

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED

OCT 28 1963

THOS. E. RHODES, CLERK
U. S. DISTRICT COURT

CIVIL ACTION NO. ~~100~~ DIST. OF N. C.

JOHN B. GRIFFITH, ET AL.,
Plaintiffs,

v.

J. L. ROBINSON, ET AL.,
Defendants

J U D G M E N T

This cause coming on to be heard and having been heard on motion for a temporary restraining order and or a Preliminary Injunction and a Motion entitled Interrogatories and the same having been heard before his Honor Wilson Warlick in Chambers in the Federal Court, Asheville District of the Western Division of North Carolina on September 26, 1963 at about 10:00 A.M.

Those present being Ruben J. Dailey and Robert L. Harrell, Attorneys for the Petitioners, and The Petitioners also, and William Atkins, Successor Attorney for the Defendant School Board and Mr. Hubert D. Justice, Superintendent and Secretary of the said Defendant Board and the Chairman of the said Board, R. A. Radford.

After hearing, by his Honor, the discussions and arguments participated in by Attorneys for the Petitioners, and Mr. William Atkins, Attorney for the Respondent School Board; his Honor found as a fact:

1. That a hearing was had in this same said case on a Petition by the Petitioners for the admission of John B. Griffith and others to the Burnsville Elementary School from the Oak Crest School on or about August 13, 1962 and at said hearing his Honor ordered the Defendant Board to present a plan of integration and inclusion of the Oak Crest School into the total Yancey County School System; but as of this

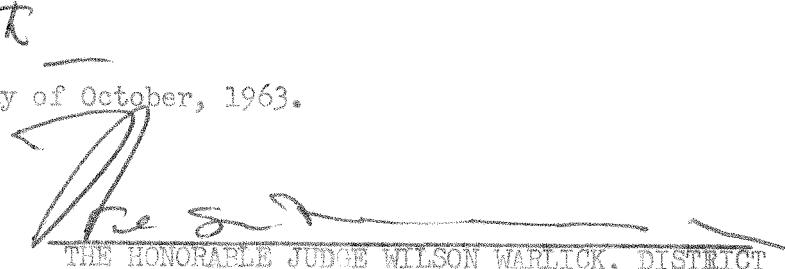
date the said School Board has not utilized all of its facilities such as the two school rooms at the said Oak Crest School and that said Oak Crest School at the present time only has an enrollment of from eighteen to twenty-two Negro students in grades one through eight and that said Oak Crest School is staffed by two Negro teachers;

2. His Honor further finds as a fact that since August 1962 the said Defendant Board has only assigned one Negro pupil from the Oak Crest Elementary School to the Burnsville Elementary School; this being the only integration in the Elementary School System supervised by the Defendant Board; that no white students of the elementary grade levels have been assigned by the defendant Board to said Oak Crest Elementary School although the Defendant Board contends that the Burnsville Elementary School is over crowded; and that the defendant Board has not produced a plan of integration for its elementary School System nor has the said defendant Board included the said Oak Crest School as a part of its overall elementary School system;

NOW THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that the Defendant Board is granted until the end of the present semester or the first day of January, 1964 to present a plan of integration of its total elementary school system, including the Oak Crest School and in said plan to use the facilities of the Oak Crest School for White and Negro students or assign the Negro students to the Burnsville Elementary School.

This matter is retained under the jurisdiction of this Court until further orders are made.

This the 28^{LT} day of October, 1963.


THE HONORABLE JUDGE WILSON WARLICK, DISTRICT
JUDGE OF UNITED STATES COURT
ASHEVILLE DIVISION
WESTERN DISTRICT OF NORTH CAROLINA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Asheville Division

FILED

SEP 26 1960

THOS. E. RHODES, CLERK
U. S. DISTRICT COURT
W. DIST. OF N. C.

JOHN B. GRIFFITH, et al.,

Plaintiffs,

v.

THE BOARD OF EDUCATION OF YANCEY COUNTY,
a body corporate,

Defendant.

CIVIL ACTION NO. 1881

ORDER GRANTING INJUNCTION

This cause came on to be heard on July 11 and 12, 1960, and the cause was fully tried and submitted to the Court. Thereafter the plaintiffs filed a verified Supplemental Complaint setting forth events and occurrences since the trial of the case, and motions for interlocutory injunctive relief. The Court having duly deliberated and having filed its opinion on September 12, 1960, which opinion includes findings of fact and conclusions of law in accordance with Rule 52 of the Federal Rules of Civil Procedure, it is therefore:

1. ORDERED, that the defendant Board of Education of Yancey County, a body corporate, its agents, servants, employees and all persons in active concert and participation with it be, and they hereby are, permanently restrained and enjoined from any and all action that regulates or affects, on the basis of race or color, the admission, enrollment, or education of the minor plaintiffs or any other Negro children similarly situated, to and in any public school under the operation, control, direction, or

supervision of the defendant Board of Education of Yancey County;
and

2. IT IS FURTHER ORDERED, that the defendant Board of Education of Yancey County, a body corporate, its agents, servants, employees and all persons in active concert and participation with it be, and they hereby are, restrained and enjoined pending further hearing and determination of the cause, from refusing to admit, enroll and educate the following named minor plaintiffs in either or both of the two properly accredited high schools maintained and operated by the defendant Board in Yancey County, i.e., East Yancey High School and Cane River High School, within thirty days following the filing of the opinion of this Court on September 12, 1960:

James Porter Young; Carolyn Young; John V. Jackson;
Rose D. Roland; Louis S. Young; John R. Horton; Kay F. Griffith;
Shirley Barnett.

3. AND IT IS FURTHER ORDERED, that within thirty days following the filing of the opinion of the Court on September 12, 1960 the defendant Board of Education of Yancey County reconsider its action assigning those of the minor plaintiffs eligible to attend elementary school grades to the Oak Crest Elementary School, and take action to assign those children on a racially non-discriminatory basis to either the Oak Crest Elementary School or the Burnsville Elementary School, and that within the same period the defendant report its action to the Court together with a statement of the reasons therefor.

4. Jurisdiction of the cause is retained.


WILSON WARLICK
United States District Judge for the
Western District of North Carolina