

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

No. 150

THE ASSOCIATED PRESS, PETITIONER,

vs.

EDWIN A. WALKER.

I N D E X

Original Print

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DEFENDANT'S EXHIBIT 6

This Court having on September 25, 1962 issued orders requiring Ross R. Barnett to appear before this Court today at 10:00 a.m., to show cause, if any he has, why he should not be held in civil contempt of the temporary restraining orders entered in this action on September 25, 1962, and Ross R. Barnett having been given notice of the orders to show cause, and it having been regularly called on the calendar for hearing at 10:00 a.m., this day, and Ross R. Barnett having failed to appear or respond in person or by counsel, and having failed to deny the factual statements contained in the verified application of the United States, and of the appellant and

The Court having heard and received evidence on behalf of the United States and of the appellant, and having deliberated and considered the legal issues involved, now renders its Findings of Fact and Conclusions of Law and Judgment as follows:

FINDINGS OF FACT

1. Since this Court entered into its order of July 28, 1962, and the District Court for the Southern District [fol. 774] Mississippi entered its order on September 13, 1962, requiring the admission of James H. Meredith to the University of Mississippi, Ross R. Barnett, as Governor of the State of Mississippi, has issued a series of proclamations calling upon all officials of the state to prevent and obstruct the carrying out of the Court's orders with respect to the admission of James H. Meredith to the University. Two of these proclamations were issued by Ross R. Barnett on September 24 and September 25, 1962.

2. On September 25, 1962, this Court entered its temporary restraining orders restraining Ross R. Barnett from interfering with or obstructing in any manner or by any means the enjoyment of rights or the performance of obligations under this Court's order of July 28, 1962 and the order of the District Court of September 13, 1962.

3. At approximately 4:30 p.m., on September 25, 1962, Ross R. Barnett, having full knowledge of the existence and terms of this Court's temporary restraining orders, went to the office of the Board of Trustees of Institutions of Higher Learning in Jackson, Mississippi at a time when James H. Meredith was due to appear at the office and be enrolled as a student in the University of Mississippi, pursuant to the order of this Court. When James H. Meredith arrived at the office and sought to enter for the purpose of enrolling, Ross R. Barnett deliberately prevented him from [fol. 775] entering and told him that his application for enrollment was denied by Ross R. Barnett.

4. On September 26, 1962, James H. Meredith sought to enter the campus of the University of Mississippi, in Oxford, Mississippi. He was prevented from entering by Paul B. Johnson, Jr., Lieutenant Governor of the State of Mississippi, acting pursuant to the instructions and under the authorization of Ross R. Barnett.

5. The conduct of Ross R. Barnett in preventing James H. Meredith from enrolling as a student in the University of Mississippi has been with the deliberate and announced purpose of preventing compliance with the orders of this and other federal courts.

CONCLUSIONS OF LAW

1. This Court has jurisdiction of the person of Ross R. Barnett.

2. Ross R. Barnett is in contempt of the temporary restraining orders entered by this Court on September 25, 1962.

JUDGMENT OF CIVIL CONTEMPT

Upon the foregoing findings of fact and conclusions of law:

IT IS ORDERED, ADJUDGED AND DECREED THAT:

Ross R. Barnett is in civil contempt of the temporary restraining orders of this Court entered September 25, [fol. 776] 1962; that such contempt is continuing; and that Ross R. Barnett shall be committed to and remain in the custody of the Attorney General of the United States and shall pay a fine to the United States of \$10,000. per day unless on or before Tuesday, October 2nd, 1962, at 11:00 a.m. he shows to this Court that he is fully complying with the terms of the restraining orders, and that he has notified all law enforcement officers and all other officers under his jurisdiction or command:

(a) To cease forthwith all resistance to and interference with the orders of this Court and the District Court for the Southern District of Mississippi;

(b) To maintain law and order at and around the University and to cooperate with the officers and agents of this Court and of the United States in the execution of the orders of this Court and of the District Court for the Southern District of Mississippi to the end that James H. Meredith be permitted to register and remain as a student at the University of Mississippi under the same conditions as apply to all other students.

Nothing herein shall prevent a later assertion of a charge of criminal contempt against Respondent.

Jurisdiction is hereby reserved for such other and further orders as may be appropriate.

Judges Jones, Gewin and Bell dissent from that portion [fol. 777] of the judgment imposing a fine upon the Respondent.

[fol. 778] Filed in the Court of Appeals on September 28, 1962.

By Mr. Gooch:

Q. Now, General Walker, prior to your going to Jackson, Mississippi, prior to September 30, 1962,—and to back up a moment, what was the date that you actually went to Jackson, Mississippi, from Dallas?

A. September 29th.

Q. 29th. Prior to September 29th had you held press conferences at any place or places in which you expressed yourself concerning the Oxford, Mississippi, incident?

A. I had held press conferences the previous week with respect to the sovereignty as a state and objections to Military forces being used in the state.

Q. All right. I am not sure that you mentioned this in your deposition or in answer to questions on direct examination, but did you issue a report or a news release to be carried on Party Line over station KWKH, Shreveport, Louisiana? On Wednesday, September 26, 1962, at about 7:30 p. m.

A. I think that is the date. It is in the deposition.

Q. That is right.

A. I can verify it, and my attorney.

Q. I will hand you what has been marked as Defendant's [fol. 779] Exhibit 2 to your deposition at the time it was taken. Has a notation, "Station KWKH, Shreveport, Louisiana, Party Line, Wednesday, September 26, 1962, at about 7:30 p. m., by Ted Walker."

Mr. Watts: No objection.

By Mr. Gooch:

Q. Now, do you identify, or can you identify—I better mark this as Defendant's Exhibit 7. Excuse me, General.

A. All right.

Q. Defendant's Exhibit 7.

(The instrument above-referred to was marked Defendant's Exhibit 7.)

I hand you what has been marked as Defendant's Exhibit 7 and ask you if you will identify that as the news release that you gave over the Shreveport station on September 26, 1962?

A. That is identified.

Mr. Gooch: I will read Exhibit 7.

The Court: Are you offering it, Counsel?

Mr. Gooch: I am offering it.

The Court: It is admitted.

Mr. Gooch: Excuse me, I am sorry.

DEFENDANT'S EXHIBIT 7

"It is time to move. We have talked, listened and been pushed around far too much by the anti-Christ Supreme Court. Rise to a stand beside Governor Ross Barnett at [fol. 780] Jackson, Mississippi. Now is the time to be heard. Ten thousand strong from every state in the Union. Rally to the cause of freedom. The battle cry of the Republic. Barnett, yes, Castro, no. Bring your flags, your tents and your skillets. It is time. Now or never. The time is when and if the President of the United States commits or uses any troops, Federal or State, in Mississippi. The last time in such a situation I was on the wrong side. That was in Little Rock, Arkansas, in 1957, and 1958. This time I am out of uniform and I am on the right side and I will be there."

Now, General, is that the speech you delivered from that radio station at that time?

A. It certainly is.

By Mr. Gooch:

Q. Now, at that time, that being September 26, 1962—so, apparently, from that statement, particularly the last four words, you had made up your mind then to go to Mississippi, had you not?

A. Yes, sir, I had if and when troops were used.

Q. Well, now, let's pause right there. There were no troops used until after the Marshals had been attacked on the campus of the University of Mississippi on the night of September 30; is that correct?

A. The troops had been committed.

[fol. 781] Q. Now, do you know of the commitment of those troops, General?

A. Yes, I do.

Q. Do you have any troop commitment on that?

A. Yes, sir. I think you will find press reports in the newspapers of the 29th that said the President was committing troops. I believe there was much discussion about it, on the commitment of troops for a week.

Q. I believe it was September 30, to be exact. I am trying to ask you if you knew about the commitment of troops at that time? No, that wasn't what I asked you.

A. Well, I didn't say that. That there was a commitment of troops. I said that I was told if and when troops were going to be used—I didn't know they were going to use them, the troops now.

Q. The question was my error entirely. You did commit yourself to go, but you say it was a conditional commission, to go only if and when troops were used?

A. Additional commission—that was the only commission. I was only going if and when troops were used.

Q. You knew at the time you went on the campus that night that there were no troops on the campus, didn't you?

A. I had no way of knowing it.

[fol. 782] Q. After you got to the campus you knew the troops were not there, didn't you?

A. I didn't see any at the time I got on the campus.

Q. Did you make any inquiry to see whether or not there were any troops there or not, General?

A. I listened to the conversations with respect to whether there were any troops on the campus, and asked questions about whether or not troops were on the campus. Yes, I did query about it, whether they had seen any troops on the campus.

Q. What was the answer to the query?

A. I didn't find anybody that had seen any.

Q. As a matter of fact, the troops didn't come in until after the Marshals had become beleaguered, isn't that correct?

A. Mr. Gooch, I cannot answer that question unless you have some definite proof that there was no soldiers on the campus. In my opinion, there is bound to have been some soldiers on the campus. I was at Little Rock and I know what happened. And I know you can't just tell troops, go somewhere, and have them there for yourself.

Q. Well, in your deposition, I can't get the page and number now, but I can if necessary, you stated you were still on the campus that night after you had made the [fol. 783] speech, when you observed an Army convoy of troops coming onto the campus?

A. Yes, sir, I saw a convoy come on the campus.

Q. Had you seen or heard of any troops being on the campus prior to the time you observed them coming on there?

A. No, I hadn't but I had heard of them fifteen miles from Oxford, and they were setting up bases all across Tennessee. In Memphis it was already in the press that it had been discussed for days. It told about troops all in Tennessee, and they had told about—before I went on the campus they had—there was word before I even left Jackson that a Military installation was being set up fifteen miles north of Oxford. Perfectly obvious nobody was moving fifteen miles north of Jackson if they were not coming on the campus. They were already being used in Mississippi at that point.

Q. I wish you would get your copy, if you can find it, of any commitment orders on the use of those troops.

A. That is not necessary. When the troops are used there is an order. Corporals don't go off by themselves, sir. Somebody is directing them to.

Q. Now, did you issue a news report on or about September 27 from your residence in Dallas in which you

[fol. 784] appeared before a TV cameraman and made a statement of similar import to the one that you had made over Party Line the previous evening, and in connection with that TV interview answer a question or two before the TV cameras were shut off?

A. May I have it, sir?

Q. Let me see if I can find it. I don't have it, you didn't furnish it. I have what purports to be one which I will let you see. This is my copy. It is what I have been told is the speech you made. I don't know whether you made it or not.

A. I thought everything went in the deposition. Is there a copy of this?

Q. You didn't furnish that, General.

A. Oh. I recognize it as portions of this statement I made some time, and I think the first part of it has been furnished in the deposition. The others are questions and answers by the reporter, but I don't think I have any particular record of it.

Q. Well, would you say that you did or did not make the answers to those questions asked, the questions asked and the answers given? Or would you need the refreshment of your memory?

A. Well, this has got dots in it and dashes and so forth. This is the way the press does you. They may fill it in [fol. 785] or they haven't filled it in, or you have taken it out of context. "This is the cause of freedom," and then they have got a bunch of dots in here. What does that say? "This is for America."

Q. It is supposed to be a quote from you. I don't know. A pause, I suppose.

A. I can't verify this as my exact statement or wording or a quote from me.

Mr. Gooch: If the Court please—

A. I think that the initial statement that I made covers the point and I am perfectly willing to release that to you.

Mr. Gooch: Well, in order to ask the question in connection with the interview which I have determined from my investigation occurred on September 27, 1962, the voice asked you in front of the TV camera, "General, if the forces go . . ."

Mr. Andress: Judge—just a moment. He has already testified he can't identify this, can't remember it. Such being the case, we don't think it is proper to repeat it.

The Court: Sustained.

Mr. Gooch: If the Court please, at this time we would like to bring in the TV camera and the operator to show [fol. 786] the film for the refreshment of his memory.

The Court: Ladies and Gentlemen, it will take a little time.

The Witness: May I say this, Your Honor?

The Court: Yes, sir.

The Witness: It may save a lot of trouble. It doesn't make much difference.

Mr. Gooch: No, I think we will just go to the trouble.

Mr. Watts: Go ahead, let's do it.

The Court: Will it take a few minutes to set it up?

Mr. Watts: I might suggest we might return to that later, Your Honor, we may draw a ring around this until the recess. We can set it up at the recess.

Mr. Gooch: We would like to do it now.

The Court: I don't want to try to control his method of offering his proof.

Mr. Watts: I don't want to either.

The Witness: May I solve this very simply, Your Honor?

Mr. Watts: No, he wants to show the news release anyway.

The Court: Move into the Jury room, and we will call you when the camera is set up.

[fol. 787] (During the recess, a projector and screen were set up in the courtroom, the jury returned to the courtroom, said film was run and following is a transcript of the sound portion of said film.)

General Walker: We have talked, listened and been pushed around far too much by the anti-Christ Supreme Court.

“The battle-cry of the Republic, Barnett, yes, Castro, no.”

Bring your flag, your tent and your skillet. It's now or never. The time is when and if the President of the United States commits or uses any troops, Federal or State, in Mississippi. The time is when they decide, if they do, to use troops in the State of Mississippi against the State Sovereignty and the Governor of the State.

The last time in such a situation, I was on the wrong side. That was in Little Rock, Arkansas, in 1957, and '8. This time, out of uniform, I am on the right side. And I will be there.

Unidentified Voice: General, if forces go, will you lead this force?

General Walker: This is a cause for freedom. This is Americans', patriotic Americans' from all over the nation. It is a movement for Freedom. And I will be there. [fol. 788] Rise to a stand beside Governor Ross Barnett at Jackson, Mississippi. Now is the time to be heard. Thousands strong from every state in the union. Rally to the cause of freedom.

* * *

The Court: Turn on the lights, please.

Do you have any more at this time, Mr. Gooch?

Mr. Gooch: Yes, sir, I do.

I would like now to have this marked for identification as Defendant's Exhibit 8.

By Mr. Gooch:

Q. I hand you what's been marked as Defendant's Exhibit 8, which purports to be an address, or a press release, from Mississippi, Saturday, September 29th, at about 5:00 p.m.

It states on here, "From Jackson, from the residence of Dr. Ney Williams."

This was furnished as Defendant's Exhibit 4, to your deposition and I will ask you if this is the release that you gave at the Sun & Sands Motel in Jackson.

A. This is on the 29th?

Q. Yes, sir.

A. Yes, sir.

Q. Now in connection with that news release and the text, were you asked any questions while you were in front of the TV camera?

[fol. 789] A. I don't recall definitely. I have—I may have been, one or two. But I cut it very short because we were sort of—the camera, the press man I thought was taking advantage of me and I walked out in the next hallway to get out from under the cameras and grouped around another group of press people and discussed further, other questions with them.

Mr. Gooch: We offer in evidence at this time Defendant's Exhibit 8.

The Court: It's admitted.

DEFENDANT'S EXHIBIT 8

Mr. Gooch: Statement from General Walker from the Sun & Sands Motel at Jackson, Mississippi, September 29, 1962.

"I am in Mississippi—beside Governor Ross Barnett.

"I call for a national protest against the conspiracy from within.

"Rally to the cause of Freedom in righteous indignation, violent vocal protest and bitter silence under the Flag of Mississippi at the use of Federal troops.

"This today is a disgrace to the Nation in 'Dire Peril'—a disgrace beyond the capacity of anyone except its enemies. This is the conspiracy of the crucifixion by the anti-Christ conspirators of the Supreme Court in their denial of prayer and their betrayal of a nation."

[fol. 790] Now will you run the tape, please, sir.

The Court: Put the lights out.

(A tape was run and following is a transcript of the sound portion of said tape.)

Unidentified Voice: You are the speaker, sir. Would you like to read your statement?

General Walker: This is Edwin A. Walker. I am in Mississippi, beside Governor Ross Barnett.

I call for a national protest against the conspiracy from within.

Rally to the cause of Freedom, in righteous indignation, violent vocal protest and bitter silence under the flag of Mississippi at the use of Federal troops.

This today is a disgrace to the nation in dire peril—a disgrace beyond the capacity of anyone except its enemies. This is the conspiracy of the crucifixion by the anti-Christ conspirators of the Supreme Court in their denial of prayer and their betrayal of a nation.

Unidentified Voice: Sir, have you been in contact with Governor Barnett?

General Walker: I have been in contact with his office.

Unidentified Voice: Do you hope to see him while you [fol. 791] are here in Jackson?

General Walker: I certainly do. Thank you very much. And I am very happy to have been with you.

Unidentified Voice: Sir, can you tell us what your plans are, specifically?

(No response.)

Will you tell us what your plans are specifically, sir?

(No response.)

(Remainder of voice inaudible.)

* * *

Mr. Watts: Do you have another one to show?

Mr. Cravens: We have another one to show but not right at this minute.

Mr. Gooch: We would like at this time to introduce in evidence the films that have just been shown to the jury.

Mr. Watts: No objection.

Mr. Address: No objection.

The Court: They are both admitted. Are they both on one reel?

Mr. Cravens: No.

The Court: Separate reels?

All right, we will mark them 9 and 10.

Mr. Gooch: The one from Dallas will be 9 and the one [fol. 792] from Jackson will be 10.

(Thereupon, Defendant's Exhibits 9 and 10, were marked for identification.)

By Mr. Gooch:

Q. Now, General Walker, did you make a third appearance before a press conference, a fourth, rather, after you arrived at Oxford?

I believe you stated that you made one along about 4:45 or 5:00 o'clock, on the afternoon of September 30, 1962?

A. Yes, sir.

Q. Do you have a copy of that script?

A. I believe it's in the deposition, both attorneys have it.

Q. Well, I have one here that was marked Defendant's Exhibit 6, to your deposition and we never were for sure whether or not this is the one you used or one that you called back to Dallas.

I believe you testified that you did use that script at Oxford, I'm not sure.

[fol. 793] A. I believe we testified in the deposition, and as far as I remember this is the script that was used on the 29th, in the afternoon at 5:00 o'clock, as you stated, yes, sir.

Q. At Oxford?

A. At Oxford, and I think it was also called back to Dallas.

Q. Will you please—

Mr. Watts: Is that the 29th? Let's see.

The Witness: That is dated—

Mr. Watts: Couldn't have been in Oxford—

The Witness: No, no, wait a minute. Friday, September 30th.

Mr. Watts: That's right. We have no objection to it. I just wanted to get the date and everything straight.

Mr. Gooch: That is not my writing, that is somebody else's writing.

Mr. Watts: I just wanted to keep it straight.

A. Called back from Oxford. This reminds me, this was called back from Oxford, as marked on here, about 9:00 o'clock in the morning.

Mr. Watts: What date?

The Witness: Friday.

Mr. Watts: What date?

[fol. 794] The Witness: September 30th. Called back to my office in Dallas.

Mr. Gooch: Mark that as Defendant's Exhibit 11.

The Court: Are you offering it?

Mr. Gooch: Yes, sir.

The Court: It is admitted.

(Document marked Defendant's Exhibit 11 by the Court Reporter.)

By Mr. Gooch:

Q. General Walker, I hand you what has been identified as Defendant's Exhibit 11, and do you identify the words used on Defendant's Exhibit 11 as the statement that you made to the press in the courtyard of the Ole Miss Hotel along late in the afternoon of September 30, 1962?

A. Unless you can remind me of something better, well, this is the best of my memory.

Q. I have nothing to remind you with except I understood you to say in your deposition that was what you said.

A. I said in my deposition I think this is it. I know these are my words and this was released to the press.

Q. At the top of the page, "On to Mississippi." "As the forces of the New Frontier assemble to the north, let history be witness to the courage and determination that calls [fol. 795] us to Oxford to support a courageous Governor. His lawful stand for state sovereignty is supported by thousands of people beyond the state borders, now on their way to join you at Oxford."

Now, General, I believe the chronology indicates that your first of these releases in which you spoke of "... your flag, your tent and your skillet," was released from Shreveport on September 26, 1962?

A. Yes, sir.

Q. Was that a live broadcast or had you previously sent the word into the station, was it telephonic or just how did you get it over there?

A. I don't remember. I telephoned the statement in. It probably went on the air right at the time I telephoned in.

Q. Did you get any response from that broadcast?

A. I am sure there were telephone calls with regard to that broadcast.

Q. Going a step further, I—to the next night in Dallas, when you uttered a statement of similar import relative to flags, tents and skillets, and using the terminology, "Bring your flag, your tent and your skillet," and calling for ten thousand from each state, did you get any response at your home in Dallas?

A. Yes, I did.

[fol. 796] Q. I believe you testified in your deposition, did you not, that the 'phone calls were backed up six or eight deep and for hours, in response to your pleas?

A. That is a general statement. That is correct.

Q. All right. Did that indicate to you that your plea and statement had been heard for considerable length and breadth of the land?

A. I don't know where these were released, sir.

Q. Checking back with your deposition, we can find the pages, I believe you stated you got calls from California,

Ohio and Florida as a result of these press releases, did you?

A. I had calls from different parts of the country, yes, sir.

Q. Indicating they had heard the broadcast?

A. They had in many areas of the country.

Q. And offering their services, is that correct?

A. Discussing whether they were coming or weren't coming.

Q. General Walker, you furnished us to the deposition a tape which has been identified as Exhibit 5 to the deposition. We asked the Court Reporter, Mr. Frank Nuss, to play the tape over and write out on paper what the tape says. Now, we have that tape and we will submit the transcript to your counsel and to you. If you think that [fol. 797] is accurate we will read that into the record rather than play the tape, but at your pleasure.

[fol. 798] Mr. Watts: Could we identify this as to time and place?

Mr. Gooch: It was his Exhibit 5.

Mr. Watts: Where was it supposed to have come from?

(Sotto voce discussion of counsel.)

Mr. Gooch: We asked him on his deposition if he had any other statements.

Mr. Watts: This purports to be a telephone interview?

Mr. Gooch: It is a tape record. I assume it is an interview on a radio station. He said it was.

Mr. Watts: I think we can probably agree on that. Can I confer with him on that just a minute?

Mr. Gooch: Sure.

Mr. Watts: And save a lot of time here.

(Sotto voce discussion of Plaintiff and Plaintiff's Counsel.)

Mr. Watts: No objections.

Mr. Gooch: I believe, according to this caption on this other copy I have, it says radio interview, WNOE, Friday, September 28, 1962, General Edwin Walker.

The Witness: Sir, I believe that tape came from WNOE. That was what it was. And when it was taken in the [fol. 799] deposition,—this was taken by the reporter?

By Mr. Gooch:

Q. No, General, to be accurate we asked you on the deposition if you had any more and you later sent this one in.

A. Right, and we stated on the deposition this was given at a certain time, and later when I went home and listened to it I told in the report it was given at an earlier time, I believe it was, or vice versa, I don't know which. But, this tape came—the only thing I know about WNOE, which is down in New Orleans—the only thing I know about WNOE, it has got “radio interview, WNOE.” The only thing I know about that is that I found this tape with somebody on that station, and they mailed it to me and it was put into the record at the time of the deposition.

Q. All right. And, that is the September 28th interview that you had with Station WNOE, is that correct?

A. Not necessarily, sir. I don't know that. That tape could have been gotten anywhere by any reporter being anywhere, or taking it off a news release. You can tape tonight off your own radio. I don't know how they got it, but it came to me from WNOE.

Mr. Watts: To simplify the thing, we will be prepared to admit this statement was given to him on some radio station on the 28th. Won't that do it?

[fol. 800] Mr. Gooch: That is all I am trying to prove.

Mr. Watts: Save a lot of time.

Mr. Gooch: That will do it.

The Court: What is that number, Mr. Gooch?

Mr. Gooch: That will be Defendant's Exhibit 12.

The Court: Defendant's Exhibit 12, and you are offering it?

Mr. Gooch: Yes, sir.

The Court: It is admitted.

(Transcript of tape marked Defendant's Exhibit 12 and read as follows, by Mr. Gooch:)

DEFENDANT'S EXHIBIT 12

"Interviewer: General Walker, do you still intend to follow through with your plans to go to Mississippi after the Government warning today, supposedly that you will be held in contempt?"

"General Walker: I plan to go to Mississippi as I had intended if and when Federal troops are used in Mississippi. I do not feel that there is any constitutional law that prevents a citizen moving from state to state or place to place as he sees fit, and there are hundreds of causes moving to Mississippi, or that are reflecting their attitudes in Mississippi, and I am only a small part of this movement, and I intend to be there if and when the decision is made to use Federal troops there.

[fol. 801] "Interviewer: Well, do you personally, sir, believe that that order will be given by Attorney General Robert Kennedy?"

"General Walker: I would hope that they certainly do not use Federal troops as it was a catastrophe when they did it before in 1957 and '58 in Little Rock. It was unconstitutional then, as several Governors had pointed out, and also many members of the Bar, and they should read the Constitution more carefully and they would recognize this is unconstitutional. There is no law that requires integration.

"Interviewer: Well, now, sir, what do you think the repercussions would be if these Federal troops are sent to Oxford and, as a matter of fact, the State of Mississippi?"

"General Walker: I am not sure. It depends on what their mission is and what they are supposed to do and how they carry out their mission, and what the intents are after they get to Mississippi. I would say it certainly is obvious now that the cause of State rights extends far beyond Mississippi, and practically every state of the Union is recognizing the importance of the sovereignty of the

state, and that is very much involved, greatly involved, in [fol. 802] this issue.

“Interviewer: Sir, what has been the general reaction to your plans of going to Mississippi with groups of citizens? I am sure you have heard from quite a few people throughout the United States.

“General Walker: We are just utterly swamped here with telephone calls and offers of help and assistance and notifications that people are moving to Mississippi and that they want to assist in every way possible; that they are opposed to what the administration is doing in opposing the Governor in Mississippi. I can assure you that the telephones shall never stop ringing. Calls are backed up six and eight deep. People are telling me it's taking four or five hours to even get into a telephone system, and we have seven 'phones in the house. Messages are coming in offering support in groups of ten to twenty to even two thousand.

“Interviewer: Well, sir, do you find these telegrams and well wishes from people throughout the United States are predominantly southern, or are they also coming from the north and the west and from the east?

“General Walker: They are from all parts of the country. Many have come in from Ohio, just a few minutes ago [fol. 803] from St. Paul, quite a few from New York, Florida, of course, Los Angeles and many of the states in between. I have just gotten off the line to Seattle, Washington.

“Interviewer: Do you have plans, sir, for rallies, if and when the Federal troops are entered into Mississippi, of a certain point in the state where all your followers will then meet with you to protest the integration if it does come about?

“General Walker: I intend to join the movement. There are thousands of people, I am sure, already in Mississippi—probably hundreds of thousands there—that are already standing beside their Governor Barnett. The best place to do this would, of course, be at the capitol or at Oxford,

at the University, since that is where the issue is involved, and I am sure that that is where most of the movement will move to, to show the grass roots of movement in this issue.

“Interviewer: One final question, sir. Just what were your thoughts when acting as an officer of the United States Army when you were commanded to enter Little Rock? What were your thoughts in 1957, seeing these same type of citizens in another state, so opposedly or reportedly op-[fol. 804] posing Federal seizure, or Federal acts, against a sovereign state, supposedly?”

“General Walker: At that time I knew it was unconstitutional and felt that it was at that time, in using troops, and it should never have been done. My principles have not changed, but now, out of the uniform I’m on the other side, and this time on the right side, and that is in opposition to unconstitutional actions by the Federal Government, and I’m very happy to be free from the requirements of the Military Service in those cases where the Military Service has been unconstitutionally used against the citizens of the United States. It would appear to me with all the problems in the international situation, and with an enemy, and a very critical enemy ninety miles off our coast, it would be as utterly fantastic, as well as impossible, that the administration should now be in a cause and a purpose which is as to the disunity of the United States of America, when the important thing is today that all Americans be unified against the one and only important enemy in the world today, the one who has established that he intends to bury us—and by the President’s own statement, this country is in dire peril.”

* * *

[fol. 805] By Mr. Gooch:

Q. Now, General, just what was your purpose in going to Mississippi?

A. I thought it was absolutely wrong to use Military forces, troops, American troops in a strictly civilian problem.

Q. All right.

Mr. Watts: Let him finish.

A. And I wanted to see for myself exactly what happened. I wanted to know from first hand information. And I did not trust the press reporting of it in any form, since I had been at Little Rock and seen that exaggerated out of all proportions, and I intended to see for myself.

By Mr. Gooch:

Q. You intended to see for yourself the use of Federal troops?

A. That is exactly right.

Q. And that is all you went for?

A. If and when Federal troops were committed, which I stated were used in Mississippi.

Q. Well, after you got to Oxford and prior to the time of your entry onto the campus on September 30, 1962, no Federal troops had been sent to the campus, had they?

A. They had been—as far as I know, I don't know whether they were on the campus or not.

Q. All right.

[fol. 806] A. They were in Mississippi and they were in Tennessee in large numbers.

Q. All right. Let's back up just a minute, sir. In all of these statements you refer repeatedly to Governor Barnett and his stand, do you not?

A. I have referred—not in all those statements. I have referred to the State of Mississippi and the sovereignty of the State of Mississippi in many of those statements, with regard to the sovereignty of the state and Governor Ross Barnett.

Q. All right. This statement comes to hand first. That is the one you read in Mississippi?

A. Why don't you use that one, Mr. Gooch.

Q. Because this is the one I want to use, General Walker.

[fol. 807] Mr. Gooch: Because this is the one I want to use, General Walker.

The Witness: I'm sorry.

The Court: Just a minute now.

Mr. Watts: That's not—

The Court: Go ahead, Mr. Gooch.

By Mr. Gooch:

Q. This is the one that you used in Oxford, Mississippi, shortly before your advent to the campus: "As the forces of the new frontier assemble to the north."

I presume you were talking about the Kennedy's in that context, were you?

Mr. Watts: If Your Honor please, I object to that. That's argumentative and—

The Court: He can say no or he can say yes.

Mr. Watts: Well, okay.

A. "The new frontier," refers to the Administration, the national policy, the international policy and the administration of government, Federal Government.

Q. Well, I understood that President John F. Kennedy was the one that coined the expressed, "new frontier," and I was just trying to get your views on it.

A. Well, those aren't my views, sir.

Q. All right, sir. "Let history be witness to the courage and determination that calls us to Oxford to support a [fol. 808] courageous Governor."

Now in that interview at least you were talking about Governor Ross Barnett, were you not?

A. In that interview, is as you have read it, sir. May I have the date?

Q. September 30, 1962.

A. That's in Oxford?

Q. In Oxford.

A. Right, sir.

Q. My question again, if you will answer it, does that refer to Governor Ross Barnett?

A. It did.

Q. You knew at that time that Governor Ross Barnett had been enjoined from taking any further action against the entry of Meredith to the University, did you not?

A. I am not a lawyer. I was thoroughly dependent, completely dependent on the legal advice of Governor Ross Barnett and the great lawyers he had there.

He had his Attorney General, he had the ex-president of the Bar Association, Judge Satterfield—

Mr. Gooch: Wait a minute.

Mr. Watts: Let him finish.

The Witness: Was—I was dependent entirely—

The Court: I don't believe it is responsive. Just a minute now. What was the question again, Mr. Gooch?

[fol. 809] Mr. Watts: Let him rephrase it.

Mr. Gooch: Am I prohibited from breaking in when the witness is not responding to my question?

The Court: No, sir, you are not. You are not. Go ahead.

Mr. Watts: I would suggest, if Your Honor, please, it's my understanding, address the Court, but I would object to him breaking into the witness. Now, in other words—

The Court: He had to break into the witness to stop him, Counsel.

Mr. Watts: Well, all right, sir.

The Court: Rephrase your question or re-ask it, Mr. Gooch, please.

Mr. Gooch: Frank, can you tell me what it was?

The Reporter: "You knew at that time Governor Ross Barnett had been enjoined from taking any further action against the entry of Meredith to the University, did you not?"

Mr. Watts: If Your Honor please, I suggest it is responsive, in that he says that he was depending on the Governor's counsel.

The Court: Responsive would be whether he knows or whether he didn't know.

Mr. Watts: Yes, sir. Yes, sir.

[fol. 810] The Court: Did you or didn't you know, General, that's what he wants to know?

The Witness: In general, I knew what the papers were saying, that the Governor had, through the legal procedure at this position in the legal process, he had been enjoined, as you stated.

By Mr. Gooch:

Q. You, also, knew at that time that he was acting in open defiance of that court injunction, did you not?

A. No, I did not. He was acting under legal authority with due process. He had many times said and enjoined (sic) the entire State of Mississippi to join hands and—with him in legal opposition under the Constitution.

This is the position that we are in now. He had asked all the people, including the officials of the State and everybody else, to join hands together with each other and with the Governor in opposing in every possible means the—with all legal authority, under the Constitution, in opposing the administration's, Federal Administration's action against the State then and what might transpire.

Q. The question I originally asked you, General, was as to whether or not you had knowledge at the time you went to Mississippi that Governor Ross Barnett was acting contra to the injunction which had been issued out of the Circuit Court of Appeals for the Fifth Circuit at New Orleans?

[fol. 811] A. Now just to be simple—to get me straight, you have “defiance,” you have got, “contra,” you have got, “opposition”. I am just a layman. I am no lawyer.

As far as I'm concerned, through legal procedures and processes, he is opposing the legal processes from the other side with his own staff, which I depended upon.

Q. Then you made an election, I assume, that you would follow Governor Barnett rather than the edicts of the Federal Courts?

A. I was supporting completely Governor Barnett's position which represented a million people in Mississippi and he, as Governor, was the sovereign state. Barnett was the sovereign—was the State of Mississippi, with a million people, and perfectly capable, law capabilities, as far as I'm concerned.

Q. General Walker, do you believe that one man or a group of men is above the law of the land?

A. Nobody—

Mr. Address: We don't think that's a proper question now, Judge.

The Court: Overruled.

Mr. Watts: Go ahead and answer it.

The Court: You may answer, sir.

The Witness: Will you repeat the question?

By Mr. Gooch:

Q. Do you believe that one man, a group of men, or a [fol. 812] million men, by their actions, whether in concert or singularly, is above the law of the land?

A. I certainly believe nobody is above the law, no single individual is the law of the land, above the law of the land, and if anybody had been charged as I was, for such, he probably would have been convicted, if they had found sufficient evidence, which I don't believe the Government did.

Q. Well, I don't know what you are talking about here. I asked you about being above the law of the land. Now I don't follow your answer.

A. Your question was whether I believed that anyone—any one individual should be above the law of the land. Mr. Gooch, I certainly do not.

Q. All right. That was the question I asked you. I was just trying to get your answer.

A. And I believe it's been proved by the fact—so you will understand what I am talking about, that it's been very definitely proved. Otherwise, the Government charges against me wouldn't have been dropped.

Q. Well, now General Walker, when we get into that question, I don't know why you are skipping over to that one, the Grand Jury in Oxford, as I read the transcript, did not fail to indict you. They merely didn't pass on the matter, is that correct?

[fol. 813] Mr. Watts: If Your Honor please, I object to that. First, it's not the best evidence. They did fail to indict him. The charges were dismissed by the Federal Government against this man and that is not the best evidence.

And it's certainly argumentative, to argue a hypothetical action of a Mississippi Grand Jury. They are official proceedings and could be available.

The Court: Sustained.

Mr. Gooch: If the Court please, I don't want to belabor the point but when I get these—

Mr. Address: Judge—

The Court: Wait a minute. Mr. Gooch is talking. One at a time.

Mr. Address: We ought to argue this outside the presence of the jury.

The Court: Mr. Gooch.

Mr. Gooch: The question was—the answer was completely unresponsive to my—the answer was completely unresponsive to my question but since he brings in a matter like that, I certainly believe that I have the right to interrogate him about the facts of the matter.

Mr. Watts: I have no objection to him being interrogated. The only thing I object to is asking this witness—

[fol. 814] The Court: I understood your objection, Counsel, and I sustained it.

Mr. Watts: Oh, excuse me, sir. I'm just running a little . . . I'm sorry, Judge. I didn't intend to—

The Court: Gentlemen, at this point, let's take a recess. Recess until a quarter of 4:00.

Now the audience remain in your seats until after the jury has left the jury room, please.

(15-minute recess.)

[fol. 815] Q. General Walker, just prior to the afternoon recess we were discussing the question of the constitution and the orders of the Court and the actions of Governor Barnett in connection with constitutional authority. Would that be a fair statement of what we were talking about when the recess was called?

A. In general, in the use of Military troops.

Q. All right. Now, let's go back to your 1957 and 1958, when you were in command of the troops at Little Rock, when you were called upon with your troops, I assume, and correct me if I am wrong, to see that the edicts of the Court there with respect to integration was carried out. Is that a fair statement? Were you called in with your troops at Little Rock to enforce the orders of the Federal Court on the integration of the Little Rock, Arkansas, school?

A. I wasn't called in there, I was already there, and had been there for about a month and I was under orders of Military command, sir.

Q. And you observed those orders?

A. I was given my orders, yes, sir.

Q. Did those orders come from the Pentagon, from President Eisenhower, or where did they come from?

A. They came through the Military chain of command.

Q. You understood that they were the orders from the [fol. 816] commander in chief, General Eisenhower, did you not, or then President Eisenhower.

A. That is—yes, sir.

Q. Did you have any riots in Little Rock?

A. We had quite a protest at Little Rock, continuously, and no—no particular violence.

Q. Did you have any violence at all?

A. Sir?

Q. Did you have any violence at all?

A. One incident, an individual—

Q. All right. Go ahead.

A. One individual took a—jerked a rifle away from a soldier and took it completely away from him and a soldier beside him gave the individual a poke with his gun, and with the butt end of it, and got it back, and this man then had three or four stitches taken in his head, but he had taken the gun completely away from the soldier.

Q. That just about stopped any violence up there when that happened, didn't it?

A. (No answer given.)

Q. Is that the only incident that happened?

A. No, the way—well, the way it was handled helped stop violence.

Q. In connection with troops at Little Rock you told the troops the orders that you had to see that there was integration at Little Rock, that those orders were going to be enforced, didn't you?

You gave your troops instructions?

A. I followed my Military directions and commands, yes, sir.

Q. And you were going to see to it that those edicts of the Court was carried out under your command?

A. I was only carrying out Military orders.

Q. Did you stand out in front of your troops there and give your orders, or did you send them by written communication, or word of mouth through subordinates?

A. Well, it was an entirely different situation there, sir. Little Rock—Oxford—Oxford is the first time in history that the troops have seized, searched and arrested without Martial Law. Now, we didn't have Martial Law at Little Rock either. But we didn't seize, search and arrest people.

Q. Did it become necessary?

A. No, sir. It was handled different.

Q. In connection with the Little Rock incident of which you have testified about, did you make an address to the student body of the Little Rock High School expressing

your views as to the lawful authority of the United States to—

A. No, sir.

[fol. 818] Q. Did you deliver an address?

A. Yes, sir.

Q. In that address did you discuss the question of the constitutional rights of the people?

A. The way that address was written, it came up in the deposition before—I gave the address that was given at Little Rock, and it discussed, as I remember it, the constitutional rights of the people.

Q. I hand you here a photostat, a photostat of portions of page 14 of the Arkansas Gazette, dated Thursday, September 26, 1957, which is headlined, “Text of General’s speech to students.” This is an AP story, I believe. Would you look at this and see if that is the address that you delivered to those students, or whether it is not?

A. I believe we can shorten this without reading the whole thing, sir. Is this the exact copy of what was placed in the deposition?

Q. It never was placed in the deposition. As I recall, it was not readable. You stated at that time you couldn’t read it.

A. I said I couldn’t identify what a newspaper did to an address. I can’t take responsibility of accepting this address for the Government. The Government did keep the statement made at Little Rock by me, that you are referring [fol. 819] to as an address. We will even go further. It was made to the students, the students in the Little Rock High School, that had legal advise and legal—

The Court: Pardon me just a minute.

The Witness: That was developed by my chain of command.

The Court: Pardon me. The question was: “Is that the statement that you made?” Is that the speech that you made. That is the question.

A. I have nothing to remind me to say this is the statement I made, Your Honor.

Mr. Watts: Let me see it, Your Honor.

The Witness: And I won't accept a newspaper statement of it.

By Mr. Gooch:

Q. Just a minute.

Mr. Watts: Oh, might I?

Mr. Gooch: I believe the witness is still under cross examination.

Mr. Watts: I thought I might shorten it by just agreeing to it.

Mr. Gooch: I don't care whether he agrees to it or not, Mr. Watts.

Mr. Watts: I am sorry.

By Mr. Gooch:

Q. General, I hand you a certificate from the Pentagon and ask you to take a look at that. Look at the certificate, [fol. 820] and then look under the certificate to see if that is the speech, a certified copy of the speech you made to the students at the Little Rock High School on or about September 25th, 1957?

A. I believe we advised your counsel—the lawyers at the time to please get a copy. Is this the copy you got?

Q. That is the copy I got.

A. An exact copy of what was stated?

Q. If you compare that with the Associated Press—

A. This comes out of the office of the Secretary of Defense?

Q. Yes, sir.

A. Washington, D. C., signed by Shirley B. Meyer, Executive Assistant, offices of Administrative Services; has my counsel got a copy?

Q. Excuse me. Here is the Associated Press dispatch. I will introduce both of them.

Mr. Watts: Have you compared this with the original?

Mr. Gooch: I have and they are the same.

Mr. Watts: We will take counsel's statement that this is an exact statement, the one the witness was reading, and he can read either one of them. As I understand, he has compared them and they are the same. There is no use [fol. 821-2] killing all this time.

Mr. Gooch: Please mark the Arkansas Gazette article of September 26, 1957, I believe it is Defendant's Exhibit 13.

The Court: 13.

Mr. Gooch: 13-A, as I remember, in the deposition, there was something missing on that article, at the last line. May I see it? We couldn't read it when we were taking the deposition.

By Mr. Gooch:

Q. In the deposition we had a very bad photocopy.

A. I see. I can't read portions of this.

Mr. Watts: Is there a question to the witness?

By Mr. Gooch:

Q. Whether or not that was the address that he gave to the Little Rock High School students on September 26, 1957?

[fol. 823] A. As far as I can tell, this is the address that was made.

Mr. Gooch: Please mark that as Defendant's Exhibit 14.

(Defendant's Exhibit No. 14, was marked for identification.)

Mr. Gooch: We now offer it in evidence, if the Court please.

The Court: 14?

Mr. Gooch: Yes, sir.

The Court: It's admitted.

DEFENDANT'S EXHIBIT 14

Mr. Gooch: Pursuant to the provisions of the Department of Defense Directive Number 5015.1, dated July 31, 1952, I hereby certify that the annexed document is a true copy of a microfilmed message on file in the Department of Defense.

In witness whereof, I have hereunto set my hand and caused the seal of the Department of Defense to be affixed this 9th day of June, in the year of 1964, A.D., at Washington, District of Columbia, Shirley E. Meyer, Executive Assistant, Office of Administrative Services.

This is on the stationery of the Department of the Army:

"Staff Communications Division." Caption. Speech by Major General Edwin A. Walker to students of Little Rock [fol. 824] Central High School, 0900 hrs. 25 Sep., '57.

"Young ladies and gentlemen of Central High School. Mr. Blossom, your superintendent of schools, has asked me to come to your school this morning and discuss with you the situation in Little Rock and what it means to you students. I welcome this opportunity to do so.

"As you know, the Fourteenth Amendment to the Constitution of the United States guarantees to all citizens the equal protection of the laws. Since the adoption of this amendment, many states have provided separate schools for their children on the basis of color. The laws establishing such schools have, however, been challenged in the courts, and about three years ago, the Supreme Court of the United States determined that such laws are contrary to the provisions of the Fourteenth Amendment and consequently invalid. This decision by the highest court in the land is, of course, an authoritative interpretation of our Constitution, is binding on all citizens and government officers, both state and Federal, and may not, under our law, be changed except by an amendment to the Constitution.

“Because of the Supreme Court’s decision, it became necessary for those states maintaining separate schools to revise their systems to eliminate distinctions on the [fol. 825] basis of color. The nature of these plans was left to the states and local communities, subject to approval by the local Federal District Courts. The Little Rock School District prepared such a plan which was approved by both the District Court and Circuit Court of Appeals. This plan provides for a very gradual abandonment of the separate schools system starting this year.

“Subsequent to the approval of this plan, attempts were made in the courts to prevent the school authorities from putting it into effect.

“I need not go into the details of this litigation, sufficient to say it was unsuccessful, and that the plan as originally approved remains unchanged and in full force and effect.

“During the past few weeks, as you are well aware, the situation in Little Rock has been such as to prevent the entrance of a few students into your high school. Therefore, to see that the laws of the land be faithfully executed, the President has found it necessary to call the National Guard of Arkansas into the Federal Service and has directed that this force and each other armed forces as may be made available be used to enforce the orders of the Court, as an officer of the United States Army, I have [fol. 826] been chosen to command these forces and to execute the President’s orders.

“What does all this mean to you students. You have often heard it said, no doubt, that the United States is a nation under law and not under men. This means that we are governed by laws, properly decided upon by duly constituted authority, and not by the decrees of one man or one class of men. Since this is true, it means that we are all subject to all the laws whether we approve of them personally or not and as law-abiding citizens have an obligation in conscience to obey them. There can be no exceptions, if it were otherwise, we would not be a strong nation but a mere unruly mob.

“I believe that you are well-intentioned, law-abiding citizens, who understand the necessity of obeying the laws and are determined to do so. You have nothing to fear from my soldiers, and no one will interfere with your coming, going or your peaceful pursuit of your studies. However, I would be less than honest if I failed to tell you that I intend to use all means necessary to prevent any interference with the execution of your school board’s plan. This is what I have been ordered to do, and I intend to carry out my orders. Those who interfere or disrupt the proper administration of the school will be removed by the soldiers on duty and turned over to the local [fol. 827] police for disposition in accordance with the laws of your community.

“One last word about my soldiers. They are here because they have been ordered to be here. They are seasoned, well-trained soldiers, many of them combat veterans. Being soldiers they are as determined as I to carry out their orders. However, as I stated before, the law-abiding people have nothing to fear from them. They have been carefully instructed not to molest any law-abiding citizen in his person or property, and they will obey these orders. Since a peaceful atmosphere must be maintained in the school and its vicinity, it may be necessary for them to issue instructions concerning such things as loitering, assembling in large groups, and otherwise making it difficult for them to perform their duties. I earnestly ask that you cooperate, for your own benefit and ours.

“I wish you all success in your school year and Mr. Matthews, I thank you for the opportunity to talk to the student body.”

By Mr. Gooch:

Q. General Walker, just prior to the time you went to Mississippi on September 29, 1962, do you recall having a news conference with a reporter in Dallas, by the name of Phenas E. Mothershed? Do you know Phenas E. Mothershed?

A. No, sir, not that I recollect. I don't know him.

[fol. 828] Q. I will ask you if in a telephone interview this question was asked you: Just a second until I find it.

"Do you recommend that the volunteers go armed?" He's talking about your impending trip to Mississippi.

Do you recall that statement, that question being asked you?

A. By a reporter?

Q. Yes, sir.

A. No, sir, I have no recollection of it.

Q. Would you say it was not asked you?

A. May have been. I don't know whether he identified himself or not.

Q. And your answer to that question, which I am asking you if you made, "The Administration has indicated that it will do whatever is necessary to enforce this unconstitutional action. I have stated that whatever is necessary to oppose that enforcement and stand behind Governor Barnett should be done."

Did you make that statement, General Walker?

A. I can't verify that exact statement. I probably did.

Q. All right. The next question, the reporter asked you whether or not you meant to imply that you advocated physical force. Do you remember a question such as that being asked you?

[fol. 829] A. Yes, many times. I walked off when such questions were asked.

Q. To which you replied, according to this release, "The decision for force will be made in Washington. Evidently it has not been made yet. When and if it is, it's their decision to make. We will move with the punches."

Did you make that answer, General?

A. I may have. Can you identify the reporter? Is that the same reporter?

Q. I'm just asking you if you made the statement?

A. I may have.

Q. All right. Now, General, when did you have a communication by telephone with Louis Leman before you went to Mississippi on the 29th of September, 1962?

A. Yes, I did.

Q. Do you remember the date of that communication?

A. A telephone call?

Q. Yes, sir.

A. It would have been on the 28th, as I remember.

Q. Did you know at the time he made the call to you that he was in Mississippi?

A. No, sir, I didn't.

Q. You had already planned, according to these news releases, to go to Mississippi, had you not?

A. Yes, sir, I had planned to go to Mississippi. I be-[fol. 830] lieve there were two or three telephone calls have been referred to with respect to Louis Leman.

Q. In one of those phone calls, we'll say on the 28th, were you told by him that there was a growing situation at the Ole Miss campus, an explosive situation?

A. Not that I recall. We discussed the situation, at Mississippi, and he referred to some of the students' attitudes and also, with respect to the State and, also, at Oxford, and some of the attitudes on the campus.

Q. Did he tell you that a majority of the students, according to his opinion, were backing Barnett but the student newspaper was anti-Barnett; do you recall him making that statement?

A. He may have.

Q. Do you recall him telling you that all that they needed was leadership?

A. No, I don't remember that.

Q. All right. Would you say that he didn't tell you that?

A. No, I wouldn't say he didn't.

Q. Now did you tell him in that first conversation that you were coming?

A. As I recall the first conversation, I didn't know whether I was coming or not and later I said I was—I talked to him again and said that I would probably be in [fol. 831] Oxford the next day—I mean in Jackson the next day.

Q. Now as early as the 26th, you stated you would be there, didn't you?

A. If troops were used.

Q. All right. Now, you went to Mississippi, as I recall your testimony, on the 29th of September, 1962?

A. Yes, sir.

Q. And I believe you have testified that you went by private plane, isn't that correct?

A. Yes, sir.

Q. And I believe that you stated that you had had some previous conversation with Dr. Ney Williams?

A. Yes, sir.

Q. And I presume that Dr. Williams met you at the plane, is that correct?

A. Yes, sir.

Q. Were there any newspaper reporters at the plane?

A. Not that I recall.

Q. You went on to Dr. Ney Williams' house, I assume, after your lunch, as you have testified to?

A. After we had lunch, we went on to Dr. Ney's.

Q. And how did you get ahold of the press? Did you call the press and tell them you were there?

A. Dr. Ney Williams called the press about a call he got into the house about that they were moving Marshals on [fol. 832] the campus, on Saturday afternoon, the 29th.

And there was a call came into his house that Marshals were being moved on the campus and he called, as I remember, he called the press and asked them about it. He had a very close friend in the press.

Q. Well, I'm asking, the question I asked you was, how did the press know you were there?

A. That's the way they would have known.

Q. Did Dr. Williams tell them, the press, that you were there?

A. He probably did.

Q. And then did the press call back and ask for a conference?

A. As I remember, that's the way it worked.

Q. Then you did ask for that press conference or the press asked you, which was it?

A. I don't remember. When you are talking about "the press," if it was a press man and he called and he wanted a conference or asked if he could see me, as I understand our conversation, that would be a request by the press for a conference.

Q. That's right.

A. Right, sir.

Q. And you did hold the conference there at the Sun & Sands Motel, the text of which has already been introduced [fol. 833] in evidence, is that correct?

A. Yes, about 6:00 p.m.

Q. Then you went from the Dr. Ney—you went back to Dr. Ney Williams' house, as I understand your testimony, and from Dr. Williams' house you and Louis Leman then started for Oxford?

A. After the—

Q. I believe you did get a cup of coffee before you started there.

A. Yes, sir.

Q. And you got into Oxford about midnight?

A. Yes, sir.

Q. And you went on the campus that night. What was the purpose of going on the campus at midnight?

A. We just decided to drive through it as we went on up and see it.

Q. It was about 1:00 or 1:30 in the morning?

A. No, sir, I think it was about 12:00.

Q. Between 11:00 and 12:00. Then you went on to the hotel. Now at the hotel, you have testified that you were registered in under an assumed name by Mr. Leman in order to keep the press from getting ahold of you?

A. Yes.

Q. Well, now for the last four or five days prior to that time you had been quite vocal in the press, hadn't you, [fol. 834] General?

A. Yes, sir.

Q. The 26th, the 27th, the 28th, 29th, you had—you had called press conferences for the one on the 26th and the 27th, hadn't you?

A. Well, either they called me or I called them.

Q. Well, now, did the Shreveport station call you to get this party line statement or did you call them?

A. No, I called them.

Q. Then you wanted to be sure that statement got out as close to Mississippi as possible, didn't you?

A. Which statement, sir?

Q. The one from Shreveport. The Shreveport station reaches over into Mississippi, doesn't it, General Walker?

A. Mostly Louisiana and Texas, yes, sir. The answer to your question is yes, sir.

Q. All right, you called to Shreveport to get a release on a Shreveport station?

A. Right, sir.

Q. Then the next day you called a conference in Dallas, Texas, in front of the TV cameras is that right?

A. I don't know who called it. Maybe I did.

Q. Well, you were anxious to get your message out to those who cared to listen, were you not?

A. Very glad to get it out.

[fol. 835] Q. All right. That was your appeal, to bring your, "Your flag, your tent and your skillet," is that right?

A. On Wednesday the 26th of September, yes, sir.

Q. And Thursday, the 27th, you reiterated your flag, tent and skillet, did you not, or did you?

A. I don't think so but I may have.

Q. Well, let's take a look at that. I think we can find out.

Mr. Address: If the Court please, they are in evidence. We think this is repetition.

The Court: Overruled.

Mr. Address: We have read them and heard them.

The Court: Overruled.

Mr. Gooch: That's the one we played over the . . . No,

I am not. On the transcript of the movie we played, the first paragraph, I think you will find a reference to, "Bring your flag, your tent and your skillet"?

A. Yes, it leaves off the first part, evidently.

By Mr. Gooch:

Q. I am talking about the flag, tent and skillet part.

A. Yes, it's in there.

Q. All right.

A. Was that—may I ask a question about that, sir?

Q. Yes, sir.

[fol. 836] A. Was that in the—

Q. In the movie just showed?

A. Oh, I see. Right.

Q. This is a transcription of the movie that was shown, General?

A. Right, sir.

Q. Now was that expression, "Bring your flag, your tent and your skillet," was that an original phrase or statement from you or had you borrowed that from somebody else?

A. As far as I'm concerned, it's original. Somebody else may have said it. Practically everything's been said before.

Q. Now did you mean by that that the people were to come on to Mississippi, when you said, "Bring your flag, your tent and your skillet,"—

A. When I—with reference to coming to Mississippi, it refers to bringing your flag, tent and skillet, that you will need somewhere to stay and you will probably have to feed yourself, even the people—

Q. And a flag with which to rally under, is that correct?

A. You don't necessarily have to rally under a flag. You can carry one.

Q. It's a pretty good idea to rally under a flag, though, [fol. 837] isn't it, General?

Mr. Watts: I object to that, if Your Honor please, as argumentative.

The Court: It could be. Sustained.

[fol. 838] A. That is immaterial, whether you have a flag or not, to rally.

Mr. Watts: Well, the objection has been sustained Mr. Witness.

Mr. Gooch: Well, we have got two Courts now that is determining it.

Mr. Watts: He doesn't hear very well, Tiny.

By Mr. Gooch:

Q. Now, take the one from Oxford, General Walker. That was subsequent to your flag, your tent and your skillet coming to Mississippi, wasn't it?

A. Yes, sir, that was afterward, on the 30th.

Q. And in that Oxford statement that you issued, that meant come on to Oxford, didn't it?

A. Yes, sir.

Q. Then, those that had been importuned to bring their flags, their tents and skillets to Mississippi were then informed, to the extent that the news media would reach them, to change their course from Jackson and elsewhere and converge on Oxford? Is that correct, General?

A. Yes, sir, they would probably need their skillets in Oxford, and Jackson too, sir.

Q. But they also—I suppose you meant for them to bring their flags, their tents and their skillets on to Oxford, is that correct?

A. To Mississippi and Oxford, or Jackson or wherever [fol. 839] they came from.

Q. The last one is what I am talking about, and that is the one in which they are directed or invited to come to Oxford, as I read it? I may be in error.

A. Yes, sir, but where the skillet was mentioned, it didn't mention Oxford did it?

Q. Oh?

A. It mentions Mississippi.

Q. I know. I am talking about, though, the appeal you made for them to come to Oxford. I assume that you meant

for them to bring their flags, their tents and their skilletts and come on to Oxford, is that correct?

A. Yes, sir. I didn't tell them to take them home and come back.

Q. All right. Now, after you had registered in at the Mansell Motel, I believe you testified that the next morning you went down to see Sheriff Ford?

A. Yes, sir.

Q. And you informed Sheriff Ford where you were and where you could be reached if anyone wanted you, I assume, did you?

A. Yes, sir.

Q. And you informed Sheriff Ford that you would like to be of any assistance to him that you could?

A. That I would be of any assistance to him, I could.

[fol. 840] Q. Well, suffice it to say, without quibbling over words, you offered your services to Sheriff Ford, did you?

A. Yes, sir.

Q. At that time, General Walker, you knew that the Sheriff's Department, including Sheriff Ford, the Highway Department under Col. Birdsong, or the State Highway Police, rather, under Col. Birdsong, were all under the jurisdiction as far as orders were concerned from Gov. Ross Barnett, did you not?

A. Yes, sir, they would have been.

Q. You knew at that time that Gov. Ross Barnett had used the Mississippi State Highway Patrol, together with the Sheriffs, Deputy Sheriffs and Constables from the various counties in Mississippi for the purpose of keeping Meredith from entering the University of Mississippi on his attempt on September 20, 1962, did you not?

A. September 20?

Q. 25th.

A. May I ask the question: Is it the 20th or the 25th? You said 20th.

Q. Two different times. One was the 20th and one on the 25th.

A. I don't recall any on the 20th but—

Q. Well, I asked about the 25th, to be specific.

[fol. 841] A. I don't know in what legal manner he used his forces to stop the entrance of Meredith.

Q. I am not talking about legal matters. Aside from the legality of the situation, do you know whether or not Gov. Barnett used the police forces of the State of Mississippi, consisting of the Highway Patrol, the Sheriffs, the Deputy Sheriffs, to prevent the entrance of Meredith on the campus, from entering the University of Mississippi on or about September 25, 1962?

Did you know that?

A. Yes, he did.

Q. All right. You also knew from having been in the State of Mississippi on September 30, 1962, that Gov. Ross Barnett had not changed his position and had not released or relinquished his opposition to Meredith entering the University of Mississippi, did you not?

A. As far as I know he hadn't.

Q. Then when you went to Sheriff Ford on Sunday, September 30, and offered your services you were also offering your services to Gov. Barnett, were you not?

A. Sheriff Ford is a law enforcement agency, sir, law enforcement, required to keep down violence.

Q. Back to my question—

A. And I went to Sheriff Ford and offered my assistance with the idea that I would assist him in keeping down any [fol. 842] violence.

Q. Did you make it known that that was what you were there for, or did you say, "Anyway I can serve you?"

A. I said I could serve him. I would serve him.

Q. That was what—

A. If he needed me. I gave him the address of my—where I was staying.

Q. Did you say that you would do anything you could to keep down violence?

A. I was—I forget how I stated it, but I told him that I was not there for violence and that I would assist him in any way that I could.

Q. You just implied that you would assist him in keeping down violence, is that right?

A. That's right, that was the implication.

Q. Did you attempt to assist the Rev. Duncan Gray in attempting to keep down violence after you got on the campus, General Walker?

A. I assisted in keeping violence down on the campus.

Rev. Duncan Gray—when you get instructions in mob activities, you don't—and I have had plenty of instructions and study in the activities of mobs and how to suppress them. This is a military requirement. This is in our training program, and you don't assist people—you lose effectiveness if you assist people that the crowd is against, and opposing. And definitely Duncan Gray was in a—he, himself, was in a personal position where he was subject to violence.

Now, the violence, the overall major violence was the violence that might occur, or did to some extent occur in the opposition of one group against another. But not Duncan Gray. He was just immaterial to it.

Q. Back to my question, did you assist or refuse to assist the Rev. Duncan Gray when he sought your help in stopping the violence that you observed on the campus of the University of Mississippi on the night of September 30, 1962?

A. I assisted Duncan Gray by not using him.

Q. All right. He advised you, did he not, that the students would listen to him—listen to you, and implored you to use your influence, did he not?

A. He made those statements, or something similar to them, but he was a frenzied little minister.

Q. And you told the Rev. Duncan Gray that you didn't come there to stop anything? And wouldn't stop it if you could, didn't you?

A. I recall no such statement.

Q. Would you say you didn't make that statement?

A. I wouldn't make—I wouldn't say I didn't to Duncan [fol. 844] Gray. Didn't make any difference what I said to Duncan Gray. He was frenzied and useless.

Q. You told all those around him, including Duncan Gray, that since he was an Episcopalian it made you ashamed to be an Episcopalian. Did you make that statement?

A. I did.

Q. Now, in your statement on the monument—I am drifting a bit ahead, but just to get your viewpoint on it, General,—you stated you assisted Duncan Gray by not helping him—I believe that was the import of your statement?

A. May not have assisted him directly, but it was an assistance to the United States Government.

Q. Were you trying to help the United States Government that night, General Walker?

A. As far as keeping violence out of what was going on, I was.

Q. What kind of a reaction does it have to a mob of people when you tell them somebody sold them out? You think those are soothing terms, General?

A. Yes, sir, that—when they are claiming that the Governor has sold them out. That is one step lower, and that is a soothing term. I am sure Birdwell (sic)—immediately the way the rumor started that was inflaming them that they were being sold out—now, you must get the picture, Mr. [fol. 845] Gooch. It was like this.

I wasn't even going to speak to them for a long time, as I have stated. I didn't expect to speak. Until they begin to rise up in this enthusiastic determination over the statement, and get excited over Barnett selling them out.

Now, the reason for this, which hasn't all become clear, it becomes perfectly obvious that the students saw the Highway Patrol leaving the campus, and they felt that the Highway Patrol were their friends and were on—even though the Highway Patrol were standing physically and pushing them back, but they felt when the Highway Patrol went, fourteen or eighteen cars, whatever it was that I saw drive off the campus, they immediately thought the Governor had sold them out and the Highway Patrol had gone

off and left them, and they were getting all riled up and more—more purposeful, and determined—so that is why the rumor that Barnett—that is the origination of the rumor of why Barnett had sold them out. Because here is the Highway Patrol on the campus was leaving the students, and about this time was when the students began to come toward the monument. It wasn't all because I got there. It wasn't because I was there, but the Highway Patrol were leaving just ten minutes before that. And they came to see why they were leaving. They even talked to [fol. 846] some of the Highway Patrolmen. I didn't hear them. In the cars. As they started off the campus, and the Highway Patrol went right on by the monument. I asked a student, "Who is leaving the campus, who are those people in automobiles?" And one of them said to me, "That is the Highway Patrol," so I walked over to the curb about twenty steps from the monument on the left, coming out on the south side, and I looked right down in the automobiles to verify that the Highway Patrol was leaving. I didn't understand why the Highway Patrol would have been leaving at that time, and it became very obvious to the students when these people left, that Barnett had sold them out. And this was getting them quite excited.

Q. I don't want to interrupt you if you have more to say.

A. Will you re-read his question?

Q. No, that has been—

The Court: We will go on to his next question.

Q. Been about ten minutes ago. I don't even know what I asked you now.

General Walker, I may be repeating a little bit, because I am trying to get back to the continuity, but you did see Sheriff Ford down there on the morning of September 30 and tendered him your services, is that correct?

A. Yes, sir.

[fol. 847] Q. Then, I believe after that incident you stated that some newspaper reporters found out you were

in town. Do you know how they found out you were in town?

A. No, sir, I don't.

Q. Could have been by virtue of the fact you had told them you were going to Oxford the night before, couldn't it, General?

A. It may have been, but it wouldn't be necessary. They would find out where I was.

Q. They sort of have a way of seeking you out if they want to find you, don't they, General?

A. They sure do.

Q. At any rate, you were contacted by some newspaper men, and I believe you said—I may be in error—along about 9:00 o'clock—no, I am in error. You testified you went up to the Courthouse about 9:00 o'clock or to breakfast about 9:00 o'clock.

A. Sunday morning?

Q. Yes. What was throwing me on that, I notice on that statement you made from Oxford you have got a 9:00 o'clock date on it, but apparently that means you called that into Oxford before you had your press conference—I mean called that in to Dallas before you had your press conference; is that correct?

A. As far as I remember that was the reason for that. [fol. 848] It was called back to Dallas, usually at the same time, yes, sir.

Q. All right, General. After you had already talked to Sheriff Ford, had your breakfast and gone to talk to Sheriff Ford, did you return back to the motel?

A. Yes, sir, as I remember we went back to the motel.

Q. And then I believe you went in to lunch, was that about the next sequence of events?

A. Yes, sir.

Q. And I believe you stated at the luncheon table, or in the cafe you ran into some reporters there?

A. Yes, sir.

Q. And that is the time you told them that you would hold a press conference at the Ole Miss Hotel?

A. Yes, sir, they were quite demanding in their requirement for a press conference.

[fol. 849] Q. I believe you further stated that you knew that that was where the reporters were staying?

A. Yes, sir.

Q. How did you know that, General?

A. Conversation in the cafeteria—in the cafe.

Q. So how did you spend your afternoon, General, from the time of your lunch, which I assume was around midday, until your press conference that afternoon?

A. Back at the motel, probably getting a nap and making telephone calls to certain people back to my house to find out about my car that had been taken that night, and to work up a press statement for the press. It takes me usually an hour or hour and a half to work up a statement for the press.

Q. General, you had worked that statement up by 9:00 o'clock, that morning?

A. I may have, yes, sir. That is the usual occurrence. I usually go over them and—

Q. Only about six lines. Take you an hour and a half to work up that conference?

A. Well, this part of it, in seeing that it was right for the situation as it was at that moment, and making telephone calls, and probably getting a nap.

Q. All right, did you listen to the radio to see what was going on in the news?

[fol. 850] A. Probably did. Probably read a paper.

Q. Didn't believe anything you heard or anything you read, did you?

A. The question is what, sir?

Q. We will go on to the next question.

About what time, General, did you have your dinner that night?

A. My lunch or dinner that night?

Q. Well, did I say lunch? I meant dinner. I thought you had lunch around midday, and I was talking about dinner, or supper, as we used to call it down in Ennis County.

A. Dinner—I had—I got into the cafe and—cafe in Oxford about 5 or 10 minutes until 8:00, I would say.

Q. And who were you with?

A. Louis Leman.

Q. Anybody else?

A. Nobody else.

Q. Now I believe you testified that you—someone came in with a radio, and you heard President Kennedy's speech, is that correct?

A. That is right, sir.

Q. Did you hear the proclamation issued by President Kennedy along about that time relative to the Oxford, Mississippi, incident?

A. I heard whatever he said, Mr. Gooch.

[fol. 851] Mr. Gooch: Please mark this as Defendant's Exhibit 15.

(Thereupon, Defendant's Exhibit No. 15, was marked for identification.)

Mr. Gooch: For identification, Plaintiff's Exhibit 15 is Proclamation No. 3497, Obstructions of justice in the State of Mississippi.

Mr. Watts: As a matter of information, was that read over the radio as a part of his speech?

Mr. Gooch: It's my information that it was.

Mr. Watts: I have no objection to it, if it was.

Mr. Cravens: Or referred to. It may not have been read. It may have been referred to.

Mr. Watts: Well, I would object to it unless it came to this witness' attention. I have no objection to you asking if it did come to his attention but I object to it going in evidence unless—

The Court: He hasn't offered it yet, Counsel. Save your objections until the offer.

Mr. Watts: Oh, yes, sir.

Mr. Gooch: If the Court please, I tender to the witness Defendant's Exhibit 15, and ask you to take a look at that

instrument and see if the language or the import of that instrument is such as to have been remembered by you as uttered by President Kennedy on the evening or after-[fol. 852] noon or evening of September 30, 1962?

A. May I confer with my Counsel?

The Court: Yes, sir, you may.

The Witness: Is this supposed to be the Kennedy speech?

Mr. Watts: No, this is an official proclamation issued by the President.

Mr. Gooch: It was issued over radio and TV.

Mr. Watts: I think we can depend on Mr. Gooch's statement. As a matter of simple information, was this included in the President's speech?

Mr. Gooch: It was alluded to in the President's speech and part of it quoted from.

Mr. Watts: Do you understand, part of it was apparently quoted in the President's speech and we have no objection to the proclamation, as such. What part was quoted, I do not know?

Mr. Gooch: We offer in evidence Defendant's Exhibit 15, being Proclamation No. 3497, obstructions of justice in the State of Mississippi.

Mr. Watts: We have no objection to the Proclamation.

The Court: It's admitted.

DEFENDANT'S EXHIBIT 15

Mr. Gooch: By the President of the United States of America.

[fol. 853] A PROCLAMATION.

WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the

Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under the laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested [fol. 854] in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of September in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

Signed by John F. Kennedy.

We offer that, if we have not. I believe we did already offer it in evidence.

The Court: You did offer it. It's been admitted.

Mr. Gooch: I would like now to mark for identification as Defendant's Exhibit 16, and instrument entitled, "Execu-

tive Order 11053," which was also referred to and quoted from in the Kennedy speech, duly certified by the—whoever puts the red ribbons on.

Mr. Watts: No objection.

(Defendant's Exhibit 16, was marked for identification.)

[fol. 855] Mr. Gooch: We now offer in evidence Executive Order 11053.

The Court: Defendant's Exhibit 16, and it's admitted.

Mr. Gooch: Providing the assistance for the removal of unlawful obstructions of justice in the State of Mississippi.

DEFENDANT'S EXHIBIT 16
EXECUTIVE ORDER

WHEREAS on September 30, 1962, I issued Proclamation No. 3497 reading in part as follows:

“WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are willfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

“WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

[fol. 856] “WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assur-

ances that the orders of the courts of the United States will be obeyed and that law and order will be maintained.

“NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably forthwith;” and

WHEREAS the commands contained in that proclamation have not been obeyed and obstruction of enforcement of those court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10, particularly Sections 332, 333 and 334 thereof, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

[fol. 857] Section 1. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce all orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit and to remove all obstructions of justice in the State of Mississippi.

Section 2. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit, the Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

Section 3. I hereby authorize the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard of the State of Mis-

Mississippi to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to this section.

Section 4. The Secretary of Defense is authorized to [fol. 858] delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

THE WHITE HOUSE

September 30, 1962.

By Mr. Gooch:

Q. General Walker, is that the Proclamation that put the Federal forces into the Oxford Mississippi situation?

Mr. Watts: If Your Honor please, I object to that question because it's not within this witness' knowledge. He's asked him the legal effect of that Proclamation.

Mr. Andress: That's an Executive Order.

Mr. Watts: That's an Executive Order. That's a matter for the Court.

The Court: In view of the past experience of the witness, I'll permit him to testify, if he knows.

Mr. Watts: All right, sir. Yes, his understanding of it, I would. . . .

The Witness: Will you read the question?

By Mr. Gooch:

Q. The question is, General, is that the instrument by which the use of Federal forces were being permitted or commanded to be used in connection with the Oxford incident?

A. I have never seen this. I have never seen one before. I do not know.

[fol. 859] Q. Well, I'm sure if you don't know, you don't know. But being a man who was learned in military law and the man who commanded Little Rock, I thought perhaps you would know that an instrument, Executive Order such as that, is required before troops are used in a matter such as the Oxford incident.

If you don't know, that's quite all right. The instrument is self-explanatory.

Do you still say you don't know whether that's the executive order that brought the militia into this matter?

A. I don't. I don't remember seeing one like that at Little Rock.

Q. All right. You have testified previously that troops, Federal troops, had been committed to the Oxford incident prior to September 30, 1962, have you not?

A. Yes, sir, from all the reports I—

Q. Never mind the reports. Do you know of any instrument other than the instrument of which I have handed you that committed Federal troops to be used in the Oxford, Mississippi, incident on September the 30th, 1962?

A. I know of no other instrument.

The Court: Do you have a pretty good stopping place, Mr. Gooch?

[fol. 860] Mr. Gooch: The next series is rather lengthy, Judge.

The Court: All right, then let's recess.

(Thereupon, at 4:50 o'clock, p.m., an adjournment was taken until the following morning at 9:00 o'clock, a.m., Friday, June 12, 1964.)

EDWIN A. WALKER, having been previously sworn, testified further as follows:

Cross examination (Continued).

By Mr. Gooch:

Q. General Walker, in yesterday's proceedings there was introduced an exhibit which portrayed a news release made by you in Jackson, Mississippi. I refer to Defendant's Exhibit 8, and the first sentence.

"I am in Mississippi beside Governor Ross Barnett." That was a part of that press release, was it not?

A. Yes, it was. Just a part of it.

Q. Now, were you actually or figuratively beside Governor Ross Barnett?

A. Figuratively.

Q. Did you see Governor Barnett after you got to Mississippi on the 29th?

A. No, I didn't.

Q. Did you have any conversation with him?

A. No, sir, I didn't.

Q. You let him know you were there?

A. I didn't personally, no, sir. I had no contact with him.

[fol. 864] Q. Then by that figurative statement that you were standing by him I assume that you meant you were adhering to the principles that Governor Barnett had previously expressed?

A. I was supporting the principles that he had expressed.

Q. All right. You were, of course, aware at that time that he had prevented the entry of Meredith into the Ole Miss University?

A. He had opposed it, yes, sir.

Q. And he had prevented it, had he not, up to that time?

A. He hadn't been entered up to that time.

Q. All right. When did you first learn that Meredith was actually on the campus of the University? Was it

after you got to the campus, or did you ever learn he was there?

A. There was discussion of it all day Sunday afternoon, you might say, and I thought there was a remark made about him being on the campus at the press conference when I got there and they said I was scooped by Marshals having moved on the campus. I think there was a reference to Meredith being on the campus at the same time. But it—I would have definitely known about it when I got to the campus.

[fol. 865] Q. Is that the first time you definitely knew Meredith was on the campus, was when you got to the campus?

A. I considered him on the campus after the press conference, the discussion at the press conference.

Q. Had you been told prior to the press conference he was actually on the campus?

A. No, but this was all being told. You were told several times. Even in Jackson we heard he was coming on the press conference (sic). There was much discussion about it. But nothing that appeared definite to me, Mr. Gooch.

Q. You mentioned a conference at the Courthouse on Sunday afternoon with Sheriff Ford and a number of other Sheriffs?

A. Yes, sir.

Q. You also mentioned there was a Governor's representative there, I believe?

A. Yes, sir.

Q. Did the Governor's representative tell you at that time that Meredith was on the campus?

A. Yes, he did.

Q. Did you take that as authoritative?

A. Yes, sir.

Q. Then, let's get on now back to the dinner at the Mansion House Cafe, which we were getting close to yesterday afternoon.

[fol. 866] I believe you testified that you got into the cafe sometime shortly before 8:00 p. m. and that someone had a radio and you moved up to where you could listen to the speech of President Kennedy; is that correct?

A. Yes, sir.

Q. Did you listen rather carefully to the President's speech?

A. Yes, sir.

Q. Do you recall whether or not the President informed all of the listeners that Meredith was then on the campus?

A. I don't recall that he did, sir.

Q. Do you recall generally what the President—the text of the President's speech?

A. The text of the speech was to the effect that the administration intended to see that Meredith was entered into this University of Ole Miss, and it referred to the use of Military forces, as I remember. I believe we should have the text of the speech.

Mr. Gooch: Well, suppose we just have the President's speech played, for the sake of continuity.

Mr. Watts: If the Court please, I think this is going a little too far. Your Honor knows all the emotional impact connected with the President's speech. It doesn't prove or [fol. 867] disprove anything. I think we can read it.

The Court: It might be relevant.

Mr. Watts: I have no objection to the speech, but I say playing it—

The Court: We will play it, if they want to play it.

Mr. Watts: All right. If Your Honor please, I will object to the movies. This man did not see a movie.

The Court: What did you see?

The Witness: I heard it on the radio.

Mr. Watts: If you turn the movie part off, I have no objection to the sound. I think it would be better to read it, however.

The Court: I will permit the sound of exactly what the General heard.

Mr. Gooch: Well, can you turn off the picture and just have the sound?

The Technician: Yes, sir.

Mr. Gooch: All right. That is all right.

(Whereupon a sound recording purporting to be the speech of President Kennedy was played to the Jury as follows:

* * *

“News Commentator: We take you now to the White [fol. 868] House in Washington, D. C.

“Second Commentator: From the White House in Washington, NBC News brings you John F. Kennedy, President of the United States. As the President speaks to the Nation, Meredith has arrived on the University of Mississippi campus to be enrolled tomorrow. Governor Barnett asked that bloodshed shall be avoided. The President.

“President Kennedy: Good evening, my fellow citizens. The orders of the Court in the case of Meredith versus Fair are beginning to be carried out.

Mr. James Meredith is now in residence on the campus of the University of Mississippi. This has been accomplished thus far without the use of National Guard or other troops, and it is to be hoped that the law enforcement officers of the State of Mississippi and the Federal Marshals will continue to be sufficient in the future.

All students, members of the faculty and public officials in both Mississippi and the Nation will be able, it is hoped, to return to their normal activities with full confidence in the integrity of American law. This is as it should be. For our Nation is founded on the principle that observance of the law is the eternal safeguard of liberty. And defiance of [fol. 869] the law is the surest road to tyranny. The law, which we obey, includes the final rulings of the Court as well as the enactment of our legislative bodies.

Even among law abiding men few laws are universally loved, but they are universally respected, and not resisted. Americans are free, in short, to disagree with the law, but

not to disobey it. We are a government of laws and not of men. No man, however prominent or powerful, and no mob, however unruly or boisterous, is entitled to defy a court of law. If this country should ever reach the point where any man or group of men, by force or threat of force, could long deny the commands of our court and our Constitution then no law would stand free from doubt. No Judge would be sure of his writ. And no citizen would be safe from his neighbor. In this case in which the United States Government was not until recently involved, Mr. Meredith brought a private suit in Federal Court against those who were excluding him from the University.

A series of Federal Courts, all the way to the Supreme Court, repeatedly ordered Mr. Meredith's admission to the University. When those orders were defied and those who sought to implement them threatened with arrest and violence the United States Court of Appeals, consisting of [fol. 870] Chief Judge Tuttle of Georgia, Judge Hutchinson of Texas, Judge Reeves of Alabama, Judge Jones of Florida, Judge Brown of Texas, Judge Wisdom of Louisiana, Judge DeWitt of Alabama, and Judge Bell of Georgia, made clear the fact that the enforcement of its order had become an obligation of the United States Government. Even though this Government had not originally been a party to the case, my responsibility as President was therefore inescapable. I accept it. My obligation under the Constitution and the Statutes of the United States was and is to implement the orders of the Court with whatever means are necessary, and with as little force and civil disorder as the circumstances permit.

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

[fol. 871] "I deeply regret the fact that any action by the Executive Branch was necessary in this case but all other

avenues and alternatives, including persuasion and conciliation had been tried and exhausted.

“Had the police powers of Mississippi been used to support the orders of the Court instead of deliberately and unlawfully blocking them, had the University of Mississippi fulfilled its standard of excellence by quietly admitting this applicant, in conformity with what so many other Southern State Universities have done for so many years, a peaceable and sensible solution would have been possible without any Federal intervention.

“This nation is proud of the many instances in which Governors, educators and everyday citizens from the South have shown to the world the gains that can be made by persuasion and good will in a society ruled by law.

“Specifically, I would like to take this occasion to express the thanks of this nation to those southerners who have contributed to the progress of our Democratic development in the entrance of students, regardless of race to such great institutions as the state-supported Universities of Virginia, North Carolina, Georgia, Florida, Texas, Louisiana, Tennessee, Arkansas and Kentucky.

[fol. 872] “I recognize that the present period of transition and adjustment in our nation’s Southland is a hard one for many people. Neither Mississippi nor any other Southern State deserves to be charged with all the accumulated wrongs of the last hundred years of race relations.

“To the extent that there has been failure, the responsibility for that failure must be shared by all, by every state, by every citizen.

“Mississippi and her university moreover are noted for their courage, for their contribution of talent and thought to the affairs of this nation.

“This is the state of Lucius Lamar and many others who have placed the national good ahead of sectional interests. This is the state which had four Medal of Honor winners in the Korean War alone.

“In fact, the Guard Unit federalized this morning early is part of the 155th Infantry, one of the ten oldest regiments in the union and one of the most decorated for sacrifice and bravery in six wars.

“In 1945, a Mississippi sergeant, Jake Lindsley, was honored by an unusual joint session of the Congress.

“I close, therefore, with this appeal to the students of the University, the people who are most concerned: [fol. 873] “You have a great tradition to uphold, a tradition of honor and courage, won on the field of battle and on the gridiron as well as the university campus.

“You have a new opportunity to show that you are men of patriotism and integrity. For the most effective means of upholding the law is not the state police or the Marshals or the National Guard—it is you. It lies in your courage to accept those laws with which you disagree as well as those with which you agree. The eyes of the nation and all the world are upon you and upon all of us and the honor of your university and state are in the balance.

“I am certain that the great majority of the students will uphold that honor. There is, in short, no reason why the books on this case cannot now be quickly and quietly closed in the manner directed by the Courts.

“Let us preserve both the law and the peace and then after healing those wounds that are within, we can turn to the greater crisis that are without and stand united as one people in our pledge to man freedom.

“Thank you. Goodnight.”)

By Mr. Gooch :

Q. Now General Walker, the President’s speech has just been played and tabulated here in the record. Does that recall to your mind the things you heard there in the [fol. 874] Mansion House Cafe that night?

A. It recalls to my mind the President’s speech, yes, sir. I heard it there that night.

Q. And you did notice in the President's speech that the nation was advised, as were all the listeners, that Meredith was then in residence on the campus?

A. Yes, I did.

Q. You considered that authority, did you not?

A. Yes, sir.

Q. All right. Then prior to the time that you got to the campus on the night of September the 30th, 1962, you knew without question that Meredith was then on the campus and that he had been taken on the campus that day, did you not?

A. Yes, sir, I am not denying that in any way, Mr. Gooch. I would say I knew—I was pretty suspicious of it and suspected from earlier than this speech, as I said after the press conference.

Q. All right. Now I believe you stated that after the President—well, now just at the conclusion of the President's speech, did you make any remark concerning the President's speech?

A. I may have.

Q. I'll ask you if you uttered these words:

“Nauseating, nauseating?”

[fol. 875] A. I may have.

Q. Well, that expresses your feeling I presume then for the President's speech?

A. It expressed my feelings with respect to the situation as it was being presented at that time from the Administration's point of view, Federal Administration's point of view.

Q. All right. Now after the President's speech, you said, after some delay there at the cafe—I believe you said with relationship to some cigarettes or something, or you maybe were stopped—you and Mr. Leman went to the campus.

You have detailed on the map, which I believe is Plaintiff's Exhibit 1—did that get a number applied?

Anyhow, the large map on the wall, on the easel.

The Court: Plaintiff's 11.

By Mr. Gooch:

Q. —Plaintiff's Exhibit 11, that prior to the time you got to the campus itself, that there is a railroad track underneath the University Avenue?

A. Yes.

Q. And the car in which you were in pulled in and parked at someplace east of the railroad track?

A. Yes, sir.

Q. And I believe you stated that you got out?

A. Yes, sir.

[fol. 876] Q. Before the car was parked?

A. Yes, sir.

Q. You started on towards the campus?

A. Yes.

Q. Mr. Leman was left behind?

A. Yes, sir.

Q. Now were there people scattered out along University Avenue, walking in the same direction you were?

A. No, sir, they was scattered out sort of facing the street, watching what was coming and going to the campus.

Q. Were there people between you and the campus as you left the railroad bridge and started towards the campus?

A. Yes, sir, in spotted groups along the route.

Q. About how far did you proceed before you saw or heard of Mr. Leman again?

A. Well, I crossed a big long bridge, which is just part of the road. You can hardly tell the tracks are underneath. And I crossed that. I would say I was about 60 yards.

Q. And then did you make any motion with your arm?

A. Yes, there were people—I had passed people on the, standing there, 30 or so.

And as Leman came out of the park and turned, why, I was up ahead and I wanted him to know where I was and I waved to him to come on up.

[fol. 877] Q. Did you call him by name or did you just wave your arm?

A. No, I didn't. It was too far. I just waved my arm and signaled so he could catch where I was.

Q. There was only one way to get on down to the campus, was that street, wasn't it?

A. Yes, sir, but I wanted him with me.

Q. All right. Now as you got closer to the entrance of the campus, did you observe any people there on University Avenue just at about the entrance of the campus?

A. There was no particular group up there. There were people on both sides of the street in little groups of three's and four's, as you might have come to the campus in a car or a group, and you get to the campus and then there is a group around the monument in an area of 60 feet, say, where the light would show on, that one street light was—that was there.

Q. All right.

A. And it would show the monument. It showed the monument.

Q. Now about the time you got to the edge of the campus but before you actually got on it were you hailed by a group of persons across the street?

A. I wasn't hailed. Some people spoke to me across the street, smiled at me, definitely recognized me.

[fol. 878] Q. What did you say to them?

A. Well, I had talked to three or four on the left side. Now I was right on the sidewalk. I never got off the sidewalk. On the south side of University Avenue, coming to the campus.

And I talked to three or four people on the side, on the left side, and then I turned around and, looked around. I looked at the policeman over in the center of the street to see if he was stopping anybody. He wasn't. And people were going by him on both sides on the—he was in the center of the street, just stopping cars.

And people were going up and down the sidewalks as they wanted. And I—

Q. Did you holler?

A. And I said to 'em, "Come on."

Q. Did you wave to them and say, "Come on?"

A. Across the street to a group that recognized me, about three or four people.

Q. All right. Now when you got on down to the campus, proper, I believe you said there was a street light southeast, I believe it would be, of the monument?

A. Southeast, yes, sir.

Q. And did you stop under that light?

A. Sir?

Q. Did you stop under that light?

[fol. 879] A. Yes, sir.

Q. Were you greeted by any of the students there?

A. Yes, three or four, six or eight, or eight or ten, in groups of three's and four's as they come up.

Q. What was said, General?

Mr. Gooch: Get the General a glass of water, will you, Mr. Sheriff?

The Witness: Thank you, sir.

Just greetings, they would come up and want to shake hands with me and say hello and, of course, every one that did, why, I would let them say what they wanted to and they wanted to greet me and see me.

Some had—well, during the evening, three or four had said they had seen me in my Jackson speech six months before down in Jackson, Mississippi, and so there were several that had other places and some had never saw me before, just heard, didn't recognize me.

And as they would come up and greet me, then I would turn the conversation immediately to find out what had gone on on the campus, what it was all about and what had happened.

And that was sort of the conversation that went on continuously all evening.

By Mr. Gooch:

Q. About how many people came up to you there on [fol. 880] your first entrance to the campus, General?

A. Oh, I would say 15-20 people, probably shook hands with me out of what was standing around, what saw me.

And then there were people right beside me that would look up surprised and say—they didn't know who I was.

Q. Did any of that crowd or the 15 that came around with you, whether it was a crowd or not would not be proper, but any of that group that came around you, did they ask you to lead them?

A. Not early, sir, not until—not at that time in particular. There was some students coming back, you see. I wasn't the whole center of attraction at any time there. There were people coming back from throwing rocks and up in the tear gas, boys in T-shirts and sweaty and hot and talking about what was going on up there to their friends back there.

There were people going and coming. That took a lot of the interest and all I had to do was just listen to what they were saying.

So lots of times I was listening to people didn't even know who I was, didn't even know I was there. They didn't know I was listening to their conversations.

Q. The people in the first group that greeted you there, were they all students or of student age, I would say?

A. Well, there were some spectators around, say there was 15 or 20, I would guess, that weren't students, sir. [fol. 881] The students were more down towards the buildings and in their own areas, you might say, and up towards the front in the grove.

We were in the area where the spectators—you are looking a little bit downhill when you go down University Avenue from the monument, so you are not seeing too much on the campus. In fact, you are just seeing a light up in front of you that's lighting up a monument in about 60 feet.

So the only spectator position that will show anything about what's going on on the campus has to be pretty close to that street light.

Then if you stand in the street light, it's not good because you are lighted and the rest of the area is not, so you don't—you move, move out in the light, you see, to get out in the shadows somewhere or where it's a little bit less light so that you see better to the front.

Q. As you approached this small group or while you were talking to that small group, did you see any of the students come by going east with a chemistry professor that had just been beaten up?

A. No, sir.

Q. You didn't—that didn't—so far as you know, nothing like that happened?

A. Oh, it may have come by. I didn't see everything that was happening. There were things going on every-[fol. 882] where. There weren't—everybody there just wasn't paying attention to me.

Q. All right. Now after you had been, talked to this group, of, say, 15 under the light, where did you move to, General?

A. As I indicated yesterday, I believe I moved around on the west side of the monument within about 15 or 20 steps of the monument, first on the south side as I crossed over, talking to people and then crossed over to the west of it about 15 or 20 steps, talked to more people.

Q. When was it that some of the crowd or some of the people indicated, "Here is our leader. We have a leader now. General Walker is here."?

A. Well, in this timing we are using, Mr. Gooch, it would have been, say, now we are 15 minutes ahead after I am on the campus—

Q. Yeah.

A. —I would be in the trees, just from 10 to 20 steps from the monument, and I heard students began, saying, I—"We have a leader."

[fol. 883] Q. Did one of the students say to you, "General, will you lead us up to the steps?"

A. Oh, they asked that many times. "Will you get us organized, will you lead us?" That was the predominate question on the campus.

Q. All right. Now, after these conversations with these entreaters, did you go toward the Lyceum Building, General?

A. Yes, sir, I walked up a little bit further. Not toward the Lyceum Building, toward the flagpole. That is still practically out of sight of the—you cannot see—I couldn't see all of the Lyceum Building. I couldn't see Marshals from the flagpole. So, I moved up a little toward the flagpole; about halfway.

Q. Physically, the flagpole is on a direct line from the monument to the Lyceum Building?

A. Yes, sir, about straight.

Q. Well, I don't want to quibble, but if you were moving toward the flagpole you were moving toward the Lyceum Building, were you not?

A. Yes, sir.

Q. Did anybody go with you?

A. Three or four, probably the Sheriff and Louis Leman stayed pretty close by. I never was aware of exactly where he was, except certain times when he would be talking with [fol. 884] me.

Q. You say only three or four went with you as you walked?

A. Within fifteen or twenty feet of me, yes, sir, maybe five or six. But the others weren't paying any attention to me. Then somebody would come on by me and come up to me. You couldn't see more—you couldn't identify any one more than about twenty steps at the most.

Q. As you—before you walked westward toward the flagpole, we will call it, that is when the people had greeted you down there by the monument, shouted to you, "Here is our leader, will you lead us to the steps," and then you started toward the flagpole; is that correct?

A. Mr. Gooch, it is like this: The story at Oxford was done at Oxford. And the—there wasn't any leading of anybody up toward the flagpole, or anything else. We were just standing around in the area. I wanted to get a little bit closer, hoping I could see after I got out from under the light, we were discussing what had gone on on the campus, and I just moved up toward the flagpole to see what was going on. There wasn't anybody paying any particular attention to me except people standing maybe ten steps from me, and there wasn't—there wouldn't have been six or eight.

I will say there were three or four people over here, [fol. 885] there were three or four people over there, and there may have been at any one time three or four people by me, and maybe three or four that moved up there with me. Leman, the Sheriff, maybe one or two others. And then maybe three or four joined us there, and discussed something.

The other question was, "General, what about Cuba? Will they use Military forces here—when we are—why are the Military forces coming here, when Cuba is in the situation?" This is one of the typical questions that was going on. Yes, sir.

Q. General?

A. Yes, sir.

Q. Back to the question. As you went toward the flagpole, I believe you stated there were only four or five that went with you, or followed you?

A. In the immediate vicinity that were paying any attention to what I was doing, yes, sir.

Q. All right. Now, you mentioned this Deputy Sheriff. What was the—when was the first contact you had with the Deputy Sheriff relative to your entrance onto the campus proper?

A. I would say it was after that ten or fifteen minutes, which extends to maybe twenty minutes and he is out in this fifteen or twenty steps from the monument where he came up, or I went up to him and spoke to him.

[fol. 886] Q. And then in that conversation is it true or not that you asked him to deputize you?

A. The deputization was mentioned. I had no idea anybody could deputize you under a tree. It was just sort of a facetious statement.

Q. Did he tell you he could not deputize you because he was not from that county and even if it was his county he couldn't deputize you?

A. He mentioned that, yes, sir. He thought it was more serious than I did, I guess.

Q. Then, did that Deputy Sheriff stay with you pretty well throughout the night?

A. I never was aware that he was with me pretty well throughout the night, sir. Somebody stepped off fifteen or twenty steps away from you, he could be with you, or if he was watching you or paying any attention to you. But there were other people that were up by me, three or four or six, talking about something else, so I am not aware of where he is. But in general, I will say, I heard his testimony, it sounded like he probably knew pretty much what I was doing during the evening.

Q. Now, as you got there to the light you said some ten or fifteen people gathered around you from time to time. Could you give us an estimate of how many people you saw down around there—down around the flagpole—not the [fol. 887] flagpole, the monument?

A. Around the Confederate monument?

Q. Yes, sir.

A. Oh, I guess in the area of the shadow of the light you could see about sixty people standing around talking, seventy people, something like that.

Q. You mentioned a figure yesterday from one hundred to one hundred fifty. Where was that group?

A. Well, if you included the people down the street, and start them, but they could hear what is going on. And they, if they were lined up down there, as I came through, they were in groups, sometimes threes and fours, why I

don't know what happened to them, but they were facing the street, sort of. There wasn't anything to see what came and went from the campus, I guess, but that is sort of downhill and—

Q. Then, at the time you got to the campus, first went on the campus, you say there were fifty or sixty people around the monument, and that that, together with the rest of them back further east on University, would total up maybe to a hundred and fifty to two hundred, or a hundred to a hundred and fifty, whatever you said?

A. Well, I couldn't see it, sir. This would be my judgment—my judgment. Now, there were people out in front of the flagpole throwing rocks, and tear gas is coming in, [fol. 888] into the whole area. The whole area is permeated with tear gas. I could smell it when I got to the monument, certainly, or even to the lamp post, and I asked somebody, "What is that?" To reidentify it, and in answer to the question, I guess there definitely must have been—what I could see—couldn't be more than one hundred people from the time—from the lamp post to around the monument.

I probably wouldn't have seen but about one hundred people, except down on the street there were probably another sixty or seventy people, down as far as the bridge. There were twenty or thirty people standing on the bridge.

Now, the reason for this dissertation, nobody knows what area your question is about.

Then if you want to surmise, I would surmise there were six or seven hundred students over this whole area, maybe a thousand. I don't know. They were in dormitories, coming out of dormitories, in and out of the YMCA, from what I heard. I never saw these buildings. And when you want to take in the whole Lyceum, the whole dormitories, the canteen down behind the Lyceum and everybody interested in what is going on, or interested in doing something about it, as far as looking and seeing, in and out, keeping up in [fol. 889] general with it, why, most of them were spectators. I guess there were six or eight hundred or a thousand people all over that area.

I am coming back to your question in this—that around the area of the monument, at the time we have discussed now, and I am talking to the Sheriff, and I am moving up to the flagpole, I saw not more than one hundred to one hundred twenty-five people, around in groups.

Q. What did you see when you got up in the vicinity of the flagpole?

A. Up to the vicinity of the flagpole?

Q. What did you see when you got up there?

A. Well, now, this is later.

Q. No, talking about the same time?

A. Well, half an hour later, say, or twenty minutes—

Mr. Watts: I don't think he heard you.

By Mr. Gooch:

Q. General, you stated that after you were greeted by this ten or fifteen people you went on west toward the flagpole. You did testify, however, that you were going toward the flagpole, not the Lyceum.

Let me ask you this question: You had been on that campus at least twice before you went on there that night, had you not?

A. In an automobile, just through a campus.

Q. You knew where the Lyceum Building was, didn't you, [fol. 890] prior to the time you were on the campus that night?

A. No, sir.

Q. All right. I understood you to testify that after you had been greeted there by, or shook hands with this ten or fifteen people, there under the light, you moved on a little bit west of the flagpole, and that is when they said, "Here is General Walker, we have got a leader, lead us up to the steps"?

Mr. Watts: If the Court please, I object to that statement. It includes factors not in evidence. The witness did

not testify he was ever west of the flagpole. And he—that is unfair cross examination and argumentative.

The Court: Overruled.

By Mr. Gooch:

Q. I believe you stated, that you, with some three or four people went west toward the flagpole?

A. Yes, sir.

Q. Now, my question that I asked a moment ago is what did you see after you had walked west toward the flagpole?

A. Your question was when I was in the vicinity of the flagpole, Mr. Gooch. Nobody knows what “vicinity” means. It could be five hundred yards, or ten feet. This—

Q. Wait a minute, General.

[fol. 891] You had walked westward one step or ten steps, it matters not—

A. I am about—

The Court: Just a minute, please.

A. Yes, sir.

The Court: He hasn't quite finished his question.

The Witness: I am sorry, sir.

By Mr. Gooch:

Q. I am asking you when you first made some movement to the west what did you see? Describe—give us a graphic description of what you saw, General?

A. I believe I have stated what I have seen, with regard to the people. Do you want me to repeat that?

Q. No, I am trying to find out—

A. I will say, then, that I was looking almost toward the Lyceum Building, in general. Looking toward what the people were doing, looking toward noise; anything like that would attract my attention. I was talking and shaking hands with people. I was seeing people coming and going by. I was seeing people coming and going by from east to west, going up in front of the flag, out from the Lyceum

Building. They would hit in general—their direct fire would hit about thirty to fifty steps short of the flagpole, west of the flagpole. They might roll, every now and then, one fired would roll to the flagpole. It could go that far. That [fol. 892] is the ones that were directed in this direction.

Now, then, I was trying to see what I could see of how many students there were, and how many other people there were, and basically what the Lyceum Building looked like, the Marshals and so forth.

I could not see them from where I stood. I couldn't even make out the outline of the Lyceum Building. There was a light up there. I could tell there was a building and a—reflection. I couldn't even be sure that I could see the movement in front of that building, and couldn't identify Marshals from this position. So, there wasn't too much to see.

I was getting more information in talking to people, and seeing what had happened. I was interested in what happened on the campus.

Q. I believe you said on yesterday the most people you saw at that time was around thirty, that was between you and the Marshals; is that right?

A. I would say directly in the Grove and between the Lyceum Building and between me and the Lyceum Building, the flagpole and Lyceum Building, was about thirty and scattered groups that I could see at that time. Now, there was just enough light to see in certain areas.

Q. What were they doing, those students you saw?
[fol. 893] A. You might say they were up there to harass and antagonize the Marshals, in general protest.

Q. Did you consider it a riot?

A. Not what I am looking at and that we are discussing now. Not that portion of it, no, sir.

Q. Did you see or observe or remember about a newsman's car that had been smashed, and its camera, the car caved in somewhat, over to the south of the Circle?

A. Later I heard about it. I knew about it when it was going on. I asked a student what that racket was. I could

hear it. I don't know what time this is. This might have been ten or ten thirty, or it might have been earlier. But I could hear a racket going on up there, and I asked a student, "What is going on up there?" And he said, "They are breaking up a news car," that I had already discussed with them about, "Well, why are they after the news car?" And, well, the discussion came out that they told me stories about the newsmen asking them to do things so they could take pictures of them doing it. I heard stories like that.

And he said they probably asked them to beat up the car.

But, anyway, I heard them breaking up the car and I moved around, and when this was, say about 10:00 o'clock, I moved up again short of a line through the flagpole, and [fol. 894] listened to see if I could identify what was going on. I never saw it. I couldn't see it. Lights were all out, it was as dark as it could be. Not all the lights. There was one little light, as I remember, at this time up to the right of the walk that heads toward the Lyceum Building; way up toward the Lyceum Building.

Q. Now, General, at the time we are discussing now, and we have gotten up to 10:00 o'clock, which is fine. Up to that time had you seen anybody that approximated your age, or were most of them students?

A. From the time I came on the campus?

Q. Yes, sir.

A. Yes, sir.

[fol. 895] A. Yes, sir, I've seen people that approximated my age, older and younger.

Q. In the group that went up with you towards the flagpole, were some in that group?

A. As I remember, the Sheriff started with me or went with me or talked to me during that time, or was by or left or something.

And Louis Leman is bound to have been close by. And there were—I don't remember anybody in particular at that time.

Q. Did you at any time that night see any students engage in what you considered to be rioting?

A. Well, there is no doubt, sir, that you could say over-all, if you have talked about the situation, there was a riot on the campus but I saw—entirely different what I saw and what happened on the campus. I didn't see everything. I didn't get on the campus until a lot of things had happened.

Q. I suppose it would be impossible for one to see and have heard everything on the campus that went on, General?

A. Certainly would have.

Q. Would you say, based on what you saw and what you heard, that there was a riot situation on that campus that night?

A. Yes, there was a riot situation, over-all, on everything that happened on the campus.

[fol. 896] Q. All right. Now let's go back, if you will, and I apologize for skipping, but we are now back to the time that you and, you say, four or five went towards the flagpole, after you had been greeted there under the light and had talked to those students and after you had been asked to lead them up the steps.

Now as you got up there, you say you observed and you couldn't see the Lyceum Building. I believe you stated that?

A. I didn't say that, sir.

Q. Well, I misunderstood you.

A. I said I couldn't see the outline of the Lyceum Building. I could see there was a building there and I knew there was a building there and I knew it was the Lyceum Building.

We discussed the Lyceum Building through all these conversations. We knew what we were looking at.

Q. All right. Now after you had seen what you have described, did you start back eastward towards the monument?

A. Well, I went back to the monument, right, and to that vicinity, right within 30 or 40 yards of it.

Q. Was it on that trip back that you encountered the Reverend Duncan Gray, the incited, excited little minister?

A. Well, it was either on the way up or on the way back, or in general; it was along in that period.

[fol. 897] Q. He asked you to stop, help him stop the rioting, did he, General?

A. He said, "You can stop it."

Q. What did you say to him?

A. I said, "Why don't you stop it?"

Q. And what did you say then or what did he say?

A. I don't remember the sequence, but the idea was he wanted me to stop the—the—demanded and was frenzied about it and was all upset and excited and—over, I believe—didn't we—wasn't this—shall I repeat everything that's been said on this before?

The Court: Yes, go ahead and answer his question.

A. Well, I—his approach was all excitable and frenzied and just turned my back on him and walked off and I even again, when he approached me, why, I twisted the other way and went to talking to somebody else.

Q. Did you tell him you wouldn't stop it if you could?

A. I don't recall saying that.

Q. Would you deny that you said that, General?

A. I don't recall it.

Q. All right. Now was it then or later that you told him and the crowd that you were ashamed of being an Episcopal?

A. I remember telling him that.

Q. And you repeated that on the monument later?

[fol. 898] A. I didn't remember that I did but I have heard many witnesses say that they heard me say it on the monument. Maybe I did.

Q. It's pretty difficult for a person to remember all at this stage what he did say on a given occasion, isn't it, General?

A. The key areas of what you said and didn't say and whether you charged or not are very easy to remember, Mr. Gooch.

Q. I understand that.

A. Certainly wouldn't forget whether you were leading charges on the campus or not.

Q. I understand that. But I am talking now about the question of what you remember you said and, to be blunt about it, you have heard a lot of witnesses given conflicting testimony up to this point as to what you have said, haven't you?

A. Pretty clear statements, I think, so far.

Q. And the ones that you have heard so far, without enumerating them, do they represent generally what you recollect you having said, the clearness of the statements by the witnesses thus far?

A. Yes, sir.

Q. Do you concur in what the witnesses thus far have said you said on the monument?

[fol. 899] A. Their's is a guessing and their's is a remembrance (sic) and their's is a—I'm not substantiating that the actual details of what they said versus what I say, or in general what they have said about the situation that night and about everything that's there is the best of their memory and paints the picture about as I see it.

But we are not—we can't make the same words, Mr. Gooch.

Q. Nobody can make the same words, General. The reason I asked you that question you said that up to now the witnesses who have testified painted a pretty clear picture of what you had said on the monument.

Now all I asked you to do was either affirm or deny that statement.

A. I would rather refer to my own remarks about what I said on the monument. And I'll stand on those. And what supports those, the witnesses are correct. What doesn't support them, that's their opinion.

Q. All right. Now with relation to the time that you first went westward toward the flagpole, did you go westward at any time thereafter and prior to the time that you made the speech on the monument?

A. I never went—no, sir, never went past the flagpole. I was way short of the flagpole.

Q. No, I don't mean that time, General. I am talking [fol. 900] about—and please try to follow me and I believe we can get along a little faster. You have stated that you and a group of four or five did go towards the flagpole?

A. That's right.

Q. There you encountered Duncan Gray and you came back to the flagpole?

A. Yes, sir.

Q. Now my question is, did you go back westward at any time prior to the time you made the speech on the monument?

A. Yes, sir.

Q. All right. Tell me about that.

A. I moved five or ten feet west, steps westward, to talk to somebody else.

Q. All right. Anybody go with you?

A. Nobody that I know of.

Q. All right. After that few steps to the flagpole, did you go westward any more before you made the speech on the monument?

A. Now we are, say, half-way between or a third of the way between the monument and the flagpole?

Q. Yes, sir.

A. All right. In general, I moved five feet, five steps, east, or ten steps, ten steps north.

Q. All right.

[fol. 901] A. Talked to somebody.

Q. All right. Then are we about back down now to where you were at the monument when you—

A. No, I moved 20 steps south, talked to somebody.

Q. All right. What else?

A. Then I am in the vicinity of the monument.

Q. All right. Now when you got back to the monument and shortly before you made your speech, was there any urging you on to lead them at that time?

Was there any urging to lead them at that time?

A. This is turned in—basically, the question before, starting to lead was to start to ask, “Will you talk to us? Will you make speeches.”

That was the predominating question about that—I believe I said—“Will you lead and organize us?” That came a little bit later. That was interspersed, too.

But the main question, “Will you talk to us? Will you—will you make a speech?”

Q. All right. Then you did make a speech?

A. If you call it a speech. I got up on the monument and talked to them.

Q. Well, did you make a talk to the students, General, we’ll put it all—we’ll put it that way?

A. Yes, sir.

Q. Can you outline as best you recollect what the entire [fol. 902] speech, as you made it that night, or talk, was?

A. I told the students that they had a right to protest, they could continue to protest but that this was no place for violence; that the truth and the tragedy of this situation was indicated by a sign on their own airport which said, “Cuba is that way (indicating);” that nobody came to Mississippi—and these were my exact words—nobody came to Mississippi for violence. Violence is not intended.

I said that if there is any violence on the campus, it is on the hands of the Federal Government.

When I said there was no violence intended, there was a rousing moan and boo and, “He’s not going to do anything. Let’s go.”

And I waited until it calmed down and people began off the fringes to leave and there they were talking back and forth, “He’s not going to do anything. What’s he here for? Let’s go on.”

And during this, probably before this point, a minister, as we have identified as Duncan Gray, something catches the side of my leg. Again he’s grabbing ahold of me and he’s sort of clawing his way up to get up on the monument.

I don't remember exactly what he said. I think I said, "The minister would like to speak but I am talking now. And he can speak and say what he wants when I get through."

[fol. 903] And there was a—the reaction was, "Get him off of there. Get ahold of him. Jerk him down."

And some boy walked across in front of me that looked ready to take him apart and the inference was that I sort of quit, watched, looked at it. And I am looking down, I am about 15 inches or 18 inches higher than the other people, and somebody pulling him off.

And I waited and somebody had took him around to the left side and I went on talking.

And I had made the determination only changing my mind after refuting time and time again, that I had nothing to say and all the time finding out what was going on, on the campus.

At this time, before I got on the monument, there was a discussion, and it began to pass the word around the crowd and excitement over the fact and getting mad over the fact that Governor Barnett had sold the students out, he had—that "We are sold out. Let's get going. Let's do something."

And then people had said, "Will you speak?"

There was a drunk there on the campus that was quite drunk, talking about an old frontier and new frontier, an Alamo frontier, and he was just all mixed up, he wasn't making any sense at all.

And I had to walk off from him about five or six times [fol. 904] and he was as drunk as he could be, to be standing, in my opinion.

And I decided, when the situation, as was, as it was at this time, I changed my mind and I said—actually Louis Leman came by me and said, "Those students really want you to talk to them."

And I said, "All right," to the next students, I said, "All right, I'll speak to them."

In the meantime—you want me to go ahead?

Mr. Gooch: General, the question I asked you originally was to give everything you said on the monument. That was the question I had asked you.

The Witness: Right, sir. Well, we will go right on to it.

By Gooch:

Q. All right.

A. Been a long time getting to the monument, sir.

Q. No, you had—well, go ahead.

Mr. Watts: Go ahead.

By Mr. Gooch:

Q. I had asked you to detail what you had said on the monument. Now if you have finished with that—

A. Now we are on the monument. I have stated what I have said, as I recall so far. These were the major, important emphasis, points I was getting across.

Very carefully—this is a very unusual situation. The [fol. 905] reason because, not as Savell stated, that I said that the Governor had betrayed you—that is exactly what I didn't say. And that is exactly why I got on the monument, to stop the rise in the determination to do something over the Governor getting out.

I got on the monument just when they began to say this and now I have just come out of the courthouse about two or three hours before and had heard the story of Sheriff Moore told to the Sheriffs, the Governor's representative, and so I am on the monument and I am speaking to the students and I wanted to make this clear to them, that the Governor had not sold them out, that the Governor's orders had not been followed out and his desires, that a representative of his—not mentioning the man's name—but definitely his representative—I'm not telling you this but I am telling you what I heard at the courthouse this afternoon, and that is that the Chief of the Highway Patrol, Birdwell—and I realized, thinking of Birdwell, that I am misusing

his name, that's not the right name, and I turned down to somebody to my right, which I didn't know at the time but it was Mr. Leman and he said, "Birdsong."

And I said, "Mr. Birdson, according to this representative, escorted and accompanied, you might say, Meredith on the campus that afternoon," and that this was not according to the representative, the Governor's desires, and [fol. 906] this is not the way the rumor I am hearing on the campus now.

Q. In other words, you were telling them at that time that your best information was that Governor Barnett was still protesting the entrance of Meredith, on the campus, is that correct?

A. I was telling them that Mr. Birdwell had brought the, had escorted or been with the group that had come on the campus with Meredith and that Governor Barnett had not sold them out.

Just before this, the Highway Patrol had left, as I remember. On a group of cars coming off the campus. This was before I got on the monument. Pardon, sir?

Q. General, you were telling them that the Governor had not sold them out, that Birdsong had sold them out, and that the Governor was still standing fast in his original position with respect to the entrance of Meredith, were you not?

A. I didn't say that.

Q. Was that the implication, would that be a reasonable implication?

A. I believe that's your statement, Mr. Gooch.

Q. No, I am asking you for yours, General?

A. No, sir, it's not.

Q. Now have you told us all that you remember of your [fol. 907] statements made on the monument?

A. I have told you all I remember, as I did before. Unless something else refreshes my memory.

Q. Well, I believe when your deposition was taken in this case, that with respect to violence, you stated that what you told them, that no violence was intended, do you recall that?

A. No, I don't, sir.

Q. All right. At the time you told them that they had a right to protest, did you tell them that they had a right to keep up the protest?

A. I told them they—they could continue to protest, right.

Q. By continuing the protest, did that mean that they could continue, that you thought it was all right to continue what they had been doing?

A. I didn't say that, sir.

Q. Did you know at the time you told them that they had a right to continue their protest that they had been throwing rocks and bricks and missiles at the Marshals?

A. I knew that they had been throwing rocks at the Marshals, yes, sir.

Q. All right.

A. And that they had been fired on by the Marshals continuously.

[fol. 908] Q. Now let's—at any time that night, did you ever loosen your tie and collar, General?

A. Yes, sir, my back was getting tired. This is over a period of four and five hours, you might say, until, I think when I left about 1:30 or 2:00, and my back was getting tired, say, around 11:00 o'clock, something like that.

And I felt like I was getting a headache and took off my hat and stood under a tree for—over to the left of the monument, for 20 and 30 minutes at a time, took my—loosened my tie.

And when I did it, I was entirely by myself, except maybe Leman may have seen me or somebody, and loosened my shirt collar.

Q. I quote from your deposition, Page 253, with reference to what you said on the monument:

“I stated that any blood shed on the campus would be on the hands of the Federal Government.”

A. That's right, sir.

Q. “That the students had a right to protest.” Correct?

The Court: I don't think he heard you, Mr. Gooch.

By Mr. Gooch:

Q. Correct?

A. Will you repeat that?

Q. That the students had a right to protest?

A. Yes, sir, but your reference is to—I don't know I [fol. 909] said it in that sequence. The sequence would make a lot of difference.

Mr. Gooch: Get the deposition. I believe that I quoted it exactly as you said it, General.

Look at Page 253, at Line 14.

A. Line 14?

Q. Yes, sir.

[fol. 910] Q. Did I quote you correctly?

A. May I read it?

Q. Yes, sir.

A. I am looking for the question, sir? Have you got the question?

Q. I guess it is the line before the answer.

A. Back to line three?

Mr. Address: Line one, "By Mr. Cravens".

A. Is this the question?

By Mr. Gooch:

Q. Yes, sir, the last question up there—I am asking you about the speech you made on the monument and what you said. The question just before the answer, "Can you answer the last question?" And your answer, "Yes, sir, be happy to, sir." And then your answer, as I get it—

A. "I am asking you about the speech you made on the monument." And I stated, "That any bloodshed on the campus, that this was—any bloodshed on the campus would be on the hands of the Federal Government; that the students had a right to protest; that no violence was intended and nobody came to Mississippi for violence. That the tragedy of the situation was very obvious with respect

to Cuba and what was going on in Cuba, and it was well reflected by signs on their own airport that said, "Cuba that way."

[fol. 911] And this statement doesn't even cover the Bird-song activity.

Q. I didn't ask you about Birdsong in the question. I asked you if you made the statement that you just read.

A. Yes, sir, but that is not the sequence of the speech.

Q. The sequence of what?

A. That is not necessarily the sequence of the way—I couldn't identify the sequence of what happened.

I am—what I am saying, Mr. Gooch, that in the intent of that speech, and the general tone of it, was to keep the students from any violence; to keep them in the area of a protest only. I intended to keep them in the area of protest, to try to stop any violence that was possible. Any violence on that campus would have been exactly opposite to what—and would have played right into the hands of the use of tremendous Military force. Any violence would have played right into the hands of the use of Military force.

As it was, the thing was looking fantastic and ridiculous. Absolutely ridiculous. It is still ridiculous, with 23,000 troops on the campus. Any fifty or one hundred men could have put any student on any campus in the United States on a week day.

Q. General, the question I originally asked you was to [fol. 912] reaffirm as to whether or not you had made the statement which is attributed to you on page 253 of your deposition. That is all I asked you. No sequence at all. I just asked you if you made that statement in the deposition.

A. I made that statement in the deposition referring to general things that were stated in the speech as I remembered it at that time.

The overall—I will take that—retract that. If it is in the deposition, definitely I said that, sir.

Q. Did you say also in the deposition, I believe at page 255, that Col. Birdsong was in violation—"In fact, he said

that Col. Birdsong was in violation of what the Governor ordered and desired?"

Mr. Watts: Correction, Tiny. "What the Governor wanted and desired."

Mr. Gooch: Maybe I have got the wrong one. Wanted and desired.

A. That, yes, sir.

By Mr. Gooch:

Q. Now, did you tell them, again on the monument, you were ashamed you were an Episcopalian?

A. I may have. May have not.

Q. All right. Now, General, I am going to ask you these questions relative to the remarks that you made on the monument to see whether or not they conform with what [fol. 913] your recollection is of your speech.

Did you say, "Marshals ought not to be here"?

A. I don't recall that.

Q. Would you say you didn't?

A. I don't recall it.

Q. "You have a right to demonstrate against the Marshals being there." Did you say that?

A. I certainly don't recall anything like that.

Q. That, "They had a right to protest against what happened there and that the Marshals being sent in against the University to make sure Meredith got in . . ." Did you say that?

A. Will you repeat that?

Q. "That they had a right to protest against what happened there and the Marshals being sent in against the University to make sure Meredith got in." Did you say that?

A. I said only that they had a right to protest, as I recall.

Q. Did you say, "You may not win, but you will be heard"?

A. I may have said, "You may be heard." I don't recall the other.

Q. You didn't say, "You may not win"?

A. I don't recall.

[fol. 914] Q. Would you say you didn't?

A. I don't recall it.

Q. Did you say something to the effect that they had been sold out by the Kennedys?

A. This is the speech on the monument?

Q. Yes, sir.

A. I don't recall it.

Q. This statement is attributed to you on the monument while you were making your speech. "Protest all you want to. They might run out of gas. Help is on the way. Thousands are coming."

A. No, sir.

Q. You did not make that statement?

A. I don't recall anything like that.

Q. Did you make this statement: "It is wrong for the Marshals to come in and force integration."

A. I don't remember making that statement on the monument.

Q. Did you ever make a statement that it was wrong for integration to be forced?

A. Did I ever?

Q. Yes, sir.

A. That it was wrong for integration to be forced?

Q. Yes, sir.

[fol. 915] A. With reference to Military forces, yes.

Q. I am talking about in the absence of Military forces. Did you ever make the statement it was wrong to have forced integration?

A. Anywhere, on or off the campus? Yes, I have. To force integration.

Q. Regardless of Federal troops or otherwise, is that right?

A. I am talking about Marshals, Federal troops or any way. I have made that general statement. I don't believe it is right.

Q. All right. Did you ever make this statement: "You are fighting a good fight. Keep it up. Help is coming. Don't be discouraged."

A. I recall no such statement.

Q. This statement: "You have every right to protest." Did you make that statement?

A. Yes, sir.

Q. "It is your constitutional right to protest." Did you make that statement?

A. I probably have said, "You have a constitutional right to protest."

Q. And, "I will lead you in your protest." Did you make that statement?

A. I don't recall it.

[fol. 916] Q. Did you make this statement—

A. Are we referring to just on the campus, now, or somewhere else?

Q. Talking about on the campus.

A. I don't recall it.

Q. Did you make—

Mr. Address: Pardon me, isn't the question "On the monument?" I thought it started out on the monument only.

Mr. Gooch: That is what I am talking about. I am asking him if these statements weren't made on the monument.

The Court: I think he has referred to the word "campus".

Mr. Gooch: Excuse me, I am using campus and monument synonymously, and I apologize for that, but the original question I asked him was what was said on the monument.

The Court: All right.

By Mr. Gooch:

Q. Did you make this statement, "You will be heard all over the world"?

A. I may have made a statement to the effect that, "You will be heard," or something of the sort. Seems to me I remember such a statement, that they would be heard.

Q. General, at the time you made this statement on the [fol. 917] monument you knew there had been casualties?

A. I didn't say I made that statement, Mr. Gooch.

Q. No, at the time you made a statement on the monument?

A. No, sir, I didn't know there had been casualties.

Q. Didn't you testify prior to the time you made the speech a man came up with blood on his stomach, pulled up his shirt or pants leg or something?

A. Oh, casualties, yes, sir, of that type. Yes, sir. My mistake.

Q. That is what I mean.

A. My mistake. I was referring to other type casualties. Yes, sir. I knew there had been some minor injuries, and there had been reports of some major injuries.

Q. You knew that the students were throwing bricks, bottles and missiles at the Marshals prior to the time you made that speech, didn't you?

A. Yes, sir.

Q. Did you ever say on the monument, "All right, I will lead you"?

A. I don't recall any such thing.

Q. Did you ever make the statement, "Stand by your Governor"?

A. No, sir—yes, sir—oh, "Stand by your Governor?"
[fol. 918] Q. Yes, sir.

A. I may have.

Q. I am still talking about the monument now.

A. Yes, sir.

Q. Did you make this statement, "You have a right to protest in any way you see fit, even if it involves violence or bloodshed"?

A. I recall no such statement.

Q. The next one on the monument, the speech on the monument, "I want to congratulate you students on what you are doing here this evening."

A. I recall no such statement. I recall referring to congratulations regarding protest. Not necessarily on the monument though.

Q. You did congratulate them on the protest at some other time?

A. I have mentioned that protests were perfectly all right if they kept it to a protest.

Q. Did you compliment them on the campus that night, on the protest they were making?

A. You are talking about all over the campus?

Q. Yes, sir.

A. Referring to just protest, I had said, "You have a right to protest." And I have used the word "compliment" [fol. 919] on protest, but not anything else; to talking.

Q. Did you make this statement on the monument, "There are thousands who are behind you, or with you, and you will win in the end?"

A. I don't recall it.

Q. Now, deviating a moment from the speech, did you ever—were you ever asked where these tens of thousands were that you had talked about on the news releases?

A. Probably in passing around somebody asked me, "Is anybody coming?" Or, "How many," or what?

Q. Did you make any reply to that?

A. Usually not. I didn't know.

Q. Did you tell them, "They will be here when needed?"

A. No, sir.

Q. Did you give any advice that night, General, on an effective method of putting out or combating tear gas?

A. I remember standing way back during the course of the evening and discussing what was going on with people, and I remember somebody standing by me just quietly, and saying, "What is the Military do to put out tear gas"? And I said, "As far as I can recollect, if water doesn't do it you can use sand."

Q. Anything else said about it?

[fol. 920] A. I believe so. I believe I said something about, "I don't think you have got any sand. No sand is available, or where would you get sand."

Q. What was said then?

A. I guess the student walked on off. I don't know what was said.

I gave no orders or directions to anybody to do anything. He asked me a Military discussion, what usually happened, and how you did it. Well—

Q. General, at any time prior to the time you made the speech on the monument did you see any wheelbarrows or carriers bringing up bricks from the building under construction down on the south side of the campus there, or south side of the Circle?

A. I don't remember seeing them, Mr. Gooch. I know brick were coming up from the thing because the students told me at different times they were getting brick from down there, and I saw the old building. I didn't know whether they were tearing it down or putting it up. Had a lot of weeds and stuff around.

But I don't remember exactly seeing a wheelbarrow, but I know that from time to time I knew there were some bricks coming from down there. I didn't actually see a load of them all night.

Q. You did know they were coming from there?

[fol. 921] A. Yes, sir, the students told me. I asked them and they told me where they were getting them.

Q. And you knew the purpose for which they were being brought up there, didn't you?

A. Well, as I believe the witness said, you can't pull up the pavement, hardly. But it seems to me I saw a fence all torn up, or something, and they were getting pieces of that at one time in the evening. Or they said something about tearing up a fence, or something.

The Court: Let's recess at this point, ladies and gentlemen. We will recess until a quarter until 11:00.

(Short recess was had.)

[fol. 922] Mr. Gooch: General Walker, prior to the time you went to Mississippi on September the 29th, 1962, you

had been told by Mr. Leman that there was an explosive situation on the campus of the University of Mississippi, were you not?

A. He may have used those terms.

By Mr. Gooch:

Q. You also knew at the time you went to Mississippi on the 29th of September that feelings were running high in Mississippi, did you not?

A. Yes, sir.

Q. You also knew that your going to Mississippi would create considerable publicity and create a protest, did you not?

A. I knew it was a protest. I had no idea what publicity it would. . . .

Q. Turn to deposition Page 91. Question on Page 91: "Of course, you knew in September of 1962, that your going to Mississippi would create considerable publicity, did you not?"

A. Considerable publicity, yes. I didn't know how much, sir.

Q. With respect to the Mississippi situation, I believe you stated prior to the time you went to Mississippi the following:

"This is a critical situation. There is nothing lawful [fol. 923] about forced integration. It is not on the book. It would have to be passed by Congress to be lawful."

Did you make that statement, General?

A. At what place and time, sir?

Q. On the 28th, September 28th, 1962.

A. To who?

Q. To a newsman in Dallas?

A. I may have.

Q. Those were your sentiments, were they not?

A. My sentiments were that any—that the over-all integration problem as it's being run today should be legislated by the Congress. Those are my sentiments.

If this is what they intended, it should be legislated by the Congress of the United States, the representatives of the people. That's what I felt at that time and I haven't changed, sir.

Q. You previously testified that after your press releases on the September 26th, 27th, 28th, and 29th, did you not, that you got hundreds of calls from across the country from people who said they were accepting your appeal to come to Mississippi?

A. Yes.

Q. Did you testify in your deposition that when you arrived on the campus there was an explosive condition of excitement, resentment and turmoil?

[fol. 924] A. Yes, I did. I may have said, "explosive," or—did I say, "explosive"? Are you quoting from the deposition?

Q. Yes, sir.

A. Right, sir, I did.

Q. Did you testify in your deposition that you never at any time saw any one throw a brick or other missile towards the Marshals?

A. I believe I did, sir. I didn't see the brick thrown.

I testified in my deposition that I, as I recall the deposition—it's 400 pages long—but as I recall the deposition, and I can restate what I saw on the campus, I never saw anybody throw anything that I could identify.

Now I saw people going through the motions of throwing and I—but I was not close enough to see what they were throwing, except I believe I testified in my deposition I definitely did see a student that could pick up the missiles as they were laying burning on the ground and throw them back—he couldn't throw them back into the Marshals in most cases, I would say never could, because he couldn't get them back that far.

But I saw one student, which was amazing, that had learned how to pick up a burning missile that was spewing tear gas, he would reach in under it somehow and throw it back towards the Marshals.

[fol. 925] Q. Did you ever see any Molotov cocktails being made or Coke or soft drink bottles filled with gasoline?

A. No, I never saw any.

Q. Did you determine that they were being made?

A. They told me they were, yes, sir, some students said that they—and I knew that they were.

Q. Did you know how the Marshals were lined up at the Lyceum Building?

A. No, sir, I was never sure. I had been told how they were lined up. One—some said they were in a complete shoulder-to-shoulder or circle and then I heard that one or two, that there were two rows of them, two deep, and I never was sure exactly how they were lined up.

I never could tell exactly or I couldn't get close enough to see or didn't get close enough to see.

One time I was up pretty close to them and that was during the truce and at that time I was mostly interested in the truce and it seemed to me at that time that they weren't too, in any formation, that they were just sort of wondering around in front and sort of spasmodically standing in groups of two's and three's in the front, talking to each other, sort of, and not too well lined up or organized.

Q. Did you ever go west to the flagpole, General?

A. Yes, sir.

[fol. 926] Q. Did you testify that west of the flagpole the tear gas was heavier?

A. Well, it would have to be, Mr. Gooch, because that's where the missiles were landing, up in that area. Unless the Marshals came out, which they did a time—I believe I saw them twice.

Once they came out, I remember, to the flagpole while I was there through a five-hour period and if they fired—when they came out, they could lay down a barrage that would be heavy.

Of course, the gas was heaviest where they were actually landing and the preponderance was being fired from

the Lyceum Building and they were actually landing short of the flagpole, say anywhere from 10 steps to 50 steps short, towards the Lyceum, was where they was landing in general.

So that area was the heaviest concentration. Of course, it was all over by then and it had all—the wind put it down into the dormitory.

Q. General, do you remember a news conference in Dallas about the 27th or 28th of September, of 1962, with a newsman by the name of Murphy Martin?

A. I don't know which one you are referring to but I have knowledge of a news conference in Dallas, which hasn't been referred to here, with the press and some press reports that have been printed that are in the Fort Worth [fol. 927] press that indicated that I said there wasn't—something to the effect, there was no violence.

I think they can find this report. This may be the one you are referring to, Mr. Gooch.

Q. No, I am talking about before you went to Oxford?

A. This was before I went to Oxford? This was a release, I am talking about, on the 28th, and said that I didn't—there was no violence—I hoped there wouldn't be any violence on the campus.

Q. Well, let me see if I can recall to your recollection, and I will ask you if this question was asked you by Mr. Martin:

“If you moved into the State of Mississippi with force, what would you call this movement, General,” to which you replied, “This movement is with all patriotic Americans standing up beside Governor Ross Barnett in his cause for freedom.”

Do you remember that question being asked you and that answer given?

A. Will you read it again?

Q. “If you moved into the State of Mississippi with force, what would you call this movement, General?”