

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

JAMES H. MEREDITH,  
Appellant,

v.

CHARLES DICKSON FAIR, et al.,  
Appellees.

UNITED STATES OF AMERICA,  
Amicus Curiae and Petitioner,

v.

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 and as representatives of  
a class consisting of the District  
Attorneys all of counties and districts  
in Mississippi; J. ROBERT GILFOY, Sheriff  
of Hinds County, and J. W. FORD, Sheriff  
of Lafayette County, individually and as  
representatives of a class consisting of  
the sheriffs of all counties in Mississippi;  
WILLIAM D. RAYFIELD, Chief of Police of  
the City of Jackson, and JAMES D. JONES,  
Chief of Police of the City of Oxford,  
individually and as representatives of a  
class consisting of the chiefs of police  
of all cities in Mississippi; WALTON  
SMITH, Constable of the City of Oxford,  
individually and as a representative of  
a class consisting of all city constables  
and town marshals in the State of Mississippi;  
and A. L. MEADOR, SR., individually and as  
representative of a class consisting of  
the plaintiffs in the case of A. L. Meador,  
Sr., et al. v. James Meredith, et al.,  
No. 19365 in the Chancery Court of Jones  
County, Mississippi,  
Defendants.

NO. 19475

1. This petition is filed by the United States as amicus curiae pursuant to the order of this court entered in this action designating it as such and authorizing it to initiate such proceedings 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.

2. The State of Mississippi is a state of the United States. Its principal legislative and executive offices are located in Jackson, Mississippi.

3. Ross R. Barnett is Governor of the State of Mississippi and, as such, is the chief administrative officer of the State. He resides in Jackson, Mississippi.

4. Joe T. Patterson is Attorney General of the State of Mississippi and, as such, is the chief legal officer of the State. He resides in Jackson, Mississippi.

5. T. B. Birdsong is Commissioner of Public Safety of the State of Mississippi and, as such, is director of the Mississippi Highway Safety Patrol and has law enforcement authority throughout the State of Mississippi. He resides in Jackson, Mississippi.

6. Paul G. Alexander is District Attorney for Hinds County, Mississippi and, as such, is authorized to institute and conduct criminal prosecutions for violations of the laws of Mississippi occurring within Hinds County. He resides in Hinds County, Jackson, Mississippi.

7. William R. Lamb is District Attorney for Lafayette County, Mississippi, and, as such, is authorized to institute and conduct prosecutions for violations of the laws of Mississippi occurring within Lafayette County. He resides in Oxford, Mississippi.

8. Paul G. Alexander and William R. Lamb are members of a class consisting of the District Attorneys of all counties and districts in Mississippi and each is sued herein individually and as a representative of all members of the class. The members of the class are so numerous as to make it impracticable to bring them all before the Court and there are common questions of law and fact affecting the rights sought to be enforced by the petitioner against the members of the class and a common relief is sought as to all. The presence of Paul G. Alexander and William R. Lamb as parties defendant will fairly insure the adequate representation of all members of the class.

9. J. Robert Gilfoy is Sheriff of Hinds County, Mississippi and, as such, is responsible for enforcing the laws of Mississippi within Hinds County and is authorized to arrest persons who violate those laws. He resides in Hinds County.

10. J. W. Ford is the Sheriff of Lafayette County, Mississippi and, as such, is responsible for enforcing the laws of Mississippi within Lafayette County and is authorized to arrest persons who violate those laws. He resides in Hinds County.

11. J. Robert Gilfoy and J. W. Ford are members of a class consisting of all sheriffs in the State of Mississippi. The members of this class are so numerous as to make it impracticable to bring them all before the Court and there are common questions of law and fact affecting the rights sought to be enforced by the petitioner against the members of the class and a common relief is

sought as to all. The presence of J. Robert Gilfoy and J. W. Ford as parties defendant will fairly insure the adequate representation of all members of the class.

12. William D. Rayfield is Chief of Police of the City of Jackson, Mississippi and, as such, is responsible for enforcing the laws of Mississippi within the City of Jackson and for arresting those who violate the laws. He resides in Jackson.

13. James D. Jones is the Chief of Police of the City of Oxford, Mississippi and, as such, is responsible for enforcing the laws of Mississippi within the City of Oxford and for arresting those who violate the laws. He resides in Oxford.

14. William D. Rayfield and James D. Jones are members of a class consisting of all chiefs of police in Mississippi, and each is sued herein individually and as a representative of all members of that class. The members of the class are so numerous as to make it impracticable to bring them all before the Court and there are common questions of law and fact affecting the rights sought to be enforced by the petitioner against the members of the class and a common relief is sought as to all. The presence of William D. Rayfield and James D. Jones as parties defendant will fairly insure the adequate representation of all members of the class.

15. Walton Smith is Constable of the City of Oxford, Mississippi and, as such, has authority to enforce the laws of Mississippi within the City of Oxford and to arrest those who violate the laws. He resides in Oxford.

He is a member of a class consisting of all city constables and town marshals in the State of Mississippi and he is sued herein individually and as a representative of all members of that class. The members of the class are so numerous as to make it impracticable to bring them all before the Court and there are common questions of law and fact affecting the rights sought to be enforced by the petitioner against the members of the class and a common relief is sought as to all. The presence of Walton Smith as a party defendant will fairly insure the adequate representation of all members of the class.

16. A. L. Meador, Sr., is a resident of Harrison County, Mississippi. He is a member of a class consisting of the forty-six plaintiffs in the case of A. L. Meador, Sr., et al. v. James Meredith, et al., No. 19365, filed in the Chancery Court of the Second Judicial District of Jones County, Mississippi, on September 19, 1962. The members of the class are so numerous as to make it impracticable to bring them all before the Court and there are common questions of law and fact affecting the rights sought to be enforced by the petitioner against the members of the class and a common relief is sought as to all. The presence of A. L. Meador, Sr. as party defendant will fairly insure the adequate representation of all members of the class.

17. On February 29, 1956, the Mississippi Legislature adopted Senate Concurrent Resolution No. 125 declaring that the decisions of the Supreme Court of the United States of May 17, 1954 and May 31, 1955 in the case of Brown v. Board of Education, 347 U.S. 483 and 349 U.S. 294, are

unconstitutional and of no lawful effect within the territorial limits of the State of Mississippi.

18. Section 4065.3 of the Mississippi Code (Title 17, Chapter 10) provides that the entire executive branch of the government of the State of Mississippi and all persons within the executive branch of the state and local governments in the State of Mississippi shall, in their official capacity, give full force and effect to Senate Concurrent Resolution No. 125, and directs that they shall "prohibit, by any lawful, peaceful and constitutional means, the implementation of or the compliance with the integration decisions of the United States Supreme Court of May 17, 1954 . . . and of May 31, 1955 . . . , and . . . prohibit by any lawful, peaceful, and constitutional means, the causing of a mixing or integration of the white and Negro races in public schools . . . by any branch of the federal government . . . ."

19. Each of the defendants described in paragraphs 3 through 15 is a member of the executive branch of the State or a local government of Mississippi.

20. On February 5, 1962, James H. Meredith, plaintiff in this action in the court below, appealed to this Court from a judgment rendered by the United States District Court for the Southern District of Mississippi denying him a permanent injunction against officials of the University of Mississippi and of the Board of Trustees of the State Institutions of Higher Learning of Mississippi.

21. On May 28, 1962, while this action was pending

before this Court on appeal, Paul G. Alexander, as District Attorney for Hinds County, instituted a criminal proceeding in the Justice of the Peace Court for Hinds County, Mississippi, Justice District No. 5, charging James H. Meredith with having knowingly procured his registration as a voter in Hinds County by means of a false statement. On June 12, 1962, this Court, in aid of its appellate jurisdiction, enjoined Paul G. Alexander from proceeding with the criminal action then pending in the Justice of the Peace Court for Hinds County.

22. On June 25, 1962, this Court reversed the judgment of the United States District Court for the Southern District of Mississippi in this action and directed the District Court to enter judgment for the plaintiff as prayed for in his complaint.

23. On July 28, 1962, this Court, in aid of its jurisdiction and in order to preserve the effectiveness of its judgment, issued an injunction requiring the defendant University officials and the defendant members of the Board of Trustees of Institutions of Higher Learning of the State of Mississippi to admit James H. Meredith as a student to the University. This Court provided that its order should remain in effect until such time as the District Court had issued and enforced the orders required by this Court and until such time as there has been full and actual compliance in good faith with the orders of this Court and of the District Court.

24. On September 13, 1962 the District Court for the Southern District of Mississippi entered an order, as

required by the mandate issued by this Court, requiring the defendant officials of the University of Mississippi and the defendant members of the Board of Trustees of Institutions of Higher Learning of Mississippi to enroll James H. Meredith as a student in the University.

25. On the evening of September 13, 1962, Ross R. Barnett, Governor of the State of Mississippi, appeared on a state-wide radio and television broadcast and declared that the State of Mississippi had invoked the doctrine of interposition as set forth in Senate Concurrent Resolution No. 125 to prevent the racial desegregation of any schools. He stated:

Therefore, in obedience to legislative and constitutional sanction, I interpose the rights of the sovereign state of Mississippi to enforce its laws and to regulate its internal affairs without interference on the part of the Federal Government or its officers, and in my official capacity as Governor of the State of Mississippi, I hereby make this proclamation: Whereas, the United States of America consists of fifty sovereign states bound together basically for their common welfare, and whereas, the Constitution of the United States of America provides that each state is sovereign with respect to certain rights and powers, and whereas, pursuant to the Tenth Amendment of the Constitution of the United States, the powers not specifically delegated to the Federal Government are reserved to the several states, and whereas, the operation of the public school system is one of the powers which was not delegated to the Federal Government, but which was reserved to the respective states pursuant to the terms of the Tenth Amendment, and whereas, we are now face to face with the direct usurpation of this power by the Federal Government through the illegal use of judicial decree: Now, therefore, I, Ross R. Barnett as Governor of the Sovereign State of Mississippi, by the authority invested in me, do hereby proclaim that the operation of the public schools, the universities and colleges of the State of Mississippi is vested in the duly elected and appointed officials of the state, and I hereby direct each of said officials to uphold and enforce the laws duly and legally enacted by the Legislature of the State of Mississippi, regardless of this unwarranted and illegal and arbitrary usurpation of power, and to interpose the state sovereignty and themselves between the people of the state and any body-politic seeking to usurp such power.



26. On September 14, 1962, Paul G. Alexander instituted a prosecution in the Justice of the Peace Court for Hinds County, Mississippi, charging James H. Meredith with the crime of perjury, a felony, in violation of Section 2315 of the Mississippi Code. This prosecution is based upon the same alleged facts as was the prosecution of James H. Meredith instituted by Paul G. Alexander on May 28, 1962 alleged in paragraph 21.

27. From at least September 15, 1962 it was a matter of general public knowledge in the State of Mississippi that the University of Mississippi would be registering students for the 1962 fall semester at the campus in Oxford, Mississippi on September 19 and 20, 1962.

28. On September 19, 1962, A. L. Meadors, Sr. and the members of the class which he represents filed a bill of complaint in the Chancery Court of the Second Judicial District of Jones County, Mississippi, styled A. L. Meadors, Sr. v. James Meredith, et al., No. 19365, naming as defendants James H. Meredith, plaintiff in this action, John D. Williams, Chancellor of the University of Mississippi, Robert B. Ellis, Registrar of the University of Mississippi, the thirteen members of the Board of Trustees of Institutions of Higher Learning of the State of Mississippi, Robert F. Kennedy, Attorney General of the United States, Robert E. Hauberg, United States Attorney for the Southern District of Mississippi, Loryce E. Wharton, Clerk of the United States District Court for the Southern District of Mississippi, Jack T. Stuart, United States Marshal for the Southern District of Mississippi, Joe Bennett, United States Marshal for the Northern District of Mississippi, and other persons. The bill of complaint

asked the Court to enter an order without notice or hearing restraining all of the defendants from taking any action intended to accomplish the enrollment or registration of James H. Meredith as a student in the University of Mississippi. On the same day, L. B. Porter, Chancellor of the Chancery Court of the Second District of Jones County, Mississippi, issued a fiat requiring the Clerk to enter, and the Clerk did forthwith enter, a writ of injunction enjoining all of the defendants named in the bill of complaint "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."

29. On the morning of September 20, 1962, Paul G. Alexander proceeded with the prosecution of James H. Meredith in the Justice of the Peace Court for Hinds County, Mississippi, Justice District No. 5, in the absence of James H. Meredith. James H. Meredith was found guilty by the court and sentenced to pay a fine of \$300 and serve one year in jail.

30. On September 20, 1962, the Legislature of Mississippi passed and Ross R. Barnett, as Governor of Mississippi, signed into law Senate Bill 1501, providing that no person shall be eligible for admission to any institution of higher learning in Mississippi who has pending against him a criminal charge involving moral turpitude in any court, whether or not the proceedings in such court may have been

continued or stayed. Senate Bill 1501 further provides that any person who attempts to enroll in any institution of higher learning while such a charge is pending against him shall be guilty of a misdemeanor and be punished by a fine not to exceed \$300 or imprisonment not to exceed one year, or both. Senate Bill 1501 further provides that any person who aids or abets another to enroll in an institution of higher learning knowing that there is pending against such person a criminal charge involving moral turpitude shall be similarly punished. Senate Bill 1501 was enacted as emergency legislation to become effective immediately upon its enactment.

31. On the afternoon of September 20, 1962, James H. Meredith presented himself at the University of Mississippi, in Oxford, Mississippi, to register as a student in the University. While James H. Meredith was presenting himself for registration, J. W. Ford served him with an order which had been issued by the Chancery Court of Lafayette County, Mississippi upon the application of Ross R. Barnett in the case of State of Mississippi ex rel Ross R. Barnett, Governor, vs. James H. Meredith, No. A-654, enjoining James H. Meredith from applying to the University of Mississippi, or any of its agents, employees or officials, for matriculation, registration or entry or from otherwise becoming a student at the University.

32. On September 24, 1962, Ross R. Barnett, as Governor of Mississippi, issued the following public proclamation:

WHEREAS, the Constitution of the United States of America provides that each state is sovereign with respect to certain rights and powers; and,

WHEREAS, pursuant to the Tenth Amendment to the Constitution of the United States, the powers not specifically delegated to the federal government are reserved to the several states; and,

WHEREAS, we are now face to face with the direct usurpation of this power by the federal government through the illegal use of judicial decree; and,

WHEREAS, all public officials of the State of Mississippi have the legal right, obligation and duty not to acquiesce, impair, waive or surrender any of the rights of the sovereign state of Mississippi; and,

WHEREAS, any acts upon the part of representatives of the federal government to arrest or fine any state official who endeavors to enforce the law of Mississippi, are illegal according to the law of the State of Mississippi, and federal courts have likewise established ample and perfect precedence in this matter:

NOW, THEREFORE, I, Ross R. Barnett, Governor of the State of Mississippi, by the authority vested in me under the Constitution and laws of the State of Mississippi, do hereby proclaim and direct that the arrest or attempts to arrest, or the fining or the attempts to fine, of any state official in the performance of his official duties, by any representative of the federal government, is illegal and such representative or representatives of said federal government are to be summarily arrested and jailed by reason of such illegal acts in violation of this executive order and in violation of the laws of the State of Mississippi.

33. All of the acts and conduct of the defendants herein alleged were for the purpose of discouraging and preventing James H. Merrdith from enrolling as a student in the University of Mississippi pursuant to the orders of this Court and of the District Court for the Southern District of Mississippi, and to punish him on account of his efforts to so enroll.

34. Unless restrained by order of this Court, the defendants named in this petition will continue their unlawful efforts to discourage and prevent James H. Meredith from enrolling in and attending the University of Mississippi .

pursuant to the orders of this Court and the United States District Court for the Southern District of Mississippi.

35. Classes commenced at the University of Mississippi, for the fall semester 1962 on September 21, 1962. Pursuant to the orders of the United States Supreme Court, of this Court and of the District Court for the Southern District of Mississippi, James H. Meredith has a right to be enrolled at and attending classes at the University of Mississippi at the present time.

36. The petitioner, having the duty to represent the public interest in the administration of justice and the preservation of the integrity of the processes of this Court, has no remedy against the unlawful acts and conduct described in this petition other than this action for an injunction, and unless such injunction is issued as prayed, and unless a temporary restraining order is issued at once, before notice can be served and a hearing had, petitioner will suffer immediate and irreparable injury consisting of the impairment of the integrity of its judicial processes, the obstruction of the due administration of justice, and the deprivation of rights under the Constitution and laws of the United States.

WHEREFORE, petitioner respectfully prays that a temporary restraining order be issued upon the filing of this petition, that a preliminary injunction be issued after notice and hearing, and that a permanent injunction be entered after trial upon the merits, restraining and enjoining the defendants named in this petition, their agents, employees, officers, successors, the members of the classes they represent, and all persons in active concert or participation with them, from:

1. Arresting, attempting to arrest, prosecuting or instituting any prosecution against James H. Meredith under any statute, ordinance, rule or regulation whatever, on account of his attending, or seeking to attend the University of Mississippi;

2. Instituting or proceeding further in any civil action against James H. Meredith or any other persons on account of James H. Meredith enrolling or seeking to enroll, or attending the University of Mississippi;

3. Injuring, harassing, threatening or intimidating James H. Meredith in any other way or by any other means on account of his attending or seeking to attend the University of Mississippi;

4. Interfering with or obstructing by any means or in any manner the performance of obligations or the enjoyment of rights under this Court's order of July 28, 1962 and the order of the United States District Court for the Southern District of Mississippi entered September 13, 1962 in this action, and

5. Interfering with, or obstructing by force, threat, arrest or otherwise, any officer or agent of the United States in the performance of duties in connection with the enforcement of, and the prevention of obstruction to, the orders entered by this Court and the District Court for the Southern District of Mississippi relating to the enrollment and attendance of James Howard Meredith at the University of Mississippi; or arresting, prosecuting or punishing such officer or agent on account of his performing or seeking to perform such duty.

Petitioner further prays that a temporary restraining order and preliminary and permanent injunction be

entered restraining Paul G. Alexander and J. Robert Gilfoy from proceeding further or serving or enforcing any process in connection with the prosecutions pending in the Justice of the Peace Court of Hinds County, Mississippi, against James H. Meredith.

Petitioner further prays that a temporary restraining order and preliminary and permanent injunctions be entered restraining and enjoining A. L. Meador, Sr., and the class he represents, from taking any further action or seeking to enforce any judgment entered in the case of A. L. Meador, Sr. v. James Meredith, et al.

Petitioner further prays that a temporary restraining order and preliminary and permanent injunctions be entered restraining and enjoining Ross R. Barnett from enforcing or seeking to enforce against James H. Meredith, any process or judgment in the case of State of Mississippi, ex rel Ross Barnett, Governor, vs. James H. Meredith.

Petitioner prays that the Court grant such additional relief as the interest of justice may require.

UNITED STATES OF AMERICA,

Amicus Curiae and Petitioner

By:

BURKE MARSHALL  
Assistant Attorney General

JOHN DOAR  
Attorney, Department of Justice

PARISH OF ORLEANS :  
: SS  
STATE OF LOUISIANA :

VERIFICATION

John Doar, being first duly sworn, states that he is an attorney with the Department of Justice and is one of the counsel for the United States, amicus curiae and petitioner herein; that he is familiar with the facts relating to the foregoing petition and he is informed and believes that the facts alleged in the petition are true.

\_\_\_\_\_  
JOHN DOAR

Subscribed and sworn to before me  
this \_\_\_\_\_ day of September

1962.

\_\_\_\_\_  
Notary Public in and for the Parish  
of Orleans, State of Louisiana



IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

JAMES H. MEREDITH,  
Appellant,  
v.  
CHARLES DICKSON FAIR, et al.,  
Appellees.

UNITED STATES OF AMERICA,  
Amicus Curiae and Petitioner,

v.  
STATE OF MISSISSIPPI, et al.,  
Defendants.

NO. 19475

NOTICE OF MOTION AND MOTION  
FOR PRELIMINARY INJUNCTION

TO ALL DEFENDANTS NAMED IN THE PETITION OF THE UNITED STATES  
FOR AN INJUNCTION:

Please take notice that on October 5, 1962, at  
10 o'clock 4.p. or as soon thereafter as counsel may be heard, in  
the court room of the United States Court of Appeals for the Fifth  
Circuit, in the United States Court House, New Orleans, Louisiana, the  
United States, amicus curiae herein, will move the Court for a prelimin-  
ary injunction on its petition for an injunction filed herein. The mo-  
tion will be based upon all of the pleadings, documents and other  
papers heretofore filed in this case and upon oral testimony and other  
evidence to be offered at the hearing.

UNITED STATES OF AMERICA,

Amicus Curiae and Petitioner

By:

JOHN DOAR  
Attorney, Department of Justice

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

JAMES H. MEREDITH,

Appellant,

v.

CHARLES DICKSON FAIR, et al.,

Appellees.

NO. 19475

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UNITED STATES OF AMERICA,  
Amicus Curiae and Petitioner,

v.

STATE OF MISSISSIPPI, et al.,

Defendants.

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TEMPORARY RESTRAINING ORDER

This Court having entered its order in this action on July 28, 1962, and the District Court for the Southern District of Mississippi having entered a similar order on September 13, 1962, pursuant to the mandate of this Court, requiring the defendant officials of the University of Mississippi and the defendant members of the Board of Trustees of the Institutions of Higher Learning of the State of Mississippi to enroll James Howard Meredith as a student in the University of Mississippi, and

It appearing from the verified petition of the United States, Amicus Curiae herein, that the State of Mississippi, Ross R. Barnett, Governor of Mississippi, Joe T. Patterson, Attorney General of Mississippi, T. B. Birdsong, Commissioner of Public Safety of Mississippi, Paul G. Alexander, District Attorney of Hinds County, William R. Lamb, District Attorney of Lafayette County, J. Robert Gilfoy, Sheriff of Hinds County, J. W. Ford, Sheriff of Lafayette County, William D. Rayfield, Chief of Police of the City of Jackson, James D. Jones, Chief of Police of the City of Oxford, Walton Smith, Constable of the City of Oxford, the classes consisting of all district attorneys in Mississippi, the classes consisting of the sheriffs of all counties

in Mississippi, the classes consisting of all chiefs of police in Mississippi, and the classes consisting of all constables and town officials in Mississippi, threaten to implement and enforce, unless restrained by order of this Court, the provisions of a Resolution of Interposition adopted by the Mississippi Legislature, the provisions of Section 4065.3 of the Mississippi Code, and a Proclamation of Boss R. Barnett invoking the doctrine of interposition with respect to the enforcement of the orders of this Court in this case; that Paul G. Alexander has instituted two criminal prosecutions against James Howard Meredith on account of the efforts of James Howard Meredith to enroll in the University of Mississippi pursuant to the orders of this Court; that A. L. Meador, Sr., and the class of persons he represents, on September 19, 1962, instituted in the Chancery Court of the Second Judicial District of Jones County, Mississippi, a civil action against James Howard Meredith to prevent him from attending the University of Mississippi; that on September 20, 1962, James Howard Meredith, while seeking to enroll at the University of Mississippi in Oxford, Mississippi, pursuant to the orders of this Court, was served with a writ of injunction issued by the Chancery Court of Lafayette County, Mississippi, at the instance of Ross R. Barnett, enjoining James Howard Meredith from applying to or attending the University of Mississippi; that on September 20, 1962 the State of Mississippi enacted Senate Bill 1501, the effect of which is to punish James Howard Meredith should he seek enrollment in the University of Mississippi; that the effect of the conduct of the defendants herein named in implementing the policy of the State of Mississippi as proclaimed by Ross R. Barnett will necessarily be to prevent the carrying out of the orders of this Court and of the District Court for the Southern District of Mississippi; and that the acts and conduct of the defendants named in the petition will cause immediate and irreparable injury to the United States consisting of the impairment of the integrity of its judicial processes, the obstruction of the due administration of justice, and the deprivation of rights under the Constitution and laws of the United States, all before notice can be served and a hearing had,

IT IS ORDERED that the State of Mississippi, Ross R. Barnett,

Joe T. Patterson, T. B. Birdsong, Paul G. Alexander, William R. Lamb, J. Robert Gilfoy, J. W. Ford, William D. Rayfield, James D. Jones, Walton Smith, the class consisting of all district attorneys in Mississippi, the class consisting of the sheriffs of all counties in Mississippi, the class consisting of all chiefs of police in Mississippi, and the class consisting of all constables and town marshals in Mississippi, their agents, employees, officers, successors, and all persons in active concert or participation with them, be temporarily restrained from:

1. Arresting, attempting to arrest, prosecuting or instituting any prosecution against James Howard Meredith under any statute, ordinance, rule or regulation whatever, on account of his attending, or seeking to attend, the University of Mississippi;

2. Instituting or proceeding further in any civil action against James Howard Meredith or any other persons on account of James Howard Meredith's enrolling or seeking to enroll, or attending the University of Mississippi;

3. Injuring, harassing, threatening or intimidating James Howard Meredith in any other way or by any other means on account of his attending or seeking to attend the University of Mississippi;

4. Interfering with or obstructing by any means or in any manner the performance of obligations or the enjoyment of rights under this Court's order of July 28, 1962 and the order of the United States District Court for the Southern District of Mississippi entered September 13, 1962, in this action, and

5. Interfering with or obstructing, by force, threat, arrest or otherwise, any officer or agent of the United States in the performance of duties in connection with the enforcement of, and the prevention of obstruction to, the orders entered by this Court and the District Court for the Southern District of Mississippi relating to the enrollment and attendance of James Howard Meredith at the University of Mississippi; or arresting, prosecuting or punishing such officer or agent on account of his performing or seeking to perform such duty.

IT IS FURTHER ORDERED ~~that~~ Paul G. Alexander and J. Robert Gilfoy be temporarily restrained from proceeding further, serving or enforcing any process or judgment, or arresting James Howard Meredith in connection with the criminal actions against him in the Justice of the Peace

IT IS FURTHER ORDERED that A. L. Meador, Sr., be temporarily restrained from taking any further action or seeking to enforce any judgment entered in the case of A. L. Meador, Sr. v. James Meredith, et al.

IT IS FURTHER ORDERED that Ross R. Barnett be temporarily restrained from enforcing or seeking to enforce against James Howard Meredith, any process or judgment in the case of State of Mississippi Ex Rel Ross Barnett, Governor vs. James H. Meredith

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Circuit Judge

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Circuit Judge

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Circuit Judge

Signed this \_\_\_\_ day of  
September, 1962, at \_\_\_\_ M.

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IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

JAMES H. MEREDITH,

Appellant,

v.

NO. 19475

CHARLES DICKSON FAIR, et al.,

Appellees.

UNITED STATES OF AMERICA,  
Amicus Curiae and Petitioner,

v.

STATE OF MISSISSIPPI, et al.,

Defendants.

APPLICATION BY THE UNITED STATES, AMICUS CURIAE,  
FOR AN ORDER REQUIRING ROSS R. BARNETT TO SHOW  
CAUSE WHY HE SHOULD NOT BE HELD IN CIVIL CONTEMPT

The United States, amicus curiae herein, applies to the Court for an order requiring Ross R. Barnett to show cause, if any he has, why he should not be held in civil contempt of the temporary restraining order issued by this Court this day and as reason therefor states:

1. On July 29, 1962, this Court entered its order in the case of James Howard Meredith, et al., v. Charles Dickson Fair, et al. No. 19,475, requiring Robert B. Ellis, Registrar of the University of Mississippi, James Davis Williams, Chancellor of the University, Arthur Beverly Lewis, Dean of the College of Liberal Arts of the University, and the defendant members of the Board of Trustees of Higher Learning, to register and admit James H. Meredith as a student in the University of Mississippi.

2. On September 24, 1962, this Court, in instructing the above-named 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 Robert B. Ellis 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.

3. At 8:30 a.m. today, this Court, upon application of the United States, issued its temporary restraining order in this action, restraining Ross R. Barnett from interfering with or obstructing by any means or in any manner the enjoyment of rights under this Court's order of July 28, 1962, requiring the enrollment of James H. Meredith at the University.

4. At approximately 4:30 p.m. today, Ross R. Barnett, having been served with a copy of the temporary restraining order described in the preceding paragraph, and having actual notice of the terms of that order, deliberately prevented James H. Meredith from entering the office of the Board of Trustees in Jackson, Mississippi, all for the purpose of preventing James H. Meredith from enrolling as a student in the University and for the purpose of preventing James H. Meredith from enjoying his rights under this Court's order of July 28, 1962, and preventing Robert B. Ellis from performing his obligations under that order.

WHEREFORE the United States asks that this Court enter an order requiring Ross R. Barnett to appear before this Court, at a time and place to be fixed by this Court, to show cause, if any he has, why he should not be held in civil contempt of this Court's temporary restraining order of September 25, 1962.

UNITED STATES OF AMERICA,  
Amicus Curiae,

BY: /s/ Burke Marshall JD  
BURKE MARSHALL  
Assistant Attorney General

/s/ St. John Barrett  
ST. JOHN BARRETT  
Attorney, Department of Justice

VERIFICATION

John Doar, being first duly sworn, states that he has read the allegations set forth in the foregoing application of the United States for an order to show cause and that the allegations are true.

/s/ JOHN DOAR  
JOHN DOAR

/s/ RICHARD T. RIVES  
JUDGE CLERK OF THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Test: /s/ EDWARD W. WADSWORTH

Edward W. Wadsworth, Clerk  
U. S. Court of Appeals



IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

U.S. Court of Appeals  
FILED  
Sep 25 1962

Edward W. Wadsworth  
CLERK

JAMES H. MEREDITH,  
Appellant,  
v.  
CHARLES DICKSON FAIR, et al.,  
Appellees.

NO. 19475

UNITED STATES OF AMERICA,  
Amicus Curiae and  
Petitioner,  
v.  
STATE OF MISSISSIPPI, et al.,  
Defendants.

ORDER REQUIRING ROSS R. BARNETT  
TO SHOW CAUSE WHY HE SHOULD NOT  
BE HELD IN CIVIL CONTEMPT

This Court having entered an order on July 28, 1962,  
and the District Court for the Southern District of Mississippi  
having entered an order pursuant to the mandate of this Court  
on September 13, 1962, requiring officials of the University of  
Mississippi and the members of the Board of Trustees of  
Institutions of Higher Learning of the State of Mississippi to  
register and admit James H. Meredith as a student in the  
University of Mississippi, and

This Court having, on September 24, 1962, instructed  
Robert B. Ellis; Registrar of the University of Mississippi,  
James Davis Williams, Chancellor of the University, Arthur

Beverly Lewis, Dean of the College of Liberal Arts of the University, and the defendant members of the Board of Trustees of Institutions of Higher Learning, what action they were required to take in order to comply with the order of this Court, and having particularly directed Robert B. Ellis to be available at Jackson, Mississippi at the office of the Board of Trustees of Institutions of Higher Learning from 1:00 p.m. to <sup>6 RTR</sup> 1/2:00 p.m. on September 25, 1962 for the purpose of the registration of James H. Meredith and his actual admission to the University on the same basis as other students, and this Court having entered a temporary restraining order at 8:30 a.m. this day restraining Ross R. Barnett from interfering with or obstructing by any means or in any manner the performance of obligations or the enjoyment of rights under this Court's order of July 28, 1962, and the order of the United States District Court for the Southern District of Mississippi of September 13, 1962, and

It appearing from the verified application of the United States, amicus curiae herein, that on the afternoon of this day Ross R. Barnett, having been served with a copy of the temporary restraining order referred to above and having actual knowledge of the terms of that order, deliberately prevented James H. Meredith from entering the office of the Board of Trustees in Jackson, Mississippi at a time when James H. Meredith was seeking to appear before Robert B. Ellis in order to register as a student in the University, and that by such conduct Ross R. Barnett did wilfully interfere with and obstruct James H. Meredith in the enjoyment of his rights under this Court's order of July 28, 1962 and did wilfully interfere with and obstruct Robert B. Ellis in the performance of his obligations under this Court's order of July 28, 1962, all in violation of the terms of the temporary restraining order entered by the Court this day,

IT IS ORDERED that Ross R. Barnett appear personally before this Court on September 28th, 1962 at 10 o'clock a.m.

in the court room of the United States Court of Appeals for the Fifth Circuit, at 600 Camp Street, New Orleans, Louisiana, to show cause, if any he has, why he should not be held in civil contempt of the temporary restraining order entered by the Court this day.

The Marshal is directed to serve a copy of this order upon Ross R. Barnett, forthwith.

Signed this September 25th, 1962, at 8:20  
o'clock p.m.

/s/ Richard T. Rives  
CIRCUIT JUDGE

/s/ John Minor Wisdom  
CIRCUIT JUDGE

/s/ Walter P. Gevin  
CIRCUIT JUDGE

Certified to be a true copy

Test: Edward W. Wadsowrth /s/

Edward W. Wadsworth, Clerk  
U. S. Court of Appeals

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

NO. 19475

JAMES H. MEFEDITH, on behalf of himself  
and others similarly situated,

Appellant,

versus

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

Appellees.

APPLICATION FOR  
TEMPORARY RESTRAINING ORDER

Comes now the appellant, by his attorneys, and moves this court for a temporary restraining order without notice enjoining the Honorable Ross R. Barnett, Governor of the State of Mississippi, from taking any action or doing any act which interferes with the implementation and enforcement of the orders of this court securing the immediate admission, registration and attendance of appellant at the University of Mississippi and, as reasons therefor, appellant shows the following:

1. On September 20, 1962 while this cause was before this court on the hearing of an order by it directing the appellees to show cause why they should not be adjudged in civil contempt of this court's order of July 20, 1962, said Governor instituted an action and obtained a temporary restraining order without notice in the Chancery Court of Hinds County, Mississippi, First Judicial District, W. T. Horton, Chancellor, restraining

appellant "his agent, employees, attorneys and accomplices from doing or performing any act necessary, proper, incident to or connected with applying for admission into the University of Mississippi as a student thereof, including, but not restricted to applying for registration, matriculation or performing any other act in anywise connected with or incident to the obtaining of permission to attend said University as a student thereof." Copy of the application and order of the Chancery Court is appended hereto.

2. Obtaining this temporary restraining order is the latest in a series of actions to frustrate the orders of this court taken by said Governor which has come to the attention of appellant. Many of these earlier actions, designed to frustrate the jurisdiction of this Court and impair the effectiveness of its judgment were made a part of the record herein at the hearing of this cause on September 26, 1962. Said actions include, but are not limited to the proclamation entered by the Governor refusing to register appellant at the University of Mississippi, public exhortation of all state officials urging them not to register appellant at the University of Mississippi and to defy the orders of the court, and the securing of an injunctive order against the University of Mississippi, forbidding it to register and enroll appellant.

3. The Sheriff of Hinds County, Mississippi has been directed to serve a copy of the Hinds County Chancery Court order on the appellant and his attorneys, etc.

4. Unless the Governor of Mississippi is immediately restrained by the order of this court, appellant will not be able to register at the University of Mississippi as directed by the order of this court on September 26, 1962 following hearing of contempt show cause order against appellees herein, resulting in

further irreparable injury to appellant and further frustration and impairment of the orders of this court.

5. There is insufficient time to give the required notice and to have a hearing on this matter before the issuance of a restraining order.

6. This application is supported by the attached affidavit of appellant's counsel and copy of application for and restraining order of the Hinds County Chancery Court.

WHEREFORE appellant prays that this court issue a temporary restraining order without notice restraining and enjoining the Governor of Mississippi, until the further orders of this court as follows:

1. Said Governor and the Sheriff of Hinds County, Mississippi are hereby specifically enjoined from taking any action or doing any act to enforce or serve the injunction obtained by the Governor on September 25, 1962 in the Chancery Court of Hinds County, Mississippi, First Judicial District, against registration and attendance of appellant at the University of Mississippi.

2. Said Governor is specifically enjoined from taking any action or doing any act to enforce any other injunction obtained in the State Courts of Mississippi against appellant, the University of Mississippi, or any of its officials, or employees which has the effect of interfering with the registration, enrollment, or continued attendance of appellant at the University of Mississippi.

3. Said Governor is specifically enjoined from making application for any future injunctions in the state courts of Mississippi, or any other courts, directed against the appellant

or officials and employees of the University of Mississippi, which are designed to impede and obstruct the registration and attendance of appellant at the University of Mississippi.

4. Said Governor also is enjoined from ordering the state police of Mississippi or any state officials, or employees, or other persons, to arrest, obstruct, or otherwise interfere with the admission, registration, or attendance of appellant at the University of Mississippi.

5. Said Governor also is ordered to appear before this Court on <sup>October</sup> ~~September~~ 5, 1962, at 10 o'clock, A.M., Old Post Office Building, New Orleans, Louisiana, and show cause why he should not be continued as a party in this case and why this temporary injunction should not be made a preliminary injunction.

6. This temporary restraining order shall apply to the Governor, his agents, attorneys and any other persons acting in concert with him.

7. Service of this order upon the Governor of the State of Mississippi shall be made by the United States Marshal.

8. A copy of this order shall be served upon the Honorable Joe I. Patterson, Attorney General of Mississippi, attorney for appellees and Mr. Thomas (Tom) Watkins, attorney for the Governor of Mississippi in the Hinds County Chancery Court action referred to herein.

~~Mississippi State University~~  
~~University of Mississippi~~  
Contact Baker Matley  
... Deenberg  
Calvinus Perile  
New York 17, N.Y.  
Attorney for Appellant

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

NO. 19475

JAMES H. MEREDITH, on behalf of himself  
and others similarly situated,

Appellant,

versus

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

Appellees.

**NOTICE TO ADD GOVERNOR AS PARTY DEFENDANT**

Come now the plaintiff, by his attorneys, and moves pursuant to Rule 21 of the Federal Rules of Civil Procedure, to add as a party defendant to the above entitled action in this Court, Ross E. Barnett, Governor of the State of Mississippi, and as reasons therefor states the following:

1. On September 26, 1962 while the above entitled case was pending before this Honorable Court, said Ross E. Barnett, Governor of the State of Mississippi, applied for and obtained an injunction against appellant herein in the Chancery Court of the First Judicial District Court of Hinds County, Mississippi before H. T. Barton, Chancellor, restraining appellant from applying to register at, and from attending the University of Mississippi. Said injunction is but the latest in a series of calculated maneuvers by said Governor to frustrate the jurisdiction of this Court, including but not limited to a prohibition of



September 13, 1962 issued by said Governor to the same effect as the  
Chancery order herein above referred to, and order by said Governor in the  
purported capacity as registrar of appellants and appellants alone at the  
University of Mississippi and public exhortations by the Governor of all  
state officials to frustrate the orders of this Court in this case.

2. The jurisdiction of this Court and the effectiveness of its judgments and orders cannot be preserved unless said Governor Ross R. Barnett is added as a party to this litigation.

*Constance Baker Motley*

Constance Baker Motley  
Jack Greenberg  
Serrick A. Bell, Jr.  
10 Columbus Circle  
New York 19, New York

R. Jess Brown  
1105 1/2 Washington Street  
Vicksburg, Mississippi

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

NO. 19475

JAMES H. MEREDITH, on behalf of himself  
and others similarly situated,

Appellant,

versus

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

Appellees.

ORDER

Upon the application of appellant which is appended hereto:  
It is hereby ordered and decreed that Ross R. Barnett, Governor  
of the State of Mississippi is added as party defendant in this  
cause in this court.

Service upon the Attorney General of Mississippi shall  
constitute service of all of the original parties-defendants.

Service upon the Governor and the Attorney General of  
Mississippi shall be made by the United States Marshal.

*Albert P. Tuttle*  
*Richard J. Reiss*  
*John Minor Wisdom*

United States Circuit Court

2-21

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

NO. 19475

---

**JAMES H. MCKEITHEN, on behalf of himself  
and others similarly situated,**

Appellant

VERSUS

**CHARLES DICKSON FAIR, President of the  
Board of Trustees of the State Institutions  
of Higher Learning, Et Al.,**

Appellees.

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**TEMPORARY RESTRAINING ORDER**

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Upon the application of appellant herein, appended hereto, and made a part hereof, which specifies the irreparable injury to the appellant, Ross E. Barnett, Governor of the State of Mississippi, and J. R. Gilfoy, Sheriff of Hinds County, Mississippi are hereby restrained and enjoined from taking any actions or doing any act calculated to or which does interfere with the admission, registration, or attendance of appellant at the University of Mississippi.

1. Said Governor and Sheriff are hereby specifically enjoined from taking any action to enforce or carry the injunction obtained by the Governor on September 28, 1961 in the Chancery Court of Hinds County, Mississippi, First Judicial District, against registration and attendance of appellant at the University of Mississippi.

2. Said Governor and Sheriff are specifically enjoined from taking any action to enforce any other injunction obtained in the State Courts of

Mississippi, or any of its officials, or employees, which has the effect of interfering with the registration, enrollment, or continued attendance of appellant at the University of Mississippi.

3. Said Governor and all other officials, agents, or employees of the State of Mississippi are specifically enjoined from making application for any future injunctions in the state courts of Mississippi, or any other courts, directed against the appellant, his agents and attorneys, or officials and employees of the University of Mississippi, which are designed to impede and obstruct the registration and attendance of appellant at the University of Mississippi.

4. Said Governor also is enjoined from ordering the state police of Mississippi or any state officials, or employees, or other persons, to arrest, obstruct, or otherwise interfere with the freedom of movement of appellant.

It is further Ordered that:

1. Governor Ross R. Barnett appear before this Court in the City of New Orleans, Old Post Office Building, on ~~September~~ <sup>October</sup> 5, 1962, at 100 o'clock,        A.M. and show cause why he should not be made a party in this case and why a preliminary injunction should not issue.

2. This temporary restraining order shall apply to the Governor, his agents, attorneys and any other persons acting in concert and participation with him or who shall have actual notice of this order.

3. Service of this order shall be made upon the Governor and service of this order upon the Attorney General of the State of Mississippi shall constitute service upon the parties to this case and all other officials, employees, or agents of the State of Mississippi. A copy of this order shall also be served on Thomas Watkins, attorney for the Governor in the Hinds County Injunction action of September 28, 1962 referred to herein. Service upon the Governor, the Attorney General and Thomas Watkins shall be made by the United States Marshal.

There is insufficient time to give notice and to have a hearing before the issuance of this order. Unless this order is issued without notice and hearing at this time, appellant will not be admitted to the University of Mississippi as directed by the orders of this Court resulting in further irreparable injury to him.

Albert P. Tuttle  
Richard T. Rivers  
John Minor Wisdom

FILED

SEP 26 1962

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

WARD W. WADSWORTH  
CLERK

NO. 19475

JAMES H. MEREDITH, on behalf of himself  
and others similarly situated,

Appellant,

versus

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

Appellees.

**MOTION FOR ORDER TO SHOW CAUSE WHY THE GOVERNOR  
OF MISSISSIPPI SHOULD NOT BE CITED FOR CONTEMPT**

Appellant, by his undersigned attorneys, moves this Court for an order directing Ross R. Barnett, Governor of Mississippi, to show cause why he should not be held in contempt for refusal to comply with the temporary restraining orders of this Court issued September 25, 1962, one of which was issued upon the motion of the United States as amicus curiae to secure the rights of appellant, and one of which was issued at the request of appellant, enjoining the Governor from any further action to impede and obstruct the registration and attendance of appellant, James H. Meredith, at the University of Mississippi, as ordered by this Court on July 29, 1962, and other orders of this Court in this case, and as grounds therefor shows the following:

1. On July 28, 1962 this Court entered an order requiring the Board of Trustees of the State Institutions of Higher Learning, and officials of the University of Mississippi, to register, and permit the attendance of the appellant James H. Meredith at the University on the same basis as all other students of the University.

2. On September 4, 1962 the Board of Trustees issued a resolution withdrawing the power of the registrar of the University to act in any manner on the registration of appellant.

3. On September 13, 1962 the Honorable Ross R. Barnett, Governor of the State of Mississippi, made a public radio and television address in which he urged all parties under the Court's order of July 28, 1962 not to comply with said order.

4. Thereafter, on September 14, 1962 the Board of Trustees of the State Institutions of Higher Learning, with knowledge of this position of defendant Barnett, vested in the Governor the powers of the appellee Robert Byron Ellis, Registrar of the University of Mississippi, solely with respect to the appellant's registration.

5. Pursuant to the power vested in him by the members of the Board of Trustees of the State Institutions of Higher Learning the Governor refused to register appellant Meredith when he presented himself for registration at the University on September 20, 1962.

6. On September 29, 1962 the defendant Barnett, by Attorney General, the members of this Court, entered a temporary restraining order from the Chancery Court of

the 1st Judicial District of Mississippi enjoining appellant Meredith, his agents, employees, and attorneys, from doing any act connected with applying for admission to enter the University of Mississippi.

7. On September 24, 1962 the Board of Trustees of the State Institutions of Higher Learning, in civil contempt proceedings, were found to be in willful disobedience of the Court's order of July 28, 1962 in that they had delegated the power to register appellant Meredith to defendant Governor Ross R. Barnett solely to effect the denial of registration to appellant. This Court without citation of the appellees for civil contempt on the express condition that they take all immediate measures to rescind their former actions and to secure the registration of appellant Meredith by 4:00 P.M., (later extended to 6:00 P.M.) September 25, 1962. The appellees, Board of Trustees, assented to register appellant.

8. On September 25, 1962 appellant moved for, and secured, by order of this Court, the addition of Governor Ross R. Barnett as a party to this action. To preserve the jurisdiction of this Court and secure the effectiveness of its orders, a temporary restraining order was issued upon request of the appellant and the United States Government specifically enjoining defendant Barnett and his agents and employees from any further actions to frustrate and impede the carrying forward of the injunction of this Court of July 28, 1962 directing the registration and admission of appellant Meredith to the University of Mississippi.

9. On the evening of September 25, 1962 when appellant presented himself on the premises of the State Office Building in Jackson, Mississippi, to meet with the Board of Trustees and the Registrar of the University of Mississippi for the purpose of registration, defendant Barnett physically barred appellant from presenting himself to the proper officials, and handed him a proclamation to wit:

**TO JAMES H. MEREDITH, APPLICANT FOR ADMISSION AS  
A STUDENT AT THE UNIVERSITY OF MISSISSIPPI:**

I, Ross R. Barnett, Governor of the State of Mississippi, having heretofore by Proclamation, acting under the police powers of the State of Mississippi, interposed the sovereignty of this state on September 14, 1962, and in order to prevent violence and a breach of the peace, and in order to preserve the peace, dignity and tranquility of the State of Mississippi, and having previously, on September 20, 1962, denied to you, James H. Meredith, admission to the University of Mississippi under such Proclamation and for such reasons, do hereby finally deny you admission to the University of Mississippi.

IN WITNESS WHEREOF, I have hereunto  
set my hand and caused the Great  
Seal of the State of Mississippi  
to be affixed on this the 25th day  
of September, A.D., 1962.

/s/ Ross R. Barnett  
GOVERNOR

ATTEST:

SECRETARY OF STATE



12. Defendant Ross E. Barnett has wilfully and deliberately violated all the orders of this Court in this case with respect to the interference and obstruction of the registration of appellant.

WHEREFORE, appellant prays that this Court issue an order directing <sup>the Governor</sup> ~~the Governor~~ to show cause on September 28<sup>th</sup>, 1962 at 10 o'clock, A.M., why he should not be adjudged guilty of contempt of the orders of this Court in this case.

*Constance Baker Motley*

Constance Baker Motley  
Jack Greenberg  
Burrick A. Bell, Jr.  
Leroy D. Clark  
20 Columbia Circle  
New York 19, New York

R. Jean Brown  
110 1/2 Washington Street  
Vicksburg, Mississippi

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

NO. 19473

JAMES H. MEREDITH, on behalf of himself  
and others similarly situated,

Appellant,

VERSUS

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

Appellee.

PARISH OF ORLEANS }  
STATE OF LOUISIANA } ss:

AFFIDAVIT

Constance Baker Motley being first duly sworn deposes and says  
that:

1. She is one of the attorneys for James H. Meredith, appellant  
in the above entitled case.

2. She has secured from R. Jess Brown, another attorney for  
appellant, a copy of an application for an injunction and order obtained  
by the Governor of the State of Mississippi in the Hinds County Chancery  
Court on September 28, 1962, enjoining appellant and his attorneys from  
proceeding to secure his admission to and registration at and attendance  
in the University of Mississippi.

3. A copy of that application and restraining order are attached  
to the motion made by appellant's attorneys for an order enjoining the  
University from enforcing said Hinds County Chancery Court order, in support  
of which this affidavit is made.

4. She believes that unless restrained by this court appellant will be served with a copy of said restraining order when he attempts to register as a student which will result in further irreparable injury to the appellant.

5. Unless the Governor and the Sheriff are restrained from enforcing and serving said restraining order the attorneys for appellant also will be served to the irreparable injury of the appellant in this cause.

Constance Baker Motley  
Constance Baker Motley

Sworn to before me this 25<sup>th</sup> day of September 1962