

place at Capitol Street Methodist Church. Again, out-of-state Methodist ministers accompanied the group. The proclamation was handed to one of the visiting ministers without being read to the group.

In each case, the charges and the bail (\$1000.00) was the same as had been set on October 6, 1963.

William M. Kunstler and Arthur Kinoy, of the law firm of Kunstler, Kunstler & Kinoy, filed the original federal law suit. When they arrived in Jackson on Sunday, October 20, in anticipation of next morning's scheduled hearing on the temporary restraining order and temporary injunction before Judge William Harold Cox, they learned of the new arrests. In order to prevent the state trials, which were scheduled for the next afternoon, the attorneys removed the cases to the federal court pursuant to an 1866 civil rights removal statute. On Monday morning, they asked Judge Cox to accept custody of the prisoners and sign a writ of habeas corpus. When the judge refused, a bail hearing was set down for the afternoon. By the end of the day, the judge had refused to set bail or to take custody of the prisoners.

The attorneys applied at once to the United States Court of Appeals for the Fifth Circuit and, after emergency argument before Chief Judge Tuttle and two circuit judges on Thursday, October 24, Judge Cox was ordered "forthwith" to take custody of the prisoners. On Friday morning, counsel presented the appellate court's order to Judge Cox who, after great pressure from defense attorneys, finally concluded a bail hearing. Federal bail was the same as state except for the Galloway Memorial Methodist Church member and the four arrested Methodist ministers where it was reduced to \$500.00 each. It took until late Friday evening, with the defense attorneys writing the bonds themselves. Most of the cash required for such bonds was brought to Jackson by Leland Rayson, an Illinois attorney and a Methodist layman who cooperated extensively with the defense attorneys and who is prepared to assist in the future.

After the bail hearing was concluded, Judge Cox continued taking evidence on the city's motion to remand the twelve cases back to the state court. In this connection, a local Methodist minister attempted to dispute the testimony of two of the visiting ministers that the Methodist discipline calls for non-segregation of Methodist churches. Parenthetically, it

might be remarked that the former's testimony was confused, rambling and wholly non-conclusive. The mayor of Jackson admitted that several ministers had conferred with him in his office and that he would use 50 policemen, if necessary, to help any church remain segregated. The deputy police chief, Captain Ray, said that he had arrived at two of the subject churches early in order to watch out for integration attempts of which he had had previous information. The ministers of Galloway and Trinity testified for the defense and stated that they had not asked for any arrests and that, as a personal matter, they did not desire any.

After hearing argument, Judge Cox, at the defense's request, asked for briefs in five days. He also took under advisement the defense's motion for a temporary restraining order and temporary injunction in the federal suit filed on October 11th.

The attorneys are now prepared to take appropriate action before the United States Court of Appeals if Judge Cox should, as is expected, remand the cases back to the state court and deny the motion for temporary injunctive relief. It is expected that there is a reasonable ground to hope for favorable rulings if and when this step becomes necessary.

From the legal aspect, this set of cases present a significant opportunity to resolve the contradiction in the South between the gospel and the segregation policies of individual churches which are backed by the power of the state and the White Citizen's Council. I might add that the latter group, which is subsidized by the state, has made a public pronouncement that it will not see Mississippi churches desegregated. If ministers from other areas continue to attempt to attend church services on succeeding Sundays, the issue will be even more dramatically set forth and this is apparently the intention of the Chicago clergymen and their supporters.

There is no doubt that this issue is deeply troubling many whites in Jackson. In addition, there are many ministers who feel that churches should be desegregated or, at least, not enforcing segregation as church policy. Although the pressures are enormous, there is a history of Methodist protest against segregation, the most recent example of which was the proclamation of last November when some thirty-six Methodist clergymen stated that segregation is un-Christian.

It is hoped that these cases will receive important and substantial support from church groups. Not only is litigation of this type expensive but it is vital that its progress be brought to the attention of communicants everywhere as well as to the general public. A breakthrough in this area in Mississippi would do a great deal to open up this hard-core state to further integration and it would mark the staking out of the church's battlelines, not only at lunch counters and amusement parks, but at the door of the church itself.

Among other things, it would be desirable to post a competent and energetic lawyer in Jackson for the next several months to remain available instantly. The local lawyer we now have is not a civil rights expert and, because he is one of three Negro attorneys in Mississippi, is not readily available because of the press of other legal business. We have already received assurance from the Chicago group of funds

for a two-week sojourn by an attorney who is available for such work. In fact, without such a man stationed in Jackson, it is almost impossible to keep the offensive that we have gained thus far.

It is hoped that the New Orleans meeting will produce a promise of financial and moral support to the Jackson cases. It is our rough estimate that the federal suit through the District Court will cost in the neighborhood of \$15,000.00. This includes travel, court costs, transcripts and moderate attorneys' fees. It is this type of budget that we urgently seek and we will, of course, account for such a sum to those from whom we receive it.

If any further information is needed, we will be happy to furnish it. We are deeply involved in the eventual success of this litigation and we hold ourselves available in any way you may see fit to use us.

CHRISTIAN UNITY, THE METHODIST CHURCH, AND JACKSON 1EK56.44c

john f. baggett and philip m. dripps

On behalf of the Chicago Inner City Methodist Ministers' Fellowship, two members have prepared a statement dealing with some of the theological issues related to the events in Jackson, Mississippi. Mr. Baggett, a native of the South, is pastor of Community Methodist Church, and Mr. Dripps is pastor of Ogden Park Methodist Church.

Spare no effort to make fast with bonds of peace the unity which the Spirit gives. There is one body and one Spirit, as there is also one hope held out in God's call to you; one Lord, one faith, one baptism; one God and Father of all, who is over all and through all and in all.

—Ephesians 4:4-6, NEB

The Church is the instrument of God's purpose. This is his Church. It is ours only as stewards under his lordship. The requirements for its membership and the nature of its mission are set by God. The House of God must be open to the whole family of God. If we discriminate against any persons, we deny the essential nature of the church as a fellowship in Christ.

—Methodist Discipline, Par. 2026

CHICAGO MINISTERS, COEDS FILE PETITIONS Jackson, Mississippi—Four Chicago area white Methodist ministers and two Chicago coeds arrested while trying to go to church here sought Monday to transfer their cases to federal court. —Chicago Daily News

1. OUR CHRISTIAN UNITY.

The words of Holy Scripture, the Methodist Discipline, and the newspaper of October 21 present a stark and tragic contradiction in the life of the Methodist Church. By command of God the church is one; by the acts of men it is torn asunder. The arrest of Christians seeking to worship Almighty God in a Methodist house of prayer in Jackson, Mississippi, reveals to the church and to the world that a crisis of the first magnitude confronts Methodism in all its parts.

The letter to the church at Ephesus proclaims that the church is one body "bonded and knit together by every constituent joint" (Ephesians 4:16). The head of the body is Jesus Christ, on whom the whole body depends, and who "is himself our peace . . . who has made the two (Jew and Gentile) one, and in his own body of flesh and blood has broken down the enmity which stood like a dividing wall between them" (Ephesians 2:14, 15).