

LYCEUM-THE CIRCLE HISTORIC DISTRICT

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

8. STATEMENT OF SIGNIFICANCE

Certifying official has considered the significance of this property in relation to other properties:

Nationally: X Statewide: __ Locally: __

Applicable National

Register Criteria: A__ B__ C__ D

Criteria Considerations

(Exceptions): A__ B__ C__ D__ E__ F__ G

NHL Criteria: 1

NHL Exceptions: 8

NHL Theme(s): II. Creating Social Institutions and Movements
 2. reform movements
 IV. Shaping the Political Landscape
 1. parties, protests, and movements

Areas of Significance: Education
 Law
 Politics/Government
 Social History

Period(s) of Significance: 1962

Significant Dates: September 30-October 1, 1962

Significant Person(s): N/A

Cultural Affiliation: N/A

Architect/Builder: William Nichols

Historic Contexts: Racial Desegregation in Public Education in the United States, National Historic Landmarks Theme Study (August 2000)

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State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.

The University of Mississippi's Lyceum-The Circle Historic District is significant for its association with the era of Southern massive resistance to school desegregation in the mid-twentieth century. Between September 30 and October 1, 1962, segregationist rioters clashed with federal troops over the court-ordered admittance of an African-American student. The tumultuous event marked a decisive turning point in the federal government's enforcement of the U.S. Supreme Court's 1954 *Brown v. Board of Education* decision outlawing racial segregation in public schools, and the decline of violent massive resistance to desegregating public schools.

On September 30, 1962, the fate of civil rights and massive resistance hung in the balance. Mississippi Governor Ross Barnett's repeated refusals to comply with United States Fifth Circuit Court of Appeals' orders to register African-American student James Meredith at Ole Miss threatened to undermine the authority of the U.S. Constitution. After the Fifth Circuit Court informed the U.S. Assistant Attorney General that the court had exhausted its powers in the Meredith case, it was time for the executive branch to exercise its authority in the matter. Accepting this responsibility, President John F. Kennedy delivered a nationally televised speech in which he informed Americans that they did not have the right to disobey the law. He declared that he intended to enforce the orders of the Fifth Circuit Court of Appeals with "whatever means necessary."³²

In the fall of 1962, the University of Mississippi found itself at the center of state and national attention when demonstrators merged at The Circle to prevent Meredith's registration inside the Lyceum building. Despite the efforts of President Kennedy and United States Attorney General Robert F. Kennedy to maintain peace and order at Ole Miss, protests reached critical mass and exploded. On September 30, 1962, an unruly mob estimated at 2,500 Klansmen, White Citizen's Councilors, students, and sundry agitators, turned Ole Miss into a war zone. In the chaos that erupted, two lay dead, 160 marshals were wounded, many civilian and military vehicles were destroyed, and several hundred rioters were arrested.³³ The battle at the Oxford campus was the most violent confrontation in the desegregation of public education in the United States, but James Meredith successfully broke the color line at the previously all-white University of Mississippi to register in 1962 and graduate in 1963. Thereafter school desegregation in the South met with more tempered massive resistance as segregationists understood that the federal government intended to enforce the U.S. Constitution and U.S. Supreme Court decisions.

Historical Background*Brown v. Board of Education*

In 1896, the U.S. Supreme Court established in *Plessy v. Ferguson* that separate facilities for blacks and whites were constitutional as long as they were equal.³⁴ From *Plessy* came the separate but equal doctrine that became widespread throughout the South and soon influenced or controlled most aspects of race relations, including education.³⁵ The doctrine reinforced segregation laws permitted by state and local authorities following the

³² Barrett, *Integration at Ole Miss*, 149-152.

³³ Frank T. Read and Lucy S. McGough, *Let Them Be Judged: The Judicial Integration of the Deep South* (Metuchen, NJ: The Scarecrow Press, Inc., 1978), 246.

³⁴ *Plessy v. Ferguson*, 163 U.S. 537.

³⁵ The South consists of the following 17 states: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. This is "The southeastern region of the United States, distinctive for its climate and long agricultural growing season and plantation system,

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close of the Reconstruction era of 1865-1877. Thereafter, between 1899 and 1927, the Supreme Court upheld the right of the state to run its own schools, and between 1896 and 1930, the separate but equal doctrine became ingrained in case law and appeared to be beyond legal attack.

In 1930 a new era in the movement to desegregate schools began as the National Association for the Advancement of Colored People (NAACP) started a legal attack based on the inequalities of public education whereby the cost of maintaining two equal systems would destroy segregation, and aimed its attack at the graduate and professional school levels. Although gaining some ground in two cases, the cases did not substantially overturn the *Plessy v. Ferguson* decision. Segregation continued despite the legal ground gained and advocacy by President Harry Truman's Committee on Civil Rights and Commission on Higher Education to end segregation. As of May 1951, "seventeen states required the segregation of public schools, four other states permitted the practice if local communities wished it, and in the District of Columbia the custom had prevailed for ninety years."³⁶ In 1950, the NAACP vowed to end desegregation in education at all levels.

A series of cases provided the NAACP with the basis for dismantling the legal apparatus of *Plessy v. Ferguson* before the United States Supreme Court that were grouped together as *Brown v. Board of Education*. While the defendants argued that separate school systems were in keeping with custom and law, Thurgood Marshall, representing the plaintiffs, contended that Jim Crow laws violated black school children's rights to equal education. Marshall also demanded that the Supreme Court overturn *Plessy*. On May 17, 1954, the Supreme Court declared the institution of dual school systems to be unconstitutional. Referred to as *Brown I*, the decision overturned *Plessy*.

However, *Brown I* did not address the means to integration. Integration proponents sought the immediate admission of African American students to all-white schools while segregationists argued for a gradual end to the dual school system. Issued in 1955, *Brown II* did little to expedite integration, decreeing that racially segregated schools should integrate with "all deliberate speed."³⁷ The ambiguous ruling enabled segregationists to delay desegregation.

Massive Resistance³⁸

The counterinsurgency known as massive resistance took myriad forms in the South. One hundred Southern congressmen signed the 1956 Southern Manifesto that vowed to resist *Brown* and to fight to maintain segregation. In Virginia, Prince Edward County elected to close its public schools in 1959. White families then sent their school-aged children to private schools. Private schools had long been havens for those who wished to separate themselves from others based on creed, color, gender, and economics. From 1956 to 1963, the Richmond, Virginia, school system operated under the state-run Pupil Placement Board. The Board assigned very few black children to all-white schools, thus assuring segregated schools. Defying a federal court order to desegregate the public schools of Mansfield, Texas Governor Allan Shivers ordered the Texas Rangers to enforce segregation in 1956.

black agricultural labor, and white-imposed system of segregation" as defined in Jeffrey A. Raffel, *Historical Dictionary of School Segregation and Desegregation: The American Experience* (Westport, CT: Greenwood Press, 1998), 242.

³⁶ Richard Kluger, *Simple Justice*, vol. 1 (New York: Alfred A. Knopf, Inc., 1975), 412.

³⁷ Susan Cianci Salvatore, Waldo E. Martin, Jr., Vicki L. Ruiz, Patricia Sullivan, and Harvard Sitkoff. "Racial Desegregation in Public Education in the United States Theme Study" (Washington, DC: U.S. Department of the Interior, National Park Service, August 2000), 79.

³⁸ This section on massive resistance is based on an essay completed by Waldo E. Martin, Jr., in Salvatore et. al., "Racial Desegregation in Public Education," 80, 83, 85.

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In 1957-1958, proponents of integration encountered massive resistance when nine African-American students enrolled at Central High School in Little Rock, Arkansas. Arkansas Governor Orval Faubus ordered the National Guard to prevent desegregation of Central High School. In an event that captured national attention, President Eisenhower commanded federal troops to protect the Little Rock Nine as they crossed the color line. Governor Faubus later countered Eisenhower by closing Little Rock's schools.

Integration proponents encountered many obstacles to desegregation at Southern colleges and universities during the 1950s and early 1960s. School officials either outright denied black applicants admission based on their color or contrived technicalities, such as moral issues or the lack of academic qualifications, as a means of blocking admission. When these tactics failed, governmental officials often entered the arena and pledged to prevent desegregation efforts. Threats and actual incidences of mob violence generated by students and outside agitators provided school officials with specious reasons for expelling those black students that managed to cross the color line at all-white, post-secondary, Southern institutions. These elements of massive resistance formed the basis of blocking desegregation efforts at universities in Georgia, Mississippi, and Alabama.

University of Georgia administrators deferred addressing the applications of Hamilton E. Holmes and Charlayne Hunter for a year in 1959. The university denied their admission based on technical rather than racial reasons. Academic qualifications should not have figured into the equation as both African-American applicants were honor students at their respective all-black high schools in Georgia. Georgia Governor Ernest Vandiver publicly opposed Holmes' and Hunter's admission. On January 11, 1961, a riot broke out on campus after Judge William A. Bootle decreed that the two black students be admitted to the university. University of Georgia administrators cited the violence as cause for suspending both Holmes and Hunter. Judge Bootle later ordered the two students readmitted to the Athens campus.

Separate But Equal in Mississippi

From 1865 until 1962, African Americans coped with the realities of separate but equal in Mississippi. Through the efforts of the Mississippi state legislature, Freedmen's Bureau, and the American Missionary Association, black students pursued limited educational opportunities at the post-secondary level. The late nineteenth-century roster of Mississippi's black colleges and universities included Alcorn Agricultural and Mechanical College (founded in 1871), Tougaloo University (chartered in 1871), State Normal School at Holly Springs (established in 1870), and Rust College (founded 1866). For the most part, the curriculum at these all-black institutions concentrated on teacher preparation and agricultural and vocational training. Alcorn advocated the need for liberal arts and science programs for African Americans and offered a principally liberal arts curriculum despite its conversion into an A & M college in 1878;³⁹ however, state legislators and philanthropists balked at such prospects, believing higher education was wasted on blacks.

Despite the patronizing attitudes of Mississippi's legislators, all-black colleges and universities made some progress. Alcorn secured land-grant status in 1878, making the school eligible for federal funding set aside for such institutions by the Morrill Acts of 1862 and 1890. The Morrill Act championed "instruction in agriculture and mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: "Provided, that said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching elements of agriculture and the mechanic arts."⁴⁰ In addition to agricultural and mechanical training, Alcorn offered course work in teacher preparation. A private institution,

³⁹ Joseph E. Gibson, *Mississippi Study of Higher Education* (Jackson: Board of Trustees, 1945), 318.

⁴⁰ "Land Grants: Second Morrill Act," <http://www.higher-ed.org/resources/morrill2.htm>.

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Tougaloo featured a state-supported normal school, as did the state school at Holly Springs.

Higher education for African Americans in Mississippi suffered serious setbacks in the late nineteenth and early twentieth centuries. Tougaloo lost the Normal Department due to the Mississippi Constitution of 1890, which prohibited the allotment of public education funds to private institutions.⁴¹ Mississippi Governor James Vardaman vetoed a bill appropriating money for the Normal College at Holly Springs in 1904. Vardaman considered expenditures on black education senseless since “no improvement could be noted in the moral nature of the Negro. Then why squander money on his education when the only effect is to spoil a good field hand and make an insolent cook,” he concluded.⁴² The Holly Springs School consequently closed, and the property was given to the Agricultural and Mechanical School (Mississippi State University) in Starkville.⁴³ Attitudes like those espoused by Vardaman and subsequent Mississippi governors seriously limited educational opportunities for African Americans.

Mississippi inadequately funded education for African Americans through the late nineteenth and much of the twentieth centuries. Funding for Alcorn, the sole state-supported black college until the 1940s, paled in comparison with monies appropriated for white institutions. Allocations for A & M at Starkville improved 698%, University of Mississippi 273%, and 127% for Alcorn from 1890 to 1910. In 1920, the legislature granted public funds of \$253.00 per student at Ole Miss, \$207.00 at A & M at Starkville, and a mere \$43.00 at Alcorn.⁴⁴ Circumstances did not improve over the next three decades. “Only 15.7% of the funds allocated for higher education during 1952-1954 went to colleges for Negroes.”⁴⁵ In financial terms, separate was not equal for African Americans seeking a college education in Mississippi.

Mississippi’s black population faced other inequalities in education. Statistics gathered between 1934 and 1944 show that Alcorn lagged way behind Ole Miss in total number of library volumes and average number of volumes added to the collection per year with Ole Miss numbers at 101,464 and 4,986 and Alcorn with 13,905 and 900.⁴⁶ Mississippi’s historically black colleges and universities (HBCUs) did not offer a graduate program until 1954.⁴⁷ Those in pursuit of a graduate degree had to leave Mississippi. Few of the HBCUs offered four-year programs; consequently, many African-American graduates did not qualify for teaching and professional positions, which required four-year degrees. Faced with disparate educational options, the confrontation between desegregationists and segregationists in Mississippi was inevitable.

Segregation at Mississippi’s schools did not stop African Americans from applying to white institutions of higher learning. Enrollment applications from a small number of black students began arriving at the University of Mississippi in the early 1950s. A black minister from Gulfport, Mississippi, Charles Dubra applied for admission to Ole Miss law school in 1953. Although Chancellor John Davis Williams and Dean Robert Farley recommended Dubra for admission, the Board of Trustees rejected the application because his undergraduate degree was from Claflin College, an unaccredited institution. The board overlooked the fact that Dubra’s graduate degree came from Boston University, an accredited institution. In 1954, Medgar Evers, a

⁴¹ Aubrey Keith Lucas, *The Mississippi Legislature and Mississippi Public Higher Education: 1890-1960* (Ph.D. diss., Florida State University, 1966).

⁴² Stuart Grayson Noble, *Forty Years of Public Schools in Mississippi* (New York: Teacher’s College, Columbia University, 1918), 96, 111.

⁴³ Lucas, *Mississippi Legislature and Higher Education*, 17.

⁴⁴ *Ibid.*, 54.

⁴⁵ John E. Brewton, *Higher Education in Mississippi* (Jackson: Board of Trustees, 1954), 9.

⁴⁶ Gibson, *Mississippi Study of Higher Education*, 78.

⁴⁷ Kianca LaTrelle Guyton, “‘Separate schools shall be maintained for the white and colored races:’ The Progression of Historically Black Colleges and Universities in Mississippi.” (Ph.D. diss., University of Mississippi, 2003).

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graduate of Alcorn A & M College, submitted an application to the Ole Miss law school. Deploying the same tactics used against Dubra, the board dismissed Evers' application because he did not have two letters of recommendations from Ole Miss alumni. Upon supplying the letters, Evers learned that the requisite number of recommendations jumped to five.⁴⁸ Evers abandoned admission to Ole Miss when he accepted a position as field secretary for the NAACP.

Unfortunately, African-American applicants, like Dubra and Evers, typically faced the ordeals of segregation alone. Local and state organizations dedicated to the cause of African-American higher education simply did not exist. Lacking such support, blacks seeking to cross the color line at the post-secondary level often failed to set foot on campus. Nonetheless, African Americans continued to brave the gauntlet. Clennon King applied for admission at Ole Miss, in 1958. The state instead placed King in Whitfield, the colored asylum for the insane. King was followed a year later by Clyde Kennard, who sought entrance to Mississippi Southern College. Kennard was subsequently sentenced to seven years on a chain gang for allegedly buying twenty-five dollars worth of stolen chicken feed.⁴⁹ The canard landed him in the notoriously brutal state prison, Parchman, where he developed stomach cancer and later died.

The Violent Siege of Ole Miss

Unlike King and Kennard, James Meredith did not face the battle alone. Meredith enlisted the aid of NAACP Legal Defense Fund (LDF) lawyers Constance Baker Motley and Jack Greenburg in his quest to gain admission to Ole Miss in 1961-62. The U.S. Fifth Circuit Court of Appeals and the U.S. Justice Department also came to Meredith's aid. Meredith, a former Air Force staff sergeant, needed every bit of this assistance and more. He encountered practically every tactic in the massive resistance arsenal.

After spending nine years in the United States Air Force, James H. Meredith could have reenlisted and ignored the problems facing his fellow African Americans in his home state of Mississippi; but his personal convictions and sense of duty and steadfast opposition to the enemy instilled in him during his years of military service compelled him to fulfill his mission. Thus, he returned in 1960 with the "objective of total victory over discrimination and the unequal application of the law"⁵⁰ Meredith considered admission to the all-white University of Mississippi a considerable means toward achieving this much-desired victory; however, the timing was not right in September 1960, so he enrolled at Jackson State College, an all-black college in Jackson, Mississippi, while waiting for the right circumstances to materialize.

In 1959, gubernatorial candidate Ross Barnett won his way to the Capital in Jackson on a platform based on racist rhetoric. The arch-segregationist Ross vowed to "rot in jail before he let one Negro ever darken the sacred threshold of our white schools."⁵¹ With the Mississippi government bent on maintaining apartheid at all costs, Meredith believed that "only a power struggle between the state and the federal government could make it possible for him or anyone else to successfully go through the necessary procedures to gain admission to the University of Mississippi."⁵² Of course, the federal government's role in Meredith's plans depended on the outcome of the presidential election of 1960.

⁴⁸ Sansing, *University of Mississippi*, 272-273.

⁴⁹ Doyle, *An American Insurrection*, 28.

⁵⁰ James Meredith, *Three Years in Mississippi* (Bloomington: Indiana University Press, 1966), 20-21.

⁵¹ Francis M. Wilhoit, *The Politics of Massive Resistance* (New York: Brazillier, 1973), 89-90; Doyle, *An American Insurrection*, 53.

⁵² Meredith, *Three Years in Mississippi*, 51.

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At the time Barnett was settling into his chair and desk at the Capitol, presidential candidates Senator John F. Kennedy and Vice President Richard M. Nixon were vying for the nation's top office. Both parties adopted a civil rights campaign for their respective conventions to capture the black vote. The Kennedys ordered their campaign managers to develop a "maximum" plank; Robert Kennedy considered it the "best civil rights plank the Democratic party has ever had."⁵³ This platform coupled with fortuitous phone calls made by Senator Kennedy to Coretta King and Robert Kennedy to Judge Oscar Mitchell regarding Martin Luther King, Jr.'s sentence to a Georgia penal farm helped draw the black vote. King's father was so pleased with the Senator's kindness toward his daughter-in-law that he "pledged a suitcase full of votes from his church." Kennedy's Civil Rights Division capitalized on the potential boon to the Kennedy cause, distributing two million pamphlets publicizing the incident amongst African-American churches and communities just before the election. Kennedy won a close presidential race with the black vote being a decisive factor according to many reports.⁵⁴

Just one day after the thirty-fifth President of the United State's inauguration on January 20, 1961, Meredith launched his plans for the Oxford campaign. He sent a letter to the University of Mississippi's registrar asking for an application. At this time, Meredith indicated nothing about his race. Registrar Robert B. Ellis sent Meredith an application a week later. Seeking to avoid Dubra's, Evers', King's, and Kennard's short lived assaults on the all-white bastions of Mississippi, Meredith almost immediately consulted Evers, then the state representative for the NAACP. Evers recommended that Meredith contact Thurgood Marshall, director of the NAACP LDF. On January 29, 1961, Meredith sent a letter to Marshall announcing his intent and requesting legal assistance from The Fund in the event of a legal battle. The civil rights activist rookie indicated to the veteran of many battles that his "long-cherished ambition has been to break the monopoly on rights and privileges held by the whites of the state of Mississippi."⁵⁵

Having contacted Evers and Marshall, Meredith openly declared his intention to Ole Miss. In a letter dated January 31, 1961, the would-be Ole Miss student indicated to Registrar Ellis that he was "an American—Mississippi—Negro citizen" and "hoped that this circumstance would not change the university's attitude toward him."⁵⁶ Meredith asked that Ole Miss expedite its decision to admit him since he was applying for admission for the winter term of 1961, which was slated to start on February 6. Although the university responded to his request promptly, sending him a telegram dated February 4, 1962, school and state officials did not welcome him to Oxford with open arms. The telegram informed Meredith not to appear for registration, because his application had been received after the admission deadline of January 25, 1962.⁵⁷ Having dismissed Dubra and Evers with relative ease, administrators hoped that the contrived technicality, i.e., submission of the application after the deadline, would be sufficient to send Meredith on his way.

The native son of Kosciusko, Mississippi was disappointed, but undaunted. Meredith escalated his fight for freedom to the next level. On February 7, 1961, Meredith sent a letter to the U.S. Justice Department. Meredith informed the Justice Department of his wishes to attend Ole Miss and the delaying tactic used to turn him away. He also stated:

I think that the power and influence of the federal government should be used where necessary to insure compliance with the federal law as interpreted by the proper authority. I feel that it should choose to do

⁵³ Arthur M. Schlesinger, Jr., *Robert Kennedy and His Times* (Boston: Houghton Mifflin Company, 1978), 215.

⁵⁴ Carl M. Brauer, *John F. Kennedy and the Second Reconstruction* (New York: Columbia University Press, 1977), 48, 49, 51.

⁵⁵ Meredith, *Three Years in Mississippi*, 54, 55, 56.

⁵⁶ Barrett, *Integration at Ole Miss*, 39.

⁵⁷ Sansing, *University of Mississippi*, 282.

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so. In view of the above information I simply ask that the federal agencies use the power and prestige of their position to insure the full rights of citizenship for our people.⁵⁸

Fortunately for Meredith's revolution, the Justice Department joined the conflict.

Concurrently, Meredith gained another stalwart ally in Constance Baker Motley. The NAACP LDF assigned Motley to handle Meredith's imminent case. Meredith considered the assignment of the eminent civil rights attorney to be the "best possible thing that could have happened. He did not believe that anyone else could have survived two-and-a-half years in Mississippi courts"⁵⁹ Motley, like the Justice Department, fought side-by-side with Meredith on the front lines of the engagements with Mississippi segregationists.

Meredith continued to press the admissions office for a definitive answer regarding his application. He wrote Registrar Ellis three times between February 20, 1961, and March 26, 1961, requesting that he be admitted for the summer session. Ellis employed probably one of the most effective and least confrontational of the delay tactics: he simply declined to answer Meredith's communications. This circumstance prompted Meredith to write Dr. Arthur Beverly Lewis, Dean of the College of Liberal Arts. The applicant communicated to the Dean the number and nature of exchanges between himself and the Registrar. In a bold request, Meredith asked Dr. Lewis to review his transcripts and pronounce judgment on his qualifications for admission. This aggressive move elicited a response from Ellis who indicated to Meredith that only 48 of the 90 credit hours accumulated at Jackson State College, the Universities of Kansas and Maryland, and Washburn University would transfer to Ole Miss provided that his application was approved. Ellis concluded the response with "In view of the foregoing, please advise if you desire your application to be treated as a pending application."⁶⁰ Cutting through the administrative speak, it appears Ellis hoped Meredith would give up when he learned that half of his course work would not transfer. At this point, Ole Miss was using somewhat subtle and protracted means to enforce the color line.

While Ole Miss exercised inactivity on the frontline to stall and dissuade work was taking place behind the scenes to rid the university of the "trouble maker" once and for all. The University of Mississippi Board of Trustees adopted a policy forbidding the "transfer from one state institution to another unless the student's work is acceptable to the receiving institution and to the Board of Trustees."⁶¹ This policy made it possible for the university admission committee to deny enrollment of students from unaccredited colleges. This policy was a direct attack on Meredith's application. Jackson State was not accredited by the Southern Association of Colleges and Secondary Schools.⁶²

Registrar Ellis used the new policies to formally terminate Meredith's application. In a letter dated May 25, 1961, Ellis stated:

The University cannot recognize the transfer of credits from the institution which you are now attending since it is not a member of the Southern Association of Colleges and Secondary Schools. As I am sure you realize, your application does not meet other requirements for admission. Your letters of recommendation are not sufficient for either a resident or nonresident applicant. Your application file has been closed.⁶³

⁵⁸ Meredith, *Three Years in Mississippi*, 59-61.

⁵⁹ *Ibid.*, 62.

⁶⁰ *Ibid.*, 71-73.

⁶¹ Sansing, *University of Mississippi*, 283.

⁶² Read and McGough, *Let Them Be Judged*, 211.

⁶³ Barrett, *Integration at Ole Miss*, 44.

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With this action, the Ole Miss administrators thought they had raised the bar so high that Meredith could not possibly maneuver the obstacle. He merely side-stepped it and adopted a new line of attack.

On May 31, 1961, LDF representative Constance Motley filed suit before United States District Judge Sidney Mize's court in Meridian, Mississippi.⁶⁴ The lawsuit, *Meredith v. Fair*, was filed on behalf of Meredith, as well as other African Americans who were similarly dispossessed of their rights. The suit identified the University of Mississippi as a segregated institution and challenged the legality of the alumni recommendations required for admission. Motley also requested a temporary restraining order so Meredith could attend Ole Miss while the respective parties argued the case.⁶⁵

Judge Mize was clearly part of the machinery of massive resistance. In author William Doyle's words, "Meredith's Byzantine legal struggle unfolded like a tale by Franz Kafka."⁶⁶ On the opening day of the case, Judge Mize rescheduled Meredith's hearing for a month later. The carefully calculated delay deprived Meredith of attending the spring and summer sessions of 1961.⁶⁷ Mize also denied Meredith's petition for a temporary restraining order, thus preventing him from attending classes in Oxford while the case was decided. While permitting the defense a great deal of latitude in the taking of Meredith's deposition, Mize denied Motley the right to take Registrar Ellis' deposition.⁶⁸ The district judge's pattern of masterful evasion, delay, and obstruction continued throughout his presidings over the *Meredith v. Fair* law suit.

Judge Mize kept the plaintiffs at bay by continually postponing the proceedings. The judge postponed the case until July 10, and then to July 11 when he granted the defense a delay until July 19.⁶⁹ The process went on into January, 1962, causing Meredith to lose valuable enrollment opportunities at Ole Miss. The July 19 rescheduling cost him the second summer session which had begun on July 17. "After the hearing on the preliminary injunction was finally concluded on August 16, he (Mize) delayed his decision until December 12 and thus prevented Meredith's admission to the term beginning in September 1961. Even after the trial on the merits began on January 16, Judge Mize granted a seven-day postponement to the board and University attorneys which prevented an appeal in time for Meredith to enter the term beginning in February, 1962."⁷⁰

On December 12, 1961, Judge Mize, a graduate of the University of Mississippi Law School, delivered a crushing blow to the *Meredith v. Fair* suit. He pronounced his ruling in favor of the University of Mississippi. He concluded, "The testimony shows, and I find as fact, that there was no discrimination against any student, and particularly the plaintiff, solely because of his race or color..."⁷¹ Mize based this conclusion solely on the testimony of Registrar Ellis: "The Registrar swore emphatically and unequivocally that the race of plaintiff or his color had nothing in the world to do with the action of the Registrar in denying his application."⁷² Judge Mize further stated that the University's admission policy changes were not aimed at excluding Meredith, but rather improving the quality of the student body.⁷³

⁶⁴ Read and McGough, *Let Them Be Judged*, 231. Charles Fair was the Chairman of the University of Mississippi Board.

⁶⁵ *Ibid.*, 211-212.

⁶⁶ Doyle, *An American Insurrection*, 34.

⁶⁷ Deborah J. Barrow and Thomas G. Walker, *A Court Divided: The Fifth Circuit of Appeals and the Politics of Judicial Reform* (New Haven: Yale University Press, 1988), 45.

⁶⁸ Read and McGough, *Let Them Be Judged*, 212.

⁶⁹ Barrow and Walker, *A Court Divided*, 45.

⁷⁰ Barrett, *Integration at Ole Miss*, 46.

⁷¹ *Ibid.*, 57-58.

⁷² Barrow and Walker, *A Court Divided*, 46; *Meredith v. Fair*, 199 F. Supp. at 754 (1962).

⁷³ Read and McGough, *Let Them Be Judged*, 213.

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Meredith then appealed his case to a higher court. Through his legal counsel, Meredith requested that the U.S. Fifth Circuit Court of Appeals overrule Judge Mize's decision and issue a temporary injunction permitting Meredith to attend classes in February 1962.⁷⁴ A Fifth Circuit Court panel consisting of Judges John Minor Wisdom, Elbert P. Tuttle, and Richard T. Rives reviewed the appeal. The panel denied the temporary appeal and concluded that Meredith "could not be relieved of the burden of proving that Mississippi's segregated policy had been applied to him personally."⁷⁵ However, the court ruled that the five alumni certificates denied equal protection of the law to black students. With Judge Wisdom writing the opinion, the court concluded:

Within proper legal bounds, the plaintiff should be afforded a fair, unfettered, and unharrassed opportunity to prove his case. A man should be able to find an education by taking the highway. He should not have to take byroads through the woods and follow winding trails through sharp thickets, in constant tension because of pitfalls and traps, and after years of efforts, perhaps attain the threshold of his goal when he is past caring about it.⁷⁶

Exhorting Judge Mize to expedite Meredith's case, Judge Wisdom further instructed the district judge on how to conduct the trial within fair bounds.

Miserly with his take on Judge Wisdom's declaration on *Fair*, Judge Mize permitted more chicanery in his courtroom. The district judge delayed the trial a day. He then granted a motion to further postpone the trial due to the illness of the Mississippi Assistant Attorney General.⁷⁷ Once the proceedings ended, Judge Mize took a full week to pronounce his decision. Finally, the Mississippi judge denied Meredith relief.

Again Meredith resorted to the Fifth Circuit Court of Appeals for redress of civil wrongs in Judge Mize's court. As before, Judge Wisdom presided over the panel with Fifth Circuit Court of Appeals Judge John R. Brown and U.S. District Court Judge Dozier A. DeVane assisting in the case. Regarding this case, Judge John Minor Wisdom wrote:

A full review of the record leads the court inescapably to the conclusion that from the moment the defendants discovered that Meredith was a Negro they engaged in a carefully calculated campaign of delay, harassment, and masterful inactivity. It was a defense designed to discourage and defeat by evasive tactics which would have been a credit to Quintus Fabius Maximus.⁷⁸

The Fifth Circuit ordered Meredith to be admitted to Ole Miss for the fall term of 1962. However, James Meredith's legal ordeals were far from over. Refusing to accept Judge Wisdom's decision, Fifth Circuit Court of Appeals Judge Ben F. Cameron of Mississippi issued a stay of the court's order on July 18, 1962.⁷⁹ The Wisdom-Brown-DeVane tribunal quickly and decisively responded to Cameron's action. Panel penman Wisdom emphatically stated that "...it is unthinkable that a judge who was not a member of the panel should be allowed to frustrate the mandate of the Court." The panel then vacated Cameron's stay order only to have Cameron reissue it. The judicial combatants repeated these maneuvers a third time. Considering Judge Cameron's orders "unauthorized, erroneous, and improvident" the three-judge court invalidated the third stay. Cameron's cameral activities on August 6, 1962, consisted of filing a fourth defiant stay. Wisdom and

⁷⁴ Meredith, *Three Years in Mississippi*, 134.

⁷⁵ Read and McGough, *Let Them Be Judged*, 215.

⁷⁶ Ibid.

⁷⁷ Barrow and Walker, *A Court Divided*, 46.

⁷⁸ Sansing, *University of Mississippi*, 289.

⁷⁹ Harvey C. Couch, *A History of the Fifth Circuit 1891-1981* (Washington, DC: U.S. Government Printing Office, 1984), 118.

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company then appealed to U.S. Supreme Court Justice Hugo Black for relief. As Circuit Justice of the Fifth Circuit Court of Appeals, Black had the authority to overwrite Cameron. On September 10, 1962, Justice Black issued an opinion vacating all of Judge Cameron's stays and ordering Judge Mize to sign the injunction ordering James Meredith admitted to the University of Mississippi.⁸⁰

Although James Meredith had the highest court of law in the nation on his side, the journey to Oxford did not get any easier. In fact, the opposite was true. The machinery of massive resistance was gearing up for battle. In September 1962, Mississippi Governor Ross Barnett stepped into the middle of the fight. For Meredith, and any other African American trying to break the color line in Mississippi, Barnett represented a serious problem, for he, like some other Southern governors, openly defied federal authority. Barnett, who promised to "rot in jail before he let one Negro darken the sacred threshold of our white schools" in his 1959 gubernatorial campaign, demonstrated to Mississippi voters that he was a man of his word. During a statewide television and radio address on September 13, 1962, Governor Barnett informed his audience that he was interposing the authority of the Sovereign State of Mississippi between that of the federal government and Ole Miss regarding Meredith's admission. Based on his authority as governor, he declared "NO SCHOOL WILL BE INTEGRATED IN MISSISSIPPI WHILE I AM YOUR GOVERNOR!"⁸¹ While popular with Mississippi segregationists, Barnett's declaration of interposition very nearly landed him in jail.

On or before September 20, 1962, James Meredith's appointed day for registration, all three branches of the Mississippi government joined efforts to strengthen the bulwark of segregation. Hinds County police officers arrested James Meredith and jailed him for one day.⁸² On September 20, Jackson County Justice Homer Edgeworth sentenced Meredith to one year in jail and a \$500 dollar fine for falsifying voter registration records. This sentence coincided with the Mississippi legislature's ratification of Senate Bill No. 1501 earlier that morning. The "Meredith Law," as SB-1501 was dubbed, denied admission to any state school to anyone convicted of a criminal offense.⁸³ Later that day, the University of Mississippi Board of Trustees adopted a resolution transferring all powers associated with Meredith's registration to Governor Barnett. Having been served Judge Mize's injunction, a contempt citation, and a telegram from U.S. Attorney General Robert Kennedy urging full compliance with the law, a number of the trustees were relieved to learn that the governor was willing to assume full responsibility in the matter. Barnett was more concerned with the opportunity to appear in the limelight before his voters than protecting University officials from judicial wrath.⁸⁴ Barnett readied the so-called powers of interposition for battle with Meredith who was due in Oxford before the close of registration at 4:00 p.m.

James Meredith did not face Mississippi's trident governmental resistance in the Oxford showdown alone. The U.S. District Court filed an injunction against SB-1501. On the weekend before the twentieth, Robert Kennedy and officials of the Justice Department conducted clandestine phone calls with Governor Barnett in an attempt to quietly resolve the situation.⁸⁵ The Justice Department assigned federal marshals to Meredith for round the clock protection and sequestered him at the Millington Naval Air Station in Memphis to keep him out of harm's way.⁸⁶ Dillard University in New Orleans was also designated a base for operations.

⁸⁰ Read and McGough, *Let Them Be Judged: The Judicial Integration of The Deep South*, 222-224.

⁸¹ Doyle, *An American Insurrection*, 53, 65.

⁸² Meredith, *Three Years In Mississippi*, 168.

⁸³ Doyle, *An American Insurrection*, 73.

⁸⁴ Meredith, *Three Years In Mississippi*, 183.

⁸⁵ Sansing, *University of Mississippi*, 291.

⁸⁶ Meredith, *Three Years In Mississippi*, 181.

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James Meredith and his federal entourage attempted to enroll four times between September 20 and 27. Chief U.S. Marshal James McShane, Justice Department Attorney St. John Barrett, and two deputy marshals accompanied Meredith to the Continuation Center at Ole Miss late in the day on the twentieth. Governor Barnett read an interposition proclamation and prevented Meredith from enrolling.⁸⁷ Meredith and company returned to Memphis. On the twenty-fifth, McShane, John Doar of the Justice Department, and others escorted Meredith from New Orleans to Jackson, Mississippi. Barnett stood in the doorsill of a tenth floor room in the Woolfolk Building barring access to Registrar Ellis. With legislators and policemen cheering him on and a television crew documenting the charade, the champion defender of the closed society read his interposition decree again. The door having been effectively closed on the event and several attempts to remind the governor that he was in contempt of court having fallen on deaf ears, Doar and his allies retreated from the building.⁸⁸ Mississippi Lieutenant Governor Paul B. Johnson, Jr. prevented the would-be registrant from passing a police barricade on the edge of campus on the twenty-sixth. The following day Robert Kennedy and Governor Barnett negotiated via telephone an afternoon registration on campus; however, a gathering of approximately 1,500 curious onlookers deteriorated into an unruly mob. Kennedy called the event off after Barnett implored him to do so, citing the potential for serious violence.⁸⁹ On the surface, it appeared that massive resistance was maintaining an impassable color line.

However, the federal government was slowly but steadily reducing the Mississippi government's capacity to fight. After U.S. District Court Judge Mize cleared a contempt of court charge brought against the Ole Miss administration for failing to register Meredith, on September 20, the Fifth Circuit Court of Appeals ordered all twelve trustees and select administrators to appear before all eight judges in New Orleans on the twenty-fourth. Infuriated by what they termed "monkey business," Judge Tuttle and his brethren justices charged the Board with "willfully and intentionally violating the Court's order."⁹⁰ The court released the trustees and officials after they agreed to comply with the court's order to register Meredith on the twenty-fifth. The Fifth Circuit Court of Appeals judges ordered Governor Barnett to appear before an *en banc* hearing (all eight judges in attendance) in New Orleans on the twenty-eighth after Barnett prohibited the subject registration. Barnett and Lt. Governor Paul Johnson, Jr. failed to appear before the court. Subsequently, the Court of Appeals' justices decreed that the governor and his second in command had to enroll Meredith by October 2 or face \$10,000/day and \$5,000/day fines, respectively.⁹¹ In association with this pronouncement, Judge Tuttle emphasized that the executive branch was responsible for enforcing the court's orders, and that it should do so without further delay.⁹² Matters had finally come to a head.

President John Kennedy directly engaged Governor Barnett in efforts to negotiate a peaceful resolution to the crisis. Before Governor Barnett's scheduled appearance at an Ole Miss-Kentucky football game in Jackson on Saturday the twenty-ninth, President Kennedy initiated an affable telephone dialogue with the governor. The president asked the governor for his help in carrying out the court's order.⁹³ The Kennedys and Barnett tossed the football around throughout the day. Barnett's assistant Tom Watkins finally proposed a "hidden ball trick" in which the governor and his players headed to Oxford after the game as a decoy while Meredith enrolled in Jackson.⁹⁴ The Kennedys agreed to the plan, but Barnett withdrew it after the Ole Miss game.

⁸⁷ Barrett, *Integration at Ole Miss*, 108.

⁸⁸ Doyle, *An American Insurrection*, 82-83.

⁸⁹ Barrett, *Integration at Ole Miss*, 115-118.

⁹⁰ *Ibid.*, 112.

⁹¹ Doyle, *An American Insurrection*, 96.

⁹² Barrett, *Integration at Ole Miss*, 120.

⁹³ Schlesinger, Jr., *Robert Kennedy and His Times*, 321.

⁹⁴ Sansing, *University of Mississippi*, 299.

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Governor Barnett's continued evasiveness regarding Meredith's registration and the maintenance of law and order at Ole Miss prompted the Kennedys to prepare for a showdown. The Commander in Chief signed Proclamation 3497 and an executive order on September 30, 1962. The proclamation compelled the Mississippi Governor, lawmen, officials, police, and others to peacefully comply with the orders of the U.S. District and Fifth Circuit Appeals Courts. The executive order authorized the Secretary of Defense to enforce these orders and enlist the U.S. armed forces and national guards of Mississippi in their enforcement.⁹⁵ The U.S. Army deployed the 503rd Military Police Battalion to Memphis. A force of 536 U.S. Marshals consisting of actual marshals, border patrol, and prison guards gathered for a cram course in riot control in Memphis on the morning of September 30 (Sunday).⁹⁶

Meanwhile, Attorney General Kennedy finally cornered Governor Barnett. Kennedy threatened to expose Barnett's secret negotiations with the Kennedys in the President's nationally televised broadcast scheduled for that evening unless the Governor agreed to let James Meredith come to Oxford Sunday afternoon.⁹⁷ Fearing exposure as a traitor, Barnett begrudgingly agreed to the plan. Kennedy then commanded Deputy Attorney General Nicholas Katzenbach and a Justice Department team to Oxford to oversee Meredith's appointment with the registrar on Monday morning.⁹⁸ Several hundred Mississippi Highway Patrol and sheriffs converged on Ole Miss. They set up road blocks at the main entrances to campus. Sensing the potential for the kind of stories that make careers, television, newspaper, and news magazine reporters and correspondents descended upon the college town. For the ill-fated French journalist, Paul Guihard, the event was a career ender. At approximately 4:15 p.m., September 30, seven military trucks transporting marshals and Justice Department officials arrived at Ole Miss.⁹⁹ While marshals secured James Meredith in the Baxter Hall dormitory on the west side of campus, Nicholas Katzenbach deployed marshals in a protective ring around the Lyceum where Meredith was scheduled to register the following morning. He then entered the building for a meeting with University officials. At 5:00 p.m., the campus was relatively quiet, but this was the calm before the storm. The Lyceum setting transformed into a raucous scene in just thirty minutes.

The Lyceum was not an ideal building for a command center. "Buildings were packed close together around The Circle, providing numerous perches for snipers. All told there were hundreds of places to hide and attack the marshals." The buildings surrounding the Lyceum included the Old Chemistry building, the Y (now the Croft Institute for International Studies), and Carrier, Ventress, Bryant, and Peabody Halls. The sylvan setting of The Circle less than five yards from the Lyceum appeared anything but idyllic with approaching nightfall. The wide trunks and canopy of the mature oaks and magnolias and veil of darkness enveloping The Circle offered perfect camouflage for rebels and unseen places from which to launch guerilla ambushes.¹⁰⁰ With no place to hide, the marshals were like sitting ducks in a shooting gallery.

News of the federal encroachment spread like wild fire. "Governor Barnett responded to this development of federal forces with typical irresponsibility, going on statewide radio to urge Mississippi whites to resist the 'oppressive power of the United States.'" Earlier, Major General Edwin A. Walker, responsible for the federal troops that enforced integration at Little Rock's Central High School in 1957, commanded "all loyal

⁹⁵ Meredith, *Three Years In Mississippi*, 207-209.

⁹⁶ Doyle, *An American Insurrection*, 109.

⁹⁷ Sansing, *University of Mississippi*, 300-01.

⁹⁸ Doyle, *An American Insurrection*, 123.

⁹⁹ Barrett, *Integration at Ole Miss*, 137.

¹⁰⁰ Doyle, *An American Insurrection*, 132.

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Southerners to resist Ole Miss' integration during a radio interview."¹⁰¹ Walker informed the radio audience that he had been on the wrong side in Little Rock and wanted to make things right at Oxford. Local and statewide radio stations further inflamed the situation with segregationist editorials and dithyrambic stories of federal invasion.¹⁰²

The fevered media hype attracted curious onlookers and hard core racists to the small Southern college campus. By 5:30 p.m., 400 people had gathered around the Lyceum.¹⁰³ Initially, the crowd consisted of mostly students and faculty just then returning from the previous day's football game in Jackson. They wanted to see what all the commotion was about. Not surprisingly, the crowd, which resembled a football rally, began shouting cheers and jeers. The Ole Miss "Hotty Toddy" yell and "Two, one, four, three, we hate Kennedy" roared throughout the football stadium sized Circle.¹⁰⁴ As the crowd grew, cheers gave way to more jeers. The jeers quickly deteriorated into racial epitaphs directed at Meredith. In turn, the gathering rapidly declined into a mob scene. The highway patrol forces guarding access to campus completely broke down, allowing all sorts of riff raff and outside agitators to storm the place.¹⁰⁵ Previously turned away, General Walker walked into the conflict and offered his leadership in the growing insurrection.

With the news that James Meredith was on campus, the unruly crowd, now approaching 2,000 in strength, started bearing down on the marshals around 6:00 p.m. Front liners spat and hurled rotten eggs at the thin line of white-helmeted and orange-vested federals spread along the Lyceum steps and curb of University Circle, the paved drive around The Circle.¹⁰⁶ A half dozen military trucks parked on University Circle and a small contingency of highway patrolmen were all that stood between the federal law enforcement officers and the mob. The patrolmen abandoned their posts and there was insufficient space for 400 marshals to fall in behind the trucks. The trucks became objects of violence. Demonstrators hurled stones and lit cigarettes at the vehicles. Others repeatedly attempted with some degree of success to set fire to the canvas covering the backs of the trucks.¹⁰⁷ With the trucks under and on fire, the marshals spent the rest of the evening and morning of October 1 fending off projectiles with riot batons.

While many rioters heaped their abuse on enforcement officers, others turned their anger toward news reporters just then making their way into the melee. A gang pummeled Dan McCoy, who was on assignment for *Newsweek*. McCoy pleaded with highway patrolmen to stop the beating, but they ignored his pleas. A group of students came to the rescue and rushed him off to safety in a nearby building.¹⁰⁸ A reporter from Dallas made the mistake of asking several of the throng when they were going to start demonstrating. They turned on him and his wife, who was locked in their car, which they had somehow managed to drive onto University Circle. The rioters screamed scurrilous phrases at the wife. They then proceeded to destroy the automobile, breaking all the windows, smashing in the hood, ripping off chrome ornaments, and rocking it back and forth. The maddened mob destroyed the photographer's camera and film. The couple escaped with their lives after patrolmen finally intervened, but their automobile became part of the burnt out husks of metal littering University Circle in the aftermath.¹⁰⁹ Chemistry professor, William Herndon, attempted to assist an assailed

¹⁰¹ Brian Ward, *Radio and the Struggle for Civil Rights in the South* (Gainesville: University Press of Florida, 2004), 254, 256.

¹⁰² Doyle, *An American Insurrection*, 134.

¹⁰³ Ibid.

¹⁰⁴ Barrett, *Integration at Ole Miss*, 139.

¹⁰⁵ Doyle, *An American Insurrection*, 136.

¹⁰⁶ *Life*, October 12, 1962; "Battlefield: Where the Law Won," 34.

¹⁰⁷ Doyle, *An American Insurrection*, 139.

¹⁰⁸ *Newsweek*, October 15, 1962; "Sound and Fury," 25.

¹⁰⁹ *Life*, October 12, 1962; "Battlefield," 34; Barrett, *Integration at Ole Miss*, 145.

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photographer and in the process was attacked. The University Chief of Police escorted Herndon to safety inside the Lyceum.¹¹⁰ The mob continued attacking lawmen and journalists.

Activity inside the Lyceum was almost as frenzied as outside. The first floor hallways resembled a M.A.S.H unit during the heat of the battle with the first wave of walking and not so walking wounded seeking medical treatment. The list of injuries included broken arms, legs, and ankles, smashed hands and ribs, and the usual contusions and abrasions sustained from hand-to-projectile combat.¹¹¹ In the halls and deans' offices on the first floor, university, state, and federal officials frantically scurried about, reacting to the escalating violence outside. At approximately 7:30 p.m., Mississippi Senator Yarbrough, Colonel Tom Birdsong, who was in charge of the Mississippi Highway Patrol, Attorney General Katzenbach, and Chief U.S. Marshal James McShane argued over the role of the highway patrol. The Mississippians ordered the patrolmen home. Katzenbach assured the state men that Governor Barnett had promised that the patrolmen would work in concert with the federals in maintaining law and order. The Governor had failed to tell his people about the negotiations with the Kennedys. At 7:40, Robert Kennedy contacted Katzenbach via a Lyceum telephone line. The attorney general instructed the assistant attorney general to advise Yarbrough to recall the patrolmen and that if he did not do so, the President, who was about to address the nation, would reveal Barnett's deal on national television.¹¹² Yarbrough's disbelief that such a deal had been struck prompted a phone call from RFK to Barnett and Barnett to Yarbrough before the senator grudgingly ordered the state police back to the battle line.

During the federal-state standoff inside the Lyceum, the sound and fury raging outside reached the next critical point. An assailant hurled an iron pipe. The pipe struck a marshal, sending him to the Lyceum medical ward. Then a rain of rocks, bricks, and bottles, some of them filled with gasoline, crashed down on the enforcement officers.¹¹³ In response to the intensified attacks, Marshal McShane directed his troops to don their gas masks and prepare their gas guns for counter attack. Senator Yarbrough pleaded with McShane to remand the command. Yarbrough then addressed the angry mob from the front steps of the Lyceum. He asked the crowd to disperse. Mistakenly thinking that the Governor was their leader, the crowd yelled back "We want Ross."¹¹⁴ With no end in sight of the projectile barrage, McShane ordered his men to fire tear gas into the rebel stronghold in The Circle. The tear gas rounds caused the assailants to scurry helter-skelter for shelter from the noxious fumes.¹¹⁵

A number of people sought refuge from the gaseous clouds enveloping The Circle in the Y building. President Kennedy's televised address, which had just begun at 8:00 p.m., greeted the Y refugees:

The orders of the court in *Meredith v. Fair* are beginning to be carried out. Mr. James Meredith is now in residence on the campus of the University of Mississippi. This has been accomplished thus far without the use of national guard or other troops [the president was unaware of the breaking events in Oxford]... All students, members of the faculty, and public officials in both Mississippi and the nation, it is hoped, can now return to their normal activities with full confidence in the integrity of the American law.

¹¹⁰ Barrett, *Integration at Ole Miss*, 145.

¹¹¹ *Life*, "Battlefield," October 12, 1962, 34.

¹¹² Doyle, *An American Insurrection*, 144-146.

¹¹³ *Ibid.*, 146.

¹¹⁴ Barrett, *Integration at Ole Miss*, 148.

¹¹⁵ *Life*, "Battlefield," October 12, 1962, 34; *Newsweek*, "Sound and Fury," October 15, 1962, 25.

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

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

A series of federal courts- all the way up to the Supreme Court, repeatedly ordered Mr. Meredith's admission to the University. When those orders were defied and those who sought to implement them threatened with arrest and violence, the United States Court of Appeals- consisting of Chief Judge Tuttle of Georgia, Judge Hutcheson of Texas, Judge Rives of Alabama, Judge Jones of Florida, Judge Brown of Texas, Judge Wisdom of Louisiana, Judge Gewin of Alabama, and Judge Bell of Georgia, made clear that fact that the enforcement of its order had become the obligation of the United States government.

Even though this government had not originally been a party to this case, my responsibility as President was therefore inescapable. I accepted. My obligation under the Constitution and the statutes of the United States, was and is to implement the orders of the court with whatever means were necessary, and with as little force and civil disorder as the circumstances permit...

I deeply regret the fact that any action by the executive branch was necessary in this case, but all other avenues and alternatives, including persuasion and conciliation, had been tried and exhausted.

The speech went on to compliment the South, its history, and those Southern states that had already moved forward with integration. Finally, President Kennedy asked Mississippians to uphold the law.¹¹⁶

Answering the president's call for law and order, two Ole Miss professors, Russell H. Barrett and William Crowder, who watched JFK's televised broadcast at home, drove to campus. They parked Crowder's automobile next to the Y. This proved to be a serious mistake, as rioters later reduced the car to scrap metal. While Crowder checked on Peabody Hall, Barrett tried to convince curious students congregating in the vicinity of the Fine Arts Center (Bryant Hall) to go back to their dormitories. After subsequent efforts to persuade students to leave the scene proved unsuccessful, Barrett and Crowder decided to return home, but tear gas as thick as clam chowder and a sea of raucous humanity blocked the way back to the car.¹¹⁷ The professors took refuge in Peabody Hall where they remained for six hours. From this vantage point, which is approximately twenty yards from the Lyceum, Barrett had a somewhat secure and unobstructed view of the Ole Miss siege:

I could see the rioting- the burning cars, the Molotov cocktails, the screaming members of the mob, the methodical marshals- all through the ghastly clouds of gas. Occasionally I could hear the firing of weapons other than gas guns, which caused me to do my looking through Venetian blinds. Several

¹¹⁶ *New York Times*, "President's Talk on Mississippi Crisis," October 1, 1962, 22.

¹¹⁷ Barrett, *Integration at Ole Miss*, 153

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times I saw the Volkswagen of University official George Street as he took an indirect route to bring medical supplies to the Lyceum.¹¹⁸

The first gas dispersed the angry mob. Taking advantage of this momentum, marshals went on the offensive. They cleared The Circle out all the way to the Confederate Statue at the east end. The troopers returned to the Lyceum with what amounted to a false sense of hope that the insurrection had been quelled; however, the mob regrouped and struck back with frightening ferocity. One band of demonstrators armed itself with ammunition taken from two buildings adjacent to The Circle. Rioters broke into the Chemistry Building next to the Lyceum where they gathered up beakers of acid and other substances. They hurled the acid and Molotov cocktails at the federal forces. Marshal Al Butler sustained chemical burns from his wrist to his elbow. At the construction site of the new science building (Shoemaker Hall completed in 1963), "rioters found a fresh supply of 30,000 bricks... Boys trundled the missiles in tennis nets and wheelbarrows onto the battlefield... broke the bricks in half and launched them toward the Lyceum."¹¹⁹ One insurrectionist led a charge at the Lyceum with a Confederate flag and yells. Other waves of attackers crashed into the Katzenbach line. The Katzenbach corps engaged in hand-to-hand combat with marauding bands and fired salvo after salvo of tear gas at the brickbat brigades.¹²⁰ This time the gas failed to deter the howling mob. The onslaughts continued unabated.

Between 9:00 and 10:00 p.m., several courageous individuals braved the hazards of the war zone and engaged in peace talks with the crowd. Reverend Duncan M. Gray, Jr., the rector of Oxford's St. Peter's Episcopal Church, and Reverend Wofford Smith, the Ole Miss Chaplain, walked through the heat of battle, asking rioters to surrender their weapons. "The pair collected armfuls of rocks, concrete pieces, bricks, and metal pipes and trotted them back into a growing pile in the YMCA (Y) building."¹²¹ From the steps of the Lyceum, Chaplain Smith and Ole Miss football star, Buck Randall, called a cease fire and asked the mob to quit attacking the marshals. Having no part of a truce, the mob resumed their assaults.¹²² Later, Randall, unarmed, forced his way through the combatants to the flagpole in the center of The Circle. He shimmied up the flagpole, which sported a Confederate flag, and yelled at the agitators to go home. After bullets hit the pole, he slid down, resuming his mission at the Confederate Monument and other strategic places in The Circle.¹²³ A few demonstrators obeyed the Rebel football player.

Like a hawk watching its prey, Major General Edwin A. Walker observed the peace negotiations under cover of darkness. As the negotiations broke down, the general materialized in the white light of one of The Circle lamp posts. Someone recognized him and exclaimed, "We have a leader now!"¹²⁴ Reverend Gray also recognized the "erratic dragon of right wing extremists."¹²⁵ Gray beseeched the general to help him end the siege. The hawk tried to break away from the dove, but Gray continued to pursue the general as they walked toward the Confederate Statue. Perturbed with his pursuer, Walker asked Gray to identify himself. When the reverend replied that he was the rector of the Episcopalian church, the general informed him that he was embarrassed to be an Episcopalian. "The general walked up to the Confederate monument to the heroes of Lafayette County

¹¹⁸ Ibid., 159. Barrett included these observations and much research on the desegregation of Ole Miss in his seminal text *Integration at Ole Miss* (1965).

¹¹⁹ Doyle, *An American Insurrection*, 155-157.

¹²⁰ *Newsweek*, "Sound and Fury," October 15, 1962, 25.

¹²¹ Doyle, *An American Insurrection*, 161.

¹²² Barrett, *Integration at Ole Miss*, 156.

¹²³ Doyle, *An American Insurrection*, 182-183.

¹²⁴ Ibid., 167.

¹²⁵ *Newsweek*, "Sound and Fury," October 15, 1962, 25.

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that guarded the entrance to The Circle, the symbolic heart of the university... General Walker stepped onto the base of the monument and the crowd fell silent.”¹²⁶

Don't let up now, he shouted from the monument... You may lose this battle, but you will have to be heard... You must be prepared for possible death. If you are not, go home now.¹²⁷

At that moment, the disorganized mob metastasized into an organized army of a single mind much to the horror of Reverend Gray, who had tried to mount the statue and counter Walker's inflammatory oratory only to be yanked off the statue and beaten within an inch of his life. The massed and unified mob of 800 to 900 marched through The Circle toward the Lyceum with terrifying tenacity. Katzenbach's corps, or "Kennedy's Koon Klan," as the highway patrol called the marshals, answered this siege serge with another round of tear gas. As everyone retreated to The Circle flagpole, General Walker called out for someone to "Get the fire truck!" Walker strode The Circle grounds between the flagpole and statue, exhorting his charges to keep up the attack, offering tactical advice, and babbling disparaging remarks about the New Frontier.¹²⁸ As the Lyceum clock neared 10:00 p.m., Walker's marauders returned with the old fire truck from the campus fire house. They drove the truck around University Circle with a brigade following it. The renegade "firemen" pulled up next to a hydrant, hooked up two hoses, and doused marshals and tear gas alike.¹²⁹ Countering this move, marshals shot holes in the hoses, captured the driver, and disabled the engine.¹³⁰ That fire put out, the federal "firemen" responded to the next emergency.

The Mississippi Highway Patrol turned up the heat on the crisis when they abandoned their posts en masse: "In a dramatic display of flashing red lights, a convoy of more than one hundred cars snaked past the Lyceum and down The Circle, pulling off campus in a great bumper-to-bumper procession."¹³¹ *Newsweek* reported 68 police cruisers in the evacuation, and another report estimated 80.¹³² Regardless of the number of cars and the debatable effectiveness of the state police in crowd control, the evacuation left the main entrances to the campus completely unguarded. *Newsweek* reported the ramifications of this development:

Outsiders streamed in- students from high schools and other colleges, many from nearby Mississippi State College, toughs with mud streaked jeans and oily, ducktail haircuts. And they were gathering from other states- from Tennessee, Georgia, Alabama, Louisiana, Texas, Arkansas, and Florida. Many had weapons: Squirrel guns, .22s, high-powered rifles, shotguns, knives, clubs, blackjacks. The guns brought death during the tragic night.¹³³

The impact of this development was immediate. Some fifteen minutes before the Mississippi law enforcement pulled out, a highway patrolman warned French journalist Paul Guihard that he could not guarantee his safety as he entered the campus. Not long after parking his rented car, Guihard found himself engulfed by a mob. Photographer Flip Schulke admonished the Frenchman to take cover. A war veteran, Guihard replied that he had been at "Cyprus and that the current chaos was nothing."¹³⁴ "At about nine, his body was found in the

¹²⁶ Doyle, *An American Insurrection*, 156, 169.

¹²⁷ *Newsweek*, "Sound and Fury," October 15, 1962, 25.

¹²⁸ Doyle, *An American Insurrection*, 171.

¹²⁹ *Newsweek*, "Sound and Fury," October 15, 1962, 26; Doyle, *An American Insurrection*, 177.

¹³⁰ Doyle, *An American Insurrection*, 177.

¹³¹ *Ibid.*, 159.

¹³² *Newsweek*, "Sound and Fury," October 15, 1962, 26; Barrett, *Integration at Ole Miss*, 157.

¹³³ *Newsweek*, "Sound and Fury," October 15, 1962, 26.

¹³⁴ Doyle, *An American Insurrection*, 162-163.

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grass between Ward women's dormitory and the Fine Arts Center, a bullet between his shoulder blades."¹³⁵ An FBI investigation later determined that the French journalist had been shot execution style from a distance of less than one foot.¹³⁶ To this day, the murder remains unsolved.

Marshal Gene Same of Indiana came close to dying. The Lyceum clock was approaching 10:00 p.m. when Same and several other marshals cleared out an area of The Circle only to have frenzied fighters charge them. A hidden sniper caught Same in the neck with a round of buckshot or a .22 slug.¹³⁷ Comrades carried the sniper victim back to the Lyceum. While waiting for medical treatment, Same's blood covered the hallway wall. There were no doctors in the Lyceum at that moment. Fortunately for Same, Border Patrolman William Dunn, who had helped carry him from The Circle, had two years of pre-med training. Dunn treated the wound the best he could, but Same stopped breathing and his heart stopped beating. Although Dunn revived him, Same lapsed into unconsciousness many more times as the plane that had carried James Meredith to Oxford transported him to the Millington Naval Air Station at Memphis.¹³⁸ Military doctors stabilized the Indiana lawman.

Mob violence did not completely silence the media men covering the Ole Miss siege. There were those like *Life* photographer, Charles Moore, who was undeterred in the pursuit of news. Moore was no cub reporter; he was an ex-Marine with a reputation for securing photographs in the trenches of civil rights clashes. He documented the unwarranted arrest of Dr. Martin Luther King, Jr. by the Montgomery Police Department in 1958 and related civil rights events for the *Montgomery Advertiser* in the late 1950s.¹³⁹ This battle-tested experience combined with the fact that Moore succeeded in photographing Governor Ross Barnett several days before Meredith's scheduled registration and all the other *Life* photographers entrusted with this assignment failed convinced the magazine staff that Moore could be depended upon to get the award winning stories.¹⁴⁰

Throughout the afternoon and early evening, Moore immersed himself in the heat of the front line action. Moore was standing on the Lyceum steps when William Crider, an Associated Press reporter, heard gun shots, ran for cover, and was hit in the back by a shotgun blast.¹⁴¹ The marshals guarding the front (east) entrance to the Lyceum permitted Crider inside for medical treatment. Realizing that a lot of important activity was occurring inside the Lyceum, Moore tried to enter the administration building; however, it was off limits to the press. A man of great perseverance, Moore concocted a ruse, telling the marshal guarding the entrance that he was very ill and had to use the bathroom.¹⁴² The fabrication worked. He and his *Life* compatriots entered the building and remained there until daybreak the next morning.

One member of the *Life* team described the scene inside the Lyceum thus:

¹³⁵ *Newsweek*, "Sound and Fury," October 15, 1962, 26.

¹³⁶ Doyle, *An American Insurrection*, 163. In a recent interview, photographer Charles Moore, who was on assignment at Ole Miss for *Life*, said that Paul Guihard's death continues to haunt him 40 years later. Charles Moore, personal communication, July, 2005.

¹³⁷ *Newsweek*, "Sound and Fury," October 15, 1962, 26.

¹³⁸ Doyle, *An American Insurrection*, 180, 184-185.

¹³⁹ Paul Hendrickson, *Sons of Mississippi A Story of Race and its Legacy* (New York: Alfred A. Knopf, 2003), 129; Durham, *Powerful Days: The Civil Rights Photography of Charles Moore*, 24.

¹⁴⁰ Durham, *Powerful Days*, 15-16.

¹⁴¹ *Ibid.*, 17.

¹⁴² Moore, Personal Communication, 2005; Durham, *Powerful Days*, 17.

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Twelve marshals lie broken and suffering along the blood-spattered corridors inside, nearly obscured now and then in the swirling clouds of tear gas. Others are collapsed, weeping inside their gas masks. The ladies' bathroom is converted into a field hospital.¹⁴³

Moore's photographic images corroborated his fellow reporter's observation.¹⁴⁴ One photo recorded the shirtless and bandaged William Crider interviewing a beleaguered marshal. Another showed a line of tear gas masked casualties lining one side of the Lyceum hall. Yet another photograph depicted a wounded marshal sprawled out on the floor just inside the east entrance door. Moore's photographic essay also captured the Lyceum's function as a makeshift mess hall and detention center for captured rioters on September 30/October 1, 1962. Moore's exclusive images shocked the nation when *Life* ran several articles about the Ole Miss violence and bloodshed in October and November 1962 issues.

With casualties mounting inside the Lyceum, life outside grew more tenuous for the remaining marshals. Panic set in as Katzenbach and company realized that they were on the verge of being overrun. Around 10:00 p.m., Katzenbach sent out an S.O.S. for reinforcements.¹⁴⁵ President Kennedy ordered the 503rd Military Police Battalion deployed from Memphis, but the riot fighters were several hours away from Oxford.¹⁴⁶ Fortunately, Captain Murry C. Falkner and his Oxford-based Troop E, Second Squadron, 108th Armored Cavalry Regiment of the Mississippi National Guard responded to the emergency call. Falkner did not welcome the task of joining Katzenbach's federal forces; however, he did not relish being court marshaled for disobeying President Kennedy's order to federalize his troops.

Falkner described the extreme battle conditions that he and his troops encountered while making their way to the Lyceum:

It appeared the Grove was full of people and the street on which we were to drive was a sea of people. The only lights were at the Lyceum and the glow of a burning automobile. As we passed the Geology Building and the Confederate Statue, a 2 x 6 piece of lumber was thrown at my jeep... From here to the Lyceum Bldg. was absolute Hell! People would not move out of the street. They threw bricks, concrete, everything they could find—including words...

As my lead jeep passed the "Y", there were 3 concrete benches spaced across the street. My driver and I saw them at the same time and, fortunately, we dodged them. A brick came through my side of the windshield and glass shattered over us. We straightened out in the street again and I noticed something coming toward my face from the right of my jeep. By reflex action I threw up my left arm to shield my face... It broke three bones in my arm and cut my wrist. The number 3 jeep in line hit one of the benches, a 2 1/2-ton truck got another, and the trail jeep got the third one. This only provided more ammo for the mob...¹⁴⁷

Having sustained much bodily injury and vehicle damage in the truck trek to the west end of The Circle, the sixty-eight men of Troop E joined the marshals on the north, east, and south sides of the Lyceum.

¹⁴³ *Life*, "Battlefield," October 12, 1962, 37; *Life*, "With the Besieged Marshals as the Wild Mob Attacks," November, 1962, 22; Doyle, *An American Insurrection*, 180.

¹⁴⁴ *Life*, "Battlefield," October 12, 1962, 32-42; Durham, *Powerful Days*, 15, 52-69.

¹⁴⁵ *Newsweek*, "Sound and Fury," October 15, 1962, 26.

¹⁴⁶ Doyle, *An American Insurrection*, 197.

¹⁴⁷ United States Department of the Army, *OCMH Monograph No. 73M*, 24 June 1965; "The Role of the Army in the Oxford, Mississippi, Incident, 1962-1963," 99-100.

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With no ammunition, little riot control training, and a near-exhausted supply of tear gas, Troop E braced themselves against the onslaught. The rioters enlisted machinery in their attacks. After a failed attempt to persuade the crowd to disperse around 11:00 p.m., Captain Falkner “heard the sounds of trucks coming toward us.” Falkner thought that rioters had commandeered two training tanks at the Oxford armory and were now bearing down on the national guards.¹⁴⁸ Actually, the “tank” was a bulldozer that had been left near the construction site of Shoemaker Hall. Someone hot wired it and headed toward the federal barricade with a group of resistance fighters falling in behind it. Marshals fired tear gas at the mechanical menace and its driver. The driver abandoned the vehicle, which crashed into a tree. Deputy Marshal Carl Ryan captured the dozer, and added it to the federal barricade in front of the Lyceum.¹⁴⁹ Someone resurrected the disabled fire truck and made three passes around The Circle and at the Lyceum before marshals shot out the tires.¹⁵⁰ While the national guards attended to the bulldozer and fire truck, protestors hurled fire bombs made from chemicals pilfered from the Old Chemistry Building.¹⁵¹ The bombs sent the marshals scurrying about putting out fires. They drew gun fire while trying to extinguish the Molotov cocktail blazes. Unfortunately for the guardsmen, the heat of battle continued to intensify over the course of the next few hours.

Katzenbach’s and Falkner’s men were not the only ones caught in the cross fire. Ray Gunter and his friend, Charlie Berryhill, had been observing The Circle clashes for some time from a stack of drainage tile at the southeast corner of the Shoemaker construction site when the fire engine reentered the battle. The two spectators heard the marshals shoot at the renegade fire truck and decided it was time to leave the campus. Charlie ran, but Ray did not follow. Berryhill found his friend slumped over where he had left him.¹⁵² Berryhill drove Gunter to the Oxford Hospital where medical staff pronounced him dead of a gun shot wound to the forehead.¹⁵³ The exact circumstances of Gunter’s death remain unknown to this day.

Concomitantly with this action, the Lyceum siege reached another flashpoint. The Lyceum occupation forces had precious few tear gas canisters left with which to combat the mob. Sensing this, the mob prepared for an all out assault. Approximately twenty Oxford National Guardsmen stepped forward to confront the enraged combatants. Armed merely with bayoneted rifles, the guardsmen formed a line over which they were determined to let no one cross. The crowd stepped up to the curb of University Circle, inches away from the steely guardsmen knives pointed directly at them and several yards from the Lyceum steps. Just inside the door of the hallowed building were Katzenbach, his officers, injured marshals, reporters, and a band of arrested rioters. The fate of civil rights and massive resistance hung in the balance. A standoff ensued. After what seemed like an eternity to National Guard Sergeant Buford Babb, the assailants retreated to the shadows of The Circle.¹⁵⁴ The courage of the National Guards averted a potential bloodbath and the escalation of massive resistance.

Local troops won a reprieve, not an end to the hostilities. The Lyceum was still very much under attack at midnight. In his makeshift command post in the registrar’s office, Nicholas Katzenbach frantically sent out radio messages for more help. One of his maydays stated, “We can hold out another 15 or 20 minutes, just get in here.”¹⁵⁵ A reporter compared the scene inside the Lyceum at this time to the Alamo:

¹⁴⁸ Ibid., 101.

¹⁴⁹ Doyle, *An American Insurrection*, 206.

¹⁵⁰ Ibid., 213; United States Department of the Army, *OCMH Monograph No. 73M*, 101.

¹⁵¹ Doyle, *An American Insurrection*, 213.

¹⁵² Ibid., 212, 215.

¹⁵³ *New York Times*, “Negro on Campus; 3 Dead in Riot,” October 1, 1962, 23.

¹⁵⁴ Doyle, *An American Insurrection*, 217-218.

¹⁵⁵ *Life*, “Battlefield,” October 12, 1962, 37.

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Under a sign that said “Welcome to Ole Miss,” the wounded sat or sprawled on the bloodied corridor floors. Fresh casualties were helped in by marshals... Some slept on the floors, still wearing their gas masks.¹⁵⁶

By this time, Oxford doctor Lloyd Hopkins was treating the injured in a women’s restroom that he had converted into a field hospital. Battle weary marshals refueled on cigarettes, coffee, and field rations of franks and sauerkraut.¹⁵⁷ The insurrection was long from over.

October 1, 1962

Shortly after 10:00 a.m., snipers atop the buildings surrounding The Circle added to the chaos and conflict. They opened fire on the Lyceum and the surrounding troops. “A border patrolman staggered in, clasp ing a bloodied left leg. Bullets smashed windows and etched a zigzag line in the white door frame.”¹⁵⁸ Deputy Marshal Joseph Denton narrowly escaped injury when his wallet stopped two shotgun pellets.¹⁵⁹ Several of the massive portico columns fronting the Lyceum still bear bullet scars from the clandestine gunmen.¹⁶⁰

The cavalry literally saved the people holed up in the Lyceum turned fort. Troop G and a howitzer battery of the 108th Cavalry Regiment’s Second Squadron made their way to the campus in the early hours of the morning. The 165 men of this National Guard unit incurred every bit of resistance encountered by Troop E in their advancement toward the center of Ole Miss. Rioters descended on the National Guard convoy like locusts devouring a field.

A flurry of brickbats fell onto the Jeeps and trucks, and the drivers could see Molotov cocktails flying toward them... rioters pounced onto the convoy, bashing in almost all the windshields with bats... Rioters were reaching in and trying to pull the soldiers out of their open Jeeps... A bullet flew into the Jeep’s radiator. The bearded rioter cracked Captain Franklin’s chin with the pipe and laid it out to the bone... Captain Billy Ross Brown braced himself as a rioter fired a metal connector at his head at point blank range.¹⁶¹

After running the gauntlet, Troop G joined Troop E and the federal marshals outside the Lyceum while Captain Franklin reported to Katzenbach. Katzenbach ordered Franklin and his men to secure the Chemistry Building.¹⁶² But before he could execute his orders, Franklin had to have the gash in his jaw patched up as blood from it was filling up his gas mask.

In the meantime, detachments of the 503rd Military Police (MP) Battalion were beginning to arrive at the Oxford Airport from Memphis. Unlike the National Guardsmen, the MPs were fully armed with .45s, M-1 rifles, riot shotguns.¹⁶³ At 1:35 p.m., General Charles Billingslea and Lieutenant Donnie Bowman arrived at the main gate of the Ole Miss campus with Company A of the 503rd. B and C companies were due to arrive later via land convoy.

¹⁵⁶ *Newsweek*, “The Sound and the Fury,” October 15, 1962, 27.

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ *Life*, “Battlefield,” October 12, 1962, 37.

¹⁶⁰ University Communications, *Self Guided Walking Tour*.

¹⁶¹ Doyle, *An American Insurrection*, 224-225.

¹⁶² *Ibid.*

¹⁶³ *Ibid.*, 233.

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The 503rd arrived on the north side of campus. The MPs abandoned the buses that had transported them from the airport at the entrance, and prepared for the one-half mile march up a hill to the Grove. The 503rd assembled into two platoons, the front platoon formed a riot busting wedge while the second unit fell in behind in a column. During the march, the MPs met violence equal to or greater than that faced by the Guardsmen. Determined to deter the soldiers, agitators poured gasoline on the road and ignited it. The MPs accepted their baptism by fire, marching headlong through the wall of flames.¹⁶⁴ Emerging unscathed from the inferno, the fire guards continued on their drive to The Circle:

With the wooded Grove on its left, the Company now bore down upon the YMCA Building, which stood in The Grove where Grove Loop entered University Circle. There elements of the mob surging about The Grove and Circle waylaid the troops and rained upon them a shower of Molotov cocktails, bricks, and rocks, of all sizes.¹⁶⁵

At University Circle, the two MP platoons veered to the right, steered clear of a roadblock of burning cars, and forced their way to the Lyceum amidst federal cheers and opposing jeers. They joined the battle beaten, but not broken, marshals and guardsmen on the front line. After conferring with Nicholas Katzenbach and his staff, General Billingslea decided to amass more troops before launching an offensive against the rebels who continued to wage guerilla warfare. Units of the 108th Cavalry continued to arrive from towns across Mississippi. The arrival of the 108th Cavalry's First and Third squadrons along with the Second created a troop of nearly 500 men. With the 117 from Company A of the 503rd and several hundred available marshals, Billingslea ordered a counter strike.¹⁶⁶

Around 5:00 a.m., after a mind and body numbing ten hours of warfare, the order went down the line to "Charge." "Bayonets fixed, military policemen and guardsmen started across the Grove [Circle] in a long line backed by marshals with gas guns cocked."¹⁶⁷ With a formidable force bearing down on them for a change, the horde beat a hasty retreat from campus. Troops captured those combatants who foolishly lingered in The Circle and escorted them back to the Lyceum for questioning and detainment in the basement.¹⁶⁸ Former Major General Edwin A. Walker was among those arrested and marched into the Lyceum at bayonet point.¹⁶⁹ Officials later ordered Walker to undergo psychiatric testing.¹⁷⁰

As the combined forces routed rioters, B and C Companies of the 503rd made their way to the Ole Miss campus in a 161 vehicle convoy. Companies B and C received the same welcome as Company A. After fighting through Mississippi Highway Patrol roadblocks and ambushes along the highway into town and in the Oxford Courthouse Square, "the 503rd barreled up to the Lyceum and lined up all the way around The Circle."¹⁷¹ General Billingslea declared the Ole Miss campus secured at 6:15 a.m.¹⁷² The insurrection was over for the most part; however, Billingslea's men continued to encounter pockets of resistance off campus. The arrival of substantial numbers of troops put an end to the insurgencies.

¹⁶⁴ Ibid., 235-236.

¹⁶⁵ United States Department of the Army, *OCMH Monograph No. 73M*, 114.

¹⁶⁶ Doyle, *An American Insurrection*, 244.

¹⁶⁷ *Newsweek*, "The Sound and the Fury," October 15, 1962, 27.

¹⁶⁸ *Life*, "Battlefield," October 12, 1962, 39.

¹⁶⁹ *Newsweek*, "Sound and Fury," October 15, 1962, 28.

¹⁷⁰ *New York Times*, "Psychiatric Testing Ordered for Walker," October 3, 1962, 1.

¹⁷¹ Doyle, *An American Insurrection*, 248-253.

¹⁷² Sansing, *University of Mississippi*, 303.

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James Meredith awoke in his Baxter Hall room shortly after General Billingslea declared the restoration of law and order at Ole Miss. He was unaware of the violence and destruction that had occurred during the evening and early morning hours:

When the trouble started, I could not see or hear very much of it. Most of the events occurred at the other end of the campus, and I did not look out the window... I woke up about 6:30 in the morning and looked out and saw the troops. There was a slight smell of tear gas in my room, but I still did not know what had gone on during the night. I did not find out, until some marshals came and told me how many people were hurt and killed.¹⁷³

Meredith Registers

Meredith noted some of the carnage on the way to the Lyceum, "The border patrol car in which we rode to the administration building was a shattered example of the violence of social change... it was battered and smashed: bullet holes had riddled the sides; the windows were all shot out."¹⁷⁴ Accompanied by Chief U.S. Marshal James McShane and Assistant U.S. Attorney General John Doar, James Meredith entered the Lyceum through the east portico at 8:00 a.m., October 1, 1962. He "strode through the blood-stained hallway choked with exhausted marshals" passed "prisoners being shoved through the corridor" and stopped at Registrar Ellis' office. Ellis grudgingly handed Meredith registration forms, tuition fees, and paperwork for his G.I. Bill.¹⁷⁵ With a few signatures, Meredith joined the student body of the University of Mississippi. The twenty-nine year-old Air Force veteran and his escort of marshals then attended his first class, American colonial history.

When the press asked Meredith how he felt about his triumph that day, he replied, "This is no happy occasion."¹⁷⁶ The Battle of Oxford, 1962 exacted a heavy toll. *Life*, *Newsweek*, *The New York Times*, and other publication photographs and text revealed the destruction on the Ole Miss campus. "Six autos had been upended and set on fire."¹⁷⁷ "The front steps of the Lyceum are covered with ankle-twisting bricks and thousands of empty gas cartridges... Chunks of brick and green glass from a thousand pop bottles litter the pavement of University Circle."¹⁷⁸ The wreckage in front of the Lyceum included the aforementioned fire truck, bulldozer, and military trucks and jeeps. "Of the 161 vehicles in the caravan [Companies A and B of the 503rd], 128 windshields were shattered, and 635 headlights were knocked out."¹⁷⁹ The human cost mounted to 245 reported injuries to 79 marshals, 72 border patrolmen, 15 prison guards, 48 military casualties, 3 state troopers, and 28 civilians.¹⁸⁰ This seems to be a conservative estimate since "more than 400 MPs in the 503rd's convoy had been struck with flying objects or debris."¹⁸¹ Add to these casualties the near death of Deputy Marshal Gene Same and the tragic deaths of Ray Gunter and Paul Guihard and the Battle of Oxford, 1962, has the infamous distinction of being one of the most violent and bloodiest chapters in the history of the desegregation of education. James Meredith regretted this devastation, but believed that "it could have been prevented by responsible political leadership in Mississippi."¹⁸²

¹⁷³ Meredith, *Three Years in Mississippi*, 211-212.

¹⁷⁴ *Ibid.*, 212.

¹⁷⁵ Doyle, *An American Insurrection*, 257, 258.

¹⁷⁶ Meredith, *Three Years In Mississippi*, 214.

¹⁷⁷ *Newsweek*, October 15, 1962, 27.

¹⁷⁸ *Life*, October 12, 1962, 39.

¹⁷⁹ Doyle, *An American Insurrection*, 253.

¹⁸⁰ United States Department of the Army, *OCMH Monograph No. 73M*, 134.

¹⁸¹ Doyle, *An American Insurrection*, 253.

¹⁸² Meredith, *Three Years In Mississippi*, 212.

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Troops sent in to quell the Ole Miss insurrection remained in Oxford to ensure that no one undermined Meredith's continued enrollment. At one point, the approximate strength of the units deployed in the crisis totaled 31,000.¹⁸³ In the days that followed, the force dwindled down to a small crew of marshals, military police, and Justice Department officials. Federal agents escorted Meredith to and from class and maintained continual surveillance on his dormitory. This protection was necessary, as Meredith faced constant harassment from bigoted students. "The last U.S. Army troops quietly withdrew from Oxford on July 24, 1963, ending an almost ten-month occupation...A small reserve squad of federal marshals stayed on to see Meredith through graduation."¹⁸⁴ James Meredith graduated from the University of Mississippi on August 18, 1963.

Analysis

James Meredith's registration at Ole Miss in 1962 marked a significant and decisive turning point in the federal government's enforcement of *Brown v. Board of Education* in school desegregation. Prior to the Ole Miss crisis, segregationists had conducted a rather successful campaign of resisting federal court orders to desegregate schools and public facilities. Opponents of segregation learned at the University of Alabama in 1956, and Little Rock, Arkansas, in 1957, that violence was a means of defying desegregation.¹⁸⁵ At Ole Miss, all out insurrection, arguably the most volatile and bloodiest in civil rights history, threatened to deal desegregation a knockout blow. LDF attorney Jack Greenburg, who along with Constance Baker Motley represented James Meredith in *Meredith v. Fair*, believed that the Ole Miss crisis challenged the very sanctity of the Constitution:

The issue was no longer just the question of one man's right to go to school at his state university. The authority of the federal judiciary had been called into question, and if its authority weren't established, the ability of one of the three branches of the United States government to fulfill the role given it by our Constitution would be seriously undermined.¹⁸⁶

However, President Kennedy fulfilled his promise to enforce the Court's order with "whatever means necessary" that he made in his nationally televised speech on September 30, 1962, by sending in federal troops to smash the Ole Miss rebellion. While many criticized the chaos that erupted on the Ole Miss campus, the "best understood aspect of the crisis was the firmness and determination of his administration in enforcing law and justice."¹⁸⁷

For LDF attorney Constance Motley, the desegregation of Ole Miss exposed the fundamental weakness of the Supreme Court. The crisis also served to strengthen the authority of the federal government:

The case demonstrated to the American people how the system really works. The Supreme Court does not have any means by which to enforce its own decisions... Except for Arkansas [the Little Rock crisis] and Alabama [the Freedom Rides], the American people had never had to confront the issue of how a Supreme Court decision is to be enforced if there is resistance, and so they learned that it is the sworn duty of the president to uphold the law, and that he has the armed forces of the United States at

¹⁸³ United States Department of the Army, *OCMH Monograph No. 73M*, 147.

¹⁸⁴ Doyle, *An American Insurrection*, 293.

¹⁸⁵ Gene A. Ford, "Foster Auditorium," National Historic Landmark Nomination (Washington, DC: U.S. Department of the Interior, National Park Service, June 2005), 26.

¹⁸⁶ Jack Greenburg, *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* (New York: Basic Books, 1994), 324.

¹⁸⁷ Brauer, *John F. Kennedy and the Second Reconstruction*, 203, quoted in Donald M. Wilson, "Donald W. Wilson to the President" in *President's Office Files of John F. Kennedy*, October 19, 1962.

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his disposal to put down any physical resistance such as we had in Mississippi... So our Constitution was put to the test and survived. Our country is stronger now for having had that demonstration of what the Constitution means in practical application.¹⁸⁸

Prominent civil rights activist Julian Bond echoed Motley's view in the civil rights documentary *Eyes on the Prize* when he said, "The Constitution had held and been reaffirmed in a major crisis."¹⁸⁹

At the end of the Ole Miss ordeal, U.S. Assistant Attorney General Burke Marshall uttered with a deep sigh of relief, "Oxford had become the symbol of massive resistance and the final gasp of the Civil War if you want to look at it that way. And it was over, it had ended."¹⁹⁰ The Kennedy administration certainly won a major victory over massive resistance in Oxford, and in the process reversed a series of defeats at the hands of segregationists who had violently opposed federal orders to desegregate schools in Alabama and Arkansas.

The Kennedy administration learned invaluable lessons at Ole Miss which it implemented at the integration of the University of Alabama in 1963. The Kennedys did not believe it was initially necessary to send in armed forces to uphold the law in Mississippi. Their assumption in 1961 was that unreasonable problems would yield to reason and law.¹⁹¹ Ole Miss demonstrated the extent to which Southern segregationists would go to defy federal authority. Even during the Oxford rioting, President Kennedy began discussing preparations for the upcoming situation at the University of Alabama.¹⁹² President Kennedy deployed three thousand troops to the Tuscaloosa area well in advance of the June 11, 1963, registration date of James Hood and Vivian Malone.¹⁹³ In the meantime, President Kennedy and the Justice Department attempted to negotiate a peaceful end to the conflict with Alabama Governor George Wallace, University of Alabama administrators, and influential business and religious leaders. Wallace refused to yield to reason. The "Kennedy administration eventually reduced the forces of massive resistance to a one-man symbolic act of defiance in Governor George C. Wallace's Stand in the Schoolhouse Door" at the University of Alabama in 1963.¹⁹⁴ However, federalized troops were standing nearby in reserve in the event that Wallace refused to concede to federal law.

James Meredith's registration at Ole Miss brought significant change in Mississippi. Many of the people who approved of the rebels facing off against the federal intruders on the evening of September 30, 1962, reversed their views when they learned about the brutally destructive behavior of the horde in the next morning's newspapers and television reports. A group of 150 leading businessmen in the state, many of them Citizens Council Members, denounced the activities of the mob and called for law and order.¹⁹⁵ So shocked by this conduct, a number of Council Members renounced their membership. More importantly, the crisis dealt a blow to the Council itself. Veteran Mississippi reporter Bill Minor noted:

It had a tremendous sobering effect on a number of people in the state, and it changed the direction of the state. It discredited the direction the state was being led by the Citizens Council and their ilk. It was a turning point. From that day forward, the Council went into decline.¹⁹⁶

¹⁸⁸ Henry Hampton and Steve Fayer, *Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s* (London: Vintage, 1995), 122.

¹⁸⁹ Henry Hampton, Judith Vecchione, and Steve Fayer, *Eyes on the Prize: America's Civil Rights Years, 1954-1965* (Blackside, Inc. and Corporation: Alexandria 1987).

¹⁹⁰ *Ibid.*

¹⁹¹ Schlesinger, Jr., *Kennedy and His Times*, 325.

¹⁹² Brauer, *John F. Kennedy and the Second Reconstruction*, 204.

¹⁹³ Greenburg, *Crusaders in the Courts*, 338.

¹⁹⁴ Ford, "Foster Auditorium," 29, 38.

¹⁹⁵ Doyle, *An American Insurrection*, 260.

¹⁹⁶ *Ibid.*, 303.

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This development held many ramifications for Mississippi, as the Citizens Council had been organized to maintain white supremacy and suppress black citizenship at all levels of Mississippi society.

Ole Miss professor David Sansing assessed the role of Meredith's ground breaking efforts in *Making Haste Slowly: The Troubled History of Higher Education in Mississippi* (1990). Sansing described the pre-Meredith status of Mississippi thus:

Before James Meredith enrolled at Ole Miss, no other public school in Mississippi- grammar school, or college- had been integrated. Everything was segregated: public parks, playgrounds, libraries, beaches, theaters, doctors' offices, lunch counters, cafes, water fountains, hospitals, motels, and even cemeteries. But the color line was now broken.¹⁹⁷

African Americans expressed great joy in hearing of the news of Meredith's success. One elderly farmer proclaimed him a "Moses" and "he's delivering us from Mississippi." From Jackson, Mississippi, an attorney proudly proclaimed "that the city's 65,000 black citizens seemed to walk a bit straighter because of Meredith." Martin Luther King, Jr. considered Meredith one of the true heroes of the civil rights movement.¹⁹⁸

James Meredith served as an apt ambassador for integration and civil rights in general. He met the constant harassment heaped on him by white supremacists before, during, and after his historic registration at Ole Miss with unshakable conviction, perseverance, dignity, and selfless courage. These noble actions did not go unnoticed as millions of Americans viewed *The New York Times*, *Life*, and *Newsweek* photographs and television images of the determined young man surrounded by his Justice Department retinue, calmly signing his registration documents in the registrar's office, and passing through a throng of students en route to class. No doubt these media images of James Meredith triumphing over the forces of bigotry went a long way in swaying American sentiment in favor of integration just as Charles Moore's photographs of the Lyceum interior filled with battle stricken marshals and the rubble strewn battlefield of The Circle rallied Americans against the violence and repression of racism.¹⁹⁹

Comparisons of Properties

The Lyceum-The Circle Historic District joins Little Rock Central High School (NHL, 1982) and Foster Auditorium (NHL, 2005) at the University of Alabama as properties that represent the massive resistance phase (1956-1964) of southern desegregation. While massive resistance to school desegregation at Little Rock Central High School in 1957 during the Eisenhower administration was the first test of national resolve, the Lyceum-The Circle Historic District uniquely represents the end of violent massive resistance to school desegregation during the Kennedy administration as evidenced thereafter in 1963 by Governor Wallace's peaceful resistance in his "stand in the schoolhouse door" at Foster Auditorium. The features of the Lyceum, The Circle, and surrounding buildings convey a clear image of the violent anti-desegregation demonstration that occurred at Ole Miss on the evening of September 30, 1962, and morning of October 1, 1962, when James Meredith became the first African American to attend school at the former all-white Mississippi university.

¹⁹⁷ David Sansing, *Making Haste Slowly: The Troubled History of Higher Education in Mississippi* (Jackson: University Press of Mississippi, 1990), 195.

¹⁹⁸ Doyle, *An American Insurrection*, 289, 302-303.

¹⁹⁹ Ford, "Foster Auditorium," 39-40; parts of the text are borrowed from Brauer, *John F. Kennedy and the Second Reconstruction*, 236-239.

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National Register of Historic Places Registration Form

Conclusion

The Ole Miss crisis is a landmark event in the enforcement of the U.S. Supreme Court's *Brown v. Board of Education* mandate. Violent segregationist opposition to James Meredith's enrollment at Ole Miss threatened to undermine the sanctity of the Constitution. In the process of securing James Meredith's admittance to the Mississippi university and ending the violent riot that erupted on the Oxford campus on September 30 – October 1, 1962, the U.S. Fifth Circuit Court of Appeals and the Kennedy administration had upheld and reaffirmed the Constitution in a major crisis. Thereafter school desegregation met with more tempered massive resistance as segregationists understood that the federal government intended to enforce the U.S. Constitution and U.S. Supreme Court decisions.