

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

U. S. COURT OF APPEALS
FILED

NO. 19,475

NOV 15 1962

EDWARD W. WADSWORTH
CLERK

JAMES H. MEREDITH,

Appellant,

vs.

CHARLES DICKSON FAIR, et al,

Appellees.

UNITED STATES OF AMERICA,
Amicus Curiae and Petitioner,

vs.

STATE OF MISSISSIPPI, et al,

Defendants.

Before TUTTLE, Chief Judge, and RIVES, JONES, BROWN, WISDOM, GEWIN
and BELL, Circuit Judges.

O R D E R:

It appearing that this Court, on September 18, 1962, designated the United States as amicus curiae, 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; and

It appearing that the United States as amicus curiae filed in this Court on November 6, 1962, a memorandum suggesting that the taking of further evidence concerning the actions of Ross R. Barnett would be appropriate with respect to the issue of whether Ross R. Barnett has purged himself of his civil contempt of this Court; and

It appearing from the pleadings filed and the oral testimony and documentary evidence already adduced in the proceedings

on the petitions for temporary restraining order and for preliminary injunction and the civil contempt proceedings heretofore instituted against Ross R. Barnett and Paul B. Johnson, Jr., that proceedings should be instituted against the said Ross R. Barnett and Paul B. Johnson, Jr., to determine whether they are, or either of them is, guilty of criminal contempt of the orders of this Court; and

It appearing undesirable to conduct successive proceedings involving similar factual issues and that litigation of such issues in a criminal contempt proceeding would afford to the said Ross R. Barnett and Paul B. Johnson, Jr., maximum procedural protection;

IT IS ORDERED that the Attorney General of the United States, and such attorneys in the Department of Justice as he may designate, be and they are hereby appointed by the Court to institute and to prosecute criminal contempt proceedings against the said Ross R. Barnett and Paul B. Johnson, Jr., pursuant to Rule 42(b) of the Federal Rules of Criminal Procedure and the order of this Court of September 18, 1962.

This 15th day of November, 1962.

ELBERT P. TUTTLE
CHIEF JUDGE
United States Court of Appeals
Fifth Circuit

RICHARD T. RIVES
CIRCUIT JUDGE

WARREN L. JONES
CIRCUIT JUDGE

JOHN R. BROWN
CIRCUIT JUDGE

JOHN MINOR WISDOM
CIRCUIT JUDGE

GRIFFIN B. BELL
CIRCUIT JUDGE

I DISSENT, WALTER P. GEWIN, Circuit Judge.

A true copy

Test: EDWARD W. WADSWORTH
Clerk, U. S. Court of Appeals, Fifth Circuit