

Chapter 21

Cleve McDowell, born in Sunflower County on a plantation outside of Drew on August 6, 1941, was the son of tenant farmers. Like so many other black Mississippi children of his time, his parents worked all year for a settlement – and “probably were lucky if [they] broke even,” the Drew attorney told Owen Brooks during an oral history interview on August 11, 1995.ⁱ

In the McDowell household were two boys and three girls. McDowell had five other siblings from his father’s former marriage, too. “Ferge” McDowell, his dad, lived to be 103 years old and was the first black person to be buried in the Drew Cemetery, at his son’s insistence.

Both McDowell’s father and grandmother loved to tell stories, and as a child, from them he learned some of the Delta’s early history and how his family survived. “He knew everybody and everything that had happened. His own mother, a former slave, lived to be near 100, too. She could remember [back to the] Civil War. [Her] name was Sally McDowell and she hid in the chimney when the Yankees liberated that area. I think they were in Arkansas at the time,” McDowell said. The McDowell family lived in a typical sharecropper home but young Cleve McDowell always felt there was something very special about their dwelling:

We had newspaper on the walls that we replaced every year. It wasn't like somewhere you look out through the floor and see the ground and up through the top and see the air and all that, because we always kept it fixed up.

We always kept the grass scraped out of the yard, and we had all kind of farm animals—hogs, chickens, geese, ducks, whatever. Then we really thought we were rich when we got that wallpaper that you could order and glue. We really thought we had made it then. But we lived a typical farm life.ⁱⁱ

McDowell’s family never went hungry since they had a garden and raised their own livestock.

My father and mother believed [in] that.... We never went hungry ... In the off season, you used to call it laid by, when you laid your crop by, we would go and chop wood. We'd have to cut firewood for the winter. And later on, they started giving us coal. You would get a little pile of coal that had to last you the whole season. And years later, into the early fifties, we got a kerosene stove, which was a big thing then.

[We had] cows. I used to hate that. It was my job going getting the cows. You know, you send them out in the morning and you have to go get them in the evening for milking and what have you. It was typical farm life.ⁱⁱⁱ

Always there were rumors about the violence going on around them, the life they were shielded from as children. But sometimes, McDowell and his siblings “got an earful about everything from family lynching stories to various things that would happen in the community.”

These were pre-Emmett Till years —“You knew about atrocities that happened to black people if somebody said the wrong thing or did the wrong thing or insulted some white person. Obviously [that] was tantamount to a death sentence, because you could be killed on the spot [for any reason].”

In nearby Drew, there lived a notorious town marshal, Dewey Ross [Roth], “who slaughtered people at random for any number of years, until some time later – I'm thinking in the late forties or early fifties—he killed some white guy and then they finally sent him to Parchman. He'd killed a white doctor's son, as I recall, who came home from the military.”

At the time, you really weren't thinking civil rights.... That didn't really come into the Mississippi Delta until Emmett Till's case, and then we started hearing about things. [P]rior to that time, the Southern way of life was, whatever the white man said went, and you relied on your boss for protection. The traditional saying was that if you could stay out of the ground, he would keep you out of jail. There was supposedly safety in being on a certain person's plantation.^{iv}

McDowell knew he came up at the right time, in the right place. “By '58 and '59 and '60, things were jumping.” Many black junior high students, including McDowell, were strongly influenced by the Emmett Till lynching that took place only a few miles outside of Drew and by the Little Rock school integration, as well. Entering high school, the students were met by an excellent group of teachers, McDowell remembered: “We were getting teachers who were telling us what is supposed to be, even though they weren't necessarily out leading any parades or anything. With TV [available], we were becoming a part of the nation [as] we were getting more information.”

Some of McDowell's new teachers came out of Tuskegee Institute in Alabama while others were trained at Tougaloo College near Jackson. McDowell's school records show that he was a top student, with A's and B's in political science, speech, math and science classes. He was class president, editor of the school newspaper, captain of the debate team, and a member of several varsity sports teams.

Young McDowell worked diligently at debate, often winning awards. He practiced hard and on his oral history tapes, McDowell's voice sounds assured and well trained. His friends, during interviews, often mentioned that he had a “beautiful” voice with “perfect” diction.

In the summer of 1960, McDowell entered Jackson State, where he was active in the burgeoning Civil Rights Movement. It was there he met both Meredith and Evers, whose NAACP office was a block from the campus. He worked as Evers' student assistant, helping with the Freedom Riders – “I was the briefcase guy” – and on other civil rights activities.

He found his new professors were excellent: “They just told us like it is and they allowed us to catch up with the rest of the world in terms of politics and the right to vote, the need to know why we were voting and what our basic rights were and why we weren't inferior, all these things.”^v

McDowell finished his undergraduate degree in three years as an honor graduate, in spite of working part time to pay his tuition. Ranking tenth in the graduating class of 311, McDowell entered law school at the University of Mississippi, becoming the first African-American student to attend a “white” graduate school in Mississippi. A federal court order and United States Army troops aided his entrance in June of 1963. He later completed law school at the Thurgood Marshall School of Law at Texas Southwestern University in Houston, where he was President of the Student Bar Association and received several merit awards.

The young student would not have known how the state’s Sovereignty Commission was looking for “anything which would reflect on his moral fitness and academic record in order to block his entry into the University of Mississippi School of Law.”^{vi}

Investigator Tom Scarbrough returned to Drew on May 29, 1963, searching for whatever he could uncover, but apparently found nothing to hold back the application. After speaking with the town’s mayor, chief of police, “two white teachers,” and the principal of the “Negro School,” Scarbrough reported:

All of those to whom I talked in Drew, including all of the elected officials, stated ... they had known the McDowell boy all of his life. All stated he had never been involved in any kind of meanness to their knowledge. The school principal reported that McDowell participated in all kinds of campus activities such as athletics and school plays, and he personally considered him above the average Negro boy in conduct; however I noted the following observations ... by three different teachers who taught McDowell: N. H. Thorp, who taught social science, [wrote] that McDowell was capable of doing much better with his school work if he would apply himself. R. E. Cox, who taught English, [wrote] that this child should watch his over-anxious attitude as it could lead to his downfall.

In 1960, Dorothy Henson, who taught social science, made a notation that McDowell tries very hard and should go some place in life. There were no bad conduct marks on McDowell’s school record from the time he entered the Drew School until he graduated in 1960.^{vii}

Snooping around the small Delta town, the investigator learned that “Son McDowell, Cleve’s father, had always been considered a good old trusted colored man. They say Son and his wife worked on the farm for Mr. R. K. Sage until Mr. Sage died and then continued working for Mr. Hubert Sage, who is the son of R. K. Sage, until the old man began to get too old to work on the farm. Son McDowell is an old Negro, perhaps around 80. Ozett, the mother ... is much younger ... the McDowell’s own their own home in the Negro section of Drew.”

It was Scarbrough’s “personal opinion” that the NAACP assisted in McDowell’s education – “if they did not pay all of his college expenses for the purpose of using him, since his record appears to be clean.”

The investigator was sent back to Drew on June 4 and 5 to find more dirt on young McDowell. From R. D. Cartledge, “cashier of the Bank of Drew,” Scarbrough learned that “a Negro female school teacher gave Cleve McDowell a check for \$10 payable to McDowell on May 27.... McDowell endorsed the check to Medgar W. Evers [who] in turn cashed the check at a service station in Jackson.” This fact was duly reported back to the Sovereignty Commission.

Scarborough was not able to learn why “Jessie Singleton Gresham” gave McDowell the \$10 check. He tried to talk once again to McDowell’s father and when he “could get no one to respond to my knock of their front door” he “journeyed over to Oxford ... to observe his admittance to the University School of Law on June 5, 1963.” The investigator spent the day with Sheriff Joe Ford “driving around the campus” to see what was going on:

I observed a number of armed troopers on and about the campus. I was told there were 350 specially trained riot troopers on the campus. I have no doubt that there were at least that many. I also observed a large number of U. S. Marshals present. [Otherwise] I did not observe anything else unusual ... however, there was feeling of anxiety as to whether or not McDowell’s entrance would be opposed by Governor Barnett. After it became known that [the governor] would not personally oppose his entry this feeling relaxed.

Of course, everyone shared Governor Barnett’s feeling and thinking that the government was illegally forcing Cleve McDowell’s admittance ... but they felt that it would do no good to oppose his entry, due to the fact the U. S. Government was prepared to enroll McDowell irrespective of the feelings of our Governor, and all of the white people of this state which were in opposition to McDowell’s entry to their all-white university.

Sheriff Joe Ford stated that he felt Governor Barnett’s decision not to oppose McDowell’s entry to the university was a wise one as everyone in the nation knew full well what [his] feelings were concerning the matter of a Negro going to an all-white university and that to oppose his entry could only spell out trouble for all concerned. He stated he was going to write the Governor a personal letter and commend him on his decision which he made.... I heard many other comments from citizens as well as other officers at the University. All were favorable in thinking Governor Barnett made the right decision in McDowell’s case.... It is my observation that everyone resented McDowell being admitted ... but were reconciled to this fact that so long as the Kennedys are in power that situations of this kind will have to be endured by the white people of this state.^{viii}

Other black students, nearly “a dozen,” were supposed to enroll with McDowell at the University of Mississippi Law School, but “they all pulled out in the end” and McDowell was left to face it alone.

We were trying to integrate the Mississippi schools, the Alabama schools and the Arkansas schools. School integration was ... necessary to get full equality. That was going to be the great savior for us. Meredith had gone into the undergraduate school, and ... that was why I went to the law school.

People like Alexanders [phonetic], he was supposed to go in with me. We went to get him that night, and his mother cried and carried on. I think he had his bags packed, literally, and he couldn't go.

I wound up going by myself. Of course, at the time I was brave. We weren't scared of anything. We would take on the world. We were militants, as such. We didn't believe the white folk would kill you then, but we know better now.

Oh, we were ready.... It was winner take all. We weren't taking any back seats.^{ix}

At Oxford, McDowell was greeted with expected hostility:

It was the height of racial tension. We just had the Ole Miss riots. See, I was involved with Meredith back and forth that whole period of time. Everything that you heard on TV, it was just that bad, and worse, if you were actually there.

Most students – most of them – knew it was hands-off, but there was still the heckling and the isolation. In fact, when I moved into one of the dormitories, everybody else moved out. You had all of the hostility and threats that normally accompany a school integration. And all these people now who say that they were there with me were probably there throwing rocks or something.

But keep in mind, we had the marshals and the U. S. Army there at that time, so it wasn't until I got in trouble later, when I was there by myself. But with the Meredith time frame, both of us were there. We had the Army and the marshals and all of that. But then they just packed up and left after Meredith left, and then that left me there by myself.^x

“What was it like?” was asked by Owen Brooks on August 11, 1995.

Well, it was as bad as you could imagine, but at the time we felt like we had to do it. It was a sacrifice that not only I but other people were making, Lucy in Alabama and Hamilton Holmes ... who died. There were people who were doing this all over the country, so it wasn't just something that I was the only person doing. It was something that we felt that we had to do.^{xi}

Once Meredith left, McDowell had to ensure his survival. “I guess you could say I was one of the original militants. I wasn't about to let anybody catch me on the drive back and forth to Drew situation and run me off the road, because they would follow you and honk at you and all of this stuff anyhow. But if some of them had tried to grab me in a bathroom or walking down an alley or something, they probably would have had—they would have gotten an adequate response.” McDowell carried a gun in the car “going back and forth” to his home:

The college kids had all kind of deer guns and everything you could imagine in their rooms mounted on walls, and several of them had even shot each other, so that wasn't a big deal. But basically, I was just singled out.... Of course, they probably saved my life by putting me out, because, you know.... Medgar Evers was actually assassinated while I was at the university. Then the summer after, the three civil rights workers down in Philadelphia. Any other numbers of people were killed at various points in between – so they [Ole Miss] probably saved my life.^{xii}

Other black students followed in McDowell's footsteps, obtaining their law degrees from Ole Miss. "When Reuben Anderson and Miller and all those guys got there, it was safe. Integration was accepted, because the undergraduate school was well integrated and the schools across the South and the country were fully integrated, or certainly substantially integrated as compared to what had been," McDowell told interviewers:

Rogers: How did you feel when you were getting this treatment at Ole Miss?

McDowell: Well, you know, the thing was, it didn't bother me, because I believed in what I was doing. It was just something that had to be done. We were taught at that time, you know, "Forgive them for they know not what they do," and we just basically recognized that it was something that had to be done and that we felt that we were right and dedicated.

Rogers: How did it happen that you got thrown out? Did somebody just find the gun in your car or—

McDowell: Okay. Well, somebody, I think, probably—well, they knew I had it, because you know how the network goes, and someone supposedly saw me put it in my pocket or take it out of my pocket or something at the car. But the bottom line was that when I ordered the thing from the catalog – at the time, you could order from catalog – and it came to the railroad station or wherever it was over to Cleveland, my name stood out just like anything, and it was orchestrated all the way up.

Rogers: So the station master or whoever was taking—

McDowell: The PDs and the other people, they knew what was going on.

Rogers: They knew all of the black people who had guns?

McDowell: Well, I wasn't the only one who had guns, because, you know—but what I'm saying is, in the school situation, that was the only thing that made it peculiar. But a lot of black people were defending themselves, or would have defended themselves, if it had become necessary. Everybody wasn't just meek and humble and totally nonviolent. At a point, we defended ourselves. You know, the Vernon Daimers [phonetic] and people like that shot back. It wasn't as though we were just like sheep being led to slaughter.

Rogers: We've talked to a number of folks whose families had weapons.

McDowell: Oh, yeah. My daddy had a double-barrel shotgun that hung on two branches that was always loaded. And, you know, the old night rider thing. If they had come to our house, they would have had a go-for.

Rogers: So when they found this, they just bopped you out? Did they expel you then?

McDowell: Oh, yeah. I think I was arrested. They called the county sheriff over and I was arrested, and then they fined me something, fifteen dollars or twenty-five dollars or whatever the fine was for having a gun. And then we had the bogus administrative hearing. There was a federal lawsuit, you know, which the NAACP just didn't pursue past the district court level, because they could have won it if they had pursued it, but they just backed off.

Brooks: Did they send somebody to the hearing?

McDowell: Yeah, Derrick Bell, who later became a federal judge. See, our other cases had been Motley, Constance Motley had handled—and Thurgood Marshall had been involved with the early phases of some of these cases that got us into Ole Miss.

McDowell's expulsion from the University of Mississippi on September 24 came at the recommendation of the student Judicial Council, "returning [the university] to the Deep South state its unique system of totally segregated public schools."^{xiii} After the decision was announced, McDowell said he had "no emotion to express whatsoever at this time."^{xiv}

Champ Tierney, the son-in-law of Senator Eastland, headed the Student Judicial Council that tried and expelled him according to Sovereignty Commission reports. McDowell's attorney, R. Jess Brown had to sneak out of town afterwards on back roads after his life was threatened.

Nearly 200 students gathered silently in front of the campus cafeteria to watch McDowell's departure. "Campus police would not allow newsmen to talk to McDowell at the university but he was questioned briefly at a service station where he stopped for gasoline." Speaking "exclusively" with a reporter from the school newspaper, he was asked about his reluctance to issue statements. "That's very simple," he replied. "I'm not a leader in any movement. I'm a student of law and I'm pursuing a law degree." Governor Barnett from his Jackson office refused comment.^{xv}

One year later, McDowell asked a federal court to reinstate him, contending officials used prejudiced standards in his expulsion. After doing his own research, McDowell found that thirty-four white Ole Miss students had guns confiscated from them during the past school year and they were not expelled. McDowell listed each student by name and asked that their records be produced by court order.^{xvi}

Guns were also found in a fraternity house during the "Battle of Oxford" where [Mississippi U. S. Senator] Trent Lott, a popular student leader, cheerleader, and president of the Sigma Nu fraternity, was an ardent segregationist. Lott was singled out for praise by Sigma Nu's national board for keeping his frat brothers away from the fighting even though federal authorities seized two dozen firearms (shotguns, rifles and pistols) in a raid on the Sigma Nu house on the day after the campus insurrection. No charges were ever lodged against the fraternity or its members.^{xvii}

Author Bill Doyle in looking over the events at Ole Miss, questioned why the guns were there in the first place. Who put them there? Did Lott know about the guns and why was there a need for university officials to approve a search for and seizure of the guns by the U. S. Army combat troops?

To Doyle, the "most baffling mystery of all" is how Trent Lott could have been at the epicenter of such a violent and tragic event without quickly coming to peace with the idea of treating African-Americans as full American citizens.

"Instead, it seems to have embittered his segregationist views – two years later he supported the cause of keeping blacks out of the national Sigma Nu fraternity."

No Sigma Nu students were disciplined in the 1962 gun incident, then one year later ... "a black law student named Cleve McDowell ... was discovered carrying a pistol for self-defense on the campus. He was expelled ... the next day,"^{xviii} Doyle wrote.

McDowell completed his law degree in 1969 after transferring to the Thurgood Marshall Law School at Texas Southern University, where he was president of the student bar association. This experience turned out better, since the Texas school was teaching civil rights law, unlike the University of Mississippi:

It was a Movement school. The great black lawyers were teaching us the things we needed to know [for civil rights litigation]. R. Jess Brown had graduated from Texas Southern, and I worked with him for a while [I was] in Jackson, too. But that was probably why I went to Texas Southern, because R. Jess Brown had gone to Texas Southern in order to practice law in Mississippi. He was one of the original three black lawyers in the state - Jack Young, Sr., R. Jess Brown, and Carsie Hall were the original three black lawyers, and all of the civil rights cases had to have one of them attached as local counsel. So when all the people from Harvard and everywhere else came in here—Derrick Bell, Thurgood Marshall, Connie Motley—all those people had to attach themselves to one of these three lawyers in order to represent people in the state.^{xix}

McDowell still had to win approval by the Mississippi bar to practice law in his home state. Graduates of the James O. Eastland School of Law at Ole Miss had diploma privileges,

“...and of course, you could not get into the university because it was segregated, and you couldn't pass the bar unless they wanted you to. So they had effectively blocked out-of-staters and blacks.”

Once Ole Miss integrated the law school, it meant that black lawyers could finally acquire diploma privileges “...just like the white students were, and a few years later they changed it and made everybody start taking the state bar.”^{xx}

McDowell won the fight to practice law in Mississippi on May 1, 1971, and was later employed by the bar organization for a short period of time.

ⁱ Oral history interview with Cleve McDowell by Owen Brooks, August 11, 1995. Tougaloo Archives.

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} Ibid. Stories of “Dewey Ross” still abound and were even spread over into Northern Arkansas. Most people called him “Ross,” instead of Roth, his real name, according to Delta blues and Drew historian, Marvin Flemmons.

^v Oral history interview with Cleve McDowell.

^{vi} Sovereignty Commission report dated May 31, 1963. Prepared by Tom Scarbrough, investigator. [SCR ID # 1-75-0-5-1-1-1.](#)

^{vii} Ibid.

^{viii} Sovereignty Commission report dated June 18, 1963. Prepared by Tom Scarbrough, investigator.

^{ix} Oral history with Cleve McDowell.

^x Ibid.

^{xi} Ibid.

^{xii} Ibid.

^{xiii} UPI, “Mississippi Status Again ‘All White,’” *The Holland Evening Sentinel*, September 25, 1963.

^{xiv} Ibid.

^{xv} Cliff Session, “Had Reason For Gun,” *UPI*, undated copy.

^{xvi} UPI, “McDowell Seeks UM Admittance,” *Clarion-Ledger*, June 26, 1964.

^{xvii} Joe Conason's Journal, “The Night Trent Lott Did The ‘Right thing,’” *Salon*, December 19, 2002.

^{xviii} Journalist William Doyle wrote “An American Insurrection,” a book on James Meredith and the events of 1962. The book won several major awards, and Doyle has since written articles and speeches on the topic, including this online short piece that appears on the “Monitor” website.

^{xix} Oral history interview with Cleve McDowell.

^{xx} Obid.