

By: Representatives Watson, Brown,
Whittington

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 55

1 A CONCURRENT RESOLUTION ACKNOWLEDGING THE INNOCENCE OF CLYDE
2 KENNARD, THE FIRST BLACK STUDENT TO APPLY FOR ADMITTANCE AT THE
3 UNIVERSITY OF SOUTHERN MISSISSIPPI, AND DECLARING THAT THE STATE
4 OF MISSISSIPPI DENIED HIM JUSTICE AND SHOULD EITHER PARDON OR
5 RETRY HIM TO RESTORE HIS REPUTATION.

6 WHEREAS, Clyde Kennard, an African American decorated war
7 veteran and farmer, repeatedly tried to become known as the first
8 black student to enroll at the University of Southern Mississippi
9 (USM), but his false arrest is known by researchers as the saddest
10 event of the civil rights movement in Mississippi; and

11 WHEREAS, when Clyde Kennard refused to give up his quest to
12 become the first black student to enroll at the University of
13 Southern Mississippi, authorities sent him to state prison in 1960
14 for seven years; and

15 WHEREAS, a three-month investigation by *The Clarion-Ledger*
16 has revealed that the decorated Army veteran was locked up for a
17 crime he never committed; and

18 WHEREAS, in the 1960 trial, 19-year-old Johnny Lee Roberts
19 testified that Kennard, a 33-year-old devout Baptist and farmer,
20 put him up to breaking into Forrest County Co-op to steal \$25.00
21 in feed, even describing how he should leave the warehouse door
22 unlocked; however, 45 years later, Roberts has said that none of
23 his testimony was true, is willing to swear under oath that Clyde
24 Kennard never put him up to the burglary, or asked him to do
25 anything illegal; and

26 WHEREAS, born in 1927, Kennard's early life foreshadowed a
27 grim future when, at the age of four, his father died. He grew up
28 helping his mother run the family farm. In 1950, Kennard began

29 attending college in Fayetteville, N.C., during the Korean War.
30 Kennard served as a paratrooper and rose to the rank of sergeant,
31 receiving three medals including the Bronze Star; and

32 WHEREAS, after the Korean War, he came home to run the family
33 farm in Mississippi, and at the age of 28 joined the NAACP; and

34 WHEREAS, Kennard served as President of the local NAACP youth
35 chapter and on the local school board; and

36 WHEREAS, after becoming aware that the area's 125 black
37 students had to travel 11 miles past the all-white school to
38 attend classes, Kennard became outraged and circulated an
39 unsuccessful petition to have children attend the closest school;
40 and

41 WHEREAS, Kennard desired to finish college and in 1956, he
42 approached President William D. McCain at the then segregated
43 Mississippi Southern College, but was denied entrance; however,
44 when he tried to enroll again in 1958, he enjoyed the support of
45 Medgar Evers, Field Secretary for the Mississippi NAACP and, when
46 his intention to attend college was made public, the state's
47 segregationist spy agency, the Mississippi Sovereignty Commission,
48 compiled an extensive dossier on the small-framed farmer and
49 sought to smear his reputation; authorities' framing of Kennard is
50 made clear in Sovereignty Commission records; and

51 WHEREAS, on March 6, 1961, the Mississippi Supreme Court
52 ordered a new trial on reckless driving and liquor charges for
53 Kennard, but it did him little good because he remained behind
54 bars, where he had been since his September 1960 burglary arrest
55 and less than a month later, the same justices upheld Kennard's
56 conviction, sending him to the State Penitentiary at Parchman; and

57 WHEREAS, in 1993, USM honored Kennard by renaming its student
58 services building after him and Walter Washington, the first
59 African American to receive a doctorate from the institution, and
60 a biography of Kennard on the university's Web site refers to the

61 charges against Kennard as "false," but Mississippi never has
62 taken any official action to clear his name; and

63 WHEREAS, Clyde Kennard wrote a letter to the *Hattiesburg*
64 *American* in 1958 challenging the idea of separate but equal.
65 Kennard suggested people work together to build up one another:
66 "When merit replaces race as a factor in character evaluation, the
67 most heckling social problem of modern times will have been
68 solved"; and

69 WHEREAS, in March 1962, he underwent colon cancer surgery at
70 the University of Mississippi Medical Center, but died July 4,
71 1963, the anniversary of the Declaration of Independence that
72 promised, "All men are created equal"; and

73 WHEREAS, Kennard's case was the clearest and best evidence of
74 injustice in Mississippi's past history, and the reputation of
75 this Mississippian deserves to be exonerated:

76 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
77 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
78 THEREIN, That we do hereby acknowledge the innocence of Mr. Clyde
79 Kennard, the first black student to apply for admittance at the
80 University of Southern Mississippi, and declare that the State of
81 Mississippi denied him justice and thereby contributed to a gross
82 miscarriage of justice.

83 BE IT FURTHER RESOLVED, That (a) we strongly urge the
84 Governor to grant Mr. Kennard a posthumous pardon in this case
85 based upon the new evidence cited in this Concurrent Resolution,
86 in order to correct this miscarriage of justice by the State of
87 Mississippi, or (b) in the alternative, the District Attorney for
88 the Twelfth Circuit Court District or the Attorney General for the
89 State of Mississippi should investigate and present evidence for a
90 new trial on this matter to the appropriate grand jury, or (c) in
91 the alternative, the Mississippi Supreme Court should take up the
92 Kennard burglary conviction on its own motion.

93 BE IT FURTHER RESOLVED, That this resolution shall be
94 forwarded by the Secretary of State to the District Attorney for
95 the Twelfth Circuit Court District, the Attorney General for the
96 State of Mississippi and the Clerk of the Mississippi Supreme
97 Court.

98 BE IT FURTHER RESOLVED, That this resolution shall be
99 presented to the surviving family members of Clyde Kennard and be
100 made available to the Capitol Press Corps.