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10/9/67

IN THE
United States Court of Appeals
FOR THE FIFTH CIRCUIT

No. 19475

JAMES H. MEREDITH,
Appellant,

versus

CHARLES DICKSON FAIR, et al.,
Appellees.

UNITED STATES OF AMERICA,
Amicus Curiae and Petitioner,

versus

STATE OF MISSISSIPPI; ROSS R. BARNETT,
Governor of the State of Mississippi; **JOE T. PATTERSON,** Attorney General of the State of Mississippi; **T. B. BIRDSONG,** Commissioner of Public Safety of the State of Mississippi; **PAUL G. ALEXANDER,** District Attorney of Hinds County, and **WILLIAM R. LAMB,** District Attorney of Lafayette County, individually; **J. ROBERT GILFOY,** Sheriff of Hinds County, and **J. W. FORD,** Sheriff of Lafayette County, individually; **WILLIAM D. RAYFIELD,** Chief of Police of the

IN THE UNITED STATES COURT OF APPEALS U. S. COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED

NO. 20240

JAN 5 1963

EDWARD W. WADSWORTH
CLERK

UNITED STATES OF AMERICA

- versus -

ROSS R. BARNETT and PAUL
B. JOHNSON, JR.

Before TUTTLE, Chief Judge, RIVES, CAMERON, JONES, BROWN, WISDOM,
GEWIN and BELL, Circuit Judges.

ORDER TO SHOW CAUSE WHY ROSS R. BARNETT AND
PAUL B. JOHNSON, JR. SHOULD NOT BE HELD IN
CRIMINAL CONTEMPT

This Court having entered an order on September 18, 1962, in the case of James H. Meredith, et al. v. Charles Dickson Fair, et al., No. 19475, designating and authorizing the United States to appear and participate in that case as amicus curiae with the right to submit pleadings, evidence, arguments and briefs, and to initiate such further proceedings, including proceedings for injunctive relief, as might be appropriate in order to maintain and preserve the due administration of justice and the integrity of the judicial processes of the United States, and

The Attorney General having instituted, pursuant to this Court's order of September 18, 1962, an action in the name of and on behalf of the United States, as amicus curiae, which action was entitled United States v. State of Mississippi, et al., restraining the State of Mississippi and Ross R. Barnett, their agents, employees, officers, successors, and all persons in active concert or participation with them, from interfering with or obstructing the enjoyment of rights or the performance of duties under the order of this Court of July 29, 1962, in the case of Meredith v. Fair, and a similar order of the District Court for the Southern District of Mississippi in that case, requiring

the enrollment of James H. Meredith at the University of Mississippi,
and

This Court having ordered on November 15, 1962, that the Attorney General, and such attorneys in the Department of Justice as he may designate, be appointed to institute and prosecute criminal contempt proceedings against Ross R. Barnett and Paul B. Johnson, Jr., and

Probable cause having been made to appear from the application of the Attorney General filed December 21, 1962, in the name of and on behalf of the United States that on September 25, 1962, Ross R. Barnett, having been served with and having actual notice of this Court's temporary restraining order of September 25, 1962, wilfully prevented James H. Meredith from entering the offices of the Board of Trustees of the University of Mississippi in Jackson, Mississippi, and thereby deliberately prevented James H. Meredith from enrolling as a student in the University pursuant to this Court's order of July 28, 1962; that on September 26, 1962, Paul B. Johnson, Jr., acting under the authorization and direction of Ross R. Barnett, and as his agent and as an agent and officer of the State of Mississippi, and while having actual notice of the temporary restraining order of September 25, 1962, wilfully prevented James H. Meredith from entering the campus of the University of Mississippi in Oxford, Mississippi, and thereby deliberately prevented James H. Meredith from enrolling as a student in the University pursuant to the orders of this Court; that on September 27, 1962, Ross R. Barnett and Paul B. Johnson, Jr. wilfully failed to take such measures as were necessary to maintain law and order upon the campus of the University of Mississippi and did, instead, direct and encourage certain members of the Mississippi Highway Safety Patrol, Sheriffs and deputy Sheriffs and other officials of the State of Mississippi to obstruct and prevent the entry of James H. Meredith upon the campus of the University that day; that on September 30, 1962, Ross R. Barnett, knowing of the planned entry of

that disorders and disturbances had attended and would attend such entry, and knowing that any failure of the Mississippi Highway Safety Patrol to take all possible measures for the maintenance of peace and order upon the campus could and would result in interferences with and obstructions to the carrying out of the Court's order of July 28, 1962, wilfully failed to exercise his responsibility, authority, and influence as Governor to maintain law and order upon the campus of the University of Mississippi; and that all of said acts, omissions and conduct of Ross R. Barnett and Paul B. Johnson, Jr., were for the purpose of preventing compliance with this Court's order of July 28, 1962, and of the similar order of the United States District Court for the Southern District of Mississippi, entered on September 13, 1962, and were in wilful disobedience and defiance of the temporary restraining order of this Court entered on September 25, 1962,

IT IS ORDERED that Ross R. Barnett and Paul B. Johnson, Jr., appear before this Court in the courtroom of the United States Court of Appeals for the Fifth Circuit in New Orleans, Louisiana, on February 8, 1963, at 9:30 o'clock a.m., to show cause, if any they have, why they should not be held in criminal contempt, and should either of them at said time and place show such cause, either by pleading not guilty to the charges contained in the application of the United States, or by other means, he shall thereafter appear before this Court for hearing upon said charges at a time and place to be fixed by the Court.

This 4th day of January, 1963.

ELBERT P. TUTTLE

RICHARD T. PIVES

WARREN L. JONES

JOHN R. BROWN

JOHN MINOR WISDOM

GRIFFIN B. BELL

United States Circuit Judges
Fifth Circuit

I DISSENT - BEN F. CAMERON
UNITED STATES CIRCUIT
JUDGE, FIFTH CIRCUIT

I DISSENT - WALTER P. GEWIN

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Draft

(My Meredith's folder)

JAMES H. MEREDITH,

Appellant

vs.

CHARLES DICKSON FAIR, et al.,

Appellees

NO. 19,475

UNITED STATES OF AMERICA,
Amicus Curiae and Petitioner

vs.

STATE OF MISSISSIPPI, et al.,

Defendants.

APPLICATION BY THE ATTORNEY GENERAL
OF THE UNITED STATES FOR AN ORDER
REQUIRING ROSS R. BARNETT AND PAUL
B. JOHNSON, JR., TO SHOW CAUSE WHY
THEY SHOULD NOT BE HELD IN CRIMINAL
CONTEMPT

Pursuant to this Court's order of November 15, 1962, the Attorney General of the United States applies to the Court for an order requiring Ross R. Barnett and Paul B. Johnson, Jr., to show cause, if any they have, why they should not be held in criminal contempt of this Court for wilfully disobeying the temporary restraining order entered on September 25, 1962, in United States v. State of Mississippi, et al., No. 19,475, and as a first count against Ross R. Barnett states:

FIRST COURT

1. Ross R. Barnett is Governor of the State of Mississippi and, as such, is an officer and agent of the State.

2. On July 28, 1962, this Court entered its order in the case of James H. Meredith, et al. v. Charles Dickson Fair, et al., No. 19475, requiring the defendant officials of the University of Mississippi and the defendant members of the Board of Trustees of Institutions of Higher Learning of the State of Mississippi to register and admit James H. Meredith to continued attendance as a student at the University of Mississippi on the same terms and conditions as are applied to other students.

3. On September 18, 1962, this Court ordered that the United States be designated and authorized to appear and participate as amicus curiae in the case of Meredith v. Fair, referred to in the preceding paragraph, with the right to submit pleadings, evidence, arguments and briefs and to initiate such further proceedings, including proceedings for injunctive relief, as might be appropriate in order to maintain and preserve the due administration of justice and the integrity of the judicial processes of the United States.

4. On September 24, 1962, this Court, in instructing the defendant officials of the University of Mississippi and the members of the Board of Trustees of Higher Learning what they must do to comply with this Court's order of July 28, 1962, directed the

defendant, Robert B. Ellis, Registrar of the University, to be available at Jackson, Mississippi, at the office of the Board of Trustees, from 1:00 p.m. to 6:00 p.m. on September 25, 1962, for the purpose of registering James H. Meredith and admitting him as a student to the University.

5. On September 25, 1962, the Attorney General filed in this Court in the name of and on behalf of the United States, amicus curias, an action titled United States v. State of Mississippi, et al, which was ancillary to the case of Meredith v. Fair. In connection with its complaint in the case of United States v. State of Mississippi, the Attorney General, in the name of and on behalf of the United States, applied for, and the court on September 25, 1962 issued, a temporary restraining order restraining the State of Mississippi and Ross R. Barnett, their agents, employees, officers and successors, together with all persons in active concert or participation with them, from interfering with or obstructing by any means or in any manner the enjoyment of rights or the performance of obligations under this Court's order of July 28, 1962 and an order of the United States District Court for the Southern District of Mississippi entered September 13, 1962, both of which orders require the enrollment of James H. Meredith at the University of Mississippi.

6. On September 25, 1962, the State of Mississippi and Ross R. Barnett were each served with

summons and with copies of the complaint filed by the Attorney General in the name of and on behalf of the United States, the application for a temporary restraining order, and the temporary restraining order issued by this court as described in the preceding paragraph.

7. On September 25, 1962, Ross R. Barnett, after service of the summons and other papers upon him and upon the State of Mississippi as described in the preceding paragraph, and while having actual notice of the terms of the temporary restraining order, wilfully prevented James H. Meredith from entering the office of the Board of Trustees in Jackson, Mississippi at a time when James H. Meredith, as Ross R. Barnett well knew, was seeking to enter the office for the purpose of registering as a student in the University pursuant to this Court's order of July 28, 1962.

8. The conduct of Ross R. Barnett, as herein described, was in wilful disregard and defiance of the temporary restraining order entered by this Court on September 25, 1962.

As a second and further count against Ross R. Barnett and Paul B. Johnson, Jr., the Attorney General of the United States further states:

SECOND COUNT

9. The United States recites and re-states each of the facts and matters set forth in paragraphs 1, 2, 3, 5 and 6 of the First Count.

10. Paul B. Johnson, Jr., is Lieutenant Governor of the State of Mississippi and, as such, is an officer and agent of the state.

11. On September 26, 1962, Ross R. Barnett authorized and directed Paul B. Johnson, Jr., as his officer and agent, and as an officer and agent of the State of Mississippi, to prevent James H. Meredith from entering the campus of the University of Mississippi, in Oxford, Mississippi, and from enrolling as a student in the University.

12. On September 26, 1962, Paul B. Johnson, Jr., acting as the officer and agent of the State of Mississippi and of Ross R. Barnett pursuant to the authorization and direction described in the preceding paragraph, and while having actual notice of the terms of the temporary restraining order described in paragraph 5, wilfully prevented James H. Meredith from entering the campus of the University of Mississippi in Oxford, and did thereby prevent James H. Meredith from enrolling as a student in the University.

13. In all of the acts and conduct described in paragraphs 11 and 12, Ross R. Barnett, Paul B. Johnson, Jr., and the State of Mississippi were in active concert and participation each with the other.

14. All of the acts and conduct of Ross R. Barnett and Paul B. Johnson, Jr., described in Count Two of this application were in wilful disregard and defiance of the temporary restraining order issued by this Court on September 25, 1962.

As a third and further count against Ross R. Barnett, the Attorney General states:

THIRD COUNT

15. The United States realleges and restates each of the facts and matters set forth in paragraphs 1, 2, 3, 5 and 6 of the First Count of this application.

16. The Mississippi Highway Safety Patrol is a law enforcement organization of the State of Mississippi and is a part of the executive department of the State under the authority of Ross R. Barnett as Governor.

17. On September 28, 1962, this Court adjudged Ross R. Barnett to be in civil contempt of the restraining order of September 25, 1962, and directed that among the things he must do to purge himself of that contempt was to notify all law enforcement officers and all other officers under his jurisdiction or command:

To maintain law and order at and around the University and to cooperate with the officers and agents of this Court and of the United States in the execution of the orders of this Court and of the District Court for the Southern District of Mississippi to the end that James H. Meredith be permitted to register and remain as a student at the University of Mississippi under the same conditions as apply to all other students.

18. During the period from September 27 through September 30, 1962, Ross R. Barnett gave assurances to the Attorney General of the United States and his representatives that the Mississippi Highway Safety Patrol, at the direction of Ross R. Barnett as Governor of Mississippi, would maintain peace and order at the campus of the University of Mississippi in Oxford, Mississippi, in connection with the enrollment of James H. Meredith as a student in the University.

19. On September 30, 1962, James H. Meredith entered the campus of the University of Mississippi for the purpose of enrolling and attending the University as a student. His entry upon the campus was followed by disorders, disturbances and acts of violence designed to prevent and discourage his enrollment and attendance at the University.

20. On September 30, 1962, Ross R. Barnett, knowing of the planned entry of James H. Meredith upon the campus of the University of Mississippi, knowing that disorders and disturbances had attended and would attend such entry, and knowing that any failure by the Mississippi Highway Safety Patrol to take all possible measures for the maintenance of peace and order upon the campus could and would result in interference with and obstruction to the carrying out of this court's order of July 28, 1962, wilfully failed to carry out his assurances to the Attorney General of the United States to see the Mississippi Highway Safety Patrol for the maintenance of law and order upon the campus and did on that day and thereafter wilfully fail to maintain

members of the Mississippi Highway Safety Patrol upon the campus and under his direction for the maintenance of law and order.

21. All of the acts, conduct and omissions of Ross R. Barnett described in Count Three of this application were in wilful disregard and defiance of the temporary restraining order issued by this Court on September 25, 1962.

Upon the basis of the facts set forth in the First, Second and Third Counts, above, the Attorney General, on behalf of and in the name of the United States, requests the Court to enter an order requiring Ross R. Barnett and Paul B. Johnson, Jr., to appear before this Court at a time and place to be fixed by the Court to show cause why they should not be held in criminal contempt. If, upon such appearance, Ross R. Barnett and Paul B. Johnson, Jr., or either of them pleads not guilty to the charge set forth in this application, the United States further requests that a time and place be set for hearing upon the charge.

ROBERT F. EMMERTY
Attorney General

LEON J. JENNINGS
Assistant Attorney General

PHONE CALLS

9/15	2:15 p.m.	AG - Bar	"no viol." "cd designate" Birds
9/17	7:00 p.m.	AG - Bar	B: M shd regetz in Jackson AG: up to M
9/18	12:30 p.m.	AG - Bar	AG: M wants re Thure in <u>Bar</u> B: prefer Mon (or Sat.) - + J AG: will ask M
9/18	6:05 p.m.	BM - Bar	B: B2/Tr say Jackson on 9/20 M: will tell AG
9/19	1:30 p.m.	AG - Bar	B: cant say whether B2/Tr will regetz M
9/19	4:00 p.m.	BM - P	(also: Seog, Ober, Katz, Mash + Gull Birds P: Anything Tomorrow O.K.; 3:00 O.K. P: Stop at H/P in <u>Interville</u> Bird will meet them 2:15 P: "He will have safe passage" cd B will escort him <u>to</u> <u>at</u> <u>line</u> P: cd B "will have all [the men] that are nec." P: M/S can call cd B in <u>Bar</u> b/f <u>by</u> <u>Members</u> (Q <u>by</u> <u>K</u>) [Birds gives # <u>4725</u> <u>at</u> <u>Bar</u>] cd B will be there <u>by</u> <u>noon</u> .

9/20 9:50 am. BM-P P: Warrant out for M
Col B "here now"

9/20 12:30 p.m. AG + BM-P BM: Judges will issue TRD
M will come down
P: Watkins present
Gov has directed no arrest

9/20 1:50 p.m. AG-P AG: M will leave in 1 hr.

BM-W W: Gov says no arrest

9/20 3:15 AG-P P: TRD issued; DA in Oxf told
to tell sheriff
P: Col B is in Batesville
AG: M's leaving Memphis
P: "I will call Col B."
"I will tell Bird to escort
them in + out."

9/20 4:40 p.m. AG-P AG: FBI says Ford will arrest M
P: Gov has directed no arr.
AG: Ford says Gov told him
to arr M.
P: "I will call Bird + find out"
AG: "I will call" Gov.
P: ~~get~~ reach Gov in Oxf.

9/20 4:53 AG-P B: will "slide by" P's promise
- no arrest.
"I told the sheriff"
- no violence

9/20 5:10 p.m. AG - F AG: Gov says no arrest
F: Gov says he will
"notify of sheriff"

9/20 8:28 p.m. AG → F AG thanks F

9/24 9:50 p.m. AG - B AG tells B of Bd/Tx
promise to CA; will
register M 9/25 at 2:00
B surprised.
AG: CA will also issue order
or arrests.
B: cant say what he'll do.
AG asks guarantee; B neg.
B will notify by 9:00 a.m.

9/25 12:20 p.m. AG - B B: sent wire that wd
preserve peace.
Send M at 2:00
B: cant promise officials wont
interfere physically
- but no one will try to
"hurt" M
- may stop him from going in
- we have state orders
- M will be stopped for going
in "if it brings on a
lot of trouble."
- "I will never agree to putting
M into the office."

9/25 3:25 p.m. AG-B AG: M is leaving N.C.
- will go to U.S. Atty
B: There will be no viol.
- wants to know where
M will register

9/25 6:10 p.m. AG-B B: "we will have a rm." in
state bldg for M
- people will be under control
- Room 1007
- register "is here"
- elevator will be clear.

9/25 6:25 p.m. AG-F AG: M on way fr Fed Bldg.

9/25 7:25 p.m. AG-B B: Everything went "smoothly"
M turned down
AG: M ~~will~~ will go to class
in Oct tomorrow.
B: can't guarantee v. bloodied.
- but will urge v. id.

9/25 7:35 p.m. AG-B agree on 10:00 a.m. 9/26
B suggests keep M away
B: "We don't want any viol."

9/26

a.m.

B^M-W (in N.Y.)

W. says integrit in
wins can only be by force
W agrees things have
gone too far + suggests
taken force.

p.m.

B^M-W

W suggests 25
marshalls w side arms
- "drawn guns"
- wd be up to US to
keep peace

later

B^M: cant agree.

9/27

AG-W

W: drawn guns idea has
Gov's approval.

AG-B

B insists that all
must draw guns.

9/27

2:30 p.m.

AG-B (w)

AG: will com 5:00 p.m.
- one man will draw

B: all.

- "There wont be any viol."

J: We will do everything
to preserve Gov's
order.

- we have sufficient men

AG: They will draw

B: we will stay side.

9/27 3:50 p.m. AG + B (A) B asks postponement to Sat
AG thinks Sat will be
more diffie.

B: "our convs werent taken
down here."

A: cant control headaches,
— need time

AG: bench w will issue if
B + J dont go to G

J: 300-500 people
— cant get rid.

B want to check w 3-4
people; will call AG.

9/27 4:20 p.m. AG-B B thinks there will be no
viol.

— "no Q about it"

A will arrive after 5:00

9/27 5:35 AG-B (A) AG will arr 5:30

J: "we are going to do it
ultimate" to preserve
L of order.

B promises "like we do
throughout the state"

9/27 6:35 p.m. AG-B B "worried" over
sev thousand strangers
B: "likely to be a 100
people killed"
AG: will send group back
B: wd be "embarrassing"
(5 present)

9/28 1:35 p.m. AG-B AG suggests dispersing
groups over 3 or 5
B suggests digg M

9/28 4:00 RPK-B

9/30 2:30 pm DKK-B

5:15 " B: "We have 220 highway
patrolmen". They
will do their best
to maintain l & o

7:45 " B: "I told I cover of 4
highway patrol to order
everything he's got"
B: announce you will
remove 2/.

8:14 " B: "We have 212 patrolmen"
B: just talked to Col B;
- 150 men
- told him to rest

9/30

12:45 pm

8G-5 (8W)

5 prepared draft
just again.

[Handwritten signature]

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

UNITED STATES OF AMERICA)
)
)
 v.)
)
)
 ROSS R. BARNETT)
 PAUL B. JOHNSON, JR.)
)

NO. _____
(CRIMINAL CONTEMPT)

ORDER TO SHOW CAUSE WHY
ROSS R. BARNETT AND PAUL B. JOHNSON, JR.
SHOULD NOT BE HELD IN CRIMINAL CONTEMPT

This Court, having entered an order on September 18, 1962, in the case of James H. Woodruff, et al. v. Charles Dickson Fair, et al., No. 19475, designating and authorizing the United States to appear and participate in that case as amicus curiae with the right to submit pleadings, evidence, arguments and briefs, and to initiate such further proceedings, including proceedings for injunctive relief, as might be appropriate in order

to maintain and preserve the due administration of justice and the integrity of the judicial processes of the United States, and

The Attorney General having instituted, pursuant to this Court's order of September 18, 1962, an action in the name of and on behalf of the United States, as amicus curiae, which action was entitled United States v. State of Mississippi, et al. and was ancillary to the case of Meredith v. Fair; and the Court having issued a temporary restraining order, upon application of the United States in the case of United States v. State of Mississippi, et al., restraining the State of Mississippi and Ross R. Barnett, their agents, employees, officers, successors, and all persons in active concert or participation with them, from interfering with or obstructing the enjoyment of rights or the performance of duties under the order of this Court of July 28, 1962, in the case of Meredith v. Fair, and a similar order of the District Court for the Southern District of Mississippi in that case, requiring the enrollment of James H. Meredith at the University of Mississippi, and

This Court having ordered on November 13, 1963, that the Attorney General, and such attorneys in the Department of Justice as he may designate, be appointed to institute and prosecute criminal contempt proceedings against Ross R. Barnett and Paul B. Johnson, Jr., and

It appearing from the application of the Attorney General filed this day in the name of and on behalf of the United States, ~~being~~ stating, that on September 25, 1963, Ross R. Barnett, having been served with and having actual notice of this Court's temporary restraining order of September 25, 1963, wilfully prevented James H. Meredith from entering the offices of the Board of Trustees of the University of Mississippi in Jackson, Mississippi and thereby deliberately prevented James H. Meredith from enrolling as a student in the University pursuant to this Court's order of July 23, 1963; that on September 26, 1963, Paul B. Johnson, Jr., acting under the authorization and direction of Ross R. Barnett, and as his agent and as an agent and officer of the State of Mississippi, and while having actual notice of the temporary restraining order of September 25, 1963, wilfully prevented James H.

Meredith from entering the campus of the University of Mississippi in Oxford, Mississippi and thereby deliberately prevented James H. Meredith from enrolling as a student in the University pursuant to the orders of this Court; that on September 30, 1962, Ross R. Barnett willfully, and contrary to specific assurances given the Attorney General of the United States, failed to maintain members of the Mississippi State Highway Patrol under his direction upon the campus of the University, knowing that his failure to do so would permit disorders, disturbances and unlawful acts of violence to interfere with the enrollment and attendance of James H. Meredith in the University; and that all of said acts, omissions and conduct of Ross R. Barnett and Paul B. Johnson, Jr., were for the purpose of preventing compliance with this Court's order of July 28, 1962, and of the similar order of the United States District Court for the Southern District of Mississippi entered on September 13, 1962, and were in wilful disobedience and defiance of the temporary restraining order of this Court entered on September 25, 1962.

IT IS ORDERED that Ross R. Barnett and Paul R. Johnson, Jr., appear before this Court in the courtroom of the United States Court of Appeals for the Fifth Circuit in _____ on _____, 1962, at _____ o'clock a.m., to show cause, if any they have, why they should not be held in criminal contempt, and should either of them at said time and place show such cause, either by pleading not guilty to the charges contained in the application of the United States, or by other means, he shall thereafter appear before this Court for hearing upon said charges at a time and place to be fixed by the Court.

Signed this _____ day of December, 1962.

notes on 12/21
deposition of Col. Birdsong.
Carl Erdley has the rest
of my notes.

No instructions for
Gov left 7 + 9
Gov called B;
said he had heard
that blockades had
been abandoned;
patrol had left
campus.

Skating
rink

3
1

I B told him
reports were false
— no specific
instructions re crowd
in front of gymnasium

Breaking
up crowd?

At 7 + 7:30 crowd
got bigger + rougher
Did not see any
"missiles" thrown until
after gas used.

Time
of withdrawal

Judge Moore, New York
York University, New York
whom "wanted patrol
withdrawn."

Discussion in Class
office re withdrawing
patrol.

— Kate objected
— J proposed.

No change in
marshals left 4 & 7:00



Patrol was "trying"
to control crowd.
— marshals were
not trying to hold
back crowd.



Crowd kept "surging"
up -

— some men had
put on masks but
Kate told them to
take them back off.

Burdson had his
men push crowd back.
J told crowd to
disperse — but crowd
didn't.

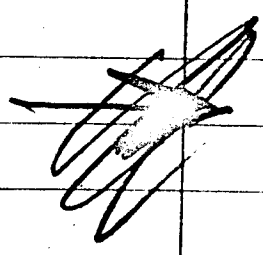
~~I~~ was going in to
take phone call when
gas went off — had back toward
going up steps
did not see
marshals put on masks



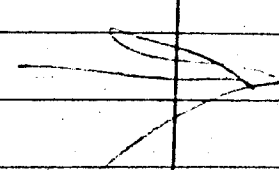
about that time
there was some "commotion"
at left of A line.

Had discussion w
Mc on a party re moving
crowd back

after being pushed
back, it was about
12 or 15 ft line of
marshals



"I have no
opinion" as to how
crowd shd have been
handled.



Prior to gas, B
thinks patrol of few
pushed crowd back thru

(Mugh, et al) that they would try to do so.

"As far as I know" roadblocks were never discontinued.

No arrests by Patrol — but did confiscate "a lot" of guns.

*
Where are they?

[Col B instructed not to answer & re # number of weapons confiscated.]

Bullseye
a
fire engine

Patrol gassed twice — (1) in front of gymnasium
(2) at gymnasium (did not see)

After gassing, B met men at Johnston rink.
— 10:30 or 11:00
— about 100 men.

At after passing
an inspection ~~to~~ B
(in ~~the~~ room) that men
were at gym & had
heard that B was killed.
"angry" group of men
to reinforced blockades
& establish roving patrol

situation was
"rough" & "risky"
to be honest about
it" at 10:30 - 11:00

Confer w/ a Mack
at 10:30-11:00 - offered
~~to~~ (B & Johnson)
to do what they'd
asked that gate be stopped.
B took initiative
in withdrawing men
by ~~camp~~ & grouping
at sk rink.

Saw stones thrown
CAN on line CAN't call this

Never told me that "my
hands are tied"

Marshals were
obviously "nervous"

— expression on face
— didn't seem like
"a jerk"

10 or 12 troopers injured
— incl Fishel + Brent
— by ~~the~~ volume
of gas.

Marshals were about
10' fr patrolmen
— short range
projectiles did do
harm (except a little
burning) at 10 ft.

[2nd
Recess]

Your boy read his proof
to Birds & said he was
in charge.

No discussion in
Justice official Sun aft
re construction job
Meridith's arrival.

Can't tell just what
the "construction" was at
left of 7 line just before
gas fired by so much
noise & construction
— some "waving in
& out."

1962

A. L. MEADOR, SR., ET AL

COMPLAINANTS

VS

No. 19365

JAMES MEREDITH, ET AL

DEFENDANTS

BILL OF COMPLAINT

Now comes A. L. Meador, Sr., individually and as next friend for his minor son, A. L. Meador, Jr., a resident citizen of Harrison County, Mississippi; Laura R. Reesby, individually and as next friend for her minor son, George I. Goodenow, a resident citizen of Harrison County, Mississippi; E. J. Dedeaux, individually and as next friend for his minor son, Jimmy Glen Dedeaux, a resident citizen of Harrison County, Mississippi; Jim True, a resident citizen of Harrison County, Mississippi; Robert B. Patterson, a resident citizen of Leflore County, Mississippi; T. M. Vaughn, a resident citizen of Lowndes County, Mississippi; J. B. Collier, a resident citizen of Lauderdale County, Mississippi; O. L. Reed, a resident citizen of Harrison County; Andrew Civtanovich, a resident citizen of Harrison County, Mississippi; W. F. Dean, Sr., a resident citizen of Harrison County, Mississippi; Paul F. Blackwell, a resident citizen of Harrison County, Mississippi; H. D. Shaw, Jr., a resident citizen of Harrison County, Mississippi; Curt W. Colston a resident citizen of Harrison County, Mississippi, Russell Gould a resident citizen of Harrison County, Mississippi; Vincent T.

Harvey H. Hutchins

Attorney at Law

200 Jeff Davis Avenue

Long Beach, Mississippi

Purser, a resident citizen of Harrison County, Mississippi;
Wayne Turan, a resident citizen of Harrison County, Mississippi;
R. L. Purser, a resident citizen of Jackson County, Mississippi;
E. S. Anderson, a resident citizen of Harrison County, Mississ-
ippi; W. L. Bourgeois, a resident citizen of Harrison County,
Mississippi; Ross Coleman, a resident citizen of Harrison
County, Mississippi; Arvel Wall, a resident citizen of Harrison
County, Mississippi; Billy M. Triplett, a resident citizen of
Harrison County, Mississippi; Shelton Miller, a resident citizen
of Harrison County, Mississippi; Edward Watts, a resident citizen
of Harrison County, Mississippi; George Schmidt, a resident
citizen of Harrison County, Mississippi; G. A. Kennon, a
resident citizen of Harrison County, Mississippi; O. B. Renick,
a resident citizen of Stone County, Mississippi; Walter A. Bailey,
a resident citizen of Harrison County, Mississippi; D. A.
Zacharias, Sr., a resident citizen of Harrison County, Mississ-
ippi; L. R. Patton, a resident citizen of Harrison County,
Mississippi; Albert M. Bullock, a resident Citizen of Harrison
County, Mississippi, T. S. Smith, a resident citizen of Hinds
County, Mississippi; W. C. Dollahite, a resident citizen of
Harrison County, Mississippi; C. D. McDaniel, a resident
Citizen of Harrison County, Mississippi; Grover N. Allen, a
resident citizen of Hinds County, Mississippi, Edmund H. Dorgan,
a resident citizen of Harrison County, Mississippi; Robert W.
Rush, a resident citizen of Jackson County, Mississippi; Ray D.
Urby, a resident citizen of Harrison County, Mississippi;
Bobby W. Chipley, a resident citizen of Harrison County, Miss-
issippi; Tommy Giordano, a resident citizen of Rankin County,
Mississippi; R. E. Broom, a resident citizen of Rankin County,
Mississippi; Cook Crawford, a resident citizen of Harrison

County, Mississippi; L. M. Oden, a resident citizen of Harrison County, Mississippi; Marion C. Lacy, a resident citizen of Harrison County, Mississippi; Bennie E. Beeson, Jr., a resident citizen of Harrison County, Mississippi; Elmore D. Greaves, a resident citizen of Madison County, Mississippi; N. E. Dacus, a resident citizen of Lee County, Mississippi and files this their Bill of Complaint against the following named defendants: James Meredith, the county of whose residence is unknown to these complainants, but believed to be a resident of either Attala County, Mississippi or of Hinds County, Mississippi; John D. Williams, a resident citizen of Lafayette County, Mississippi Robert B. Ellis, a resident citizen of Lafayette County, Mississippi; Harry G. Carpenter, a resident citizen of Sharkey County, Mississippi; S. R. Evans, a resident citizen of Leflore County, Mississippi; Charles Fair, a resident citizen of Winston County, Mississippi; Verner S. Holmes, a resident citizen of Pike County, Mississippi; E. Ray Izzard, a resident citizen of Copiah County, Mississippi; J. M. Lipscomb, a resident of Noxubee County, Mississippi; Leon Lowery, a resident citizen of DeSoto County, Mississippi; Ira L. Morgan, a resident citizen of Lafayette County, Mississippi; Tally D. Riddell, a resident citizen of Clark County, Mississippi; M. M. Roberts, a resident citizen of Forrest County, Mississippi; R. B. Smith, Jr., a resident citizen of Tippah County, Mississippi; W. O. Stone, a resident citizen of Hinds County, Mississippi; Thomas J. Tubb, a resident citizen of Clay County, Mississippi; Robert E. Lee, a resident citizen of Jones County, Mississippi; Warren H. Tool a resident citizen of Harrison County, Mississippi; Samuel Virden, a resident citizen of Hinds County, Mississippi; Sam H. Allen, Jr., a resident citizen of Lee County, Mississippi; Robin Patton, a resident citizen of Lafayette County,

Tom Hopkins, a resident citizen of Lauderdale County, Mississippi; Joe Bennett, a resident citizen of Monroe County, Mississippi; Jack Stewart, a resident citizen of Hinds County, Mississippi; Robert F. Kennedy, a non-resident of the State of Mississippi, believed to be a resident citizen of either the District of Columbia or of the State of Massachusetts; Thomas R. Etheridge, a resident citizen of Lafayette County, Mississippi; Robert Hauberg, a resident citizen of Hinds County, Mississippi; William T. Robertson, a resident citizen of Lafayette County, Mississippi; Loryce E. Horton, a resident citizen of Hinds County, Mississippi, DEFENDENDANTS, and for cause of action show to the court the following facts, to-wit:

That all parties herto are adults under no disabilities of any kind or character except Jimmy Glen Dedeaux, who sues by his father as next friend; A. L. Meador, Jr., who sues by his father as next friend and George I. Goodenow, who sues by his mother as next friend.

I

Complainants would show the court that the defendants, John D. Williams is the Chancellor of the University of Mississippi, a member of the executive department of the State and thereby under mandate of the Legislature of the State of Mississippi as provided in Section 4065.3 of Mississippi Code, Annotated, 1942, Recompiled; that the defendant, Robert B. Ellis is the Registrar of the University of Mississippi and is likewise subject to the mandate expressed in the above cited statute; that the defendants, Harry G. Carpenter, S. R. Evans, Charles Fair, Dr. Verna S. Holmes, E. Ray Izzard, J. N. Lipscomb, Leon Lowery, Ira M. Morgan, Tally D. Riddell, M. M.

Harvey H. Hutchins
Attorney at Law

Roberts, R. B. Smith, Jr., W. O. Stone and Thomas J. Tubb are members of the Board of Trustees of the Institution of Higher Learning of the State of Mississippi and as such are subject to the mandates of the above cited statute; that the defendant, Sam Allen, Jr., Robin Patton, Tom Hopkins, Warren H. Tool, Samuel Verdon, and Robert E. Lee are employees of the Federal Bureau of Investigation of the United States Department of Justice; that the defendants, Joe Bennett and Jack Stewart are employed by the United States Department of Justice as Federal Marshalls; that the Defendant, Robert F. Kennedy is an employee of the United States Government holding the office of Attorney General of the United States; that the Defendant, Thomas R. Etheridge, and Robert Hauberg are employees of the United States Department of Justice holding the posts of United States District Attorneys; that the defendants, William T. Robertson and Lorcy E. Horton are clerks of the United States District Court for the northern districts and southern districts of Mississippi. Your Complainants would respectfully show the court that the possible defendants in this case are so numerous that all of the same are not specifically named in this suit.

II

The Complainants would show unto the court that on or about September 10th, 1962, Justice Hugo Black of the Supreme Court of the United States, in an action pending in the United States Circuit Court of Appeals for the Fifth Circuit styled James H. Meredith vs Charles Dixon Fair, et al, unlawfully and unconstitutionally ordered that the University of Mississippi admit and enroll said James Meredith, a Negro as a student at the opening of its new academic year

... Complainants would
further show the court that the United States Circuit Court of Appeals for the Fifth Circuit and the United States District Court for the Southern District of Mississippi have rendered like orders in the same case, all of which said orders are unconstitutional and unlawful.

Your Complainants would allege as an element of facts that the orders of the federal courts as above stated are unconstitutional and ultra vires of the powers delegated to the Federal government by the United States Constitution.

Complainants would further aver that the orders of the federal courts as above cited are unlawful and unconstitutional and do not constitute the laws of the State of Mississippi inasmuch as the legislature of the State of Mississippi, by virtue of the authority inherent in the Legislature under the reserved powers to the states guaranteed by the Tenth Article of Amendment to the Constitution of the United States, enacted and passed into law, a resolution of interposition which enactment was styled Senate Concurrent Resolution 125, adopted by the Legislature of the State of Mississippi on the 29th day of February, 1956, (Laws, 1956, Chapter 254, Section 1 and 2) which resolution has been codified in Mississippi Code of 1942 as Section 4065.3.

The Complainants would show the court that the above cited statute interposes the sovereignty of the State of Mississippi against the causing of a mixing or integration of the white and Negro races in public schools, public parks, public waiting rooms, public places of amusement, etc. by any branch of the Federal Government, any person employed by the Federal Government.

Harvey H. Hutchins
Attorney At Law

III

Your Complainants would show unto the court that the above said orders of the federal courts attempt to effectuate the mixing of the white and black races in the University of Mississippi and that such attempt will be made on or about the 19th or the 20th day of September, 1962.

Your Complainants would further show unto the court that these unlawful and unconstitutional orders of the said federal courts shall be enforced by the employees, agents or representatives of the United States Department of Justice including but not limited to the Federal Bureau of Investigation, the persons employed as United States Marshalls and deputy United States Marshalls as well as the clerks of the United States Courts and the assistants to the Attorney General of the United States including but not limited to the United States District Attorneys in the State of Mississippi who are defendants herein. The Complainants would respectfully show the court that any attempt on the part of any agent, employee or representative of any branch of the federal government to enforce these unconstitutional and unlawful orders of the federal courts as above cited would be an unlawful and unconstitutional act. Complainants would further show the court that any attempt to enforce these unlawful orders of the federal courts as above cited is a case of deliberate, palpable and dangerous exercise of authority not constitutionally or lawfully granted to the federal government nor to any of its agents by the federal constitution.

The Complainants hereby aver that the enforcement by the agents of the federal government of the orders of the federal courts as above stated will constitute an imminent and irreparable injury and damage to the interest of your complainants

for which they do not have an adequate remedy at law.

The Complainants charge that they are persons with an interest in this matter inasmuch as they are taxpayers who support the University of Mississippi and citizens of the State of Mississippi.

IV

The Complainants recognize that the proper authority to bring an action of this type is the Attorney General of the State of Mississippi but that the said Attorney General has failed, refused or neglected to take any action or make any assertion to assure the people of the State of Mississippi that the laws of the State of Mississippi will not be broken and the public policy of the State of Mississippi will not be ignored.

V

The Complainants would show the court that the Defendants above named who constitute the Board of Trustees of Institutions of Higher Learning of the State of Mississippi, have indicated that some members thereof unknown to the general public are possible contemplating the defiance of legislative authority as enunciated in section 4065.3 of Mississippi Code, Annotated, 1942 as above cited.

The Complainants would further charge that the Chancellor of the University of Mississippi, John D. Williams and the Registrar of the University of Mississippi, Robert D. Ellis, Defendants herein have given no indication or assurance to the people of Mississippi that they are going to enforce and abide by the Laws of the State of Mississippi pursuant to the legislative mandate as above cited in section 4065.3 of Mississippi Code, Annotated, 1942.

Your Complainants, A. L. Meador, Sr., individually and as next friend for his minor son, A. L. Meador, Jr., Laura R. Reesby, Individually and as next friend for her minor son, George I. Goodenow; and E. J. Dedeaux, individually and as next friend for his minor son, Jimmy Glen Dedeaux would respectfully show the court that they have a special right and interest in this case inasmuch as they are the parents of minor sons who are students enrolled in the University of Mississippi. These rights are in addition to the rights and interest which these Complainants hold as taxpayers and citizens of the State of Mississippi. These Complainants with minor sons enrolled as students at the University of Mississippi hereby charge and aver that the admission of the Negro, James Meredith, to the University of Mississippi as a student will bring about a deprivation of their rights to pursue an education in a peaceful and orderly manner. These Complainants allege and aver that the admission of the Negro, James Meredith to the University of Mississippi will bring about a condition not conducive to orderly academic pursuits in that the glare of publicity, the threats of violence, of demonstrations and the general furor that has been and will be created thereby will so effect their right to attend the University of Mississippi so that their civil rights as guaranteed under Article 3, Section 14 of the Constitution of the State of Mississippi shall be deprived of them. Complainants would further show that the right to attend the University of Mississippi and to be educated in a peaceful atmosphere is an inherited and constitutionally guaranteed right. In that Article 3, Section 14 of the Constitution of the State of Mississippi provides as follows:

as follows: "No person shall be deprived of life, liberty or property except by due process of law". Your Complainants would further charge that they have the right to attend a University of high educational and academic standing as that which prevails currently at the University of Mississippi; that by the admission of the Negro, James Meredith, such high academic standing shall deteriorate as has been the practice in other integrated educational institutions throughout the United States. These Complainants charge that the admission of James Meredith will constitute an irreparable injury to them bringing about the deprivation to them of life, liberty or property without due process of law which is prohibited by Article 3, Section 13, of the Constitution of the State of Mississippi, and that these Complainants have no adequate remedy at law.

VII

Your Complainants charge that the imminent admission of the Negro, James Meredith to the University constitutes a case of the greatest emergency.

Wherefore, Complainants pray as follows, to-wit:

A. That a preliminary prohibitive injunction be issued immediately by the court prohibiting the Defendants named specifically and each of them and as well as the employees, agents and representatives of the Board of Trustees of Institutions of Higher Learning; of the University of Mississippi; of the United States Department of Justice; including but not limited to, the employees, agents and representatives of the Federal Bureau of Investigation; the office of the Attorney General of the United States; all United States Marshals and Deputy United States Marshals

within the State of Mississippi or who come within the State of Mississippi from doing anything or performing any act, the execution of which is intended to enroll and register the Negro, James Meredith as a student in the University of Mississippi; or do any other thing contrary to the laws and the statutes of the State of Mississippi which would aid or abet the integration of any university, college or common school within the State of Mississippi.

B. That process issue requiring the defendants and each of them appear at the next term of this court to answer this Bill of Complaint.

C. That on a day certain to be fixed that the Defendants and each of them are required to show cause if any they have, why they should not be permanently enjoined from committing the acts of damage and injury hereinabove complained of.

D. That the Complainants have such other and further relief as to the court may seem reasonable and just.

s/ Harvey H. Hutchins
HARVEY H. HUTCHINS
Solicitor for Complainants.

STATE OF MISSISSIPPI

COUNTY OF JONES

Personally appeared before the undersigned authority at law in and for the county and state aforesaid, Harvey H. Hutchins, Solicitor for the Complainants in the above styled and numbered cause who says under oath that the facts and allegations stated in the above and foregoing Bill of Complaint are true and correct to the best of his knowledge and belief.

c/ Harvey H. Hutchins

Harvey H. Hutchins
Attorney at Law
508 Jeff Davis Avenue
Long Beach, Mississippi

Sworn to and subscribed before me this the 18th day of
September, 1962.

(SEAL)

s/ Winston T. Shows
Chancery Clerk
Jones County, Miss.

FILED: Sep 18 1962
Winston T. Shows
Chancery Clerk
Jones Co., Miss.
by: WTS

Harvey R. Hutchins
Attorney at Law
508 Jeff Davis Avenue
Long Beach, Mississippi

STATE OF MISSISSIPPI
COUNTY OF JONES
SECOND JUDICIAL DISTRICT

I, Winston T. Shows, Chancery Clerk, in and for said County
and State, do hereby certify that the above and foregoing is a
true and correct copy of above instrument as same appears of
record on file in the office of the Chancery Clerk, at Laurel,
Jones County, Mississippi.

Given under my hand and official seal, this the 20th
day of September A. D., 19 62

Winston T. Shows, Chancery Clerk
JONES COUNTY, MISSISSIPPI

BY: _____ D. C.

4
OCTOBER TERM, 1962

No. 347

JAMES H. MEREDITH,

PETITIONER,

v.

CHARLES DICKSON FAIR, ET AL.

O R D E R

UPON CONSIDERATION of the application of counsel for the movant and of the opposition of the respondents thereto,

IT IS ORDERED that the orders of Circuit Judge Ben F. Cameron of the United States Court of Appeals for the Fifth Circuit of July 18, 1962, July 28, 1962, July 31, 1962, and August 6, 1962, purporting to stay the effectiveness of the mandates of the United States Court of Appeals for the Fifth Circuit be, and the same are hereby, vacated and that the judgment and mandate of said court shall be effective immediately.

IT IS FURTHER ORDERED that the respondents be, and they are hereby, enjoined from taking any steps to prevent enforcement of the United States Court of Appeals judgment and mandate pending final action by this Court on the petition for writ of certiorari now on the docket.

/s/ HUGO L. BLACK

Associate Justice of the
Supreme Court of the United States

Dated this 10th
day of September, 1962.

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

IN THE MATTER OF THE PETITION OF
JAMES P. McSHANE
FOR A WRIT OF HABEAS CORPUS

NO. _____

ORDER

Upon reading the verified complaint of JAMES P. McSHANE, and good cause being shown, it is hereby ordered that a writ of Habeas Corpus issue out of this Court, directing the production of the body of JAMES P. McSHANE before the Court, instantar, at Oxford, Mississippi.

Dated: November _____, 1962.

DISTRICT JUDGE

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

IN THE MATTER OF THE PETITION OF
JAMES P. McSHANE
FOR A WRIT OF HABEAS CORPUS

NO. _____

ORDER

James P. McShane, petitioner in the above-styled cause, having been produced before this Court forthwith by J. W. Ford, Sheriff of Lafayette County, Mississippi, in pursuance of a Writ of Habeas Corpus issued; and It appearing to the Court that a hearing should be held in this matter on _____, and that notice should be served on the Attorney General of the State of Mississippi, the District Attorney County Attorney of Lafayette County, Mississippi, for the Third District of Mississippi, and J. W. Ford, Sheriff of Lafayette County, Mississippi; and that pending said hearing, the petitioner, James P. McShane, should be released on his own recognizance;

IT IS HEREBY ORDERED

- (1) That a hearing be held on the date aforesaid in the Federal Courtroom of the United States Post Office and Courthouse Building in Oxford, Mississippi, at _____ o'clock _____;
- (2) That notice be given by the clerk to the state officers as set out above by mailing to each of them a certified copy of the Petition and of this Order;
- (3) That the petitioner, James P. McShane, be released on his own recognizance to appear at the aforesaid hearing and then abide the further orders of this Court.

This the _____ day of November, 1962.

DISTRICT JUDGE

*Not
Signed*

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

IN THE MATTER OF THE PERSONS OF
JAMES P. MOSEMAN
FOR A WRIT OF HABEAS CORPUS

NO. _____

P E T I T I O N

TO THE HONORABLE CLARENCE F. CLAWSON, JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSISSIPPI.

Your petitioner, JAMES P. MOSEMAN, of the City of Alexandria, County
of Alexandria, State of Virginia alleges as follows:



First: That he is and was Chief United States Marshal, and on
September 30, 1962 was in addition designated a Deputy United States Marshal
for the Eastern District of Mississippi.

Second: That he is unlawfully imprisoned and detained by J. W. Ford,
Sheriff of Lafayette County, State of Mississippi, under and by virtue of
a warrant of arrest issued in Lafayette County, Mississippi, charging your
petitioner with a violation of Section 2057.5 of the Mississippi Code of
1942 and amendments thereto (Incitement to Riot). That petitioner is advised
that the offense with which he is charged allegedly occurred on September 30,
1962, and that he is charged by an indictment returned by the Special November
Term Grand Jury of the Circuit Court of Lafayette County, Mississippi on
November 15, 1962.

Third: That the said imprisonment and detention is unlawful for the
following reasons:

(a) That on September 30, 1962, your petitioner was engaged in his
official duties as the Director of his agency in the United States
Department of Justice and in pursuance of an order issued by the United
States District Court for the Southern District of Mississippi, Jackson

Division, and an order issued by the United States Court of Appeals for the Fifth Circuit, to wit, an order dated September 13, 1962, issued by the aforesaid District Court enjoining Charles Dixon Fair, President of the Board of Trustees of the State Institutions of Higher Learning et al, inter alia, not to refuse to admit James H. Meredith immediately to the University of Mississippi as a student; and an order dated July 23, 1962, by the aforesaid Court of Appeals enjoining Charles Dixon Fair, President of the Board of Trustees of the State Institutions of Higher Learning, et al, inter alia, to admit James H. Meredith to the University of Mississippi on the same basis as other students "pending such time as the District Court has issued and enforced the orders herein required and until such time as there has been full and actual compliance in good faith with each and all of said orders by the actual admission of plaintiff-appellant to, and the continued attendance thereafter at the University of Mississippi on the same basis as other students who attend the University."



(b) That from approximately 4 o'clock P. M. on September 30, 1962, your petitioner was stationed at the University of Mississippi, Oxford, Mississippi, under the orders of his superiors in the United States Department of Justice to assist in carrying out the aforesaid orders of the United States District Court for the Southern District of Mississippi, Jackson Division and the United States Court of Appeals for the Fifth Circuit. That officials of the Department of Justice were present at that time in the Lyceum Building of the University of Mississippi and were then and there conferring with officials of the University of Mississippi on the methods by which the aforesaid Court orders would be carried out. That your petitioner was placed in charge of all United States Deputy Marshals of the University of Mississippi on September 30, 1962, and that a part of his assignment was to direct the protection of the Lyceum Building so that the conferees between Department of Justice officials and University officials could be conducted unhindered and in safety.

That from the time of their arrival at the University at about 4 o'clock P. M., United States Deputy Marshals stationed at the Lyceum Building were constantly harassed to an ever increasing degree by a crowd of ever increasing size. That this crowd hurled lighted bottles filled with gasoline and threw rocks and other dangerous objects at the Deputy Marshals and that prior to 8 o'clock P. M. numerous injuries resulted. That this crowd smashed vehicles and manhandled private individuals and did not respond to appeals to desist this conduct and permit your petitioner and the Deputy Marshals under his command to assist in carrying out the orders of the aforesaid District Court and the Circuit Court of Appeals. That it was at this point (at approximately 8 o'clock P. M.) that your petitioner finally directed that tear gas be fired to disperse the attacking crowd. That this order was given with great reluctance and would not have been issued had there been any other reasonable alternative consistent with public safety.

WHEREFORE: JAMES P. McSHANE, your petitioner, prays that a writ of Habeas Corpus issue out of this Court to the aforesaid J. W. Ford, Sheriff of Lafayette County, Mississippi, commanding him forthwith to have the body of your petitioner before this Court, together with the cause of his detention, and to abide the further order or orders of this Honorable Court.

JAMES P. McSHANE
Petitioner

Date: _____, 196__

STATE OF MISSISSIPPI

COURT OF LAZARUS

JAMES F. McCLANE, being duly sworn, deposes and says that he is the petitioner in the foregoing Petition for a writ of Habeas Corpus, is familiar with the facts alleged therein, and knows of his own knowledge that said facts are true.

JAMES F. McCLANE
Petitioner

Sworn to and subscribed before me this the _____ day of _____, 1962.

WILLIAM T. ROBINSON, CLERK

(SEAL)

BY _____
Deputy Clerk