

IN THE DISTRICT COURT OF THE UNITED STATES

EASTERN DISTRICT OF ARKANSAS

WESTERN DIVISION

JOHN AARON et al, Plaintiffs

vs

WILLIAM G. COOPER et al., Defendants

Civil Action No. 3113

ORDER DENYING STAY

The motion of the plaintiff to stay the enforcement of the judgment in this action rendered by us on June 20, 1958, pending appeal therefrom, having been given new consideration by the court, is hereby denied.

As we understand the law, we have a discretion in this matter; and we feel that that discretion should be exercised in denying the motion, primarily for the reason that from a practical standpoint to grant this motion and stay the enforcement of our judgment would to a large extent nullify our order in the case, since it will in all probability take months to carry the case through the Court of Appeals and the United States Supreme Court; and in the meantime the situation at Central High School, which we have found to be intolerable from an educational standpoint, would continue from the beginning of the approaching session to the final ruling of the Supreme Court on the merits of the case; and for the reason stated in our opinion in said cause, we do not think that such is in the public interest, including the interest of both the white and Negro students in the Little Rock district.

The Honorable Archibald K. Gardner, Chief Judge of this circuit, in assigning us to handle the school board's plea, gave us up to and including Sept. 1, 1958, within which to try and decide the case. In order that any aggrieved party might apply for appellate relief before the beginning of the next school session, our preliminary proceeding, the trial and the preparation and filing of our opinion and order were speeded up as fast as we felt such could be done and at the same time give proper consideration to the cause.

We do not feel that the plaintiffs are deprived of the opportunity of securing an appellate ruling on their motion for supersedeas by reason of the action we are now taking, since it will be more than two months before Central High School convenes this fall, and in the meantime the plaintiffs can apply at least to the Court of Appeals of this circuit for a stay of the enforcement of our judgment of this action.

This, the Twenty-third day of June, 1958.

HARRY J. LEMLEY
United States District Judge