

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

UNIVERSITY OF MISSISSIPPI

Meredith v. Fair

Trial Files

Pleadings

Ben F. Cameron
5th Circuit Judge

FILED

UNITED STATES COURT OF APPEALS

AUG 1 1962

FOR THE FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

IN RE: CAUSE #19,475 IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

JAMES HOWARD MEREDITH, on behalf of
Himself and Others similarly situated,

Appellant,

v.

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

Appellees.

MOTION OF APPELLEES FOR ADDITIONAL
RELIEF TO STAY AMENDED ORDER FILED
JULY 28, 1962.

COME NOW Charles Dickson Fair, et al, who were Appellees
in the above referenced cause, and respectfully move for the
entry of an order granting additional relief to them because
of the amended action taken by the U. S. Court of Appeals for
the Fifth Circuit, acting through a panel thereof, on the 28th
day of July, 1962, and in support of this motion would show
the following facts:

I.

On the 28th day of July, 1962, your present movants
moved Your Honor for a stay of an instrument styled "Judgment"
issued "as and for the mandate" of the said Court of Appeals

on the 27th day of July, 1962, and for a stay of an instrument styled "Order Vacating Stay, Recalling Mandate and Issuing New Mandate Forthwith" dated the same date.

II.

On said 28th day of July, 1962, Your Honor issued an order staying each and both of said instruments for a period of thirty (30) days from and after the 28th day of July, 1962 and granting other relief set forth therein in the form of extending a stay previously granted on the 18th day of July, 1962 of a prior order of said panel in Cause #19,475 in said Court of Appeals.

III.

On the 31st day of July, 1962 counsel for movants received via U. S. Mail a letter from the Clerk of said Court of Appeals and an "Order" from said court showing that the original thereof was filed on July 28, 1962, a true copy of which said letter and "Order" are attached to this motion as Exhibits "A" and "B" respectively.

WHEREFORE PREMISES CONSIDERED, movants pray that Your Honor will, pursuant to the provisions of Title 28, U. S. Code, Section 2101 (f), amend the stay order dated the 28th day of July, 1962 to include a stay of the order dated July 28, 1962 which is Exhibit "B" to this motion, for a period of thirty (30) days from and after the 28th day of July, 1962, to enable

movants to obtain a Writ of Certiorari from the Supreme Court of the United States to review said "Order", Exhibit "B" hereto.

Respectfully submitted,

CHARLES D. FAIR, ET AL, Movants

BY: JOE T. PATTERSON, Attorney General
State of Mississippi
New Capitol Building
Jackson, Mississippi

DUGAS SHANDS, Assistant Attorney General, State of Mississippi
New Capitol Building
Jackson, Mississippi

CHARLES CLARK, Special Assistant Attorney General
State of Mississippi
P. O. Box 1046
Jackson, Mississippi

By *Charles Clark*
Charles Clark, Special Assistant Attorney General
State of Mississippi

VERIFICATION

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named CHARLES CLARK, who, being by me first duly sworn, states on oath that the matters, facts and things set forth in the foregoing motion are true and correct as therein stated.

Charles Clark
Charles Clark

SWORN TO AND SUBSCRIBED BEFORE ME, this 31 day of July, 1962.

My commission expires:
March 7 1965

William H. Cox, Jr.
NOTARY PUBLIC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true copy of the foregoing motion on Constance B. Motley, Esq. and R. Jess Brown, Esq. by U. S. Mail, postage prepaid, addressed to their best known addresses.

THIS 31st DAY OF JULY, 1962.

Charles Clark
CHARLES CLARK

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

POST OFFICE BOX 23
NEW ORLEANS 6, LA.

July 28, 1962

Clerk
United States District Court
Jackson, Mississippi

Re: No. 19475 - James H. Meredith, etc. vs.
Charles Dickson Fair, etc., Et Al
(Your No. 3130 Civil-Jackson Div.)

Dear Sir:

Enclosed is a certified copy of the judgment of this Court in the above case, issued as and for the mandate, together with a copy of its opinion. ~~One forwarded on July 27, returning the first judgment issued.~~ Please substitute this judgment for the one forwarded on July 27, returning the first judgment issued.

Incorporated on the judgment is a detailed statement of the costs in this Court, as follows:

Docketing cause, etc. \$ 25.00
recoverable by appellant from appellees upon a final settlement of all costs in your court.

Please acknowledge receipt.

Very truly yours,

EDWARD W. WADSWORTH, CLERK

By Glenn R. James
Chief Deputy Clerk

encls. (Letter only)
Mr. C. B. Motley
Mr. R. Jess Brown
✓ Mr. Chas. Clark
Hon. Joe T. Patterson
Mr. Dugas Shands

Exhibit "A"

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

NO. 19,475

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

Appellant,

v.

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

Appellees.

This Court on July 26, 1962 entered its opinion and judgment forthwith (1) vacating a stay issued herein by Judge Earl P. Cameron, July 18, 1962, (2) recalling its mandate issued herein July 17, 1962, (3) amending and reinsuing its mandate, for the purpose of preventing an injustice, by ordering the District Court to issue forthwith an injunction against the defendants-appellees ordering the immediate admission of the plaintiff-appellant, James H. Meredith, to the University of Mississippi, (4) which opinion and judgment includes an order of injunction by this Court against the defendants-appellees herein.

Now therefore, the following injunctive order is issued:

ORDER

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, the defendants, their servants, agents, employees, successors and assigns, and all persons acting

(1) Ordered to admit the plaintiff, James H. Meredith, to the University of Mississippi, on the same basis as other students at the University, under his applications heretofore filed, which are declared to be continuing applications, such admission to be immediate or, because of the second summer session having started, such admission to be in September, at Meredith's option, and without further registration,

(2) Prohibited from any act of discrimination relating to Meredith's admission and continued attendance, and is

(3) Ordered promptly to evaluate and approve Meredith's credits without discrimination and on a reasonable basis in keeping with the standards applicable to transfers to the University of Mississippi.

In aid of this Court's jurisdiction and in order to preserve the effectiveness of its judgment, this Court entered a preliminary injunction on June 12, 1962. The injunction was against Paul G. Alexander, Attorney for Hinds County, Mississippi, his agent, employees, successors, and all persons in active concert and participation with him and all persons who received notice of the issuance of the order, restraining and enjoining each and all of them from proceeding with the criminal action instituted against James H. Meredith in the Justice of the Peace Court of Hinds County, Justice District No. 5, or any other court of the State of Mississippi, charging that Meredith knowingly secured his registration as a voter in Hinds County but was a resident of Attala County, Mississippi. In further aid of this Court's jurisdiction and in order to preserve the continued effectiveness of its judgment and orders, the said preliminary injunction is continued against the same parties and all other parties having knowledge of this decree pending the final action of the United States Supreme Court if and when the defendants-appellees should apply for a writ of certiorari or for any other appropriate action in this cause by the United States Supreme Court.

served upon the defendants-appellees, through their attorneys, and upon Paul G. Alexander, County Attorney for Hinds County, Mississippi, and Joseph T. Patterson, Attorney General for the State of Mississippi.

Entered at New Orleans, Louisiana
this 23th day of July, 1962.

/s/ JOHN R. BROWN
United States Circuit Judge.

/s/ JOHN MINOR WISDOM
United States Circuit Judge.

/s/ DOZIER A. DEVANE
United States District Judge.

(ORIGINAL FILED: JULY 28, 1962)

A true copy
Test: EDWARD W. WADSWORTH
Clark, U. S. Court of Appeals, Fifth Circuit
By Clara R. James
Deputy

New Orleans, Louisiana

JUL 28 1962

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

JAMES H. MEREDITH,
Appellant,

v.

CHARLES DICKSON FAIR, et al.,
Appellees

No. 19475

Application for
Temporary Restraining
Order

Pursuant to the order of the United States Court of Appeals for the Fifth Circuit of September 18, 1962, designating the applicant as amicus in the above action, applicant hereby applies to this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure for an ex parte order:

1. Enjoining and restraining Joe W. Ford, Sheriff of Lafayette County, Mississippi, and his deputies, agents, and other persons acting in concert with him or pursuant to his authority, from arresting, molesting, or hindering in any way James H. Meredith, plaintiff in the above action, pursuant to warrants issued on September 19 and/or September 20, 1962, for the arrest of James H. Meredith.

2. Enjoining and restraining the defendants to the above action and all other persons acting in concert with them, and all officials of the State of Mississippi from declining to enroll and register James H. Meredith at the University of Mississippi on account of a criminal charge

outstanding against Meredith pursuant to legislation adopted by the Legislature of Mississippi on September 20, 1962, or otherwise.

The foregoing application is based upon information and belief of the applicant as follows:

1. That the Sheriff of Lafayette County, Mississippi, Joe W. Ford, proposes to execute outstanding warrants of arrest against James Meredith when and if Meredith appears to enroll and register at the University of Mississippi at Oxford, Mississippi on September 20, 1962;

2. On September 20, 1962, the Legislature of Mississippi adopted legislation to the effect that persons charged with certain crimes, including perjury with which Meredith is charged, shall be denied admission to Mississippi's institutions of higher learning, including the University of Mississippi.

3. The applicant is informed and believes that the sole purpose of the threatened acts and practices sought to be enjoined is to frustrate and obstruct compliance with the orders of this Court and the Court of Appeals for the Fifth Circuit and to exclude James Meredith from the

University of Mississippi solely on account of his
race and color.

/s/ _____
ROBERT E. HAUBERG
United States Attorney

/s/ _____
J. HAROLD FLANNERY
Attorney, Department of Justice

September 20, 1962

Date

VERIFICATION

I, J. Harold Flannery, have prepared the fore-
going application for a temporary restraining order
and I affirm that the circumstances and events recited
therein are true and correct to the best of my informa-
tion and belief.

/s/ _____
J. HAROLD FLANNERY

Subscribed and sworn to
before me this 20th day of
September, 1962.

/s/ _____
LORYCE E. WHARTON
Clerk, U. S. District Court

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

COURT OF APPEALS
FILED

JUL 28 1962

NO. 19,475

EDWARD W. WADSWORTH
CLERK

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

Appellant,

v.

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

Appellees.

This Court on July 26, 1962 entered its opinion and judgment forthwith (1) vacating a stay issued herein by Judge Ben F. Cameron, July 18, 1962, (2) recalling its mandate issued herein July 17, 1962, (3) amending and reissuing its mandate, for the purpose of preventing an injustice, by ordering the District Court to issue forthwith an injunction against the defendants-appellees ordering the immediate admission of the plaintiff-appellant, James H. Meredith, to the University of Mississippi, (4) which opinion and judgment includes an order of injunction by this Court against the defendants-appellees herein.

Now therefore, the following injunctive order is issued:

ORDER

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, the defendants, their servants, agents, employees, successors and assigns, and all persons acting in concert with them, as well as any and all

having knowledge of the decree are expressly:

(1) Ordered to admit the plaintiff, James H.

Meredith, to the University of Mississippi, on the same basis as other students at the University, under his applications heretofore filed, which are declared to be continuing applications, such admission to be immediate or, because of the second summer session having started, such admission to be in September, at Meredith's option, and without further registration,

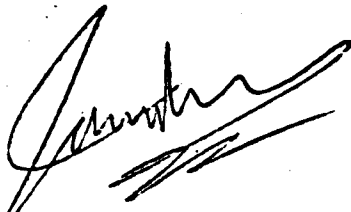
(2) Prohibited from any act of discrimination relating to Meredith's admission and continued attendance, and is

(3) Ordered promptly to evaluate and approve Meredith's credits without discrimination and on a reasonable basis in keeping with the standards applicable to transfers to the University of Mississippi.

In aid of this Court's jurisdiction and in order to preserve the effectiveness of its judgment, this Court entered a preliminary injunction on June 12, 1962. The injunction was against Paul G. Alexander, Attorney for Hinds County, Mississippi, his agent, employees, successors, and all persons in active concert and participation with him and all persons who received notice of the issuance of the order, restraining and enjoining each and all of them from proceeding with the criminal action instituted against James H. Meredith in the Justice of the Peace Court of Hinds County, Justice District No. 5, or any other court of the State of Mississippi, charging that Meredith knowingly secured his registration as a voter in Hinds County but was a resident of Attala County, Mississippi. In further aid of this Court's jurisdiction and in order to preserve the continued effectiveness of its judgment and orders, the said preliminary injunction is continued against the same parties and all other parties having knowledge of this decree pending the final action of the United States Supreme Court if and when the defendants-appellees should apply for a writ of certiorari or for any other appropriate action in this cause by the United States Supreme Court.

It is further ordered that a copy of this order be served upon the defendants-appellees, through their attorneys, and upon Paul G. Alexander, County Attorney for Hinds County, Mississippi, and Joseph T. Patterson, Attorney General for the State of Mississippi.

Entered at New Orleans, Louisiana
this 28th day of July, 1962.


John R. Brown, JMW
United States Circuit Judge

John Minor Wisdom
United States Circuit Judge

Dozier A. DeLoach, JMW
United States District Judge

FILED

SEP 18 1962

EDWARD W. WADSWORTH
CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
NO. 19475

JAMES H. MEREDITH,

Appellant,

v.

CHARLES DICKSON FAIR, et al.,

Appellees.

ORDER DESIGNATING UNITED STATES OF AMERICA
AS AMICUS CURIAE

It appearing from the application of the United States, filed this day, that the interest of the United States in the due administration of justice and the integrity of the processes of its courts should be represented in these proceedings,

IT IS ORDERED that the United States be designated and authorized to appear and participate as amicus curiae in all proceedings in this action before this Court and by reason of the mandates and orders of this Court of July 27, 28, 1962, and subsequently thereto, also before the District Court for the Southern District of Mississippi to accord each court the benefit of its views and recommendations, with the right to submit pleadings, evidence, arguments and briefs and to initiate such further proceedings, including proceedings for injunctive relief and proceedings for contempt of court, as may be appropriate in order to maintain and preserve the due administration of justice and the

integrity of the judicial processes of the United States.

The marshal is directed to serve a copy of this order upon each of the parties to this action through their attorneys.

September 18, 1962

151 John R. Braun.
Circuit Judge

151 John M. Hudson
Circuit Judge

151 Garrison O. Bell
Circuit Judge

A true copy
Test: EDWARD W. WADSWORTH
Clerk, U. S. Court of Appeals, Fifth Circuit
Edward W. Wadsworth
Deputy
New Orleans, Louisiana SEP 18 1962

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS

FILED

SEP 25 1962

JAMES H. MEREDITH,

Appellant,

v.

CHARLES DICKSON FAIR, et al.,

Appellees.

EDWARD W. WADSWORTH
CLERK

NO. 19475

UNITED STATES OF AMERICA,
Amicus Curiae and Petitioner,

v.

STATE OF MISSISSIPPI, et al.,

Defendants.

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 Ross 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 enrollment at the University of Mississippi;
 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 con-

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

/s/ ELBERT P. TUTTLE
Circuit Judge

/s/ RICHARD T. RIVES
Circuit Judge

/s/ JOHN HINCH WISDOM
Circuit Judge

Signed this 25th day of
September, 1962, at 8:30 P. M.

A true copy
Test: EDWARD W. WADSWORTH
Clerk, U. S. Court of Appeals, Fifth Circuit
By E. E. Sanchez
Deputy

New Orleans, Louisiana

Sep. 25, 1962

FILED

SEP 25 1962

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

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 20, 1962, at
10 o'clock a.m. 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:

/s/ John Doar

JOHN DOAR
Attorney, Department of Justice

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 23, 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 JD} 4:00 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

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

Certified to be a true copy

Test: /s/ EDWARD W. WADSWORTH

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

Sept. 26 1962

IN THE UNITED STATES COURT OF APPEALS Edward W. Wadsworth
FOR THE FIFTH CIRCUIT 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.,

ORDER REQUIRING PAUL B. JOHNSON, JR.
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 entered a temporary restraining order on September 25, 1962, restraining the State of Mississippi, Ross R. Barnett, their agents, employees, officers and successors, together with all persons in active concert and participation with them, 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 Paul B. Johnson, Jr. is an officer and agent of the State of Mississippi; that on September 26, 1962, after receiving actual and constructive notice of the terms of this Court's temporary restraining order of September 25, 1962, and while acting in concert and active participation with Ross R. Barnett, he prevented James H. Meredith from entering the campus of the University of Mississippi in Oxford, Mississippi, and did thereby prevent James H. Meredith from enrolling in and attending the University, all for the purpose of interfering with and obstructing James H. Meredith in the enjoyment of rights, and preventing and obstructing the officials of the University and the Board of Trustees of Institutions of Higher Learning ~~from performing their duties 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,

IT IS ORDERED that Paul B. Johnson, Jr. appear personally before this Court on September 29, 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 issued by this Court on September 25, 1962.

The Marshal is directed to serve a copy of this order upon Paul B. Johnson, Jr. forthwith.

Signed this September 26, 1962, at 5 o'clock p .m.

/s/ Richard T. Rives
CIRCUIT JUDGE

/s/ John R. Brown
CIRCUIT JUDGE

/s/ John Minor Wisdom
CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 19,475

JAMES HOWARD MEREDITH, etc.

Appellant,

v.

CHARLES DICKSON FAIR, et al.,

Appellees.

UNITED STATES OF AMERICA, as
Amicus Curiae and Petitioner,

Petitioner,

v.

CHARLES DICKSON FAIR, et al.,

Respondents.

PRELIMINARY INJUNCTION

This cause came on to be heard on the 12th day of October, 1962, pursuant to the order of this Court of October 2, 1962, continuing until this date a hearing on a petition by the United States, concurred in by the appellant, of September 20, 1962, for orders supplementing this Court's injunctive order of July 28, 1962, restraining the arrest of appellant pursuant to a conviction on a misdemeanor charge on September 20, 1962, in the Justice of the Peace Court, Fifth Supervisors District of Hinds County, Mississippi, and restraining the enforcement against appellant of the provisions of S.B. 1501 (moral turpitude law) enacted by the Mississippi Legislature on September 20, 1962. This cause also came on for hearing on this date on the petition of the United

States of September 25, 1962, for a preliminary injunction similarly restraining Mississippi officials.

Findings of Fact

1. This Court finds as a fact that on May 28, 1962, Paul Alexander commenced a criminal proceeding in the Justice of the Peace Court of Hinds County, Fifth Supervisors District, against the appellant entitled State of Mississippi v. Meredith, Case No. 15-242. On June 12, 1962, this Court issued an injunction enjoining Paul Alexander from proceeding with such criminal prosecution of the appellant until the decision of this Court on the appeal of the appellant's case. On July 28, 1962, this Court issued a preliminary injunction against Paul Alexander similarly enjoining ~~him until such time as the United States Supreme Court acted~~ finally upon the petition of the appellees in this case for a writ of certiorari to review the judgment of this Court. On October 8, 1962, the United States Supreme Court denied the appellees' petition for writ of certiorari. On September 20, 1962, appellant was tried in absentia by the Justice of the Peace Court of Hinds County, Fifth Supervisors District, and convicted on a charge made by Paul Alexander that appellant had falsely secured his registration as a voter in Hinds County when he was, in fact, a resident of Attala County. Appellant was sentenced to one year in prison and fined \$300.00. The Sheriff of Hinds County would be the arresting officer pursuant to this conviction. On September 20, this Court enjoined Miss. law enforcement and public officials from taking any step to effectuate this conviction and sentence of appellant as well as appellant's arrest. This Court also on that date enjoined enforcement of the provisions of S.B. 1501 of September 20, 1962, against appellant by these state officials.

2. On September 14, 1962, Paul Alexander commenced a perjury prosecution in the Justice of the Peace Court against the appellant in the case of State of Mississippi v. Meredith, Case No. 16-307,

filed September 14, 1962, upon the same charge in the action filed May 28, 1962.

Conclusions of Law

This Court concludes that it properly acquired jurisdiction of this case pursuant to Title 28, United States Code, §1291 when the case was duly appealed to it. In aid of that jurisdiction and to secure the effectiveness of its mandate of July 27 and July 28, 1962, this Court had the power to issue its injunctive order of July 28 against Paul Alexander and others, pending final action by the United States Supreme Court on appellees' petition for writ of certiorari. On September 20, 1962, and September 25, 1962, this Court had the power, conferred upon it by Title 28, United States Code, §1651, to further enjoin as set forth therein the said Paul Alexander and other state officials.

It is now ORDERED that Paul Alexander, District or County Attorney of Hinds County, his agents, servants, employees, successors, and all other persons in active concert and participation with him who shall receive actual notice of this injunction by personal service or otherwise be, and they hereby are, enjoined from:

1. Proceeding to arrest the appellant pursuant to the conviction of appellant on September 20, 1962, in the case of State of Mississippi v. Meredith, Case No. 15-242, filed May 28, 1962, in the Justice of the Peace Court, Fifth Supervisors District of Hinds County, Mississippi, and from taking any action to enforce the judgment of conviction against the appellant in this case.
2. Proceeding with the prosecution of appellant in State of Mississippi v. Meredith, Case No. 16-307, filed September 14, 1962, charging appellant with a felony and alleging that he falsely secured his registration as a voter in Hinds County.
3. Commencing any other prosecutions or taking any action or doing any act to further prosecute the appellant for allegedly securing his registration as a voter in Hinds County.

A copy of this injunction order shall be served by the United States Marshal upon Paul Alexander, Attorney for Hinds County, Mississippi; Joe T. Patterson, Attorney General of the State of Mississippi; J. R. Gilfoy, Sheriff of Hinds County, Mississippi; J. W. Ford, Sheriff of Lafayette County, Mississippi, and Homer Edgeworth, Justice of the Peace of Hinds County, Mississippi, Justice Court District No. 5.

This _____ day of October, 1962.

United States Circuit Judge

United States Circuit Judge

United States Circuit Judge

United States Circuit Judge

United States Circuit Judge

United States Circuit Judge

United States Circuit Judge