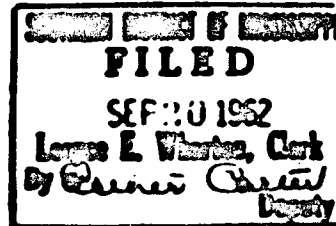


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

A. L. MEADORS, et al.,
Plaintiffs,
v.
JAMES MEREDITH, et al.,
Defendants.

Civil Action No. 1141



ORDER

On September 19, 1962, the Chancery Court for the Second Judicial District of Jones County, Mississippi, issued a fiat directing the Chancery Clerk of Jones County, Mississippi, to enjoin the petitioners and certain other persons, without notice of hearing, from taking any action to enroll and register James H. Meredith as a student in the University of Mississippi.

On September 20, 1962, petitioners asked the removal of that cause from the Chancery Court to this Court.

The petitioners now move this Court to vacate the injunction of the Chancery Court of Jones County, Mississippi.

Upon consideration of the motion, this Court is of the opinion that, in the absence of an emergency, the motion ought not to be granted forthwith and without notice ~~and~~ hearing to the plaintiffs in the Chancery Court's action. Therefore, it is ordered,

JJ

adjudged, and decreed that decision on this motion
is withheld pending a hearing on it on Monday,
September 24, 1962, at 1:30 p.m., at the United
States District Courtroom, Federal Building, Meridian,
Mississippi, after notice to the original plaintiffs.

D. v. Brown, Case 20-1962

Silvey C. Rize
SILVEY C. RIZE
Judge, U. S. District Court

Spencer A.
Horace A. Price

A TRUE COPY, I HEREBY CERTIFY.
LUCY M. WILSON, CLERK
BY:

B. Price
B. Price
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

JAMES H. MEREDITH,)
)
 Appellant,) No. 19475
)
 v.)
)
 CHARLES DICKSON FAIR, et al.,) ORDER
)
 Appellees)

Upon consideration of the ex parte application of amicus United States of America for an order restraining and enjoining Joe W. Ford, Sheriff of Lafayette County, Mississippi, and all other state, county and municipal law enforcement officers of Mississippi from arresting James H. Meredith or persons accompanying him for the purpose or with the effect of interfering with his enrollment and registration at the University of Mississippi on September 20, 1962; and for an order restraining the enforcement and application of legislation adopted by the State of Mississippi on September 20, 1962 to the effect that it shall be a criminal offense for persons charged with certain felonies, including said Meredith, to enroll or register in Mississippi Institutions of Higher Learning, this Court is of the opinion that the threatening arrests of Meredith conflict with and are a derogation of this Court's presently outstanding order in the principal case and in conflict with and in derogation of the orders of the United States Court of Appeals for the Fifth Circuit in this case, and that said arrests ought to be enjoined.

This Court is of the further opinion that the application and enforcement of legislation adopted by the State of Mississippi on September 20, 1962 relating to the enrollment of persons at its Institutions of Higher Learning ought not to be restrained without notice and hearing.

Therefore on the basis of the application of amicus which

KK

the Federal Rules of Civil Procedure and 28 U.S.C. 1651

IT IS ORDERED, ADJUDGED AND DECREED that:

1. Joe W. Ford, Sheriff of Lafayette County, Mississippi, his deputies, agents and all persons acting in concert with him including all other law enforcement officers of Mississippi, its counties and municipalities are enjoined and restrained from arresting, molesting or hindering in any way James Meredith and persons accompanying him for the purpose of with the effect of interfering with the enrollment and registration of Meredith at the University of Mississippi on September 20, 1962;

2. The application for an order restraining the enforcement with respect to James Meredith of State legislation adopted on September 20, 1962 is deferred pending further hearing except that as specified in Paragraph 1 above neither Meredith nor persons accompanying him shall be arrested on the ground that he or they have violated such legislation.

The application for an injunction against the legislation referred to in Paragraph 2 above will be heard by this Court after notice to the appropriate officials of the State of Mississippi on Monday, September 24, 1962 at 1:30 p.m.

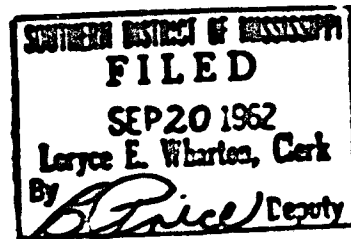
This order shall be effective immediately.

ORDERED this 20th day of September, 1962.

/s/ S. C. Mize
S. C. MIZE
UNITED STATES DISTRICT JUDGE

/s/ Harold Cox
Harold Cox
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



JAMES HOWARD MEREDITH, On Behalf Of Himself
And Others Similarly Situated,

Plaintiff,

v.

CHARLES DICKSON FAIR, President of the Board
of Trustees of the State Institutions of
Higher Learning, et al.,

Defendants.

CIVIL ACTION NO. 3130

ORDER

This cause came on before this Court on the motion of the plaintiff for an injunction enjoining Paul G. Alexander, County Attorney of Hinds County, Mississippi; William (Bill) Waller, District Attorney of Hinds County, Mississippi; Homer Edgeworth, Justice of the Peace of Hinds County, Mississippi, Justice District No. 5, and J. R. Gilfoy, Sheriff of Hinds County, Mississippi enjoining them from proceeding with the prosecution and arrest of plaintiff for allegedly securing his registration as a voter of Hinds County when he is, in fact, a resident of Attala County, Mississippi,

And it appearing to this Court that on this 20th day of September 1962 the County Attorney of Hinds County did proceed with the prosecution of plaintiff and the Justice of the Peace of Hinds County did convict the plaintiff as charged and issued an order for the arrest of plaintiff,

And it appearing that on the 27th of July 1962 the Court of Appeals for the Fifth Circuit continued an injunction issued by it on June 12, 1962 enjoining Paul G. Alexander (copy to Attorney General Joe T. Patterson of Mississippi) from

LL

Proceeding with said prosecution of plaintiff pending final action by the United States Supreme Court on a petition for writ of certiorari filed by defendants in this cause,

And it appearing that this order is necessary in aid of this Court's jurisdiction, and to preserve the effectiveness of the permanent injunction order of this Court of September 14, 1962, and to prevent irreparable harm to the plaintiff, It is now,

ORDERED that Paul G. Alexander, County Attorney of Hinds County, Mississippi; Homer Edgeworth, Justice of the Peace of Hinds County, Justice District No. 5; William (Bill) Waller, District Attorney of Hinds County, Mississippi; J. R. Gilfoy, Sheriff of Hinds County, their agents, employees, successors and all other county attorneys, district attorneys, justices of the peace and sheriffs of the State of Mississippi and/or Hinds County who may have jurisdiction to prosecute or arrest the plaintiff on the charge of falsely securing his registration as a voter of Hinds County be, and they hereby are, temporarily enjoined and restrained from proceeding with the prosecution, conviction and arrest of plaintiff until the further order of this Court.

IT IS FURTHER ORDERED that Paul G. Alexander, Homer Edgeworth, William (Bill) Waller, J. R. Gilfoy show cause before this Court on Monday, September 24, 1962 at 1:00 P.M. why a preliminary injunction should not issue against them as prayed in the motion for injunction filed by plaintiff in this cause on this the 20th day of September 1962.

Entered at Meridian, Mississippi this 20th day of September 1962.

~~UNITED STATES DISTRICT COURT~~

Clarence C. Mize
U.S. District Judge

James A. ...
No. 00000 Judge

RECEIVED BY CLERK
SEP 20 1962

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Jackson Division

JAMES HOWARD MEREDITH, et al.,
Plaintiffs,

v.

CHARLES DICKSON FAIR, et al.,
Defendants

UNITED STATES OF AMERICA, as
Amicus Curiae and Petitioner,

v.

JAMES DAVIS WILLIAMS, ARTHUR BEVERLY
LEWIS, AND ROBERT BYRON ELLIS,
Respondents.

No. 3130

ORDER TO SHOW CAUSE WHY
A FINDING OF CIVIL
CONTEMPT SHOULD NOT BE
ENTERED

It appearing from the verified petition of the United States of America attached hereto that James David Williams, Chancellor of the University of Mississippi, Oxford, Mississippi, Arthur Beverly Lewis, Dean of the College of Liberal Arts of the University of Mississippi, Oxford, Mississippi, and Robert Byron Ellis, Registrar of the University of Mississippi, Oxford, Mississippi, have failed and refused, and are now failing and refusing to discontinue their policy, practices, customs, and usages of excluding Negro students from the University of Mississippi solely because of their race and color, and specifically that they have failed and refused to register and admit the plaintiff in the case of Meredith v. Fair, No. 3130,

MM

all in disobedience of the injunction issued by this Court on September 13, 1962, in the above case:

IT IS ORDERED that James Davis Williams, Chancellor of the University of Mississippi, Arthur Beverly Lewis, Dean of the College of Liberal Arts of the University of Mississippi, and Robert Byron Ellis, Registrar of the University of Mississippi, show cause, if any they have, on September 21, 1962, at 1:30 P. m., o'clock in the United States District Courtroom at the Courthouse in the Federal Building in Meridian, Mississippi, why each of them should not be held in civil contempt by reason of his failure and refusal to obey the injunction of this Court of September 13, 1962.

This order shall be effective immediately.

/s/ Sidney C. Mize
SIDNEY C. MIZE
United States District Judge

September 20, 1962

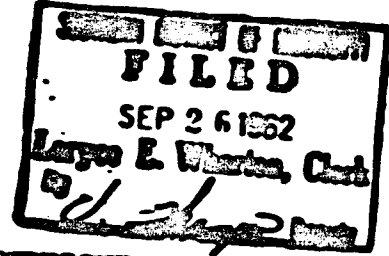
IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

JAMES HOWARD MEREDITH

VS.

(Civil Action 3130)

CHARLES DICKSON FAIR, ET AL



UNITED STATES OF AMERICA, AS AMICUS CURIAE & PETITIONER

Vs.

(Civil Action No. _____)

JAMES DAVIS WILLIAMS,
ARTHUR BEVELLY LEWIS, and
ROBERT BYRON ELLIS

APPEARANCES:

Mrs. Constance Baker Motley and Mr. Jack Greenberg
10 Columbus Circle, New York, N. Y.; and
E. Jess Brown, Attorney, Vicksburg, Mississippi;

Appearing for Plaintiff.

Mr. Burke Marshall, Asst. Attorney General, Civil
Rights Division, Department of Justice,
Washington, D. C.; and
Mr. Robert Cohn, Asst. Attorney General, Civil
Rights Division, Department of Justice,
Washington, D. C.;

Appearing for United States
of America.

Hon. Joe T. Patterson, Atty. General, State of
Mississippi;
Mr. Charles Clark, Special Asst. Attorney General;
Mr. Dugas Shands, Asst. Attorney General;
Jackson, Mississippi;
Hon. Fred B. Smith, Attorney, Ripley, Mississippi; and
Mr. Thomas H. Watkins, Attorney, Jackson, Mississippi;

Appearing for Defendants.

COURT REPORTER'S TRANSCRIPT of the ORAL TESTIMONY ONLY had upon

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the hearing of the above styled causes on a Petition to Show Cause Why the Defendants in Said Causes Should Not Be Held In Contempt of Court; heard before the Honorable Sidney C. Wise, United States District Judge for the Southern District of Mississippi, at 2:00 P.M. on the 21st day of September, 1962, in the Federal Courthouse Building, Meridian, Mississippi.

ST. JOHN BARRETT, called as a witness on behalf of the Government, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. OWEN:

Q. Please tell the Court your full name.

A. St. John Barrett.

Q. How old are you, Mr. Barrett?

A. I'm 39 years old.

Q. Where do you work?

A. With the Department of Justice in Washington, D. C.

Q. What is your job?

A. I am an attorney in the Civil Rights Division of the department.

Q. Directing your attention to yesterday, did you have any contact with James Howard Meredith, the plaintiff in this case?

A. Yes, I did.

Q. Where was that?

A. I first saw Mr. Meredith yesterday in Memphis.

Q. For what purposes did you see Mr. Meredith?

INDEX TO WITNESSES

	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>
St. John Barrett	2	18	23	24
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Findings of Fact & Conclusions of Law -- Page 43

BY THE COURT: The parties to this litigation having
pleaded and the Court having heard full arguments in this matter,
now makes the following findings of facts and conclusions of law:

This Court on the 13th of September, 1962, issued a
permanent injunction against all defendants that were named in
the cause styled James Howard Meredith vs. Charles Dickson Fair,
et al, Number 2133 Civil, enjoining the defendants and each of
them in the following language -- not quoting the entire matter,
but part of it:

"Their agents, servants, employees, successors, attorneys
and all persons in active concert and participation with them
be and they are hereby permanently restrained and enjoined from:

"(1) Refusing to admit plaintiff, James Howard Meredith
immediately to the University of Mississippi and that they shall
each of them do, and they are hereby required to admit him to the
University of Mississippi upon the same terms and conditions as
applicable to white students;

"(2) From interfering in any manner with the right of
plaintiff, James Howard Meredith, to matriculate in, or attend
the University of Mississippi;

"(3) From taking any action or using any act or being
guilty of any conduct which will impair, frustrate or defeat his
right to enter the University of Mississippi;

"(4) Refusing to admit the plaintiff, James Howard Meredith
to the University of Mississippi upon his applications heretofore
filed, all of which are continuing applications.

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"It is further ordered that said defendants, or any of the classes of persons referred to, are prohibited and enjoined from excluding the same James Howard Meredith from admission to continued attendance at the University of Mississippi.

"It is further ordered that the defendants, their servants, agents, employees, successors and assigns, and all persons acting in concert with them, are enjoined to admit the plaintiff, James Howard Meredith to the University of Mississippi upon his applications heretofore filed and they are enjoined from excluding the said James Howard Meredith from admission to continued attendance at the University of Mississippi or discriminating against him in any way whatsoever because of his race.

"It is further ordered that a copy of this order and injunction be served by the United States Marshal on each of the defendants herein."

On September 20, 1963, this Court issued a fiat to the three defendants named here to appear here today and show cause, if any they could, why they had not carried out the injunction that I had heretofore issued. The defendants, and the only three defendants involved in this action, are James Davis Williams, Arthur Beverly Lewis, and Robert Byron Ellis; and the fiat required them to be here on September 21, 1963, at 1:30, and that they should appear here and show why they should not be held in civil contempt by reason of their failure and refusal to obey the order of this Court of September 13, 1963.

At the beginning of the proceedings today an objection was made by the defendants proceeding in this cause unless criminal action, or petition, also be heard at the same time. The Court, thinking it was a proper case for the consolidation of a criminal and civil action -- for a criminal violation of the injunction, as well as a civil contempt violation for violation of the injunction -- stated into the record that he would regard the criminal petition to be in substantially the same language as were the charges in the civil contempt proceeding, and consolidated the two for trial. They have been tried, and the criminal action has heretofore been dismissed during the argument of the Government.

On the 30th of September, 1932, the Governor of the State of Mississippi invoked the doctrine of interposing and invoking the police powers of the State of Mississippi in order to swear the people of the State of Mississippi and for protection of all the citizens of the State of Mississippi and all others who may be within the confines of the State of Mississippi, and on that date notified James Howard Meredith that he was refused admission as a student at the University of Mississippi, and any other person or persons who, "in my opinion, by such admission, would lead to a breach of the peace and be contrary to the administrative procedures and regulations of the University of Mississippi and the laws of the State of Mississippi."

In that document he advised Meredith that he would refuse admission. The contract between Robert B. Ellis and the Board of Trustees of the State Institutions of Higher Learning was entered into on the 2nd of July, 1933, which is

a renewal of contracts theretofore entered into, and it is shown Mr. Ellis had been one of the teachers at the University of Mississippi for years.

Likewise, on the 2nd of July, 1932, a contract was entered into between the Board of Trustees of State Institutions of Higher Learning and John D. Williams to the position of Chancellor. The evidence shows, and I find it a fact, that Chancellor Williams had been chancellor since 1919, I believe, to say the least, for many years prior to that date, and the presumption and inference is that the same terms of contract were entered into prior thereto with the exception, possibly, of salaries, because the contract provided that the salary could be changed from year to year.

The contract between Robert E. Ellis and the Board of Trustees of the State Institutions of Higher Learning heretofore referred to named him to the position of registrar.

The contract between the Board of Trustees of the State Institutions of Higher Learning and Arthur B. Lewis was entered into on the 2nd day of July, 1932, and presumably was renewal of contracts theretofore entered into between the parties, as the testimony shows, and I find as a fact that Arthur B. Lewis had been employed at the University by similar contracts for several years.

On September 13, 1932, certain excerpts from the minutes of the Board of Trustees, introduced in evidence by Defendants' Exhibit No. 2, in short, invested in Honorable Ross E. Barnett, the Governor of the State of Mississippi, full power, authority,

right and discretion of the Board of Trustees to act upon all matters pertaining to or concerned with the registration or non-registration or with reference to the admission or non-admission and/or attendance or non-attendance of James H. Meredith at the University of Mississippi, and that a certified copy of the resolution, together with copies of the conflicting injunctions of Honorable S. C. Rice, dated September 13, 1962, and Chancellor L. B. Porter, dated September 19, 1962, previously served upon the members of the Board, be furnished to the Governor in his capacity as Chief Executive Officer of this state, the representative of this Board, and the repository of its full rights, power, authority and discretion for such course of action as the Governor shall deem legal, fit and proper in the premises.

Exhibit No. 1 of the Defendants was an excerpt of the minutes of the Board of Trustees of the State Institutions of Higher Learning passed on September 4, 1962, which is headed "Approved Order as to the Application of James Howard Meredith." This document reads as follows, omitting the formal parts: (Whereupon the Court read Defendants' Exhibit No. 1.)

I find as a fact that that document withdrew all power from any and every official of the University of Mississippi to act upon the application of James Howard Meredith and vested it entirely in the Board of Trustees.

I find as a fact that Chancellor Williams, Sean Lewis, and former Registrar Ellis had no power whatsoever to pass upon the application as to the admission or rejection one way or the other. The power was vested exclusively and completely in the

Board of Trustees of State Institutions of Higher Learning of the State of Mississippi. I find as a fact that particularly the power of the registrar Ellis by that document was fully and completely withdrawn, and that as to his power, and he had absolutely none, it was not transferred but was by that document completely and fully withdrawn.

I find as a fact that on the 20th of September, 1932, James Howard Meredith presented himself at the University of Mississippi and was directed by the United States Marshal and the Highway Patrolman to present himself at the Confirmation Center Building, and that he did thereupon present himself, and present on that occasion and at that time were Governor Burnett and the former Registrar Ellis, and that at that time Ellis read to James Howard Meredith a copy of the resolution, and handed one to him and Ellis declined to act one way or the other. He did not refuse to accept him; he did not accept him; but, simply acting under the resolution heretofore read into the record, declined to act one way or the other upon the ground and theory that his power was completely and fully withdrawn.

On that same occasion and at the same time, Chancellor Williams and Dean Lewis were present. At no time did Chancellor Williams or Dean Lewis have any power or any authority to register applicants. It was no part of their duty to do so. Dean Lewis' appointment was under his contract that of Dean of the College of Liberal Arts and Professor of Physics and Astronomy, and at no time by his contract was he authorized to act as a registrar of students. By virtue of his contract he had no authority to so act.

The same is true with Chancellor Williams, except his was as Chancellor of the University of Mississippi, and as such chancellor the contract did not authorize him to act as registrar of students and he never did at any time act as registrar of students.

At the hearing above-mentioned when James Howard Meredith presented himself for registration, Governor Barnett took over and was in complete charge, by virtue of the resolution vesting it in him granted by the Board of Trustees of passing upon the registration, acceptability or rejection of James Howard Meredith, and Governor Ross Barnett did advise James Howard Meredith that his application was rejected. Neither of the defendants on trial here participated in any way in the rejection or acceptance of James Howard Meredith. Neither of them interfered in any way whatsoever with his admission, nor did they attempt to influence anybody in rejecting his application. They were guilty of no conduct that could be construed as aiding, abetting or assisting in the rejection of the application of James Howard Meredith. They were parties vicarious in no respect as a matter of fact whatsoever. They under the facts in the present case had no duty to perform with reference to James Howard Meredith at the time on the 20th of September, 1942, when he presented himself for acceptance, but this whole power, the entire power, had been vested in the Governor of the State of Mississippi.

As to the members of the Board of Trustees and the Governor, or any other persons who might have participated in any way, is not

before this Court now. The only three are Chancellor Williams, Robert B. Ellis, and Dean Lewis.

I conclude as a matter of law that the authority to operate the University of Mississippi is vested in the Board of Trustees by the constitution, as well as by acts of the legislature. The constitution provides that the administration, operation, of the state institutions of higher learning should be vested in a board of trustees to be appointed by the governor and approved by the senate. That is shown by one of the exhibits wherein the Honorable Joe T. Patterson, Attorney General of the State of Mississippi, quotes that section 213-c of the Constitution of the State of Mississippi, which provides that "The State Institutions of Higher Learning now existing in Mississippi,, shall be under the management and control of a Board of Trustees to be known as The Board of Trustees of State Institutions of Higher Learning. . . .". That is a valid provision as a matter of law of the constitution as the state when it operates public education has the right and the power to determine and in whose jurisdiction matters shall come, provided, of course, that there shall be no difference or no distinction because of race against anybody. But the constitution here does not mention the question of race, but simply provides in what authority the power to operate the institutions of higher learning rests, and that is a valid provision of law.

I conclude as a matter of law that the resolution of September 6th withdrawing all power from any employee, agent, or servant of the University of Mississippi was a valid exercise of the powers of the Board of Trustees, and that when they withdrew

that power from anyone, except vesting it in the Board of Trustees of Institutions of Higher Learning, withdrew the power of the registrar, Ellis, to register or refuse to register. He was powerless to do anything, and, not having done anything in active concert with anybody who did take action, he is not guilty of violating the terms of the injunction. A different situation would have been presented if the evidence had shown that he solicited, participated in, or that he advised this course and instigated this course. Then he would have been in active participation with those who actually took action. The evidence is absolutely silent, and there is not a scintilla of evidence that he participated in the drawing of these resolutions or instigated these resolutions; but, under his contract, the Board of Trustees had the power to withdraw any duties they had given to him, and in the resolution referred to the power was completely withdrawn from him and was vested in the Board of Trustees of the Institutions of Higher Learning in the State of Mississippi. I conclude as a matter of law, therefore, that the Defendant Ellis did not violate the terms of any provision of that injunction issued on the 17th of September, 1933, which I have already read into the record. He has interfered in no manner, has taken no action in the matter, has not refused to admit the applicant, and he has not joined in anything in any way whatsoever that would connect him as being parties criminal. and that, therefore, he has violated no provision of the injunction.

As to Chancellor Williams and Dean Lewis, the evidence has shown very clearly that they took no action, they had no power even if the resolution had not been passed, and with the passage of the resolution heretofore referred to, all powers were withdrawn from them, and they therefore did not have any power or authority under their contract, or from any other source, to take any action, and that they have not participated in any way. There is no evidence, not a scintilla of evidence, that they instigated, prepared, cooperated in the preparation of the resolution heretofore referred to and that they therefore did not violate any of the provisions of the injunction issued on the 15th of September, 1931.

I conclude as a matter of law that the trustees did not order any of these defendants to do anything, but, as heretofore stated, it simply withdrew all power from these defendants to do anything whatsoever.

I conclude as a matter of law -- and I do this in response to argument of Mr. Smith -- that while it was permissible and there was no objection to argument as to the high standing and as to the detriment it would do to them for this conviction, I conclude as a matter of law that that argument was immaterial. I have not taken it into consideration, but have passed upon this free of any sympathy or bias and strictly upon the law as I see it.

So I conclude as a matter of law that each of the

defendants is not guilty of violation of the injunction of September 13, 1937, in any way whatsoever, and that they should be discharged from any civil contempt.

An order may be found in record herewith, and the court now stands in recess.

COURT REPORTER'S CERTIFICATE

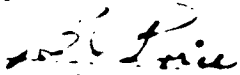
I, S. B. JAMES, Official Court Reporter for the United States District Court, Southern District of Mississippi, do hereby certify that the foregoing pages constitute a TRUE AND CORRECT transcript of that part of the proceedings in this case as transcribed here, and upon the 21st day of September, 1937, before the Honorable Sidney C. Hill, United States District Judge for the Southern District of Mississippi,

This the 21st day of September, 1937.


S. B. JAMES

● ● ● ● ● ● ● ●

DEPUTY CLERK
I HEREBY CERTIFY.


Deputy Clerk

SOUTHERN DISTRICT OF MISSISSIPPI
FILED
SEP 22 1962
Loyce E. Wharton, Clerk
Springston Deputy

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI, JACKSON DIVISION

JAMES HOWARD MEREDITH

VS.

CIVIL ACTION NO. 3130

CHARLES D. FAIR, ET AL,

UNITED STATES OF AMERICA

VS.

JOHN DAVIS WILLIAMS, ARTHUR B. LEWIS
AND ROBERT BYRON ELLIS, RESPONDENTS

FINAL JUDGMENT ON
CONTEMPT PROCEEDINGS

THIS DAY this action came on for hearing on charges of civil and criminal contempt against the respondents, and the Court having carefully considered the pleadings, evidence and arguments of counsel and all acts of the respondents prior to the date of this adjudication alleged to constitute civil or criminal contempt in this action, and finding that it has full and complete jurisdiction over the parties hereto and the subject matter hereof, is of the opinion that none of the respondents is guilty of either civil or criminal contempt in this action.

It is, therefore, ordered, adjudged and decreed that the respondent, John Davis Williams, is not guilty of either civil or criminal contempt in this action, and that the respondent, Arthur B. Lewis, is not guilty of either civil or criminal contempt in this action, and that the

CO

respondent, Robert Byron Ellis, is not guilty of either civil or criminal contempt in this action.

It is further ordered, adjudged and decreed that the respondents, and each of them, be and they are hereby finally acquitted and discharged from these contempt proceedings.

ORDERED, ADJUDGED AND DECREED the 21st day of September, 1962.


UNITED STATES DISTRICT JUDGE

2. TRUE COPY, I HEREBY CERTIFY.
LORNON E. WILSON, CLERK
BY:


Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

FILED
OCT 2 1962
LARRY E. WILSON, Clerk
By *[Signature]*

A. L. BRADOR, ET AL.,
Plaintiffs

V.

JAMES MCKEITH, ET AL.,
Defendants

CIVIL ACTION NO. 1141

O R D E R

This cause came on to be heard after notice on the motion of the United States to vacate the injunction against the movants and others issued by the Chancery Court of the Second District of Jones County, Mississippi, after removal of the action to this Court pursuant to the provisions of 28 U.S.C. 1442(a)(3).

After due consideration of the motion, this Court is of the opinion that the injunction must be vacated and the cause dismissed for the reasons that:

- (1) The Chancery Court of the Second District of Jones County, Mississippi, was without jurisdiction to issue the purported injunction; and
- (2) The Chancery Court of the Second District of Jones County, Mississippi, was without power to enjoin the movants in the exercise of the discretion pursuant to their official duties and without power to enjoin the other defendants from exercising their rights and obligations under federal law.

THEREFORE, it is hereby ordered, adjudged, and decreed that:

The injunction is vacated as improvidently granted and the action is dismissed.

This order shall be effective immediately.

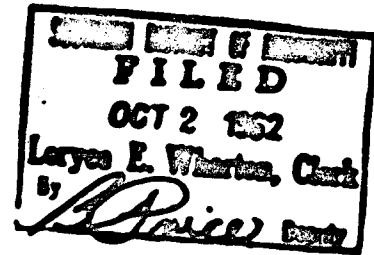
Done at Hattiesburg, Mississippi, this 2nd day of October, 1962.

AND I HEREBY CERTIFY,
LARRY E. WILSON, CLERK

[Signature]
United States District Judge

PP

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



MEREDITH, ET AL.
Plaintiffs

V.

FAIR, ET AL.,
Defendants

CIVIL ACTION NO. 3130

O R D E R

On September 10, 1962, the United States as amicus curiae applied to this Court ex parte for a temporary order restraining inter alia the application and enforcement of S.B.1501, enacted by the Mississippi legislature and signed by the Governor on September 20, 1962, with respect to James H. Meredith, plaintiff in the above case.

After due consideration of the application, this Court, together with United States District Judge Harold Cox, deferred its ruling on the application pending further hearing after notice to the appropriate officials of Mississippi; except that Mississippi's law enforcement officers were enjoined from arresting Meredith or those accompanying him on September 20, 1962 pursuant to S.B.1501.

The application was scheduled to be heard on Monday, September 24, 1962 at 1:30 p.m. in Meridian, Mississippi. Prior to September 24, and with the consent of counsel for amicus, the plaintiff, and the State of Mississippi, the September 24 hearing was postponed and not reset.

Amicus United States now moves for leave of Court to withdraw its application to this Court without further hearing and without prejudice on the ground that S.B.1501 is presently the subject matter of an action pending before the United States Court of Appeals for the Fifth Circuit.

THEREFORE, it is ~~ORDERED~~, ADJUDGED and DECREED that: the application of the United States for an order restraining the application and enforcement of S.B.1501 with respect to James H. Meredith may be and hereby is withdrawn with leave of Court and without prejudice.

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This order shall be effective immediately.

Done at Hattiesburg, Mississippi.

October 2, 1962.


Sidney C. Rice
United States District Judge

A TRUE COPY. I HEREBY CERTIFY.
LAWTON E. HARRISON, CLERK
BY:


Deputy Clerk

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

UNIVERSITY OF MISSISSIPPI
Mississippi State v. James Ray

Trial Files

Transcripts

U. S. V. Everett & Johnson

Transcript - Working on order to

2-8-63 show case