

5 Rapp no. 17 (1973)

BOARD OF SCHOOL COMMISSIONERS V. U.S.

HEADNOTE

by Ira Brad Matetsky

Source: Papers of William H. Rehnquist, Box 5, the Hoover Institution Library and Archives, Stanford, California.

Opinion by: William H. Rehnquist (given in source).

Opinion date: September 5, 1973 (given in source).

Citation: Board of School Commissioners v. United States, 5 Rapp no. 17 (1973).

Additional information:

This order is typed on an ordinary sheet of paper. It arose from one aspect of decades-long litigation seeking desegregation of the public schools in Indianapolis and, for a time, the surrounding area. Circuit Justice William Rehnquist's order is a practice reminder that, in 1973 as today, the Supreme Court expected lawyers to seek available relief from lower courts before making an emergency application to the Supreme Court. In subsequent history, the Seventh Circuit affirmed the aspects of the District Court order at issue here. *United States v. Board of School Commissioners*, 503 F.2d 68, 78 (7th Cir.), *cert. denied*, 421 U.S. 929 (1974).

OPINION

THE BOARD OF SCHOOL COMMISSIONERS
OF THE CITY OF INDIANAPOLIS, et al.,

Petitioners,

v.

UNITED STATES OF AMERICA,
DONNY BRURELL BUCKLEY, et al.,

Respondents.

ORDER

Petitioners have requested that I stay the portions of the August 20, 1973 District Court order directing Petitioners to assign their professional planning staff wholly to the services of the court-appointed commissioners and, additionally, to apply for available federal funds. After consideration of the briefs submitted in support and opposition, I am satisfied that petitioners did not make specific application to the District Court for stay of these portions of the order. Consequently, the District Court has not had a full opportunity to consider the contentions of the parties on these issues.

The motion to stay the above-mentioned portions of the District Court's order is therefore denied.

/s/ William H. Rehnquist
Associate Justice of the Supreme
Court of the United States
Dated this 5th day
of September 1973