

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) CIVIL ACTION NO. 3215  
 )  
 )  
 MAYOR AND SELECTMEN OF )  
 MC COMB CITY, a Municipal )  
 Corporation; C. H. DOUGLAS, )  
 Mayor of the City of McComb )  
 City; and GEORGE GUY, Chief )  
 of Police of McComb City, )  
 )  
 Defendants. )

PRELIMINARY INJUNCTION

This cause having this day come on for hearing upon plaintiff's motion for a preliminary injunction, the defendants having been present in court and represented by counsel, pursuant to defendants' special appearance for the purpose of challenging the jurisdiction of the court over the subject matter of this action and the court having taken such motion under advisement for consideration and decision at a later date, and having requested the parties to proceed with the plaintiff's motion for temporary injunction at this time, and the Court having heard oral testimony on behalf of both the plaintiff and the defendants and having received other evidence, and

It appearing from the verified complaint of the plaintiff and from the testimony and other evidence proffered at the hearing that C. H. Douglas is Mayor of the City of McComb City and that George Guy is Chief of Police of McComb City; that the Greyhound Corporation is a common carrier of passengers in interstate commerce and holds a certificate of public convenience and necessity issued by the Interstate Commerce Commission; that said Greyhound Corporation is also a common carrier of passengers in intrastate commerce within the State of Mississippi and holds a certificate of public convenience and necessity issued by the Mississippi Public Service Commission; that the Greyhound Corporation maintains a bus terminal in McComb City, Mississippi, with facilities for the comfort and convenience of its passengers traveling in interstate and intrastate commerce at 206 Canal Street in said City; that on October 24, 1961, the Greyhound Corporation, in compliance with paragraph 4 of the regulations promulgated by the Interstate Commerce Commission in Docket No. MC-C-3358, effective November 1, 1961, obliterated certain signs previously displayed on the terminal designating certain facilities for separate use upon the basis of race; that on October 25, 1961, the defendants, for the purpose of enforcing segregation statutes of the State of Mississippi including sections 2351.5, 2351.7 and 7787.5 of the Mississippi Code, erected upon the sidewalk adjacent to the entrances of the bus terminal signs designating certain of the terminal's facilities for the use of the Negro race and certain of the facilities for the use of the white race; that on or about November 1, 1961, the defendants replaced the signs at the entrances of the bus terminal with two types of

sign, one reading "White Waiting Room - Intrastate Passengers" and the other reading "Colbred Waiting Room - Intrastate Passengers"; that the defendants have since on or about November 1, 1961, maintained and will continue to maintain, unless restrained by order of this Court, the signs; and that the display and maintenance of the signs at the entrances of the Greyhound bus terminal in McComb is causing and will cause irreparable injury to the plaintiff, and

The Court being of the opinion that sections 2351.5, 2351.7 and 7787.5 of the Mississippi Code are unconstitutional, null and void; that they are contrary to and in conflict with the commerce clause of Article I, Section 8 of the Constitution, the supremacy clause of Article 6 of the Constitution, and the Fourteenth Amendment to the Constitution, and that they conflict with the regulation of the Interstate Commerce Commission entered in Docket No. MC-C-3358 and with 49 U.S.C. 316(d).

NOW, THEREFORE, IT IS ORDERED that the Mayor and Selectmen of McComb City, C. H. Douglas, and George Guy, together with their agents, officers, employees, successors in office and all those in active concert or participation with them, be and they hereby are enjoined from:

- (a) Placing, maintaining or displaying in or near the Greyhound bus terminal in McComb City, Mississippi, signs indicating or suggesting that any of the terminal facilities are for the use of persons of any particular race or color;
- (b) Interfering in any way or by any means with compliance by the Greyhound Corporation with the laws of the United States and the

regulations of the Interstate Commerce Commission prohibiting racial discrimination in the vehicles and facilities of interstate commerce, and

- (c) Otherwise seeking to enforce or coerce the segregation of the white and Negro races in their use of terminal facilities used in interstate commerce.

IT IS FURTHER ORDERED that the defendants forthwith remove the racial signs which they have heretofore placed and are now maintaining at the entrances of the Greyhound Bus Terminal of McComb City, Mississippi.

The Marshal is directed to serve a copy of this order upon each of the defendants.

Done in open court  
November 21, 1961.

/s/ Elbert P. Tuttle  
Circuit Judge

Signed this \_\_\_ day  
of November, 1961.  
of

/s/ Richard T. Rives  
Circuit Judge

\_\_\_\_\_  
District Judge