DRY SEPTEMBER REVISITED

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THROUGH the bloody September twilight, aftermath of sixty-two rainless days, it had gone like a fire in dry grass—the rumor, the story, whatever it was. Something about Miss Minnie Cooper and a Negro.[1]

William Faulkner, *Dry September*

INTRODUCTION

So begins William Faulkner's 1931 story about men in a barber-shop discussing the rumor that a black man raped a white woman in Jefferson, Mississippi. The barber does not believe the black man, Will Mayes, raped Miss Minnie, nor does he believe the rape occurred, and he so states. But hot-blooded youths and an out of town drummer sitting in the barber chair keep the conversation going. Soon enough another local named McLendon, who had "commanded troops at the front in France and had been decorated for valor[,]" joined the discourse and called and raised the ante by asking them "are you going to sit there and let a black son rape a white woman on the streets of Jefferson?"[2] And the idling gossipers, having now found their leader, become a lynch party. The barber, feeling queasy, goes along, hoping he will have the courage to stop them from lynching Will Mayes.

True courage calls for taking a stand when you have nothing to gain. Courage is more than bravery, which commonly calls for audacity and nerve, spirit and spunk of the kind needed to overcome a clear other threat. But courage is something else. Courage calls for the actor to not only strike back against a known other, against something or someone else, but to defeat the fear within one's self. A courageous act calls for a man or woman to not

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1 WILLIAM FAULKNER, *Dry September*, *in* THESE 13, at 261 (1931).

2 *Id.* at 264.

only strike out against a foe, but to vanquish fears within. Courage must always contain an intellectual element which bravery may or may not possess. A courageous actor must conquer not only the foe, but himself. Great moments call for great men.

William Faulkner died on July 6, 1962, and a young Episcopal minister named Duncan Gray performed his last rites.[3] As dirt was mounded over Faulkner's grave in the somber July heat, the good reverend may have sensed another dry September looming; a time of chaos fueled by the politics of fear, coupled with individual craving for popular acclaim, and with a dose of sheer lunacy thrown in for good measure.

> *The screen door crashed open. A man stood in the floor, his feet apart and his heavy-set body poised easily. His white shirt was open at the throat; he wore a felt hat. His hot, bold glance swept the group. His name was McLendon. He had commanded troops at the front in France and had been decorated for valor.*[4]

I. THE GENERAL

Texas native and West Point Military Academy graduate, Edwin A. Walker, commanded special forces in the Italian Campaign in World War II.[5] These men later became known as the Green Berets.[6] A genuine American hero, Walker also saw combat in Korea.[7] He was a brave man.

In 1954, the United States Supreme Court handed down *Brown v. Board of Education of Topeka,*[8] declaring unconstitutional the old *Plessy v. Ferguson* doctrine of "separate but equal."[9] The *Brown* court, ordering integration of public

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[3] WILL D. CAMPBELL, AND ALSO WITH YOU: DUNCAN GRAY AND THE AMERICAN DILEMMA 58-59 (1997).

[4] FAULKNER, *supra* note 1, at 264.

[5] Ike McAnally, *The Decision of General Walker, in* EDWIN A. WALKER, CENSORSHIP AND SURVIVAL 27 (1961).

[6] Chris Cravens, *Walker, Edwin A.*, HANDBOOK OF TEX. ONLINE (June 15, 2010), http://www.tshaonline.org/handbook/online/articles/fwaaf [https://perma.cc/E38H-9Q2L].

[7] McAnally, *supra* note 5, at 27.

[8] Brown v. Bd. of Educ., 349 U.S. 294 (1955).

[9] Plessy v. Ferguson, 163 U.S. 537 (1896).

schools "with all deliberate speed[,]"[10] had a visceral effect on men and women, and public and private institutions in the Old South, for integration meant mixing of the races. Mississippi Supreme Court Justice Tom Brady, a Yale graduate,[11] gave voice to many when he responded to *Brown* with his book, *Black Monday,* a justification of the Southern way of life whose thesis hinged on defending "[t]he loveliest and purest of God's creatures, the nearest thing to an angelic being that treads this terrestrial ball is a well-bred, cultured Southern white woman or her blue-eyed, golden-haired little girl."[12] Integration was seen as a certain threat to racial purity in many, many Southern minds.

In September of 1957 President Eisenhower signed into law the first federal Civil Rights Act enacted since Reconstruction, empowering the federal government to enforce voting rights.[13] These federal actions were denounced in the South. In Arkansas, Governor Faubus set a pattern of angry resistance to integration for other Southern governors to follow by railing against the federal laws.[14] His intemperate language gave hope to the vile spooks of mean-ness which forever hunker in the shadows of our body politic. Soon enough that old fiend, Mob Violence, a cousin to Group Think, lurched from the darkness in Little Rock in opposition to integration of the public schools as the issue of "States Rights" spilled into the streets. Eisenhower responded by ordering the "Screaming Eagles" of the 101st Airborne Division, commanded by Major General Edwin A. Walker, to seize Little Rock.[15]

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[10] *Brown,* 349 U.S. at 301.

[11] Interview by Orley B. Caudill with Justice Thomas Pickens Brady, Associate Justice on the Mississippi Supreme Court, in Jackson, Miss. (Mar. 4, 1972).

[12] TOM P. BRADY, BLACK MONDAY 45 (1954).

[13] *See* Civil Rights Act of 1957, Pub. L. No. 85-315, 71 Stat. 634 (1957).

[14] Anthony Lewis, *President Sends Troops to Little Rock, Federalizes Arkansas National Guard; Tells Nation He Acted to Avoid Anarchy,* N.Y. TIMES, Sept. 25, 1957, at 1; *see also* Jonathan D. Trobe, *Barnett's Legal Stand Described as Obsolete,* HARVARD CRIMSON (Sept. 27, 1962), http://www.thecrimson.com/article/1962/9/27/barnetts-legal-stand-described-as-obsolete [https://perma.cc/KBZ7-EFKX]. A transcript of Governor Faubus's speech on September 18, 1958, is available at: https://libraries.uark.edu/specialcollections/research/lessonplans/FaubusSpeechLessonPlan.pdf [https://perma.cc/MYG2-FJG7].

[15] WILLIAM DOYLE, AN AMERICAN INSURRECTION: THE BATTLE OF OXFORD, MISSISSIPPI, 1962, at 12 (2001). In *An American Insurrection,* Doyle narrates events

> General Walker dispatched army station wagons, jeeps with mounted turret guns, and trucks packed with bayonet-wielding troops to pick up the black teenagers at a designated group-pickup spot and drive to the school at high speed to avoid possible snipers, under the watchful gaze of an escort helicopter. Then he ordered the white students of Central High to an assembly. The astonished teenagers passed bayonet-wielding Airborne troops and filed into the auditorium for an address by General Walker. There was dead silence as Walker took the stage.
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> "As an officer of the United States Army," General Walker announced to the wide-eyed students, "I have been chosen to command these forces and to execute the President's orders . . . . We are all subject to all the laws whether we approve of them or not, and as law-abiding citizens, we have an obligation in conscience to obey them. There can be no exceptions; if it were otherwise, we would not be a strong nation but a mere unruly mob."[16]

Few can forget the iconic photograph of U.S. Army vehicles pulling up to the front of the school, delivering armed troopers, as well as nine brave black students; "six girls in brightly colored dresses and with books under their arms, and three boys in sport shirts, one swinging his books on a strap."[17] "The windows of the school were packed with white students quietly peering down at the historic tableau."[18]

> Thirty paratroopers formed a protective bubble around the black children as 350 soldiers stood at attention around the school. "Forward march," an officer called out. "We began moving forward," wrote Melba Pattillo. "The eerie silence of that moment would forever be etched in my memory. All I could hear was my own heartbeat and the sound of boots clicking on the stone. Everything seemed to be moving in slow motion as I peered past the raised bayonets of the 101st

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centering on Oxford, Mississippi, in September of 1962 as James Meredith pursued his quest to enroll at Ole Miss. Doyle's gripping narrative captures the political posturing of Governor Ross Barnett and leaders of the Mississippi Legislature and others as events unfolded.

[16] *Id.* at 14.

[17] *Id.* at 15.

[18] *Id.*

> soldiers." That morning, Pattillo heard her colleague Minnijean Brown say, "For the first time in my life, I feel like an American citizen."[19]

In 1959, Major General Walker was named Commander of the 24th Infantry Division in Germany.[20] This would be his last command until the Oxford insurrection, for in 1961, he was accused of indoctrinating his troops with right-wing propaganda generated by the John Birch Society, was relieved of his command, and, after being admonished by the Kennedy administration, resigned from military service.[21]

In April of 1963, Lee Harvey Oswald attempted to assassinate General Walker[22] by shooting at him through a picture window as he sat in his home in Dallas, Texas. The bullet missed Walker by "about an inch."[23] Seven months later Oswald would not miss the President of the United States. In the interim, Walker would cross paths with the Speaker of the Mississippi House of Representatives, a timorous English professor and one Horace Lavelle 'Sonny' Merideth, Jr., a young lawyer serving his freshman term in the Mississippi House of Representatives.

II. THE SPEAKER

Walter Sillers, Jr., a patrician Delta gentleman, savored his role as Speaker of the Mississippi House of Representatives. Socially and financially secure, Sillers had inherited a number of Delta plantations and held major interests in banks, oil companies and other businesses. He was one of the wealthiest persons to ever serve in the Mississippi legislature.

Walter Sillers, Jr., grew up in Rosedale, Mississippi,[24] a small Mississippi River town on Highway One in Bolivar County. Between the highway and the river stands the levee holding the Great River back. Walter Sillers's father, a member of the Levee

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[19] *Id.*

[20] McAnally, *supra* note 5, at 28.

[21] *Id.* at 55-58.

[22] Eric Pace, *Gen. Edwin Walker, 83, Is Dead; Promoted Rightist Causes in 60's*, N.Y. TIMES, Nov. 2, 1993, at B10.

[23] *Id.*

[24] *See* Evelyn Sillers Pearson, *The Sillers Family*, *in* HISTORY OF BOLIVAR COUNTY, MISSISSIPPI 522 (Wirt A. Williams ed., 1948).

Board and sometimes its attorney, played a leading role in designing, building, and policing the levee.[25] Perhaps Walter Sillers, Jr., as a boy climbed upon the levee built by his father and surveyed the town, and the highway, and the vast flat fields of cotton, secure in the knowledge that he truly was Lord of all he surveyed—for his family owned many farms, ran the village bank, and above the bank, perched his father's law office. Born in 1888,[26] Walter Sillers, Jr., felt burdened to protect the great wealth and privilege bestowed upon him. Some might call it a duty.

Consistent with the customs of his class, Young Walter was sent to a preparatory school at Sewanee, Tennessee, in 1903.[27] His letters home speak of loneliness, difficulties adjusting to a new environment, and concern for family members.[28] He showed an apt interest in politics, bewailing the election of J. K. Vardaman, The Great White Chief, as governor of Mississippi in 1904.[29] Vardaman, a populist, racist demagogue, was not only a menace to the body politic, but a threat to the elite Mississippi ruling class. Young Walter would ask about his father, who seemed never to write him.[30] Only one letter from Sillers' father is found in the Sillers papers now housed at Delta State University, and it reveals that the young Walter must have suffered from an enlarged proboscis which his family feared could be a political liability, for the letter reads in part as follows:

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[25] Florence Sillers Ogden, *Walter Sillers, in* HISTORY OF BOLIVAR COUNTY, MISSISSIPPI 526-27 (Wirt A. Williams ed., 1948).

[26] Meredith Johnston, *Walter Sillers, Jr., in* THE MISSISSIPPI ENCYCLOPEDIA 1136 (Ted Ownby et al. eds., 2017).

[27] *See* Walter Sillers, Jr.'s collection of papers, and particularly letters, signed on Sewanee stationary and discussing his studies and schoolwork throughout the year 1903. Most relevant sources found in the Sillers Estate Papers housed at Delta State University.

[28] *See, e.g.*, Letter from Walter Sillers, Jr., to his mother, Florence Warfield Sillers, (July 17, 1903) (on file with Delta State University) ("Mamma I don't think I can stay here until Xmas for this Head Master is so mean to the boys lots of boys are leaving here.").

[29] Letter from Walter Sillers, Jr., to Florence Warfield Sillers (Aug. 31, 1903) (on file with Delta State University).

[30] Letter from Walter Sillers, Jr., to Florence Warfield Sillers (July 17, 1903) (on file with Delta State University); Letter from Walter Sillers, Jr., to his father, Walter Sillers, Sr. (Aug. 24, 1903) (on file with Delta State University).

My Dear Boy,

I am proud to know that you had nerve to have the operation performed on your nose [] and am so thankful I have the money to have it done. Have it finished up. Don't take chloroform but do just as the doctor tells you to do and be thankful that we can have it done. Just think what a difference it will make in your voice, your breathing, your feelings, and in your future career. As soon as you begin law, I want to send you to the legislature. Now think what a strong clear voice means and go right along and have yourself cured.

...

Your affectionate father,

Walter Sillers[31]

The young Walter Sillers would have heard from his father how he lost *his* father in the Civil War when the Yankees captured him and he never returned. Young Walter absorbed the stories about his great-uncle Charles Clark, Civil War General and Governor of Mississippi who was forcefully removed from the Capital.[32] He would hear of the suffering during Reconstruction, and would always be alert to the fear of floods when the big River jumped its banks. Sillers would ultimately perceive himself as the great bulwark holding back the flood of chaos to be unleashed by implementation of *Brown*, his sense of self entwined with a commitment to preserving family wealth and hanging onto personal political power. Sillers married well, had no children, and was a model of good Methodist rectitude.

Walter Sillers, Jr., was elected to the legislature in 1915[33] and became Mr. Speaker in 1944.[34] By 1960, Walter Sillers had served with thirteen different governors, some more than once, and, one way or another, brought most of them around to his way of thinking. Courtly and well-mannered, Mr. Sillers, as the other

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[31] Letter from Walter Sillers, Sr., to Walter Sillers, Jr. (July 22, 1904) (on file with Delta State University).

[32] *See generally* Thomas R. Melton, Mr. Speaker: A Biography of Walter Sillers (Aug. 1972) (unpublished M.A. thesis, University of Mississippi) (on file with author).

[33] Johnston, *supra* note 26.

[34] *Id.*

members of the House referred to him, was obsessed with stifling socialistic impulses among the lower classes, rooting out Communists from state government, and preventing integration at all Mississippi public schools.

In 1925, a little girl named Martha Lum sought to enroll in the Rosedale school system.[35] She was turned away because she was Chinese. Her father, Gong Lum, who owned a mercantile store in Rosedale, filed suit against the Rosedale school district seeking to have her admitted.[36] The lower court ruled in Martha's favor but the case was reversed on appeal with Justice Ethridge saying:

> To all persons acquainted with the social conditions of this state and of the Southern states generally it is well known that it is the earnest desire of the white race to preserve its racial integrity and purity, and to maintain the purity of the social relations as far as it can be done by law . . . . So far as we have been able to find, the word "white," when used in describing the race, is limited strictly to the Caucasian race, while the word "colored" is not strictly limited to negroes or persons having negro blood.[37]

The U.S. Supreme Court relied on the "separate but equal" doctrine of *Plessy v. Ferguson* in affirming the Mississippi Supreme Court.[38] Thus, Martha could attend the separate colored school but she could not attend the white school.

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[35] Rice v. Gong Lum, 104 So. 105, 106 (Miss. 1925).

[36] *Id.*

[37] *Id.* at 108.

[38] Gong Lum v. Rice, 275 U.S. 78, 86-87 (1927). The Court explained:

> The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all, whether white, brown, yellow or black . . . . Most of the cases cited arose, it is true, over the establishment of separate schools as between white pupils and black pupils, but we can not think that the question is any different or that any different result can be reached . . . where the issue is as between white pupils and the pupils of the yellow races.

Id. at 85, 87.

The Mississippi Supreme Court enouncement of "the earnest desire of the white race to preserve its racial integrity and purity"[39] encapsulated the core beliefs of Walter Sillers, Jr., and most of his contemporaries. Sillers could not see the world otherwise. He was as much captive to his place and time as was little Martha Lum.

But other viewpoints did exist and began to percolate in the 1920s and 1930s. Those simmering racial conflicts, not just in Bolivar County, but across the South as a whole, are captured by the great blues artist Robert Johnson is his plaintive evocation of *Travelin' Riverside Blues*:

> *I ain't gon' state no color, but her front teeth crowned with gold*
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> *I ain't gon' state no color, but her front teeth is crowned with gold*
>
> *She got a mortgage on my body, now, and a lien on my soul*
>
> *Lord, I'm goin' to Rosedale, gon' take my rider by my side*
>
> *Lord, I'm goin' to Rosedale, gon' take my rider by my side*
>
> *We can still barrelhouse baby, on the riverside*[40]

Johnson's, "I ain't gon' state no color," taunts the white man's fear of miscegenation, while the specter of violence stalking the traveler going to Rosedale is suggested by Johnson's reference to his "rider," as he calls his pistol. A natural counterpoint to the Jim Crow world he lived in, Johnson's art has not only endured, it has become more alive and revered with the passage of time. What would be Sillers's legacy?

The Speaker wields near total control over the careers and legislative accomplishments of members of the Mississippi House of Representatives. In many ways, the House is run like a plantation. Every member seeks regard as a player of great import and many will sacrifice, if not their first-borne at least the interests of their constituents, to be a committee chairman.

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[39] *Gong Lum*, 104 So. at 108.

[40] ROBERT JOHNSON, TRAVELIN' RIVERSIDE BLUES (Columbia Records 1961) (originally recorded by Robert Johnson in 1937).

Serving in the Mississippi legislature is the highest ambition in life for many, and like others in high office, they are anxious to soak up all the distinction and renown the office can provide. There is quite a contrast in one's self-esteem, who may be known back home as an assistant used-car salesman who happens to serve part-time in the legislature, and a man in Jackson who carries the coveted title of 'Mr. Chairman.' The Speaker not only appoints the members of the various committees, he also names the Chairman and Vice-Chairman of each committee,[41] and controls which members take nice state-paid out-of-session trips and who stays home. Under Walter Sillers, Jr., every petty perk of legislative life—whether trips, titles or legislation—ultimately fell from the hand of the Speaker like crumbs scattered to pecking chickens.[42]

The Speaker not only appoints the members of the committees, he decides which bills are assigned to which committee.[43] In time-honored fashion, Sillers assigned bills he favored to committees likely to pass the bills, and he assigned bills he wanted to kill to committees which would let the bills die. No details were too small to be ignored by the Speaker. He decided when the House would convene and when the House would adjourn. A favored few conferred with Mr. Sillers after hours to determine which bills would pass the House and who would 'handle the bill on the floor.' Under Mr. Sillers, freshmen rarely had much influence on the House floor and in fact had a hard time getting recognized to speak on a bill. It was in a legislator's best interests to stay on the good side of the Speaker, for otherwise the lawmaker would find that he or she would have problems getting even a mere commending resolution passed. In 1960, freshmen legislators could not handle bills on the floor and were seldom recognized to speak. Those who challenged Mr. Sillers were

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[41] Melton, *supra* note 32, at 59-60.

[42] *See, e.g., id.* at 79 ("Obviously by this point in his life, Walter Sillers had considerable influence. As a result many people would write asking for his support while others asked his position in various campaigns. He never hesitated to urge someone to run for office, to request appointments for those he believed qualified for a particular post, or to suggest that his friends vote in a certain manner.").

[43] *Id.* at 59-60.

banished to obscurity. Sonny Merideth would never chair a committee under Mr. Sillers.[44]

Prior to the 1980s, members of the House and Senate also served on many State executive boards and commissions. The Speaker appointed the House members to these positions. He appointed himself to the State Building Commission, the Agricultural and Industrial Board,[45] and the Department of Archives and History. From these positions Sillers could influence who got building contracts, which communities would get new industries, and how history would reflect their actions. Sillers also created and served on the board of the State Sovereignty Commission, which spied on private citizens.[46] Sillers used his position to direct the Commission to spy on his maid and his chauffeur, whom he had investigated to ensure they were not members of the Communist party or the N.A.A.C.P.[47] It is unthinkable today that we would ever countenance such an agency, but it existed until Governor Bill Waller vetoed the appropriations bill for the Sovereignty Commission in 1977.

I know several members of the House who served with Mr. Sillers. Most speak of him with great reverence even today, still respectfully referring to him as "Mr. Sillers" in conversation.

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[44] However, Sonny would go on to chair a number of committees in the Mississippi House of Representatives, and become a key legislative leader:

> During [Sonny's] legislative tenure he served as Chairman of the County Affairs Committee, Chairman of the Select Committee on Economic Development, Chairman of the Judiciary A Committee, Chairman of the Special Gaming Commission Subcommittee, and Chairman of the Ways and Means Committee. He was instrumental in crafting and passing the Education Reform Act of 1982, the 1987 Four-Lane Highway Construction Program, and many other monumental legislations including property reappraisal and gaming.

H.L. "Sonny" Merideth, Jr., Obituary, CLARION-LEDGER (Jackson, Miss.), Sept. 8, 2017, at 6A. Author's note: Among his many legislative accomplishments, Sonny was also renowned for single handedly destroying the Mississippi Milk Commission, an arm of state government founded and used to keep milk prices in Mississippi higher for the consumer than milk prices in Louisiana, Arkansas, Tennessee, or Alabama.

[45] *See* Melton, *supra* note 31, at 63.

[46] H.B. 880, 1956 Leg., Reg. Sess. (Miss. 1956).

[47] Letter from Walter Sillers, Jr., to Albert Jones (July 25, 1962) (on file with Delta State University); Letter from Walter Sillers, Jr., to Albert Jones (Aug. 2, 1962) (on file with Delta State University).

Former Lt. Gov. Brad Dye, who served two terms in the House, says that Mr. Sillers never asked him to sit down in the Speaker's office until Dye was later elected to the Mississippi Senate.[48] He says that members invited to see the Speaker would stand before him as he sat at his desk, patiently listening to their concerns. But Mr. Sillers never asked them to take a seat.

The Speaker's influence extended well beyond session activities. Members jealously maneuvered for the Speaker's invitations to join him, Mrs. Sillers, and a handful of other members for after-session drinks in the Sillers's suite at the old King Edward Hotel. Brad says that the lucky invitees would gather at the hotel elevator and wait until exactly 6:00 p.m. before going up to the suite.[49] "Not five minutes 'til and not five minutes after, but exactly six o'clock if that was the time he said."[50] Brad describes these visits as delightful.[51] However, he recalls, "when Mrs. Sillers would say, 'Gentlemen, we have enjoyed having you,' it was time to go and it did not matter if you were mixing a drink or in the middle of a good story when she said it. You simply got up and thanked them for having you and departed."[52]

Former Representative Joe Wroten, who served from Greenville, and who often opposed Mr. Sillers on policy issues, says that had it not been for Sillers's hardline stance on racial issues, that "Mr. Sillers would likely have been known in history, not only in Mississippi history, but in national history, as one of the great political figures of his era."[53]

While Mr. Sillers instilled admiration and fear in the House of Representatives, not everyone outside of government adored or feared him. As issues of race enveloped the State in the 1950s and 1960s, most newspaper editors in Mississippi were either silent or actively supportive of State defiance. One who was neither silent nor supportive was Hodding Carter, Jr., of Greenville, editor of the *Delta Democrat-Times,* who wrote an article for *Look* magazine in

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[48] Telephone Interview with Brad Dye, former Lieutenant Governor of Mississippi (2007).

[49] *Id.*

[50] *Id.*

[51] *Id.*

[52] *Id.*

[53] Personal recollection of the author.

1955, entitled *A Wave of Terror Threatens the South.*[54] Mr. Carter offended the Speaker and others with his less than glowing analysis of the hardening resolve against integration evidenced by growth of the White Citizens Council. Carter asked in his piece: "Are the Councils an incipient Ku Klux Klan?"[55]

> I don't like the Councils. That is not to say that I am blind to the fears that prompt them or to the dilemma of the South today. What I am sure of is that the Councils' way is not the right way. It is not American to say that unless you are with me you are in an enemy's camp; it is not American to bully the near-defenseless and the minority of dissenters; it is not American to deprive or seek to deprive any group of the franchise; it is not American to invoke the doctrine that there is a master race.[56]

Carter hit a nerve with the Mississippi Legislature which responded to the *Look* article with House Concurrent Resolution No. 31, which censured the un-named Carter by stating that the statements in the *Look* article "are wholly untrue and are not warranted by the facts".[57] (Ironically this House action occurred on April first). In debate of the Resolution, Carter's article was referred to as a "willful lie" by "a nigger-loving editor[.]"[58] The Resolution was adopted by a vote of 89 to 19.[59]

Those voting against the Resolution included Representatives Joel Blass, Joe Wroten and future Governor, William Winter.[60]

Some of the No votes did not exactly endorse Carter's good name. Representative Gore of Quitman County explained his No vote as follows:

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[54] Hodding Carter, *A Wave of Terror Threatens the South*, LOOK MAG., Mar. 22, 1955, at 32.

[55] *Id.* at 33.

[56] *Id.* at 36.

[57] H.R. Con. Res. No. 31, 1955 Leg., Extra. Sess. (Miss. 1955); *see also* JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1955 Leg., Extra. Sess., at 683 (1955).

[58] ANN WALDRON, HODDING CARTER: THE RECONSTRUCTION OF A RACIST 245 (1993).

[59] *See* JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1955 Leg., Extra. Sess., at 683-84 (1955).

[60] *Id.* at 684.

> Once I was in a kitchen where chitterlings were being boiled. Every time the chitterlings were stirred, they stank worse.
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> Once when Senator Vardaman was engaged in a bitter campaign, he was constantly vilified and maligned by a certain newspaper editor. When asked why he refused to answer the charges made against him, Vardaman replied: "I have always thought it a complete waste of time to kill pissants with a pile driver." H. C. R. No. 31 only dignifies something that, while it is admittedly untrue, should never have been noticed.[61]

Carter responded to the House finding that his article had been "wholly untrue," by publishing a front-page editorial entitled "Liar by Legislation"[62] in which he stated:

> If this charge were true it would make me well qualified to serve with that body. It is not true. So, to even things up, I herewith resolve by a vote of 1 to 0 that there are 89 liars in the State Legislature beginning with Speaker Sillers and working way on down to Rep. Eck Windham of Prentiss, a political loon whose name is fittingly made up of the words "wind" and "ham" . . . . Meanwhile, those 89 character mobbers can go to hell, collectively or singly, and wait there until I back down. They needn't plan on returning.[63]

So we come to the election of 1959.

III. THE PEOPLE SPEAK

Ross Barnett was elected Governor of Mississippi in 1959.[64] A colorful trial lawyer and past president of the Mississippi Bar Association, Barnett had twice before run for Governor without success.[65] Barnett's platform was his promise to never allow

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[61] *Id.*

[62] Hodding Carter, *Liar By Legislation*, DELTA DEMOCRAT-TIMES (Greenville, Miss.), Apr. 3, 1955, at 1; *see also* Hodding Carter, *The South and I*, LOOK MAG., June 28, 1955, at 74 (explaining his opinion editorial response on April 3).

[63] Hodding Carter, *Liar By Legislation*, DELTA DEMOCRAT-TIMES (Greenville, Miss.), Apr. 3, 1955, at 1.

[64] DOYLE, *supra* note 15, at 52 ("In 1959, on his third try for governor, Barnett was elected to lead the poorest state in the nation.").

[65] *Id.*

integration of public facilities or schools in Mississippi.[66] "Never" was an important word in the Barnett lexicon. Paul B. Johnson, Jr. was elected Lieutenant Governor.[67]

It is rare in Mississippi history for more than one half of the members of the legislature to lose their seats in one election. The voters in 1959 elected 95 freshmen out of 140 member seats then constituting the Mississippi House of Representatives.[68] Leading lights in this freshman class included future Lieutenant Governor Brad Dye and then sitting Governor, J. P. Coleman. Other new members included the likable Aaron Colus "Butch" Lambert of Tupelo and lawyers Horace L. "Sonny" Merideth of Greenville; Charlie Deaton of Greenwood; Stone Barefield of Hattiesburg; Thomas H. Campbell, III, of Yazoo City and future Governor Cliff Finch of Panola County. Forty-seven members of the House were lawyers, though most of the other members claimed farming and small-business occupations. A number of members of the 1960 legislature, including Sillers, had been born in the 19th Century. Tom Lee Gibson of Friars Point was a veteran of the Spanish-American War. Four women were elected to the House.

The class of 1960 included the usual mix of Rotarians, Farm Bureau members and Jay Cees. Analyzed from a sectarian perspective, the 1960 House membership included 68 Baptists, 37 Methodists and a sprinkling of other faiths, including four Catholics and one Lutheran. Some were also members of the White Citizens Council. Demonstrating their respect for the Deity, the members opened their daily sessions with a public prayer, just as they do today.

In January of 1960, the House quickly re-elected Walter Sillers, Jr., of Rosedale as Speaker.[69] Mr. Sillers began the new term sure of his powers. He had served in the Mississippi Legislature since 1916 and had been Speaker of the House since 1944. His chief lieutenants in the House in 1960 included the wily George Payne Cossar of Tallahatchie County, Chairman of Rules;

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[66] *Id.*

[67] HEBER LADNER, MISSISSIPPI OFFICIAL AND STATISTICAL REGISTER 1960-1964, at 26.

[68] *See id.* at 56-57 (listing the members of the Mississippi House of Representatives elected for the 1960-1964 term).

[69] Melton, *supra* note 32, at 81.

future Speaker John Junkin of Natchez, Chairman of Appropriations; future Speaker C. B. "Buddie" Newman of Issaquena County, Chairman of County Affairs; Thompson McClellan of West Point, Chairman of Judiciary "A"; and the Speaker's cousin, Charles C. "Charlie" Jacobs, Jr., of Bolivar County, Chairman of Ways and Means.[70] They enforced his will. Some overseers are better than others.

IV. MEN OF DISTINCTION

> *The barber wiped the razor carefully and swiftly, and put it away, and ran to the rear, and took his hat from the wall. "I'll be back as soon as I can," he said to the other barbers. "I cant let—" He went out, running. The two other barbers followed him to the door and caught it on the rebound, leaning out and looking up the street after him. The air was flat and dead. It had a metallic taste at the base of the tongue.*[71]

The class of 1960 included two young Delta lawyers, Charlie Deaton and Sonny Merideth, both veterans, both of whom would someday be highly esteemed by their colleagues for their bill crafting talents. Deaton, reared an orphan, had been a fine college football player at Millsaps. Tall and slender, with his trade-mark silver hair and grey-blue eyes, Charlie's face broke into a thousand crinkles of good-feeling when he smiled. He reminded me of a smooth, well-oiled old knife blade. Charlie enjoyed good hunting, good food and good conversation. If you couldn't cook or talk, Charlie would be glad to do both. Charlie had a good heart, sound judgement and was an honest man who loved life. He passed away a few years ago and I still miss him. Charlie told me, not long before he died, that of all the things he had done in life, he would most like to be back in the Mississippi House just to see Sonny Merideth cry one more time.

A gifted legislator and a fine lawyer, Sonny's classic good looks were often confounded by a subtle gray scowl which might erupt with little notice into any of a myriad of human emotions. His alert hazel eyes and heavy dark brows gave fair warning of his

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[70] HEBER LADNER, MISSISSIPPI OFFICIAL AND STATISTICAL REGISTER 1960-1964, at 99-105.

[71] FAULKNER, *supra* note 1, at 266.

quick intelligence. Those same eyes moistened at the slightest hint of injustice; his clear tenor voice could touch every note of human experience.

Sonny was one of the last great orators in State government. During my time in the House, Sonny, along with Jim Simpson, Sr., Billy McCoy of Rienzi, and Ed Perry, the little giant from Oxford, could each move the House with thoughtful argument and sincere feeling. Others, like the voluble Jerry Wilburn of Mantachie, could cripple the best rhetoric with humor and exaggeration. But Charlie Deaton was right. Nobody could cry like Sonny. About once a session Sonny would get really worked up about an issue, and after three or four days of floor fights, back-stabbings and general hysteria among the membership, Sonny would finally take the podium. He would first state the facts as he knew them at the time. Then he would qualify the facts he did not know with the statement, "I am told, but do not know..." and roll those hooded eyes toward heaven and ramble on about the options and the merits on this side or the other, and so on, until, having fairly considered all the facts, he came to those magic words: "I ask you to search your hearts and search your minds" and you knew something good was about to happen and Sonny might even cry.

Cassie Merideth was only fifteen years old when she gave birth to Sonny in 1930 at Swiftwater plantation near James Crossing, a spot on Highway One resting under the shadows of the levee a few miles south of Greenville.[72] James Crossing is known as the place where Jesse James crossed the Mississippi River to rob a Louisiana bank. Cassie was a beautiful young woman of Choctaw Indian descent. Her nineteen-year-old husband, Sonny's

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[72] Janice Boatwright Adams, The Merideth and Boatwright Families (2006) (unpublished work) (on file with author). The Swiftwater plantation was one of the many plantations owned by Col. Ed Richardson. At one time, the Swiftwater plantation was one of the largest cotton plantations in the world. One of Richardson's partners was General Nathan Bedford Forrest who ran Richardson's plantation on President's Island in Memphis. Richardson and Forrest used convicts leased from the State for a pittance to provide labor on their plantation. This practice continued until it was abolished by the fascist Governor James K. Vardaman, not out of any concern for the welfare of the prisoners, most of whom were black, but because he despised the elites who had benefited from this practice. *See* J. HARVEY MATHES, GENERAL FORREST 363 (1902); DAVID G. SANSING, MISSISSIPPI GOVERNORS: SOLDIERS STATESMEN SCHOLARS SCOUNDRELS 135 (2016).

father, was a Scots-Irish rake whom the neighbors called Red. The Merideths lived in the back of Red's little country store where he drank a lot of whiskey and sold some too and sometimes had shoot-outs with his brother who had a competing store across the Highway. Life was not easy in the Merideth household, and Cassie left Sonny and Red in 1935. Sonny was five and was crushed by the loss of his beautiful young mother whom he deeply loved till the end of his days.

A kind neighbor noticed the grieving child and gave him a little foundling goat, which Sonny nursed with a bottle and cared for as the baby it was. Soon the little goat was following his every step and sleeping by his side at night. Sonny made a harness from old leather belts so the little goat could pull him in his little wagon. Neighbors and customers delighted in the antics of the little boy and his goat as they raced under the mules and around the wagons in the dusty parking lot of the store. Soon the two became brave enough to cross the graveled Highway One and climb the levee.

There comes a time in every little boy's life when he feels a love of justice and truth stirring in his heart and mind and he dreams of fighting bad guys and doing great deeds in the world. He will triumph over evil and correct injustices wherever he finds them. With these images erupting in his mind, Sonny's little wagon became a chariot, his pet goat a prancing steed, and the levee a mountain. When they obtained the crown of the mountain, Sonny and his little goat could look to the West and marvel at the power of the swift water and then turn to the East to admire the big cotton fields sprawling across the Delta as far as they could see and they could dream of battles to be fought for the cause of justice someday way off in the future. This is how little boys think. The best little boys never lose their dreams.

Sonny started school in the fall and came home one day to find that his little goat was gone. As he told me this story 75 years later, his voice trembled and his eyes filled with tears as he yet felt the loss of his little goat. I asked what happened and he said that he did not know. He could not bring himself to say that his daddy had sold his little goat to a drifter.

I served in the House with Sonny in the 1980s. One of his many fine qualities was that he never traded votes. In other

words, he did not play the game of, "I'll vote for your bill here, if you'll vote for my bill there." In Congress I understand this practice, known as 'logrolling,' is a highly specialized, well-respected and widely-practiced art. Sonny called it 'linkage' and absolutely despised the practice. He thought every bill should stand on its own merits and every member should stand on his own abilities.

Sonny always paid his own way and made his own way. I never saw a lobbyist offer him a favor. I never saw him swap a vote. If he had a fault, it may have been that it sometimes appeared to lesser folk such as myself that he too often appeared to enjoy the fight more than the victory.

V. THE COLOR OF DARKNESS

> *Three men rose. The drummer in the chair sat up. "Here," he said, jerking at the cloth about his neck; "get this rag off me. I'm with him. I dont live here, but by God, if our mothers and wives and sisters—" He smeared the cloth over his face and flung it to the floor. McLendon stood in the floor and cursed the others. Another rose and moved toward him. The remainder sat uncomfortable, not looking at one another, then one by one they rose and joined him.*[73]

Walter Sillers, Jr. never had children, but many members of the House, especially younger ones, adored him. He was not only Speaker of the House, he was a beloved father figure, stern but well-mannered, still sure of his powers at the age of seventy-three. His world, and his sense of self, were threatened when another child of Mississippi, a child birthed in circumstances far different from those of Mr. Sillers, took on the entire Mississippi way of life.

James Meredith, an honorably discharged veteran of the U.S. Air Force, applied for admission to the University of Mississippi on January 26, 1961.[74] After receiving his application forms, he evidenced typical Southern courtesy (and strategic genius) by writing the Registrar informing the University that he was "an

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[73] FAULKNER, *supra* note 1, at 265-66.

[74] CHARLES W. EAGLES, THE PRICE OF DEFIANCE: JAMES MEREDITH AND THE INTEGRATION OF OLE MISS 201 (2009).

American-Mississippi-Negro citizen."[75] This affirmation of self by Meredith sent shock waves through the existing power structure of Mississippi. The Legislature was notified. The Speaker acted quickly.

Mr. Sillers and his allies began cranking out House bills and resolutions dealing with racial issues. One of the first was House Concurrent Resolution No. 75, adopted on April 26, 1962, which "commend[ed] the greater New Orleans Citizens Council for its program to redistribute the dissatisfied Negro population to other areas of the nation . . ."[76] One lone representative, Joe Wroten of Greenville, voted against this resolution. Forty-seven members, including Coleman, Finch, Jacobs, Lambert, Wiesenburg and Merideth, were 'absent' or 'not voting.'[77] In legislative parlance, they took a walk. Every legislator, now and again, is confronted with legislation which he or she simply cannot in good conscience support, but on the other hand, cannot politically oppose. The time-honored maneuver of simply not voting is often the only remedy available in such instances.

Those who opposed the race-related legislation of 1962, but could not bring themselves to vote against it, can be tracked through the House Journal like little rabbits in the snow by simply noting who was absent or not voting on these roll calls. One man, Joe Wroten, never missed an opportunity to vote 'No.'[78] Joe was the son of a Methodist minister,[79] a Lieutenant in the Navy during WWII,[80] and served in the Mississippi Legislature from 1952 to 1963[81]. The *Memphis Commercial Appeal* in 1962 stated that "ever since the deaths of Supreme Court Justice Oliver

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[75] *Id.*

[76] H.R. Con. Res. No. 75, 1962 Leg., Reg. Sess. (Miss. 1962); JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., Reg. Sess. (1962).

[77] JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., Extra. Sess., at 730 (1962).

[78] *Id.*

[79] Bill Minor, *History's Battles Shape Today's Victories*, NORTHEAST MISS. DAILY J. (Tupelo, Miss.), Feb. 17, 1983, at 6.

[80] Interview by Yasuhiro Katagiri with Joseph E. Wroten, former member of the Mississippi House of Representatives (Nov. 4, 1993).

[81] Interview by Jeff Sainsbury with Joseph E. Wroten, former member of the Mississippi House of Representatives (Mar. 31, 1992) (available at the Mississippi State University Archives).

Wendell Holmes and Senator Robert A. Taft of Ohio, the title of Great Dissenter has been anxiously but vainly searching for a worthy brow on which to light."[82] The article suggests Joe Wroten is "capable of bearing the laurel wreath with the untarnished distinction it deserves."[83] This piece recites that dispatches in other papers usually referred to Wroten as "'[t]he single dissenting vote was that of Representative Joe Wroten' or 'Joe Wroten was shouted down by an angry House Tuesday,' or perhaps 'Mr. Wroten's amendment was overwhelmingly defeated.'"[84] The article quotes others as saying that Wroten

> does not consider himself a crusader; he just does not want the extremists to "cut out the middle ground." . . . Wroten sees his mission as the "voice of sanity" in the midst of a fear-charged legislative atmosphere . . . . Admirers also point out the little discussed fact that Mr. Wroten speaks for many colleagues who agree with his opinions privately but are sensitive about voicing their sympathy publicly. It is a common sight to see House members come one by one to congratulate the Washington Countian for his comments and positions.[85]

Joe was brave.

I attended church with Joe Wroten in Aberdeen where he served as Clerk of the Bankruptcy Court. Joe was a kind, patient, very bright man and one of the few people I have known in public life who truly merged deep religious convictions and selfless public service. Life, law and the Good Lord were all pretty much one and the same to him. I wish I could say the same about myself. I served in the House for 12 years and I am grateful that we did not have to face the same issues the members faced in the early 1960s. We only had little nickel-plated issues to deal with, issues that mean so little today, yet I am ashamed that I did not always vote my conscience. I often tried to take the middle ground when I should have taken the high road. Memories of standing in the

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[82] Edward P. Moore, Jr., *Joe Wroten Top Candidate for 'Great Dissenter' Title*, COM. APPEAL (Memphis, Tenn.), May 13, 1962.

[83] *Id.*

[84] *Id.*

[85] *Id.*

middle of the road on matters of conscience are unsavory. They leave a bad metallic taste in my mouth.

Wroten's sole fellow dissenter on most issues dealing with race in the legislature was Karl Wiesenburg of Pascagoula. According to a 1983 article by Bill Minor, Wiesenburg had come to

> Pascagoula from New York prior to World War II as a young radioman on a Coast Guard craft. While helping a friend study for the State bar examination, Wiesenburg volunteered because of his photographic memory to take the exam so he could remember the questions for his friend . . . . [W]ith no formal legal education, Wiesenburg passed the examination and became a member of the Mississippi Bar in 1933, while still in the Coast Guard.[86]

Minor relates that the two became known as the "telephone booth caucus" since the entire caucus of those who persistently opposed all segregationist legislation could meet in a telephone booth.[87] Wiesenburg once described himself as "independently wealthy and therefore independent minded."[88]

On September 13, 1962, Governor Ross Barnett stated that he would go to jail rather than see Ole Miss integrated by James Meredith.[89] Of course, Ross did not really intend to go to jail, he was simply enjoying the brinkmanship and national attention being focused on his every pronouncement. His problem may be stated as "exactly how was he going to prevent Meredith's registration once the Kennedy administration committed federal power to the task?" His options ranged from calling on county sheriffs, constables and state game wardens, to using the State Highway Patrol, to block Meredith. None of these options seemed particularly attractive. In between public pronouncements of resolute opposition, Barnett huddled with Speaker Sillers and other legislative leaders, scheming over how to back up his rhetoric. Brad Dye remembers one such meeting when Ross suggested calling up the Mississippi National Guard to surround

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[86] Minor, *supra* note 79.

[87] *Id.* (internal quotation marks omitted).

[88] Personal recollection of the author.

[89] DOYLE, *supra* note 15, at 53 ("He pledged, 'Ross Barnett will rot in jail before he will let one Negro ever darken the sacred threshold of our white schools.'").

Ole Miss.[90] Tallahatchie Representative George Payne Cossar did not see this as a good idea.

> "What are they going to use to hold the campus with?" asked Cossar.
>
> "Why, they have all kinds of stuff," Ross replied. "They got jeeps and tanks and cannons and all kinds of equipment like that."
>
> "Won't work," Cossar said.
>
> "Why not?"
>
> "They don't own those jeeps and tanks and cannons."
>
> "Well who does?" Ross asked.
>
> "The Federal Government," said Cossar.[91]

The leaders of the opposition were still casting about for a plan of resistance on September 18, 1962, when Walter Sillers, Jr. came down from his aerie on the Speaker's dais and approached the podium to personally present House Concurrent Resolution No. 2 commending Governor Ross Barnett for "his courageous stand . . . against the unlawful aggression . . . by the federal government."[92] Charlie Deaton told me that utter silence filled the Chamber as the Speaker began explaining the Resolution. The faces of the members "were long and sad. It looked as though we were attending a funeral."[93] They knew their Speaker was leading them into dangerous territory. By leaving the master's position on the dais and coming down to the floor to take the podium, Sillers was taking on the role of overseer.

Jackson Clarion-Ledger coverage of September 18, 1962, describes the debate on this Resolution. The Speaker stated that Mississippi faced "federal encroachments on our own state

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[90] Telephone Interview with Brad Dye, former Lieutenant Governor of Mississippi (2007).

[91] *Id.*

[92] H.R. Con. Res. No. 2, 1962 Leg., 1st Extra. Sess. (Miss. 1962); JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 1st Extra. Sess., at 5 (1962).

[93] Personal recollection of the author.

constitution, violation of constitutional voting and educational rights of the state, by judicial decree and executive directive."[94] Sillers continued, "Our constitution is about to become a mere scrap of paper . . . . [w]e here[by] commend Gov. Barnett in his efforts to protect our constitution and our way of life."[95]

Former Governor, and then Representative, J. P. Coleman took the podium to "explain his delay in offering public support to Gov. Barnett, and assuring that he is in full accord with the Sillers resolution."[96] The Chair then called for discussion of the measure. To the surprise of the House, someone other than Wroten or Wiesenburg stood seeking recognition. This member posed the following question:

> "Does this resolution call for closing Ole Miss or can it be so interpreted?"
>
> Speaker Sillers gave a negative opinion as to the first question, but said anyone could place his own interpretation on the measure.[97]

The vote was then put to the membership. Voting nay, Wroten and Wiesenburg.[98] Sonny Merideth voted aye.[99] His heart told him the resolution was wrong. Politics told him he could not vote against it. He was at war with himself. He asked to explain his vote, and placed these words in the record:

> BY MR. MERIDETH: By voting for this Resolution, I do not intend in any way to support the Governor to the extent of closing any of the public schools and particularly the University of Mississippi.[100]

On September 19th, House Concurrent Resolution No. 8 was adopted, purporting to amend the State constitution to authorize

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[94] Charles M. Hills, *J.P. Coleman Backs Barnett*, CLARION-LEDGER (Jackson, Miss.), Sept. 18, 1962, at 1.

[95] *Id.*

[96] *Id.*

[97] *Id.*

[98] H.R. Con. Res. No. 2, 1962 Leg., 1st Extra. Sess. (Miss. 1962); JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 1st Extra. Sess., at 5 (1962).

[99] *Id.*

[100] *Id.*

the Governor to determine admission to institutions of higher learning when the college board was in disagreement.[101] The legislature had begun to dismantle any independence in higher education in Mississippi. Sonny could not bring himself to vote no. Wroten, Wiesenburg, and Representative George W. Rogers of Vicksburg were the only votes cast against this measure.[102]

House Bill 2, taken up on September 27th, provided that "[a]cts performed by state officers, agents, or employees connected with keeping institutions of higher learning and schools segregated shall be acts of state" (thereby making them immune from suit or prosecution).[103] The nay votes, Wroten and Wiesenburg. Absent or not voting, among others, were Coleman, Jacobs and Merideth.[104] Sometimes it is easier to take a walk.

The national press was now completely focused on Mississippi. *The New York Times* 1962 edition of September 28th is filled with articles detailing the unfolding drama. One article quotes Representative Wroten as saying that Governor Barnett was "'pushing Mississippians to choose their allegiance' between the state and the United States. It was a course of action that would lead to 'open defiance of law and order[.]'"[105] Another article quotes Alabama Governor John Patterson as warning President Kennedy that the sending of Federal troops to Mississippi "would establish the Federal Government as a dictatorship of the foulest sort."[106] In the same article, Patterson also stated his support for Governor Barnett.[107] A similar objection to the use of federal troops was registered in another article by Florida Governor Farris Bryant.

Southern governors and Mississippi representatives were not the only voices heard on the Meredith matter. Out of Dallas, Texas, came a strange call to action from the mouth of former

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101 H.R. Con. Res. No. 8, 1962 Leg., 1st Extra. Sess. (Miss. 1962); JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 1st Exra. Sess., at 12-13 (1962).

102 *Id.* at 13.

103 *Id.* at 28.

104 *Id.*

105 Thomas Buckley, *2 Mississippians Support Kennedy*, N.Y. TIMES, Sept. 28, 1962, at 23.

106 *Kennedy Warned By Gov. Patterson*, N.Y. TIMES, Sept. 28, 1962, at 1.

107 *Id.*

Major General Edwin A. Walker. *The New York Times* of September 28th contains the following from the Little Rock hero:

> Edwin A. Walker said today that he had been on the wrong side when he led troops to enforce integration at Little Rock, Ark. He appealed for civilians to oppose any soldiers sent to Mississippi.
>
> . . .
>
> Mr. Walker issued his call for volunteers in a formal statement and then elaborated on his views in an interview.
>
> When asked if he recommended that the volunteers go armed, he replied after a pause:
>
> "The Administration has indicated it will do whatever is necessary to enforce this unconstitutional action. I have stated that whatever is necessary to oppose that enforcement and stand behind Governor Barnett (of Mississippi) should be done."
>
> Later, Mr. Walker was asked whether he meant to imply that he advocated physical force.
>
> "The decision for force will be made in Washington," Mr. Walker replied. "Evidently it has not been made yet. When and if it is, it's their decision to make. We will move with the punches."
>
> He said his appeal for volunteers first was made last night in a broadcast carried by stations across the South.
>
> In his original statement he said:
>
> "It is time to move. We have talked, listened and been pushed around far too much by the anti-Christ Supreme Court.
>
> "Now is the time to be heard: 10,000 strong from every state in the union. Rally to the cause of freedom."[108]

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[108] *Walker Asks Drive to Support Barnett If Troops Are Used*, N.Y. TIMES, Sept. 28, 1962, at 23.

On the same date, *The New York Times* quoted former President Eisenhower as saying that State refusal to admit Meredith to Ole Miss was "absolutely unconscionable and indefensible."[109]

> When the Federal Government does not support the judiciary in the decisions it makes, in that day the American people will no longer exist . . . . Told that former Gen. Edwin A. Walker . . . had declared himself opposed to the use of troops in Mississippi, General Eisenhower said: 'I don't know what Walker said . . . . but I'll tell you this:
>
> Don't ever believe that this Federal Government can afford to evade its responsibility of enforcing Federal law.'[110]

The Mississippi power structure was in no mood to heed the advice of former President Eisenhower or any other voice of reason.

On September 28, we find Senate Concurrent Resolution No. 108 protesting the use of Federal Marshals at Ole Miss and declaring their use to be equivalent to unconstitutional use of uniformed troops.[111] The nays, Wroten and Wiesenburg.[112] Absent or not voting, Merideth.[113]

Despite his public pronouncements, Governor Barnett was privately negotiating by telephone with Attorney General Robert Kennedy to allow Barnett to save face and back down in Oxford before fifty or so U.S. Marshals.[114] Barnett was insistent that all the Marshals draw their guns on him so he could be photographed bowing under force.[115] Meredith would then be allowed to enter. The deal was struck. The Kennedys would go along with this plan.[116] But something went wrong.[117]

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[109] *'Unconscionable,' Eisenhower Says of Gov. Barnett's Stand*, N.Y. TIMES, Sept. 27, 1962 (internal quotation marks omitted).

[110] *Id.*

[111] S. Con. Res. No. 108, 1962 Leg., 1st Extra. Sess. (Miss. 1962); JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 1st Extra. Sess., at 30 (1962).

[112] *Id.*

[113] *Id.*

[114] *See* DOYLE, *supra* note 15, at 111-12, 120-21.

[115] *Id.* at 121.

[116] *Id.* at 112.

The Ole Miss Rebels were to play the Kentucky Wildcats in football at Jackson Memorial Stadium on the coming Saturday night. It was a big game and Ross Barnett intended to be there. Before the game the Jackson *Daily News* which, along with the Jackson *Clarion-Ledger*, was solidly in the segregation camp,

> provided its readers a musical anthem of the state's determination. Words and music to . . . "The Never, No Never Song" ran in place of the usual cartoon on the editorial page of 28 September 1962. An editorial said the song expertly put the state's attitude to music and suggested that readers clip it for a possible mass rendition at the Ole Miss-University of Kentucky football game the following day. The song, an ode to segregation, declared that, at Ole Miss, "Never, never, never, shall our emblem go from Colonel Reb to Ole Black Joe."[118]

Barnett was at the game. His craving for adulation got the best of him, as he "proudly waved the flag of Dixie from his VIP seat."[119] He would renege on the Kennedys. At halftime, "Coach Johnny Vaught's Ole Miss 'Rebels' were beating Kentucky 7 to 0."[120]

A jumbo screen "flashed the words to the new state song 'Go Mississippi!' as the one-hundred-piece Ole Miss band pounded out the frantic, upbeat tune:"

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[117] In June of 1963, Governor George Wallace of Alabama would get the photo that Barnett craved. Standing in the doorway of Foster Hall, Governor Wallace faced down Deputy U.S. Attorney General Nicholas Katzenbach, who was accompanied by two U.S. Marshalls. He stalwartly refused to move to allow Vivian Malone and James Hood to enter and register for class. Finally, and only after being confronted by Brigadier General Henry Graham, the commander of the federalized Alabama National Guard, Governor Wallace stepped aside. The images captured this day helped launch Wallace's foray into the national political forum of the time, but have indelibly tainted his image and memory to this day. *See Alabama Guard Federalized as Wallace Blocks Negroes*, BIRMINGHAM NEWS, June 11, 1963, at 1, 8. Interestingly, Vivian Malone's sister, Sharon Malone, is married to former U.S. Attorney General Eric Holder.

[118] David R. Davies & Judy Smith, *Jimmy Ward and the Jackson Daily News*, *in* THE PRESS AND RACE: MISSISSIPPI JOURNALISTS CONFRONT THE MOVEMENT 96 (David R. Davies ed., 2001).

[119] DOYLE, *supra* note 15, at 112.

[120] *Id.*

"Go Mississippi, you cannot go wrong,/Go, Mississippi, we're singing your song, M-I-S, S-I-S,-S-I-P-P-I!"[121]

The chant "We want Ross! We want Ross!" came up from the crowd, as the "world's largest Confederate flag was carried across the field."[122]

> Ross Barnett was being saturated with one of the most powerful crowd raptures ever given to an American politician . . .
>
> "You would have thought you were watching the Christians and the lions fighting in the Colosseum with the roar that went up," remembered Jackson attorney William Goodman. "It was like a big Nazi rally," an Ole Miss student recalled, adding, "Yes, it was just the way Nuremberg must have been!" Another spectator, E. L. McDaniel, felt that if Barnett gave the word, all 41,000 people would burst out of the stadium and march 170 miles north to Oxford to surround the university, and another 50,000 would join them on the way.
>
> Barnett strode up to the microphone at the fifty-yard line with a furious expression on his face, thrust his clenched fist in the air, and held it up, his body a frozen statue of revolutionary defiance. Television cameras were broadcasting him in live close-up throughout the state. "Thousands of Confederate battle flags burst forth throughout the stadium," wrote journalist Bill Minor, "shimmering in the night like a forest fire running before the wind."[123]

Once Barnett reached the microphone, he did not say much, but it was more than enough.

> "I love Mississippi!" The crowd screamed in unison.
>
> "I love her people!"
>
> "Our customs!"
>
> "I love and respect our *heritage!*"

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[121] *Id.*
[122] *Id.*
[123] *Id.* at 112-13.

. . .

> Barnett stayed there for a while, his fist aimed at the stars, drinking in the tidal waves of joy from his forty-one thousand subjects. "That night," a student in the crowd later reported, "people would have been glad to die for Ross." Recalled H. M. Ray, then the U.S. Attorney for the Northern District of Mississippi, "Ross Barnett didn't know what he was doing. He really didn't realize the gravity of what he was unleashing."[124]

Later, Barnett's more moderate advisers would plead with him to let Meredith enroll at Ole Miss, just to "be done with it."[125]

"I can't do it," Barnett replied. "Did you see that crowd?"[126]

Courage must sometimes defeat vanity, ambition, and fear.

Barnett's ball-game antics, and General Walker's call to arms, had unleashed the hounds of hate. By Sunday morning, September 30, thousands of outsiders, many armed, had descended on Oxford, joining students and local rowdies in protesting the admission of James Meredith.

VI. THE PROFESSOR

> *THE barber went swiftly up the street where the sparse lights, insect-swirled, glared in rigid and violent suspension in the lifeless air. The day had died in a pall of dust; above the darkened square, shrouded by the spent dust, the sky was as clear as the inside of a brass bell.*[127]

Evans Harrington was a World War II veteran working on his doctorate in English at the University in 1962.[128] His novel, *The Prisoners*,[129] had been published in 1956, so he had some standing among the University literary community. A fan of

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[124] *Id.* at 113.

[125] *Id.*

[126] *Id.*

[127] FAULKNER, *supra* note 1, at 270.

[128] ROBERT W. HAMBLIN, LIVING IN MISSISSIPPI: THE LIFE AND TIMES OF EVANS HARRINGTON 6, 17-18 (2017).

[129] *Id.* at 80-85.

William Faulkner, he had never found the courage to speak to the writer whom he would see now and then about Oxford.[130] Then one day he saw Faulkner step into the alley near the old Lyric Theatre.[131]

> On the spur of the moment I called out, "Mr. Faulkner!" and he turned and I went up to him, and then I wished I hadn't done it. I said, "I just wanted to say, sir, that your works have meant a great deal to me." He said, "Thank you." And that's the extent of our meeting. One impression I took away from that is something Tennessee Williams has commented on: the quality of his eyes was most astonishing. There was a soft blackness about them that you associate with animals in the woods, a very gentle and frightened look. Of course, you could say a big burly guy like me in a big overcoat hollering out at a poor shy man is enough to frighten him. But no, I've never seen eyes like that.[132]

Perhaps the Oxford bard had divined the future.

Married with a daughter, Harrington was supporting his family by teaching English at the University in September of 1962.[133] Members of the legislature and others had begun attacking some University faculty members for being Communists, leftists or integrationists.[134] Harrington had grown up in Jones County, Mississippi, with a Baptist Church view of

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130 Interview by John Jones with Dr. Evans Harrington, former professor of English at the University of Mississippi, in Oxford, Miss., at 16 (Apr. 3, 1980) (available at the University of Mississippi Archives) [hereinafter Jones interview]. "I was an avid Faulkner watcher as a number of us were in the '50s . . . . When I'd be close, you know, standing behind him, almost able to touch him in line at the movie theatre two or three times, you'd want to say something to him, you know." *Id.* Author note: Johnny Jones and I were classmates in 1978, along with writer Alan Huffman, in Evans Harrington's creative writing class. Johnny is now a well-respected Mississippi lawyer. I borrow heavily from his interview with our Professor, and commend both Johnny and Alan for their splendid contributions to *lettres de Mississippiana.*

131 *Id.*

132 *Id.* at 16-17.

133 HAMBLIN, *supra* note 128, at 7, 11.

134 Jones interview, *supra* note 130, at 19-20 ("Right about that time there were a couple of men in the legislat[ure] who attacked eleven professors up here of the most widely differing types politically and intellectually as being communists or anything they disliked.").

blacks that was rather typical for the times.[135] He joined the Navy in 1943 at the age of 17 and others would say,

> "You know what you guys do to niggers?" They didn't call them blacks in those days, negroes. And I'd argue for the first three or four months the fairly traditional arguments; they were inferior or something . . . . But . . . it didn't take me three or four months to realize that the position I was in was defenseless. My change of mind and heart happened very early in the first of the two years I was in the service. So when I came out . . . in 1945 I was already an integrationist and a defender of the blacks.[136]

Yet by 1962, Harrington had learned to "live with some equanimity in an unjust society . . . . I wasn't an activist . . . though I was not unaware of the political and social implications of everything that went on."[137]

While teaching at the university, Harrington encouraged his students to explore themes of race and Southern heritage in his literature assignments, particularly through the writings of William Faulkner.[138] In a 1959 letter to his friend, and colleague, Robert Canzoneri, he wrote:

> I finally threw the last vestiges of the better part of valor away recently and preached complete justice for the Negro . . . . Defied students to show me anything good about the South that Faulkner had omitted in "Dry September" . . . . But, on [the] specific subject of this story, i.e., race, I think he's shown as much good as, if not more than, there is in [the] South in Hawkshaw, the barber. He tries to help the Negro but is weak and ineffectual and quits, is overwhelmed. Show me the white man today who succeeds in trying to help the Negro.[139]

But Professor Harrington and Sonny Merideth would tire of being weak and ineffectual. They would confront the Hawkshaw within.

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[135] *Id.* at 1, 23; HAMBLIN, *supra* note 128, at 6-7.
[136] Jones interview, *supra* note 130, at 23.
[137] *Id.* at 24, 26.
[138] HAMBLIN, *supra* note 128, at 12.
[139] *Id.* at 13.

On the evening of September 30, Professor Harrington watched President Kennedy speak on the Memphis television station, and he heard that there was rioting on the Ole Miss campus.[140] About 7:30 the Professor drove to campus to see for himself.[141] He did not go as protestor or participant for either side. He saw himself in fact as "kind of a spy[,]" thinking he might get some material for his writing.[142] As he came to campus he saw Mississippi Highway Patrol cars

> bumper-to-bumper going off campus down University Avenue, turning and going out around the Grove where they assembled . . . . [I saw] all these people milling around and the marshals up at the front there [in front of the Lyceum] and seeing all the tear gas or haze, and a little tan Falcon came up University Avenue towards them and started around the circle . . . Things started whizzing by my head and hitting that car and I realized people were throwing rocks and concrete at it, and I hit the ground as quick as I could because I was scared I would be hit, and watched that carload of marshalls. A Falcon was little then, in '62, and there must have been six in that car. They shattered the windshield. A barrage would hit that little car at the same time and almost turn it over, and then some would hit it from the front and it looked like it was down on its knees to try to get around. Honestly, it was the most—I just never had had any experience like that.[143]

VII. GROUP THINK

> *They ran in a stumbling clump, as though they were fleeing something . . . . "Kill him, kill the black son!" the voice murmured. They dragged the Negro to the car. The barber had waited beside the car. He could feel himself sweating and he knew he was going to be sick at the stomach.*[144]

Harrington looked to the Confederate statue and saw two men on the pedestal clinging to the foot of the monument, one a

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[140] Jones interview, *supra* note 130, at 27.

[141] *Id.*

[142] *Id.* at 31.

[143] *Id.* at 28.

[144] FAULKNER, *supra* note 1, at 272-73.

man of the Lord, the other a man of the sword. Lunacy was in their midst. Harrington said that General Walker was talking "crazy."[145] "[H]e said things like, 'You have been betrayed!' They would say, 'Who did it? Who did it?' And he'd stoop down to talk to two men in white ten-gallon hats . . . . [and said] 'This is the long way round to Cuba!' . . . . 'They shouldn't be here, they should be in Cuba!'"[146] And finally he said, "You've been betrayed by a man named Colonel Birdsong!"[147] According to Harrington, the crowd didn't believe that because Birdsong was the head of the Highway Patrol and "was on their side."[148] Harrington said that Walker just "confused the hell out of the students. He didn't foment any riot."[149] Other accounts differ, some having heard the General telling the students they had a right to protest:

> When people saw the Texan wearing a Stetson hat, they called out, "We have a leader," and "General, will you lead us to the steps?" After huddling with protesters, he announced, "Well, we are ready." They then moved toward the Lyceum, but a blast of tear gas forced them to retreat. Walker heard cries of "Will you get us organized, will you lead us?" and "Would you lead us in a charge?" He later claimed that he never led anyone that night, but others thought they saw him nod his head.[150]

Reverend Duncan Gray, who had recently buried Faulkner, was pleading with the General to calm the crowd and tell the students to go home.[151] Walker then declared that he now had an Episcopal priest on the pedestal who made him ashamed of being an Episcopalian.[152]

The professor then saw

> a hand came up and got him by his clerical collar and snatched him down into the crowd, and I thought, "Oh, my God, I've got to go help him. They're going to break my jaw." I

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145 Jones interview, *supra* note 130, at 28.

146 *Id.* at 29.

147 *Id.* (internal quotation marks omitted).

148 *Id.*

149 *Id.*

150 EAGLES, *supra* note 74, at 360.

151 *Id.* at 361; *see also* Jones interview, *supra* note 130, at 33-34.

152 EAGLES, *supra* note 74, at 362.

don't know why my jaw felt so sensitive. Once I was knocked out in boxing in high school, and my jaw dreaded that happening ever since, I guess. But anyway, I thought, "I can't wait because I am so chicken that if I hesitate a minute I'll rationalize some excuse not to go."

And so I put my head down and went barreling across through the crowd. I got over there and saw they had him behind the Confederate statue there. One big burly guy was standing in front of him, and another big burly guy was trying to get to him. The first one was defending him. Duncan was tiny. This guy says, "Oh, no, no man! Don't hurt him! He's a preacher! He's a preacher!" The other one said, "You heard what he said, that son of a bitch said last night on TV we ought to let that black bastard in here." And he said, "I know, I know, but he's a preacher, he believes all that stuff!" Finally the big one kept trying to get to him—I mean the aggressor, they were both big—and the defender stopping him, and finally the aggressor said, "You take up for him so, maybe you think like he does!" He said, "Oh, hell no, man. Let's kill that black son of a bitch, but let's don't hurt this preacher." . . . . [T]he defender prevailed and he led Duncan over to the Y and got him out of there. Then I went on off . . . .

I went up through the circle to the front of the Lyceum. That's where these people would go surging up there in the dark. There were street lights and cars burning, but it was kind of dark. All of a sudden the marshalls' commanding officer would say, "Load!" Each of them would shoot one of those gas canisters out. The minute they heard it pop and saw it arching across—it just came across the street and fell in the grass, and the wind was blowing it all over the place—this mob would scream, "GAS!" hysterically and turn around and run over each other and fall down and curse the marshalls for making them break their legs, you know. I never saw such stupidity! I stepped behind a tree each time and let them all run back this way. The gas didn't bother me because the wind blew it away. They could have stayed there, but gas, the idea of gas, and they'd run away. One time I was waiting for them to come back up. I was standing behind a tree, and something

> touched me in the back and I thought, "Oh, boy," you know, "I'm found out."[153]

Like Faulkner's barber, the professor "could feel himself sweating and he knew he was going to be sick at the stomach."[154]

> But this man said, "We come to hep yo' govnuh." He was a man with little pig eyes, big fat fellow, said, "We heard yo' govnuh's call and we gon'hep him." I said, "Yeah, but he said do it peacefully," and he said, "Yeah, we know what he meant, don't we." I said, "Where're you from?' He said, "Birminham." I said, "Well, I'll see you," and got away from there as quick as I could.[155]

The professor was hearing rifle fire by then. He did not know that two men were dead.[156]

> *"Get in!" McLendon said. He struck the Negro. The others expelled their breath in a dry hissing and struck him with random blows and he whirled and cursed them, and swept his manacled hands across their faces and slashed the barber upon the mouth, and the barber struck him also.*[157]
>
> William Faulkner, *Dry September*

The professor did nothing to try to stop the riot.

> I saw what happened to one of these professors who tried to argue with the students. He was attacked. As I said, I felt like a spy. I wasn't about to reveal my views . . . . Except, as I say, where it looked like a friend of mine was going to be hurt. I had to. It was because I'd always thought I was a decent man and I couldn't live with myself if I didn't do it, but I didn't want to. **I'm not a hero.**[158]

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[153] Jones interview, *supra* note 130, at 29-31.
[154] FAULKNER, *supra* note 1, at 273.
[155] Jones interview, *supra* note 130, at 31.
[156] *Id.* at 31-32.
[157] FAULKNER, *supra* note 1, at 273.
[158] Jones interview, *supra* note 130, at 34 (emphasis added).

VIII. THE GENTLEMAN FROM WASHINGTON COUNTY

James Meredith now had a seat in Ole Miss lecture halls and Oxford had a Federal occupation for the first time since Yankee Generals U. S. Grant and William Tecumseh Sherman came calling in 1862. The Federal troops arrested General Walker as he tried to escape town, charged him with seditious conspiracy,[159] and shipped him to the Federal institution in Springfield, Missouri, for psychiatric evaluation.[160] James Meredith was a brave man. General Walker may have been a lunatic. The battle was over, the damage had been done. But the House leadership was not finished. The overseers were dead set on protecting their legacy by forcing the membership to vote in favor of the chain of events resulting in the September disaster.

The House took up House Concurrent Resolution No. 18 on October 3, 1962, defiantly expressing its "sense . . . that each and every act of the sovereign State of Mississippi, as performed through and by its proper officials, in connection with the matter of James H. Meredith, has been legal . . . and, that every act of the Attorney General and the President of the United States, in this matter, has been illegal . . . ."[161] 109 members voted yes.[162] Those voting no: Wroten and Wiesenburg.[163] Absent and not voting: Merideth, Finch, Jacobs and Lambert, among others.[164]

The words of House Concurrent Resolution 18 stung the Ole Miss intellectual community and goaded them into action. On the evening of October 3, a hundred or so faculty members attended a meeting where a petition from the local chapter of the American Association of University Professors was presented.[165] The petition protested the violence and found "reprehensible" the

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159 EAGLES, *supra* note 74, at 428; DOYLE, *supra* note 15, at 269.

160 Hodding Carter III, *Sanity and Gen. Walker*, DELTA DEMOCRAT-TIMES, (Greenville, Miss.), Oct. 4, 1962, at 4.

161 JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 1st Extra. Sess., at 23 (1962); *see also* H.R. Con. Res. No. 18, 1962 Leg., 1st Extra. Sess. (Miss. 1962).

162 JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 1st Extra. Sess., at 52 (1962).

163 *Id.*

164 *Id.*

165 *See* RUSSELL H. BARRETT, INTEGRATION AT OLE MISS 179 (1965).

remarks of Mississippi elected officials who had blamed U.S. Marshals for the violence.[166] Now was the time to take a stand.

> *Beside the barber the Negro spoke: "Mr. Henry." . . . . The barber began to tug furiously at the door. "Look out, there!" the soldier said, but the barber had already kicked the door open and swung onto the running board. The soldier leaned across the Negro and grasped at him, but he had already jumped. The car went on without checking speed.*[167]

Some teachers walked out after the petition was presented,[168] just like the barber who leapt from the racing car. Others stayed. Afterwards, Harrington said,

> [W]e had about 100 people there, and they all filed out except seventeen of us that were left. They said, "You know if you sign that thing you are signing your death warrant. You'll be fired from here immediately." We stayed and signed. I went home sick. My whole life was invested. I had a daughter in the middle of high school and I didn't have my Ph.D. and I was an instructor and didn't have tenure, and I thought, "You know, I could've just as easily gone out with the rest of those guys and been sensible. Why did I have to?" I was sick. I couldn't eat . . . . I guess that was the only time in my life that I had clear-cut issues.[169]

The signatories to this letter, which soon received nationwide publicity, and the order in which they signed, are:[170]

Barton Milligan
Russell H. Barrett
Richard S. Stewart
James W. Silver
Samuel F. Clark
William H. Willis
Evans Harrington
Tom J. Truss, Jr.
Richard W. Joslin
George R. Kerciu
Parks Grant
Hal L. Ballew
Julien R. Tatum
John Kozy, Jr.
James E. Savage
Hector Currie

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166 *Id.* at 180.
167 FAULKNER, *supra* note 1, at 275.
168 Jones interview, *supra* note 130, at 36.
169 *Id.* at 36; *see also* HAMBLIN, *supra* note 128, at 39.
170 BARRETT, *supra* note 165, at app. C.

Carl Alette
William E. Strickland
Theodore I. Bieber
William C. Herndon
Dwight Van de Vate, Jr.
Lucy C. Turnbull
Russell W. Maatman
Karl Morrison
Robert L. Rands
Harley F. Garrett
J. H. Bruening
L. E. Noble, Jr.
William J. Wallace
Edward H. Hobbs
Paul G. Hahn
C. N. Fortenberry
Donald G. Rhodes
R. J. Farley
Evelyn Lee Way
Richard Edwards
William F. Crowder
Thora H. Crowder
Gerald Walton
William A. Wilbanks
Lutz Leopold
Joseph Baylen
P. A. D. deMaine
George Vaughn
Donald S. Vaughn

One might hope this skirmish with the University intellectuals would be the last word from the Mississippi House of Representatives on the matter of James Meredith. But one last battle in the House was yet to be fought.

> *They went on; the dust swallowed them; the glare and the sound died away. The dust of them hung for a while, but soon the eternal dust absorbed it again. The barber climbed back onto the road and limped on toward town.*[171]

The House was back in session on December 6, 1962, taking up various and sundry matters. All was peaceful. A scene from *One Flew Over the Cuckoo's Nest* comes to mind where Nurse Ratched, her neck in a brace, has regained control after Billy's death and Mac's attack on her had temporarily disrupted the orderly lives of the inmates.[172] Soft music is playing in the background and the Indian is sweeping and Martini is still trying to learn black-jack and everyone is back on his medication.[173]

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[171] FAULKNER, *supra* note 1, at 276.

[172] ONE FLEW OVER THE CUCKOO'S NEST (Fantasy Films 1975). Originally a book written by Ken Kesey, *One Flew Over the Cuckoo's Nest*. The author, however, is more directly referencing the film version directed by Milos Forman, and starring Jack Nicholson, Louise Fletcher, and Danny DeVito.

[173] *Id.*

Calm has been restored. The inmates have forgotten the horrors of their recent past.

Like Nurse Ratched, Speaker Sillers was enjoying the restored calm. Members quietly milled about the Chamber, sipping coffee and leisurely gossiping as minor bits of legislation were "called up, read the third time and placed on final passage" in that courtly sing-song custom by which bills are presented to the Mississippi House.[174] Peace prevailed throughout the land. Ole Miss now had been forgotten. Look away, look away . . .

Former Governor J. P. Coleman was speaking[175] on an amendment to a bill to increase assistance to disabled persons when Buddie Newman, Chairman of County Affairs, escorted a tall, distinguished looking fellow to the Speaker's chair. The proceedings were interrupted, and according to the House Journal, "Speaker Sillers introduced General Edwin A. Walker to the House. General Walker was extended the privileges of the floor . . . ."[176] According to a United Press International report, the Speaker gave a glowing introduction of Walker, calling him a "distinguished American" who had been subjected to "arbitrary and unlawful treatment" for his efforts to "be helpful to the people of Mississippi."[177] The Speaker then invited Walker to address the House of Representatives.

The levee stands for generations, shadowing the peace and tranquility bottomed on an illegitimate hierarchy founded on twin pillars of self-interest and repression. The levee is the past, a mortgage on the future, a lien upon the soul. It restrains the swift water, alien to the natural order. The levee will not fall in one violent break. A weak bubble appears in the muck. Be fearful. For soon it will emerge, no larger than a lady's little finger, seeking sunshine on the safe side of the levee. You must tamp it down now. Do not let it grow, for it will flood all creation. An act of courage. A shot to the heart of the Old Order.

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[174] JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 2d Extra. Sess., at 172 (1962) ("[T]he bill considered engrossed, read the third time and, agreeable to the provisions of the Constitution, the yeas and nays were taken and the bill passed . . . .").

[175] *Id.*

[176] *Id.*

[177] *Walker's House Talk Protested*, UNITED PRESS INT'L, Dec. 6, 1962 (internal quotation marks omitted).

I object! rang a lone voice from the back of the Chamber.

Incredulous members craned their necks backwards to see who had challenged Mr. Sillers.

Freshman Sonny Merideth stood alone, and then did the unthinkable and demanded a roll-call vote on whether General Walker should be allowed to speak, "so some of us can express our views."[178] He then asked to speak from the podium and was recognized.

> *There was no movement, no sound, not even an insect. The dark world seemed to lie stricken beneath the cold moon and the lidless stars.*[179]

The House chamber was silent as a tomb as Sonny strode to the podium and respectfully told the shocked members that the Speaker had violated the House Rules by bringing Walker into the Chamber and onto the floor without consulting the membership. He also said that allowing Walker to address the legislature, "would indicate that members condone his actions" at Ole Miss.[180] He returned to his seat.

Another young lawmaker stood and sought recognition. Phillip Bryant, Representative from Oxford, in classic understatement, stated that his constituents "did not appreciate General Walker's presence at the university."[181]

The leadership was astounded at the audacity of these two freshmen. "Open the machine" said Mr. Sillers. The question was simple. Are you with us or are you against us?

102 members voted to invite the lunatic Walker to speak.[182]

Ten voted no.[183]

William Allred	Sonny Merideth
Richard Arrington	Jerry O'Keefe
Phillip Bryant	George Swindoll
Natie Caraway	Karl Wiesenburg

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178 *Id.* (internal quotation marks omitted).

179 FAULKNER, *supra* note 1, at 280.

180 *Walker's House Talk Protested*, UNITED PRESS INT'L, Dec. 6, 1962.

181 *Id.* (internal quotation marks omitted).

182 JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, 1962 Leg., 2d Extra. Sess., at 172-73 (1962).

183 *Id.* at 173.

Edward Jolly Joe Wroten[184]

Having lost the vote, Sonny Merideth led the Defiant Ten out of the House Chamber as General Walker began his speech.[185]

Chisel their names in stone. If you have the courage.

Asked later why he commenced the insurrection, Sonny Merideth said simply that he:

> [F]elt it was improper to have him (Walker) appear before the legislature until such time as there had been a public hearing on his actions the tragic night of Sept. 30.
>
> He was not invited by an act of the legislature but at the personal request of the speaker. I am deeply sorry that I did embarrass our respected speaker but **my allegiance to the United States and my conscience compelled me to speak out.**[186]

Professor Harrington described Sonny's acts as the turning of the tide:

> I saw for the first time ever, since that had begun to build up, since Black Monday, I saw two or three members of the legislature get up and speak on the floor of the legislature saying this had been a mistake and a failure, that Ross Barnett was to blame. You know, it had been a monolith, and all of a sudden you saw a fissure, a crack.[187]

Many years later I asked Joe Wroten why Sonny objected at such a critical, if not dangerous, time. Joe said that Sonny simply "had an innate sense of fairness and true blue loyalty to right."[188]

Horace Lavelle "Sonny" Merideth, Jr. died in September of 2017 and now sleeps under the shadows of the levee in a green

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[184] *Id.*

[185] *Walker's House Talk Protested*, UNITED PRESS INT'L, Dec. 6, 1962.

[186] *Id.* (emphasis added).

[187] Jones interview, *supra* note 130, at 37.

[188] Personal recollection of the author.

field near a little country store at James Crossing on Mississippi Highway One. He could have been bad. Like Jesse James.[189]

189 JOHN LEE HOOKER, *I'm Bad Like Jesse James*, *on* THE VERY BEST OF JOHN LEE HOOKER (Rhino Entm't Co. 1995).