

Interview with **Judge Charles Clark**

May 8, 1986

Jackson, Mississippi

Interviewer: Judith Vecchione

Production Team: A

Camera Rolls: 224-227

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**Note:** These transcripts contain material that did not appear in the final program. Only text appearing in ***bold italics*** was used in the final version of *Eyes on the Prize*.

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[camera roll 224]

[sound roll 1161]

[slate]

CAMERA CREW MEMBER: CAMERA ROLL 224. MARKER.

INTERVIEWER: YOU'RE LOOKING AT ME. CAN YOU TELL US WHAT WAS YOUR BASIC ARGUMENT IN FRONT OF THE JUDGE, JUDGE MIZE?

Clark: The basic argument was that the University of Mississippi did not have a policy, an official policy of racial exclusion and did not apply such a policy to deny admission to James Meredith.

00:00:34:00

INTERVIEWER: THE OTHER SIDE CLAIMED, OF COURSE, THAT THIS WAS SIMPLY A DELAYING TACTIC THAT THE UNIVERSITY AND THE STATE TO SOME EXTENT WERE TRYING TO PREVENT HIS ENTRANCE BY WHATEVER CLAIMS THERE WERE AND THAT WAS WHY IT WAS SUCH A LONG PROCESS. THIS WAS OBVIOUSLY NOT WHAT YOU FELT.

Clark: Well, it's not a question of what I felt. The attorney general of the state came to me and said we have been sued by a person claiming that we have committed a wrongful act. We deny that we committed that act. We need a litigator to help us because our first assistant attorney general has become ill. His health has deteriorated. Will you be our litigator? Yes, I will. I will represent you. I interviewed my clients. There was no policy. Now, this looks, if this looks unusual you've got to look at it in its historical context. History is a record of changes. Mississippi is certainly a state that had a reputation, earned or not is not my, is not my concern for being very near the pole in racial polarization. This did not mean anything to me insofar as the presentation of a point in a lawsuit was concerned. My question was, my clients have been alleged to have adopted a policy and applied a policy to an applicant. When I satisfied myself that there was a valid legal defense to that I presented that defense.

INTERVIEWER: ALL RIGHT NOW LET'S JUST STOP AND MAKE SURE EVERYONE'S HAPPY—

[cut]

00:02:44:00

[slate]

Clark: Well, I'll try to remember [laughs]. I'll try to remember.

INTERVIEWER: GIVE ME A MOMENT THERE.

Clark: All right.

INTERVIEWER: GO ON.

Clark: Now, what? Start?

INTERVIEWER: YOUR PROBLEM WITH THE MEREDITH CASE. THE WAY THE MEREDITH CASE CAME.

Clark: The, the Meredith case, of course, came to me individually by an attorney general whose first assistant and regular litigator had become ill and was unable to carry the full trial burden of a case. There'd been a lawsuit filed against the state. The attorney general employed me to present this case to the courts. The allegation by Meredith was that the University had adopted and had applied to him a policy of exclusion on racial grounds. The position taken by the members of the board of Trustees of Institutions of Higher Learning by the Chancellor of the University and by the Registrar of the University was that this man had been denied admittance because he was not qualified. Not because they had adopted any policy. And the, the concept that I think is significant is that even Mississippi, even Mississippians are not monolithic in their views. The members of the Board of Trustees had a range of views on racial problems that was the product certainly of their environment and their background and their own basic views of things. But there was no established policy,

there never had been a policy adopted and then applied to James Meredith. But basically what I would want you to know is that the litigation process is not one that should be viewed as right or wrong. The process has established procedures, due process if you will, which says that the person that asserts that a fact is true normally has the burden of proving the truth of that fact. When Meredith asserted that the Board of Trustees had adopted a policy and that the registrar had applied that policy to him to exclude him on racial grounds. As a litigator it was my concern that Meredith had the burden of proving the truth of that assertion. Meredith did undertake to do that. He examined the various members of the Board of Trustees. They all denied that they had ever even discussed the adoption of such a policy and they denied that they had applied that policy to him to exclude him.

00:05:49:00

INTERVIEWER: COULD I ASK YOU TO GIVE ME THAT AGAIN. THE FIRST TIME YOU TOLD ME IT, YOU TOLD ME IN THE REVERSE ORDER. FIRST YOU TOLD ME IT WAS MEREDITH'S BURDEN OF PROOF AND THEN YOU TOLD ME THAT YOU TALKED WITH THEM AND YOU KNEW THEY HAD SOME FELT ONE WAY AND SOME FELT THE OTHER.

Clark: All right.

INTERVIEWER: COULD YOU DO IT THAT WAY?

Clark: All right. When I came into the litigation I saw that Meredith had alleged that the University had a policy of racial exclusion. An official policy of racial exclusion and that they had applied that policy to deny him admission. In talking with the members of the Board of Trustees and talking with the officials of the University I found that that was not so. The University had never adopted a policy of racial exclusion. The policy obviously since it was not adopted was not—never applied to James Meredith. Meredith's application was judged to be inadequate. And he was denied admission on that ground.

00:06:54:00

INTERVIEWER: NOW ONE OF THE THINGS YOU POINTED OUT TO ME ON THE TELEPHONE WAS THAT THE CASE FOR THE UNIVERSITY AND FOR THE STATE WAS NOT FRIVOLOUS. I SUPPOSE WE SHOULDN'T USE THAT LEGAL TERM—

Clark: Sure.

INTERVIEWER: IT WAS NOT—

Clark: That's a valid legal term.

INTERVIEWER: I KNOW BUT IS A LITTLE HARD FOR PEOPLE.

Clark: Sure.

INTERVIEWER: IT WAS NOT DISMISSED OUT OF HAND AS TOTALLY PHONEY. IT WAS A REAL CASE. AND I WONDER IF YOU COULD, YOU COULD TELL US ABOUT THAT. AGAIN THAT THROUGHOUT IT MISSISSIPPI, IT SHOULD NOT BE ASSUMED THAT MISSISSIPPI WAS JUST MAKING UP A CASE TO KEEP HIM OUT. THE LAW, THE LEGAL PROCESS IS IMPORTANT.

Clark: All right. Now, let me begin this answer with emphasizing to you, what I conceive to be still today outside of the Meredith case to, to be the, the process of litigation in a court. And this is—a charge is made and the person against whom the charge is made chooses to either agree to that charge or to contest the charge. Then it's a question of proof. Meredith asserted the policy, the board denied the policy and we went to trial on that plus other reasons. Because when the, when the claim was made and denied that the policy had been applied there then occurred to the court the question well, if not a policy, why the denial? And the registrar of the University went through a number of reasons why he had chosen to deny admission to James Meredith. In, in looking back at the history of this case as it's recorded in the opinions of the, both the district court and the court of appeals, there were several grounds. Only one of those grounds was ever characterized by the court, by the court of appeals as frivolous, as having no real basic merit to it. The others were discussed in detail by the court and though the district court accepted, the appeals court rejected. The one ground that the appellate court characterized as frivolous is particularly, is of particular concern to me as I look back at it. It involved Meredith's registration to vote in Hinds County, Mississippi. The district judge looked at a deposition of some testimony given by Meredith and his conclusion was that Meredith maintained stoutly that he was a resident of Attala County which was his home. He was not a resident of Hinds County and the district judge made the finding after reading the questions and answers that Meredith had falsely stated to the registrar here in Hinds Country that he was entitled to vote here because he was a resident of Hinds County. When the court of appeals looked at that same argument the court of appeals said that when James Meredith answered a question, did you know your answer was false? With the answer, yes sir, he was merely being polite. I, I find in retrospect that I still don't consider that to be a frivolous argument.

INTERVIEWER: LET ME ASK YOU THEN FOR, FOR—

CAMERA CREW MEMBER: WE ARE VERY CLOSE TO FINISHING.

INTERVIEWER: STOP FOR A MOMENT?

00:10:46:00

[cut]

[wild audio]

CAMERA CREW MEMBER 1: MARK IT.

CAMERA CREW MEMBER 2: ROLL 225. MARKER.

INTERVIEWER: YOU WERE SAYING THAT IT HAD SYMBOLISM FOR PEOPLE WHO ATTENDED AND WHO DIDN'T ATTEND. OLE MISS HAD SYMBOLISM. COULD YOU PICK UP ON THAT THOUGHT?

Clark: All right. Thinking back to the, to the events in 1961 and '62 my judgment is that, that people in Mississippi—

INTERVIEWER: I'M SORRY.

CAMERA CREW MEMBER: WE HAVE TO STOP

INTERVIEWER: I'M SORRY WE HAVE A—

CAMERA CREW MEMBER 1: NOTE TO EDITOR THE PRECEDING BEGINNING SLATED ROLL 225 WAS A CAMERA PROBLEM AND HAS BEEN DISCARDED. PLEASE BEGIN 225 WITH THE FOLLOWING: MARK IT PLEASE.

00:11:39:00

[cut]

[slate]

[change to camera roll 225]

CAMERA CREW MEMBER 2: ROLL 225 MARKER.

INTERVIEWER: AS THE CASE WENT THROUGH TO THE APPEALS COURT AND IT BECAME APPARENT THAT THE COURTS WERE GOING TO INSIST THAT JAMES MEREDITH BE ENROLLED THERE WAS A LOT OF PUBLIC CONCERN. PEOPLE IN MISSISSIPPI FELT VERY EMOTIONAL ABOUT THIS. WHY WAS THAT? DO YOU HAVE A SENSE OF WHY OLE MISS WAS SO IMPORTANT?

Clark: From, from a historical standpoint not from a lawyer's standpoint, I had the perception that a number of people in the state, both alumni of the university and people who had never attended, saw the issue as being made at the University. An issue of, of whether the state was going to move from a society that had been very separated to one of integration. And I think that James Meredith made himself a symbol of that integration movement and I think that this provoked strong feelings from people who were both in the state who, who both within the state were from Ole Miss and who had no association with the University, but simply saw the University as, as a place where the act of integration would take place.

00:13:18:00

INTERVIEWER: DO YOU THINK THAT THEY FELT THAT THIS WAS JUST THE WRONG WAY TO DO IT? THAT CHANGE WAS COMING BUT IT SHOULDN'T BE DONE THIS WAY? OR DO YOU THINK THEY FELT THE CHANGE SHOULDN'T HAPPEN?

Clark: I think that both of these ideas were prevalent. I think both the idea that we like things the way they are, status quo, was, was a, very much in the minds of the white community, now in the state and also that there were people who thought that this was the wrong way to do it, that the courts were forcing the state to do something incorrectly.

00:14:02:00

INTERVIEWER: HMM, NOW, COMING BACK TO THE UNIVERSITY'S POSITION, HOW MUCH DO YOU THINK, OR DO YOU THINK IT WAS A FACTOR IN THE, IN THE THINKING OF THE BOARD OF TRUSTEES THAT IF THEY DIDN'T ACT IN THIS FASHION, THE GOVERNOR MIGHT JUST SIMPLY SHUT THE UNIVERSITY DOWN?

Clark: Oh, I don't think there's any doubt that, that a major tension within the Board of Trustees was the desire by a number of trustees to act in a way that would preserve the University as an institution. They were concerned that the governor, that Governor Barnett, had the power to close the University, and that he was very much against this initial official act of integrating the University taking place during his administration.

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INTERVIEWER: IN FACT WHILE I'M THINKING ABOUT THE COURT CASES, NOT TO, NOT TO GET INTO LITTLE ARGUMENTS, BUT ONE OF THE STRIKING PARTS OF THE CASE IS JUDGE WISDOM'S CHARACTERIZING THE LOWER COURTS ACTIONS AS OCCURRING IN THE ATMOSPHERE, THE ERIE ATMOSPHERE OF NEVER-NEVER LAND. NOW DID YOU THINK IT WAS A NEVER, NEVER LAND?

Clark: [laughs] No, I did not think it was a Never-never land. As I tell you, as a litigator, I was convinced that the procedural steps and the arguments and the evidence that we advanced in that case were sound arguments and sound evidence. It, I, in looking back at the opinion myself I'm more bemused by the dissenting judge's remarks than ever before, in which he said that considered as a brief for James Meredith that Judge Wisdom's opinion was a masterpiece. You can, as a judge, I have learned, write too strongly when you let your own personal feelings get involved in what you're deciding as a matter of law. And this, again I go back to the incident that I tell you that his characterization of the Meredith deposition in which the question was, did you, essentially did you swear falsely? And the answer was "yes sir," was merely an indication that Meredith was being attentive to the question. [laughs]

00:16:42:00

INTERVIEWER: WE HAVE TO, WE HAVE TO—

Clark: Yeah.

INTERVIEWER: DO YOU—ACTUALLY, THINKING ABOUT MEREDITH ON THE STAND, COULD YOU TELL US SOMETHING ABOUT HOW HE APPEARED TO YOU WHEN YOU, WHEN YOU QUESTIONED HIM. DID HE APPEAR TO BE SERIOUS, OBSESSIVE? A MAN WITH A MISSION AS HE WAS CALLED?

Clark: No. I was, I was very impressed with, with James Meredith in—at the time and in retrospect also. His contacts with me, in his contacts with me I found him to be calm and I found him to be deliberate and I found him to be forthcoming. I, I think that he did choose to make this issue. And I think it's perfectly appropriate that he chose to make the issue. He had as much right to, to contest the action that the University took as the University had to defend itself against his contention.

INTERVIEWER: THAT'S VERY, THAT'S A VERY NICE, THAT'S VERY, VERY NICE. LET'S STOP FOR A MOMENT.

[cut]

00:17:56:00

[slate]

CAMERA CREW MEMBER: MARKER.

INTERVIEWER: YOU WERE—

CAMERA CREW MEMBER: JUST A SECOND.

Clark: What I was going to tell you was in one incident that I particularly recall Meredith's demeanor. We had asked him if he would allow us to look at his Army service records, his Air Force service records and I can recall that Meredith came to the attorney general's office with a swagger stick in his hand and was very calm and very deliberate and said, why certainly you can look at my Air Force records. And he, we said, well will you sign a permission to that effect? And he said, certainly I will, and he signed it. I then took that permission to St. Louis and obtained the review of his records which ultimately disclosed that he had been examined by an Air Force psychiatrist and had quite a bit of difficulty. In fact it was one of the most telling pieces of evidence of, of Meredith's rather unstable character which later evidenced itself long after this trial.

00:19:10:00

INTERVIEWER: WHEN YOU SAID HE HAD A STAG—SWAGGER STICK DO YOU THINK THAT HE WAS AFRAID OF SOMETHING THAT WOULD HAPPEN IN YOUR OFFICE?

Clark: Of course not. It was entirely affected. It was just, he was just a fellow who was determined to confront any part of the establishment that he came in contact with. I mean, but he was, what I meant to convey by it was that he had a little stick in his hand, it was not, not a weapon of any kind, it was just a little switch sort of looking thing. And he was jauntily dressed and I remember his air was one in which he displayed no, mission as such, he was just about the business of being a fellow who was very sure of himself and somewhat cocky.

00:19:58:00

INTERVIEWER: YOU KNOW, YOU TALKED ABOUT, THINKING ABOUT THIS, YOU TALKED ABOUT HOW THE MEREDITH CASE BECAME, WELL, THERE WAS THIS INTENSE FOCUS ON MISSISSIPPI, ALMOST A TARGETING OF MISSISSIPPI. AND I WONDER IF YOU COULD TALK ABOUT, YOU KNOW, HOW YOU FELT ABOUT THAT, WHAT THAT WAS AND WHAT THAT MEANT?

Clark: [pause] I'm not too sure that I can, I can tell you that, that certainly the, the Meredith case attracted more attention than any case that I had ever litigated before, there was much more public interest—

INTERVIEWER: NO I THINK THAT YOU WERE SAYING THAT IT BECAME, MISSISSIPPI BECAME A KIND OF A WHIPPING BOY, AND ALMOST—

Clark: Oh, well, that's sort of the permanent situation in Mississippi, I think. Mississippi is constantly held up to be the bad example in race relations in this country. I wish there was some way to change that. I can, I can easily realize the historical reasons for that. I, I would say at the same time though that Mississippi contains the same number of people of both races, of good virtue, and high morals and earnest desires for, for peace and harmony and good will and all the other things and it, to get set into a context of, of expectations of others is, is disconcerting to say the least, I think it's more than that, I don't, I don't have the right word at the tip of my tongue. It's disheartening at times that this idea won't go away, that this perception of the state as rural and backwards and unyielding and inveterate is, is wrong. I think that there is no more racial prejudice in Mississippi than there is in Boston. I think it manifests itself in different ways.

INTERVIEWER: STOP FOR A MOMENT THERE WAS A—

[cut]

00:22:26:00

[slate]

[change to camera roll 226]

CAMERA CREW MEMBER: ROLL 226. MARKER.



INTERVIEWER: FINALLY IN THE FIFTH CIRCUIT COURT—NOW WE'VE GONE THROUGH THE TRIAL PROCEEDINGS, WE'VE LOOKED AT THAT, WE'RE INTO THE APPEALS PROCEEDING WE'RE AT THE END OF IT, YOUR CLIENTS WERE TOLD THAT THEY HAD TO AGREE TO COMPLY WITH THE RULING [pause] OR BE JAILED. COULD YOU TELL US ABOUT THAT, WHAT THEIR REACTION WAS, AND WHERE THAT LEFT YOU AT THAT POINT?

Clark: Well, at that exact point, at the point where the court had ordered Meredith to be admitted, the, the entire matter was settled in the courthouse and as a matter of, of, showing you what a small world it is, actually settled in the office that I now occupy in the Fifth Circuit Court of Appeals. But the board met there in a, on a brief adjournment of the court and came back and said that they would comply. I can remember very well because I remember one of the judges on the court said, Mr. Clark we've heard you argue extensively here today about legal propositions, but said the question that I've got to ask you is will your clients admit James Meredith to the University or not? And I can remember saying, well I'll have to have a recess and confer with my clients about that. We did confer, we came back and the board said, as you know, that they would admit Meredith to the University and would make plans to register him in Jackson so that it would be very quiet and could be done in an orderly fashion and the court permitted that and the board made up its mind very quickly that there was going to be no question of defiance about admitting Meredith once the court had made the order that he should be admitted. In the weeks before that though, I can recall meeting with my clients, the Board of Trustees and I can recall a great deal of, of pressure on them from the Governor's office. Stand fast; do not ever indicate that you will make this concession. That you will admit this man to the University that you don't think is qualified. And the board kept exploring, the members of the board would keep saying, well, now what? Why do you say this? How can we do this? It would be against the law. And the message would come back from the Governor's office, not to me or through me and I've never heard the governor himself speak the words, but don't worry I have a plan. Well, when the board finally faced the court and the court said you must admit him [loud boom] the board said we will.

INTERVIEWER: OH SHOOT, STOP PLEASE.

[cut]

00:25:28:00

[slate]

CAMERA CREW MEMBER 1: MARK IT PLEASE.

CAMERA CREW MEMBER 2: MARKER.

INTERVIEWER: WAIT TILL HE GETS OUT THE DOOR AND CLOSES IT AND THEN JUST GIVE US THAT IN SUMMARY.

Clark: All right. I can recall that when the court said will you admit Meredith to the University? I asked for a recess to talk with my clients. We got together and they said tell us, as a lawyer, what this means. And I said it means that if you don't admit Meredith, you're going to prison and Meredith's going to Ole Miss. And they said that they certainly had no intention of violating the court's order and that they fully intended to admit Meredith and I was authorized to so represent to the court and I did so at that time.

00:26:15:00

INTERVIEWER: VERY CLEAR. WERE YOU ALSO THERE IN COURT WHEN, WHEN BURKE MARSHALL SAID THAT HE WAS PREPARED ON BEHALF OF THE FEDERAL GOVERNMENT TO ENFORCE IT IF NECESSARY

Clark: Yeah.

INTERVIEWER: THERE—ENFORCE THE COURT'S ORDER?

Clark: This is another proceeding now, not at the same time.

INTERVIEWER: I'VE JUMPED AGAIN. DID YOU UNDERSTAND BY THAT, THAT HE MEANT TROOPS? WAS THAT CLEAR AT THAT POINT?

Clark: I cannot remember that incident precisely. I can remember it in this way. I remember that after Governor Barnett had defied the court order and interposed himself between the registrar and Meredith and turned Meredith away that there was a question of what action would be taken to enforce the court's order. And I can remember at that point the United States had intervened in the Meredith case which up until that time had been Meredith represented by the NAACP council against the Board of Trustees represented by the attorney general's office. I can remember that, that Judge Motley took a very hard stance—

INTERVIEWER: I'M GOING TO ASK YOU NOT TO CALL HER A JUDGE, SHE WASN'T AT THE TIME.

Clark: All right. I can remember that Mrs. Motley—

CAMERA CREW MEMBER: START AGAIN.

Clark: Start again? I can remember that Mrs. Motley took a very hard stance and insisted that the ultimate force, or as much force as necessary, be imposed and I can remember that Burke Marshall adopted a more conciliatory stance with the court. Now the details of exactly how that was expressed leave me. I know that that, that those were the positions of the parties at the time.

00:28:18:00

INTERVIEWER: ACTUALLY, WE'RE COMING TO THE END OF THE COURT PROCEEDINGS AND I WONDER IF YOU COULD TELL ME AGAIN WHAT YOU TOLD ME ON THE PHONE ABOUT WHAT YOU SEE AS—WHAT YOU SAW AS THE VALUE OF COMPLETING THIS LEGAL PROCESS, IN TERMS OF SOCIAL CHANGE; WHAT THAT MEANS TO THE PUBLIC.

Clark: All right. Let me tell you this that the context of the Meredith case was an unusual one to achieve social change in the sense that it, it was the use of the litigation process, which is a case by case individual action process. The use of this process is, is certainly unsatisfactory in—you got to stop now—

00:29:11:00

[cut]

[wild audio]

INTERVIEWER: LET'S STOP NOW.

Clark: I've really I've lost, I've lost my train—

00:29:13:00

[cut]

[slate]

CAMERA CREW MEMBER: MARK IT. STAND BY.

INTERVIEWER: LET HIM GET SETTLED IN. HOLD UP.

Clark: All right. I think given the conditions, the social conditions that existed in Mississippi in 1961 if, when James Meredith brought this lawsuit against the University, the University system had simply said well if you sue us, we'll, we'll admit you, had capitulated without testing his right to be admitted. In the regular processes of litigation there would have been a great deal more unrest and ferment, turmoil as a result. I think that it was important to the state of Mississippi to conduct a test in accordance with the usual procedures of law to determine whether or not Meredith was entitled to admission. And from that standpoint I think that it was the right decision by the, I thought, it was the right decision by Mississippi at the time, I continue in retrospect to think that it was the correct decision to raise all proper legal defenses.

00:30:27:00

INTERVIEWER: AND COULD YOU, JUMPING TO THE END OF IT THEN, TELL US WHAT YOU THINK WAS—TALK ABOUT THE VALIDATING NATURE OF HAVING GONE THROUGH THIS WHOLE PROCEEDING.

Clark: And I think that by virtue of the fact that the University did make its defenses and did have an opportunity before the court system to make those defenses, I think that you added a, a type of validation to the process that was the healthy way, the correct way to initiate this, this change.

INTERVIEWER: GOOD, GOOD. COULD WE STOP FOR A MOMENT PLEASE? THINK ABOUT WHETHER TO ASK ANYTHING ELSE.

[cut]

00:31:17:00

[slate]

CAMERA CREW MEMBER: MARK IT.

INTERVIEWER: CAN YOU TELL US WHERE YOU WERE THE NIGHT OF THE RIOT AND WHAT YOU DID WHEN YOU HEARD ABOUT IT?

Clark: I can remember that. I was across the street from this office preparing a motion which we were obliged to file in the court the next day in some phase of this litigation against the Governor at that time. My law partner called me at the library there and asked me if I realized that, there was rioting going on, on the Ole Miss campus. I was not. He had a daughter that was enrolled at the institution. He was very concerned and in response to his concern I said well I'll go across the street and see the governor and be sure that he knows that everything is being done that can be done to stop this condition. I did go over to the mansion and I did advise the Governor at that time that there was rioting at Ole Miss. He already knew it, obviously.

00:32:22:00

INTERVIEWER: DID HE SAY I'M, I'M DOING SOMETHING OR DID HE HAVE ANY COMMENTS ABOUT IT?

Clark: I urged him at that time and strictly as a citizen not as his lawyer to consider getting on the radio and the television and broadcasting to the state to stay calm, to realize that the federal government was a superior physical force and that they had the power to put anybody in the University—on the University campus if they wished to and they would be foolish to resist and people should not take the law into their hands. And I can recall that the Governor at least entertained my arguments, but he never did so.

INTERVIEWER: WERE YOU—

Clark: Or not immediately.

INTERVIEWER: WERE YOU AWARE THAT HE WAS TALKING WITH THE—

CAMERA CREW MEMBER: WE'RE AT THE END OF A ROLL.

INTERVIEWER: PRESIDENT AND OTHERS? OH, STOP FOR A MOMENT. I CAN ASK YOU THIS—

[cut]

00:33:20:00

[slate]

[change to camera roll 227]

CAMERA CREW MEMBER: CAMERA ROLL 227, MARKER.

Clark: I did learn through other sources and through information that came to me at a later time that the Commissioner of Public Safety, Commissioner Birdsong, on the evening of the riot had gotten orders from the Governor's office to place highway patrolmen in a corridor cordoned around the University of Mississippi and not to let people bearing firearms come into that area. I do know that at some time, sometime or times during that evening countermanning orders were given to the highway patrol that relaxed that surveillance but it was not a total abdication of power, or I think the situation would have been tremendously worse. I do know that highway patrolmen did form a, a ring around the Lyceum building on the University campus in an effort to keep the marshals—keep the crowd back from the United States marshals that accompanied Meredith that, that night to the Lyceum building. And I do know that those officers suffered wounds that evening in the defense of that perimeter that they maintained.

00:34:39:00

INTERVIEWER: DO YOU HAVE ANY SENSE OF, OF WHAT WAS, IF ANYTHING, WAS WON WHEN JAMES MEREDITH WAS REGISTERED OR WHAT WAS LOST? ANY, ANY SENSE OF...

Clark: I've got a, I've got a sense that the University suffered immeasurably. It has never been since then the same institution that it was before that time in my eyes. I think that it, it has achieved some successes since then, but I think that it was irreparably damaged, well, irreparable is too big a word, I think that it was measurably damaged by the Meredith incident for many years afterwards.

00:35:28:00

INTERVIEWER: BECAUSE OF THE PUBLICITY?

Clark: Because of the publicity, because it was the focus of a racial integration incident and the University got a bad name for even defending itself in the courts. Historically, and as I tell you that as far as I'm concerned then and now it had a complete legal right to make a defense in the courts to the charges against it.

00:35:55:00

INTERVIEWER: ONE FINAL QUESTION, WHICH IS IN TERMS OF THE CONSTITUTIONAL PROCESSES, WHAT DO YOU THINK THAT THIS INCIDENT MEANT TO, TO OUR HISTORY, DO YOU THINK THAT IT WAS A, AN AFFIRMATION OF, OF THE STRENGTH OF THEM OR DO YOU THINK IT WAS A FAILURE? A PLACE WHERE THEY FAILED?

Clark: I think that it on the whole the answer has to be that it was a reinforcement, a positive reinforcement of the rule of law.

INTERVIEWER: COULD YOU, COULD YOU TELL ME THAT AND EXPLAIN IT A LITTLE BIT?

Clark: Well.

INTERVIEWER: USING THE MEREDITH CASE AS, AS—INSTEAD OF “IT.”

Clark: Let's look at it in a, in a broader view. A person claims a denial of right. The person who is claimed to have taken that right says I did not. It is submitted with proof to a court. That case is appealed. The appellate review process takes place. At the end of the process there is an order. We say that the man's rights have been denied and that order eventually is enforced. It's enforced at some great personal sacrifice to a number of people, people who lost their lives, but it was in the process of showing that we're going to live by the rule of law and because it did take that configuration, I think, it strengthened the legal process. It, it's, it's certainly not the way you want it to happen, but every once in a while a lot of our institutions have to be tested and I think it was tested and it was proved valid and effective.

INTERVIEWER: THAT IS A WONDERFUL WRAP AND ANSWER. THANK YOU VERY MUCH.

Clark: All right.

[cut]

[end of interview]

00:37:48:00

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