

The lean Texan was arrested here Oct. 1 following the desegregation rioting at the University of Mississippi which killed two persons.

Shortly before Clayton ruled in the Walker case, he ordered sons.

Shortly before Clayton ruled in the Walker case, he ordered Chief U. S. Marshal James McShane released from the Lafayette County Jail. McShane had surrendered to Sheriff Joe Ford on state charges of inciting a riot and breach of peace during the rioting.

McShane and one other person—who has not yet been identified—were indicted last week by the County Grand Jury after it probed the rioting which followed the arrival of Negro James H. Meredith on the University campus.

The judge set no date for Walker's trial. He accepted a mental test given Walker earlier this month at Dallas, Tex.

The judge said the examination made by Dr. Robert L. Stubblefield, Professor at the Southwestern Medical School in Dallas, "was essentially negative. No opinion was expressed. It did not say whether he was sane or insane."

Clayton added that from his observation of Walker's behavior while testifying yesterday he "found that this man is competent" to aid in his defense of such criminal charges as may be presented.

Clyde J. Watts of Oklahoma City, Okla., one of Walker's four

Clyde J. Watts of Oklahoma City, Okla., one of Walker's four attorneys, said Clayton's decision in placing the mental test in the case record would be appealed. Walker said afterward he felt he had been subjected to a great injustice.

Clayton, recently chosen to command the 31st (Dixie) Division of Mississippi and Alabama National Guardsmen, expressed the greatest respect for Walker's military career.

[fol. 2010] A23AX

Walker was questioned by his attorneys during the hearing and gave details of his arrest by Federal troops. Neither

he nor his attorneys mentioned his actions the night of the rioting.

Walker also discussed his controversial reprimand and loss of command of the 24th Division over a troop indoctrination program in Germany. He later resigned his Army commission.

During his testimony, Walker said he had been misquoted in reports saying he described former President Harry S. Truman and others as Communists.

"I had not mentioned President Truman or called anyone a Communist," said Walker.

Clayton said he would hold a hearing for McShane late in January. The Justice Department claimed McShane was "doing duties as a Federal Official" on the University campus.

After the release on a writ of habeas corpus of the husky former New York Policeman, County Dist. Atty. Jesse Yancy Jr., said "the case now rests in the hands of the Federal Court . . . However, the State contends McShane made unlawful acts and should be prosecuted in State Court."

McShane was in charge of a team of some 300 Federal Marshals accompanying Meredith onto the campus.

In other developments:

The Mississippi Senate approved a resolution which blamed rioting at the University on the "ruthless and corrupted administration in Washington headed by the Kennedy Klan (CQ)." The measure drew 12 dissenting votes and faces House action. The resolution also expressed defiance "and utter contempt for the Kennedy Administration."

Meredith left the campus for Memphis to spend the Thanksgiving holidays with his family.

XW342AES NM

A24AQ

(1SO)

Albuquerque, N.M., Nov. 22 (AP)—Sen. Dennis Chavez, was buried yesterday following services attended by thousands of persons whose votes kept him in Congress for more than a quarter of a century. He was 74.

The Democratic Senator died Sunday at Washington of a heart attack after a long battle with cancer.

Vice-President Lyndon B. Johnson, one among many national dignitaries at graveside, called Chavez "the Champion of the least among us."

"We're here today not to say good-bye, but to say 'until we meet again,'" Vice President Johnson said.

"Sen. Chavez was concerned with unity of the hemisphere. . . . and he became the outstanding spokesman for unity and progress in the Western Hemisphere," Johnson said.

The sorrowing Chavez family exhibited controlled composure throughout the ceremonies at the church and at the graveside.

Mexican Senate Leader Manual Moreno Sanchez sent personal messages to Mrs. Chavez, and to the U.S. Senate expressing the sorrow of the Mexican Senate over the death of Chavez.

Mexican senators said Chavez consistently defended Mexico in disputes and that his help was deeply appreciated there.

Among those attending the services were New Mexico Gov. Edwin L. Mechem and his successor Gov.-Elect Jack Campbell. They stood shoulder to shoulder as they paid their last respects to the colorful Democrat who had played such a leading role in the State's political story.

Gov. Mechem will name a successor for Chavez.

JD145AMS

1410

A25CX

ADD DEATH LOG

4 A.M. EST: 28 FTraffic, 0 Fires, 1 Miscellaneous. Total 29.  
AB245ACS

X

A26

New York, Nov. 22 (AP)—Funeral services for John Shubert were held as he planned it—on the stage of Broadway's Majestic Theater.

As his widow sat beside the coffin yesterday, friends and business associates read passages from the Bible. No clergyman participated.

Shubert, 53, Managing Director of his family's vast theatrical real estate holdings, died Saturday during a train trip to Florida.

Among those paying their final respects were personal friends, Shubert employes, and stage performers. Interment was at Morristown, N.J.

KS348AES

[fol. 2011]

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PLAINTIFF'S EXHIBIT 15

B9XF

IMPE

IMPRESSIONS:

Mr. Edwin A. Walker is a 53 yaer old single, white male, who is alert, friendly, and cooperative. He was born at Center Point, Texas and was reared on his parents' far. He received his education in the local grammar school, attended Schreiner Military Institute. Upon completion of high school, he entered the military academy at West Point in 1927, and graduated in 1931. He has had a long

and distinguished military career, and has received additional education and training in the services special war college. He pat

special war college. He participated in the Kiska, the Italian, the southern France invasions of World War II, the southern France invasions of World War II, in the Korean War, in the Little Rock crisis and the German occupation. He resigned from the army and refused his retirement privileges in order to be free to express his opinions about certain governmental policies re the procedures for indoctrination of troops concerning communism.

The following elicited replies point out the awareness of Mr. Walker concerning the nature and the gravity of the charges against him.

When I read

When I read the specific charges which were presented in the Northern District of Mississippi Federal Court, Mr. Walker replied:

1) "Ta

1) "That means forcibly assaulting, resisting, and impeding the United States Government, which means you forcibly intend to stop them and did use force to stop them. I feel I can relate the events in a precise way."

2) "It means you inspire others and make an effort to overthrow the government."

3) "It means that you join with others to conspire against the authority of the U. S. Government and attempt to delay and prevent their action. These are severe charges and they carry a severe penalty with them."

B10XF

After discussion with my counsel, I r

After discussion with my counsel, I directed various questions to Mr. Walker concerning the nature of the

processes of criminal trial. In my opinion, he revealed his awareness in his discussion of the procedures in a military investigation which occurred in Germany.

"When a soldier committed an act against another soldier, my role was to notify the civilian authorities, our own military police, the Judge Advocate, and the investigating police, the Judge Advocate, and the investigating team. Evidence was gathered and turned over to the civilian authorities if that was indicated by the nature of the crime." Mr. Walker continued and described in detail and correctly the usual procedures of a military court.

The following factual material would indicate that Mr. Walker has an intact, recent, and remote memory system. His specific responses to questions were satisfactory in many areas, for example:

1. Events in the Italian campaign.
2. Events in the Korean War.
3. Ability to calculate, recall numbers, knowledge of current information.
4. Performance in the intelligence tests.

[fol. 2012]

B11B

B11XF

MR. WALKER

B11XF

MR. WALKER HAS H

B11XF

Mr. Walker has led an active life physically; currently, he states he eats well, sleeps well, and exercises moderately

V

STATES HE EATS WELL

BP

STT BH

???

B11XF

Mr. Walker has led an active life physically; currently, he states he eats well, sleeps well, and ex

t

he states he eats well, sleeps well, and exercises moderately. He denies specific symptoms, hallucinations, delusions, addiction to drugs or alcohol, use of tranquilizing drugs. There is no clinical or laboratory evidence which would indicate any

physical or toxic condition which would affect adversely his ability to perceive his environment

ability to perceive his environment, to evaluate his environment, and to develop effective and appropriate actions in dealing with and to develop effective and appropriate actions in dealing with problems.

In the psychiatric examinations, no effort was made to elaborate a fully detailed picture of (U/L) Why (U/L) Mr. Walker functions in his present state, nor

functions in his present state, nor whether or not there has been any particular change in his mode of psychological operation, since this was not judged by my staff and me to be relevn

this was not judged by my staff and me to be relevant to the questions of his (U/L) present (U/L) mental operations. Rather we set out to evaluate (U/L) how (U/L) he thinks, regulates, executes, and deals with his present thoughts, values, and impulses, especially as they relate to the present charges. We felt able to arrive at some very specific answers to these questions, and found no difficulty in eliciting the full cooperation and assistance of Mr. Walker during the examination.

[fol. 2013]

B6XF

#### WALKER QUOTES ASKD)

Oxford, Miss—insert night lead Walker x x x

After Walker was put on the stand he went through the formalities of giving his name, age and hometown. Then he spoke in short sentences when asked to tell of his arrival in Oxofrd last September.

“Upon arriving went one-quarter mile for breakfast,” he began. Then one hour. Then went to the Ole Miss school grounds and made a circle. Came to town of Oxford. Came to chourthouse and a circle. Came to town of Oxford. Came to courthouse and conversed with Sheriff (Joe) Ford. Went to lunch at Mansion Cafe. It was very late. Had many conferences with press.”

The testimony skipped over the time in which the Sept. 30 rioting took place. Walker resumed the account of his activities with the details of his arrest the following day and his trip to the airport to be taken to a Fedeaaxx Federal institution in Springfield, Mo. There were no facilities here to house Federal prisoners.

"At the door of the plane I asked where I was to be taken," Walker recalled. "As I mounted the first step I heard a man say 'Springfield.'"

"The plane took off and when we were in the air I asked: 'Illinois?'"

"We are going to Springfield, Mo.," he said, and someone replied.

Upon arriving at Springfield he said that he was kept as a prisoner in the maximum security house until Oct. 6 on that day his bond of \$100,000 was cut to \$50,000, he made bond and was released.

(END INSERT)

LM648PCS B NNM

B24DX

#### NIGHT LEAD TOLEDOBEND

Baton Rouge, Nov.21 (AP)—The Sabine River Authority of Louisiana has accepted the low bid of English Electric Corp., Chairman Claude Kirkpatrick said Wednesday, to build twin hydraulic turbines in the Toledo Bend Dam Power Project.

The English firm's bid was approved at a meeting here Tuesday of the Louisiana authority, Kirkpatrick said, and also has been accepted by the Sabine River Authority of Texas.

The executive committee of the joint Sabine River Authority, he said, will accept the bid formally in Dallas Monday.

Kirkpatrick said the English firm's bid amounted to an overall savings of \$383,000 over the next lowest bidder, Allis-Chalmers.

The English Electric base bid was \$1,292,017, re-evaluated to \$1,677,400. Five firms bid on the project for the \$60 million dam on the Louisiana-Texas border. Kirkpatrick said each was evaluated against a seven-point check list.

JO644PCS 11/21/62

1416

[fol. 2014] B7XF

WITH

WALK

ER (1,200)

OXFORD, Miss., Nov. 21 (AP)—Following is the psychiatric report of Dr. Robert L. Stubblefield, Professor and Chairman of the Department of Psychiatry of the Southwestern Medical School, Dallas, Tex., on Edwin A. Walker and entered today at a federal hearing for the former Army major general:

#### PSYCHIATRIC REPORT

Edwin A. Walker

This report is written to inform you on the psychiatric evaluation of Edwin A. Walker conducted pursuant to order No. W-C-29-62. After a conference which was attended by Mr. Walker's attorneys (MMr. Watts, Mr. Matthews, Mr. Morris) and Professor Charles Webster and myself, I requested that Mr. Walker appear for the psychiatric evaluation. My purpose was to obtain material which would aid you in your decision about his competence to stand trial in your court. You wanted material in order to deal with three questions: (1) Whether or not the defendant is presently insane, (2) whether or not the defendant is sufficiently competent to understand the the defendant is sufficiently competent to understand the klflegt allegations pending against him, as shown by the complaint now pending against him in the Northern District of Mississippi, and (3) whether or not the defendant is sufficiently competent to properly assist in his own defense.

Mr. Walker pe

[fol. 2015] B12XF

All psychiatric and psychological indicate that Mr. Walker appears to be able to

Walker appears to be able to deal freely and accurately with his recollections of the incidents leading up to his arrest and present charges. E can discuss them accurately, and without distortion noticeable to the examiners. He is able to describe fully his opinions on the charges, what they meant, what kinds of defensive tactics he expects to employ, how his lawyers are working with him and the unfolding of the events which led to the present charges. However, in regard to the questions of the (U/L) reasons (U/L) for his involvement, he did not feel that whether or not there were emotional forces of which he is not fully aware (and that might possibly relate to the legal question of specific intent and motivation) were properly a part of this report. It is our impression that the Court in this case at this time is (U/L) not (U/L) concerned about Mr. Walker's ability to understand fully, the more complex and subtle aspects of his motivation in regard to the acts for which he is charged. If it were, and if we were asked to evaluate these kinds of questions, it would be necessary to conduct a much more penetrating exploration of Mr. Walker's psychological operations.

B13XF

It may be that

It may be that some of Mr. Walker's attitudes and feelings about specific events in Mississippi are such that

about specific events in Mississippi are such that if he were pressed hard to deal with them (as for example in a cross-examination) this might have a definite effect on his composure on the stand. Since we assume that the Court does not deal with this possibility in its ta

ths

this possibility in its standard of competence, we have therefore made no effort to explore in detail their nature or possibility.

/s/ ROBERT L. STUBBLEFIELD  
Robert L. Stubblefield, M. D.  
Professor and Chairman  
Department of Psychiatry  
Southwestern Medical School

LM803PCS

[fol. 2016] Mr. Walker presented himself to me on Thursday, November 8, 1962 at 2:00 P.M. after a 1 1/3 hour psychiatric interview, I recommended that he enter the psychiatric ward at Parkland Memorial Hospital as an inpatient for further observation and study. He was admitted at 4:00 P. M. and was cooperative throughout the examinations and procedures. He was released on a pass on his 53rd birthday on Saturday morning. He returned in the evening and was tentatively discharged from the hospital on November 10, 1962 at 10:00 P. M.

B8XF

Summary of findings is as follows:

1. Physical Health—Essentially normal.

A. Physical Examination—No abnormal findings except a slight deafness in the right ear and marked astigmatism, which is corrected by glasses (examination by A. W. Beloach, M. D., a member of my staff)

B. Laboratory Examinations—Normal ranges for blood and urine studies

C. X-rays of skull—Normal

D. Electrocardiogram—Normal

2. Additional Special Procedures

A. Electroencephalogram—Normal

B. Urine Studies—No evidence of current use of tranquilizing drugs

3. Psychological Tests—The report by Irwin Jay Knopf, Ph. D., a diplomate of the American Board of Examiners in Professional Psychology, and a member of my staff, states that Mr. Walker is functioning currently at the superior level of intelligence, on the Wechsler Adult Intelligence Scale his reasoning, judgment, vocabulary, fund of information, and organizational ability were all above average for his age group.

4. Psychiatric interviews were conducted on:

A. Thursday November 8, 1962 2:00 P..

B. Friday, November 9, 1962 2:00 P. M.

C. Saturday, November 10, 1962 10:00 A. M.

D. Saturday, November 10, 1962 8:00 P. M.

(Jointly with Andrew Watson, M. D., University of Michigan School of Medicine and School of Law)

[fol. 2017] B5XF

(NU-INSERT WHERE THEY WILL FIT:)

—O—

OXFORD, Miss.—Night lead Walker ( ) insert after graf

1420

When the two-day hearing finally ended, Walker strode away unsmiling from the courthouse. A newsman who caught up with him asked Walker how he felt the hearing went.

“Fine,Z was Walker’s only comment

—O—

Clyde Watts of Oklahoma City, Okla., one of Walker’s four attorneys, said Judge Dxx Clayton’s decision would be appealed—“If it is appealable.” Watts said he felt that Walker’s constitutional fxx rights had been violated by the October order to undergo mental examination

END INSERTS

LM612PCS B

XF

Pls give graf explaining habeas corpus in relation Mc-Shane case.

NU

Nov 21 RK622PCS BC

B1NU

HOOFBEATS SELECTIONS—FOR THE FAIR-  
GROUNDS...

1. . Second Light, Sir Hawley, Tulsa Bee
2. . Lil Ri,
2. . Lil Rix, Eight of Hearts, Coughatta Tribe.
3. . Giovanni, Pici-A-A Toria, Bill me.
4. . Fleeting Toni, Dixieland King, Royal Woo.
5. . Everett’s Son, Be Bee Time, Midway MayorxxMayor.
6. . Air Stride, Missiixxx Mission Missions, Elfin.
7. . Se
7. . Steve Valenti, Shoot Luke, Magic Realm.

8.. Bull Story, Toxx Troa, Grand Wizard.

9.. Blonde Ruler, Clergyman, Picmar.

Best Bet—Air Stride (6).

RK624PCS NM

[fol. 2018]

PLAINTIFF'S EXHIBIT 16

A3;450) AMS BU

1/21/63

A32

(280)

ADVANCE HOLD FOR RELEASE EXPECTED MOMENTARILY

(Advance) Liverpool, England, Jan. 21 (AP)—Prime Minister Macmillan warned tonight that no free country can dominate "other equally free states. Nor can any country in these days stand entirely on its own. Alliances are essential to security."

The British leader spoke in reply to President De Gaulle's news conference statement a week ago that Britain is not ready to join Europe by becoming a member of the Common Market.

"Just as the French have themselves retained special links with their former overseas territories, so we in Britain believe that we too can be loyal Europeans without disloyalty to our great commonwealth tradition and duty," he said.

Then he reminded the French leader that the movement for European unity was founded "by the greatest English patriot of his or any other time, Sir Winston Churchill."

This movement, he said, is "based on partnership, not on domination."

When the last round of negotiations for Britain's entry into the European Common Market began in Brussels last week, the Prime Minister said, "it was recognized on all

sides that the few outstanding problems were capable of solution. This was the general view—and for good reasons.”

“We had made it abundantly clear that we accepted the Treaty of Rome and aligned ourselves with the political implications as well as the economic content of the treaty. In particular, we had accepted a common agricultural policy and the common tariff.

“We have reached agreed solutions on a very large part of the field. We still believe that given the will the remaining difficulties can be surmounted.”

The postponement at France’s demand of the Brussels talks (until Jan. 28), he said, “has been a setback, I trust and pray not a fatal setback.”

MC321PES

A33AX (OLE MISS)

(270)

Oxford, Miss., Jan. 21 (AP)—A Federal Grand Jury investigating the University of Mississippi desegregation riots adjourned today, apparently without indicting former Maj. Gen. Edwin A. Walker.

Walker was one of 13 persons charged by the Justice Department in connection with rioting that swept the university following the arrival on campus last Sept. 30 of James H. Meredith, a Negro student.

Charges against three persons were dismissed before the Grand Jury went into session two weeks ago.

Last week, the 23-member Grand Jury returned two true bills indicting four persons for interfering with the Federal Marshals enforcing court orders for Meredith’s admission.

Indicted were Melvin Bruce, 35, of Decatur, Ga., Philip Lloyd Miles and Kline Lamar May, both of Prichard, Ala., and Richard Hays Hinton of Lucedale, Miss.

TM(MORE)

NY/MC325PES

A34'

BULETIN

LIVERPOOL—RELEASE MACMILLAN A32.

THE AP JAN. 21

MC325PES

A35AX

OXFORD—FIRST ADD GRAND JURY (A33) X X X  
MISS.

The panel also returned two no true bills—which means the jury did not believe the complaint warranted an indictment.

The no true bills are never disclosed.

The charges against Walker remain pending even though the Grand Jury apparently either declined to consider the case or returned a no true bill.

He will remain under \$50,000 bond unless his attorneys succeed in having U. S. District Court set it aside.

Even if Walker obtains such an order, the government may try to obtain an indictment and prosecute him any time within the next five years, when the statute of limitations expires.

Walker, who was in Oxford the night of the rioting that left two dead and hundreds injured, was charged the following day with insurrection, seditious conspiracy, conspiracy to impede and injure officers of the United States, and assaulting, resisting and impeding officers.

Walker has denied the charges.

BE229PES NM

1424

[fol. 2019]

A57WX

C O R R E C T I O N

Washington—Night Lead Gantt (A55WX) 4th Graf  
“South Carolina” Read X X X Never Admitted a Negro to  
Its All-White Public Schools or Colleges.

The Appellate Court etc (Inserting “All-White” and  
Changing “and” to “or”).

The AP

JC532PES

A58WX

ADVANCE FOR 6:30 P.M. EST TODAY

(220) FOOD FOR PEACE

BUST IT

BUST IT NY

A58WX (KATANGA)

M

A58WX

(200) KENNEDY—CONGO

Washington, Jan. 21 (AP)—President Kennedy personally hailed today the end of Katanga's secession, and said the people of the Congo “now have a unique opportunity to rally behind their national and provincial leadership” in a unity drive.

In a 400-word statement, Kennedy said the peaceful entry of United Nations forces into the Katangese stronghold of Kolwezi had confirmed the end of the secession movement led by Katanga's leader, Moise Tshombe.

The President said this development “is warmly welcomed by the United States and all who are concerned with the future of the Congo and the whole of Africa.”

Throwing a bouquet at former President Dwight D. Eisenhower, Kennedy said "the previous administration determined wisely" that the U.S. objective of seeking conditions allowing the Congolese people to peacefully work out their own future could best be pursued through the United Nations.

Kennedy said his administration has vigorously supported the U.N. efforts and said the American people are deeply indebted to U.N. Secretary General U Thant and his predecessor, Dag Hammarskjold, "who gave his life in the quest for peace" in the Congo.

JC537PES

A59

PHNOM PEN

A-59'NU

BULLETIN

Oxford, Miss., Jan. 21 (AP)—The Justice Department today dismissed charges against former Maj. Gen. Edwin A. Walker and six other persons arrested in connection with desegregation riots at the University of Mississippi last fall.

RK440PCS

A60'NU

BULLETIN MATTER

Oxford, Miss.—First add Grand Jury (A59NU) X X X Last Fall.

U.S. Atty. H. M. Ray of Oxford asked for the dismissals several hours after a Federal Grand Jury adjourned without indicting the seven.

The Grand Jury earlier indicted four persons in connection with the rioting Sept. 30, which killed two persons and injured hundreds.

1426

U.S. Dist. Judge Claude F. Clayton of Tupelo, Miss., granted the dismissal "without prejudice" under federal rules of criminal procedure.

The dismissal "without prejudice" means that the charges against Walker and the six others may be reinstated at any time before the statute of limitations expires in five years.

RK443PCS NM

A61

Phnom Penh, Cambodia, Jan. 21 (AP)—President Antonin Novotny of Czechoslovakia and Prince Norodom Sihanouk issued a communique today saying Cambodia will get further Czech technical and economic aid.

The communique was signed at the end of a four-day visit by the communist leader and Mrs. Novotny to this neutral southeast Asian nation.

The Cambodian kingdom looks to Czechoslovakia for mechanical

[fol. 2020]

A62

WITH PARIS ADENAUER—DE GAULLE A13  
LUXEMBOU

BUST THIS

A62NU

U R G E N T

Oxford, Miss.—Second Add Grand Jury (A60NU)  
(Which Should Be Slugged First Lead) X X X Five Year.

Walker was charged with insurrectin, seditious conspiracy, conspiracy to impede and injure officers of the United States, and assaulting, resisting and impeding officers.

Walker denied the charges.

The other six were Frank Lamar Ott, 29, of Kentwood, La., Joseph Cutrer, 42, of Kentwood, Edward Louis Shade, 28, of Atlayum, Miss., Robert Blackard, 18, of Memphis,

William Gilbert Marr, 20, of Olive Branch, Miss., and Charles Clark, address unavailable.

RK444PCS NM

A63

Luxembourg, Jan. 21 (AP)—France boycotted a meeting of Common Market experts called today to prepare for negotiations with Britain Feb. 4-5 on a British application to join the European coal-steel pool.

The coal-steel pool, made up of the six Common Market members, has its headquarters in Luxembourg. Experts of the five other nations—West Germany, Italy, Belgium, the Netherlands and Luxembourg—got to work after expressing regret at the absence of their French colleagues.

The boycott was in keeping with President De Gaulle's opposition to British membership in the continental union.

ML449PES

A64

W

O

A64NU

U R G E N T

Oxford, Miss—Third Add First Lead Grand Jury (A62NU) X X X Address Unavailable.

On the campus, meanwhile, Negro James H. Meredith neared the end of his first semester at the university by skipping a final examination in algebra.

He gave no reason for cutting the examination. Instead of appearing for the test, he remained in his dormitory.

His last final exam of the fall semester is due tomorrow, a test in English literature.

The rioting broke out on the campus shortly after Meredith arrived late on the afternoon of Sept. 30. The university enrolled him the next day, the first of his race ever knowingly admitted by the school.

1428

Since then, he has attended classes under a guard of military policemen and federal marshals.

Despite this, he's been the target of frequent harrassment—shouted threats, catcalls, and occasional flying bottle, and one seige of fireworks outside his dormitory.

He recently said he didn't plan to return to the university unless his situation became more conducive to study. He didn't detail the changes he wanted.

His plans remain a mystery. He told newsmen he would announce his decision at the end of the present semester, next Monday.

Walker was one of 13 persons charged by the Justice Department in connection with the rioting.

Charges against, 3rd Graf PRVS (A33AX).

RK454PCS NM

A65

#### WIREPHOTO ADVISORY:

Upcoming: Radiophoto, Chinese Delegate to East Berlin Communist Congress Sits at Desk as Other Communists Stand and Applaud Khrushchev, A24; Transmitted; Re-decorated Blue Room of the White House, A150; Paul J. Tierney, Appointed by President to the ICC, A142.

AP—Jan. 21

ML554PES

[fol. 2021]

A66

#### NIGHT LEAD EUROPEAN WEATHER (310)

BY RAYMOND E. PALMER

London, Jan. 21 (AP)—Tidal rivers iced over and some British sheep were reported frozen to death where they stood as Europe's little ice age entered its second month today.

The human death toll of the cold spell soared above 100.

Five deaths were reported today in Britain. The victims included two members of a climbing club who were buried by an avalanche in Yorkshire.

The white death count in Yugoslavia rose to 20 with the discovery of the body of a farmer frozen in a drift.

Snow fell for the third consecutive day in northern Greece. Icy winds built road-blocking drifts up to nine feet.

In Britain, high winds caused cancellation of helicopter food drops for herds on the moors, but royal marine trucks were attempting to carry in fodder.

Belgian hospitals arranged extra beds to cope with an influx of patients. At least a dozen Belgians have died from the effects of the cold.

As fuel supplies dwindled, Belgian authorities cancelled many passenger runs and switched locomotives to transporting coal.

Many villages in northern Holland were isolated by huge snowdrifts heaped up by weekend gales. Temperatures were around 17 degrees.

A freeze-up in the Baltic Sea brought traffic between West Germany and Scandinavia almost to standstill. The North Sea Island of Heligoland was surrounded by ice. West German army helicopters ferried essential supplies to some isolated islanders.

Police in Bavaria reported three more deaths during the weekend, which brought the Bavarian toll to at least 10.

Thirty icebreaker tugs toiled to keep open the Scheldt River mouth, main entry point into Belgium.

In Germany, special trains went into operation to deliver urgently needed heating oil from North German refineries to cities in the snowbound south.

Lake Zurich froze over for the first time in 34 years. In the Eastern Swiss Alps temperatures of two below zero were reported.

In Britain the river Thames froze from bank to bank at Kingston for the first time in 68 years.

ML601PES

1430

A67KX (PARAPLEGIC&KETCH)

M (AND INSERT)

E

A67NU

U R G E N T

SECOND LEAD GRAND JURY

Oxford, Miss., Jan. 21 (AP)—Charges were dismissed today against former Maj. Gen. Edwin A. Walker and six other persons avgksted in connection with desegregation riots at the University of Mississippi last fall.

U.S. Atty. H. M. Ray of Oxford asked for the dismissals several hours after a Federal Grand Jury adjourned without indicting the seven.

U.S. District Judge Claude F. Clayton of Tupelo, Miss., granted the dismissal "without prejudice"—meaning that the charges could be reinstated at any time before the statute of limitations expires in five years.

Walker Was X X X 6th Graf First Lead (A59NU Et Seq).

RK506PCS NM

A68KX

(SEE WIREFOTO GO1)

San Diego, Calif., Jan. 21 (AP)—The boat which is bothering some of Frank Keillor's San Diego neighbors is going to be moved, Keillor said today.

It is a 55-foot ketch which he has all but finished in the yard of his home.

Keillor said he would complete it closer to the ocean and then take his family to Hawaii in it. He is a professional ship builder. The complaining neighbors said the boat was unsightly in a residential district and a nuisance.

B(A B507PCS

[fol. 2022]

A83AX (MEREDITH)

A83NU (MEREDITH)

#### NIGHT LEAD GRAND JURY—MEREDITH (580)

Oxford, Miss., Jan. 21 (AP)—The Federal Government withdrew today the charges against former Maj. Gen. Edwin A. Walker and six other persons arrested in connection with desegregation riots at the University of Mississippi last fall.

U.S. Attorney H. M. Ray went before U.S. District Judge Claude F. Clayton and asked for the dismissals several hours after a Federal Grand Jury adjourned without indicting the seven.

The judge granted the dismissals "without prejudice"—meaning the charges could be reinstated at any time before the statute of limitations expires in five years.

At Dallas, Walker said he would have no comment on the action until he receives formal notification.

The rioting erupted the night of Sept. 30 after Negro James H. Meredith appeared on the campus in the company of a heavy force of Federal Marshals.

The night of violence—gunshots, tear gas, flying bricks and bottles—killed two and injured hundreds.

In the last hours of the rioting, the university enrolled Meredith on the morning of Oct. 1—first of his race ever knowingly accepted as a student.

A84NU

Meredith, nearing the end of the semester, skipped a final examination in algebra this afternoon.

Staying in his dormitory, he refused to see newsmen and gave no reason for failing to appear for the examination.

He reportedly has been having difficulty with his grades in algebra. None of his grades has been made public.

Meredith's last final examination is tomorrow, a test in English literature.

His plans after the current semester remain in question—at least publicly.

The 29-year-old Negro, target of numerous taunts and threats despite a constant guard of military policemen and Federal Marshals, said earlier this month he would not return for the second semester unless his situation became more conducive to study.

He didn't, however, detail what changes he wanted.

He said he would announce his decision at the end of the present semester, next Monday.

In Washington, U.S. Atty. Gen. Robert F. Kennedy said in a copyrighted interview in U.S. News and World Report that "The chances at the present time" are that Meredith will pull out of the university.

Asked if he thought Meredith would stay, Kennedy said:

"I hope he does, but I have some serious questions as to whether he will or not. The changes at the present time are that he will leave."

Addressing a meeting of Washington area Episcopal Church ministers, Kennedy followed up his interview statements by saying Meredith's withdrawal "would be a backward step" for integration in the South. But he added, "It wouldn't be a total loss" because his enrollment demonstrated that federal law will be enforced.

The Grand Jury Panel of 23, all white, indicted four persons earlier in connection with the campus riot. They were Melvin Bruce, 35, of Decatur, Ga., Philip Lloyd Miles and Kline Lamar May, both of Prichard, Ala., and Richard Hays Hinton of Lucedale, Miss.

Along with Walker, charges against these six were dismissed today: Frank Lamar Ott, 29, and Joseph Cutrer, 42, both of Kentwood, La., Edward Louis Shade, 28, at Atlayum, Miss., Robert Blackard, 18, of Memphis, William Gilbert Marr, 20, of Olive Branch, Miss., and Charles Clark, Prentiss, Miss.

The federal government arrested Walker in Oxford the day after the riot on charges of insurrection, seditious conspiracy, conspiracy to impede and injure officers of the United States, and assaulting, resisting and impeding officers.

Walker denied the charges.

As an army officer, Walker directed federal forces in Little Rock during the desegregation crisis there in 1957.

He resigned from the army after a controversy over a troop indoctrination program in Europe.

RK628PCS NM

A85

[fol. 2023]

A106NU

SUB

Oxford, Miss.—Night lead Grand Jury (A83NU) sub fourth graph “at Dallas, x x x formal notification.”

At Dallas, Tex., Walker at first declined to comment on the dismissal until we received official notification but later said:

“I am glad to be vindicated by a Mississippi Grand Jury. Today my hopes return to those of Cubans and millions of others who want to return to their homes after having escaped from the jails and boundaries of a police state.”

The rioting x x x fifth graf.

RK756PCS NM

A107

AGENCIES OUT

(340)

New York, Jan. 21 (AP)—The plight of children forcibly taken from Siberian Evangelical Christians, who sought but were refused refuge in the U.S. Embassy in Moscow

last month, was revealed today in a Newsweek Magazine story.

Soviet authorities issued a report that the Christians were "religious fanatics" who cruelly mistreated their children, crippled 30 with beatings, confined them in cellars, and made some of them "mentally ill for life."

Newsweek said: "The Christians left 29 letters at the American Embassy. Many were from their children, who had been forcibly taken away from their parents and lodged in internats (Boarding schools) hundreds of miles away from their families.

"Typical of the letters," said Newsweek, "were letters from Valya Vashchenko, who wrote her father: 'Dear Papa, when I feel sad and bitter I write to you and sing Psalms. When we go to eat everybody stands around me and won't let me say Grace. I tell them I won't eat until I ask God's Blessing. If they don't let us emigrate, then let them kill us.'"

Valya wrote her mother: "Mamochka, the director shouts at us—and that is good. The deeper the grief, the closer we are to God . . . Pray that we should stand firm."

The magazine said when the school director tried to force Valya into taking the Communist Young Pioneer's oath, she asked her parents to petition Premier Khrushchev.

"Tell him," said Alya, "I don't want to live any more in the Soviet Union. I tell you I won't study in a Godless school."

Her sister, Tanya, and brother, Petya, also in the same school wrote letters, the magazine said.

Tanya, 8, wrote: "I cry at night. The boys here beat me. But don't worry . . . God still keeps us." Petya, 7, said: "Mama, the boys here beat me. But I bear everything. Mama, I beg them to let me go home, but they won't let me."

Newsweek said "The Evangelical controversy pinpoints a particularly sensitive area of Russia's Anti-Religious Policy: youth education often content to allow Churches

of various faiths to continue services for elder members, Soviet authorities seem determined to prevent religious education of the youth, hoping that the Church problem will simply age itself into the grave."

RA904PES

[fol. 2024]

PLAINTIFF'S EXHIBIT No. 16A

RACIAL

Oxford, Miss.—Federal Government drops charges against former Gen. Walker; Meredith takes last exam at Ole Miss with future still in doubt—roundup by Ben Thomas (should stand)

Columbia, S.C.—Supreme Court Justice Warren refuses to delay court order admitting Gantt, Negro student, to Clemson; school trustees to meet to consider action (fresh material, may stand; no fresh pictures available)

— — —

FRENCH-GERMANS

Paris—De Gaulle and Adenauer face broad-ranging discussions of European and Allied policy after agreeing on treaty of close cooperation; MacMillan warns De Gaulle against trying to dictate future of free Europe—roundup (lead and picture prospects uncertain; no pictures permitted at last night's dinner)

— — —

CONGO

Elisabethville—What makes 20th Century Mercenary tick? AP correspondent interviews one in Katanga (fresh, should stand; no pictures presently available)

Washington—Kennedy hails end of Katanga secession, declares Congolese now have opportunity to rally behind national and provincial leadership (A7, should stand)

— — —

## STRIKES

New York—Newspaper Guild urges increased efforts to settle printers' strike (lead uncertain)

New York—Shipping industry meets today to act on dock strike settlement terms proposed by Presidential board (meeting at 2 P.M. EST)

Philadelphia—Negotiators in eight-day transit strike report no break in sight (may be topped around noon EST)

— — —

## REPUBLICANS

Washington—GOP colleagues arranging dinner salute to Goldwater they hope will produce \$500,000 to help bail out financially strapped party—by Jack Bell (A6, fresh, should stand)

[fol. 2025]

A17

1/20/63

PMS BUDGET (300)

TOVARICH

BY JAMES E. WALTERS

Philadelphia, Jan. 22 (AP)—The modern theory of non-singing stars in musical comedy was tested anew last night as "Tovarich" had its premiere here.

Vivien Leigh, making her bow as a singer and dancer, was enchanting as the Russian Grand Duchess Tatiana who becomes a housemaid so she can have food and shelter in the Paris of 1927.

Her voice—probably more an alto than anything—met the demands of her role, but her acting carried it off.

For her leading man she had Jean Pierre Aumont, also unknown hitherto as a singer. His voice—a creditable baritone—was an unexpected bonus to his performance as her handsome husband, the Prince Consort Mikhail, who becomes a butler.

The musical is in two acts. There are several tuneful moments, and it is pleasant enough entertainment. The first act—running nearly an hour and a half—will need cutting before *Tovarich* finishes its three-week run here and goes on to Boston and then Broadway. The second is faster-paced.

The plot is almost identical with of the popular Broadway play of the same name in 1936-37 and a later movie starring Claudette Colbert and Charles Boyer.

Miss Leigh retains the beauty and charm she displayed as Scarlett O'Hara in the 1939 movie, "Gone With the Wind." Her dancing of the Charleston, in "Wilkes-Barre, Pa." is a show-stopper.

She does a pleasing job on her two solos—"The Only One" and "I Know That Feeling"—and duets with Aumont, "Her Highness and Her Husband" and the lilting, "All of You."

The supporting cast is first-rate: Bryon Mitchell as the youthful son and Margery Gray as the daughter of the American couple who employ the Prince and Grand Duchess; Taina Elg as a sexy Russian refugee, and George S. Irving and Louise Kirtland as the mother and father. Mitchell and Miss Gray seem to have a real hit in "Uh-Oh."

Music is by Lee Pockriss and lyrics by Anne Croswell.

BN356AES

A18AX (BJT)

PMS BUDGET (460)

WALKER-MEREDITH RDP

BY BEN THOMAS

Oxford, Miss., Jan. 22 (AP)—The Federal Government has dropped charges against former Army Maj. Gen. Edwin A. Walker and six others arrested after the University of Mississippi desegregation riots last Fall.

U. S. Atty. H. M. Ray asked for the dismissal yesterday several hours after a Federal Grand Jury quit without indicting Walker.

Meanwhile, James H. Meredith—the Negro whose arrival at the University Sept. 30 ignited the riot—takes his final semester test today.

A question mark hangs over the future of the 29-year-old former Air Force Sergeant. He has threatened to withdraw from the University after this semester unless campus conditions change. He has been the target of frequent harassment.

The charges against Walker were dismissed by U. S. Dist. Judge Claude F. Clayton “without prejudice.” This means the Federal Government may reconsider them before the statute of limitations expires in five years.

The white grand jury panel indicted four persons last week in connection with the riots which killed two and injured scores.

They were Melvin Bruce of Decatur, Ga., Philip Lloyd Miles and Kline Lamar May, both of Prichard, Ala., and Richard Hays Hinton of Lucedale, Miss.

They were charged with interfering with Federal Marshals in the performance of duties and impeding them in the execution of court orders directing Meredith’s enrollment.

Besides Walker, charges were dropped against Frank Lamar Ott and Joseph Cutrer, both of Kentwood, La., Edward Louis Shade of Atlayum, Miss., Robert Blackard of Memphis, Tenn., William Gilbert Marr of Olive Branch, Miss., and Charles Clark, Prentiss, Miss.

Walker, who commanded Federal troops at Little Rock during the 1957 desegregation crisis, was arrested in Oxford the day after the riot.

He was charged with insurrection, seditious conspiracy, conspiracy to impede and injure officers of the United States and assaulting, resisting and impeding officers. He denied the charges.

The 53-year-old Texan, who resigned his commission in a dispute over troop indoctrination policies, said at Dallas, Tex., he was glad to be vindicated.

"My hopes return to those of Cubans and missions of others who want to return to their home after having escaped from the jails and boundaries of a police state," Walker said.

[fol. 2026] A19AX

Although U. S. Atty. Gen. Robert F. Kennedy—in a copyright interview with U. S. News and World Report—said the chances were that Meredith would quit school, there is strong sentiment now on campus that the Negro will be back next semester.

He skipped an examination yesterday in Algebra—a course with which he reportedly has been having difficulty. He declined to comment on reasons for missing the test.

Meredith said he would leave Jackson to see his wife and son "as soon as possible" after completing today's test in English Literature. He has promised to reveal his future plans sometime after the official end of this semester next Monday.

XW408AES

A20

PMS BUDGET

ADENAUER-DE GAULLE (400)

BY JOSEPH E. DYNAN

Paris, Jan. 22 (AP)—West German Chancellor Konrad Adenauer and French President Charles De Gaulle faced Atlantic and European issues dividing them today after agreeing on a treaty of close diplomatic cooperation between their countries—traditional enemies.

Adenauer is under heavy pressure from his public to play a mediating role in the crisis which erupted last week when

De Gaulle rejected the American Plan for a NATO nuclear force and slammed the door on British membership in the European Common Market.

West Germany favors British membership in the Common Market and has endorsed the American project for a multinational nuclear NATO force. Adenauer was expected to press De Gaulle to modify his position at a meeting today with only interpreters present.

British bitterness over De Gaulle's position welled up last night in a sharp speech by Prime Minister MacMillan, warning the French President against trying to dictate the future of free Europe. MacMillan told a political rally in Liverpool that no country "in these days can stand entirely on its own. Alliances are essential to security."

#### A21

MacMillan accused De Gaulle of opposing Britain's bid to enter the Common Market for political reasons. He rejected French claims that he had been insincere with De Gaulle in agreeing to President Kennedy's proposals to scrap the Skybolt missile in favor of Polaris missiles that would be controlled by the North Atlantic Alliance.

The British leader also reminded De Gaulle that the movement for European unity was founded "by the greatest English patriot of this or any other time, Sir Winston Churchill."

De Gaulle and Adenauer agreed yesterday on a treaty of close cooperation in diplomacy, defense and culture, open to other states of Europe, which they hope will repair their differences in foreign policy.

West Germany backed away from an exclusive inner alliance with France inside the European and Atlantic communities. This apparently doomed the French concept of a continental "third force" dominated by France and West Germany.

The treaty provides for regular meetings between the chiefs of state or governments, and between their foreign, defense, education and youth ministers to coordinate action

education and youth ministrs to coordinate action in these fields. The heads of state or government will meet at least twice a year, and the ministers on a quarterly basis.

The treaty also calls for more student exchanges, joint studies on military strategy, joint military maneuvers and officer exchanges.

Spokesmen specified that the treaty would be subject to Parliamentary ratification in West Germany—if not in France as well. This was considered important since an overwhelming majority of the West German Bundestag favors British entry into the European Economic Community and endorses participation in the NATO nuclear force.

The talks between De Gaulle and Adenauer are to end tomorrow.

BJ417AES

A22

Taipei, Formosa, Jan. 22 (AP)—A Chinese Communist gunboat was hit and “disappeared from sight” in an encounter with three Nationalist Chinese Warships Sunday near the Nationalist-held Matsu Island, the Defense Ministry said today.

BJ418AES

[fol. 2027]

PLAINTIFF'S EXHIBIT No. 21

I'm sad for  
you go  
make your  
spiel some  
where else

CK NW

You are doing  
allright  
Riot Riot  
You are getting  
news all  
over the  
country  
You got  
casualties

1442

I want to  
compliment  
you all  
on your  
protest

You have  
a right  
Did not  
come to  
see violence

Any blood  
you see  
tonight  
is on hands  
of fed  
govt

and the  
agencies  
thereof  
I have  
just  
been  
informed

by reps  
of Governor  
that this  
fact that  
these  
people  
are on  
campus

due to  
sell out  
def. orders  
that marsh  
not be  
allowed  
on campus

at order  
of certain  
official  
Birdsong

I am  
only  
telling  
you what  
has been  
reported  
by official  
rep of gov.

Do not  
expect  
violence  
and  
protest  
until  
Meredith  
not  
admitted

[fol. 2028]  
This is  
a long  
route to  
Cuba

Sorry  
an Epi  
copal  
church

Duncan  
Gray  
says  
stop it  
you  
can

escorted  
off  
You can  
continue  
protesting  
as you  
are

There is  
no stopping  
point.  
Many  
heading  
toward  
Oxford



# MEREDITH ATTENDS CLASSES AS GIs BATTLE RIOTERS



A long line of jeep borne Army troops leaves the main gate of the University of Mississippi at Oxford after patrolling the riot torn campus.

## Walker Arrested In Oxford

Washington—Former Army Gen. Edwin Walker was arrested today on charges of treason, insurrection and sedition. Atty. Gen. Robert F. Kennedy announced that Walker had been arrested and would be arraigned today at Oxford, Miss. No details were immediately available.

The rantings of violent segregationists or psychopaths such as ex-Gen. Edwin A. Walker, Young said if Walker made the statements attributed to him, "I am glad he is an enemy of the state and a private citizen instead of in command of any youth in this country."

Walker was arrested on the campus of this great university, University. But let's not quit. We can win. In another Senate speech Rep. Thomas G. Abernethy, D-Miss., said today "An inexperienced U.S. marshal" fired the shot in the rioting at the University of Mississippi campus against a group of kids who were doing nothing.

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### Court Opens Mixing Bar Hearings

By LARRY BRINTON and BRAD CARLISLE  
The first of 14 preliminary hearings against downtown mixing bars got under way today in Criminal Court with Raymond Leathers hearing evidence against the Duke Club, a Painter's Alley club.

On the other hand, we can and I hope that we will, use these preliminary hearings as a forum for constructive discussion and realistic examination of the problems facing our state, and as a means of giving the weight of regional or national effort toward meeting problems not necessarily confined within the boundaries of an individual state.

Chief Topic  
The Mississippi integration situation has been the chief topic of conversation since the governors and their aides began arriving here Sunday for their 25th annual meeting.

Gov. John Patterson of Alabama told newsmen as the Southern Governors conference got under way that he would like to see the conference go on record endorsing Barnett's action.

Backed up his stand, Gov. Orval Faubus of Arkansas said the lesson the federal government should learn in the Mississippi and Little Rock integration struggles is that social changes can't be accomplished by force.

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Why Not Face Truth On Cuba?  
Why not face the truth about Soviet-dominated Cuba and its dire implications for the United States? That's what Clare Boothe Luce does in four penetrating articles, the first of which appears today on Page 4.

## Barnett Plans To Send Lawyers To U.S. Court

Jackson, Miss., (UP)—Gov. Ross Barnett planned to send his attorney to the 5th U.S. Circuit Court of Appeals today to argue for removal of the state penalties for contempt leveled against him.

Part of the purge may have come Sunday night when Barnett, in an emotional message to Mississippi citizens, indirectly said he was giving up physical resistance to federal court edicts.

Completely Surrounded  
"We are now completely surrounded by armed forces and we are physically overpowered," the governor said in a statement issued from the Governor's Mansion where he spent the night.

## Patterson, Faubus Place Bloodshed Blame On U.S.

Hollywood Fla., (UP) Two Southern governors declared angrily today the federal government must accept responsibility for bloodshed in the Mississippi integration dispute and announced they were backing Gov. Ross Barnett 100 per cent.

Gov. John Patterson of Alabama told newsmen as the Southern Governors conference got under way that he would like to see the conference go on record endorsing Barnett's action.

Backed up his stand, Gov. Orval Faubus of Arkansas said the lesson the federal government should learn in the Mississippi and Little Rock integration struggles is that social changes can't be accomplished by force.

Oxford, Miss. (UPI)—Negro James Meredith registered today at the University of Mississippi and began attending classes on a campus littered with the debris of a major riot that took two lives and injured at least 75 persons.

"It is not a happy occasion," he said. About 100 U.S. deputy marshals and 1,000 federal troops guarded the campus as the 29-year-old Negro cracked the segregation barriers of the 114-year-old school.

The campus was brought under military control early today but the rioting spread to downtown Oxford and at least one soldier was hurt in a barrage of rocks, timber and pop bottles before the crowd was dispersed with tear gas and reinforcements were brought in.

Witnesses said several shots were fired at the troops at one point downtown. The troops, identified as Mississippi National Guardsmen, immediately rushed forward and fired rifle shots over the heads of the crowd.

At least 30 rioters were rounded up. Most of them were young boys. They were ordered to place their hands over their heads and were marched at bayonet point to the courthouse.

In Jackson, Gov. Ross Barnett was in seclusion but he issued a statement saying "there has been an invasion of our state resulting in bloodshed of our citizens."

Meredith, whose determination to desegregate "Ole Miss" brought about a conflict that threatened to rock the federal union, walked solemnly to an American colonial history class at 9 a.m. CST to shouts of "Nigger, Nigger" and "was it worth two deaths?"

He was accompanied to the classes by three deputy marshals and U.S. Department of Justice Representative Ed Guthman.

The Negro was met at the Registrar's office by University Registrar Robert B. Ely, who said "I enjoyed the Fair. Thank You, Billy, Becky & Billy. I enjoyed it to but they're lazy to write."

## By Reason—Not Tempers—Mississippi Tragedy Could Have Been Averted

(An Editorial)  
BLIND, BLUNDERING, BLUDGEONING zealotry—irrespective of which "side" it is on—can only compound the tragedy of Mississippi; antagonizing further the controversy that could and should have been settled without recourse to either military invasion or insurrectionary violence.

Forethought should have noted that as clearly as hindsight now discerns it, for a restraining effect on both state and federal authorities, on whom a joint responsibility has rested—and each of which, again, has contributed to the unseemly spectacle of breakdown in law and order.

Let it be said once more that this nation cannot tolerate chaos and anarchy, from any cause. Regardless of personal feeling, or considerations of political advantage on either side, this case should have been settled far short of the present calamitous showdown; and would have been had calm judgment prevailed to reason its way to a solution. Instead, free rein was given to tempers.

MISSISSIPPI COULD HAVE resolved this issue, as have other states—including Tennessee—no less mindful of states' rights in policy determination, and opposing compulsory integration, but aware of the legal obstacles erected when turned back by every level of the federal judiciary. They bowed to the necessity for observance of the law, however much it incurred individual or mass resentment.

Throughout this ordeal, state by state and section-wise, there has been the incitation to hysteria, much of it cultivated by aggravating processes of various pressure groups. And the outrageous fact is—to which these elements are indifferent—that the Negro as an individual or citizen group has been the pawn in all of this political maneuvering on the part of Democrats and Republicans alike—exploited by the parties in power.

The present is no exception. PRESIDENT KENNEDY last night spoke to the point of peaceful solution via reason on both sides. His firm and temperate message, though late, was addressed to the mind and heart of a thinking people; and was respectful of such marking the vast constituency of Mississippi.

The Banner does not believe that it was either necessary or advantageous to send troops, as such, as they were almost immediately dispatched. The National Guard of Mississippi had been federalized, and was on the scene, along with hundreds of U.S. marshals—a force adequate to any task of law enforcement, or the purpose to which they were assigned.

As it did in the case of Little Rock, when it was President Eisenhower dispatching the 101st Airborne Division, this newspaper condemns no less the military invasion, on Mr. Kennedy's order, of a sovereign state.

Two factors there were present almost automatically calculated to touch off the student rioting that occurred: (1) the sight of federal forces, deemed a trespass; and (2) the presence of former Maj. Gen. Edwin Walker, whooping it up for a demonstration of resistance. The latter was no less out of place than the former, and a contributory circumstance to the turmoil erupting into tragedy.

LATE AS IT IS, all parties concerned must come to their senses—for the settlement, by law, that should have occurred days ago. It is America's prayer, surely, that it will end here—by responsible address to the realities, chief of which is decency's paramount interest in orderly government under law.

'Round The Clock  
WITH RED O'DONNELL  
MONDAY'S MESSAGE

Pinckney Kerl gave some State Fair tickets to Jean (7), Billy (9) & Becky (11) Martin, 1509 25th Ave. S. Jean's letter of thanks read: "I enjoyed the Fair. Thank You, Billy, Becky & Billy. I enjoyed it to but they're lazy to write."

CINEMA GIG — Movie Theater marquees: "Listen-Patterson-Faubus Fight Films & Other Selected Shorts."

JETTY—Mel Barnes phoned the airlines office and asked "How long does it take to fly from Nashville to Phoenix, Ariz.?" "Just a minute," said the reservationist. "Thanks," replied Barnes and hung up.

OOPS—Bilida howl about the (Turn to Page 5, Column 3)

His 'Duty To Call Out Troops,' Says Kennedy

Washington (AP) President defined and those who tried to carry them out were threatened with arrest and violence. The U.S. Court of Appeals "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, the Chief Executive said, "my responsibility as President was therefore inescapable. I accept it."

After his address, Kennedy sat beside the telephone in his office, settling up-to-the-minute reports on rioting, gunfire and tear gas sweeping across the university campus at Oxford and the arrival on the scene of federal military reinforcements.

Weather Report	
NASHVILLE FORECAST	
CLOUDY and mild with periods of rain this afternoon and Tuesday.	
High this afternoon in the 70s. Low tonight about 60 with the high Tuesday near 70. Outlook for Wednesday, Mostly cloudy and cool.	
Temperatures	
12 midnight	60 7 a.m. 54
1 a.m.	58 8 a.m. 53
2 a.m.	57 9 a.m. 50
3 a.m.	54 10 a.m. 48
4 a.m.	54 11 a.m. 47
5 a.m.	53 12 Noon 47
6 a.m.	52 1 p.m. 47

[fol. 2029]

PLAINTIFF'S EXHIBIT No. 22

# 1963 Beginning On Priest Dam Assured

By FRANK VAN DER LINDEN  
Chief of the Banner's  
Washington Bureau

Washington — The Senate today assured that construction of the J. Percy Priest Dam on Stones River can begin sometime in 1963.

Senate approval of the \$5 billion public works bill marked final approval of \$1 million to commence construction of the \$32 million project in Nashville.

The Senate approval for the project, the Priest Dam, marked a final victory for U.S. Rep. J. Carlton Loefer of Nashville who has been working hard for the project since he came to Congress six years ago as successor to the late Rep. Percy Foreman.

Since the House previously had granted the same amount, there is no difference to be settled in conference between the two houses.

## Money to Begin Job

Therefore, the final bill which will go to President Kennedy is certain to include the money to start the project as well as \$1 million to begin the construction of the dam on the Cumberland River at Carthage.

President Kennedy's budget for 1963 originally included \$404,000 for the Army Engineers

to finish planning the Priest Dam, but the House plan to finish planning the dam project.

Originally named the Stewart Ferry Dam, the project was originally authorized by Congress in 1938, but little was done about starting it until Loefer took charge of the effort.

Rep. Joe L. Ekins of Smithville, whose district will touch both the Priest and Hull projects, used his influence on the House Appropriations Committee to have the fund approved this year.

Col. James Newman III, Nashville district engineer, indicated the Priest project could be started in the spring or summer of 1963. It will provide flood control for Nashville in addition to 28,000 kilowatts of hydro-electric power and a large lake area for recreational facilities.

## 13 Miles Upriver

The reservoir will cover 1,420 acres and will extend 13 miles up the river.

Also in the final Senate bill is \$1 million to continue building the Barkley Dam on the lower Cumberland River in Kentucky.

The Senate added \$725,000 to begin the controversial Tennessee-Tombigbee waterway to connect the Ohio River and the Gulf of Mexico at Mobile. Since the House has granted no money for this item, the conference will have to decide whether it will still be a matter for the federal government and the state of Mississippi to work out.

## Ellington

(From Page One)

Ellington took during the conference on the Mississippi situation.

## Federal-State Matter

I do not think that there is any doubt in any of our minds about what the outcome will be in Mississippi because no state is stronger than the federal government. Ellington added that still it is a matter for the federal government and the state of Mississippi to work out.

There has been speculation for several days that resolutions will be introduced during the four-day conference either favoring Barnett's action or seeking a vote of confidence in him.

Michigan Gov. John R. Swainson last week asked that the executive committee of the National Governors' Conference secure Barnett or his action in the Meredith case.

The executive committee of the National Governors' Conference will meet here Thursday, the final day of the meeting of the Southern governors.

No far, there has been no word from Washington Gov. Albert I. Rosellini, chairman of the national group, on whether any action will be taken on Swainson's request.

## Not in Sympathy

Rosellini has stated that he is not in sympathy with Gov. Barnett's action.

I think the authority of the U.S. Constitution and Supreme Court decisions must be upheld, Rosellini added.

Commenting on Swainson's request, Ellington said he reported that he did not "think it appropriate for one governor to try to tell another one what to do about a situation in his home state."

In his opening remarks to the conference, Ellington pointed out to the governors that "we can have a reputation of being a chaotic situation which occurred at the last national meeting in Hershey, Pa., in which certain individuals indulged in an old game of headline hunting and almost overshadowed the accomplishments of an otherwise informative and constructive conference."

Ellington was referring to an effort by Swainson and New York Gov. Nelson Rockefeller to adopt a civil rights resolution at the Hershey meeting. Ellington was defeated by a filibuster by several Southern governors.

Statement Echoed  
Although Barnett has been a thorn here at the diplomat headquarters, his statement at the conference headquarters that "we are growing weary of the day that the Mississippi chief executive would not attend the conference" was echoed by several other governors.

Gov. Farris Bryant of Florida, Gov. Ernest F. Tamm of Georgia, and Gov. Terry Sanford of North Carolina agreed with the other Southern governors that the state should not attempt to resist the federal government's actions.

Vandiver said he did not favor the use of armed troops to enforce the orders of the federal courts.

The same end and here in compliance with the court orders can be accomplished peacefully and without the use of federal marshals, Vandiver added.

However, the Georgia chief executive did state that in his opinion, as long as Mississippi is a state of the U.S. and does not secede from the Union, they like every other state, must abide by the laws and the decisions of the courts which directly affect them.

Faced Some Decisions  
Speaking of one who has had to make the same hard decision in now facing the governor of Mississippi, I believe that Mississippi will eventually come to see that law and order is the only course open to them," Vandiver said.

Sanford said he had made it plain since he has been governor of North Carolina that he was not in sympathy with the problems in other states.

He said he thought the outcome in Mississippi would be a triumph for law and order.

He added that he was optimistic that the federal government would be able to deal with the situation.

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## Barnett

(From Page One)

Barnett has a \$50,000 daily limit.

Barnett issued his statement after being informed Meredith had been killed in the rioting on state officers' orders. He called on state officers to "under my command to do everything in their power to preserve peace and to avoid violence in any form."

"I know that our principles remain true, but we must at all odds preserve the peace and avoid bloodshed," he said.

Barnett also said he was "deeply shocked and saddened by the armed forces and officers' power of the United States of America, my courage and convictions do not waiver."

"I Love Mississippi"  
"My heart still says 'never' but I am strong and I will love the bloodshed that will follow."

"I love Mississippi. I love her people. I love those 10,000 Mississippians in the National Guard who have been so gallantly and requested to oppose me and their own people."

Barnett's son and son-in-law were among the guardsmen called to active duty by the President.

In his closing remarks, directed to federal officials, Barnett said: "You are destroying the Constitution of this great nation. May God have mercy on you. Mississippi will continue to stand for the rights of all men and women, and the courts to restore the sovereignty of the state and constitutional government."

Heavy Blow  
This statement had struck at the heart of the federal government's position in Mississippi. The two sides were in a fighting mood. The state's chief executive, Gov. Barnett, was alive with confidence and some men even the complete confidence of the state and constitutional government.

Somebody played a phonograph record of "Dixie," the state song, and the crowd cheered and sang toward the white uniforms of the Governor's Mansion.

They formed a ring around Barnett at one time was four deep. Barnett, who was wearing a white shirt, a white jacket, and a white tie, was surrounded by a ring of white uniforms.

Despite the fact that there was a crowd of white uniforms, Barnett was not in the crowd. The crowd did not disperse until it got word that the governor would be safe.

Gov. Barnett's statement that the state should not attempt to resist the federal government's actions was echoed by several other governors.

Gov. Farris Bryant of Florida, Gov. Ernest F. Tamm of Georgia, and Gov. Terry Sanford of North Carolina agreed with the other Southern governors that the state should not attempt to resist the federal government's actions.

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# Meredith Attends Classes At Ole Miss



Federal marshals wearing gas masks stand guard as students demonstrate on the campus of Ole Miss at Oxford in protest of court ordered enrollment of James Meredith, Negro Air Force veteran.

## Oxford Victim 'Loved Life's Good Things'

New York (UPI) — Paul Guillard, who was killed in the integration riot on the University of Mississippi campus Sunday, was a "loving man" who loved life's good things, his friends said.

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## Paradoxes In Integration Crisis

Oxford, Miss. (UPI) — Paradoxes in the Mississippi integration crisis.

Ross Barnett, Jr., son of Mississippi's anti-integration governor, was named to take action against his father's stand in the case of James H. Meredith, Young

Barnett is a lieutenant in headquarters company of the Mississippi National Guard at Jackson. The unit was federalized Sunday.

John Stennis, a Jackson attorney and son of Sen. John C. Stennis, also was called to active duty. The elder Stennis has supported the governor in his fight to keep Meredith from enrolling at Ole Miss.

Edwin A. Walker, who as a U.S. Army major general commanded the federal troops which integrated Central High School at Little Rock, and now a civilian, appeared on the Ole Miss campus as a spokesman for Barnett.

Col. T. H. Blanding, head of the Mississippi State Police, which had been ordered by Barnett to prevent Meredith's admission to the campus, rode with U.S. marshals in the lead of the Negro applicant onto university property.

Many of the newsmen covering the rioting in downtown Oxford, Miss. (UPI) — The 100 years ago over almost the entire of the University of Mississippi issues and the United States of America prevailed. The

the students today they federal government is once again the "dishonor" of the university and to uphold the laws of our country.

An armed man in a regular uniform of the Mississippi National Guard, who should follow the advice of Gov. Ross Barnett by not taking any action for violence of gunfire and exploding bombs, which have been used in the rioting in the city.

Whatever your beliefs are, a citizen of the United States of America and of the state of Mississippi should reserve peace and harmony of both governments."

Mississippi Case 'Disgraceful': Sen. Kefauver

Beverly Hills, Calif. (UPI) — Sen. Estes Kefauver today branded as "sad and disgraceful" the integration crisis at the University of Mississippi, but praised President Kennedy's handling of the affair.

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handed him a stack of forms. The historic occasion was concluded quietly.

Meredith, who caught a whiff of the tear gas that clouded the campus early today, rubbed his eyes incessantly. He was caught only four hours sleeping during the troubled night.

In close touch with the situation, his radio-television appeal to the students Sunday night failed to quell rioting that broke out when the campus and town learned that Meredith turned away from the rioting, had been brought onto the campus.

## Campus Littered

The campus, littered today with burned out automobiles, spent tear gas grenades, broken glass and other assorted rubbish, was under virtual martial law. An estimated 400 U.S. marshals and 1,000 federal troops kept a firm grip on the order.

The Justice Department in Washington announced about noon that at least 100 persons had been arrested.

These included a Deatur, G. man, Melvin Bruce, 24, identified as a frequent companion of members of the American Nazi Party. He was accused by military authorities of sniping at the marshals Sunday night with a powerful rifle.

The dead were identified as Paul Guillard, correspondent for the French News Agency, who was found dead of a bullet wound in the back, and Ray Ginter, 23, an Oxford resident.

May Gen. Edwin Walker, who resigned his Army commission under fire for his racist views, was seen during the rioting congratulating the students. He reappeared downtown this morning in a big, white Texas suit and began shaking hands with the crowd.

Walker, who commanded federal troops that former President Eisenhower sent to Little Rock during the school integration crisis in 1957, said he came here to take the other side and justify the use of federal force.

More Than Eight Hours  
The campus rioting lasted more than eight hours and reached almost unbelievable heights. Many of the rioters were believed to be self-appointed vigilantes from the nearby countryside and from other parts of Mississippi and neighboring states.

A crime with an older woman inside also was the target for a rain of bottles, but the vehicle managed to continue on its way through the barrage.

Many of the city's Negro employees turned up for work in the downtown area, only to find their employers had not arrived. They were then seriously frightened and immediately left the area.

Army troops began moving onto the campus at 10 p.m. CST, three hours after the rioting broke out. But it was not until 4 a.m. that the last stubborn segregationists were routed and some arrested.

More violence was unleashed between downtown Oxford and the campus area and began moving in battle position along the line clearing it of anyone who seemed to be a troublemaker.

Troops set up a skirmish line between downtown Oxford and the campus area and began moving in battle position along the line clearing it of anyone who seemed to be a troublemaker.

Three soldiers jumped the hedge at the First Presbyterian Church and skirted across the lawn in the familiar stooped couch of a soldier in an enemy town.

Presently troops began moving back to the square with some narrow streets and alleys in the downtown Oxford area.

Troops started forming in the downtown Oxford early in the day.

Roaring hands of young toughs, some of them beneath college age and some above, walked the streets, many of them carrying rocks and clubs. There was no effort by local police, the sheriff's office or state patrol to stop them, although several patrol cars were observed passing by the groups.

The youths usually traveled in groups of about eight or 10 and walked the wide sidewalks of the downtown area in a belated manner.

It was after this had gone on for more than an hour that the first military units — a couple of squads of MPs — turned up.

Then they fired the first barrage of tear gas at the students. The murky white fumes rose and all but obscured the first floor of the main administration building. Students, screaming and yelling, bolted away to get out of the stinging gas.

Some, tears streaming, went into Y.M.C.A. building and stood on chairs to listen to Kennedy on TV. Afterwards, many of them went back out and rejoined the violence.

But that was not to be. Shortly before 8 p.m. CST, the word flashed around the campus that Meredith was there. And even as Kennedy spoke, the riot began. A group of students threw lighted cigarettes on the canvas top of a truck carrying U.S. marshals. The canvas caught fire and the marshals, in steel helmets painted white and wearing orange vests with tear gas grenades, jumped out.

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[fol. 2031]

## DEFENDANT'S EXHIBIT 1

## STATEMENT OF TALMADGE WITT OF PONTOTOC, MISSISSIPPI

I am Talmadge Witt, 42 years old, I live in Pontotoc County, Mississippi, and I am a deputy sheriff under Sheriff John H. Moore of that county, and have been serving as such deputy since March 1, 1960. I was acting as such deputy on September 30, 1962, and was called by Sheriff Faulkner of Union County to come to Oxford, Mississippi, getting that call about 3 p.m. on the 30th day of September, 1962. Shortly after receiving this call I went to Oxford with Cecil Payne, another deputy from Pontotoc County. We went directly to the campus of the University of Mississippi and arrived there sometime around 4:30 o'clock p.m.

When I got on the campus of the University, the United States Marshals were already around the Lyceum Building, that is, a building with big white columns in front, facing in an easterly direction. There was a paved roadway in front of that building, and the marshals were lined up along the side of that roadway next to the building; on the other side of the roadway, and all out in front of the building, were some men and boys and girls, with the roadway between them and the marshals. The crowd out in front of the building was not as big then as it was later, but it gradually grew larger from then on. When I got to this place there were a number of highway patrolmen and other officers in the roadway, between the marshals and the crowd, keeping the crowd back from the marshals, and I joined them and helped to do this.

The crowd grew larger as time passed, and the lights were turned on, on the campus. At this time there was not as much disorder as there was later, there was some loud talk, and some of those in the crowd would throw or flip lighted cigarettes and matches towards the marshals and on the cloth top of some of the army trucks which were there. It is difficult to remember the exact time that events happened, but after I had been there about an hour and a half to two hours, and at a time when I was standing

across the road in front of said building, the marshals fired [fol. 2032] the first blasts of tear gas and the crowd scattered and ran away, and I, of course, went some distance away, also, but still stayed in the area down in front of the Lyceum Building. For some time, after the first tear gas was fired, the crowd simply milled around, many of them armed themselves with bricks or pieces of broken bricks, rocks, sticks, coca cola bottles and anything that they could get their hands on, and when they could get close enough, they would throw these things at and towards the marshals, and the tear gas would drive them back. The crowd did not seem to have any definite leadership at that time, and simply milled around, hollering, yelling, shouting and talking among themselves.

Somewhere along during this time it seemed that all of the State Highway Patrolmen left the campus, as did also some of the law officers, that is, sheriffs and deputy sheriffs, but I stayed on to render any assistance that I could. Sometime around 8 o'clock p.m., or a little later, I began to hear different ones say, "here comes General Walker." I did not know him prior to that time, and when I first saw him he was walking towards a Confederate monument which was several hundred yards in an easterly direction from the marshals at the Lyceum Building. People in the crowd around General Walker began to say different things. Several of them began to say, "we have got a leader now," or "here is our leader." I had on my deputy sheriff's badge, and shortly after General Walker arrived in the territory of the Confederate monument, he came up to me, shook hands and said: "I would like for you to deputize me to help in this matter." I told him that I did not have authority to do that, that I was a deputy sheriff and was not a deputy in that county.

I was close to General Walker all of the time, from the time when he first arrived, until a considerable time thereafter.

Some few minutes after this, various people were asking General Walker to lead them and to make them a speech

and tell them what to do, and after awhile he got up on the side of the Confederate monument and made a talk. [fol. 2033] I cannot recall all the things he said, but I do remember his saying these things: "Violence is not the answer, Cuba is that way," and pointed south. He said: "Protest, protest, all you want to, you have a right to protest, and they may run out of gas." He said: "Help is on the way, thousands are coming."

A preacher had been following General Walker around asking him not to lead the crowd, but to get them to stop what they were doing. This preacher said to Walker: "They will listen to you and do anything you say, please get them to stop and go home," and Walker said: "I am here to watch what happens—I am not interested in stopping it," and then Walker asked the preacher what denomination he was, and the preacher replied "Episcopalian," and Walker said: "You make me ashamed that I am an Episcopalian." About this time I heard some serious threats made against the preacher by people in the crowd, after Walker said what he did to him, and I was afraid the preacher was going to be hurt, so I took him by the arm and pulled him and carried him out of the crowd. Two men came up to the edge of the crowd and stated that they were friends of the preacher, and asked me what I was doing with him. I told them that someone was going to hurt him if he did not leave, and I suppose they left with him, as I never saw them any more.

After some in the crowd had asked Walker if he would lead them, he stepped down from the side of the monument and said: "Keep protesting and see if we can get closer." He then started towards the marshals and the crowd of at least a thousand by that time, followed him. This crowd was armed with sticks, rocks, coca cola bottles and other things, as I have heretofore stated. They seemed to have anything that they could get their hands on, and when they got close enough, they would throw towards the marshals. When the front of this crowd, which General Walker was

with, got in about 200 feet of the marshals, they fired another blast of tear gas, and the crowd ran back, with General Walker with them. At all times during this, I was near or in sight of General Walker and stayed in sight of him until about 5 a.m. the next morning.

[fol. 2034] On a number of occasions Walker would walk towards the marshals, or in that general direction, and whenever he did, a large crowd would fall in behind and follow him. In fact, wherever Walker went, the crowd followed. During the time after the first march towards the marshals with Walker in or near the lead, I heard different statements, many of which I cannot remember, but at one time, in talking with a group about the protest they were making, he said, "good, good, keep it up." I heard people asking how to snuff out or counteract the tear gas, and Walker told them to use water, and right after that they got a fire truck and hose and began to try to use that to stop the gas. I saw a group making Molotov cocktails. They were taking coca cola bottles and putting gasoline in them and putting some kind of wick in them, setting the wicks afire, and they would then throw this towards the marshals. I did not hear Walker say anything about the Molotov cocktails, but I did see him in the vicinity of where they were being made. During all of this time, when Walker was there, and at the time when he was telling them to continue to protest, the men and boys in the crowd were armed as I stated before, they were throwing the Molotov cocktails, they were setting automobiles afire, and I personally counted sixteen automobiles that were burned. There was a new building going up near the scene of the rioting, and the students and others would get bricks over there, I saw them roll wheelbarrows up loaded with bricks, and they would break them up and take them in their arms when they went towards the marshals. Many of the lights were broken out around the campus, especially around the flagpole that was between the (illegible).

In reading over the foregoing, I notice it appears that what the preacher first said to Walker about stopping the rioting, was said after he got on the monument, and this is not correct. It was before Walker got up on the monument that the preacher was urging him to try to stop the rioting and get them to go home, and it was before he got [fol. 2035] up on the monument that Walker replied, "I am here to watch what happens—I am not interested in stopping it." It was after he got on the monument or about the time he got on the monument to make the speech that he asked the preacher what denomination he was, and the preacher replied "an Episcopalian." I simply wanted to add this to my statement in order to clear it up.


This the 25th day of November, 1963.

/s/ TALMADGE WITT  
Talmadge Witt

1450

[fol. 2036]

DEFENDANT'S EXHIBIT 2

(See opposite) 

Weather Forecast  
...  
Full Report on Page B-4

# The Evening Star

WITH SUNDAY MORNING EDITION

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Daily and Sunday, per month, 2.25

## Troops Fire Over Oxford Mob After Quelling Campus Riot

### Senate OKs \$5.2 Billion Works Bill

#### Aid Funds Debate Is Next Big Item In Closing Rush

By J. A. O'LEARY  
Washington Writer

The Senate today passed the \$5.2 billion public works appropriation bill as Congress began what leaders hope will be the final week of the session.

The public works measure carries funds for numerous river, harbor and flood control projects, plus \$500 million for the emergency program requested by President Kennedy to reduce unemployment. The vote on passage was 63 to 8.

It came after Senator Proxmire, Democrat of Wisconsin, was defeated, 52 to 17, in an effort to knock out the Glen Elder reclamation project in Kansas, which he said would stimulate production of feed grains at a time when the Government is struggling to get rid of a feed grain surplus.

This leaves only three money bills remaining to pass one or both houses before Congress adjourns. Also awaiting action this week are the conference reports on the President's foreign trade and tax revision bills.

#### Aid Bill Is Next

The Senate turned immediately to debate on the \$4.2 billion foreign aid bill, which conservatives will try to cut.

Meanwhile, the House Appropriations Committee reported out the last supplemental appropriation bill, carrying \$400 million for miscellaneous Government needs. The Senate Appropriations Committee was in session prepared to act on the other remaining money bill for the State, Justice and Commerce departments.

#### Smashers Plans Fight

But a comparatively minor bill, designed to let self-employed persons set up their own retirement plans, was the most serious threat to adjournment by Saturday.

Senator Smathers, Democrat of Florida, has given his colleagues notice he will try to delay adjournment to prevent President Kennedy from giving the pension bill a pocket veto.

The President has 10 days from last Saturday in which to sign or veto this bill. Senator Smathers is confident two-thirds in the House and Senate would pass the bill over a veto.

But if Congress adjourns while Mr. Kennedy is still considering the measure he could let it die without his signature.

Democratic leaders will try to get a decision from the President on the pension bill when they hold their weekly conference with him tomorrow morning.

#### Drive Against Aid

Meanwhile, Senator Ellender, Democrat of Louisiana, is preparing to launch a drive in the Senate to eliminate some of the \$792 million the Senate Appropriations Committee restored to the Foreign Aid bill.

The administration asked for the full authorization of \$4.7 billion.

See CONGRESS, Page A-6



Troops in battle gear move through a crowd of townspeople today at the square in Oxford, Miss., home of the embattled campus of the University of Mississippi.—AP Wirephoto.



Army troops escort a group of prisoners to the National Guard Armory following a disturbance today in downtown Oxford, Miss., site of riots protesting registration of a Negro at the University of Mississippi.—AP Wirephotos.

### Meredith Registered; Two Die, Scores Hurt

#### BULLETIN

Former Maj. Gen. Edwin A. Walker was arrested today at a road block in Oxford, Miss., and charged on four offenses. Attorney General Robert F. Kennedy in Washington announced the charges, which included inciting to rebellion or insurrection, conspiring to commit this offense, conspiring to hinder Federal officers in their duties and assaulting a Federal officer.

By CECIL HOLLAND  
Birmingham Writer

OXFORD, Miss., Oct. 1.—Rifle fire cracked here today as Army troops moved in to clear marauding gangs out of the area around the town's public square.

Infantrymen with fixed bayonets methodically moved down streets leading from the square after a morning of disorders brought about by roving groups carrying on the battle over the enrollment of James H. Meredith in the University of Mississippi.

The 29-year-old Negro student was enrolled in the university this morning while Federal troops poured

More Pictures on Pages A-6, 7; Other Stories on Pages A-5, 6, 9.

into Oxford after a night of wild and uncontrolled rioting on the nearby Ole Miss campus left two dead and scores injured.

Troops from the 2nd (Indianhead) Infantry Division moved systematically down streets leading from the town square and in thorough fashion drove all the troublemakers from the area.

They were using live bullets but seemed to be firing over the heads of those fleeing before them.

Many of the young men were rounded up and with their hands held high were collected at street corners and then hauled away in trucks.

The townspeople said they were strangers and apparently had come in from other places.

There were no immediate reports of casualties.

The university campus remained quiet after soldiers with fixed bayonets disbursed a mob which rioted there most of the night.

The Negro student was registered in the university this morning behind the massed might of the Federal Government and troops carrying rifles with fixed bayonets.

As this compliance with Federal court orders was being carried out, roving gangs wandered through the courthouse square and along adjoining streets pelting Army convoys and foot soldiers who occupied the square with rocks, bottles, sticks and even a garbage can.

The gangs were made up of both youths and older men and hurled a barrage of taunts at the soldiers whenever they appeared.

#### Tossed Tear Gas

The Army first moved infantrymen into the area around the courthouse. They marched around the square and across the courthouse lawn before taking up positions.

After enduring the jeers and missile barrages, the infantrymen suddenly tossed tear gas canisters at those who had been tormenting them and cleared the square.

Some of the infantrymen were Negroes and this served to infuriate even more the people who were collected around the square.

Nearly all business establishments around the large square, in the heart of this Deep South town, closed and locked their doors.

About one block south of the square, many young men, who appeared not to be natives of Oxford, congregated at the intersections of State Routes 6 and 7, principal arteries through town.

They hurled bricks at nearly every car that tried to run the gauntlet.

#### Convoys Still Felted

Even with increasing numbers of troops along the streets and in the square, groups of young men still bombarded passing convoys with bottles, rocks and other missiles.

As one convoy passed through the town's center, a heavy log was dropped from a second floor balcony on one of the passing vehicles.

The firing was attributed by the Associated Press to Mississippi National Guard troops from Tupelo.

The rioting in Oxford came after former Maj. Gen. Edwin Walker had appeared in the square, clad in a dark blue suit and wearing a 10-gallon hat, the Associated Press reported.

He stayed in the square briefly, spoke quietly to some of those in the crowd nearest the troops, and then backed off as military eyes watched him closely.

The Confederate flag hung at half staff in front of the courthouse.

See MEREDITH, Page A-6

## Dock Workers Administration Sees Barnett Kennedy Says Go on Strike As Breaking His Promise He Did Duty

### President Acts To End Walkout

NEW YORK, Oct. 1 (AP)—Longshoremen quit work on Atlantic and Gulf Coast ports today after their contract expired. Within 10 hours, President Kennedy invoked the Taft-Hartley Act in an attempt to end the work stoppage.

The presidential action, the first step in Taft-Hartley machinery, appeared to be the only immediate likelihood of bringing the unionized longshoremen back to docks from New England to Texas.

Prospects for quick agreement on a new work contract seemed remote.

The White House said President Kennedy would create a board of inquiry to report to him by Thursday on the nature and scope of the work stoppage. On the basis of the board's report, the President will decide whether to order

See DOCKS, Page A-2

By MIRIAM OTTENBERG  
Washington Writer

Gov. Ross Barnett of Mississippi assured the President and the Attorney General that his State police would maintain order if Negro Student James H. Meredith was brought to the University of Mississippi campus—and then, in the administration's view, broke his promise.

The off-again-on-again role of the Governor came to light as his apparent capitulation and guarantees of safe passage gave way to uncontrolled rioting on the campus last night and early today.

What Happened

The behind-the-scenes story of the last 24 hours explains why the President postponed his broadcast to the Nation, why the marshals at first went on the campus alone and why Federal troops were finally summoned to quell the rioters.

This is the story as the administration sees it, placed together from reports reaching Washington.

On Saturday, Attorney General Robert F. Kennedy and Burke Marshall, his assistant attorney general in charge of the civil rights division, had

generally agreed on a plan to put Mr. Meredith on the campus Sunday behind a Federal force.

Yesterday morning, Gov. Barnett called the Attorney General with something similar in mind. He asked for a show of force to justify his capitulation but promised that the Federal forces would run into no opposition.

Agreed on Two Points

The Attorney General and the Mississippi Governor consulted by telephone three or four times during the morning. Finally, at about 10:45 a.m., the Governor agreed on two points.

He promised that the Federal marshals and Mr. Meredith would be admitted to the campus without resistance and he guaranteed that he would preserve law and order through the use of State police, either working alone or in co-operation with the marshals.

This guarantee was repeated. See PROMISE, Page A-2

### MEREDITH BEGINS FIRST DAY WITH COLONIAL STUDY

OXFORD, Miss. (AP)—Negro James Meredith's first scheduled class today as a student at the University of Mississippi was Colonial American history.

Other courses being taken by the first known Negro to enroll at the 114-year-old institution include English, political science, mathematics and Spanish.

Mr. Meredith is living in a two-room apartment in Baxter Hall. The apartment includes a kitchenette.

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See KENNEDY, Page A-6

## MEREDITH

# Beleaguered Marshals Use Tear Gas, Refrain From Firing on Rioters

Continued From Page A-1

The Lyceum Building at Ole Miss as Mr. Meredith was escorted by Registrar Robert Ellis.

Federal marshals, a bit more weary after the night of rioting, surrounded the old Doric building.

Mr. Meredith walked out of the Lyceum a duly registered student. He was smiling and seemed calm as he has been during the excitement of the past two weeks. A crowd gathered slowly 100 feet away in front of Corner Hall, across a campus street.

Impassioned students, yelling constantly, shouted:

"You've got blood on your hands."

"How's it feel to have blood on your hands?"

"Nigger go home."

Mr. Meredith's impassivity didn't alter when someone asked him if he was happy that his struggle to enroll met success.

"No," he said. "This is not a happy occasion."

Marshals to Stay

A few minutes after Mr. Meredith and his escort circled the Lyceum and returned without finding the proper class building, Edward O. Guthman, spokesman for the Justice Department, said:

"Marshals will escort Meredith about the campus as long as necessary. They won't leave him as long as he is in danger."

At least 40 marshals have been berthed at Baxter Hall, the campus apartment building where Mr. Meredith was housed last night.

The Government built up its strength during the night despite the lull in the disorder. An Army spokesman said 4,000 regular troops now are in Oxford. The town's population is 5,283.

The campus rioting, punctuated with gunfire from the rioters, raged through the night as students and outsiders vented their anger over the entrance of Mr. Meredith to the 114-year-old institution.

Raged Through The Night

The riot raged throughout the night as students and outsiders repeatedly attacked several hundred marshals who had brought the Negro student to the campus late in the afternoon.

Regular Army troops were ordered here from their staging area in Memphis, Tenn., when the situation rapidly got out of hand under the cover of darkness.

Mississippi's Lt. Gov. Paul B. Johnson, Jr., visited the campus at the height of the rioting and warned Justice Department officials who are here to expect more violence and possibly bloodshed during the day.

The Lieutenant Governor said that many from outside Oxford were on the way here to join in the battle against integrating the university.

Newsmen Killed

One of those killed in the campus rioting was a French newspaperman, Paul Guillard, representing the London Daily Sketch and a French news agency. After one of the early student forays, he was found dead with a wound in the back.

A 23-year-old joke box repairman, Ray Gunter, of Oxford, also was fatally shot. He was taken from the university campus to Oxford Hospital, where he was pronounced dead on arrival.

A United States marshal, Graham Same, was critically wounded by a gunshot in the neck and was flown to the hospital at the Memphis Naval Air Station for emergency treatment. Another marshal was wounded in the thigh by rifle fire.

Newsmen Bill O'Grady of the Memphis staff of the Associated Press was wounded in the back by a burst of birdshot. Several members of the Mississippi State patrol also were wounded.

Mr. O'Grady's wounds were serious. He was treated and soon returned to the campus.

The troops arriving early this morning forced the rioters into dormitories and the wooded hills that make up the 640-acre Ole Miss campus. They left behind the litter of battle and the hulks of a half dozen burned out cars.

Military police arrested 93 as they swept back the rioters. Later arrests brought the total taken into custody to 112. Estimates put the strength of the troops on the campus at 1,000 men.

United States marshals, attired in riot jackets and helmet liners, earlier had turned back the attackers time after time in a battle they fought with tear gas and smoke bombs.

The attackers used bricks, non-pipe and as the night wore on, turned to Molotov cocktail bombs made from soda bottles filled with gasoline.

Cars, Trucks Hit

Cars and television trucks were smashed and one was burned as the rioters turned on the campus. A television newscaster and a widely separated number of attacks.

Mr. Walker, the man who led the troops ordered by President Eisenhower into Little Rock in 1957 in another desegregation crisis, led a thousand college youths in one charge that left



James Meredith is followed closely by United States Chief Marshal James McShane (left) and other marshals today as he leaves the office where he enrolled as a student at the University of Mississippi at Oxford.

back a hundred yards from the marshals.

Mr. Walker jumped on a campus Confederate memorial and yelled:

"If you can't win, go home. Don't stay at the university. But, let's not quit. We can win."

The marshals, while armed, used only their tear gas bombs and never fired on their attackers. A Justice Department spokesman inside the beleaguered building said:

One time they fired warning shots in the air and another time punctured a fire hose being used by the students.

They were harassed and under danger from intermittent gunfire which came from a hidden sniper who poked away at the buildings.

Serious Situation

The plight of the marshals was becoming increasingly serious as the first military unit arrived on the campus.

This was the Oxford contingent of the Mississippi National Guard which had been federalized by the President.

Its commander, Capt. Murray Falkner, a nephew of William Faulkner, the author who lived in Oxford, was among those injured. He was struck on the arm with a hurled brick.

The students and the outsiders "borrowed," as one said, a bulldozer and a fire engine and used these in an effort to run down the marshals and get close enough to hurl bricks.

The bricks and timber used to set barricades on the drives leading to the administration building were taken from a science building under construction at hand.

The marshals for the most part, stayed close around the building except for forays to drive the attackers back. They captured 31 prisoners during the night's rioting.

Two of these were operating the bulldozer and the fire truck. The truck made two successful runs close to the marshals before it was stopped amid a cloud of tear gas.

Wasn't Student

The operator, a Justice Department spokesman said, was not a student.

Most of the action and the bitterest fighting took place in front of a tree-spotted, park-like area called University Circle. It is adorned with a monument as a memorial to the Confederate dead in the Civil War.

The whole area is strewn to-day with the debris of the fighting—empty tear gas canisters, smashed and burned automobiles and television trucks, broken bricks, logs and slashed fire hoses.

The rioters went wild when they learned that Mr. Meredith, who had been denied admission three previous times to the university, had been brought out incident on to the campus.

Obecenities filled the air. "The rioters' wrath was directed more at the marshals than at the Negro student who had been taken into custody to await enrollment today."

Officials Arrive

It came after Deputy Attorney General Nicholas de B. Katzenbach and other high Justice Department officials, who arrived here in an Air Force plane, conferred with the university officials, including Chancellor J. D. Williamson in the main administration building.

With a wild assortment of yells, screams and curses the rioters moved on the marshals surrounding the building. "You nigger lover" and "why don't you bring Kennedy down here" were some of the cries that filled the air thick with flying bricks.

When word filtered into the ranks of the rioters that a marshal had been shot and seriously wounded a cheer went up.

The rioting broke out in

ed from the four-motored plan and went to a telephone booth where Mr. McShane clutched a fistful of dimes.

Soon seven Army trucks drove up. The marshals, numbering about 70 lined up near the tracks in strategic military fashion. They stood and waited.

A little later an Air Force jet swooped down and disgorged Mr. Katzenbach and other Justice Department officials.

After more telephoning and conferring the officials and marshals climbed into troop carriers and three sedans and took off from the airport.

Midway to the highway they met a Mississippi highway patrol car carrying Col. T. B. Birdsong, State safety commissioner, and University Chancellor J. D. Williamson. Another conference followed and then the caravan moved off.

By this time hundreds had gathered at the airport and lined the road leading into town.

Much to everyone's surprise the caravan turned abruptly into one of the university gates without opposition from the State police guards. Within a few minutes the empty troop carriers came out another gate and headed back to the airport.

The marshals quickly surrounded the administration building and three hours later Mr. Meredith was brought to Oxford. He landed in a small plane at the airport accompanied by John Doar of the Justice Department and a marshal and was taken without incident through a gathering throng along the road to the university.

Reporters, not allowed in, watched from the entrance several blocks away. They could hear yells and cheers, occasionally and got frequent reports from students who came in and went.

As dusk came the mood of the crowd within the university grounds outside began to change. At the airport Mr. McShane was asked by a young woman in a torn dress for an autograph for her son.

A few hours later a mob of students and then of students and outsiders, was crying for his blood.

Yoder Attacked

About dark reporters suddenly were allowed inside the grounds. Television cameras accepted it as a stand-off conference with the Senate.

Two New Frontier measures which seem likely to die are dressing down of Gov. Barnett the bills to create job opportunities for young people leaving school, and to help cities provide mass transportation.

Appeal to void violence.

Mr. Kennedy said:

"I want to express to you the shock of the American people on the death of your correspondent, Paul Guillard, last night in Oxford, Miss."

"The American people, I am sure, as well as the law-abiding citizens in the State of Mississippi, share my sorrow that this could have happened in our country."

"I hope you will convey my condolences to his family."

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PLAINTIFF'S EXHIBIT No. 1

## Walker Aids Bands Fighting U. S. in Oxford

By REELMAN MORIN  
Associated Press Staff Writer

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The riots just five years ago in the capital of Arkansas were ugly and dangerous. In Oxford, the ugliness and danger is magnified to a gigantic scale.

And one of the ironies of the situation here today is that federal troops that took over Little Rock, is on the opposite side of the fence here.

Mr. Walker whittled up the students and others on the campus of the University of Mississippi last night, when it became known that James H. Meredith was on the campus.

After the Little Rock riots, Mr. Walker said that he found his duty there distasteful.

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Walker, who commanded the federal troops that took over Little Rock, is on the opposite side of the fence here.

Mr. Walker whittled up the students and others on the campus of the University of Mississippi last night, when it became known that James H. Meredith was on the campus.

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[fol. 2038]

DEFENDANT'S EXHIBIT 3

[Stamp—U. S. Court of Appeals—Filed Jul 27 1962—  
Edward W. Wadsworth, Clerk]

[Handwritten notation—I concur—JRB—D DeV]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 19475

---

JAMES H. MEREDITH, on behalf of himself and others  
similarly situated, Appellant,

v.

CHARLES DICKSON FAIR, President of the Board of Trustees  
of the State Institutions of Higher Learning, Et Al.,  
Appellees.

---

Order Vacating Stay, Recalling Mandate, and  
Issuing New Mandate Forthwith

Before Brown and Wisdom, Circuit Judges, and DeVane,  
District Judge.

Judge Wisdom:

In this case time is now of the quintessence. Time has been of the essence since January 1961 when James Meredith, in the middle of his junior year at Jackson State College (for Negroes), applied for admission to the University of Mississippi.

This Court heard three appeals of the case. In its opinion on the last appeal we concluded:

“ . . . [F]rom the moment the defendants discovered Meredith was a Negro they engaged in a carefully calculated campaign of delay, harassment, and masterly inactivity. It was a defense designed to discourage and to defeat by evasive tactics which would

have been a credit to Quintus Fabius Maximus. . . . We see no valid, non-discriminatory reason for the University's not accepting Meredith. Instead, we see a well-defined pattern of delays and frustrations, part of a Fabian policy of worrying the enemy into defeat while time worked for the defenders."

Chronology highlights this case. June 25, 1962, this Court reversed the district court and remanded the case with instructions that the district court grant the injunction prayed for in the complaint. Rule 32 of the Rules of the [fol. 2039] Fifth Circuit, in part, reads:

"Mandate shall issue at any time after twenty-one days from the date of the decision, unless an application for rehearing has been granted or is pending. If such application is denied the mandate will be stayed for a further period of ten days. No further stay will be granted unless applied for within the delay given above. A mandate once issued will not be recalled except by the court and to prevent injustice."

During the twenty-one day period the defendants did not apply to this Court for a rehearing or for a stay of mandate. July 17 the mandate went down. Bright and early July 18, the attorney for the defendant presented to the Clerk for filing an order staying "the execution and enforcement of the mandate". The order, dated July 18 at Meridian, Mississippi, was signed by the Honorable Ben F. Cameron, United States Circuit Judge. Judge Cameron was not a member of the Court which heard any of Meredith's appeals. The Court which determined the cause was composed of Circuit Judges Brown and Wisdom and District Judge DeVane, sitting by designation. July 19 the Clerk, acting under instructions from this Court, telegraphed the parties through their counsel, requesting that they exchange and file, within five days, "statements of their positions with memorandum briefs for or against

the granting of any stays, including the vacating of the stay entered by Judge Cameron, the issuance by this Court of injunctions pending further appeal, or other appropriate action". The Court has now received and considered the statements and their supporting briefs.

It is unnecessary to decide whether a judge who is not a member of the Court determining the cause is not "a judge of the Court rendering the judgment or decree" within the meaning of 28 U.S.C.A. §2101(f). See *Application of Chessman*, 1954, 75 Cal. S. Ct. 85, 274 P. 2d 645.

[fol. 2040] The Court is bigger than a single judge. Assuming, but without deciding, that Judge Cameron is indeed a judge of "the court rendering the judgment", we hold that the court determining the cause has inherent power to review the action of a single judge, whether or not the single judge is a member of the panel. *Rosenberg v. United States*, 1953, 346 U. S. 273, 73 S. Ct. 1152, 97 L. Ed. 1607, reconsideration denied, 346 U. S. 324, 73 S. Ct. 1171, 97 L. Ed. 1634, reconsideration denied, 346 U. S. 324, 73 S. Ct. 1178, 97 L. Ed. 1634. A contrary position would allow a judge in the minority, were he a member of the panel deciding the case, to frustrate the mandate of the majority. *And, it is unthinkable that a judge who was not a member of the panel should be allowed to frustrate the mandate of the Court.*

All of the members of this Court agree that when a mandate has been issued, it is logically and legally too late to stay it. Unless the Court should recall the mandate, the Court's control over the judgment below comes to an end after the mandate has been issued. That is the plain meaning of Rule 32. The authorities fully support the rule. *Omaha Electric Light & Power Co. v. City of Omaha*, 216 Fed. 848, setting aside on rehearing decree in 179 Fed. 455, which aff'd 172 Fed. 494, appeal dismissed 230 U. S. 123, 57 L. Ed. 1419, 33 S. Ct. 974; *In re Nevada-Utah Mines & Smelters Corp.*, 204 Fed. 982, denying rehearing 202 Fed. 126. For this reason the purported stay is vacated and set aside.

Judge Brown and Judge Wisdom are also of the opinion that even if the thin residual control an appellate court might have over an issued mandate were broad enough to support a stay in exceptional cases, here the stay order should be vacated and set aside on the ground that it was improvidently granted.

[fol. 2041] Judge Cameron did not sit on this case. He did not have the opportunity of a sitting judge to study the record, to hear the argument, to discuss the facts and the law in the judges' conference on the case.

This is not a Chessman case. It is not a Rosenberg case. It is not a matter of life or death to the University of Mississippi. Texas University, the University of Georgia, Louisiana State University, the University of Virginia, other Southern universities are not shriveling away because of the admission of Negroes. There was no emergency requiring prompt action by a single judge. Apparently, however, there was studied action by the applicants' attorney to avoid asking the Court for a rehearing or for a stay.

In the matter of stays, this Court is not at all in the position of the Supreme Court. The Supreme Court is the final arbiter of the ultimate answer to any question sought to be preserved by a stay. Courts of Appeal, on the other hand, have disciplined themselves to take a restricted view of the propriety of issuing stays. When time is of the essence to the successful party in the Court of Appeals a stay should be predicated upon a doubtful question of law unresolved by earlier court decisions and there should be a reasonable likelihood of the Supreme Court finally deciding in favor of the applicant for a stay. See Rule 32 of the Rules of the Fifth Circuit Court of Appeals. As recently as October 26, 1961, the Fifth Circuit Court, with only Judge Hutcheson absent, rendered the following order:

“Stays of Mandates of the Court after the denial of a motion for rehearing are to be cautiously granted to avoid situations such as where the applicant was the losing party in the trial court and there has been no grant of supersedeas.”

Chief Justice Taft, in *Magnum Import Co. v. Coty*, 1923, 262 U. S. 159, 164, 43 S. Ct. 531, 67 L. Ed. 922, established [fol. 2042] guidelines for granting stays which have withstood the years:

“The petition should, in the first instance, be made to the circuit court of appeals, which, with its complete knowledge of the cases, may, with full consideration, promptly pass on it. That court is in a position to judge, first, whether the case is one likely, under our practice, to be taken up by us on certiorari; and second, whether the balance of convenience requires a suspension of its decree and a withholding of its mandate. It involves no disrespect to this court for the circuit court of appeals to refuse to withhold its mandate or to suspend the operation of its judgment or decree pending application for certiorari to us. If it thinks a question involved should be ruled upon by this court, it may certify it. If it does not certify, it may still consider that the case is one in which a certiorari may properly issue, and may, in its discretion, facilitate the application by withholding the mandate or suspending its decree. This is a matter, however, wholly within its discretion. If it refuses, this court requires an extraordinary showing before it will grant a stay of the decree below pending the application for a certiorari, and even after it has granted a certiorari, it requires a clear case and a decided balance of convenience before it will grant such stay.”

In *United States v. Louisiana*, 1960, 364 U. S. 500, 81 S. Ct. 260, 5 L.Ed.2d 245 the Supreme Court was requested to grant a stay of a three judge court decision which nullified a series of Louisiana laws aimed at maintaining a statewide policy of school segregation. In denying the request for a stay, pending appeal, the Supreme Court ruled, “The scope of these enactments and the basis on which they were found in conflict with the Constitution of the United States are not matters of doubt.” Similarly, in *Evans v. Ennis*,

1960, 364 U. S. 802, 81 S.Ct. 27, 5 L.Ed.2d 36, the Supreme Court denied a stay of a decision by the Court of Appeals for the Third Circuit holding a grade a year plan of desegregation invalid in the State of Delaware. *Evans v. Ennis*, 1960, 3 Cir., 281 F.2d 385. On the same day, the Supreme Court denied a stay in a school segregation case from Houston, Texas; *Houston Independent School District v. Ross*, 1960, 364 U. S. 803, 81 S. Ct. 27, 5 L.Ed.2d 36, where [fol. 2043] a district court rejected the school board plan and entered an order embodying its own grade a year plan. *Houston Independent School District v. Ross*, 1960, 5 Cir., 282 F.2d 95. See also *Orleans Parish School Board v. Bush and Davis v. Williams*, 1960, 364 U. S. 803, 81 S.Ct. 27, 5 L.Ed.2d 36. In *Lucy v. Adams*, 1955, 350 U. S. 1, 76 S.Ct. 33, 100 L.Ed. 3, the Supreme Court vacated a stay granted by a District Court of its order directing the admission of the first two Negroes to the University of Alabama pending appeal to the Fifth Circuit. The court there held that where the rights are personal and present and where the stay issue is coextensive with that on the merits, the stay should be denied. See also, *Cooper v. Aaron*, 1958, 358 U.S. at 27, 78 S.Ct. 1397, 3 L.Ed.2d 1. The Supreme Court also refused to reverse the action of Chief Judge Tuttle of the Fifth Circuit when he vacated a stay granted, by the District Court, pending appeal, in the University of Georgia case. *Danner v. Holmes*, 1961, 364 U.S. 939, 81 S.Ct. 376, 5 L.Ed. 2d 371. In this case Judge Tuttle's order stressed the fact that it was unlikely that this Court would reverse the District Court's decision in a case in which there had been a trial on a motion for preliminary injunction and a final hearing on the merits where all the facts aired in a lengthy trial and the judge made lengthy and careful findings of fact. See also, *Hawkins v. Board of Control*, 1958, 5 Cir., 253 F.2d 752, where this Court issued its mandate forthwith when the District Court delayed further adjudication of Hawkins' right to enter the University of Florida after nine years of litigation through the state court. In *Tureaud v. Board of Supervisors of L.S.U.*, 1953, 346 U. S. 881, the

Supreme Court stayed this Court's reversal of the District Court's injunction order ordering the admission of a Negro student to L.S.U. As a result of the Supreme Court's stay pending certiorari, the injunction order of the District [fol. 2044] Court was reinstated and the applicant was able to enter the University of Louisiana.

The defendants have an absolute right to apply for a writ of certiorari—regardless of whether the mandate is stayed or issued. Denial of a stay is a minor inconvenience to the defendants. But to allow a stay would subject the successful litigant, Meredith, to the injustice of additional delays. Partly to avoid such a possibility, and to bring the case to a prompt ending after a full trial on the merits, this Court denied a preliminary injunction. Unfortunately, the wording of the mandate, "*that an injunction issue as prayed for in the complaint*" was so loose as to defeat the intentions of the Court. Accordingly, the mandate must be clarified by being recalled and amended.

There is no doubt as to the power of the court to recall its mandate. Thus, in *Wichita Royalty Co. v. City Nat. Bank of Wichita Falls*, 5 Cir., 1938, 97 F.2d 249, the Fifth Circuit held: "[The Court has the] power to recall the mandate and rehear the case, though too late under our rules regularly to do so." The opinion was written by Judges Sibley, Holmes, and Mize. In that case the term at which judgment was rendered had not closed. It had not in this case. However, "the power exists to recall the mandate and set aside the judgment even after the expiration of the term during which the judgment became final, but a court of appeals in the exercise of that power usually is guided by its own applicable rules, such as a requirement that good cause must be shown in order for a mandate to be recalled." 14 *Cyclopedia of Federal Procedure*, §69.14. See *Hines v. Royal Indemnity Co.*, 6 Cir., 253 F.2d 111. See also Judge Holmes' opinion for this Court in *Sun Oil Co. v. Burford*, 5 Cir., 1942, 130 F.2d 10.

[fol. 2045] It is now forthwith ordered that the mandate and judgment of this Court be recalled and amended by

making explicit the meaning that was implicit in this Court's conclusions as expressed throughout its opinion in this cause, dated June 25, 1962. To this end, the order will now read as follows:

The case is reversed and remanded with directions to the District Court forthwith to grant all relief prayed for by the plaintiff and to issue forthwith a permanent injunction against each and all of the defendants-appellees, their servants, agents, employees, successors and assigns, and all persons acting in concert with them, as well as any and all persons having knowledge of the decree, enjoining and compelling each and all of them to admit the plaintiff-appellant, James H. Meredith, to the University of Mississippi under his applications heretofore filed, which are declared by us to be continuing applications. Such injunction shall in terms prevent and prohibit said defendants-appellees, or any of the classes of persons referred to from excluding the plaintiff-appellant from admission to continued attendance at the University of Mississippi. Pending such time as the District Court has issued and enforced the orders herein required and until such time as there has been full and actual compliance in good faith with each and all of said orders by the actual admission of plaintiff-appellant to, and the continued attendance thereafter at the University of Mississippi, this Court herewith issues its own preliminary injunction enjoining and compelling each and all of said parties to admit plaintiff-appellant to, and allow his continual attendance [fol. 2046] at the University of Mississippi, further prohibiting and preventing said parties or any other of them from excluding said plaintiff-appellant from attendance to and continued attendance thereafter on the same basis as other students at the University of Mississippi.

Judge Cameron's stay order dated July 18 is forthwith vacated and set aside. The mandate in this cause is forth-

with recalled and amended as set forth herein. This Court's preliminary injunction against the defendants-appellees is forthwith issued.

Judge DeVane concurs in the result.

A true copy

EDWARD W. WADSWORTH  
Clerk, U. S. Court of Appeals, Fifth Circuit  
/s/ (Signature Illegible)  
Deputy

(Seal)

New Orleans, Louisiana

May 14, 1964

[fol. 2047]

DEFENDANT'S EXHIBIT 4

[Stamp—U. S. Court of Appeals—Filed Sep 12 1962—  
Edward W. Wadsworth, Clerk]

SUPREME COURT OF THE UNITED STATES

No. ....., October Term, 1962

\_\_\_\_\_  
JAMES MEREDITH, Petitioner,

vs.

CHARLES DICKSON FAIR, ET AL.

\_\_\_\_\_  
O R D E R  
\_\_\_\_\_

UPON CONSIDERATION of the application of counsel for the movant and of the opposition of the respondents thereto,

IT IS ORDERED that the orders of Circuit Judge Ben F. Cameron of the United States Court of Appeals for the Fifth Circuit of July 18, 1962, July 28, 1962, July 31, 1962, and August 6, 1962, purporting to stay the effectiveness of the mandates of the United States Court of Appeals for the

Fifth Circuit be, and the same are hereby, vacated and that the judgment and mandate of said Court shall be effective immediately.

IT IS FURTHER ORDERED that the respondents be, and they are hereby, enjoined from taking any steps to prevent enforcement of the United States Court of Appeal's judgment and mandate pending final action by this Court on the petition for writ of certiorari now on the docket.

/s/ HUGO L. BLACK  
Associate Justice of the Supreme  
Court of the United States

Dated this 10th day of September, 1962.

A true copy JOHN F. DAVIS

Test:

Clerk of the Supreme Court of the United States  
Certified this Tenth day of September 1962

By B. F. CULLINAN  
*Chief Deputy*

A true copy

Test: EDWARD W. WADSWORTH

Clerk, U. S. Court of Appeals, Fifth Circuit

By (Signature illegible)  
Deputy

New Orleans, Louisiana

May 14, 1964

[fol. 2048]

DEFENDANT'S EXHIBIT 5

[Stamp—Southern District of Mississippi—Filed Sep 14  
1962—by Loryce E. Wharton, Clerk, by Deputy]

IN THE UNITED STATES DISTRICT COURT

FOR THE JACKSON DIVISION OF THE  
SOUTHERN DISTRICT OF MISSISSIPPI

---

JAMES HOWARD MEREDITH, On Behalf Of Himself  
And Others Similarly Situated

V.

No. 3130

CHARLES DICKSON FAIR, President of the Board of Trustees  
of the State Institutions of Higher Learning, et al.

---

ORDER GRANTING PERMANENT INJUNCTION

This matter is now before this Court by virtue of the Mandate of the United States Court of Appeals for the Fifth Circuit and the Mandate of Mr. Justice Black of September 10, 1962 setting aside all stays granted by Judge Ben F. Cameron and putting into effect the mandates of the Court of Appeals for the Fifth Circuit enjoining the Trustees and officials of the University of Mississippi from taking any steps to prevent enforcement of the mandates of the Court of Appeals for the Fifth Circuit, and this Court having now considered the mandates of the Court of Appeals for the Fifth Circuit of July 17, 1962, July 27, 1962 and its final order of August 4, 1962, and this Court having considered the mandate of July 17, 1962 wherein the Court of Appeals reversed the judgment of the District Court with directions to this Court to issue an injunction as prayed for in the complaint and by its mandate of July 27, 1962 ordered that the judgment of that Court issued as and for the mandate on July 17, 1962, be recalled and amended by making explicit the meaning that was im-

plicit as expressed in its opinion dated June 25, 1962 and ordering that this Court "forthwith grant all relief prayed for by the plaintiff and to issue forthwith a permanent injunction against each and all of the defendants-appellees, their servants, agents, employees, successors and assigns, and all persons acting in concert with them, as well as any and all persons having knowledge of the decree, enjoining [fol. 2049] and compelling each and all of them to admit the plaintiff-appellant, James H. Meredith, to the University of Mississippi under his applications heretofore filed, which are declared by us to be continuing applications. Such injunction shall in terms prevent and prohibit said defendants-appellees, or any of the classes of persons referred to from excluding the plaintiff-appellant from admission to continued attendance at the University of Mississippi."

And by its mandate of August 4, 1962 the Court of Appeals reaffirmed its orders of July 17, 1962 and July 27, 1962 in the following language: "All of our orders of July 17, July 27 and this date, therefore continue in full force and effect and require full and immediate obedience and compliance."

Now, therefore, it is here ordered, adjudged and decreed that the plaintiff, James Howard Meredith, be and he is hereby granted all the relief that is prayed for by him in his complaint and that the defendants, Charles Dickson Fair, President of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, Louisville, Mississippi; Euclid Ray Jobe, Executive Secretary of the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi, Jackson, Mississippi; Edgar Ray Izard, Hazlehurst, Mississippi; Leon Lowrey, Olive Branch, Mississippi; Ira Lamar Morgan, Oxford, Mississippi; Malcolm Mette Roberts, Hattiesburg, Mississippi; William Orlando Stone, Jackson, Mississippi; S. R. Evans, Greenwood, Mississippi; Verner Smith Holmes, McComb, Mississippi; James Napoleon Lipscomb, Macon,

Mississippi; Tally D. Riddell, Quitman, Mississippi; Harry Gordon Carpenter, Rolling Fork, Mississippi; Robert Bruce Smith, II, Ripley, Mississippi and Thomas Jefferson Tubb, West Point, Mississippi, Members of the Board of Trustees of State Institutions of Higher Learning; James Davis Williams, Chancellor of the University of Mississippi, Oxford, Mississippi; Arthur Beverly Lewis, Dean of the College of Liberal Arts of the University of Mississippi, [fol. 2050] Oxford, Mississippi, and Robert Byron Ellis, Registrar of the University of Mississippi, Oxford, Mississippi, and each of them, their agents, servants, employees, successors, attorneys and all persons in active concert and participation with them be and they hereby are permanently restrained and enjoined from:

(1) Refusing to admit plaintiff, James Howard Meredith immediately to the University of Mississippi and that they shall each of them be, and they are hereby required to admit him to the University of Mississippi upon the same terms and conditions as applicable to white students;

(2) From interfering in any manner with the right of plaintiff, James Howard Meredith to matriculate in, or attend the University of Mississippi;

(3) From taking any action or doing any act or being guilty of any conduct which will impair, frustrate or defeat his right to enter the University of Mississippi;

(4) Refusing to admit the plaintiff, James Howard Meredith to the University of Mississippi upon his applications heretofore filed, all of which are continuing applications.

It is further ordered that said defendants, or any of the classes of persons referred to, are prohibited and enjoined from excluding the said James Howard Meredith from admission to continued attendance at the University of Mississippi.

It is further ordered that the defendants, their servants, agents, employees, successors and assigns, and all persons

acting in concert with them, are enjoined to admit the plaintiff, James Howard Meredith to the University of Mississippi upon his applications heretofore filed and they are enjoined from excluding the said James Howard Meredith from admission to continued attendance at the University of Mississippi or discriminating against him in any way whatsoever because of his race.

[fol. 2051] It is further ordered that a copy of this order and injunction be served by the United States Marshal on each of the defendants herein.

ORDERED, this the 13th day of September, 1962.

/s/ S. C. MIZE  
United States District Judge

[Seal]

A true copy, I hereby certify.

Loryce E. Wharton, Clerk, By: E. Mathison,  
Deputy Clerk.

[fol. 2052]

## DEFENDANT'S EXHIBIT 6

[Stamp—U. S. Court of Appeals—Filed Sep 28 1962—  
Edward W. Wadsworth, Clerk]

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 19,475

---

 JAMES H. MEREDITH,

Appellant,

vs.

CHARLES DICKSON FAIR, et al.,

Appellees.

---

 UNITED STATES OF AMERICA,  
Amicus Curiae and Petitioner,

vs.

STATE OF MISSISSIPPI, et al.,

Defendants.

---

 (Marginal initials illegible)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
JUDGMENT OF CIVIL CONTEMPT.

Before TUTTLE, Chief Judge, and HUTCHESON, RIVES, JONES,  
BROWN, WISDOM, GEWIN and BELL, Circuit Judges.

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 de-[fol. 2053] liberated 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 its order of July 28, 1962, and the District Court for the Southern District of 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 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, [fol. 2054] 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.

#### [fol. 2055] 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, 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.

[fol. 2056] Jurisdiction is hereby reserved for such other and further orders as may be appropriate.

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

[Seal]

A true copy

EDWARD W. WADSWORTH  
Clerk, U. S. Court of Appeals, Fifth Circuit

/s/ (Signature Illegible)  
Deputy

New Orleans, Louisiana

May 14, 1964

[fol. 2057]

## 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 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 flag, your tent, and your skillet. It's 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.

[Handwritten notation—Station KWKH—Shreveport, La.—“Party Line”—Wed Sept 26 '62 about 7:30 P. M.—by Ted Walker]

[fol. 2058]

## DEFENDANT'S EXHIBIT 8

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.

EDWIN A. WALKER

[Handwritten notation—Sat. Sept 29th (about 5:00 P.M.)—from Jackson—from Ney Williams res.]

1472

[fol. 2059]

DEFENDANT'S EXHIBIT 11

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 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 the way to join you at Oxford.

[Handwritten notation—Sunday—Sept 30 Called back by Ted from Oxford—about 9: A.M.]

[fol. 2060]

DEFENDANT'S EXHIBIT 12

RADIO INTERVIEW—WNOE

FRIDAY, SEPTEMBER 28, 1962

GENERAL EDWIN WALKER

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.

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 [fol. 2061] 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 that 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 this issue.

INTERVIEWER: Sir, what has been the general reaction to your plans of going to Mississippi with groups of citizens? I'm 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

[fol. 2062] and eight deep. People are telling me it's taking four or five hours to even get into our telephone system, and we have seven phones in the house. Messages are coming in offering support in groups of 10 to 20 to even 2,000.

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 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 move-  
[fol. 2063] ments will move to, to show the grass roots 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 opposing 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 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, 90 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 [fol. 2064] 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.

1476

[fol. 2065]

DEFENDANT'S EXHIBIT 13

(See opposite) 



You should know  
**THIS**  
about baking...

It's the **BALANCE** of ingredients in baking powder that governs its leavening action. Only when these are scientifically **balanced** can you be sure of uniform action in the mixing bowl plus that final, balanced rise to light and fluffy texture in the oven... That's the story of Clabber Girl's **balanced** double action... Better Baking everytime!

**BALANCED**  
double-action  
means  
Better Baking!



**CLABBER GIRL**  
IS NOW EXCLUSIVELY KNOWN AS  
THE BAKING POWDER WITH THE  
**BALANCED DOUBLE ACTION**

## Text of General's Speech to Students

Here is the text of the speech made by Maj. Gen. Edwin A. Walker to the students of Little Rock Central High School yesterday morning:

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 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 school 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 such 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 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 law, 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 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 co-operate, for your own benefit and ours.

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

### Irish Ambassador's Son Shot By Friend

Washington, Sept. 25 (AP). — The son of Irish Ambassador John J. Hearne was shot and killed today. Police said a pistol in the hands of a friend discharged accidentally.

The victim, John Justin Hearne, 20, died with a bullet in his chest.

Police Capt. Albert Embrey said the pistol was fired by John E. Kieffer Jr., 22, in an office building where Kieffer's father operates the Universal Research and Consultants, Inc., a public relations firm.

Police quoted young Kieffer as saying the shooting occurred when he started to take the pistol from a drawer. Kieffer added, police said, that young Hearne also reached for the weapon and might have touched the trigger.

### 7 Brazilians Killed In Rent Battle

Rio de Janeiro, Brazil, Sept. 25 (AP). — A battle over rents between squatters at Santo Antonio and a colonization company killed at least seven persons and sent many Brazilian villagers across the border to Argentina for refuge, reports reaching here said today.

Santo Antonio is in the southern tip of Brazil.

### Lights Out!

New York, Sept. 25 (AP). — An all-night beacon near the top of the Empire State Building will be kept turned off until November 1 so as not to interfere with the southern migration of birds. Many birds, thrown off course by the light, have crashed into the building or the ground.

## Satchmo Changes His Mind

Davenport, Ia., (UP). — Louis ("Satchmo") Armstrong greeted the news of President Eisenhower's action in the Little Rock situation by proclaiming today "this is the greatest country." He indicated he may change his mind about abandoning a government-sponsored tour of Russia.

"Things are looking a lot better than they did before," the Negro jazz trumpeter told newsmen today.

He said "it was just wonderful" the way President Eisenhower explained his action in sending troops to Little Rock.

"The president said the troops are going down there and that's all right with me, it won't start any trouble," Armstrong said.

Armstrong last week accused Eisenhower of having "no guts" in dealing with the Little Rock situation and announced he would turn down a State Department invitation to tour Russia. He changed his tune today.

He said he had sent the president a telegram saying, "if you decide to walk into the schools with the colored kids, take me along daddy. God Bless you."

### Biggest Truck

Lyon, France, Sept. 25 (AP). — The firm of Berliet will unveil what it calls the world's biggest and strongest truck at the Paris auto show opening October 3. Made for Sahara desert work, it carries 100 tons of freight, has a 600-horsepower engine weighing 5,520 pounds, carries 400 gallons of fuel, and has wheels 7 feet 3 inches in diameter. The main Sahara interest now is oil.

1478

[fol. 2066]

DEFENDANT'S EXHIBIT 15

GENERAL SERVICES ADMINISTRATION

NATIONAL ARCHIVES AND RECORDS SERVICE

THE NATIONAL ARCHIVES

(Seal)

ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

I CERTIFY That the annexed copy, or each of the specified number of annexed copies, of each document listed below is a true copy of a document in the official custody of the Archivist of the United States.

Proclamation No. 3497

Obstructions of justice in the State of Mississippi

IN TESTIMONY WHEREOF, I, WAYNE C. GROVER, Archivist of the United States, have hereunto caused the Seal of the National Archives to be affixed and my name subscribed by the Director, Office of the Federal Register of the National Archives, in the District of Columbia, this 20th day of March, 1964.

/s/ WAYNE C. GROVER  
Archivist of the United States

By /s/ DAVID C. EBERHART

[fol. 2067]

OBSTRUCTIONS OF JUSTICE IN THE STATE  
OF MISSISSIPPI

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BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

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 those 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 in me by the Constitution and laws of the [fol. 2068] United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333

1480

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.

By the President:

/s/ JOHN F. KENNEDY

/s/ GEORGE W. BALL  
Acting Secretary of State

[Stamp—The National Archives and Records Service—  
Filed and Made Available for Public Inspection—Sep 30  
10:50 AM '62—In the Office of the Federal Register]

[fol. 2069]

DEFENDANT'S EXHIBIT 16

GENERAL SERVICES ADMINISTRATION

NATIONAL ARCHIVES AND RECORDS SERVICE

THE NATIONAL ARCHIVES

(Seal)

ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

I CERTIFY That the annexed copy, or each of the specified number of annexed copies, of each document listed below is a true copy of a document in the official custody of the Archivist of the United States.

Executive Order 11053

Providing assistance for the removal of unlawful  
obstructions of justice in the State of Mississippi

IN TESTIMONY WHEREOF, I, WAYNE C. GROVER, Archivist  
of the United States, have hereunto caused the  
Seal of the National Archives to be affixed and  
my name subscribed by the Director, Office of  
the Federal Register of the National Archives,  
in the District of Columbia, this 20th day of  
March, 1964.

/s/ WAYNE C. GROVER  
Archivist of the United States

By /s/ DAVID C. EBERHART

[fol. 2070]

## EXECUTIVE ORDER

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PROVIDING ASSISTANCE FOR THE REMOVAL OF  
UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE  
STATE OF MISSISSIPPI

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

“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:

[fol. 2071] “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:

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 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

1484

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 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.

/s/ JOHN F. KENNEDY

THE WHITE HOUSE

September 30, 1962

[Stamp—The National Archives and Records Service—  
Filed and Made Available for Public Inspection—Sep 30  
11:30 AM '62—In the Office of the Federal Register]

# Walker Mentally Able To Stand Trial, Judge Says

EVE NOV 22 1962

OXFORD, Miss., Nov. 22 (AP)—Edwin A. Walker, the controversial former Army major general, has been ruled mentally competent to stand trial on charges of seditious conspiracy and inciting an insurrection.

U. S. District Judge Claude F. Clayton, who is an Army National Guard brigadier general, handed down the ruling Wednesday at the end of a two-day hearing to determine whether there was reasonable cause for a mental examination of the 53-year-old Walker.

The lean Texan was arrested here Oct. 1 after the desegregation rioting at the University of Mississippi which killed two persons.

Shortly before Clayton ruled in the Walker case, he ordered Chief U. S. Marshal James McShane released from the Lafayette County jail. McShane had surrendered to Sheriff Joe Ford on state charges of inciting a riot and breach of peace during the rioting.

McShane and one other person—who has not yet been identified

—were indicted last week by the county grand jury after it probed the rioting which followed the arrival of Negro James H. Meredith on the university campus.

The judge set no date for Walker's trial. He accepted a mental test given Walker earlier this month at Dallas.

The judge said the examination made by Dr. Robert L. Stubblefield, professor at Southwestern Medical School in Dallas, "was essentially negative. No opinion was expressed. It did not say whether he was sane or insane."

Clayton added that from his observation of Walker's behavior while testifying Wednesday he "found that this man is competent" to aid in his defense of such criminal charges as may be presented.

Stubblefield's report said Walker is "functioning currently at the superior level of intelligence."

The report said, "on the Wechsler adult intelligence scale, his reasoning, judgment, vocabulary, fund of information and organizational ability were all above average for his age group."

Judge Clayton overruled defense objections that his earlier order for a mental test be erased from the court record. Although the judge held that Walker was mentally competent to stand trial, the primary purpose of the hearing was the defense motion to strike the sanity test order.

Clyde J. Watts of Oklahoma City, one of Walker's four attorneys, said Clayton's decision in placing the mental test in the case record would be appealed. Walker said afterward he felt he had been subjected to

a great injustice.

Clayton, recently chosen to command the 31st (Dixie) Division of Mississippi and Alabama national guardsmen, expressed the greatest respect for Walker's military career.

Walker was questioned by his attorneys during the hearing and gave details of his arrest by federal troops. Neither he nor his attorneys mentioned his actions the night of the rioting.

Walker also discussed his controversial reprimand and loss of command of the 24th Division over a troop indoctrination program in Germany. He later resigned his Army commission.

Clayton said he would hold a hearing for McShane late in January. The Justice Department claimed McShane was "doing duties as a federal official" on the university campus.

After the release on a writ of habeas corpus of the husky,

former New York policeman, County District Attorney Jesse Yancy Jr., said, "the case now rests in the hands of the federal court. . . . However, the state contends McShane made unlawful acts and should be prosecuted in state court."


McShane was in charge of a team of some 300 federal marshals accompanying Meredith onto the campus.

In other developments:

The Mississippi Senate approved a resolution which blamed rioting at the university on the "ruthless and corrupted administration in Washington headed by the Kennedy klan."

[fol. 2074]

DEFENDANT'S EXHIBIT 18

(See opposite) 

## WALKER

Continued From Page 1  
assured him Walker would be released on bail as any other citizen has the right to be. Kennedy was quoted as saying no examination of the ex-general could be made without a court hearing.

Alger told reporters he had telephoned the attorney general in view of his deep concern that Walker "has been sent to a mental hospital before having a court hearing."

Saying he admired Walker's "anti-Communist work," Alger said he was concerned for his rights as he would be for any of his other Texas constituents.

Clyde J. Watts, spokesman for Walker's corps of attorneys, said they would ask U. S. District Judge John W. Oliver, holding court here, for either a writ of habeas corpus freeing Walker or for an injunction against any surgical or medicinal treatment of the former general without the presence of a psychiatrist or physician approved by Walker's counsel.

Watts said he and two Springfield attorneys, George Donagan and William Wear, talked to Walker in the medical center Tuesday morning and found him "clear, lucid, undisturbed and possessing all his mental faculties."

Watts said they told Walker "that his response to questions asked by physicians or psychiatrists at the medical center should be only his name, rank and serial number—the same as an American soldier who has been captured."

Watts, reading from a four-page statement, told reporters he had talked to Judge Clayton at Oxford by telephone and was informed the order committing Walker for psychiatric examination was issued on the basis of testimony by Dr. Charles E. Smith, a Bureau of Prisons psychiatrist. Watts quoted Judge Clayton as saying Dr. Smith had not seen Walker.

Watts said he had known Walker since boyhood and "I can assure the public of the United States he is completely sound mentally and physically."

### Walker Version

Watts said that during their talk with Walker Tuesday morning, Walker gave them his version of what happened at Oxford.

"He at no time led any assault, charge or over act against any state or federal officer, including U. S. marshals," Watts said. "He at no time incited anyone to riot or disorder."

Walker told his lawyers, Watts said, that he contacted the sheriff in Oxford Saturday and Sunday and advised him he was "there to observe developments."

# U. S. Orders Mental Tests For Walker

## Former General's Attorneys Plan to Fight Court's Decision

SPRINGFIELD, Mo., Oct. 2 (AP)—Former Maj. Gen. Edwin A. Walker, a key figure in week-end battling over admission of a Negro to the University of Mississippi was ordered placed under psychiatric examination in a federal prison Tuesday.

His attorneys announced immediately they would fight the order Wednesday in U. S. District Court here. They instructed Walker to refuse to co-operate with prison physicians.

Walker was locked in the U. S. Medical Center here. He was brought from Oxford, Miss., in a U. S. Border Patrol plane Monday night after his arrest and arraignment on charges of inciting insurrection and seditious conspiracy.

U. S. District Attorney F. Russell Millin of Kansas City told reporters the psychiatric examination order was issued in Oxford Tuesday afternoon by U. S. District Judge Claude Clayton. Millin said it prevents Walker from obtaining his release under a \$100,000 bond set Monday at his arraignment.

Millin said he understood the psychiatric examination would take 60 to 90 days and that during that period Walker would not be bailable.

However, in Washington, Rep. Bruce Alger, Texas Republican, said Attorney General Robert F. Kennedy had

Turn to Walker on Page 2

ss for C

# LEGRAM

AR, NUMBER 245

PY C

1488

[fol. 2075]

Walker said he was eating dinner Sunday night during President Johnson's television speech to the nation when reporters advised him of a demonstration at the Ole Miss campus. He said he went there and found a "scene of considerable disturbance." He said he was standing near a "confederate monument" about 300 yards from the administration building when several persons asked him to make a statement.

"General Walker made a statement that participants should avoid all semblance of violence—that the real war was in Cuba, not Mississippi," Watts said.

"No Missile"

The general told the lawyers his remarks lasted about five minutes, and that as he watched the students going toward the U. S. marshals and then moving back, he was no closer than 30 feet to the officers.

Watts said Walker had "no missile, weapons or rocks" and that "he counseled the participants to avoid violence."

Watts said he learned that Walker was transferred from Oxford to the Springfield Medical Center on telegraphed orders from James V. Bennett, director of the Bureau of Prisons. The lawyer said the statement he read to reporters had been concurred in by another Walker attorney, Robert Morris of Dallas, former counsel for the House un-American activities committee. Morris was in Cleveland, Ohio, Tuesday but was expected to arrive in Springfield Tuesday night or Wednesday.

Watts said Walker is willing to submit to an examination by any court-approved psychiatrist to determine whether he is mentally competent to consult with his counsel.

The \$100,000 bail set for Walker was offered on the basis of Oklahoma sureties which were not otherwise identified. Mrs. George Walker of Center Point, Texas, wife of the general's rancher brother, told reporters in Houston that it had been raised from two sources — the family and others whom she did not identify.

[fol. 2076]

## DEFENDANT'S EXHIBIT 19

## COURT REVERSAL ASKED ✓

**MORN** ~~dated~~ **17 OCT 1962**  
Walker's attorneys said the U. S. attorney could call for a mental test only when he "can show reasonable ground for belief that a defendant may be presently insane or so mentally incompetent that he can not understand the proceedings against him or properly assist in his own defense."

In addition, Walker's attorneys also asked the court to strike from the record a telegram from James V. Bennett, director of federal prisons, to U. S. Atty. H. H. Ray at Oxford. The telegram concerned a memorandum from Charles E. Smith, chief psychiatrist of the federal prison bureau.

They charged the telegram "and all purported and assumed factual claims contained therein are redundant, immaterial, impertinent, scurrilous and scandalous, do great damage and prejudice to the defendant, maligns his mental capacity and violates every ethical and responsible standard of conduct."

They said Smith's memorandum "purportedly states or infers that Smith had read or heard some unidentified news reports and other unidentified information and based solely on this,

believed that defendant Walker's conduct is unpredictable and Walker is suffering from paranoia, psychosomatic disorders and other underlying disorders."

The motion was filed with the court here late Tuesday. There was no indication when any action might be taken on it.

In Dallas Tuesday, Dr. R. L. Stubblefield, the psychiatrist designated to examine Walker, said he would ask two other psychiatrists to help him determine how to go about it.

Dr. Stubblefield of the University of Texas' Southwestern Medical School was named as one psychiatrist. The government named Dr. Winfred Overholser of Washington as the other.

Dr. Overholser's name was withdrawn after protests by Walker's lawyers, who said Dr. Overholser has a history of tending to seek commitments.

He said he will consult Thursday with Dr. Andrew Watson, professor of psychiatry of the University of Michigan, and Dr. Titus Harris, retiring professor of psychiatry at the University of Texas.

## Court Asked To Reverse Walker Order

**MORN** **OCT 17 1962**

OXFORD, Miss., Oct. 16 (AP)—Attorneys for ~~Walker~~ Maj. Gen. Edwin A. (Walker) asked a federal court Tuesday to reverse its order that he undergo a psychiatric examination.

U. S. District Judge Claude Clayton had directed that Walker, facing four federal charges including insurrection for his role in desegregation riots here Sept. 30, be examined to see if he is mentally competent to stand trial.

In a motion filed here Tuesday, Walker's attorneys charged that the court's order "violates the constitutional rights" of Walker in four ways.

It listed these as:

1. "The right to make bail and be released thereon.
2. "The right to be represented by counsel at every stage of the proceedings against him.
3. "The right to notice of proceedings against him, which is a necessary element of due process of law.
4. "The right to be present in person at the hearing wherein defendant's mental sanity and mental competency is questioned."

Walker, arrested here Oct. 1 and sent to the Springfield, Mo., federal medical center, was freed six days later on \$50,000 bond with the stipulation that he undergo the psychiatric examination.

A section of the motion by  
Turn to Court Reversal on Page 2

DEFENDANT'S EXHIBIT 29

## **Walker Charges, Then Falls Back**

### **Outsiders Take Part In Campus Rioting**

**By TOM GREGORY**  
Star Staff Writer

OXFORD, Miss. — Into the mob walked Edwin C. Walker, former major general of the United States Army.

Around him swirled a whirlpool of humanity and human emotion. Two hundred yards away, a line of gas-masked, club and tear gas-armed federal marshals had turned the ancient Lyceum building into a federal fort.

"Now we have a leader," screamed somebody. "Rally to General Walker!"

Walker, wearing a Texas hat and a dark blue suit, walked toward the Lyceum, with perhaps 200 men following him.

"Tear gas won't stop him," another person yelled. "Follow General Walker."

About 50 yards from the federal line, tear gas bombs began falling around the group.

General Edwin Walker (retired), who wouldn't retreat, did.

#### **One of Many**

The former Army officer was just one of the number of outsiders — how many will probably never be known—who egged and aided a hard core of Ole Miss students into a rock flinging, destructive riot that left two dead, 75 to 100 injured, at least 31 arrested and seriously damaged the reputation of a university.

I walked through that howling, passionately unthinking mob for more than four hours during the violence here last night. I saw

(Turn to Page 2, Column 1)

## Walker Charges, Then Falls Back

(Continued From Page One)

the rock throwers and the agitators.

I stood under a Confederate flag hoisted on the flag pole before the stately Lyceum and watched students and outsiders rush the marshals' line, retreat before tear gas, regroup and charge again—all without any attempt at control.

Most of the rioters were students—although the number of Ole Miss men steadily decreased through the night. The number of outsiders — non-students—steadily increased.

Denim-trousered adults and teenagers from nearby towns furnished the impetus that kept the college boys at their job of injury and destruction.

### One Reference to Meredith

"Do you think they'll leave that nigger here now?" a young student asked nobody in particular shortly after the riot began. In each hand he held a brick.

That was the only direct reference to Negro James Meredith I heard after the rioting began.

Earlier the crowd had attacked at least two newsmen and destroyed a number of cameras and tape recorders, but during the height of the riot, they practically ignored writers taking notes. No cameramen dared take a picture once the situation got out of control.

I wore no identification and was dressed in a short-sleeved white shirt and tie. I was never questioned. Late in the evening, there were so many non-students that nobody questioned anybody who did not have a camera or recorder.

Only a few of the students—I would estimate 200—actually participated in the violence and destruction.

There were incidents of violence almost as soon as the newsmen started arriving on the campus about 7 p.m. But then, almost without warning, the marshals began firing tear gas into the crowd. After that it was a mob scene.

**Walker Enters Scene**

About an hour after the rioting started General Walker entered the scene.

After his abortive attempt to reach the marshals' line, he confined his activity to speech-making and watching. A crowd gathered around him at the edge of the grove and he finally said, "All right, I'll speak to them."

Just prior to that, an Episcopal priest, Rev. Duncan Gray, Jr., had tried to talk him into leaving and taking the crowd with him.

"They'll follow you," Gray said.

But Walker stood at the foot of the old Confederate monument, and began speaking.

He told the crowd there had been a "sellout." He said a representative of the governor's office had told him that Gov. Ross Barnett's orders were not to let the marshals on the campus.

After an impromptu whispered conference with a blue-coated follower, Walker said, that a member of the Highway Patrol had been responsible for the sellout.

Again there was a conference and Walker said:

"The name is Birdsong."

Col. T. B. Birdsong is the head of the Highway Patrol and was in the car that led the first group of marshals to the campus during the afternoon.

Then, referring to the Episcopal priest who had asked him to leave:

"I am ashamed that I am an Episcopalian."

At this point Rev. Gray appeared in front of the crowd and was forceably taken from the area by men who feared that he would be injured.

Later a group of students attempted to arrange a truce, but were unable to make the deal (it was: no rocks, no tear gas) because of shouts from the crowd that had inched toward the building. Among the truce-triers were members of the Ole Miss football squad.

One of the shouters was a fat, middle aged man who quite obviously was not a student.

"No truce! No truce!" he shouted.

There was no truce. After a while the troops arrived.

[fol. 2080]

## DEFENDANT'S EXHIBIT 30A

UPI A167 AJ

URGENT

5TH LEAD MEREDITH (A153)

BY AL KUETTNER

UNITED PRESS INTERNATIONAL

Oxford, Miss., Oct. 1 (UPI)—Negro James Meredith registered today at the University of Mississippi and began attending classes on a campus littered with the debris of a major riot that took two lives and injured at least 75 persons.

"It is not a happy occasion," he said.

About 400 U. S. Deputy Marshals and 1,000 Federal troops guarded the campus as the 29-year-old Negro cracked the segregation barriers of the 114-year-old school.

[Handwritten notation—Insert A26N]

The campus was brought under military control early today but the rioting spread to downtown Oxford and at least one soldier was hurt in a barrage of rocks, timbers and pop bottles before the crowd was dispersed with tear gas and reinforcements were brought in.

(MORE)—BU1110A10/1

UPI A168 AJ

1st add 5th lead Meredith (A167) Oxford X X X brought in.

Meredith, whose determination to desegregate "Ole Miss" brought about a conflict that threatened to rock the Federal Union, walked solemnly to an American Colonial History class at 9 A.M. CST to shouts of "Nigger, nigger" and "Was it worth two deaths?"

1494

He was accompanied to the classes by three Deputy Marshals and U. S. Department of Justice representative Ed Guthman.

The Negro was met at the Registrar's Office by University Registrar Robert B. Ellis who handed him a stack of forms. The historic occasion was concluded quietly.

Meredith, who caught a whiff of the tear gas that clouded the campus early today, rubbed his eyes occasionally.

(MORE)—BU1113A10/1. .

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[fol. 2081]

DEFENDANT'S EXHIBIT 30B

UPI A26N AJ

Insert 5th lead Meredith (A167) Oxford after 3rd PGH X X X 114-year-old school.

The Justice Department announced today that Maj. Gen. Edwin Walker, resigned Army General who has become a vocal advocate of right-wing causes, has been arrested at a roadblock in Oxford and charged with a number of offenses, including inciting rebellion. Walker was seen during the riots egging the students on.

(PICKUP 4TH PGH: THE CAMPUS)

CB139PES. .

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[fol. 2082]

DEFENDANT'S EXHIBIT 31

UPI A66

1st add Meredith. Oxvord (A65 XX More Violence.

Barnett ordered the State High Patrol yesterday not to attempt to stop the Federal Marshals. Both he and Kennedy advised the students not to resort to violence.

But that was not to be.

Shortly before 10 P.M. EDT, the word flashed around the campus that Meredith was there. And, even as Kennedy spoke, the riot began. A group of students threw lighted cigarets on the canvas top of a truck carrying U. S.

Marshals. The canvas caught fire and the Marshals, in steel helmets painted white and wearing orange vests with tear gas grenades, jumped out.

Then they fired the first barrage of tear gas at the students.

The murky white fumes rose and all but obscured the first floor of the main administration building. Students, screaming and yelling, bolted away to get out of the stinging gas. Some, tears streaming, went into a YMCA building and stood on chairs to listen to Kennedy on TV. Afterwards, many of them went back out and re-joined the violence.

Men were armed with brick bats, clubs and "Molotov cocktails"—beer and soft drink bottles filled with gasoline. One man struck a Federal Marshal in the leg with a two-foot iron pipe.

The Marshals loosed barrages of tear gas. The Mississippi State Highway Patrol, surrounding but not entering the campus, made no move. It had been ordered by Barnett not to hinder the Marshals but neither—apparently—did it have orders to help.

The riot grew even worse after Guihard and Gunter were killed. One group started an automobile full speed at a group of Marshals and jumped out. The car hit a tree.

Newsmen were beaten. Cameras were destroyed. Radio station sound trucks had their insides ripped out. Other cars were set afire.

One youth fired a fire extinguisher into the face of one of the drivers of the trucks used to bring in the Marshals. A State Highway Patrolman was struck in the face by a tear gas cartridge. A U. S. Marshal was shot in the neck.

Students were waving the Confederate flag during a lull in the rioting. Edwin A. Walker, former Army Major General who commanded troops at Little Rock, mounted a Confederate statue and advised the students to cease their violence.

"This is not the proper route to Cuba," Walker, who was [fol. 2083] wearing a big Texas hat, said.

The crowd jeered.

Later, Walker mounted the statue again and said:

"I want to compliment you all on the protest you make here tonight. You have a right to protest under the Constitution."

The battle swayed back and forth across the Ole Miss campus. The Federal Marshals appeared to hold the upper end of the campus around the Lyceum (Administration Building) and the demonstrators seemed to be in command of the lower end toward the entrance and surrounding the Confederate statue.

Lights were smashed, leaving the campus almost in total darkness.

The rioting had been going on for almost three hours when army troops put in their appearance at midnight. They were members of the Federalized Mississippi National Guard. They rolled into the campus in jeeps. There were about 200 of them.

One group of rioters had control of a fire engine and held back the Marshals with a steady stream of water which also tended to keep back the burning smoke of the tear gas.

It appeared at 3 A.M. EDT that the riot had been brought under control.

But then gunfire could be heard in the night. It was discovered a sniper with an automatic rifle had the Marshals pinned down and was taking potshots at the cars and men in front of the Lyceum.

The sniper also had National Guardsmen scurrying for cover. He fired repeatedly and the men took refuge behind trees and buildings.

The rioters barricaded University Avenue directly in front of the monument of the Confederate soldier. The barricade was about three feet high and three or four feet wide, built of lumber taken from a nearby construction project.

The Marshals were eagerly awaiting the arrival of the additional army forces. One regular unit, the 2nd battle group, 23rd Infantry, comprising about 1,100-men in 175-200 vehicles was rolling to Oxford from Fort Benning, Ga.

Two MP outfits were flown in by helicopter from a base at Memphis and additional units of the Mississippi National Guard were summoned.

MORE WN525AED

[fol. 2085]

IN THE DISTRICT COURT OF TARRANT COUNTY, TEXAS

17TH JUDICIAL DISTRICT

No. 31,741-C

EDWIN A. WALKER

VS.

ASSOCIATED PRESS

**Transcript of Hearing on Motion for New Trial—  
September 18, 1964**

Be It Remembered that upon the hearing of the defendant on Motion for New Trial, before His Honor Charles J. Murray, Judge of said court, on the 18th day of September, A. D. 1964, the following proceedings were had and evidence adduced:

**APPEARANCES:**

Mr. Clyde A. Watts, 219 Couch Building, Oklahoma City, Oklahoma.

Mr. Toy Crocker, Continental Life Building, Fort Worth, Texas.

Mr. William Andress, Jr., 627 Fidelity Union Life Bldg., Dallas, Texas.

Attorneys for Plaintiff.

Mr. Sloan B. Blair, Mr. Daniel Settle, Mr. J. A. Gooch, First National Bank Building, Fort Worth, Texas.

Attorneys for Defendant.

[fol. 2086] Mr. Address: If the Court please, we have filed some exceptions to that amended motion for new trial insofar as the calling of jurors is concerned.

The Court: All right. Do you want to be heard on it?

Mr. Address: Yes, sir, we would like to be heard because we don't believe they have set forth in their motion with sufficient certainty and definiteness the basis for calling the jurors in here and bringing them back in that the motion that they have filed here does not set forth the names of any of the jurors who are supposed to have made the statements nor do they allege sufficiently that any such statements would have prejudiced their rights so as to be prejudicial jury misconduct under the rules. Now those are the holdings of such cases as *Federal Underwriter's Exchange vs Skinner* and *Roy Jones Lumber Company vs Murphy*, and *Thompson vs The Railway Express Agency*, and *Smith vs Houston Transit Company*, so we don't feel that they have set forth with sufficient certainty and definiteness what it is they propose to prove.

The Court: I am going to overrule you, counsel. I have already spent a substantial amount of time looking into this case, and if any of you haven't read it yet there is a very good law review by Associate Justice Jack Pope in [2087] 40 Texas Law Review 849 in which he reviews the problems involved in jury misconduct.

Now before we start I am going to tell you first of all what I am not going to hear as far as any of the jurors are concerned. As I understand Texas law we can only go into overt acts of the jurors and not their mental processes, so therefore a juror will not be permitted to testify that he was not influenced by any statement; he will not be permitted to testify that he was influenced by any statement. The Courts have held that goes into mental process. Moreover, a juror will not be permitted to say that he felt, he believed, he meant, he aimed, he desired, he was convinced, he was not convinced, nor may he give his impressions of any sort. I will only go into what was said, at what point it was said, and what, if anything, the jurors as a whole did after that point.

Mr. Gooch: We concede that those are the rules.  
The Court: All right.

MR. M. L. MERIWEATHER, called as a witness by the defendant, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

Direct examination.

By Mr. Gooch:

[fol. 2088] Q. Please state your name.

A. M. L. Meriweather.

Q. Where do you live, Mr. Meriweather?

A. 300 Emma street, Forth Worth, Texas.

Q. Were you a juror in the case of General Edwin A. Walker versus the Associated Press that was tried in June of 1964 in this court-room?

A. Yes, sir.

Q. Did you participate as a juror in the hearing of the evidence and the deliberations after the evidence was closed?

A. Yes, sir.

Q. I will ask you if during the deliberations and prior to the time that a verdict was reached in this case that there were any statements made by any jurors, while all the jurors were together and prior to the time the verdict was reached, as to whether or not prejudice was indicated against the news media in general.

Mr. Address: Now wait just a minute. That is calling for a conclusion.

The Court: Sustained.

By Mr. Gooch:

Q. Were you acquainted with a man by the name of Waverly Johnson who was foreman of the jury?

A. Yes, sir.

Q. A man by the name of Trotter who was a juror in the case?

[fol. 2089] A. Yes, sir.

Q. Would you tell the Court what, if anything, was said by those gentlemen relative to the news media in general?

A. Well one of them made the statement that the Associated Press was always hurting someone and something on that order, printing false statements.

Q. Was there anything said about news media in general?

A. There was a statement made by one of them, I don't recall which one,—Now this is about the Press itself?

Q. That's right. About news media is the question I asked.

Mr. Andress: If the Court please, we don't believe news media would be pertinent. We think it is what was said about Associated Press.

The Court: Overruled.

By Mr. Gooch:

Q. You have executed an affidavit in this case have you not, Mr. Meriweather?

A. Yes, sir.

Mr. Andress: If the Court please, the affidavits are not admissible, not even for refreshing his memory, and we are going to object to his re-reading his affidavit at the present moment.

The Court: Overruled.

A. You are referring to this one here?

The Court: Mr. Meriweather, if you say anything at all [fol. 2090] to Mr. Gooch you have to say it loud enough for the court reporter and counsel to hear it.

Mr. Gooch: That's right.

The Court: Now all he has done so far is just hand you the affidavit. He hasn't asked you any further question.

A. Well, now, of course.

The Court: He hasn't asked you a question.

By Mr. Gooch:

Q. Have you re-read your affidavit that you gave in this case?

A. Yes, sir.

Q. Were the matters set forth in that affidavit true and correct to the best of your knowledge and belief at the time you executed it?

A. Yes, sir.

Q. Now in that affidavit you state "One juror stated that news services were always publishing false and malicious reports".

A. Yes, sir.

Q. Was that statement made in the jury-room when all jurors were present prior to the time a verdict was reached?

A. Yes, sir.

Q. Was there anything said in the jury-room and prior to the time the verdict was reached, when all jurors were present about money?

[fol. 2091] A. Yes, sir.

Q. What was that?

A. One of the jurors stated that he should be awarded the full amount because the Associated Press had plenty of money.

Q. Do you remember what juror said that?

A. I don't recall his name, but he was the same fellow that works out there with me, a tall slim fellow.

Q. Was his name Trotter?

A. I believe it was, sir.

Q. Was anything said to this effect, that the Associated Press had plenty of money and would never miss it?

A. Yes, sir.

Q. Was that prior to the time the verdict was reached?

A. It was before, yes, sir.

Q. Was there anything said about a Georgia Football coach having received a substantial award and damages for libel?

A. Yes, sir. They made a statement that one of the coaches received the full amount on a libel suit.

Q. Was that statement made before the verdict was reached?

A. Yes, sir.

Q. Do you recall any statement made by a man by the name of Johnson, who was the foreman, as to his antagonism or non-antagonism toward the Associated Press?

Mr. Address: That is a conclusion, Your Honor.

The Court: It would be, Mr. Gooch.

[fol. 2092] Q. State what, if anything, Mr. Johnson said about the Associated Press, if you recall.

A. Well, he didn't say a whole lot, he just kind of left the impression that he was—

The Court: Wait just a minute. I will strike that.

Mr. Gooch: All you can do is say what he said. If you recall.

A. Well I don't recall his exact words, Mr. Gooch.

Q. Can you give the substance of what he said?

A. Well it was something on the order that the Press was always—hurt people and printing false statements. Something on that order.

Mr. Gooch: That's all.

Cross examination.

By Mr. Address:

Q. Mr. Meriweather, when did the jury go out and start its deliberations? What time of day?

A. Well I don't recall. Whenever the trial was over.

Q. Was it in the afternoon of one day or the morning of the day you brought in the verdict?

A. It was in the afternoon.

Q. And that afternoon you elected a foreman?

A. Yes, sir.

Q. You elected Waverly Johnson as the foreman. Is that right?

[fol. 2093] A. Yes, sir.

Q. Now how long was it after you started your deliberations that anybody said anything about the Associated Press always hurting someone and printing false statements?

A. Oh, I would say within about thirty minutes.

Q. Within about thirty minutes?

A. Uh huh.

Q. And who was it that said that?

A. The foreman, Johnson.

Q. Now the foreman, was he sitting at the head of the table?

A. No, sir.

Q. Where was he sitting?

A. He was sitting over on this side.

Q. Over on this side? Let's see, toward the window or away from the window?

A. Towards the door.

Q. Towards the door. And where were you sitting?

A. I was sitting next to him, on the east side of him.

Q. Were you and he talking together when he made that remark?

A. No, sir.

Q. Who did he make the remark to?

A. Just the jury as a bunch.

Q. What did any of the other jurors then say or so?

A. Well, like Mr. Gooch asked me, there was one of them [fol. 2094] made the statement the Associated Press had plenty of money.

Q. That was right after Mr. Johnson said that the Associated Press was always hurting someone with false stories and then somebody in reply to that said the Associated Press had plenty of money?

A. No, sir, it wasn't after that.

Q. Was it before that?

A. It was when they voted on malice and they started voting on how much money.

Q. At that time had a vote been taken on the amount of money?

A. No, sir.

Q. Now when the vote was taken on the amount of money did everybody speak up and say what they thought was the proper amount of money?

A. Everyone but me.

Q. Everyone but you. You didn't express any view on the amount of money?

A. Well I didn't agree on it.

Q. You mean in the discussion you didn't agree on the amount?

A. Yes, sir.

Q. At the time that this discussion began did everyone else agree on the \$500,000?

A. On the first count, yes, sir.

[fol. 2095] Q. Now was it before or after that that this remark was made about the Associated Press having plenty of money?

A. It was after that.

Q. After that?

A. Uh huh.

Q. In other words it wasn't until after eleven jurors had voted in favor of \$500,000.00 as actual damages that somebody said the Associated Press had plenty of money?

A. That's right, and award the full amount.

Q. Of course the full amount asked for for a million dollars.

A. Yes, sir.

Q. And the eleven jurors had already decided not to award the full amount but to award the figure they had arrived at.

A. Well we hadn't got into the malice part yet.

Q. But I mean the \$500,000.00.

A. Yes, sir.

Q. Now do you know of anybody that actually heard, other than yourself, what Mr. Johnson said about the Associated Press hurting someone, printing false statements?

A. I am sure that all the jurors did.

Q. Did anybody make a comment about it at the time?

A. I think not, sir.

Q. Nobody made any comment at all.

A. No, sir.

Q. The matter wasn't discussed any further?

[fol. 2096] A. No, sir.

Q. So that it was simply a comment made by Mr. Waverly Johnson that was not picked up and didn't become a discussion and wasn't talked about any further.

A. Not that particular one. The other one was discussed quite a bit.

Q. Which one?

A. The one about the Press having quite a bit of money. I stopped that because I told them it didn't make any difference how much money the Press had and in the first place they didn't know how much they had, and I thought it was out of order, and that's when said "Meriweather's right, let's drop it".

Q. And you told them the jury should not consider that, that it was outside the record and shouldn't be considered. Is that right?

A. That's right.

Q. And then was it dropped?

A. Yes, sir.

Q. And all of that took place after eleven jurors had already voted for \$500,000.00.

A. On the five hundred, yes, sir.

Q. Now when Mr. Waverly Johnson made the remark about the Associated Press always hurting somebody did anybody speak up then like you very properly did a little later on to say, "Well we musn't consider that. That's not to be considered"?

[fol. 2097] A. I didn't say a thing.

Q. Did anybody else speak up and say that?

A. Not that I recall.

Q. In other words that was a remark that was made and they just let it lay. Nobody did anything further about it at all.

A. I don't think there was any further discussion on it, no, sir.

Q. Do you remember who it was that mentioned something about the Georgia Football coach collecting?

A. No, I don't recall which one it was, which one of the jurors.

Q. Do you remember at what stage of the game that happened?

A. That happened when we were voting on the malice part.

Q. When you were voting on the malice part?

A. Uh huh.

Q. Did you take these issues in order and work through them?

A. Yes, sir.

Q. And so the malice part would be one of the very last things you did wouldn't it?

A. Yes, sir.

Q. It wasn't until you got to the malice part that the mention was ever made about the Georgia Football coach.

A. The best I recall I made some statement myself that a libel suit was hardly ever awarded the full amount, and that's when this come in. One of the jurors said "Well the [fol. 2098] football coach was awarded the full amount".

Q. Well, of course, that had been a matter that was about as well spread in the public press as the incident over in Mississippi, wasn't it? I mean all of you knew about that didn't you?

A. I suppose so, yes, sir.

Q. Was there any further comment or discussion about it?

A. Not that I recall.

Q. That was just one of the things that anybody that reads the papers knew something about and nobody paid any attention to it then?