

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

JAMES H. MEREDITH,

Appellant,

v.

CHARLES DICKSON FAIR, et al.,

Appellees

3150
No. 19475

ORDER

Upon consideration of the ex parte application of amicus United States of America for an order restraining and enjoining Joe W. Ford, Sheriff of Lafayette County, Mississippi, and all other state, county and municipal law enforcement officers of Mississippi from arresting James H. Meredith or persons accompanying him for the purpose or with the effect of interfering with his enrollment and registration at the University of Mississippi on September 20, 1962; and for an order restraining the enforcement and application of legislation adopted by the State of Mississippi on September 20, 1962 to the effect that it shall be a criminal offense for persons charged with certain felonies, including said Meredith, to enroll or register in Mississippi Institutions of Higher Learning, this Court is of the opinion that the threatening arrests of Meredith conflict with and are a derogation of this Court's presently outstanding order in the principal case and in conflict with and in derogation of the orders of the United States Court of Appeals for the Fifth Circuit in this case, and that said arrests ought to be enjoined.

This Court is of the further opinion that the application and enforcement of legislation adopted by the State of Mississippi on September 20, 1962 relating to the enrollment of persons at its Institutions of Higher Learning ought not to be restrained without notice and hearing.

Therefore on the basis of the application of amicus which recites that Meredith and others are threatened with arrest by the Sheriff of Lafayette County and others and pursuant to Rule 65 of

the Federal Rules of Civil Procedure and 28 U.S.C. 1651

IT IS ORDERED, ADJUDGED AND DECREED that:

1. Joe W. Ford, Sheriff of Lafayette County, Mississippi, his deputies, agents and all persons acting in concert with him including all other law enforcement officers of Mississippi, its counties and municipalities are enjoined and restrained from arresting, molesting or hindering in any way James Meredith and persons accompanying him for the purpose of with the effect of interfering with the enrollment and registration of Meredith at the University of Mississippi on September 20, 1962;

2. The application for an order restraining the enforcement with respect to James Meredith of State legislation adopted on September 20, 1962 is deferred pending further hearing except that as specified in Paragraph 1 above neither Meredith nor persons accompanying him shall be arrested on the ground that he or they have violated such legislation.

The application for an injunction against the legislation referred to in Paragraph 2 above will be heard by this Court after notice to the appropriate officials of the State of Mississippi on Monday, September 24, 1962 at 1:30 p.m.

This order shall be effective immediately.

ORDERED this 20th day of September, 1962.

/s/ S. C. Mize
S. C. MIZE
UNITED STATES DISTRICT JUDGE

/s/ Harold Cox
Harold Cox
U. S. DISTRICT JUDGE