

By: Senator(s) Horhn, Harden, Williamson,
Dawkins, Jordan, Thomas, Butler, Jackson
(11th), Jackson (32nd), Turner, Simmons,
Frazier

To: Rules

SENATE CONCURRENT RESOLUTION NO. 543

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 the first black
8 student to enroll at the University of Southern Mississippi (USM),
9 but his false arrest has been called 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 the decorated Army veteran was locked up for a crime
17 he never committed. In the 1960 trial, 19-year-old Johnny Lee
18 Roberts testified Kennard, a 33-year-old devout Baptist and
19 farmer, put him up to breaking into Forrest County Co-op to steal
20 \$25.00 in feed, even describing how he should leave the warehouse
21 door unlocked. Now, 45 years later, Roberts said none of that is
22 true, and he said he's willing to swear under oath that Clyde
23 Kennard never put him up to the burglary, or asked him to do
24 anything illegal; and

25 WHEREAS, born in 1927, Kennard's early life foreshadowed a
26 grim future, at the age of 4, his father died. He grew up helping
27 his mother run the family farm. In 1950, Kennard began attending
28 college in Fayetteville, N.C., during the Korean War. Kennard

29 served as a paratrooper and rose to the rank of sergeant,
30 receiving three medals including the Bronze Star; and

31 WHEREAS, after the Korean War, he came home to run the family
32 farm in Mississippi, and the 28-year old joined the NAACP.

33 Kennard served as President of the local NAACP youth chapter and
34 he served on the local school board and was outraged the area's
35 125 black students had to travel 11 miles past the all-white
36 school to attend classes. He circulated an unsuccessful petition
37 to have children attend the closest school; and

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

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

54 WHEREAS, in 1993, USM honored Kennard by renaming its student
55 services building after him and Walter Washington, the first
56 African-American to receive a doctorate from the institution. A
57 biography on Kennard on the university's Web site calls the
58 charges against Kennard "false," but Mississippi never has taken
59 any official action to clear his name; and

60 WHEREAS, Clyde Kennard wrote a letter to the *Hattiesburg*
61 *American* in 1958 challenging the idea of separate but equal.

62 Kennard suggested people work together to build up one another:
63 "When merit replaces race as a factor in character evaluation, the
64 most heckling social problem of modern times will have been
65 solved"; and

66 WHEREAS, in March 1962, he underwent colon cancer surgery at
67 the University of Mississippi Medical Center. Kennard died July
68 4, 1963, the anniversary of the Declaration of Independence that
69 promised, "All men are created equal"; and

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

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

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

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

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