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U. S. MARSHAL  
BIRMINGHAM, ALA.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

*Western Division*

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 ) v. )  
 )  
 ) GEORGE C. WALLACE, )  
 )  
 ) Defendant. )  
 \_\_\_\_\_ )

CIVIL ACTION  
NO. CA 63-255

FILED IN CLERK'S OFFICE  
NORTHERN DISTRICT OF ALABAMA

MAY 24 1963

WILLIAM E. DAVIS  
CLERK, U. S. DISTRICT COURT

By *Judith M. Massey*  
Deputy Clerk

ORDER TO SHOW CAUSE  
WHY A PRELIMINARY INJUNCTION  
SHOULD NOT ISSUE

This Court having entered an order on July 1, 1955 in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, enjoining the defendant in that case for denying Negroes the right to enroll in the University of Alabama and pursue courses of study thereat solely on account of their race and color; this Court having entered a further order in the same case on May 21, 1963 requiring the admission to the University of Alabama of Vivian J. Malone and David M. McGlathery, each a Negro citizen of the State of Alabama, and

It appearing from the verified complaint of the United States filed herein that on May 21, 1963, George C. Wallace, Governor of the State of Alabama, made a public statement that he would bar the enrollment of

Vivian J. Malone and David M. McGlathery in the University of Alabama pursuant to the orders of this Court, and that such action by George C. Wallace, if carried out, would cause immediate and irreparable injury to the United States consisting of the impairment of the integrity of its judicial process and the obstruction of the due administration of justice,

IT IS ORDERED that George C. Wallace appear before this Court in its courtroom in the United States Post Office and Courthouse, Birmingham, Alabama, on June 3, 1963 at 10 A.m. to show cause, if any he has, why a preliminary injunction should not be issued as prayed for in the plaintiff's complaint.

The Marshal shall serve a copy of this order on George C. Wallace forthwith.

Signed this May 24, 1963.

SEYBOURN H. LYNNE

United States District Judge



A TRUE COPY  
WILLIAM E. DAVIS, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
BY: Jewel M. Massey  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
*Western Division*

UNITED STATES OF AMERICA, )  
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 Plaintiff, )  
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 GEORGE C. WALLACE, )  
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WILLIAM E. DAVIS  
CLERK, U. S. DISTRICT COURT  
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Deputy Clerk

MOTION FOR ORDER TO SHOW CAUSE  
WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE

Plaintiff moves the Court for an order requiring the defendant to show cause, if any he has, why a preliminary injunction should not issue pending a trial and decision on the merits in this action.

This motion is based upon the averments of fact contained in the plaintiff's verified complaint and upon a memorandum of points and authorities attached hereto.

*Macon L Weaver*  
MACON L. WEAVER  
United States Attorney

*St. John Barrett*  
ST. JOHN BARRETT, Attorney  
Department of Justice

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WILLIAM E. DAVIS, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
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IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA, )  
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 Plaintiff, )  
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 GEORGE C. WALLACE, )  
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 Defendant. )

CIVIL ACTION NO. CA 63-255

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NORTHERN DISTRICT OF ALABAMA

MAY 24 1963

MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE  
WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE

WILLIAM E. DAVIS  
CLERK, U. S. DISTRICT COURT  
*James M. Massey*  
Deputy Clerk

I.

The governor of a state has no authority, by "interposition" or otherwise, to obstruct or prevent the execution of the lawful orders of a court of the United States.

Sterling v. Constantine, 287 U.S. 378,  
77 L.Ed. 375, 53 S.Ct. 190 ( )

Faubus v. United States, 254 F.2d 797,  
(C.A. 8, 1958), cert. den. 358 U.S. 829,  
3 L.Ed. 2d 68, 79 S.Ct. 49

Bush v. Orleans Parish School Board, 188 F.Supp. 916  
(3-judge decision, E.D. La. 1960), stay denied  
364 U.S. 500, 5 L.Ed.2d 245, 81 S. Ct. 260,  
aff'd 365 U.S. 569, 5 L.Ed. 2d 806, 81 S. Ct. 754  
(1961)

II.

The courts of the United States have statutory authority under the all-writs statute (28 U.S.C. 1651) as well as inherent power to enter such orders as may be

necessary to effectuate their lawful decrees and to prevent interference with, and obstruction to, their implementation.

United States v. Mississippi  
7 Race Relations Law Reporter 1105  
(C.A. 5, 1962), cert. den. 372 U.S. 916 (1963)

Faubus v. United States, supra

Toledo Scale Co. v. Computing Scale Co., 267 U.S. 399,  
67 L.Ed. 719, 43 S. Ct. 458 (1923)

Bullock v. United States, 265 F.2d 683, 691  
(C.A. 6, 1959)

Bush v. Orleans Parish School Board, 188 F.Supp. 916  
(E.D. La.), aff'd 365 U.S. 569, 5 L.Ed. 2d 806,  
81 S.Ct. 754, and sub nom. New Orleans v. Bush,  
366 U.S. 12, 6 L.Ed.2d 239, 81 S.Ct. 1091

Bush v. Orleans Parish School Board, 190 F.Supp. 861  
(E.D.La.), aff'd 365 U.S. 569, 5 L.Ed.2d 806,  
81 S.Ct. 754

Bush v. Orleans Parish School Board, 191 F.Supp.871  
(E.D.La.) aff'd sub. nom. Legislature of Louisiana  
v. United States, 367 U.S. 908, 6 L.Ed.2d 1249,  
7 L.Ed.2d 71, 81 S.Ct. 1917, 82 S.Ct. 26

Bush v. Orleans Parish School Board, 194 F.Supp. 182  
(E.D. La.), aff'd 368 U.S. 11, 7 L.Ed.2d 75 and  
138, 82 S.Ct. 32 and 1245.

### III.

The United States is a proper party to seek an injunction against unlawful interference with or obstruction to the carrying out of the orders of its courts.

United States v. Louisiana, 188 F.Supp. 916 (E.D.La.,  
1960, stay denied 364 U.S. 500 (1960),  
aff'd sub nom. Orleans Parish School Board  
v. Bush, 365 U.S. 569 (1961), 5 L.Ed.2d 806,  
81 S.Ct. 754.

Bush v. Orleans Parish School Board, 190 F.Supp. 861  
(E.D.La. 1960), aff'd 365 U.S. 569, 5 L.Ed.2d 806,  
81 S.Ct. 754

*Suit always filed  
Rule 65  
360 A. 484  
256 7(2) 410  
CAS*

Bush v. Orleans Parish School Board, 191 F.Supp. 871  
(E.D.La. 1961), aff'd sub. nom. Legislature of  
Louisiana v. United States, 367 U.S. 908 (1961),  
6 L.Ed.2d 1250, 81 S.Ct. 1925.

United States v. Mississippi, supra

Faubus v. United States, supra

Respectfully submitted,

*Macon L. Weaver*

MACON L. WEAVER  
United States Attorney

*St. John Barrett*

ST. JOHN BARRETT  
Attorney  
Department of Justice

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WILLIAM E. DAVIS, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
BY: *Jewel M. Massey*

DEPUTY CLERK



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

*Western Division*

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

GEORGE C. WALLACE, )

Defendant. )

CIVIL ACTION

NO. CA 63-255

COMPLAINT

FILED IN CLERK'S OFFICE  
NORTHERN DISTRICT OF ALABAMA

MAY 24 1963

WILLIAM E. DAVIS  
CLERK, U. S. DISTRICT COURT

By: *James M. Massey*  
Deputy Clerk

The United States, as a claim against the defendant, alleges:

1. This action is brought by the United States in its sovereign capacity to safeguard the due administration of justice in its courts and the integrity of its judicial process.

2. This Court has jurisdiction of this action under 28 U.S.C. 1345.

3. George C. Wallace is Governor of the State of Alabama and, as such, has taken an oath to support the Constitution of the United States. He resides in Montgomery, Alabama.

4. The University of Alabama is an institution of higher learning, maintained and operated by the State of Alabama. It is administered by a Board of Trustees

*original  
these proceedings to  
Fed. D. Ct. of suits  
submitted by U.S.  
agency authorized by  
Congress*

consisting of twelve members. The Governor of the State of Alabama is an ex officio member of the Board of Trustees.

5. On July 1, 1955, this Court entered its order in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, permanently enjoining the Dean of Admissions of the University of Alabama from denying Negroes the right to enroll in the University and pursue courses of study thereat solely on account of their race or color.

6. On May 16, 1963, this Court, upon application of Vivian J. Malone, a Negro citizen of Alabama, and certain others, entered an order determining that the Court's order of July 1, 1955, in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, was still in full force and effect, and that Negroes with applications pending for enrollment in the University of Alabama could apply to this Court for enforcement of the order of July 1, 1955.

7. On May 21, 1963, this Court heard a motion filed on behalf of eleven of the members of the Board of Trustees of the University of Alabama for leave to intervene in the case of Autherine J. Lucy, et al. v. William F. Adams, and to modify and suspend this Court's order of July 1, 1955 as construed on May 16, 1963. In their motion the members of the Board represented that Vivian J. Malone and David M. McGlathery, each a Negro citizen of the State of Alabama and an applicant for enrollment in the University, were qualified to be enrolled under the

terms of this Court's order of July 1, 1955, but requested that implementation of that order be delayed with respect to their admission to the University because of an alleged state of unrest in racial relations in the State of Alabama. The Court, on May 21, 1963, allowed said members of the Board of Trustees to intervene and denied the motion to modify and suspend the order of July 1, 1955.

8. Vivian J. Malone and David M. McGlathery are entitled to be enrolled in and to attend the University of Alabama pursuant to and under the terms of this Court's orders of July 1, 1955, May 16, 1963, and May 21, 1963, in the case of Autherine J. Lucy, et al. v. William F. Adams.

9. On May 21, 1963, following the entry of the order described in paragraph 7, George C. Wallace publicly stated that he would bar the entrance of any Negro who attempts to enroll in the University of Alabama pursuant to the order of this Court. The full text of the written statement of George C. Wallace, as released to the press on May 21, 1963, is attached as an appendix to this complaint.

10. Unless restrained by order of this Court, George C. Wallace will attempt to prevent the enrollment and attendance of Vivian J. Malone and David M. McGlathery and other qualified Negro applicants in the University of Alabama, and will thereby interfere with and obstruct the carrying out of the lawful orders of this Court.

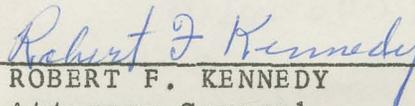
*We don't know this*

11. Unless an injunction is issued, the plaintiff will suffer immediate and irreparable injury, consisting of the impairment of the integrity of its judicial process, the obstruction of the due administration of justice, and the deprivation of rights under the Constitution and laws of the United States.

WHEREFORE, plaintiff respectfully prays that this Court issue a preliminary injunction during the pendency of this action, and a permanent injunction after trial, enjoining the defendant, his agents, employees, subordinates and successors, together with all persons in active concert or participation with them or any of them, from:

- (a) preventing or seeking to prevent, or interfering in any way with, the enrollment and attendance of Vivian J. Malone and David M. McGlathery at the University of Alabama;
- (b) obstructing or interfering with, by any means or in any manner, the implementation of this Court's orders of July 1, 1955, May 16, 1963, and May 21, 1963, in the case of Autherine J. Lucy, et al. v. William F. Adams, No. 652, and
- (c) otherwise obstructing or interfering with the due administration of justice by the courts of the United States within the State of Alabama.

Plaintiff further prays that the Court grant such additional relief as the interests of justice may require.

  
ROBERT F. KENNEDY  
Attorney General

Burke Marshall  
BURKE MARSHALL,  
Assistant Attorney General

Macon L. Weaver  
MACON L. WEAVER  
United States Attorney

St. John Barrett  
ST. JOHN BARRETT, Attorney  
Department of Justice

VERIFICATION

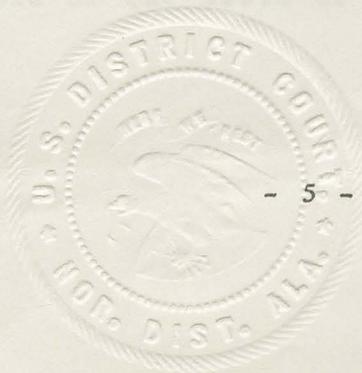
St. John Barrett, being first duly sworn, says:

I am an attorney with the Department of Justice and am one of the counsel for the plaintiff in the above action. I am familiar with the contents of the foregoing complaint and all of the allegations of fact which it contains are true to the best of my knowledge, information and belief.

St. John Barrett

Subscribed and sworn to before me this 24 of May, 1963.

Hugh P. Harris Jr.  
Notary Public  
Jefferson County Ala



A TRUE COPY  
WILLIAM E. DAVIS, CLERK  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
BY: Jewel M. Massey  
DEPUTY CLERK

## APPENDIX

Federal Judge H. H. Grooms has today issued a ruling which orders the University of Alabama to admit certain Negroes. This is another example of unwarranted interference by some Federal courts with the internal affairs of this state and I resent and reject this new assault upon the liberty and freedom of the people of the State of Alabama and of the nation. Some Federal courts no longer concern themselves with the basic guarantees which the basic framers of the Constitution felt could best be protected by reserving powers to the people to be exercised only through their state government. They have gone to ridiculous extremes to impose an unjust, unworkable, unconstitutional social experiment on the people of this country while blindly ignoring the rights of the white citizens. We must resist these actions which, if left unchallenged, can only lead to the destruction of freedom. If we do not resist we need only to look to the public schools of Washington, D.C. to learn the fate of our public school system. I believe the American people are fast awakening to the perils of the Federal courts enforcing a social ideology instead of the Constitution of the United States.

The probability of Judge Grooms' ruling as he did today was discussed with me by the members of the Board of Trustees in my office. At that time the Board voted to admit the Negroes in the event Judge Grooms ruled in their favor and refused to stay his order pending an appeal. I voted against the admission of any Negroes under any circumstances and urged the Board to appeal any such decision. The ruling of Judge Grooms will be appealed.

The Federal court would not hesitate to jail, imprison and inflict severe punishment against any lesser official than the governor of this state and this, of course, includes trustees and other officials of the University of Alabama. The obligations to protect the tradition and sovereignty of this state is my obligation and will be fulfilled by me.

As Governor I am the highest constitutional officer of the State of Alabama. I embody the sovereignty of this state and I will be present to bar the entrance of any Negro who attempts to enroll in the University of Alabama.

There are legal questions which have not been raised and I intend to raise them. The constitutional standing that I possess as Governor and as the direct representative of the people of this state will be tested. I intend to continue to fight to preserve the integrity of the Constitution of the United States. I intend to keep my covenant with the people of the State of Alabama.