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## Bill to Jim, 28 June 1963

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UNIVERSITY OF MISSOURI  
COLUMBIA

SCHOOL OF LAW

June 28, 1963

Dear Jim:

It occurred to me after I wrote you the other day that I should have given you the aftermath and brought the story up to date. I'm just now getting around to it.

On October 19, the Court of Appeals denied the state's motion for dismissal of the civil contempt citation against Barnett and also issued a preliminary injunction to replace the temporary restraining order. ~~These~~<sup>these</sup> actions were taken after argument in which the state participated, so you can see just how much weight ~~these~~ the legal issues raised by these actions had. Remember Satterfield said they raised legal issues that should have been passed upon prior to Meredith's registration.

On November 15, the Circuit Court issued an order directing the Justice Department to institute criminal contempt proceedings against Barnett. (Prior to this, on November 6, the Justice Department had filed a memo with the Court suggesting the desirability of taking additional evidence on whether Barnett had purged himself of the earlier civil contempt). The civil contempt matter thus merged into a criminal contempt proceeding. The difference between the two is that in civil contempt the purpose is to get the contemnor to obey the court order, whereas in criminal contempt the purpose is to punish the contemnor for having disobeyed.

As you know, the state has argued that in the criminal contempt proceeding Barnett should be entitled to a trial by jury. On this point the Court of Appeals (eight judges sitting) split 4-4 and so the Supreme Court will hear argument on this question in the fall and presumably render a decision on it. ~~xxxx~~

The point in all this, so far as Satterfield's argument is concerned, is that if Meredith had been required to wait until a final decision in the contempt proceeding, he would not be at Ole Miss now and might have to wait several more years. This, of course, demonstrates still further how stupid and shabby Satterfield's argument is.

As we told you earlier, we will spend much of August in Mississippi (Houston) so if you get back to Oxford later that month maybe we can get together before we return to Columbia. Work hard. I'll be thinking of you while I golf and tennis.

Bill