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6238 – "Situation at the University of Mississippi"

Guest: Sen. John C. Stennis (D-MS)

Morphew: ... "I would like to discuss with you today the situation at the University of Mississippi where U.S. marshals and federal troops were sent to Oxford to force the admission of one Negro to the university campus. Now, there have been reports of violence, of course 2 people killed, probably 100 others injured and I'd just like to have your summary of this situation if I might."

Stennis: Well, my information is based solely on reports that are somewhat incomplete but as you say, there's been clashes there and so-called rioting and 2 people most unfortunately were killed. As I understand these reports the thing originated, violence originated there around the Lyceum building at the very beginning and the tear gas was used by these marshals it seems prematurely and too quickly and this seems to have touched off the entire matter.

Morphew: You have accepted invitation from Eastland to investigate the situation?

Stennis: Well, I've said that I would be on the panel, I'm not a member of the judiciary committee and didn't want any inference left that I was trying to get on as a member. I'm a member of the armed services committee and chairman of preparedness and we have investigators from that subcommittee down there looking into the facts particularly with reference to the military phase of it. Yes, we are going to join, work together, because of our common problem and we do work together and try to get the essential facts with reference to what happened, particularly the conduct of the marshals and the military to what happened after it started.

Morphew: “During the several days which followed the occupation of Oxford, there have been some reports that the troops have perhaps, not been too, not carried the constitutional rights of the people of the vicinity in too high regard.

Stennis: Well we are going to look into all of those charges and follow up on it, any abuse of any kind will be proven of course and followed up in the proper way. They are collecting evidence of those things now.

Morphew: How could the deaths and injuries been avoided?

Stennis: Basically, this matter could be called a social revolution that attempting to imposed on the people abruptly by judicial decree rather than the evolution of legislative enactments and it just will not work. This matter could have been avoided of course, by leaving off the attempt to force the entry of Meredith into this institution and can be avoided now by withdrawing him or letting him withdraw. The facts are such that it’s impossible for Meredith to get an education. It’s impossible for the others that are there, 5000 of them, carry on an environment of training and studying and culture that goes with university life.

Morphew: What about the rights of the 5000 other students? Have they no right to an education?

Stennis: Well of course they do. They were there and they were getting an education in the proper way and Meredith was too at the college where I understand he’s done very well but this is, I say, a social upheaval, a revolution and must be recognized as such before we can get a real permanent solution.

Morphew: Hasn’t this established that force cannot achieve the objectives of that type of revolution?

Stennis: Well, that’s obvious from the, and has been from the beginning. What progress we make by culture and social development has never come by force and never will, human nature being what it is. These processes, as I say, is by judicial fiat based on this decision of nineteen hundred and fifty-four when most unfortunately, the SC saw fit in one sweeping opinion to reverse itself, to reverse the basic laws of the states of the United States and the constitution and in the statutes and ??? to cram this thing down as the living pattern, impose it on millions of people. That’s the basic trouble of the entire matter and I want to point out further in this particular case illustrates unusually well that pattern. This case has not yet been decided by the SC of the United States.

Morphew: Yet, such an overwhelming force for a case that has yet to be argued

Stennis: Yes, let me give the details on that. In addition to what has happened, it’s all based on the history of the case, which the trial judge heard and ruled against this applicant, Meredith. Then it went before a 3-judge court of appeals in New Orleans and by a 2-1 decision, they decide in favor of the applicant. So, you’ve had 4 federal judges to

pass on this, on its merits, 2 of them decided in favor of the applicant, 2 against him. And it's never gone any further to be considered on the merits, all other consideration has been what we call procedures. This matter, the SC, no, the state of Mississippi then appealed from the Court of Appeals in N.O., brought it to the SC of the United States and asked that proceedings be stayed or suspended until this case could be decided on the merits by the SC of the United States.

Morphew: This is customary?

Stennis: Yes, especially when a state's involved, and especially when a very grave, basic question is to be decided. This is not a \$50 judgment or small matter. This is a basic, fundamental matter. The letter and the spirit of the constitution of the United States is to the effect that a state shall always be able to get a final decision and not be cut off by the SC of the land. But this has not been allowed in this case. The COA denied a stay of this proceeding, a suspension of it. The matter came before Justice Black, not on the merits, but on this request that the judgment be suspended until the full court could decide it. Justice Black rejected a plea for a suspension, he said he conferred with his brethren about what to do, but that wasn't an open hearing, the state had no chance to argue the case. They might have conferred by telephone, I don't know. The Court was in vacation. They never sat around the conference table and decided this case. The state of Mississippi has not filed briefs on it, haven't had a chance, haven't had time. The SC of the United States has declined to hear it. Still, and by the way Justice Black said he thought the Court would turn down the state of Mississippi on the appeal and decide against them anyway, so they would just go on and render the decision on procedure and not stay the proceeding. It's unthinkable and unheard of. A spokesman for the Court before they heard the case, said well, we are not going to decide in your favor anyway so there's no use to bother with it any further. In other words, they were saying, in effect, to the state of Mississippi or could say it to any state that we're not going to hear you. Now they're in the position, after all this has happened they're bound to uphold, almost bound to uphold, the applicant Meredith because they've in effect, to reverse it now would be like after a man's been hanged to say that it was an invalid indictment to begin with. But that shows how ridiculous this thing has grown and such tactics as that is going to continue to bring trouble. It's a breakdown, to that extent, of the constitutional processes, as I see it, as an attorney, as well as a senator.

Morphew: Talk that force at Ole Miss was in hopes of discouraging future refusals to admit Negroes

Stennis: Well, no, I don't think that it has had that effect. Now I have protested the great numbers of men being brought in there and have continued to and have reasoned about it. There have been some wild reports about possible further trouble. I don't think the reports are well-founded but in fairness, it must be said that they were receiving reports. I'm hoping that the number of men will be reduced to the minimum very soon. Of course, I cannot give any guarantee.

Morphew: Anything else?

Stennis: Well, based on reports that I have so far and all of the facts will eventually be brought out. I do not believe that any of the state officers failed to do a duty. I do not believe that these men who most unfortunately were killed were shot by officers of any kind. Frankly I don't think they were by students. I'm almost certain of that. I think outsiders got in there as they often are attracted to such a place and some wily, indiscriminate shooting in the beginning most unfortunately these men lost their life, but I don't believe that state officers were involved in any way. And time and facts will prove it.

Morphew: Hope that this gets resolved

Stennis: Oh, absolutely, it must be. I'm convinced though, that the nature of this battle and what has developed, that it's going to be necessary for Meredith to move on to some other place and before the tranquility can be restored.