Appeal*, November 29, 1962; J.D. Williams to Faculty, November 28, 1962, in University Files; *National Observer*, December 3, 1962.

to create “a world wide socialist super state.” In the Jackson newspapers, Tom Ethridge endorsed a proposal that all southern schools resign from SACS, while Charles M. Hills quoted approvingly a bill in the legislature that proposed that the state “would be infinitely better off to sever forever” all ties to SACS. Judge M.M. McGowan thought SACS wanted his state “to turn our principles and morality wrong side out” and to “take up our hammer and sickle and follow them.” SACS’s critics understood integration, socialism, and communism to be all parts of the same program to destroy the southern way of life; anyone who in any way condoned the integration of the university, therefore, participated in the vast conspiracy against white Mississippi. They received important support from one of the state’s major political leaders.<sup>75</sup>

After the vote in Dallas, Senator Eastland railed against SACS. Tossing aside his speech prepared for the state Soil Conservation Society “to talk some Americanism,” Eastland urged Mississippians to ignore SACS and not to worry about accreditation. He condemned the “arrogant and high-minded” SACS for “covering up Marxism in the colleges” and trying to “blackmail this state.” Referring to SACS as a labor union, Eastland believed that SACS wanted colleges to be “at the mercy of left wing, Marxist college professors” and called professors “little Caesars.” According to the senator, SACS’s actions against the university sought to deprive the state of its sovereignty and to prevent Mississippians from running their own colleges the way they wanted. When asked by a newsman, SACS Chairman Henry King Stanford denied his organization was a labor union and pointed out that institutions, not individual professors, belonged to SACS. Regarding Eastland’s charges of Marxism and blackmail, Stanford called the allegations “too absurd to comment on.”<sup>76</sup>

While SACS considered the university status, other academic groups also watched events in Mississippi. The American Council on Education had unanimously passed a resolution criticizing the “shocking invasion of political power” into the university. Six weeks later, without mention-

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<sup>75</sup> *Quitman County Democrat*, November 15, 1962, quoted in Allen, “A History of the Commission on Colleges,” 199-200 (first quotation); *Jackson Clarion-Ledger*, November 16 and December 22 (second quotation); *Jackson Daily News*, November 27, 1962 (third and fourth quotations). See also *Meridian Star*, November 27, 1962.

<sup>76</sup> *Birmingham News*, December 1, 1962 (first and seventh quotations); *Memphis Commercial Appeal*, December 1, 1962 (second quotation); *Meridian Star*, December 1, 1962 (third quotation); *New Orleans Times-Picayune*, December 1, 1962 (fourth, fifth, and sixth quotation).

ing the University of Mississippi, the Association of State Universities and Land Grant Colleges also adopted a resolution opposing political interference. The national AAUP maintained contacts with people at the university because it wanted assurances that academic freedom had not been abridged.

The last major academic inquiry into the situation in Oxford came from the Association of American Law Schools (AALS).<sup>77</sup> Immediately after the riot, the AALS called for Mississippians to restore law, order, and justice. Some of the AALS’s 110 members expressed concern for academic freedom at the university’s law school, but their respect for Dean Robert Farley and for his actions in the wake of the riot made them hesitant to interfere. Not only had Farley signed the AAUP statement that denied the marshals had caused the riot, but a week later the dean and six of his law school colleagues privately expressed to Chancellor Williams their dismay that the university had not expelled students involved in the rioting because the failure contributed to a “disrespect for law.” The law professors also called on Williams to maintain order on the campus. More publicly, Farley told a gathering of 200 students that anyone who participated in the rioting ought to be expelled because, as he said, “Southern gentlemen do not act in such a manner.” He also blamed Barnett’s “political interference” for the possible disaccreditation of the university and the law school, and he warned the students that the loss of accreditation threatened their futures.<sup>78</sup>

In a speech to the Missouri Bar Association, Farley extended his criticisms. He blamed Mississippians for failing to “control their own situation. We failed to maintain order” and had allowed “professional

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<sup>77</sup> *Jackson Clarion-Ledger*, October 6 (quotation) and November 16, 1962. See also the Papers of the American Association of University Professors, Washington D.C., for correspondence with university faculty and others.

<sup>78</sup> Samuel D. Thurman to John F. Kennedy, October 3, 1962; William B. Lockhart to Samuel D. Thurman, October 30, 1962; Wex S. Malone to Samuel D. Thurman, November 2, 1962; Jefferson B. Fordham to Samuel D. Thurman, November 5, 1962; Samuel D. Thurman to Jefferson B. Fordham, November 9, 1962; Vernon X. Miller to William B. Lockhart, November 9, 1962; Samuel D. Thurman to Robert J. Farley, November 19, 1962; John G. Hervey to Samuel D. Thurman, December 19, 1962, all in Papers of AALS Archives, University of Illinois, Urbana, Illinois; Resolution of the University of Mississippi AAUP, October 3, 1962, in Race Relations file, Archives and Special Collections, J.D. Williams Library; John W. Fox, J.W. Bunkley, Hector Currie, D.B. Custy, R.J. Farley, Robert K. Rushing, and Roscoe [?] to J.D. Williams, October 9, 1962, in University Files (first quotation); *Jackson Clarion-Ledger*, October 11, 1962 (second and third quotations).

mobsters” from other states to cause the riot. Though he had from their law school days considered Ross Barnett a personal friend, he charged that the governor had “let himself become dominated by the White Citizens Councils” and that Barnett seemed to think a little violence would have dissuaded Meredith from entering the university. In a more general way, the law dean declared that some lawyers had violated their professional ethics by refusing to defend the courts against criticism and for contributing to an atmosphere in the state that called for defiance. But Farley went further than allotting responsibility for the riot. He simply declared that “we all knew he [James Meredith] had a perfect right to enroll.”<sup>79</sup>

Back in his home state, Farley’s critics retaliated. The chairman of the House Ways and Means Committee, Charles Jacobs of Bolivar County, denounced Farley as a “fuzzy-thinking” supporter of the Kennedys who had “advocated integration and surrender many years ago.” A Jackson woman suggested that Farley was one of the educators trying to “brainwash our children to prepare them for a socialized, welfare state” and that he sided with the “Communists and their dupes” trying to take over the country. Appalled by Farley’s idea that Meredith had a right to enter the university, newspaper columnist Tom Ethridge wrote that Farley’s “position seems to suggest that might makes right—that judicial usurpation, NAACP pressure, federal bayonets and clouds of tear gas can legally replace a University’s judgment as to individual qualifications for enrollment.” At the same time, the columnist noted, Farley had not protested the federal government’s “unconstitutional actions.” Farley also received threatening phone calls and letters. In the face of the attacks on the dean, two legal fraternities at the university defended him. They denounced the violent threats, rejected the criticisms as “unjustified, arbitrary, and unfounded,” and reemphasized their confidence in Farley’s “integrity and sincerity.”<sup>80</sup>

Under siege in Mississippi, Farley responded to the AALS by suggesting that it send a representative to determine conditions on the

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<sup>79</sup> *St. Louis Post-Dispatch*, October 12, 1962 (all quotations); *New Orleans States Item*, October 12, 1962; *Memphis Commercial Appeal*, October 13, 1962; *Jackson Clarion-Ledger*, October 13, 1962;

<sup>80</sup> *Jackson Clarion-Ledger*, October 16 (first and second quotations), 17 (fifth and sixth quotations), 18 (third and fourth quotations), and 20, 1962; Joint Resolution of Phi Alpha Delta and Phi Delta Phi [October 19, 1962], in University Files.

campus. As a result, the dean of the University of Illinois law school visited the campus in early December and found the law school had done “almost everything” it could to protect its integrity during the crisis. At its regular meeting later in December, the AALS executive committee expressed serious worry that a law school could not function properly where law and order were not respected and academic freedom not protected. Though it took no action against the law school, it did warn that the absence of “tranquility, academic freedom, and institutional responsibility” could lead to the AALS’s suspension of the law school.<sup>81</sup> Just as the university survived a challenge to its accreditation, the law school escaped sanctions by the AALS.

After all the public debates, investigations, lawsuits, hearings, and trials following the riot at the university, nobody paid a fine or damages and nobody served a jail sentence. Neither side in the battle for men’s minds convinced the other of its culpability. Segregationists remained defiant in their defense of Governor Barnett and refused to accept any responsibility for the campus disorder. Supporters of James Meredith, advocates of integration, and defenders of the Kennedy administration continued to blame Barnett and his allies, and they dominated national perceptions that Mississippi’s white leaders had caused the crisis.

At the same time, in the national culture, Ole Miss soon symbolized white supremacy, segregation, and states’ rights. Popular music propagated its reputation for retrograde racial and political attitudes and for racial violence. In 1963 the Chad Mitchell Trio’s “Alma Mater” helped solidify the negative image. Sung partly to the tune of “America the Beautiful,” the satirical reminiscences of Ole Miss alums included “the rich wonderful experiences,” the “shining moments of our youth” that included the “teargas raids, the Army tanks, those riots after class.” The song skewered the school proud of its Miss Americas by recalling, “My girl was only seventeen, when she was chosen riot queen.” Nostalgic for “hand grenades” and the “effigies we burned,” it closed with a touching “God bless thee, Ross Barnett.” The same year Bob Dylan’s “Oxford Town” mourned the dark place where “the sun don’t shine above the ground” and where a man could not enter a door “because of the

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<sup>81</sup> Robert J. Farley to Samuel D. Thurman, November 30, 1962; Robert M. Sullivan to Samuel D. Thurman, December 11, 1962 (first quotation); Minutes of the Executive Committee, December 27, 1962 (second quotation), all in Papers of AALS Archives; *Mississippian*, December 18, 1962; *Oxford Eagle*, December 20, 1962.

color of his skin." Dylan sang, "Guns and clubs followed him down / All because his face was brown." Remembering that two men died, Dylan in sorrow warned, "Better get away from Oxford Town." In the wake of 1962, Oxford and Ole Miss became national pariahs.<sup>82</sup>

A former Ole Miss professor also offered a stinging analysis of the "confrontation at Ole Miss." William T. Doherty, born and educated in Missouri, served as history department chairman until 1963 when he moved to West Virginia University. In 1973 he excoriated the moral failure of participants in 1962 and, in passing, also damned "bland journalists and historians" who excused them by viewing events in terms of politics and not morality. Though he even chided James Meredith for "undue individualism" and ignorance of the larger civil rights movement, Doherty acknowledged that he "did nothing immoral" and had given a "heroic solo performance." The historian reserved his harshest judgments for state and national leaders. He blamed the naive Kennedys for failing to understand the state, its leaders, and the political pressures on the university. Doherty damned the "daffy" state legislature, the "fascistic" Citizens' Council, and the duplicitous, political Barnett who chose "brinkmanship" instead of "statesmanship." At the same time he criticized the "academic Pilates" and "educational eunuchs" who demonstrated "moral obtuseness" and cowardice by not defending academic freedom, the rule of law, and Meredith's right to admission. Doherty concluded that "all participants ... were morally fried in the Ole Miss holocaust of 1962." Everyone paid a price for the state's defiance.<sup>83</sup>

In the longer term, however, historians have more temperately agreed that responsibility rested with Governor Barnett and other state leaders.<sup>84</sup> Despite the immediate controversy and the later historical verdicts, one prescient observer understood in October 1962 "that the university

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<sup>82</sup> "Alma Mater," words and music by Michael McWhinney and Jerry Powell, 1963, Alley Music Corporation and Trio Music Company; "Oxford Town," words and music by Bob Dylan, 1963, Special Rider Music. "Alma Mater" parodied the 1958 hit "We'll Have These Moments to Remember."

<sup>83</sup> William T. Doherty, "Confrontation at Ole Miss: A Southern Political Barbecue, 1962," *North Dakota Quarterly* 41(1973):5-36.

<sup>84</sup> For examples of the assessments of historians, see Taylor Branch, *Parting the Waters: America in the King Years, 1954-63* (New York: Simon and Schuster, 1988), 633-72; John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois, 1994), 138-42; Nick Bryant, *The Bystander: John F. Kennedy and the Struggle for Black Equality* (New York: Basic, 2006), 329-56.

has been damaged brutally, that its reputation is so besmirched it will take years to banish the stain of bloodshed on the campus.”<sup>85</sup>

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<sup>85</sup> *Baltimore Sun*, October 12, 1962.

