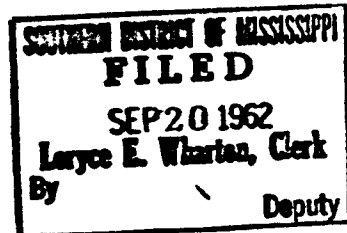


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Jackson Division



JAMES HOWARD MEREDITH, et al.,
Plaintiffs,

v.

CHARLES DICKSON FAIR, et al.,
Defendants

UNITED STATES OF AMERICA, as
Amicus Curiae and Petitioner,

v.

JAMES DAVIS WILLIAMS, ARTHUR BEVERLY
LEWIS, AND ROBERT BYRON ELLIS,
Respondents.

No. 3130

PETITION OF THE UNITED
STATES FOR AN ORDER TO
SHOW CAUSE WHY THE
RESPONDENTS HEREIN NAMED
SHOULD NOT BE HELD IN CIVIL
CONTEMPT

No. _____

The United States of America, amicus curiae herein,
petitions the Court for an order requiring James Davis Williams,
Chancellor of the University of Mississippi, Oxford, Mississippi,
Arthur Beverly Lewis, Dean of the College of Liberal Arts of the
University of Mississippi, Oxford, Mississippi, and Robert Byron
Ellis, Registrar of the University of Mississippi, Oxford,
Mississippi, (hereinafter collectively referred to as the respon-
dents) to show cause, if any they have, why they should not be held
in civil contempt of this Court, and as reasons therefor alleges:

1. That on September 13, 1962, pursuant to the judgments
and mandates of the Court of Appeals for the Fifth Circuit of
July 17, 1962, July 27, 1962, and August 4, 1962, and pursuant
to the mandate of Mr. Justice Black of the United States Supreme
Court of September 10, 1962, this Court ordered the above-named

defendants to this action, among others, and their agents, servants, employees, successors, attorneys, and all persons in active concert and participation with them, from further refusing to admit James Howard Meredith to continued attendance as a student at the University of Mississippi:

2. That on September 19, 1962, Robert F. Kennedy, the Attorney General of the United States, sent to each of the respondents, among others, copies of the following telegram:

THE PURPOSE OF THIS TELEGRAM IS TO INFORM YOU AND THE BOARD OF TRUSTEES OF THE UNIVERSITY OF MISSISSIPPI OF THE GOVERNMENT'S VIEWS ON THE LEGAL POSITION IN THE MEREDITH CASE. THE OFFICIALS OF THE UNIVERSITY, INCLUDING THE REGISTRAR, HAVE BEEN ORDERED BY BOTH THE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI AND THE COURT OF APPEALS FOR THE FIFTH CIRCUIT TO ACCEPT AND RETAIN MEREDITH AS A STUDENT THIS SEMESTER AT THE UNIVERSITY. ALL MEMBERS OF THE BOARD OF TRUSTEES ARE COVERED BY THESE ORDERS. THE BOARD OF TRUSTEES IS PREVENTED BY THESE ORDERS AND BY AN ADDITIONAL ORDER OF JUSTICE BLACK OF THE SUPREME COURT OF THE UNITED STATES WHICH HAS THE CONCURRENCE OF EACH JUSTICE OF THE SUPREME COURT, FROM TAKING ANY STEPS TO HINDER COMPLIANCE WITH THE ORDERS.

WE HAVE COOPERATED AND WILL CONTINUE TO COOPERATE WITH GOVERNOR BARNETT AND OTHER STATE OFFICIALS IN MAKING EVERY EFFORT TO AVOID LAW ENFORCEMENT PROBLEMS. IT IS OUR PURPOSE TO SEE THAT THE ORDERS OF THE COURT ARE COMPLIED WITH PEACEFULLY. HOWEVER, I AM INFORMED THAT MEREDITH HAS BEEN UNABLE TO OBTAIN ANY COMMITMENT FROM YOU OR THE BOARD THAT HE WILL BE REGISTERED IN JACKSON WITHOUT EVASION OR DELAYS IF HE GOES THERE IN RESPONSE TO YOUR TELEGRAM. I HAVE BEEN UNSUCCESSFUL IN OBTAINING ANY SUCH COMMITMENT AS WELL.

UNDER THE CIRCUMSTANCES, IT IS MEREDITH'S INTENTION TO PROCEED TOMORROW TO OXFORD, MISSISSIPPI, TO REGISTER ALONG WITH OTHER NEW AND TRANSFER STUDENTS. IT IS THE RESPONSIBILITY OF THE DEPARTMENT OF JUSTICE TO TAKE ALL APPROPRIATE ACTION TO MAKE THE ORDERS OF THESE COURTS EFFECTIVE. IT IS OUR VIEW THAT A REFUSAL BY THE OFFICIALS OF THE UNIVERSITY IN OXFORD TO REGISTER MEREDITH IN OXFORD TOMORROW WOULD BE IN VIOLATION OF THE ORDERS OF THE DISTRICT COURT AND OF THE COURT OF APPEALS. IT IS ALSO OUR VIEW THAT ANY ORDERS OR OTHER STEPS BY THE BOARD OF TRUSTEES INTENDED TO PREVENT THE OFFICIALS OF THE UNIVERSITY AT OXFORD FROM REGISTERING MEREDITH IN THE REGULAR COURSE WOULD BE IN VIOLATION OF THE ORDERS OF THE DISTRICT COURT, THE COURT OF APPEALS, AND THE SUPREME COURT OF THE UNITED STATES.

I RESPECT THE STATE OF MISSISSIPPI WHOSE CITIZENS HAVE MADE MANY CONTRIBUTIONS TO THE COUNTRY, AND THE GREAT UNIVERSITY

WHICH YOU ARE PRIVILEGED TO SERVE. HISTORICALLY AMERICAN CITIZENS HAVE FREELY AND FREQUENTLY DISAGREED WITH OR DISAPPROVED OF LAWS AND COURT DECISIONS BUT HAVE OBEYED THEM NEVERTHELESS. THE FEDERAL COURTS HAVE SPOKEN UNEQUIVOCALLY ON THIS MATTER. ALL OF US AS CITIZENS OF THE UNITED STATES HAVE A RESPONSIBILITY TO OBEY THE LAW. I AS ATTORNEY GENERAL HAVE THE RESPONSIBILITY TO ENFORCE THE LAW. I AM CONFIDENT THAT YOU WILL ACT IN SUCH A WAY NOT ONLY AS TO PRESERVE ORDER BUT TO ASSIST IN MEETING THESE RESPONSIBILITIES.
SINCERELY, ROBERT F. KENNEDY, ATTORNEY GENERAL.

3. That on September 20, 1962, James Howard Meredith presented himself for registration as a student for the fall 1962 semester at the University of Mississippi, Oxford, Mississippi;

4. That the above-named respondents, and other persons acting in concert with them, failed and refused to permit James Howard Meredith to register and enroll at the University of Mississippi solely on account of his race;

5. That St. John Barrett, of counsel for petitioners, announced to the respondent Ellis and other persons acting in concert with him, including additional defendants to the principal action, that James Howard Meredith was presenting himself for registration and enrollment at the University of Mississippi pursuant to the order of this Court of September 13, 1962, and that the failure and refusal of the respondents to register and enroll James Howard Meredith constituted disobedience and contempt of this Court's order;

6. That the respondents and other persons acting with them and bound by the order of this Court persisted in their failure and refusal to register and enroll James Howard Meredith at the University of Mississippi solely on account of his race.

CONCLUSION

WHEREFORE, the United States prays for an order

(1) Directing that the respondents be ordered to show cause, if any they have, on September 21, 1962, at a time to be

fixed by this Court why they should not be held in civil contempt of the order of this Court entered on September 13, 1962;

(2) Remanding the respondents to the custody of the Attorney General, and to remain until they agree in open court and instruct their agents, employees and deputies in writing:

(a) to register forthwith for enrollment in the University of Mississippi and to admit forthwith to the University of Mississippi the plaintiff, James Howard Meredith, and

(b) to retain the plaintiff, James Howard Meredith, as a student in the University of Mississippi upon the same terms and conditions as are applicable to white students.

(3) Ordering the assessment and taxation of the costs of this proceeding against the respondents.

UNITED STATES OF AMERICA

By

BURKE MARSHALL
Assistant Attorney General

ROBERT E. HAUBERG
United States Attorney

/s/ J. Harold Flannery
J. HAROLD FLANNERY
Attorney, Department of Justice

VERIFICATION

I, J. Harold Flannery, of counsel for petitioners, hereby

A TRUE COPY, I HEREBY CERTIFY.
LORYCE E. WHARTON, CLERK
BY:


Deputy Clerk

affirm that the facts recited in the foregoing petition of the United States of America are true and correct to the best of my knowledge and belief.

J. HAROLD FLANNERY

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

LORYCE E. WHARTON
Clerk of the United States
District Court

A TRUE COPY, I HEREBY CERTIFY.
LORYCE E. WHARTON, CLERK
BY:

Debra Carter
Deputy Clerk