

81 S.Ct. 260
Supreme Court of the United States

UNITED STATES of America,
v.
STATE OF LOUISIANA et al.
Earl Benjamin BUSH et al.,
v.
ORLEANS PARISH SCHOOL BOARD et al.
Harry K. WILLIAMS et al.,
v.
Jimmie H. DAVIS et al.

Decided Dec. 12, 1960.

Consolidated actions for injunctive relief against enforcement of measures enacted by the Louisiana Legislature with respect to school integration. A three-judge District Court, 188 F.Supp. 916, granted relief, and defendant moved for a stay of injunction. The Supreme Court held that Louisiana interposition statutes which asserted that Supreme Court decisions in school segregation cases was usurpation of state power, and which purported to interpose state sovereignty, were invalid.

Motions denied.

Attorneys and Law Firms

*500 Jack P. F. Gremillion, Atty. Gen. of La., for State of Louisiana and others.

W. Scott Wilkinson and Thompson Clarke, for Legislature of Louisiana and others.

Solicitor General Rankin, for the United States.

Robert G. Polack, Peter H. Beer, William M. Campbell,

Jr. and Ralph N. Jackson, for Orleans Parish School Board and others, in opposition.

Thurgood Marshall, Constance Baker Motley and A. P. Tureaud, for Bush and others, in opposition.

Opinion

PER CURIAM.

These are motions for stay of an injunction by a three-judge District Court which nullified a series of enactments of the State of Louisiana. The scope of these enactments and the basis on which they were found in conflict with *501 the Constitution of the United States are not matters of doubt. The nub of the decision of the three-judge court is this:

‘The conclusion is clear that interposition is not a constitutional doctrine. If taken seriously, it is illegal defiance of constitutional authority.’ Bush v. Orleans Parish School Board (United States v. State of Louisiana), D.C., 188 F.Supp. 916, 926.

The main basis for challenging this ruling is that the State of Louisiana ‘has interposed itself in the field of public education over which it has exclusive control.’ This objection is without substance, as we held, upon full consideration, in Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401, 3 L.Ed.2d 5. The others are likewise without merit.

Accordingly, the motions for stay are denied.

All Citations

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