

the order were enforced is no reason for not enforcing it. A person may not be denied enforcement of rights to which he is entitled under the Constitution of the United States because of action taken or threatened in defiance of such rights.

The order appealed from will accordingly be reversed and the case will be remanded to the

court below with direction to enter an order directing defendants to make a prompt and reasonable start toward complying with the court's order enjoining discrimination on the ground of race or color in admitting children to the schools under their supervision.

Reversed and Remanded with Directions.

EDUCATION

Public Schools—Virginia

William C. CALLOWAY, Jr., et al. v. Andrew A. FARLEY, Beverly H. Randolph, Jr., and Hugh V. White, individually and constituting the Pupil Placement Board of the State of Virginia, et al.

United States District Court, Eastern District, Virginia, September 18, 1957, Civ. No. 2616.

SUMMARY: Negro patrons of the schools of Richmond, Virginia, brought an action in federal district court against members of the state Pupil Placement Board and city school authorities. The action sought to enjoin the enforcement of the Virginia Pupil Placement Act (1 Race Rel. L. Rep. 1109) which requires that assignment of pupils to individual schools be made by the state board. The court issued a temporary order restraining the defendants from denying the plaintiffs the right to attend city schools solely on the basis that they had failed to apply to the board for enrollment or had not filed a "placement form."

HUTCHESON, District Judge.

ORDER

This day came the plaintiffs, by counsel, and moved the Court for a temporary restraining order based upon the allegations of their verified complaint, and it appearing that reasonable notice of the time and place of this motion has been given to defendants, who likewise appeared by counsel, and it appearing from concessions of counsel that the infant plaintiffs, through no fault of their own, are being denied the right and privilege of attending public schools or are threatened with immediate expulsion therefrom by virtue of the refusal of their parents or guardians to apply to the Pupil Placement Board for enrollment in accordance with the statutes and the rules and regulations of said Board, and the Court being of opinion that said infants will suffer irreparable and immediate in-

jury by being denied the right to attend public schools,

It is ORDERED and DECREED that the said defendants Andrew A. Farley, Beverly H. Randolph, Jr., and Hugh V. White, individually and constituting the Pupil Placement Board of the State of Virginia, and defendants The School Board of the City of Richmond, Virginia, and H. I. Willett, Division Superintendent of Schools of the City of Richmond, Virginia, be, and they are hereby, temporarily restrained from denying the infant plaintiffs and other children similarly situated the right and privilege of attending the public schools of the City of Richmond, Virginia, because of the failure of their parents or guardians to apply to the Pupil Placement Board for enrollment, pending a determination of plaintiffs' application for a preliminary injunction by the full Court, or until the further order of this Court.

Enter this 18 day of September, 1957.