

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

U. S. 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

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.

~~United States Circuit Judge.~~

~~United States Circuit Judge.~~

~~United States District Judge.~~

Ben F. Cameron
U.S. Circuit Judge

BEFORE HONORABLE BEN F. CAMERON, JUDGE OF THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

IN RE: CAUSE #19475 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,

J. E. Whelan

Appellees.

A judgment was entered herein by the United States Court of Appeals for the Fifth Circuit on July 17, 1962, which judgment was and is subject to review by the Supreme Court on writ of certiorari and a certified copy of said judgment was, in conformity with the order of this Court dated February 15, 1958 (Page 44 of the Rules of this Court), transmitted as the mandate of this Court to the United States District Court for the Southern District of Mississippi, Jackson Division, and was received by said District Court on July 18, 1962. Before said mandate had been executed or enforced, the execution and enforcement thereof was, on July 18, 1962, stayed by the undersigned Judge of said Court of Appeals acting under authority vested in him by the Constitution and laws of the United States (cf. 28 U.S.C.A. Sec. 2101 and Rules 38 and 36 of the Supreme Court) and said stay was and is valid and in full force and effect.

It now appearing that a panel of said Court of Appeals has by its order and judgment of July 27, 1962 essayed to set aside said stay of execution and to conduct further proceedings in this cause in violation and contempt thereof and has entered a judgment and order which have