



THE PRESENT SUPREME COURT HAS IN A NUMBER OF CASES FREED
CONFESSED NEGRO RAPISTS AND MURDERS BECAUSE THEY WERE NOT
ARRAIGNED WITHIN A PERIOD OF TIME THAT THESE EIGHT PEOPLE HAVE
BEEN IMPRISONED AND DENIED THE RIGHT OF COUNSEL BY MILITARY MIGHT.

UNDER THE DECISION OF EX PARTE MILLIGAN, MILITARY
COURTS HAVE NO JURISDICTION WHERE CIVIL COURTS ARE AVAILABLE.
I WOULD NOT CHALLENGE ANY CONTENTION THAT THE PRESENT SUPREME
COURT WOULD REVERSE THIS DECISION IN ANY CASE INVOLVING SCHOOL
INTEGRATION, BUT THEY HAVE NOT YET DONE SO, AND UNDER EXISTING
LAW THESE EIGHT MEN, WHATEVER MAY HAVE BEEN THEIR CRIME, HAVE
BEEN CLEARLY DENIED THEIR CONSTITUTIONAL RIGHTS.

I DO NOT HAVE FIRST HAND INFORMATION OF THE FEELING
OF THE MAJORITY OF THE PEOPLE IN LITTLE ROCK. THE ATTENDANCE
IN THIS SCHOOL WOULD INDICATE THAT A MAJORITY OF THE PEOPLE
DO NOT HAVE VERY STRONG FEELINGS AGAINST INTEGRATING THE SCHOOL.
BUT IF A MINORITY OF ONE WHO HAS CONFESSED THE CRIME OF RAPE
AND MURDER IS ENTITLED TO EARLY ARRAIGNMENT AND COUNSEL, THE
EIGHT DISSENTERS AT LITTLE ROCK SHOULD NOT BE DENIED THEIR
RIGHTS MERELY BECAUSE THE PRESIDENT OF THE UNITED STATES SAW
FIT TO PLACE THE SCHOOL UNDER MILITARY CONTROL.

THE LAWS OF THIS COUNTRY GIVE AMPLE AUTHORITY TO
UNITED STATES MARSHALS TO DEPUTIZE A POSSE OF SUFFICIENT
STRENGTH TO MAINTAIN ORDER AND CARRY OUT ANY DECISION OF THE
COURTS. IT HAS NEVER CONTEMPLATED THAT SUCH A GREAT AGGREGATION
OF MILITARY MIGHT WOULD BE DIVERTED FOR THIS PURPOSE.

HOWEVER, SINCE YOU HAVE SEEN FIT TO ORDER THE TROOPERS
INTO ACTION, THEY SHOULD OBSERVE THE ELEMENTARY RIGHTS OF
AMERICAN CITIZENS WHO ARE VIOLATING NO FEDERAL LAW, ESPECIALLY
IN THE ABSENCE OF A DECLARATION OF MARTIAL LAW.

THERE ARE MILLIONS OF PATRIOTIC PEOPLE IN THIS
COUNTRY WHO WILL STRONGLY RESENT THE STRONG ARMED
TOTALITARIAN POLICE-STATE METHODS BEING EMPLOYED AT LITTLE
ROCK. THE FACT THAT THESE TACTICS ARE UNNECESSARY MAKES
IT EVEN MORE TRAGIC.

THERE ARE A NUMBER OF OTHER ASPECTS OF THIS CASE
AS REPORTED IN THE PRESS WHICH DO NOT REFLECT CREDIT UPON
THOSE IN COMMAND OF THIS ARMY OF TROOPERS. UNLESS CORRECTED
THIS WILL BRING THE ARMED SERVICES INTO DISREPUTE.

I EARNESTLY INSIST THAT ORDERS BE ISSUED PROHIBITING THESE
ACTS OF VIOLENCE WHICH ARE WHOLLY UNNECESSARY, ESPECIALLY
IN VIEW OF THE FACTS THAT THE NEGRO CHILDREN HAVE A LARGE
ARMED PERSONAL ESCORT TO AND FROM THE SCHOOL; THAT ARMED
TROOPERS PATROL THE CORRIDORS AND CLASSROOMS; AND THAT A
CORDON OF ARMED TROOPERS SURROUNDS THE SCHOOL.

THE UNITED STATES GOVERNMENT IS UNDOUBTEDLY LIABLE
IN PECUNIARY DAMAGES FOR ANY ATTACKS UPON UNOFFENDING
CITIZENS. WE HAVE SURRENDERED AN AMERICAN SOLDIER ACCUSED
OF AN ATTACK OF VIOLENCE AGAINST A JAPANESE NATIONAL TO THE
JAPANESE COURTS FOR TRIAL. WE CANNOT DO LESS THAN INVESTIGATE
THESE ATTACKS AND PROPERLY PUNISH ALL OF THOSE WHO MAY HAVE
BEEN GUILTY OF UNNECESSARY VIOLENCE AGAINST INOFFENSIVE AND
PEACABLE AMERICAN CITIZENS

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