

“The Saddest Story of the Whole Movement”: The Clyde Kennard Case and the Search for Racial Reconciliation in Mississippi, 1955–2007

by Timothy J. Minchin and John A. Salmond

In December 2005, Jackson *Clarion-Ledger* reporter Jerry Mitchell tracked down the key witness from a little-known trial that had occurred in Hattiesburg more than forty-five years earlier. In November 1960, the testimony of Johnny Lee Roberts had provided the crucial evidence leading to the conviction of Clyde Kennard, a thirty-three-year-old farmer who was trying to become the first African American to attend Mississippi Southern College (now the University of Southern Mississippi). As an illiterate nineteen-year old, Roberts had testified that he had planned a burglary of the Forrest County Co-op with Kennard, who he claimed had asked for some chicken feed “on the side.” For this crime, the former University of Chicago student had received a maximum seven-year sentence in the Parchman Penitentiary, a sentence that prevented his ever applying to any of Mississippi’s all-white colleges again. Now,

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however, Roberts informed Mitchell in 2005 that Kennard had “nothing to do with stealing the chicken feed” and that he had been arrested “not because of the feed but because he was trying to go to Southern.” In his sixty-fifth year Roberts had come clean because he had “always felt bad about what happened to Clyde,” who had developed intestinal cancer in prison and had been denied the treatment he needed. Eventually released by Governor Ross Barnett when it was clear that he would not recover, Kennard died in July 1963 at the tragically young age of thirty-six. He was buried in his native Forrest County, at the Baptist Church where he had once taught Sunday school and directed the youth choir.¹

Mitchell’s articles publicizing Roberts’s recantation prompted widespread interest in the Kennard case and led to a renewed determination to clear the victim’s name. Among those who petitioned Governor Haley Barbour for a posthumous pardon were state senators, business leaders, and activists from the NAACP and the Center for Wrongful Convictions at Northwestern University. At the University of Southern Mississippi, the Afro-American Students Association also got involved and exerted local pressure. “This is something that should have been taken care of years ago,” asserted LaKeisha Bryant, the group’s president. “For too long, we’ve sat back and kept quiet about it.” Kennard’s supporters built a powerful movement that bore results. While Barbour refused to issue a pardon on the grounds that state law made no provision for exonerating the dead, he did acknowledge that Kennard was “entitled to have his rights restored.” On March 30, 2006, the governor also declared “Clyde Kennard Day,” an event that helped bring the case to the attention of national figures such as NAACP leader Julian Bond and Pulitzer Prize-winning author Taylor Branch. Undoubtedly influenced by the hundreds of pleas placed before him, two months later Forrest County Circuit Judge Robert Helfrich vacated Kennard’s conviction, one of a number of recent legal rulings in which the state of Mississippi has begun to confront its violent segregationist past. As Helfrich

¹ Jerry Mitchell, “The Clyde Kennard Story,” *Jackson Clarion-Ledger*, December 31, 2005, 1A; Affidavit of Johnny Lee Roberts, January 27, 2006, 3, available at the Clyde Kennard exoneration Web site: <http://www.6district125.k12.il.us/bbradfor/kennardmission.html> (hereafter cited as “Kennard Exoneration Web site”). This site is the result of the work of teachers and students from the Adlai E. Stevenson High School in Lincolnshire, Illinois, who in 2005 and 2006 worked with the Center for Wrongful Convictions at Northwestern University on the successful campaign to clear Kennard’s name. Copies of all documents that were downloaded from this site are in the authors’ possession.

acknowledged, the Kennard case was "a right and wrong issue," and he had acted to "correct that wrong."²

Even in a state with a notoriously racist justice system, Kennard's treatment was particularly unfair. According to John Dittmer, arguably the foremost historian of Mississippi's civil rights movement, Kennard's case was "the saddest story of the whole movement," a grave injustice "against a young man whose only offense was a desire to attend a college near his home." The Kennard case, adds historian Joseph Crespino, constitutes "one of the darkest stains on Mississippi's white leadership." At the time, Kennard's plight had a dramatic impact on NAACP state secretary Medgar Evers, who spent his own short life investigating numerous examples of racially motivated injustice. In 1961 Evers uncharacteristically broke down when he tried to discuss his friend's plight at a Freedom Fund banquet in Jackson. As Evers's widow wrote in 1967, the Kennard case "was one of the long wracking pains of Medgar's years as Mississippi field secretary. He knew Clyde well and loved him ... He stood there in front of hundreds of people as though his heart would break. Hundreds of us cried with him."³

Over the last decade or so Kennard has received overdue scholarly recognition. In *Local People: The Struggle for Civil Rights in Mississippi*, Dittmer has eloquently summarized the Kennard case, while Taylor Branch also gave some coverage to the young man's experiences in his trilogy *America in the King Years*.⁴ In addition, both Yasuhiro Katagiri and David G. Sansing have explored Kennard's plight in their books on

² These details are drawn from the *Hattiesburg American's* coverage of the Kennard case on the following dates: March 30, April 7 and 14, and May 17 and 18, 2006. For a summary, see Jerry Mitchell, "Judge Rights Wrong," Jackson *Clarion-Ledger*, May 18, 2006, 1A.

³ Jerry Mitchell, "Story of False Arrest Called Civil Rights Movement's Saddest," Jackson *Clarion-Ledger*, December 31, 2005, 1A (first Dittmer quotation); John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1995), 79 (second quotation); Joseph Crespino, *In Search of Another Country: Mississippi and the Conservative Counterrevolution* (Princeton: Princeton University Press, 2007), 289; Mrs. Medgar Evers with William Peters, *For Us, the Living* (Garden City, New York: Doubleday, 1967), 215-25, quotation on 224-25.

⁴ Dittmer, *Local People*, 79-83; Taylor Branch, *Parting the Waters: America in the King Years, 1954-63* (New York: Simon and Schuster, 1988), 344, and *Pillar of Fire: America in the King Years, 1963-65* (New York: Simon and Schuster, 1998), 51-52, 62-63, 74.

the State Sovereignty Commission and the history of higher education in Mississippi, respectively.⁵

Despite these efforts, there are still gaps in the coverage of this important case. Published well before the Jackson *Clarion-Ledger* reopened it, existing studies have been unable to cover the recent campaign to have Kennard pardoned. Rather than being an isolated incident, the fight to exonerate Kennard is part of a broader effort to redress wrongs that occurred during the civil rights era. In late 2005, for example, the Alabama Legislature passed a measure removing the convictions of those charged with violating segregation-era ordinances from the court records. Several Deep South states have also staged "atonement trials" that have corrected earlier miscarriages of justice. Between 1994 and 2007, for instance, Mississippi prosecutors successfully closed twenty-seven of these cases. In one high-profile example, the state finally convicted Bryon de la Beckwith for the slaying of Medgar Evers, overturning two previous mistrials. More recently, the trial of eighty-year-old Edgar Ray Killen gained sustained national and international attention. In 2005, Killen was convicted of the manslaughter of Michael Schwerner, Andrew Goodman, and James Chaney, three civil rights workers who had disappeared in Neshoba County more than four decades earlier. In a move that brought a sense of closure to many, the former Klan leader was sentenced to sixty years in prison for orchestrating the murders.⁶

The original Kennard case also warrants further examination. A detailed reading of the primary sources from the late 1950s and early

⁵ Yasuhiro Katagiri, *The Mississippi State Sovereignty Commission: Civil Rights and States' Rights* (Jackson: University Press of Mississippi, 2001), 55-60, 127-28; David G. Sansing, *Making Haste Slowly: The Troubled History of Higher Education in Mississippi* (Jackson: University Press of Mississippi, 1990), 148-54. For a summary of the Kennard case, see also David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996), 231-233; Erle Johnston, *Mississippi's Defiant Years, 1953-1973: An Interpretive Documentary with Personal Experiences* (Forest, Miss.: Lake Harbor Publishers, 1990), 53-55. For a student paper on the Kennard case, see Aaron Watkins, "Clyde Kennard: Integration Agitator," April 10, 2003, in "Kennard, Clyde," Mississippiana Vertical File, McCain Library and Archives, University of Southern Mississippi (hereafter cited as "Kennard Vertical File-USM").

⁶ Julian Borger, "Civil Rights Heroes May Get Pardons," *Guardian*, April 4, 2006; Renee C. Romano, "Narratives of Redemption: The Birmingham Bombing Trials and the Construction of Civil Rights Memory," in Renee C. Romano and Leigh Radford, eds., *The Civil Rights Movement in American Memory* (Athens: University of Georgia Press, 2006), 96-133; Howard Ball, *Justice in Mississippi. The Murder Trial of Edgar Ray Killen* (Lawrence, University Press of Kansas, 2006).

1960s, particularly the Sovereignty Commission's extraordinary records, provides fresh insights into Kennard's motives and the incredible lengths that state officials went to in order to undermine him. Kennard's writing also needs to be explored further, especially as he forcefully attacked the various arguments that were used to defend the Jim Crow system.⁷

The recent campaign to clear Kennard's name has also highlighted the important and largely unrecognized role he played in America's civil rights struggle. Dubbed by the Sovereignty Commission as an "integration agitator," Kennard was a genuine civil rights pioneer who put his life on the line in an effort to desegregate higher education in Mississippi. Some of Kennard's supporters have even asserted that he was a martyr who "helped open the door for all men and women to attend the college of their choice." According to the *Clarion-Ledger*, Kennard was an unrecognized "political prisoner" whose actions "changed this state for the better."⁸

Kennard's case engages with a broader debate about the role of little-known trailblazers within the civil rights movement. While he was partly inspired by Dr. Martin Luther King, Kennard acted independently of established groups. In the last two decades, historians have increasingly moved beyond a focus on King and have instead studied black activism at the local level. In the process, they have uncovered the diversity of the movement and have stressed the activities of numerous grassroots figures. Like Kennard, in the 1940s and 1950s thousands of activists laid the "groundwork" for the gains that African Americans made in the succeeding decades.⁹

⁷ See, for example, Clyde Kennard to Aubrey K. Lucas, September 8, 1959, 1-27-0-29-1-1-1, records of the Mississippi State Sovereignty Commission, available electronically at <http://mdah.state.ms.us/arlib/contents/er/sovcom/> (accessed March 10-13, 2008), hereafter cited as "MSSC Records."

⁸ Zack J. VanLandingham to Governor J.P. Coleman, December 18, 1958, 1-27-0-14-1-1-1, MSSC Records (first quotation); "Carrying the Burden: The Story of Clyde Kennard," May 16, 2006, Kennard exoneration website (main page); "Kennard Grant: Scholarship Recognizes Achievement," Jackson *Clarion-Ledger*, October 4, 1994, clipping in Clyde Kennard Subject File, Mississippi Department of Archives and History, Archives and Records Services Division, Jackson, Mississippi; and "Kennard: A Measure of Justice in Tragic Case," Jackson *Clarion-Ledger*, April 1, 2006, 11A.

⁹ For a good overview of this literature, see Jeanne Theoharis and Komozi Woodard, eds., *Groundwork: Local Black Freedom Movements in America* (New York: New York University Press, 2005). See especially Charles Payne's "Foreword" (ix-xv) and the introduction by Theoharis and Woodard (1-16). For particularly influential local studies, see William H.

Long before the case was officially reopened, many black Mississippians were aware of Kennard's stand. In interviews conducted by scholars at the University of Southern Mississippi more than a decade earlier, African Americans who had known Kennard placed him on a pedestal and were scathing in their descriptions of how he had been treated by the white authorities. These interviews were conducted as part of the "Civil Rights Documentation Project," which was funded by the Mississippi Legislature in an effort to record the full history of the state's black freedom movement.¹⁰ Lifelong NAACP activist Constance Baker spoke of Kennard being "killed," while Hattiesburg pharmacist James Cohen felt that Kennard's framing was "one of the things that caused his death."¹¹ Others related the view that Kennard had been "injected with something and as a result of that developed cancer and died." In general, local blacks felt that Kennard had been innocent and that the evidence against him had been "planted."¹² In her 1967 memoir, Myrlie Evers also asserted that the gifted student had been framed for his temerity in repeatedly defying the white authorities. "Mississippi," she asserted, "not only punishes Negroes like Clyde Kennard. If it can, it tortures them." Evers felt that Kennard's case was the "worst" of the many injustices that she had witnessed in these years.¹³

Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (New York: Oxford University Press, 1980); Robert J. Norrell, *Reaping the Whirlwind: The Civil Rights Movement in Tuskegee* (New York: Alfred A. Knopf, 1985); Dittmer, *Local People*; Emilye Crosby, *A Little Taste of Freedom: The Black Freedom Struggle in Claiborne County, Mississippi* (Chapel Hill: University of North Carolina Press, 2005); J. Todd Moya, *Let the People Decide: Black Freedom and White Resistance in Sunflower County, Mississippi, 1945-1986* (Chapel Hill: University of North Carolina Press, 2004). For an overview of this scholarship, see Charles W. Eagles, "Toward New Histories of the Civil Rights Era," *Journal of Southern History* LXVI:4 (November 2000), 826-29.

¹⁰ For further details, see <http://www.usm.edu/crdp/html/bibliography.shtml> (accessed April 3, 2009).

¹¹ Constance Baker interview with Kim Adams, April 3, 1995, 13, Civil Rights Documentation Project, Special Collections Department, McCain Library and Archives, University of Southern Mississippi (hereafter cited as CRDP-USM); James Cohen interview with Mike Garvey, February 2, 1976, 17, CRDP-USM. Transcripts for all the USM interviews cited here are available electronically at: <http://www.lib.usm.edu/%7Espcol/crda/oh/index.html> (Page numbers given here refer to the printed transcripts).

¹² Iva E. Sandifer interview with Kim Adams, November 20, 1994, 12, CRDP-USM; Clearese Cook interview with Kim Adams, November 1994, 12, CRDP-USM.

¹³ Evers, *For Us the Living*, 214, 221.

Clyde Kennard was born in Hattiesburg on June 12, 1927, into a farming family. Quiet and studious, he moved to Chicago when he was twelve in order to live with an older sister and attend school. When he was eighteen, Kennard joined the Army; in the course of his seven-year stint, he served in both Germany and Korea and received an honorable discharge. When he left the military, he used some of his savings to make a down payment on a twenty-acre farm for his mother and stepfather (Kennard's mother had re-married following the death of his father). In 1955, however, Kennard's stepfather also died, and Clyde had to leave his studies at the University of Chicago and return to Hattiesburg to help his mother run the family farm. Having completed nearly three years of a political science major, Kennard wanted to continue his education and Mississippi Southern was just a fifteen-minute drive from his home in Eatonville. There was no black college in the area. Although the surviving records only offer glimpses of what Kennard was like as a person, those who knew him remark on Kennard's integrity, his strong religious faith, and his determination. A former grocer in the Eatonville area, Constance Baker recalled that, "I knew Clyde Kennard and Clyde Kennard was just as nice a person as you wanted to meet....to me he was just a Christian."¹⁴

Kennard's background provides some clues as to why he challenged the status quo. His time in the North probably made him more militant, as blacks there were free to vote and could use public facilities more freely than they could in the South. Military service was also crucial in motivating a generation of southern black men to fight for their civil rights at home. According to James Nix, a contemporary of Kennard who had also served overseas, "I had spent thirty months in Europe—why should I go overseas and protect my country, try to fight for my country, and then come back and be a second class citizen?" When he served in Germany, moreover, Kennard was even assigned to teach an Army de-Nazification course in democracy to local youths. Finally, the family farm gave Kennard a degree of economic independence that assisted his efforts to desegregate Mississippi Southern.¹⁵

¹⁴ Evers, *For Us the Living*, 215; Zack J. VanLandingham to Governor J.P. Coleman et al., December 17, 1958, 1-27-0-6-11-1-1, MSSC Records; Constance Baker interview with Kim Adams, April 3, 1995, 13, CRDP-USM.

¹⁵ James Nix interview with Sarah Rowe, March 7, 1993, 5, CRDP-USM; Dittmer, *Local People*, 1-18.

Kennard's attempts to enroll at the college were still remarkable, especially as they occurred in a state that was widely regarded as the most racially repressive in the entire nation. As NAACP leader Roy Wilkins asserted, in its treatment of its black citizens Mississippi had traditionally been "the worst state." In the early 1950s more than 45 percent of the Magnolia State's population was African American but less than 6 percent of the eligible black electorate was registered to vote. Most blacks were afraid to register because they worked as sharecroppers or day laborers on white-owned plantations. Most blacks were consequently much poorer than whites; in 1949, for instance, the median income for blacks in the state was \$601 a year but for whites it was \$1,614. As late as 1959, Mississippi's educational system was also segregated from kindergarten through to the graduate level of college, and blacks had not filed any suits to gain entrance to white schools. While the authorities in some southern states were beginning to desegregate their schools and public facilities, most white Mississippians tried to shield their state from outside influences. Living through these years, University of Mississippi history professor James Silver dubbed the state a "closed society," and the Sovereignty Commission was established by the Mississippi Legislature in 1956 specifically to fight outside efforts to impose integration.¹⁶

The commission repeatedly boasted of its success in upholding a segregated educational system, which it saw as the cornerstone of the entire Jim Crow society. As one commission report declared in 1959, "There are no schools integrated in the State. There is not even a suit in court attempting to integrate the schools. We have had far less trouble on this issue than any other state in the South."¹⁷ In 1960, the NAACP charged that "any Negro who applies to a 'white' school in Mississippi is a marked man," a judgment that was borne out by Kennard's treatment at the hands of the authorities. Other trailblazers fared little better. In 1958, black minister Clennon King had attempted to enroll at the University of Mississippi but was whisked off campus and committed to the state mental hospital, where he was held for two weeks under

¹⁶ Dittmer, *Local People*, pp. 20, 28, 423; James W. Silver, *Mississippi: The Closed Society* (London: Victor Gollancz, 1964), 3-10.

¹⁷ "Negro Renewing Try For College: Would be State's First," *Memphis Commercial Appeal*, December 11, 1958; "State Sovereignty Commission," 11, December 13, 1959, 7-0-1-56-1-1-1, MSSC Records.

observation. Pronounced sane, King did not try to re-enroll and later left the Magnolia State.¹⁸ As his lengthy letters suggest, however, Kennard believed that he could reason with the Mississippi Southern College’s administrators and win them over to his cause, a belief that turned out to be misplaced. Raylawni Branch, one of the first black students at the University of Southern Mississippi, recalled that, “Clyde was the kind of person who actually believed in the goodness of man. He thought that he did not need any protection.” Branch had met Kennard when he visited Fat’s



Clennon King, courtesy the Mississippi Department of Archives and History.

Kitchen, a restaurant on Mobile Street where she worked. She related that Kennard had brushed off suggestions that another black person should accompany him when he applied at Mississippi Southern.¹⁹

Although he had been active in the NAACP’s youth chapter in Hattiesburg, Kennard acted on his own when he applied at Mississippi Southern. At this time, Hattiesburg was a deeply segregated town, and civil rights organizations had little influence in the area. Even in 1963, the year that Kennard died, fewer than a hundred of Forrest County’s 8,000 voting-age blacks could vote, and intimidation was so prevalent that no black church or club would allow the NAACP to meet in its buildings.²⁰ Recalling this era, local African Americans remembered that many young people had to move to the North in order to better themselves. As lifelong resident Clearese Cook recalled, “we had the

¹⁸ “Lawyers Work on Appeal of Mississippi NAACP Aide in Contempt Case,” NAACP Press Release, 1, December 15, 1960, 2-72-1-72-2-1-1, MSSC Records (quotation); “Board of Trustees Split on Meredith,” Jackson *Clarion-Ledger*, September 16, 1962.

¹⁹ Evers, *For Us, the Living*, 215-16; Raylawni Branch interview with Kim Adams, October 25, 1993, 3, CRDP-USM.

²⁰ Branch, *Pillar of Fire*, 52. For more information on voter registration efforts in Hattiesburg, which did gather some momentum after Kennard’s death, see Dittmer, *Local People*, 181-84.

post office here, but no black could work there. But then they went to Chicago and other places, and they could get jobs in the post office and jobs in social security areas...and banks." Although Kennard was one of five children, all of his siblings left Mississippi as young people, and Clyde only came back because of family circumstances. He returned in 1955, the same year that fourteen-year-old Emmett Till was lynched in Tallahatchie County after he was accused of making a sexually suggestive remark to a white female store clerk. In other parts of the state, Rev. George E. Lee and Lamar Smith were also killed that year because they had encouraged blacks in their communities to register to vote. These were not isolated incidents; by 1967 the NAACP claimed that over three hundred racist killings had occurred in Mississippi since the turn of the century.²¹

Although Kennard is best known for his attempts to enroll at Mississippi Southern in 1958 and 1959, these efforts built on important precedents. The young farmer had first applied in 1955 but his application was denied because he could not supply references from five alumni who lived in his home county. Because the college only enrolled whites, this rule was clearly used as a way of maintaining segregation. According to college administrator Roger Johnson, Kennard tried again six months later, requesting that the five recommendations be waived. Refusing to give up, Kennard even talked to President William D. McCain, the former director of the Mississippi Department of Archives and History who had just been appointed to the college's top job. Kennard asked McCain for a list of all Mississippi Southern alumni in Forrest County but the administrator claimed that, "such a list was not available." Despite his public stance, McCain told the Sovereignty Commission privately that Kennard's grades were "above average" and that he had "met all of the requirements with the exception of furnishing the five recommendations from alumni in the county from which he was applying." Given McCain's beliefs about race, these admissions were surprising. With no chance of securing the references, who were supposed to vouch for his integrity, Kennard had to return to his chicken farm. As he explained later, in

²¹ Cook interview, 9, CRDP-USM; Dittmer, *Local People*, 53-56; Evers, *For Us, the Living*, 377; "Natchez Bomber Strikes Again," *The Crisis*, April 1967, 132.

a strictly segregated society "it would be impossible for graduates of Southern to know anything about my moral character."²²

As Kennard worked his chicken farm, the racial climate in his home state became increasingly repressive. In the wake of the *Brown* decision, which declared that racially segregated schools were unconstitutional, white Mississippians developed what John Dittmer has termed a "siege mentality so pervasive it encompassed virtually every citizen and institution." In 1954 and 1955, for instance, residents ratified constitutional amendments that stiffened voter registration requirements and allowed the legislature to abolish the public schools rather than integrate them. In the 1956 resolution of interposition, the legislature even declared *Brown* to be "invalid, unconstitutional, and of not lawful effect." In that same year the State Sovereignty Commission was established specifically to fight *Brown* and uphold segregation as a way of life. Termed by one journalist as "something akin to NKVD among the cotton patches," the commission boasted that it had "eyes and ears" in every county in the state. Within a decade the commission had amassed files on 250 organizations and over 10,000 individuals. At the head of the investigative team was Zack J. VanLandingham, a dour former FBI agent who coordinated a systematic campaign to undermine and discredit Kennard.²³

Despite the discouraging climate, on December 6, 1958, Kennard wrote a letter to the *Hattiesburg American* in which he announced his intention to enroll at Mississippi Southern for the quarter beginning in early January. In the letter, Kennard disputed the widely-held view that blacks could progress if they supported segregation. Kennard assuaged white fears that blacks wanted to mix socially with whites but explained that they did want to secure equal opportunities. "We prefer to be alone," he admitted, "but experience has taught us that if we are ever to attain the goal of first class citizenship, we must do it through a closer association with the dominant (white) group." Kennard then laid out his "creed," which was based on the belief that all individuals should be judged by their ability rather than their skin color. He ended

²² Zack J. VanLandingham to Governor J.P. Coleman, et al., 6, 10, December 17, 1958, 1-27-0-6-1-1-1, MSSC Records; "Negro May Sue if Southern Bars Him," *Delta Democrat-Times*, December 14, 1958 (closing quotation).

²³ Dittmer, *Local People*, 58-60; "Report to the Mississippi State Legislature on Activities of the State Sovereignty Commission," December 3, 1959, 8, 7-3-0-5-8-1-1, MSSC Records (closing quotation).



Clyde Kennard, courtesy the Clarion-Ledger.

by asserting that, "I had rather meet my God with this creed than with any other yet devised by human society." So eloquent was the letter that some local whites could not believe that it had been written by a black man.²⁴

Concerned by these developments, the Sovereignty Commission's investigators responded by trying to find "derogatory information" about Kennard.²⁵ In the process they explored every possible aspect of the applicant's life, including his financial history, his personal life, and his employment record. One report obtained from the Credit Bureau in early December asserted that Kennard had "no sense of responsibility" in meeting his financial obligations. Receiving this news, VanLandingham added that, "This seems to be a characteristic of the negro race in general, as shown in the extensive files of this organization. He has more obligations than income." Acting on instructions from Governor James P. Coleman, the senior investigator tried to gain access to Kennard's bank account but officials from the Citizens National Bank refused to hand them over. The Commission was also unable to find any record of a marriage license between Kennard's mother and stepfather, and staffers discussed whether this information could be used against the prospective student. Casting his net widely, VanLandingham even paid agents in Illinois and North Carolina to access Kennard's files at the University of Chicago and Fayetteville State Teachers' College, which the young man had attended while he was

²⁴ Clyde Kennard, "Letter to Editor," *Hattiesburg American*, December 6, 1958, 2A (quotations); Ronald A. Hollander, "One Mississippi Negro Who Didn't Go to College," *The Reporter*, November 8, 1962 30.

²⁵ Robert W. Pope to Zack VanLandingham, January 17, 1959, 1-27-0-21-1-1-1, MSSC Records.

stationed at Fort Bragg, North Carolina. From Chicago, for example, former FBI agent Kline Weatherford reported in mid-December that he had found “no record” of Kennard in the criminal or “subversive” files of the city’s police department.²⁶

State leaders soon realized that Kennard’s application was particularly problematic because there were no obvious grounds for refusing it. During the course of the initial investigation college registrar M.W. Kenna even told the commission that he had dealt with Kennard’s earlier application and had formed a grudging respect for the young farmer. As VanLandingham noted, “Dr. Kenna stated that he recalled the file and there was absolutely nothing derogatory regarding this applicant. Dr. Kenna stated that Clyde Kennard is a light colored Negro, he was a musician, played the organ, that he was very polite and courteous and appeared to be intelligent. He said the Negro was not offensive in any way.” Coming from a white official within the segregated system, this admission affirmed the genuine strength of Kennard’s case.²⁷

Unable to easily discredit Kennard, officials discussed other ways of thwarting his case. Six members of the White Citizens Council served on the commission, and they had their own ideas about how to deal with the dogged applicant.²⁸ In particular, VanLandingham received regular advice from Dudley Conner, an influential attorney who led the Council in Hattiesburg. In December 1958 Conner told VanLandingham that he could “take care” of Clyde Kennard by forcing him to leave the county. This was not empty rhetoric; the segregationist group had a history of intimidating assertive blacks, and Conner had previously threatened Rev. W.D. Ridgeway, a black minister who had spoken out against racial discrimination. After “economic pressure” was exerted on Ridgeway’s congregation, Conner noted proudly that nothing further had been heard from the minister.²⁹

²⁶ Zack J. VanLandingham to Governor J.P. Coleman, et al., 13 (first two quotations), 24, 37, December 17, 1958, 1-27-0-6-1-1-1; Zack J. VanLandingham to file, December 18, 1958, 1-27-0-15-1-1-1; Kline Weatherford to Zack J. VanLandingham, December 12, 1958, 1-27-0-10-1-1-1 (final quotation), all MSSC Records.

²⁷ Zack J. VanLandingham to Governor J.P. Coleman, et al., 10-11, December 17, 1958, 1-27-0-6-1-1-1, MSSC Records.

²⁸ “State Sovereignty Commission,” 3, December 13, 1959, 1, 2, 7-0-1-56-1-1-1, MSSC.

²⁹ Zack J. VanLandingham to MSSC director, December 17, 1958, 2-3-0-10-2-1-1, MSSC Records.

Clearly frustrated by Kennard's persistence, Conner later reported that he could arrange the young man's killing, promising that "Kennard's car could be hit by a train or he could have some accident on the highway and nobody would ever know the difference." Commission leaders realized, however, that any physical violence was likely to be counter-productive, especially as it would publicize the case and undermine their efforts to portray race relations in Mississippi in a positive light.³⁰ Above all, the Sovereignty Commission wanted to contain the Kennard case; in July 1959, for example, the agency boasted that it had handled the case "quietly and effectively," keeping many of the damaging details out of the press. "Today, hardly anyone outside of Hattiesburg knows what you are talking about when you mention the Clyde Kennard case," it added. For the commission, the case was one of a number of "racial incidents" that were "not successful in developing."³¹

Seeking to settle the case in a covert fashion, VanLandingham hatched an "attempted solution." It involved using the commission's contacts with conservative black educators and persuading them to form "a committee to call on Clyde Kennard and persuade him that it was for the best interest of all concerned that he withdrew and desist from filing an application for admission to Mississippi Southern College." At the head of the proposed committee were N.R. Burger, principal of Royal Street School, and A.B.S. Todd, principal of the black school at Palmer's Crossing. The president of Mississippi Vocational College, J.H. White, was also involved in these plans. While all of the educators professed their support for segregation, they were unwilling to cooperate without extracting some concessions of their own. In particular, they quietly pressed Van Landingham for the establishment of a black junior college in the Hattiesburg area. As the chief investigator recorded, the educators were "attempting to bargain in a subtle manner. They were merely told that their desire and need for a Junior College would be called to the attention of the Governor." When the committee visited Kennard, however, he refused to change his mind. Anticipating this outcome, VanLandingham also suggested that Kennard and McCain should meet

³⁰ Zack J. VanLandingham to MSSC director, May 4, 1959, 5-3-1-19-1-1-1, MSSC Records.

³¹ "State Sovereignty Commission," 1, 2, July 13, 1959, 7-0-1-56-1-1-1; "Report to the Mississippi State Legislature on Activities of the State Sovereignty Commission," December 3, 1959, 7-3-0-5-1-1-1, both MSSC Records.

in Jackson. While the two men were talking, Governor Coleman could "drop in as if by accident" and persuade Kennard that his actions would be counter-productive because they would increase racial tensions.³²

In the end, Governor Coleman rejected this plan and decided to meet with Kennard in his own office instead. At the meeting, which took place shortly after the New Year, Coleman told Kennard that, "it was not the appropriate time" for him to attend Mississippi Southern and that "it was going to take time to change." Pressured by both Coleman and McCain, Kennard agreed to withdraw his application. In a short statement to the press, he reiterated the governor's message that it would "perhaps...not be in the best interest of the general community" if he attended Mississippi Southern.³³

Given that Kennard had resisted all previous attempts to change his mind, this volte-face was unusual. No records of the meeting have survived, but some African Americans felt that Kennard had been promised a place at the college if he delayed his application. From her base in Hattiesburg, civil rights worker Victoria Gray later asserted that Coleman had agreed to admit Kennard if he waited until after the gubernatorial elections in the summer of 1959. While further written records are lacking, it is difficult to see what else could have persuaded Kennard to drop his case. In the election strict segregationist Ross Barnett was running against Carroll Gartin, and it was widely believed that Governor Coleman, who was viewed as a racial moderate, favored the more restrained Gartin. As such, a racial crisis at the college could have benefited Barnett. In a subsequent interview, Coleman predictably denied that he had been influenced by the governor's race when he had met with Kennard. Regardless of what had occurred, Kennard's decision was popular with the white press; the move was "wise," cautioned the *Clarion-Ledger*, because "race integration" could not be achieved by "force."³⁴

³² Zack J. VanLandingham to Governor J.P. Coleman, et al., December 17, 1958, 34, 36, 1-27-0-6-1-1-1, MSSC Records.

³³ Sansing, *Making Haste Slowly*, 151; "Tells College President He Will Not Try to Enter Southern," *Greenwood Morning Star*, January 6, 1959 (Kennard quotations).

³⁴ "Statement of Victoria J. Gray," nd., 2-165-4-69-1-1-1, MSSC Records; Sansing, *Making Haste Slowly*, 151; "Same Effects in Other Places," Jackson *Clarion-Ledger*, January 10, 1959 (quotation).

Kennard had not given up, however, and on August 26, 1959, he informed McCain that he intended to re-apply for the fall semester. His move came shortly after the Democratic primary, in which Barnett defeated Gartin. On August 27 McCain notified the Sovereignty Commission of Kennard's plans, and Van Landingham immediately told the Governor. The commission reactivated its plan to get conservative blacks to "go and talk to Kennard for the purpose of dissuading him of his intention to apply for admission to Mississippi Southern College." McCain also agreed to exert personal pressure on Kennard, who was known to respect him. The president would have a "heart-to-heart talk" with Kennard and would warn him that his actions "might cause Mississippi Southern and the negro schools to close, and this responsibility would be entirely on him." In addition, Van Landingham worked closely with McCain in order to find ways of rejecting the application.³⁵

On September 7, McCain spent nearly an hour trying to persuade Kennard not to file his application. Staying true to his promise, McCain told Kennard that he would "get nowhere" because the governor would close Mississippi Southern and black schools rather than integrate them. VanLandingham subsequently reported, however, that Kennard had not been swayed and was going through with his application, "even if it meant bringing suit in court."³⁶ At this time, the white authorities also tried their best to exert some economic pressure on the applicant; in early September, the Southern Farm Bureau Insurance Company cancelled its liability coverage on Kennard's car because it feared that "some foul play might take place." As the application deadline neared, the Forrest County Cooperative also foreclosed on Kennard's poultry farm and confiscated his stock.³⁷

Kennard's motives for persisting with his application deserve to be explored further. In press interviews, the Eatonville resident empha-

³⁵ Zack J. VanLandingham to Governor J.P. Coleman, August 27, 1959, 1-27-0-26-1-1-1 (first quotation); Zack J. VanLandingham to MSSC director, September 3, 1959, 1-27-0-28-1-1-1, both MSSC Records.

³⁶ Zack J. VanLandingham to MSSC director, September 9, 1959, 1-27-0-31-1-1-1, MSSC Records (quotations); Erle Johnston, "Righting a Wrong in Mississippi" (unpublished and undated article), 6, folder 10, box 5, Erle E. Johnston Papers, McCain Library and Archives, University of Southern Mississippi (hereafter cited as "Johnston Papers").

³⁷ Zack J. VanLandingham to Governor J.P. Coleman, et al., 15-16, December 17, 1958, 1-27-0-6-1-1-1, MSSC Records; Katagiri, *The Mississippi State Sovereignty Commission*, 59 (quotation).



William David McCain, courtesy Mississippi Department of Archives and History.

sized that he wanted to attend Mississippi Southern so that he could stay at home to look after his widowed mother, Leona Smith. She was in her sixties and needed help running the chicken farm because her four other children all lived out of state. Having completed most of his degree at the University of Chicago, Clyde wanted to finish his education at a local institution. In statements to the press, Kennard was careful to emphasize his personal situation yet it was clear that he was motivated by broader considerations.³⁸

The Sovereignty Commission certainly uncovered other reasons for Kennard’s actions. In particular, there was clear evidence that the young man was seeking to protest against the injustices generated by the state’s segregated education system. In 1958, state authorities had closed the black school in Eatonville, a move that meant that the town’s black children now had to travel eleven miles to Palmer. Along the way, the children passed several white schools that they were not allowed to attend, a situation that grieved black parents across the South. In late 1958 white informer Max Gandy, who ran a local store, told the com-

³⁸ “Clyde Kennard Dies in Chicago Hospital,” *Jackson Daily News*, July 5, 1963, 1-27-0-67-1-1-1; “Tells College President He Will Not Try to Enter Southern,” *Greenwood Morning Star*, January 6, 1959, 1-27-0-20-1-1-1, both clippings in MSSC Records.

mission that the school closure had generated “rumor and rumbling” in Eatonville and had created pressure for fairer treatment.³⁹ Around the same time County Superintendent of Education W.H. Lane also related that Kennard had complained to him “that he saw no reason why the Negro children in the community had to be transported 11 miles to the Palmers Crossing school when there was already a school in Eatonville [he had reference to the white school].” Kennard was deeply affected by the school closure because he had been on the black school’s board of trustees, a position he lost when the school was abolished. Both Gandy and Lane felt that Kennard was a civil rights leader in the local community and was pushing for change.⁴⁰

Other evidence shows that Kennard was involved in the state’s fledgling civil rights movement. Commission files established that Kennard had attended NAACP meetings and that he had tried to register to vote. In October 1958, Kennard went to the local courthouse with Rev. J.M. Barnes of Hattiesburg, who later complained to the United States Congress about the difficulties that black Mississippians faced when they tried to register. The clerk asked the two men if they were NAACP members and then refused to register them. This experience was typical; in 1959 the NAACP estimated that Mississippi contained 494,000 voting age blacks but just 25,000 of them were registered.⁴¹ Kennard also tried to encourage other blacks to enroll at Mississippi Southern; in the fall of 1958, for example, he had asked admissions director Aubrey Lucas for four application blanks because he wanted to give them to “other Negroes in the Eatonville community...who are possibly interested in making application for entrance to Mississippi Southern.” In response, Lucas had refused to allow Kennard to speak on behalf of other potential applicants.⁴²

Looking back, local African Americans also felt that Kennard was consciously acting as a civil rights pioneer. While acknowledging that the

³⁹ Zack J. VanLandingham to MSSC director, December 5, 1958, 2-66-0-1-1-1-1, MSSC Records.

⁴⁰ Zack J. VanLandingham to MSSC director, December 17, 1958, 2-66-0-2-1-1-1, MSSC Records.

⁴¹ Zack J. VanLandingham to file, July 6, 1959, 1-22-0-4-1-1-1, MSSC Records; “Negroes Tell Congressmen Mississippi Polls Barred,” *Jackson Clarion-Ledger*, April 25, 1959; “Local Negroes Tell of Vote Troubles,” *Hattiesburg American*, April 25, 1959.

⁴² Zack J. VanLandingham to Governor J.P. Coleman et al., 7, December 17, 1958, 1-27-0-6-1-1-1, MSSC Records.

young man was "trying to get an education," civic leader James Cohen described the Eatonville resident as a "strong NAACP man" who was "trying to prove a point." His broader goal was "to open the doors for his black brothers and sisters, the less fortunate." Others remembered that Kennard was an active member of his church choir and felt that his deep religious faith motivated him to push his case. Kennard's detractors also felt that he was motivated by more than personal gain. As commission informers put it, Kennard was "one of the Negro leaders" in the area, an activist who was "agitating and causing trouble in the Eatonville community."⁴³

Commission investigators were very concerned by the militancy of blacks in Eatonville, a small farming community located about eight miles from Hattiesburg. In seeking an explanation for this behavior, white agents and informers stressed that many of the area's blacks were light-skinned. "The Negroes at Eatonville are very aggressive, well educated and intelligent," wrote VanLandingham. "Most of them look practically like white people and apparently have considerable white blood in them."⁴⁴ According to Dudley Connor, much of the local black population was descended from white "renegades" who had refused to fight in the Civil War and had fathered children with black women in the area. The community had produced other civil rights leaders, including Vernon Dahmer, another farmer who was active in the NAACP. Like Kennard, Dahmer was light-skinned, and Conner felt that this made him militant and dangerous. After Kennard was imprisoned, Dahmer played a key role in bringing SNCC workers into Hattiesburg, activities that made him a marked man. Following repeated threats to his life, in January 1966 Dahmer was killed when a group of Klansman firebombed his house.⁴⁵

Despite the obvious risks, Kennard continued to make a powerful case for admission. On September 8, 1959, for example, he wrote a remarkable seven-page application letter to Aubrey K. Lucas. In it, the Eatonville

⁴³ Cohen interview, 20, CRDP-USM; Baker interview, 13-14, CRDP-USM; Zack J. VanLandingham to Governor J.P. Coleman, December 17, 1958, 23, 32, 1-27-0-6-1-1-1, MSSC Records.

⁴⁴ Zack J. VanLandingham to MSSC director, December 5, 1958, 2-66-0-1-1-1, MSSC Records.

⁴⁵ Zack J. VanLandingham to Governor J.P. Coleman, et al., December 17, 1958, 32, 1-27-0-6-1-1-1, MSSC Records (quotation); Dittmer, *Local People*, 180-81, 391; Ellie J. Dahmer interview with Orley B. Caudill, July 2, 1974, 16-17, CRDP-USM.

native argued that blacks were not innately inferior to whites; rather, it was segregation that had damaged the black community. "The more segregation and discrimination we have in our community the more we shall have ignorance and immorality," he asserted. "Teach men to do a job and then give them the job to do, and high morality will follow as the day follows night." He proceeded to demolish all of the traditional arguments used to defend segregation, opposing each with an eloquence that highlighted his suitability for graduate study. Reaching out to white leaders, he also suggested that even "the smallest amount of integration" would ensure that the state could avoid "Federal intervention." Nevertheless, Kennard finished by declaring that he was fully prepared to present his case before the federal courts. "What other course can I take?" he asked.⁴⁶

Other evidence suggested that Kennard was consciously acting as a torchbearer. As Dr. J.H. White told Van Landingham, Kennard "likes to be thought of in the same light as a Dr. Luther King and feels that he is trying to do something big for his race." Because of this, it was difficult for conservative blacks to exert effective pressure on him. As the application deadline neared, White took a delegation of black educators to see Kennard but they achieved little. Around the same time, two Hattiesburg whites whom Kennard had trusted were also unable to make him change his mind. As VanLandingham wrote his superior on September 14, Kennard would not be "dissuaded" and "it made no difference how much pressure was put to bear on him."⁴⁷

Unable to stop Kennard from pursuing his course, the white authorities devised a rationale for rejecting his application. Orders clearly came from Governor Coleman, who advised that Kennard should be rejected because his papers were "not in order." Coleman also directed that press coverage of Kennard's campus visit should be minimized. When Kennard came to the campus on September 15, he was told the news during a twelve-minute meeting with McCain. The commission had found that Kennard had changed the date on his original medical examination rather than being re-examined, and they seized on this as

⁴⁶ Clyde Kennard to Aubrey K. Lucas, September 8, 1959, 1-27-0-29-1-1-1, MSSC Records.

⁴⁷ Zack J. Van Landingham to MSSC director, September 3, 1959, 1-27-0-28-1-1-1 (first quotation); Zack J. Van Landingham to MSSC director, September 14, 1959, 1-27-0-37-1-1-1, both MSSC Records.

evidence of his bad "moral character." In addition, McCain told Kennard that he had not submitted a transcript from the University of Chicago; the applicant disputed this but McCain asserted that he could not find the document. To ensure that the press did not interview him, Kennard was ushered out of the President's office via a side door. Justifying his actions, McCain told a journalist that he was not willing to lose his job over "silly martyrdom for one Negro." Desperate to secure university status for Mississippi Southern, McCain was unwilling to challenge the status quo. He went on to lecture in the North under the Sovereignty Commission's sponsorship, espousing the group's line that race relations in the Magnolia State were improving and that most blacks supported segregation.⁴⁸

After he left McCain's office, Kennard returned to his Mercury station wagon, which he had parked on the campus. When he got to the vehicle, two Forrest County constables arrested him for "driving at an excessive speed" and "illegal possession of whiskey." They claimed to have followed Kennard as he drove to the campus and then waited for him to return to his car. As VanLandingham acknowledged in a report to Coleman, the two officers had acted autonomously, and the arrest "appeared to be a frame-up with the planting of the evidence in Kennard's car." District Attorney Daniel W. Dabbs also admitted that one of the officers involved, Lee Daniels, "was the type of constable who could be expected to do a thing like this." Dabbs acknowledged that he was "shocked" by the arrest "as it frankly appeared to him that the evidence was planted." Van Landingham suspected the involvement of John Reiter, a former FBI agent who was on the security force at Mississippi Southern. Reiter had previously told the commission about plots to prevent Kennard from enrolling at the college. "One of the plans," he noted, "was to put dynamite to the starter of Kennard's Mercury. Another plan was to have some liquor planted in Kennard's car and then he would be arrested." Van Landingham had done nothing to censure these moves, and as such he bore some responsibility for what had occurred. Kennard's friends immediately suspected that he had been set-up, especially as the devout Christian never drank. Documents

⁴⁸ Zack J. VanLandingham to MSSC director, September 14, 1959, 1-27-0-37-1-1-1, MSSC Records (first quotation); Zack J. Van Landingham to Governor J.P. Coleman, September 21, 1959, 1-27-0-40-1-1-1, MSSC Records (second quotation); Hollander, "One Mississippi Negro Who Didn't Go to College," 32 (McCain quotation); Dittmer, *Local People*, 453.

also showed that Kennard had locked his car and that he had not been informed of the liquor charge until he arrived at the jail.⁴⁹

Despite the flaws in the case against him, two weeks later local judge T.C. Hobby found Kennard guilty of both charges. Hobby even told the press that, "of all the cases I have ever heard, the state has proved more in this one the guilt of the defendant." Although these actions were meant to deter Kennard, they did not work. On September 25, he published another extraordinary letter in the *Hattiesburg American*. In it, he forcefully denied that his behavior was un-American. "If there is one quality of Americans which would set them apart from almost any other peoples," he noted, "it is the history of their struggle for liberty and justice under the law.... Truly, the history of America is inseparable from the ideals of John Locke, John Stuart Mill and Jean Rousseau." Laying out his vision of the future, Kennard assured his white opponents that they had nothing to fear from black demands. "We have no desire for revenge in our hearts," he declared. "What we want is to be respected as men and women, given an opportunity to compete with you in the great and interesting race of life. We want your friends to be our friends; we want your enemies to be our enemies; we want your hopes and ambitions to be our hopes and ambitions, and your joys and sorrows to be our joys and sorrows." In a state where most whites could not conceive of blacks as equals, however, these pleas fell on deaf ears.⁵⁰

In an effort to overturn his conviction, Kennard hired R. Jess Brown, a capable African American attorney who had previously represented the NAACP on numerous occasions. On February 11, 1960, however, Kennard lost his appeal in the circuit court. After being given misleading information by both the district attorney and the jailer, neither Kennard nor Brown were present when the appeal was considered. Subsequently, the Mississippi Supreme Court affirmed the lower court's ruling and the United States Supreme Court denied a hearing. Before the U.S. Supreme Court, Thurgood Marshall argued that his client had been tried in a jurisdiction where there was discrimination against blacks

⁴⁹ "Negro Applicant Fined," *New York Times*, September 30, 1959; Zack J. VanLandingham to Governor J.P. Coleman, September 21, 1959, 1-27-0-49-1-1-1, MSSC Records (quotations); Johnston, "Righting a Wrong in Mississippi," 12, folder 10, box 5, Johnston Papers.

⁵⁰ "Kennard Guilty in Forrest Court," *Jackson Daily News*, September 29, 1959 (Hobby quotation); Clyde Kennard, "The Race Question," *Hattiesburg American*, September 25, 1959.

on juries. His pleas failed to move the justices, who were often wary of interfering with the lower courts' authority.⁵¹

While this legal battle was going on, Kennard continued to make his case in public; in February 1960, for instance, he wrote again to the *Hattiesburg American*, reasserting his call for all Americans to be judged on ability rather than skin color. "I have not been able," he declared, "to discern a noticeable difference, other than color, between a good White man and a good Black or Yellow man." Kennard's efforts were closely monitored by the Sovereignty Commission, which continued to receive regular reports from both black and white informants. Commission staff also prepared a bulky dossier on the case for newly inaugurated governor Ross Barnett, a strict segregationist and Citizens Council member. From the start of his term, Barnett was even more vociferous in his defense of segregation than Coleman had been, a shift that bode poorly for Kennard's prospects of receiving a fair hearing.⁵² Van Landingham and Barnett were worried by Kennard's piece in the *Hattiesburg American*, especially as he declared that he would file a federal suit in order to gain entry to Mississippi Southern. The commission's chief investigator was also concerned that Kennard had been able to pay off a \$4,500 judgment obtained against him by the Forrest County Cooperative Association. The source of Kennard's funds was not clear, although the commission reported that the military veteran was now working "for a negro insurance company in Hattiesburg." The white authorities worried that if Kennard re-applied, it would be difficult to find another excuse to knock him back because his academic record was strong. His case had become highly problematic and had to be resolved quickly.⁵³

⁵¹ "Kennard Case to Go To State Supreme Court," *Jackson Advocate*, February 12, 1960; Sansing, *Making Haste Slowly*, 153; "Negro's Appeal Fails," *New York Times*, April 4, 1961; "Appeal Lost by Kennard," *Jackson Daily News*, October 9, 1961.

⁵² Clyde Kennard, "Letter To Editor," *Hattiesburg American*, January 23, 1960; Zack J. Van Landingham to Governor Ross R. Barnett, January 29, 1960, folder 2, box 4, Verner Holmes Papers, Department of Archives and Special Collections, J.D. Williams Library, University of Mississippi, Oxford, Mississippi. For a revealing discussion of Barnett's links to the Citizens' Council, see Neil R. McMillen, *The Citizens' Council: Organized Resistance to the Second Reconstruction, 1954-64* (Urbana: University of Illinois Press, 1971), 326-347.

⁵³ Zack J. VanLandingham to Governor Ross R. Barnett, February 4, 1960, 1-27-0-61-1-1-1, MSSC Records.



Medgar Evers (left), Mississippi field secretary for the NAACP, with Gloster B. Current, NAACP field administrator. Photo courtesy the Mississippi Department of Archives and History.

Kennard's efforts to attend Mississippi Southern ended on September 25, 1960, when the Forrest County Cooperative, which had foreclosed on his chicken farm, was burglarized. Five bags of chicken feed worth \$25 were stolen from the warehouse. The entire case hung on the testimony of young employee Johnny Lee Roberts, who admitted taking the feed but claimed that Kennard had planned the break-in. The older man was arrested and charged with accessory to burglary, which was a felony under Mississippi law. In November, an all-white jury took just ten minutes to convict Kennard, and he was sentenced to seven years in state prison, the maximum term available. In return for his testimony, much of which was confused and contradictory, Roberts was returned to his job on probation. Once in jail, the authorities knew that Kennard,

as a convicted felon, was not eligible to apply to any of Mississippi's all-white colleges.⁵⁴

Shocked by Kennard's treatment, the NAACP launched a campaign to free him. In these years, the Sovereignty Commission did little to conceal its hatred of America's oldest civil rights group, even declaring publicly that Roy Wilkins should be "properly disposed of." Undeterred by such threats, state field secretary Medgar Evers had a particularly close interest in the Kennard case. Like Kennard, Evers was an articulate military veteran who had come back to Mississippi determined to continue his education. In 1953, the Decatur native had tried to attend the University of Mississippi law school, a brave move that brought him to the attention of the NAACP's leaders. Through his work with the association, Evers befriended Kennard and came to respect his integrity and courage. Describing Kennard as "a very intelligent person," Evers also felt that the former University of Chicago student had a compelling case to be admitted to Mississippi Southern.⁵⁵

Shortly after Kennard's conviction, Evers was asked for his thoughts on the verdict. He responded by calling it "a mockery of judicial justice," a comment that earned him a citation for contempt of court and a \$100 fine. He insisted that Kennard was innocent and that the jury had been composed of "segregationists" who were determined to convict him.⁵⁶ Concerned by these developments, the NAACP collected money to fund its defence of both Kennard and Evers. In February 1961, Clarksdale pharmacist Aaron Henry co-wrote an appeal for funds that was widely distributed to black churches in the state. "To be free you and I must pay and give," it asserted.⁵⁷ As well as overseeing the fundraising cam-

⁵⁴ Katagiri, *The Mississippi State Sovereignty Commission*, 60-61, 127-28; Branch, *Parting the Waters*, 344.

⁵⁵ "State Sovereignty Commission," July 13, 1959, 7-0-1-56-7-1-1, MSSC Records (Wilkins quotation); Dittmer, *Local People*, 49; Evers, *For Us, the Living*, 214-15; Evers quoted in Medgar W. Evers to Rev. Carl R. Fuqua, January 17, 1962, Medgar Wiley and Myrlie Beasley Evers Papers, held at the Mississippi Department of Archives and History, Archives and Records Services Division, Jackson, Mississippi (hereafter cited as "Evers Papers").

⁵⁶ "Lawyers Work on Appeal of Mississippi NAACP Aide in Contempt Case" (NAACP Press Release), 1, December 15, 1960, 2-72-1-72-2-1-1, MSSC Records (first quotation); "Judge Aroused Over Ever's Remarks Regarding Clyde Kennard Case," unidentified clipping dated December 2, 1960, 10-28-0-10-1-1-1, MSSC Records.

⁵⁷ "NAACP Activity in Leflore, Union, and Coahoma Counties," March 27, 1961, 2-16-0-9-1-1-1; John C. Melchor and Aaron E. Henry, February 14, 1961, 2-62-1-22-1-1-1, both

paign, Evers corresponded with Kennard's mother and sister and did his best to maintain their morale. "We have not given up," he assured Leona Smith after her son's conviction, "we are still working and will continue to work for justice in this case." As his papers reveal, Evers also played a crucial role in mobilizing the national NAACP to support the legal fight to free Kennard.⁵⁸

In June 1961, the campaign bore fruit when the Mississippi Supreme Court ruled that Evers had a constitutional right to criticize a court decree. The decision was applauded by some sections of the white press, who were keen to ensure that citizens could freely challenge federal court judgments. Following this, efforts to help Kennard continued. In January 1962, for example, the NAACP held a "Clyde Kennard Appreciation Day" in Hattiesburg, with executive assistant Dr. John Morsell telling a crowd of 500 that, "law in Mississippi is a means of suppressing Negroes instead of protecting them." In addition to meeting the cost of Kennard's legal defense, the funds raised by the event were designed to help his family pay their bills and hold onto their chicken farm.⁵⁹

Once he was sentenced, Kennard was placed in the high-security Parchman Penitentiary, where he had to work long days on the prison's cotton plantation. In the civil rights era, the white authorities used the 20,000-acre plantation at Parchman to try and break the spirit of African Americans who had challenged segregation laws. As the historian David Oshinsky has documented, in these years Parchman was the "quintessential penal farm," a notorious place that became "synonymous with punishment and brutality." Kennard's only respite came on Sundays, when he was able to teach illiterate inmates to read and write. After a year or so of toiling in the fields, Kennard began to complain of severe abdominal pains. As his condition rapidly worsened, he was taken to the University of Mississippi Hospital in Jackson, where doctors found a large lesion in his left colon. Rather than receiving any treatment, however, Kennard was sent back to Parchman. In June 1962, hospital

MSSC Records.

⁵⁸ Medgar W. Evers to Mrs. Leona Smith, December 13, 1961, and Medgar W. Evers to Gloster B. Current, November 14, 1961, both folder 10, box 2, Evers Papers.

⁵⁹ "NAACP Aide is Freed," *New York Times*, June 13, 1961; "NAACP Official Raps Mississippi," unidentified clipping dated January 27, 1962, 1-27-0-66-1-1-1, MSSC Records (Morsell quotation); Aaron E. Henry and Medgar W. Evers to Brothers, January 2, 1962, folder 10, box 2, Evers Papers.

medical record librarian Mary Senter reported that doctors had given Kennard only a twenty percent chance of living five years. As a result, she recommended that Kennard be given early parole on medical grounds, a plea that was ignored by Governor Barnett. Despite his frailty, Kennard was still required to work in the cotton fields while being watched over by armed overseers, and he was not returned to the hospital for check-ups. He quickly lost forty pounds in weight yet his captors accused him of exaggerating his illness in order to avoid hard work. In a particularly callous move, guards even instructed other prisoners to carry Kennard into the fields and return him to his cell when he collapsed.⁶⁰

Before he died Kennard told his friend Dorie Ladner about his experiences at the isolated Delta prison. A native of Palmer's Crossing, Ladner was a civil rights activist who had met Kennard while she was a member of the NAACP's Youth Council in Hattiesburg. Like her sister Joyce, Dorie Ladner never forgot her final meetings with Kennard, whom she described as "an extraordinary individual who would have contributed immeasurably to society." She later recalled the cruelty Kennard had endured in his final days: "He talked openly about having to work in the fields at Parchman when he couldn't stand up without falling down. He said the supervisors at Parchman pulled him off the ground and stood him on his feet so he would continue to pick cotton."⁶¹

As Kennard's shocking story began to seep out, supporters launched a campaign to free him. In late 1962 an article in *The Reporter* made many northerners aware of Kennard's plight. A few weeks later, Vernon Dahmer and Medgar Evers helped *Jet* reporter Larry Still to get access to the prison. Posing as a visitor, Still was able to smuggle a camera into Parchman and take pictures of Kennard. Released in early 1963, the disturbing images of the emaciated, "cancer-stricken" prisoner contradicted the line taken by Mississippi's leaders, who insisted that Kennard was being treated well. Upon learning about Kennard, some northerners were deeply shocked. "I can't sleep nights," wrote Chicago resident Mary Muth in early 1963, "thinking of the injustice of giving a

⁶⁰ Oshinsky, *Worse Than Slavery*, 1, 2; Dittmer, *Local People*, 82-83; Evers, *For Us, the Living*, 222-23; Bradford Daniel and John Howard Griffin, "Why They Can't Wait," *The Progressive* 12 (July 1964), 19.

⁶¹ Dittmer, *Local People*, 57-58, 83; Dorie Ladner to the Mississippi Parole Board, April 3, 2006, Kennard exoneration Web site (filed under "Letters of Support").

young colored man a sentence of seven years for being accused of stealing 5 bags of chicken feed worth about \$25.00.”⁶²

Spurred by the publicity, activists including Martin Luther King and black comedian Dick Gregory urged Barnett to release Kennard. The NAACP also kept up the pressure, as did the Student Non-Violent Coordinating Committee, the Southern Conference Educational Fund, and the movement-oriented *Mississippi Free Press*. Encouraging their supporters to bombard Barnett with letters, SNCC led a particularly vigorous campaign to free the “forgotten man” of the civil rights struggle. As chairman Charles McDew commented in early 1963, “Kennard’s imprisonment is a national shame, and every American should work toward his release.” After two months of publicity and protest, including appeals from Kennard’s mother, Barnett suspended Kennard’s sentence and released him. Above all, the Governor wanted to avoid the unfavorable publicity that would have been generated if Kennard had died in custody. Barnett’s actions were nevertheless criticized by *Clarion-Ledger* columnist Charles Hills, whose contacts in the prison told him that, “the Negro is not so nearly bad off ... as news stories have pictured.”⁶³

Even when he was close to death, Kennard remained dignified and upbeat. When he was released from prison in February, for instance, he refused to criticize his captors but instead expressed his desire to return to his chicken farm and help his mother. Too weak to work the farm, Kennard instead underwent emergency surgery in Chicago but his cancer continued to spread. As his condition deteriorated, the committed Christian again refused to blame his persecutors. “I still think there are a few white people of good will in this state and we have to do something to bring this out,” he declared. At this time Kennard also spoke of using whatever time he had left to keep fighting for racial justice in Mississippi.⁶⁴

⁶² Hollander, “One Mississippi Negro Who Didn’t Go to College,” 30-34; Branch, *Pillar of Fire*, 62-63; Larry Still, “Cancer-Stricken Miss. Prisoner,” *Jet*, January 24, 1963, 20-23, clipping in folder 6, box 3, William Doyle Papers, Department of Archives and Special Collections, J.D. Williams Library, University of Mississippi (hereafter cited as “Doyle Papers-UM”); Mary Muth to Iry Kupciet, January 18, 1963, folder 10, box 2, Evers Papers.

⁶³ “Campaign to Free A ‘Forgotten Man,’” *The Southern Patriot*, January 1963, 4 (McDew quotation); “Victory By Protest,” *The Southern Patriot*, February 1963, 1; Silver, *Mississippi: The Closed Society*, 95 (Hills quotation).

⁶⁴ “Kennard Plans to ‘Devote Rest of My Life’ to Improving Mississippi,” *Jet*, April 11, 1963, clipping in folder 6, box 3, Doyle Papers-UM; “Clyde Kennard Dies in Chicago

In the summer of 1963, the author John Howard Griffin visited Kennard and found that he had withered away. Although he was five foot seven inches tall, Kennard now weighed less than a hundred pounds, down more than fifty pounds from the weight recorded in the Sovereignty Commission's files. Howard described him as "a tiny little dwarf" who "lay with a sheet pulled up over his face so no one could see the grimace of pain on his face." Still, Kennard told Griffin that he remained at ease and that it would all be worthwhile "if it would only show this country where racism finally leads." Aware that this was a vain hope, he added, "But they're not going to know, are they?" Clearly moved, the author of the popular *Black Like Me* vowed to tell his friend's extraordinary story to a wider audience.⁶⁵ When the end came on July 4, Kennard was at peace. This was illustrated by "Ode to the Death Angel," a poem that he composed just three days before his death. Its closing lines were particularly powerful: "It's true my eyes are dim/My hands are growing cold/Well take me on then, that I might at last become my soul."⁶⁶

Following Kennard's death, Vernon Dahmer celebrated his life by holding a special voter registration meeting at the Shady Grove Baptist church in Forrest County. It was a controversial move, and Dahmer's actions drew criticism from Rev. Ralph Willard, who feared that retribution would follow. Gripped by fear, Willard even arranged for Dahmer and three of his closest supporters to be expelled from the church. True to the promise that he had given Kennard, Griffin also started a campaign to publicize his treatment. In an interview that was published in *The Progressive* in 1964, the author declared that the little-known Kennard was "one of the great men of our times." Griffin also lectured to northern audiences about Kennard's fate, and his efforts clearly had an impact. In late 1965, for example, Sovereignty Commission director

Hospital," *Jackson Daily News*, July 5, 1963, 1-27-0-67-1-1-1, MSSC Records; "Mississippi Frees Negro," *New York Times*, January 30, 1963; Kennard quoted in Silver, *Mississippi: The Closed Society*, 95.

⁶⁵ Zack J. VanLandingham to Governor J.P. Coleman, et al., December 17, 1958, 12, 1-27-0-6-1-1-1, MSSC Records; Daniel and Griffin, "Why They Can't Wait," 19 (Kennard quotations). In *Black Like Me*, Griffin used medical treatments to darken his skin and then traveled through the South experiencing life as a black man. See John Howard Griffin, *Black Like Me: A Personal Account by a White Man Who Changed the Colour of his Skin* (London: Collins, 1962).

⁶⁶ Kennard's poem is printed in full at: http://en.wikipedia.org/wiki/Clyde_Kennard; "Clyde Kennard Dies; Lost Mississippi Bid," *New York Times*, July 5, 1963.

Erle Johnston, Jr. gave a revealing response to Cleveland, Ohio, resident Francis Hunstiger, who had heard Griffin speak. Johnston now admitted that, "many responsible Mississippi citizens recognize that there was a miscarriage of justice in the Kennard case," yet he insisted that Kennard had been treated fairly when he was in the penitentiary.⁶⁷

In the years after Kennard's death, however, it was impossible to tell his story in full. Overshadowed by the James Meredith case, which generated considerable violence at the University of Mississippi, Clyde Kennard's persecution never received a great deal of press coverage and after 1963 it dropped out of the news. Soon, the media were occupied with other stories, including the dramatic civil rights protests that were occurring across the region and the unfolding drama of the Vietnam War.⁶⁸ Joyce Ladner, a Hattiesburg native who went on to become a sociology professor, did her best to keep up the fight; in 1979, for example, she wrote in the *New York Times* that Kennard was one of the civil rights movement's unsung "martyrs," but there was still little broader awareness of his case. One of Kennard's main advocates, Griffin himself passed away in 1980. Four years later, Kennard's sister Sara, who had called for him to be pardoned, also died. For many years the public was denied access to the documents that could reveal exactly how Kennard had been treated. Although the Sovereignty Commission was finally abolished in 1977, the Mississippi Legislature decreed that its files should be sealed for fifty years. As a result, early histories of the civil rights struggle in the massive resistance era either ignored Kennard or covered his plight very briefly. As the 1980s came to a close, public recognition of Kennard's case was still lacking. When the Civil

⁶⁷ Branch, *Pillar of Fire*, 52-53; Daniel and Griffin, "Why They Can't Wait," 18-19 (quotation on 18); Erle Johnston, Jr., to Francis Hunstiger, October 15, 1965, 99-100-0-269-1-1-1, MSSC Records. In his subsequent published memoir, Johnston gave only brief coverage to the Kennard case. He insisted that the decision to turn away Kennard from a segregated college had been correct but acknowledged that his subsequent treatment had been unjust. See Johnston, *Mississippi's Defiant Years*, 55.

⁶⁸ The authors carried out comprehensive searches for news articles about Kennard, including searches of the Newslibrary database, which covers thousands of local newspapers. There was no coverage of the Kennard case, however, until the Jackson *Clarion-Ledger* reactivated it with its 1991 investigation (see below). Kennard's comprehensive file in the Mississippiana Vertical File at the McCain Library and Archives also fails to contain any material on the case between 1963 and 1991, when the Jackson *Clarion-Ledger* reopened it.

Rights Memorial was dedicated in Montgomery in 1989, Kennard was not included as one of forty movement martyrs.⁶⁹

The key breakthrough occurred in September 1991, when the *Clarion-Ledger* published secret Sovereignty Commission documents that showed Kennard had been framed. Given the paper's broad circulation, this publicity was an important move. In the late 1970s the *Clarion-Ledger's* new editor Rea Hederman had abandoned its racist stance and hired more progressive reporters. Over time the paper began to document that many injustices had been covered up in the Jim Crow era. The 1991 story, for example, revealed that there had been a four-hour delay between Kennard's arrest and the execution of a search warrant, allowing plenty of time for evidence to be planted. Documents also showed that Kennard had been arrested by one of the constables who had earlier framed him for speeding and whiskey possession. Spurred into action, District Attorney Glenn White investigated the matter and uncovered further troubling details in the process. Calls to reopen the case were also supported by Rev. John Webb, Kennard's brother-in-law, and Dr. Glen Pearson, his former doctor, both of whom had always believed Kennard to be innocent. "It's so damnable he died a felon," declared Pearson in 1991. "He was not a felon. His name ought to be cleared."⁷⁰

Without Roberts's recantation, however, Kennard's conviction remained in place, largely because the aging laborer feared his family would be harmed if he told the truth. Still, Kennard now began to receive some recognition. Shocked by the *Clarion-Ledger* story, student activists at the University of Southern Mississippi demanded a series of changes, including a Kennard memorial, a lecture series, and a black history chair. On October 15, the Afro-American Student Organization also organized "Clyde Kennard Day," which campaigners used to raise awareness of the case. "If you ignore history," declared student leader

⁶⁹ Joyce Ladner, "The South: Old-New Land," *New York Times*, May 17, 1979; Katagiri, *The Mississippi State Sovereignty Commission*, 227-29; "Unsung Hero Recalled," undated *Hattiesburg American* clipping, folder 9, box 5, Johnston Papers. For important early histories that barely mention Kennard, see Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950s* (Baton Rouge: Louisiana State University Press, 1969), 212; McMillen, *The Citizens' Council*, 337.

⁷⁰ "Records: Would-be Student Framed," Jackson *Clarion-Ledger*, September 9, 1991, 1A; Dittmer, *Local People*, 64-65; Jerry Mitchell, "The Clyde Kennard Story," Jackson *Clarion-Ledger*, December 31, 2005, 1A; "Panel Knew of Plot to Frame Kennard," *Baton Rouge Morning Advocate*, September 10, 1991, 5B (Pearson quotation).

Marcus Cathey, “you’re destined to repeat it.” While it did not grant all the students’ demands, in late October the university did announce plans for a memorial to Kennard, noting that it was important to honor those who had fought for diversity on the campus.⁷¹

Across Mississippi, African Americans now had considerable political clout, and the university consequently acted to give some belated recognition to Kennard. Following an extensive planning process, on February 16, 1993, the University of Southern Mississippi renamed its student services building after Kennard and Walter Washington, who in 1969 became the first African American to receive a doctorate at the institution, and who went on to become president of Alcorn State University. “This is a great day for black history,” said the eighty-six-year-old Webb, who had lobbied for the memorial. In contrast, president emeritus William D. McCain did not approve of the move; Kennard, he asserted, was “never a student” and should not be honored. McCain defended his record in the case and insisted that “riots or disorder” would have occurred if he had admitted the young man to the college.⁷² Now the university’s president, Aubrey Lucas was more sympathetic. Seeking to make some amends for the past, in 1992 Lucas approved the endowment of a \$25,000 Clyde Kennard scholarship and established a lecture program that focused on African American life. While they welcomed these moves, black student leaders insisted that racism was still a problem on campus.⁷³

Within Mississippi’s schools and universities, important changes were beginning to occur even before Kennard’s death. Over the course of the 1960s the Sovereignty Commission was no longer able to contain

⁷¹ “University Considers Giving Honor,” *The Student Printz*, September 24, 1991, and “Students Honor Kennard Legacy,” *The Student Printz*, October 17, 1991 (Cathey quotation), both clippings in Kennard Vertical File-USM; “USM To Honor Man Denied Admission,” *Baton Rouge Morning Advocate*, October 26, 1991, 6B.

⁷² “USM honors 1st black who tried to enroll,” Jackson *Clarion-Ledger*, February 17, 1993 (Webb quotation); “Dedication Acknowledges Mistakes, Accomplishments,” *Hattiesburg American*, February 17, 1993; Johnston, “Righting a Wrong in Mississippi,” 5 (McCain quotations), folder 10, box 5, Johnston Papers.

⁷³ “Lucas Appoints Committee for Memorial Proposals,” *The Student Printz*, October 29, 1991, “USM to Name Building for ‘Unsung Hero,’” *Hattiesburg American*, February 29, 1992, and “Administration Should Educate Every Student About Kennard Legacy,” *The Student Printz*, September 15, 1992, all clippings in Kennard Vertical File-USM. By 1994, the Clyde Kennard scholarship was fully funded. See “Alumni Board Donates to Kennard Endowment,” *The Student Printz*, October 20, 1994, *ibid.*

demands for the desegregation of educational facilities, demands that Kennard had helped to highlight. In 1962, a group of black parents in Leake County filed a petition for the desegregation of the county's public schools, a move that was soon followed by black plaintiffs in Jackson. Undermining the commission's efforts, some whites also began to support token integration, particularly of higher education. This shift paved the way for James Meredith's enrollment at the University of Mississippi in 1962, although it only occurred after a riot by some three thousand students and outsiders.



Raylawni Branch, courtesy McCain Library and Archives, University of Southern Mississippi.

By June 1967, forty blacks were enrolled at Ole Miss, and the numbers continued to grow in the years that followed. By 1968, about nine hundred black children were also attending previously all-white schools in the Jackson area. As more and more blacks filed suits in the federal courts, further desegregation of schools and universities took place in the years that followed. By the end of the century, for instance, 16 percent of the students at Mississippi State University were African American.⁷⁴

⁷⁴ "Denial of Integration Request Is Indicated," Jackson *Clarion-Ledger*, August 17, 1962; "Patrolmen Leave, Mix Threat Dies," Jackson *Daily News*, February 7, 1961; "May Queens and Effigies," *Newsweek*, June 5, 1967, 40-41; Charles C. Bolton, *The Hardest Deal of All: The Battle Over School Integration in Mississippi, 1870-1980* (Jackson: University Press of Mississippi, 2005), 165 (statistic), 167-92; Peter Wallenstein, ed., *Higher Education and the Civil Rights Movement: White Supremacy, Black Southerners, and College Campuses* (Gainesville: University Press of Florida, 2008), 281. For a good summary of the Meredith crisis, see Dittmer, *Local People*, 139-42.

At Mississippi Southern's leafy campus, significant changes were also underway. In early 1962, President McCain's dreams were fulfilled when Governor Barnett signed the bill that transformed Mississippi Southern College into the University of Southern Mississippi. Three years later, Raylawni Branch and Elaine Armstrong became the first African Americans to attend the fifty-five year old institution. The university ensured that the change was accomplished relatively smoothly by assigning white staff members to stay with the two black women when they were on campus. Soon, the students became an established presence and other African Americans followed their lead. The admission of the two women came at a time when Mississippi's white leadership was beginning to accept the need for some desegregation. With the passage of the 1964 Civil Rights Act, which prohibited racial discrimination in federally-supported programs, the writing was on the wall. As Branch later noted, "I think whoever was controlling behind the scenes knew it was time to make a change, and it was as right then as ever to try to make the change." Although she was proud of what she had achieved, Branch remembered Kennard and believed his stance had been much more courageous.⁷⁵

Looking back, other blacks in Hattiesburg viewed Kennard as a trailblazer, and many people recognized his significance regardless of his official or legal status. As local pharmacist James Cohen commented in the 1970s, "Kennard's case began to make people more aware of the cause....of course, that did open the door." Interviewed in the 1990s, black student Antoine DeShun Kelly was part a new generation that recognized Kennard's significance. "Clyde Kennard is very important," he declared. "He should be very celebrated every day. We should try to recognize him every day of our lives because he started it all." By 1993, in fact, 1,702 African Americans attended the University of Southern Mississippi, representing more than 14 percent of its total enrollment. Three decades after Kennard's death, Hattiesburg was a very different community from the one he had known; the schools were integrated, job opportunities had improved considerably, and blacks had won a wide range of elected offices. While many problems remained, particularly in

⁷⁵ Branch interview, 5, CRDP-USM.

the economic arena, few doubted that considerable progress had been made.⁷⁶

Kennard's name still needed to be cleared, however. The next major development occurred in 1998, when the American Civil Liberties Union won a protracted legal battle to force the state of Mississippi to unseal the Sovereignty Commission's files. Following a scattering of news stories about the case, Johnny Lee Roberts came under renewed pressure to tell the truth. Buoyed by the release of the documents, Jerry Mitchell eventually persuaded the local man to admit that he had lied. Lifelong supporters of Kennard were overjoyed. As Joyce Ladner wrote in 2006, "For over forty years, I have fought and prayed that one day Clyde's record would be cleared." For Ladner, Kennard was "one of the greatest Mississippi ever produced."⁷⁷

Now, even some of those who had been responsible for rejecting Kennard came to see the error of their ways. In 2006, for example, Aubrey Lucas admitted that the initial decision to refuse Kennard had been wrong. It was a noteworthy acknowledgement from a man who had served as the university's president for over twenty-one years. "Kennard would have been the perfect person to integrate this university," he declared. "He didn't bring attorneys with him. He didn't bring the NAACP leadership." It was the kind of admission that finally brought some sense of closure to Kennard's family and supporters.⁷⁸

The final paragraphs of what Jerry Mitchell termed "the Clyde Kennard Story" were not written until 2006. Mitchell's persistent and courageous investigations of those individuals who were murdered in Mississippi during the civil rights years had played a key role in the 1994 conviction of Byron de La Beckwith for the assassination of Medgar Evers, and more recently, of Edgar Ray Killen for orchestrating the

⁷⁶ Cohen interview, 20, CRDP-USM; Erle Johnston, "Righting a Wrong in Mississippi," 5, folder 10, box 5, Johnston Papers; "Students Celebrate Kennard's Historic Struggle," *The Student Printz*, October 12, 1995 (Kelly quotation), clipping in Kennard Vertical File-USM; Herbert Randall, *Faces of Freedom Summer* (Tuscaloosa: University of Alabama Press, 2001), 24.

⁷⁷ "Secrets Revealed Agents Used Mix of Facts, Fabrication to Justify Fears," *Biloxi Sun-Herald*, March 18, 1998, A1; Kevin Sack, "Mississippi Reveals Dark Secrets of a Racist Time," *New York Times*, March 18, 1998; Joyce A. Ladner to Mississippi Parole Board, April 5, 2006, Kennard exoneration Web site (filed under "Letters of Support").

⁷⁸ Adam Liptak, "Pardon Unlikely for Civil Rights Advocate," *New York Times*, May 4, 2006.

killings of James Chaney, Michael Schwerner, and Andrew Goodman in 1964. In November 2005, Columbia University's School of Journalism recognized the importance of Mitchell's work by honoring him with the John Chandler Award for Excellence in Journalism, which specifically identified reporting that "over time shows courage, curiosity and intelligence and epitomizes the role of journalism in a free society." It was entirely fitting, therefore, that it was his December 2005 story in the *Clarion-Ledger* that sparked the final drive towards Kennard's exoneration.⁷⁹

A prime mover in the effort to overturn Kennard's conviction was the indefatigable Barry Bradford, a social studies teacher at Adlai E. Stevenson High School in Lincolnshire, Illinois. Using these civil rights cases as class projects, he and his students had already helped get the "Mississippi Burning" case reopened. Now, in 2005, Bradford and three students, Mona Ghadiri, Agnes Mazier and Callie McCune, joined forces with Professor Steve Drizin of Northwestern University Law School's Center on Wrongful Convictions. Drawing on Drizin's expertise, they determined to try and overturn what Bradford called "one of the most tragic injustices of the civil rights era." They were soon to be joined by many prominent Mississippians, from the respected former federal judge Charles H. Pickering to LaKeisha Bryant, president of the University of Southern Mississippi's Afro-American Student Association and leader of the local foot-soldiers working together to secure a posthumous pardon for Kennard. Bryant was responsible for organizing a petition seeking such a pardon, which had gathered more than 1,500 signatures, including those of USM president Shelby Thames and former leader Aubrey Lucas. In 2006 the petition was duly presented to Governor Haley Barbour.⁸⁰

Even Ouida Barnett Atkins, daughter of former governor Ross Barnett, for many still the archetype of segregationist defiance, supported

⁷⁹ Southern Poverty Law Center Web site, www.spcenter.org/news, "Civil Rights Coverage Earns Journalist Prestigious Award," November 29, 2005.

⁸⁰ *Hattiesburg American*, March 30, 2006; Rachel Leifer, LaKeisha Bryant, *Hattiesburg American*, January 12, 2007; petition to Governor Haley Barbour, Bradford Exoneration Web site. Charles Pickering, Sr., *A Price too High: The Judiciary in Jeopardy* (Macon, Ga., Stroud and Hall, 2007), 35-37. Ironically, Pickering's nomination to the Fifth Circuit Court of Appeals in 2001 was successfully filibustered by liberal Democrats, partly on the grounds of alleged white supremacist views.

the movement to clear Kennard's name, and believed her father would have agreed with her. He had thought Kennard's treatment had been “disgraceful,” she asserted, and that was why he had freed him. Joyce Ladner, who had fought to win Kennard's freedom in 1963, was somewhat less than impressed. Barnett had only sent the dying man home after “a lot of national pressure was brought against him,” she declared.⁸¹

In his *Clarion-Ledger* story Mitchell had revealed that Johnny Lee Roberts had completely recanted his sworn testimony, and had declared himself “willing to swear under oath Kennard never put him up to burglary, never asked him to steal, never asked him to do any thing illegal.” Kennard “wasn't guilty of nothing,” he conceded—conclusive proof, wrote Mitchell, that the decorated Army veteran had been “locked up for a crime he never committed.” Professor Aaron Condon of the University of Mississippi's Law School agreed. He thought that the simplest course of action would be to grant Kennard a posthumous pardon, and thus “restore his good name,” as Georgia's governor had done earlier in the year for Lena Baker, a black maid executed in 1945 for killing a white man, despite overwhelming evidence that she had acted in self defense. The fact that Roberts quickly made good on his promise to sign an affidavit completely exonerating Kennard of any criminal activity caused those who had petitioned Governor Barbour for an immediate pardon to believe that its granting would be but a formality. By this time the Kennard pardon supporters included the Mississippi State Senate, which in January had unanimously passed a resolution honoring the “forgotten civil rights pioneer.”⁸²

They were wrong. Barbour claimed he could not possibly act on the petition, even if he wanted to, because unlike other states, Mississippi law made no provision for pardoning the dead. Besides, he told a television news reporter, he had pardoned no one “since I've been Governor, and I don't have any intention of pardoning anybody.” He did, however, make clear his belief that he had no doubt as to Kennard's innocence. On March 30, 2006, LaKeisha Bryant led a large student delegation

⁸¹ Jerry Mitchell, “Daughter: Barnett Said Kennard Innocent,” *Clarion-Ledger*, January 29, 2006.

⁸² Pardon Docket No. 06-0005, Before the Honorable Haley Barbour, Governor State of Mississippi, In the Matter of Clyde Kennard. On Kennard Exoneration Web site; Jerry Mitchell, “The Clyde Kennard Story,” *Clarion-Ledger*, December 31, 2005, January 28, 2006.

to Jackson to attend a ceremony in the State Senate Chamber honoring Kennard. There they listened as the governor read a proclamation stating that “Clyde Kennard, if he were still living, would be entitled to have his rights restored, and were he still living, his rights would have been restored during this Administration.” He then declared March 30, 2006, to be “Clyde Kennard Day,” urging all citizens “to remember his legacy ... the injustices he suffered, and his significant role in the Civil Rights Movement in Mississippi.” Both houses of the state legislature then passed further simple resolutions honoring Kennard.⁸³

While recognizing the symbolic significance of Barbour’s action, Kennard’s growing phalanx of supporters nevertheless left the ceremony unsatisfied and determined to continue their fight to clear his name completely. The governor had taken a step forward, agreed nineteen-year-old Tangee Carter, a USM student, but there was more work to be done. Vernon Dahmer’s widow Ellie thought likewise. While Kennard had “deserved every bit of it” (the ceremony), it was not enough. LaKeisha Bryant hoped that his “soul was stirred and uplifted by the proceedings today,” at the same time vowing to continue the fight until Kennard’s spirit was completely free. Raylawni Branch, who as a seventeen-year-old had served Kennard breakfast en route to his final attempt to enroll at USM, was similarly determined. Because of him, she told state legislators, “I did not encounter hardship; we did not go to jail.” Thus she would fight on till she saw “justice—total exoneration of his name because he was guilty of nothing.” For Jerry Mitchell what had happened was “far too little, and it’s certainly far too late”—no more than “a good first step.”⁸⁴

The next step was to present the petition to the Mississippi Parole Board, and this Drizin did on April 12, accompanied by thousands of pages of supporting signatures and letters, including those of NAACP chairman Julian Bond, USM president Shelby Thames, Pulitzer Prize-winning author Taylor Branch, federal and state legislators, former governors and judges. One signatory was retired State Supreme Court Justice Reuben Anderson, the first black Mississippian to be so appointed. Branch had earlier written to Governor Barbour urging him to grant Kennard clemency, and “thus further advance Mississippi’s healing path to recompense for the most egregious legal failures of the

⁸³ *Clarion-Ledger*, April 1, 2006; *Hattiesburg American*, March 30, April 16, 2006.

⁸⁴ *Hattiesburg American*, March 31, 2006; *Clarion-Ledger*, April 1, 2006.

segregation era." Historian John Dittmer reminded all that Kennard had been "the victim not of night riding Klansmen, but of Mississippi officials, both elected and appointed." The state urgently needed to recognize officially, he thought, "that a great injustice was done to this good and courageous man nearly a half-century ago."⁸⁵

The Parole Board took its time reviewing the petition, deliberating for a month before rejecting it on the grounds that "a more appropriate and satisfying remedy may be available to exonerate the name of Mr. Clyde Kennard." Obviously distressed by the rejection, Drizin and his legal team vowed never to give up the fight. Dorie Ladner, who had known Kennard through his civil rights work in the 1950s, expressed herself "stunned" by the decision. "I had faith in the people, the God-fearing people in Mississippi, who would, in my opinion do what was right without regard for politics," she lamented. Sadly, she continued, she had been wrong. Politics had won the day. "The governor seems to have had more influence over the board than they had over their own consciences," was her withering, though less than fair, conclusion. Callie McCune, one of Bradford's students and a co-petitioner, was saddened that Mississippi, having denied Kennard "his rights as a citizen while he was alive," had now "disrespected" him in death. She saw "a sad consistency" in this, "which should shame all people who love justice."⁸⁶

There were many in the Mississippi legal and political establishment who had come to share this view, and who were determined to settle the matter once and for all. They were led by former governor William Winter and recently retired Federal Appeals Court Judge Charles Pickering. Immediately after the Parole Board ruling, Barry Bradford, who knew Pickering's son, United States congressman Charles W. (Chip) Pickering, called Judge Pickering to discuss the prospect of filing a petition in federal court on Kennard's behalf as the next step. As they talked, Pickering later wrote, the place to go to "correct this injustice" was rather the court where Kennard had originally been convicted—the Circuit Court of Forrest County. Pickering knew both the circuit judge there, Robert Helfrich, and the district attorney, Jon Weathers, and

⁸⁵ John Dittmer to the Honorable Haley Barbour, April 7, 2006, and Taylor Branch to Barbour, April 6, 2006, both on Kennard Exoneration Web site. *Clarion-Ledger*, April 13, 2006; *Hattiesburg American*, April 7, 14, 2006.

⁸⁶ Jerry Mitchell and Julie Goodman, "Pardon Request Rejected," *Clarion-Ledger*, May 11, 2006.

regarded them highly. Accordingly, he called Weathers and enlisted his support to present a petition of exoneration, in effect asking the court to clear Kennard of his original crime. The list of co-petitioners was again impressive, and included former and present judges, President Thames and his predecessor, Aubrey Lucas, and Vernon Dahmer's widow and son. The petition was also signed by Governor Barbour. A particularly poignant moment, Pickering recalled, was when ninety-one-year-old Glen Pearson, the white physician who had once treated Kennard, "laboriously" made his way into the courtroom to add his signature.⁸⁷

Judge Helfrich wasted no time in dealing with the matter. After a twenty-minute hearing on May 16 he declared Kennard innocent of the "bogus charges" on which he had been convicted, finally putting the issue to rest with the eloquent assertion that "because this matter did begin here, it should end here." It was not to him "a black-white issue," he continued. "It is a right-wrong issue. To correct that wrong I'm compelled to do the right thing and declare Mr. Kennard innocent." After a moment's stunned silence, there was both jubilation and tears. Kennard's family and friends rejoiced. "I am happy this is over—for Clyde's name's sake, and for those who knew him as an honorable and good man," exulted his brother-in-law, eighty-two-year-old Willie Grant, the pastor of Hattiesburg's Martin Luther King Avenue Baptist Church. He was, he said, "going to go home and shout." Many Mississippians, white and black, shouted with him that day, while in Illinois Barry Bradford took quiet pride in a job well done "Today Clyde Kennard's soul rests easier," he thought, "justice is brighter and history is written more correctly." Others, Jerry Mitchell among them, wondered why it had taken so long. "The state of Mississippi wronged Clyde Kennard, framed him, took away his freedom." Belatedly, at least, "it has restored his good name."⁸⁸

Newspaper blogs are hardly a scientific gauge of public opinion, yet they can provide some guidance in assessing community attitudes. Contributors to an on-line forum moderated by the *Hattiesburg American* generally supported Judge Helfrich's decision, though some disagreed

⁸⁷ Pickering, *A Price too High*, 36-37. *Hattiesburg American*, May 17, 2006.

⁸⁸ Jerry Mitchell, "Forrest County Judge Exonerates Late Korean War Veteran Clyde Kennard," *Clarion-Ledger*, May 17, 2006; Mitchell, "Leaders: Racial Injustice Becoming a Thing of the Past," *Clarion-Ledger*, May 19, 21, 2006; *Hattiesburg American*, May 18, 20, 2006.

with his assertion that it was not "a black-white thing," but rather the rectifying of a grave miscarriage of justice, in which race was not a key factor. The two could not be separated, argued one correspondent. "It was about race when it happened," and the basic climate had not changed very much. "This is the South, after all." Others congratulated Helfrich for what was "still a bold decision to take in the Deep South," contrasting his strong stand with the equivocal position Governor Barbour had taken. Only one participant ridiculed spending so much time and money on the long-dead Kennard, when there were urgent issues plaguing many local communities—increased crime, most often drug-related, "poor unwed mothers" and their wayward children, absentee and feckless fathers—all much more worthy of attention than a conviction that had occurred more than forty years before. Most correspondents, though, agreed that whatever his reasons, Helfrich had brought closure to Kennard's case.⁸⁹

Certainly, Kennard's exoneration prompted many Mississippians to revisit their state's racist past, and to take great heart in how much had changed over those four decades. Judge Pickering was certain that the ruling "demonstrates the tremendous racial progress Mississippi had made since the 1950s and 1960s," and that this healing would continue provided the races worked together. Vernon Dahmer, Jr., was similarly upbeat. "When we look at where we were pre-1960 and where we are today, and the progress we have made—we had to come further than anybody else," he asserted optimistically. In Illinois, Barry Bradford, too, thought the significance of Helfrich's action went far beyond any individual, but symbolized the end of "a prejudiced mind-set that is shunned by Mississippians of all races, colors and faiths." That was the larger meaning of what had happened in the Forrest County Court.⁹⁰

Still, Bradford's "prejudiced mind-set" had an untimely way of reasserting itself. Less than a week after Helfrich's decision, Jackson attorney Richard Barrett filed a petition on behalf of five "common folks" from central Mississippi, in the same court, seeking that Kennard's exoneration be blocked. Barrett, a well-known white supremacist leader who had earlier defended members of the State Sovereignty Commission

⁸⁹ *Hattiesburg American*, May 18, 20, 2006.

⁹⁰ Mitchell, "Forrest County Judge Exonerates," *Clarion-Ledger*, May 17, 2006; "Kennard Exoneration Targeted," *Clarion-Ledger*, May 24, 2006; *Hattiesburg American*, May 22, 24, 2006.

as “patriots,” and had organized a “Killen Appreciation Day,” honoring the convicted killer of Schwerner, Goodman and Chaney during his brief period on bond, now claimed that Helfrich had clearly declared his own anti-white racism by dismissing the original jury’s decision to convict Kennard, merely because its members were white. More importantly, he argued, unless the conviction was reinstated, other segregationist icons would surely fall as Mississippi’s new leaders disavowed its proud past. “Should the name of Senator James O. Eastland ... be sand-blasted off the federal building in Jackson, because he had defended segregation?” he asked the court. Should Forrest County itself be renamed “to shun Nathan Bedford Forrest,” the Confederate hero who after the Civil War had helped form the Ku Klux Klan?⁹¹

Judge Pickering filed an immediate response. He pointed out that the civil procedures on which Barrett’s petition was based could not apply in criminal procedures such as Kennard’s trial. He also ridiculed his motives. “People who cannot win on reason and logic try to inflame the emotions of the people,” he said. “Richard Barrett has made a career of doing that.” When Helfrich, predictably, dismissed his petition, Barrett appealed to the State Supreme Court to reinstate Kennard’s conviction. “It is time Mississippi went on the offensive against these gravediggers of the American way of life,” he declared. On August 16, 2007, after more than a year of legal wrangling, the Court upheld Helfrich’s decision to exonerate Kennard. Writing for the Court, Justice Jess Dickinson said Barrett had no authority to intervene in the case, as the only “proper party to bring an appeal” was the State of Mississippi. Given that the state had no intention of so doing, and “indeed, applauds Judge Helfrich’s decision, we have no need to address any of the errors alleged by applicants, who have no standing in the matter.” Thus the case was closed—more than fifty years after Kennard had first sought the education *Brown* had supposedly guaranteed him.⁹²

There were many who breathed a little more easily that August day. Among them were LaKeisha Bryant, Raylawni Branch, Steve Drizin,

⁹¹ Mitchell, “Kennard Exoneration Targeted,” *Clarion-Ledger*, May 24, 2006. Rachel Leifer, “Lawyer Objects to Kennard Exoneration,” *Hattiesburg American*, May 24, 2006; Kevin Sack, “Pride and Prejudice; The South’s History Rises Again and Again,” *New York Times*, March 22, 1998. Ball, *Justice in Mississippi*, 192-93.

⁹² Leifer, “Lawyer Objects,” *Hattiesburg American*, May 24, 2006; *Clarion-Ledger*, June 27, September 6, 2006. *Hattiesburg American*, June 27, 2006, August 17, 2007. *Biloxi Sun Herald*, August 17, 2007.

Barry Bradford and their students, the journalists Jerry Mitchell and Rachel Leifer, and Judge Pickering, who publicly expressed his joy that "this chapter is finally closed." Branch was equally upbeat. "It really helps me feel good that you can go through the court system and get justice," she told reporters. All of them had contributed in bringing "the Saddest Story of All," to closure. In so doing they, and their myriad supporters, had achieved some measure of justice for Clyde Kennard. It had been delayed for forty-six years, but in the end it was not denied.⁹³

The long campaign to clear Clyde Kennard's name must be seen in the context of a continuing determination by many of Mississippi's public officials and private citizens to atone for crimes and injustices committed during the defense of segregation. The two best known have already been mentioned. The assassination of Medgar Evers and the murder of the three civil rights workers in Neshoba County have become part of the meta-narrative of the civil rights movement, and the subjects of numerous feature films and television documentaries. But there were many others where neither the victims nor the perpetrators were similarly well-known to history. In 2007, James Ford Seale, an ex-Klansman, was convicted of the murder in 1964 of two young black men, Henry Hezekiah Dee and Charles Eddie Moore, whose bodies were found in the Mississippi River during the search for the Neshoba County trio. The two youths had had no political associations, they had simply been in the wrong place at the wrong time during that turbulent summer. For four decades "their deaths, like their lives, were forgotten"—except by their families, but after a Canadian documentary team had drawn attention to the case, Mississippi investigators tracked down those perpetrators still living, and Seale, finally, went to jail. Other Southern states have also attempted to close their civil rights "cold case" files, but it is Mississippi, with twenty-seven convictions, that leads the way.⁹⁴

Not all attempts to redress past injustices, of course, involve crimes of violence. In 1969 the white citizens of the struggling community of Stonewall closed its only recreational center, a handsome, tiled Olympic-sized swimming pool, rather than comply with a desegregation order. Not only did they lock the doors, they covered the facility up with "truckloads of red Mississippi dirt." There it lay, buried and half-forgotten for nearly forty years, until a local businessman, determined to return some focus

⁹³ *Hattiesburg American*, August 17, 2007.

⁹⁴ *Clarion-Ledger*, May 27, June 14, 15, July 21, 2007.

to the town, had it uncovered and restored to working order. It was reopened in time for the summer of 2007, this time for the whole community to use, poignant testimony to a changed Mississippi, but also to the wasted years that went before. The pool's revival, like the cold case trials, like the clearing of Kennard's name, similarly fits squarely within this context of redress, as Mississippi, however imperfectly, comes to terms with its racialized past.⁹⁵

⁹⁵ Adam Nossiter, "Unearthing a Town Pool, and Not for Whites Only," *New York Times*, September 18, 2006.