

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

UNITED STATES OF AMERICA, et al.,)
) Plaintiffs,)
) v.)
JOHN J. FRAISER, JR, et al.,)
) Defendants.)
_____)

CIVIL ACTION NO. _____

APPLICATION FOR TEMPORARY
RESTRAINING ORDER

Plaintiffs respectfully apply to the Court to enter an order, without notice or hearing, temporarily restraining John J. Fraiser, Jr. and Arthur B. Clark, Jr. from further proceeding in action No. 13283 in the Chancery Court of Leflore County or from taking any action to enforce the writ of injunction issued in that action against the Greyhound Corporation and S. M. Courtney on October 27, 1961.

This application is based upon the verified complaint of the plaintiffs filed this day.

UNITED STATES OF AMERICA and
INTERSTATE COMMERCE COMMISSION,

BY: _____
HOSEA M. RAY, United States
Attorney, Northern District
of Mississippi

ST. JOHN BARRETT, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

UNITED STATES, ET AL.,)
)
Plaintiff,)
)
v.)
)
JOHN J. FRAISER, JR.,)
ET AL.,)
)
Defendants.)
_____)

CIVIL ACTION NO. _____

TEMPORARY RESTRAINING ORDER

It appearing from the verified complaint of the United States and the Interstate Commerce Commission that the Greyhound Corporation and S. M. Courtney, its agent, are required by Section 180a of Title 49 of the Code of Federal Regulations to remove by no later than midnight, October 31, 1961, all signs posted at the Greyhound bus terminal in Greenwood, Mississippi, indicating that certain facilities are for the use of persons of any particular race or color; that if the Greyhound Corporation and S. M. Courtney fail to remove such signs they will be in violation of the laws of the United States and subject to criminal prosecution therefore; that John J. Fraiser, Jr., as County Attorney of LeFlore County, Mississippi, has filed an action in the court of the Fourth Judicial District of the State of Mississippi, titled State of Mississippi v. Greyhound

Corporation and S. M. Courtney, Action No. 13,283, to enforce the provisions of Section 7787.5 of the Mississippi Code; that Section 7787.5 of the Mississippi Code requires the Greyhound Corporation and S. M. Courtney to maintain signs in the Greyhound Bus Terminal in Greenwood, Mississippi, designating certain facilities for the use of intrastate passengers who are of the white race and signs designating other facilities for the use of intrastate passengers who are of the Negro race; that Arthur B. Clark, Jr., as Judge of the Fourth Circuit District Court of the State of Mississippi has ordered the issuance of a writ of injunction and the Clerk of the Court has issued a writ of injunction requiring the Greyhound Corporation and S. M. Courtney to maintain such signs for as long as the bus terminal is used by intrastate passengers; that enforcement of the writ of injunction will require the Greyhound Corporation and S. M. Courtney to violate the laws of the United States and more particularly paragraph 4 of Section 180a of the Code of Federal Regulations which becomes effective on November 1, 1961; that the enforcement of the decree will impose burden upon interstate commerce by motor carrier to, from, and through Greenwood, Mississippi, all before notice can be served and a hearing had upon the plaintiffs' motion for a preliminary injunction; and

The court being of the opinion that the complaint raises ~~substantial~~ questions as to the constitutionality of Section 7787.5 of the Mississippi Code and of whether further proceedings in Action No. 13,283 in the Fourth Circuit Court

District of the State of Mississippi and the enforcement of the writ of injunction issued in that action will impose an unconstitutional burden upon interstate commerce and will otherwise violate the laws of the United States;

NOW, THEREFORE, IT IS ORDERED that John J. Fraiser, Jr., and Arthur B. Clark, Jr., be and they hereby are temporarily restrained from proceeding further in Action No. 13,283 in the Fourth Circuit District Court of the State of Mississippi or enforcing or taking any action to enforce the writ of injunction issued in Action No. 13,283.

UNITED STATES DISTRICT JUDGE

Signed on October 31, 1961,

at _____ o'clock _____ .m.