



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
TWENTY WEST FORTIETH STREET • NEW YORK 18, N.Y. • BRyant 9-1400

COPY

September 21, 1962

*Schacht
W. of Mississippi*

Honorable John F. Kennedy
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

Events in Mississippi in connection with the Meredith case indicate that public officials there are willing to risk plunging the state into anarchy in an effort to deny to the State's colored citizens their constitutional rights.

The attitude of the Governor, members of the Legislature and other public officials poses serious threats to the established constitutional relationships between the State and Federal Government and between those governments and their citizens.

We respectfully urge you as Chief Executive to take such prompt and strong action to protect these relationships as is necessary.

In the event that the threatened actions of these officials are carried out and the power of the Federal Government is further defied, we suggest a course of action which we feel will effectively end any threat to Federal supremacy.

We urge that you treat such defiance by asserting the full strength of the Federal Government. We believe that this can best be done by withdrawal of all Federal services and payments from the State of Mississippi for as long as is necessary to induce compliance with and respect for the U.S. Constitution and the laws enacted thereunder.

The denial to the State of the services of the Treasury, Post Office Department and other essential Federal agencies would, we believe, soon convince the State of the necessity of cooperating with the Federal Government within a framework of law and order.

There is no doubt of your authority to act in the manner suggested, both on general constitutional grounds and specific statutory provisions.

Article II, Sections 1 and 3 confer upon you authority to protect and defend the Constitution and to see that the laws of the United States are executed. Such authority could be invoked in the present Mississippi situation.

More specific is your right to act under statutory authority of 10 U.S.C. 333, which reads as follows:

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it

"(1) So hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its

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people is deprived of a right, privilege, immunity or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) Opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution."

There is no doubt that the present actions and future threats of Mississippi authorities constitute an unlawful combination and conspiracy within the meaning of the statute.

Accordingly, you have by virtue of your office the right under the statute to use the armed forces or militia or to use "any other means" to suppress said combination and conspiracy.

It is our opinion that under the "other means" provision the course of action herein suggested would be fully justified. Moreover, we believe it would be more effective, while at the same time less drastic, than resorting to the alternative proposed under the law, the use of the armed forces or militia.

There is recent precedent for invoking 10 U.S.C. 333 to protect constitutional rights. President Eisenhower used this authority to send troops to Little Rock in 1957 in connection with the Central High School crisis.

We respectfully call upon you to assert your authority under this statute in the present Mississippi situation in the manner outlined herein in what would be an effective use of your presidential power.

Respectfully yours,

John A. Morsell
Assistant to the
Executive Secretary
Acting for
Roy Wilkins
Executive Secretary