

Court Clipping in Space Below

COURT REFUSES TO GRANT STAY

U. S. Judges Turn Down Bid in School Case

A special three-judge federal court refused Monday to grant a stay of its decision declaring unconstitutional and enjoining the enforcement of Louisiana's school grant-in-aid program.

The court turned down the bid for a delay pending appeal to the United States Supreme Court after conferring with attorneys for the Louisiana Financial Assistance Commission and the United States Department of Justice.

Conferring for about 90 minutes with the court were Victor H. Sachse, Baton Rouge; Sidney W. Proversal Jr., New Orleans; and J. J. Davidson, Lafayette, attorneys for the commission, and Ray Terry, trial attorney for the Justice Department.

The court, composed of Judges John Minor Wisdom and Robert A. Ainsworth Jr. of the United States Fifth Circuit Court of Appeals and District Judge Herbert W. Christenberry, took the matter under advisement at 11 a. m., and made its decision at 3:30 p. m. No written reasons were filed.

Sachse said attorney Hugh B. Cox will handle a petition addressed to Justice Hugo Black asking the U. S. Supreme Court to stay the decision. He added he is seeking oral arguments on the petition.

The three-judge tribunal declared the Financial Assistance Act of 1962 unconstitutional and issued an injunction against its enforcement Saturday.

In their motion for the stay the commission attorneys claimed that about 16,000 children are enrolled in private schools and the public schools cannot be made ready to receive the many children who may seek admission.

They also contend the court has invalidated Act 157 of 1962 without regard to its administration which is contrary to the holding of a U.S. District Court in Virginia in a recent case and that the question should be resolved on a national rather than a regional basis.

At Baton Rouge, state treasurer A. P. Tugwell said advice will be sought from Attorney General Jack P. F. Gremillion to determine if a new "standby" program for private schools would go into effect. Gremillion is attending a national convention in Portland, Ore.

The program, set up at the May session of the Legislature, provides \$3.5 million from welfare funds for "financial aid scholarships" to needy students who attend private schools.

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SECTION 1

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