

IN UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

VIRGIL BORTON,
Plaintiff

v.

NO. 40639

JAMES P. McNEANE,
NICHOLAS COB. KAMMERDACH,
JOHN DOAR and WILLIAM FOKER,
Defendants

VIRGIL WELBY,
Plaintiff

v.

NO. 40640

JAMES P. McNEANE,
NICHOLAS COB. KAMMERDACH,
JOHN DOAR and WILLIAM FOKER,
Defendants

JAMES CHAPMAN,
Plaintiff

v.

NO. 40641

JAMES P. McNEANE,
NICHOLAS COB. KAMMERDACH,
JOHN DOAR and WILLIAM FOKER,
Defendants

MEMORANDUM OPINION

Each of these three actions was originally
brought in the Circuit Court of Lafayette County,
Mississippi, and timely removed to this court.

The three declarations or complaints are in essentially identical form and each seek actual and punitive damages for alleged deprivation of certain rights of these plaintiffs growing out of their arrest in Oxford, Mississippi, on or about October 1, 1962.

Identical motions to dismiss were filed by all of the defendants in each case, and the issues being the same, collective memorandum briefs were submitted by the parties and these motions are now for disposition by the court. They are collectively considered and dealt with as one.

Briefly stated, by their motions defendants urge that the complaints should be dismissed for the following reasons: (1) substituted service on the Secretary of State of the State of Mississippi, under the provisions of § 1437, Mississippi Code Annotated (1942) was not effective service on the non-resident defendants; and (2) these defendants, each of them officials of the Department of Justice, are immune from suit in actions such as this, when they were acting within the scope of their employment.

However, as to issue (1), above, the record shows that this is not a valid argument as to all of the four defendants. The record shows that the defendant, John Boat, was personally served with process within the State of Mississippi. It is not

necessary to pursue this issue further, however, since the court is of the opinion that issue (2), above, will dispose of this case.

In support of their contention as to issue (2), above, defendants rely upon the doctrine of privilege as announced most recently by the Supreme Court in ENTY V. FATES, 360 U. S. 564 (1958) and HOWARD V. LIZANA, 360 U. S. 593 (1958). These two cases and their progeny hold that the protection of the public interest by shielding responsible governmental officials against the harassment of vindictive or ill-founded damage suits outweighs protection of an individual citizen by way of damages.

It is undisputed that these four defendants are high officials of the Department of Justice, and were in positions of responsibility in Oxford, Mississippi, on or about October 1, 1962, engaged in the performance of their official duties, including the execution and enforcement of orders of the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit. This fact is amply evidenced by the affidavit of Robert F. Kennedy, Attorney General of the United States.

The historic doctrine of immunity has evolved in recent years to grant an absolute privilege in cases such as the one at bar. The so called "classical" statement of this doctrine was announced

by Judge Learned Hand in Grain Processing Co. v. Commissioner, 177 F. 2d 979 (2 Cir. 1949), earlier cited 139 F. 2d 949, as follows:

"Again and again the public interest calls for action which may turn out to be founded on a mistake, in the face of which an official may later find himself hard put to it to satisfy a jury of his good faith. There must indeed be means of punishing public officers who have been truant to their duties; but that is quite another matter from exposing such as have been honestly mistaken to censure by anyone who has suffered from their errors. As is so often the case, the answer must be found in a balance between the evils inevitable in either alternative. In this instance it has been thought in the end better to leave unredressed the wrongs done by dishonest officers than to subject those who try to do their duty to the constant dread of retaliation
* * * ."

This doctrine has been consistently enlarged and strengthened in recent years. Easton v. United States and Harmon v. United States, supra, but see dicta in Easton v. Johnson, 305 F. 2d 67 (9 Cir. 1962).

Even though the allegations of plaintiffs' pleadings may state wrongs of a most grievous nature, this court is compelled, in this instance, and in the public interest, ^{to} apply the aforementioned doctrine of immunity and privilege.

Treating these motions to dismiss and
their accompanying affidavits as motions for summary
judgment under the provisions of Rule 12 (c), Federal
Rules of Civil Procedure, the motions are sustained
and orders are being entered this day accordingly.
See Harlow V. Willing, 379 F. 2d 685 (5 Cir. 1957).

This the 7th day of June, 1963.

CLAUDE F. CLAYTON,
DISTRICT JUDGE

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

UNIVERSITY OF MISSISSIPPI

Virgil Wesley, et al. v. McShane, et al.

Pleadings

Pleadings - Mesley, et al v. James
McShane, et al.

145-12-841

IN UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

VIRGIL MORTON,
Plaintiff

v.

NO. WC639

JAMES P. MOSHARE,
NICOLAAS GEB. KATZENDACH,
JOHN DOAR and
WILLIAM TUCKER,
Defendants

ORDER

In accordance with the Memorandum Opinion
entered this date, it is,

ORDERED:

1) That the motion to dismiss filed in
this cause is treated as a motion for summary
judgment under the provisions of Rule 12 (c) of
the Federal Rules of Civil Procedure and shall be
and is hereby sustained.

2) That the complaint in this cause
shall be and is hereby dismissed and costs, if
any, taxed against the plaintiff.

This the 7th day of June, 1963.

CLAUDE F. CLAYTON,
DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

No. W C 6311

JAMES CHAPMAN,

Plaintiff

vs.

No. 7158

JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,

(In the Circuit Court of
Lafayette County, Mississippi)

Defendants

PETITION FOR REMOVAL

TO THE HONORABLE CLAUDE F. CLAYTON, UNITED STATES DISTRICT JUDGE FOR
THE NORTHERN DISTRICT OF MISSISSIPPI.

The petition of James P. McShane, Nicholas deB. Katzenbach,
John Doar, and William Tucker, defendants above-named, respectfully
shows:

1) On the 4th day of February, 1963, the above-entitled
action was commenced in the Circuit Court of Lafayette County, State of
Mississippi, against your petitioners alleging actual and punitive
damage in the aggregate sum of \$250,000. In his Declaration plaintiff
alleges that on or about October 1, 1962, he was riding in an automo-
bile on a public highway in Lafayette County, Mississippi, when the
defendants unlawfully, maliciously, and without any reasonable or
probable cause, arrested plaintiff; and with force and violence,
against the will of plaintiff, unlawfully imprisoned him and inflicted
summary, cruel, and unusual punishment, great physical inconvenience,
discomfort, loss of time, mental pain, suffering, anguish, public
humiliation and ridicule, invidious publicity and public disgrace, all
in violation of his constitutional rights.

2) Before the commencement of said action, and at all times

and served as a Deputy United States Marshal for the Northern District of Mississippi; the said Nicholas deB. Katzenbach was and now is Deputy Attorney General of the United States; the said John Doar was and now is an attorney in the employment of the Department of Justice of the United States; and the said William Tucker was and now is an employee of the Bureau of Prisons of the United States, and during the period September 28, 1962, to October 2, 1962, inclusive, was deputized and served as a Deputy United States Marshal for the Northern District of Mississippi.

3) At all times mentioned in said action, petitioners were engaged in the enforcement of orders of the United States Court of Appeals for the Fifth Circuit Court of Appeals and orders of the United States District Court for the Southern District of Mississippi, relating to the enrollment of James H. Meredith at the University of Mississippi; and the acts, if any, of petitioners in connection with the matters charged in said Declaration were committed by them in the performance of their official duties.

4) Each of the petitioners has received from Mrs. Verna H. McElreath, Circuit Clerk of Lafayette County, Mississippi, by registered mail a copy of the Declaration which was mailed postage prepaid to the following addresses:

James P. McShane
U. S. Justice Department
Washington 25, D.C.

Nicholas deB. Katzenbach
U. S. Justice Department
Washington 25, D.C.

John Doar
U. S. Justice Department
Washington 25, D.C.

William Tucker
Federal Penitentiary
Leavenworth, Kansas

A copy of process in said suit, served upon Heber Ladner, Secretary of the State of Mississippi, was received by registered mail by each of said petitioners at the addresses listed above; and petitioner John Doar was personally served within the Northern District of Mississippi with process on February 5, 1963, by Joe Ford, Sheriff, Lafayette County, Mississippi.

5) A copy of the plaintiff's Declaration setting forth the claim for relief upon which the action is based was first received by petitioner John Doar on the 5th day of February, 1963, and by the other petitioners on or about the 7th day of February, 1963.

6) This petition is accompanied by a bond with good and sufficient surety conditioned that your petitioners will pay all costs and disbursements incurred by reason of these removal proceedings should it be determined that this action was not removable or was improperly removed.

7) Petitioners file herewith a copy of all process and pleadings served upon them in this action.

WHEREFORE, petitioners pray that the said action may be removed from said state court into this court for trial and determination as provided for by Title 28, Section 1442(a) of the United States Code.

This the 12th day of February, 1963.

Attorney for Defendants:

/s/ H. M. Ray

UNITED STATES ATTORNEY
Northern District of Mississippi

VERIFICATION OF PETITION

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF MISSISSIPPI

H. M. Ray, United States Attorney, of lawful age,
being duly sworn, upon his oath says that he is one of
the attorneys for petitioners herein; that he has prepared
and read the above and foregoing petition for removal,
and that the matters and things contained therein are
true, as he verily believes.

Sworn and subscribed to before me this the

12th day of February, 1963.

William T. Robertson, Clerk
United States District Court

By _____
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

W C 63 11

JAMES CHAPMAN,

Plaintiff

vs.

NO. 7159
(In the Circuit Court of
Lafayette County, Mississippi)

**JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,**

Defendants

NOTICE OF FILING PETITION AND BOND FOR REMOVAL

TO: Mr. James Chapman
Route 3
Troy, Alabama

Mr. Richard Carlisle, Attorney
P. O. Box 374
Columbus, Mississippi

Mr. Hartwell Davis, Attorney
First National Bank Building
Montgomery, Alabama

Mr. Robert E. Varner Attorney
First National Bank Building
Montgomery, Alabama

Sirs:

You are hereby notified that on the 12th day of February,
1963, a petition and bond for removal in the above entitled cause,
copies of which are hereto annexed, were filed in the United States
District Court for the Northern District of Mississippi.

Attorney for Defendants:

/s/ H. M. Ray

UNITED STATES ATTORNEY
Northern District of Mississippi

DATED: February 12, 1963

ATTORNEY'S CERTIFICATE

I, the undersigned counsel for petitioner-defendants, certify that I have served one true copy of the foregoing Notice of Filing Petition and Bond for Removal, together with one copy of the Petition for Removal, by mailing, postage prepaid, one true copy of each to the following counsel of record for plaintiff:

Mr. Richard Carlisle, Attorney
P. O. Box 374
Columbus, Mississippi

Mr. Hartwell Davis, Attorney
First National Bank Building
Montgomery, Alabama

Mr. Robert E. Varner, Attorney
First National Bank Building
Montgomery, Alabama

Done this the 12th day of February, 1963.

/s/ H. M. Ray
H. M. Ray
United States Attorney
Northern District of Mississippi
Oxford, Mississippi

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

WESTERN DIVISION

W C 63 11

JAMES CHAPMAN,

Plaintiff

vs.

NO. 7159

(In the Circuit Court of
Lafayette County, Mississippi)

**JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,**

Defendants

REMOVAL BOND

Know all men by these presents, that we, James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker, the above named defendants, as principal, and Hartford Accident and Indemnity Company, Hartford, Connecticut, as surety, are held and firmly bound to **JAMES CHAPMAN**, plaintiff, in the above-entitled cause, his heirs and assigns in the sum of Five Hundred Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

The condition of this obligation is such that:

WHEREAS, James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker have applied by petition to the United States District Court for the Northern District of Mississippi, Western Division, for the removal of a certain cause pending in the Circuit Court of Lafayette County, Mississippi, wherein **JAMES CHAPMAN** is plaintiff and James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker are defendants, to the United States District Court for the Northern District of Mississippi, Western Division, for further proceedings on the grounds in said petition set forth;

NOW, THEREFORE, if petitioners, defendants James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker, shall pay all costs and disbursements incurred by reason of the removal proceedings if it should be determined that the cause was not removable or was improperly removed to the district court, then this obligation shall be void; otherwise it shall remain in full force and effect.

WITNESS our signatures, this the 12th day of February, 1963.

PRINCIPALS:

James P. McShane
Nicholas deB. Katzenbach
John Doar
William Tucker,
Defendants

BY /s/ H. M. Ray

Attorney

SURETY:

HARTFORD ACCIDENT AND INDEMNITY
COMPANY, HARTFORD, CONNECTICUT

BY /s/ D. H. Marchbanks

Attorney-in-Fact

I approve the foregoing bond, this the 12th day of February, 1963.

WILLIAM T. ROBERTSON, Clerk

BY _____

Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

N C 63 10

VIRGIL WESLEY,

Plaintiff

vs.

JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,

NO. 7157

(In the Circuit Court of
Lafayette County, Mississippi)

Defendants

PETITION FOR REMOVAL

TO THE HONORABLE CLAUDE F. CLAYTON, UNITED STATES DISTRICT JUDGE FOR
THE NORTHERN DISTRICT OF MISSISSIPPI.

The petition of James P. McShane, Nicholas deB. Katzenbach,
John Doar, and William Tucker, defendants above-named, respectfully
shows:

1) On the 4th day of February, 1963, the above-entitled
action was commenced in the Circuit Court of Lafayette County, State of
Mississippi, against your petitioners alleging actual and punitive
damage in the aggregate sum of \$250,000. In his Declaration plaintiff
alleges that on or about October 1, 1962, he was riding in an automo-
bile on a public highway in Lafayette County, Mississippi, when the
defendants unlawfully, maliciously, and without any reasonable or
probable cause, arrested plaintiff; and with force and violence,
against the will of plaintiff, unlawfully imprisoned him and inflicted
summary, cruel, and unusual punishment, great physical inconvenience,
discomfort, loss of time, mental pain, suffering, anguish, public
humiliation and ridicule, invidious publicity and public disgrace, all
in violation of his constitutional rights.

2) Before the commencement of said action, and at all times
hereinafter mentioned, the said James P. McShane was and now is Chief

and served as a Deputy United States Marshal for the Northern District of Mississippi; the said Nicholas deB. Katzenbach was and now is Deputy Attorney General of the United States; the said John Doar was and now is an attorney in the employment of the Department of Justice of the United States; and the said William Tucker was and now is an employee of the Bureau of Prisons of the United States, and during the period September 28, 1962, to October 2, 1962, inclusive, was deputized and served as a Deputy United States Marshal for the Northern District of Mississippi.

3) At all times mentioned in said action, petitioners were engaged in the enforcement of orders of the United States Court of Appeals for the Fifth Circuit Court of Appeals and orders of the United States District Court for the Southern District of Mississippi, relating to the enrollment of James H. Meredith at the University of Mississippi; and the acts, if any, of petitioners in connection with the matters charged in said Declaration were committed by them in the performance of their official duties.

4) Each of the petitioners has received from Mrs. Verna H. McElreath, Circuit Clerk of Lafayette County, Mississippi, by registered mail a copy of the Declaration which was mailed postage prepaid to the following addresses:

James P. McShane
U. S. Justice Department
Washington 25, D.C.

Nicholas deB. Katzenbach
U. S. Justice Department
Washington 25, D.C.

John Doar
U. S. Justice Department
Washington 25, D.C.

William Tucker
Federal Penitentiary
Leavenworth, Kansas

A copy of process in said suit, served upon Heber Ladner, Secretary of the State of Mississippi, was received by registered mail by each of said petitioners at the addresses listed above; and petitioner John Doar was personally served within the Northern District of Mississippi with process on February 5, 1963, by Joe Ford, Sheriff, Lafayette County, Mississippi.

5) A copy of the plaintiff's Declaration setting forth the claim for relief upon which the action is based was first received by petitioner John Doar on the 5th day of February, 1963, and by the other petitioners on or about the 7th day of February, 1963.

6) This petition is accompanied by a bond with good and sufficient surety conditioned that your petitioners will pay all costs and disbursements incurred by reason of these removal proceedings should it be determined that this action was not removable or was improperly removed.

7) Petitioners file herewith a copy of all process and pleadings served upon them in this action.

WHEREFORE, petitioners pray that the said action may be removed from said state court into this court for trial and determination as provided for by Title 28, Section 1442(a) of the United States Code.

This the 12th day of February, 1963.

Attorney for Defendants:

/s/ H. M. Ray
UNITED STATES ATTORNEY
Northern District of Mississippi

VERIFICATION OF PETITION

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF MISSISSIPPI

**H. M. Ray, United States Attorney, of lawful age,
being duly sworn, upon his oath says that he is one of
the attorneys for petitioners herein; that he has prepared
and read the above and foregoing petition for removal,
and that the matters and things contained therein are
true, as he verily believes.**

**Sworn and subscribed to before me this the
12th day of February, 1963.**

**William T. Robertson, Clerk
United States District Court**

By /s/ _____ Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

N 2 6 2 10

VIRGIL WESLEY,

Plaintiff

vs.

NO. 7157
(In the Circuit Court of
Lafayette County, Mississippi)

**JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,**

Defendants

NOTICE OF FILING PETITION AND BOND FOR REMOVAL

TO: Mr. Virgil Wesley
Trogan Terrace
Troy, Alabama

Mr. Richard Carlisle, Attorney
P. O. Box 374
Columbus, Mississippi

Mr. Hartwell Davis, Attorney
First National Bank Building
Montgomery, Alabama

Mr. Robert E. Varner, Attorney
First National Bank Building
Montgomery, Alabama

Sirs:

You are hereby notified that on the 12th day of February,
1963, a petition and bond for removal in the above entitled cause,
copies of which are hereto annexed, were filed in the United States
District Court for the Northern District of Mississippi.

Attorney for Defendants:

/s/ H. E. ...
UNITED STATES ATTORNEY
Northern District of Mississippi

DATED: February 12th, 1963

ATTORNEY'S CERTIFICATE

I, the undersigned counsel for petitioner-defendants, certify that I have served one true copy of the foregoing Notice of Filing Petition and Bond for Removal, together with one copy of the Petition for Removal, by mailing, postage prepaid, one true copy of each to the following counsel of record for plaintiff:

Mr. Richard Carlisle, Attorney
P. O. Box 374
Columbus, Mississippi

Mr. Hartwell Davis, Attorney
First National Bank Building
Montgomery, Alabama

Mr. Robert E. Varney, Attorney
First National Bank Building
Montgomery, Alabama

Done this the 12th day of February, 1963.

/s/ H. M. Ray
H. M. Ray
United States Attorney
Northern District of Mississippi
Oxford, Mississippi

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

W C 62 10

VIRGIL WESLEY,

Plaintiff

vs.

NO. 7157

(In the Circuit Court of
Lafayette County, Mississippi)

**JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,**

Defendants

REMOVAL BOND

Know all men by these presents, that we, James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker, the above named defendants, as principal, and Hartford Accident and Indemnity Company, Hartford, Connecticut, as surety, are held and firmly bound to Virgil Wesley, plaintiff, in the above-entitled cause, his heirs and assigns in the sum of Five Hundred Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

The condition of this obligation is such that:

WHEREAS, James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker have applied by petition to the United States District Court for the Northern District of Mississippi, Western Division, for the removal of a certain cause pending in the Circuit Court of Lafayette County, Mississippi, wherein Virgil Wesley is plaintiff and James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker are defendants, to the United States District Court for the Northern District of Mississippi, Western Division, for further proceedings on the grounds in said petition set forth;

NOW, THEREFORE, if petitioners, defendants James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker, shall pay all costs and disbursements incurred by reason of the removal proceedings if it should be determined that the cause was not removable or was improperly removed to the district court, then this obligation shall be void; otherwise it shall remain in full force and effect.

WITNESS our signatures, this the 12th day of February, 1963.

PRINCIPALS:

James P. McShane
Nicholas deB. Katzenbach
John Doar
William Tucker,
Defendants

BY /s/ H. M. Ray

Attorney

SURETY:

HARTFORD ACCIDENT AND INDEMNITY
COMPANY, HARTFORD, CONNECTICUT

BY /s/ D. H. Marchbanks

Attorney-in-Fact

I approve the foregoing bond, this the 12th day of February, 1963.

WILLIAM T. ROBERTSON, Clerk

BY _____

Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

NC 639

VIRGIL BORTON,

Plaintiff

vs.

NO. 7156

JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,

(In the Circuit Court of
Lafayette County, Mississippi)

Defendants

PETITION FOR REMOVAL

TO THE HONORABLE CLAUDE F. CLAYTON, UNITED STATES DISTRICT JUDGE FOR
THE NORTHERN DISTRICT OF MISSISSIPPI.

The petition of James P. McShane, Nicholas deB. Katzenbach,
John Doar, and William Tucker, defendants above-named, respectfully
shows:

1) On the 4th day of February, 1963, the above-entitled
action was commenced in the Circuit Court of Lafayette County, State of
Mississippi, against your petitioners alleging actual and punitive
damage in the aggregate sum of \$250,000. In his Declaration plaintiff
alleges that on or about October 1, 1962, he was riding in an automo-
bile on a public highway in Lafayette County, Mississippi, when the
defendants unlawfully, maliciously, and without any reasonable or
probable cause, arrested plaintiff; and with force and violence,
against the will of plaintiff, unlawfully imprisoned him and inflicted
summary, cruel, and unusual punishment, great physical inconvenience,
discomfort, loss of time, mental pain, suffering, anguish, public
humiliation and ridicule, invidious publicity and public disgrace, all
in violation of his constitutional rights.

2) Before the commencement of said action, and at all times

and served as a Deputy United States Marshal for the Northern District of Mississippi; the said Nicholas deB. Katzenbach was and now is Deputy Attorney General of the United States; the said John Doar was and now is an attorney in the employment of the Department of Justice of the United States; and the said William Tucker was and now is an employee of the Bureau of Prisons of the United States, and during the period September 28, 1962, to October 2, 1962, inclusive, was deputized and served as a Deputy United States Marshal for the Northern District of Mississippi.

3) At all times mentioned in said action, petitioners were engaged in the enforcement of orders of the United States Court of Appeals for the Fifth Circuit Court of Appeals and orders of the United States District Court for the Southern District of Mississippi, relating to the enrollment of James H. Meredith at the University of Mississippi; and the acts, if any, of petitioners in connection with the matters charged in said Declaration were committed by them in the performance of their official duties.

4) Each of the petitioners has received from Mrs. Verna H. McElreath, Circuit Clerk of Lafayette County, Mississippi, by registered mail a copy of the Declaration which was mailed postage prepaid to the following addresses:

James P. McShane
U. S. Justice Department
Washington 25, D.C.

Nicholas deB. Katzenbach
U. S. Justice Department
Washington 25, D.C.

John Doar
U. S. Justice Department
Washington 25, D.C.

William Tucker
Federal Penitentiary
Leavenworth, Kansas

A copy of process in said suit, served upon Heber Ladner, Secretary of the State of Mississippi, was received by registered mail by each of said petitioners at the addresses listed above; and petitioner John Doar was personally served within the Northern District of Mississippi with process on February 5, 1963, by Joe Ford, Sheriff, Lafayette County, Mississippi.

5) A copy of the plaintiff's Declaration setting forth the claim for relief upon which the action is based was first received by petitioner John Doar on the 5th day of February, 1963, and by the other petitioners on or about the 7th day of February, 1963.

6) This petition is accompanied by a bond with good and sufficient surety conditioned that your petitioners will pay all costs and disbursements incurred by reason of these removal proceedings should it be determined that this action was not removable or was improperly removed.

7) Petitioners file herewith a copy of all process and pleadings served upon them in this action.

WHEREFORE, petitioners pray that the said action may be removed from said state court into this court for trial and determination as provided for by Title 28, Section 1442(a) of the United States Code.

This the 12th day of February, 1963.

Attorney for Defendants:

/s/ H. M. Ray

UNITED STATES ATTORNEY
Northern District of Mississippi

VERIFICATION OF PETITION

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF MISSISSIPPI

H. M. Ray, United States Attorney, of lawful age,
being duly sworn, upon his oath says that he is one of
the attorneys for petitioners herein; that he has prepared
and read the above and foregoing petition for removal,
and that the matters and things contained therein are
true, as he verily believes.

Sworn and subscribed to before me this the

12th day of February, 1963.

William T. Robertson, Clerk
United States District Court

By _____
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

W C 639

VIRGIL NORTON,

Plaintiff

vs.

NO. 7156

(In the Circuit Court of
Lafayette County, Mississippi)

JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,

Defendants

NOTICE OF FILING PETITION AND BOND FOR REMOVAL

TO: Mr. Virgil Norton
115 Banks Street
Troy, Alabama

Mr. Richard Carlisle, Attorney
P. O. Box 374
Columbus, Mississippi

Mr. Hartwell Davis, Attorney
First National Bank Building
Montgomery, Alabama

Mr. Robert E. Varner, Attorney
First National Bank Building
Montgomery, Alabama

Sirs:

You are hereby notified that on the 12th day of February,
1963, a petition and bond for removal in the above entitled cause,
copies of which are hereto annexed, were filed in the United States
District Court for the Northern District of Mississippi.

Attorney for Defendants:

/s/ H. M. Ray
UNITED STATES ATTORNEY
Northern District of Mississippi

DATED: February 12 , 1963

ATTORNEY'S CERTIFICATE

I, the undersigned counsel for petitioner-defendants, certify that I have served one true copy of the foregoing Notice of Filing Petition and Bond for Removal, together with one copy of the Petition for Removal, by mailing, postage prepaid, one true copy of each to the following counsel of record for plaintiff:

Mr. Richard Carlisle, Attorney
P. O. Box 374
Columbus, Mississippi

Mr. Hartwell Davis, Attorney
First National Bank Building
Montgomery, Alabama

Mr. Robert E. Varner, Attorney
First National Bank Building
Montgomery, Alabama

Done this the 12th day of February, 1963.

/s/ H. M. Ray
H. M. Ray
United States Attorney
Northern District of Mississippi
Oxford, Mississippi

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

W C 639

VIRGIL NORTON,

Plaintiff

vs.

NO. 7156

(In the Circuit Court of
Lafayette County, Mississippi)

JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,

Defendants

REMOVAL BOND

Know all men by these presents, that we, James P. McShane,
Nicholas deB. Katzenbach, John Doar, and William Tucker, the above named
defendants, as principal, and Hartford Accident and Indemnity Company,
Hartford, Connecticut, as surety, are held and firmly bound to

Virgil Norton , plaintiff, in the above-entitled cause, his heirs and
assigns in the sum of Five Hundred Dollars, lawful money of the United
States of America, for the payment of which, well and truly to be made,
we, and each of us, bind ourselves, our heirs, executors and administrators,
jointly and severally by these presents.

The condition of this obligation is such that:

WHEREAS, James P. McShane, Nicholas deB. Katzenbach, John Doar,
and William Tucker have applied by petition to the United States District
Court for the Northern District of Mississippi, Western Division, for the
removal of a certain cause pending in the Circuit Court of Lafayette
County, Mississippi, wherein Virgil Norton is plaintiff
and James P. McShane, Nicholas deB. Katzenbach, John Doar, and William
Tucker are defendants, to the United States District Court for the
Northern District of Mississippi, Western Division, for further pro-
ceedings on the grounds in said petition set forth;

NOW, THEREFORE, if petitioners, defendants James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker, shall pay all costs and disbursements incurred by reason of the removal proceedings if it should be determined that the cause was not removable or was improperly removed to the district court, then this obligation shall be void; otherwise it shall remain in full force and effect.

WITNESS our signatures, this the 12th day of February, 1963.

PRINCIPALS:

**James P. McShane
Nicholas deB. Katzenbach
John Doar
William Tucker,
Defendants**

BY /s/ H. M. Ray

Attorney

SURETY:

**HARTFORD ACCIDENT AND INDEMNITY
COMPANY, HARTFORD, CONNECTICUT**

BY /s/ D. H. Marchbanks

Attorney-in-Fact

I approve the foregoing bond, this the 12th day of February, 1963.

WILLIAM T. ROBERTSON, Clerk

BY _____

Deputy Clerk

VIRGIL WESLEY,
Plaintiff,
VS.

JAMES P. McSHANE, NICHOLAS
deB. KATZENBACH, JOHN DOAR,
and WILLIAM TUCKER,
Defendants.

IN THE
CIRCUIT COURT OF
LAFAYETTE COUNTY, MISSISSIPPI

MARCH TERM, A.D., 1963

NO. 7157

DECLARATION

COUNT 1

Now comes Virgil Wesley, Plaintiff, by his attorneys, and files and exhibits this his declaration against James P. McShane, Nicholas deB. Katzenbach, John Doar and William Tucker, Defendants, and for his cause of action and basis of complaint states:

Plaintiff is an adult resident citizen of Pike County, Alabama; Defendant, James P. McShane is an adult non-resident of the State of Mississippi, whose address is United States Department of Justice, Washington 25, D. C.; Defendant, Nicholas deB. Katzenbach, is an adult, non-resident of the State of Mississippi, whose address is United States Department of Justice, Washington 25, D. C.; Defendant, John Doar, is an adult, non-resident of the State of Mississippi, whose address is United States Department of Justice, Washington 25, D. C.; Defendant, William Tucker, is an adult, non-resident of the State of Mississippi, whose address is Federal Penitentiary, Leavenworth, Kansas.

On or about October 1, 1962, Plaintiff was riding in an automobile on a public highway, to-wit, State Highway No. 6, in Lafayette County, Mississippi, approximately four miles east of Oxford, when the Defendants unlawfully, maliciously and without any reasonable or probable cause, arrested Plaintiff, and with

STATE OF MISSISSIPPI
County of Lafayette
Received and filed this
4 Day of Feb 1963
A. L. SO

force and violence, and against the will of Plaintiff, unlawfully carried him to a prison compound, where Plaintiff was by the Defendants forceably, unlawfully, maliciously and against the will of Plaintiff, placed in said prison compound, and confined therein for twenty-one hours.

That at the time of said unlawful arrest and imprisonment, Plaintiff demanded of Defendants that they inform him what crime he was charged with having committed for which he was so arrested and imprisoned, which information said Defendants refused to give Plaintiff.

That Plaintiff was by said Defendants unlawfully confined as aforesaid in a very small building with a large number of others, and was required to sit with his hands locked around his knees, feet crossed, with eyes and head straight forward, and back straight at all times, for eighteen hours in this position, and was not allowed to speak or to move in any manner. In such position, without food or water, Plaintiff was forced and caused to see and witness the horrible and nauseating mistreatment by Defendants of others while so confined, which was so revolting and horrible it made Plaintiff ill. He would further show that Defendants forced him to be fingerprinted and mugged. He would further show that while so confined as aforesaid, he was subjected to all manner of vile abuse and mistreatment at the hands of said Defendants.

Plaintiff would further show that no charges of any kind were ever lawfully brought against him, and he was discharged from said compound and prison after twenty-one hours as aforesaid on October 2, 1962, without a hearing.

That the imprisonment of Plaintiff as aforesaid, caused Plaintiff great physical inconvenience and discomfort, loss of time, mental pain, suffering and anguish, public humiliation, shams, public ridicule, invidious publicity, and public disgrace.

Wherefore, by reason of said false arrest and imprisonment as aforesaid and by reason of the injuries resulting therefrom as aforesaid Plaintiff demands judgment against the Defendants,

jointly and severally, in the sum of \$50,000.00, as actual and punitive damages, together with all costs in this cause.

COUNT II

Plaintiff for his second and further count reiterates by reference all allegations of fact and of venue set forth in the first count hereof, and not restating the same here to avoid prolixity in the length of this declaration, alleges:

That on or about October 1, 1962, Defendants arrested and illegally confined, or caused to be arrested and illegally confined, Plaintiff as alleged in Count I hereof, and that while so illegally confined, as alleged hereinabove in Count I hereof, Defendants did willfully, maliciously, and unlawfully hit, strike, and assault Plaintiff, or did cause Plaintiff to be hit, struck, and assaulted in the back with great force and violence, with a large stick or billy club, without any cause, excuse, or provocation whatsoever, which rendered Plaintiff sick, sore, lame, and disabled and that he has suffered great distress of body and mind.

Plaintiff further alleges that, in doing the things hereinabove alleged, Defendants acted maliciously and were guilty of a wanton disregard of the rights and feelings of Plaintiff.

Wherefore, Plaintiff demands judgment of the Defendants, jointly and severally, in the sum of \$50,000.00 as actual and punitive damages, together with all costs of this suit.

COUNT III

Plaintiff for his third and further count reiterates by reference all allegations as to the names and residences of the parties set forth in the first count hereof, ^{and alleges} as follows:

The Plaintiff, a citizen of the United States of America, claims of the Defendants the sum of \$50,000.00 damages for that on or about September 28 to October 2, 1962, the Defendants did conspire for the purpose of depriving, either directly or indirectly, the Plaintiff of the equal protection of the laws, and of equal privileges and immunities under the laws, in that, to-wit, at said time,

said Defendants did conspire and agree to deprive the Plaintiff of his right to travel freely the highways of Lafayette County, Mississippi, to arrest and hold said Plaintiff without bond, and to inflict upon the Plaintiff summary, unusual, and cruel punishment; and in furtherance of the object of such conspiracy, one or more of the Defendants did, or caused to be done, one or more of the following overt acts, to-wit:

1. On or about October 1, 1962, in Lafayette County, Mississippi, James P. McShane directed divers United States Deputy Marshals.
2. On or about October 1, 1962, in Lafayette County, Mississippi, Nicholas deB. Katzenbach directed divers United States Deputy Marshals.
3. On or about October 1, 1962, in Lafayette County, Mississippi, John Doar directed divers United States Deputy Marshals.
4. On or about October 1, 1962, in Lafayette County, Mississippi, William Tucker directed divers United States Deputy Marshals.
5. On or about October 1, 1962, in Lafayette County, Mississippi, James P. McShane directed divers soldiers.
6. On or about October 1, 1962, in Lafayette County, Mississippi, Nicholas deB. Katzenbach directed divers soldiers.
7. On or about October 1, 1962, in Lafayette County, Mississippi, John Doar directed divers soldiers.
8. On or about October 1, 1962, in Lafayette County, Mississippi, William Tucker directed divers soldiers.
9. On or about October 1, 1962, in Lafayette County, Mississippi, James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker caused the Plaintiff to be arrested.
10. On or about October 1, 1962, in Lafayette County, Mississippi, James P. McShane, Nicholas deB. Katzenbach, John Doar, and William Tucker caused the Plaintiff to be transported to the building behind the agriculture building located at or near the airport at Oxford, Mississippi.
11. That in Lafayette County, Mississippi, on, to-wit, October 1 and 2, 1962, Defendant William Tucker caused the Plaintiff to be seated in a rigid immobile position on a concrete floor for, to-wit,

twenty-one hours.

12. That in Lafayette County, Mississippi, on, to-wit, October 1 and 2, 1962, said Defendant, William Tucker, caused Plaintiff to be assaulted and battered and severely and cruelly punished.

Wherefore, the Plaintiff was injured in his person, to-wit, by being assaulted and battered and having inflicted on his person summary, cruel, and unusual punishment, and whereby, Plaintiff was deprived of having and exercising his equal privileges and immunities under the laws as a citizen of the United States, that is, to-wit: to travel freely in the State of Mississippi, to be secure in his person against false arrest and false imprisonment, to be secure against summary, cruel, and unusual punishment, to be informed of the charge against him upon arrest, to be promptly carried before a magistrate and given a hearing upon arrest, to be allowed bail, and not to be deprived of his right to counsel.

Wherefore, Plaintiff demands judgment of the Defendants, jointly and severally, in the sum of \$50,000.00 as actual and punitive damages, together with all costs of this suit.

COUNT IV

Plaintiff for his fourth and further count reiterates by reference all allegations as to the names and residences of the parties set forth in the first count hereof, ^{and Alleges} as follows:

The Plaintiff, a citizen of the United States of America, claims of the Defendants the sum of \$50,000.00 damages for that, on or about September 28 to October 2, 1962, the Defendants did conspire for the purpose of preventing or hindering the constituted authorities of the State of Mississippi from giving or securing to all persons within such State the equal protection of the laws, by usurping such responsibilities and duties in and around Oxford, Lafayette County, Mississippi; and in furtherance of the object of such conspiracy, one or more of the Defendants did, or caused to be done, one or more of the overt acts, set out in Count III hereof, which overt acts as so set out are incorporated herein by reference.

The Defendants, having so conspired to prevent or hinder the constituted authorities of the State of Mississippi from giving or securing to the Plaintiff in and around Oxford, Lafayette County, Mississippi, the equal protection of the laws, did cause the Plaintiff to be injured in his person, to-wit, by being assaulted and battered and having inflicted on his person summary, cruel, and unusual punishment, and by being deprived of having and exercising his equal privileges and immunities under the laws as a citizen of the United States, that is, to-wit: to travel freely in the State of Mississippi, to be secure in his person against false arrest and false imprisonment, to be secure against summary, cruel and unusual punishment, to be informed of the charge against him upon arrest, to be promptly carried before a magistrate and given a hearing upon arrest, to be allowed bail, and not to be deprived of his right to counsel.

Wherefore, Plaintiff demands judgment of the Defendants, jointly and severally, in the sum of \$50,000.00 as actual and punitive damages, together with all costs of this suit.

COUNT V

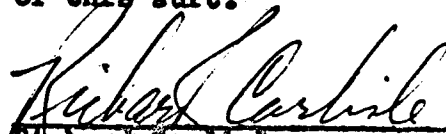
Plaintiff for his fifth and further count reiterates by reference all allegations as to the names and residences of the parties set forth in the first count hereof, ^{and alleges} as follows:

The Plaintiff, a citizen of the United States of America, claims of the Defendants the sum of \$50,000.00 damages for that, on or about September 28 to October 2, 1962, the Defendants did conspire for the purpose of depriving, either directly or indirectly, the Plaintiff and others similarly situated of the equal protection of the laws and of equal privileges and immunities under the laws and for the purpose of preventing or hindering the constituted authorities of the State of Mississippi from giving or securing to all persons within such State the equal protection of the laws, by usurping such responsibilities and duties in and around Oxford, Lafayette County, Mississippi; and in furtherance of the object of

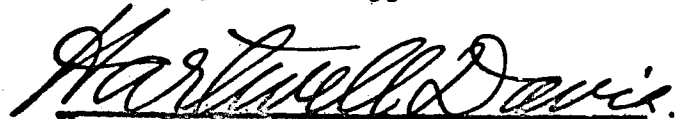
such conspiracy, one or more of the Defendants did, or caused to be done, one or more of the overt acts, set out in Count III hereof, which overt acts as so set out are incorporated herein by reference.

The Defendants, having so conspired to prevent or hinder the constituted authorities of the State of Mississippi from giving or securing to the Plaintiff in and around Oxford, Lafayette County, Mississippi, the equal protection of the laws, did cause the Plaintiff to be injured in his person, to-wit, by being assaulted and battered and having inflicted on his person summary, cruel and unusual punishment, and by being deprived of having and exercising his equal privileges and immunities under the laws as a citizen of the United States, that is, to-wit: to travel freely in the State of Mississippi, to be secure in his person against false arrest and false imprisonment, to be secure against summary, cruel and unusual punishment, to be informed of the charge against him upon arrest, to be promptly carried before a magistrate and given a hearing upon arrest, to be allowed bail, and not to be deprived of his right to counsel.

Wherefore, Plaintiff demands judgment of the Defendants, jointly and severally, in the sum of \$50,000.00 as actual and punitive damages, together with all costs of this suit.



Richard Carlisle
P. O. Box 374
Columbus, Mississippi



Hartwell Davis
First National Bank Building
Montgomery, Alabama



Robert E. Varner
First National Bank Building
Montgomery, Alabama

Attorneys for Plaintiff.

Plaintiff demands a trial by jury of the issues of fact in
this cause.

Robert E. Warner
Of Counsel for Plaintiff.

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

UNIVERSITY OF MISSISSIPPI

Virgil Wesley, et al. v. ~~McLaren~~, et al.

Correspondence

Correspondence - Basil Wesley, et al
vs. James P. McShane, et al

145-12-841

Mr. Doan

Messrs. Schwelb and Dillon
Attorneys, Trial Staff
Civil Rights Division

February 12, 1963

John Doar
First Assistant

JD:lw

Wesley v. McShane, et al

Three Alabama citizens have sued officials of the Department of Justice for events arising out of the riot. Their names are Virgil Wesley, Virgil Norton and James Chapman. Please advise me what information you have on these individuals as well as what information you have on William Tucker, who I believe is one of the prison guards.

FEB 25 1963

T. 2/21/63

John W. Douglas
Acting Assistant Attorney General
Civil Rights Division

Burke Marshall
Assistant Attorney General
Civil Rights Division

FBS:ghj
144-40-NEW

Wesley, et al. v. McShane, et al.

In the above-entitled action, Virgil Wesley, Virgil Norton, and James Chapman, residents of Troy, Alabama, have instituted an action against officials of the United States as a result of alleged brutalities claimed to have been perpetrated upon them by United States Marshals in Oxford, Mississippi during the night of October 1 to 2, 1962, following their arrest in connection with the desegregation riots at the University of Mississippi. It appears that they were arrested by military police at a road-block outside Oxford during the evening of October 1, 1962 after weapons were found in their car.

Each of the three plaintiffs was interviewed by the F.B.I. during his detention. Their interviews may be found on the following pages of the Report of Special Agent William H. Lawrence of October 6, 1962 (Memphis, Tennessee):

Wesley: 490
Norton: 357
Chapman: 105

This Report may be found in the Civil Rights Division's Oxford Riot files.

cc: Records
Chrono
Mr. Doar ✓
Mr. Barrett
Trial File (Room 1140)

Following the publication of an article in the Montgomery Advertiser on October 5, 1962, relating to alleged brutality to prisoners on the part of United States Marshals, the F.B.I. at the request of this Division conducted an investigation of the matters set forth in the article. The results of the investigation are contained in the Report of Special Agent Chilton B. Creason of November 19, 1962 (Mobile, Alabama). The principal content of this Report is an interview with Bobby Gene Jones, age 19, who accompanied the three plaintiffs to Oxford but who is not participating in the lawsuit. At the advice of their counsel, Hartwell Davis, Esquire, the three plaintiffs declined to give a statement to the F.B.I. This report is in D.J. File No. 144-100-40-1, Section 31, for the period November 26, 1962 to January 4, 1963.

Our only information respecting William W. Tucker is that he is a Captain and Team Leader from the United States Penitentiary at Leavenworth and was in the group of Bureau of Prisons Guards on duty during the Oxford riot. He was interviewed briefly by the F.B.I. on October 4, 1962 and stated that he had witnessed many arrests but had not made any. The interview contains no information as to any events after the rioting. Captain Tucker's interview may be found in this Division's alphabetical file of Accounts of Riots, Marshals and U.S. Officers, which is a part of our Oxford Riot file.

On January 31, 1962, Patrol Inspector Louis A. Galoppo, after being shown photographs of persons suspected of participation in the September 30 riots, identified Chapman and Norton as being among persons arrested and on confinement during the night of the riot. With respect to Chapman, it is Mr. Galoppo's recollection that he was released at approximately 1 p.m. on "Monday, October 2, 1962." [Monday was in fact October 1]. Mr. Galoppo states that he interviewed Chapman and that the latter denied participation in the riot. If Mr. Galoppo's identifications are accurate, Norton and Chapman must have arrived much earlier than they told the F.B.I. Mr. Galoppo's statement may be found in this Division's alphabetical file of Accounts

of Riots.- Marshals and U.S. Officers, which is a part of our Oxford Riot file.

On January 31, 1963, John R. Blaser, a Correctional Officer at the U.S. Penitentiary, Leavenworth, Kansas, recognized photographs of James Chapman and Bobby G. Jones as individuals whom he observed while on guard duty at the Sediment Station at the University from 11 p.m. on October 1, 1962 to 10 a.m. the following morning.

The Attorney General

June 7, 1963

John W. Douglas
Assistant Attorney General
Civil Division

JWD:jc
145-12-842
145-12-849
145-12-841

James Chapman v. James P. McShane, et al., Civil No. WC3311

United States Attorney Ray telephoned me this afternoon from Oxford that Judge Clayton had granted our motion to dismiss in the above case. This was the suit brought by three Alabama residents for damages allegedly incurred as a result of their arrest and 24-hour detention on the night after the riots at Oxford last fall. The defendants were the Deputy Attorney General, McShane, Doar and Tucker. The decision was apparently based on the claimed immunity of federal officials from personal liability for acts committed in the scope of their employment. If the plaintiffs wish to reinstate the case, they will have to appeal to the 5th Circuit.

Judge Clayton's action was directly opposite to that of Judge Cox in the Southern District of Mississippi. Judge Cox had previously denied a government motion in a similar tort action where we made the same arguments.

cc: James McShane
Burke Marshall
✓ John Doar

Mr. John W. Douglas
Assistant Attorney General
CIVIL DIVISION

June 7, 1963

H. M. Ray, U. S. Attorney,
Northern Dist. of Miss.
P. O. Box 191, Oxford, Miss.

HMR/akh
145-12-842
145-12-840
145-12-841

~~James Chapman v. McShane, et al, No. WC6311~~
~~Virgil Norton v. McShane, et al, No. WC639~~ ✓
~~Virgil Wesley v. McShane, et al, No. WC6310~~

In the above, please find copies of orders entered
dismissing the complaints together with a copy of
Judge Clayton's memorandum opinion which entered
this date.

cc: Mr. Burke Marshall
Assistant Attorney General
Civil Rights Division
Room 1145

| | |
|---------------------------------|--------|
| 145-12-84 | |
| DEPARTMENT OF JUSTICE | |
| 36 | JUN 12 |
| FEDERAL BUREAU OF INVESTIGATION | |

CIV. RIGHTS DIV.
Gen. Lit. Sec.