

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

WILLIAM G. COOPER, et al., Members of
the Board of Directors of the Little
Rock, Arkansas Independent School District,
and Virgil T. Blossom, Superintendent of
Schools,

PETITIONERS

Vs.

No. 16034

JOHN AND THELMA AARON, Minors, by their
mother and next friend, (Mrs.) THELMA
AARON, et al.,

RESPONDENTS

APPLICATION FOR STAY

William G. Cooper, et al., Members of the Board of Directors of the Little Rock, Arkansas Independent School District, and Virgil T. Blossom, Superintendent of Schools, petitioners herein, pray that the judgment entered in this cause on August 18, 1958, be stayed pending application to the Supreme Court of the United States for certiorari.

Certiorari is applied for in order that the Supreme Court of the United States may finally determine whether an order for school desegregation may be postponed upon a finding that continued implementation has resulted and for a time would continue to result in grave injury to public interests, the educational program, and the welfare of the school children.

Unless a stay of this judgment is granted, petitioners will be irreparably injured during the pendency of the case in the Supreme Court for the reason that in absence of a stay the conceded difficult and dangerous conditions under which the Little Rock

School District has attempted to conduct its program of education during the past school year will be perpetuated and aggravated. While the grave questions involved in this case remain unsettled by the Supreme Court, implementation of the desegregation of schools would create an increasingly intolerable situation caused in large measure by the uncertainty existing until final determination of this matter. Moreover, the appellate jurisdiction of the Supreme Court will be preserved by granting this application for, in the event of its denial, ultimate reinstatement of the District Court decision would effect only partial relief and would not be a remedy for the injury to the schools and to the public interest during pendency of this action. On the other hand, the respondents will not be harmed if a stay is granted, for all that is at stake for them is a modus vivendi until the Supreme Court acts. Enrollment in one of the other fine schools in the Little Rock school system during this period will not, to say the least, be detrimental to the progress of their education.

WHEREFORE, Petitioners pray that the judgment of this Court be stayed pending application to the Supreme Court for certiorari.

Richard C. Butler
Boyle Building
Little Rock, Arkansas
Attorney for Petitioners

I certify that on this 20th day of August, 1958, I have served this Application for Stay upon the Respondents by mailing copies of same to their attorneys, Wiley A. Branton, 119 East Barrague Street, Pine Bluff, Arkansas, and Thurgood Marshall, 10 Columbus Circle, New York 19, New York.

Richard C. Butler
Attorney for Petitioners