

Insert Caption

TEMPORARY RESTRAINING ORDER
by
THE HONORABLE CHARLES R. RICHEY
UNITED STATES DISTRICT JUDGE

On late Friday afternoon, March 17, 1989, the Courts attention was directed to the complaint herein and its prayer for temporary, and permanent injunctive relief. Upon consideration thereof, and after arranging for a joint telephonic scheduling conference with counsel for plaintiffs' and two representatives of the Corporation Counsel's Office for the District of Columbia it was determined that this matter would be set down for a hearing at 11 a.m. today on the application by plaintiffs' for a Temporary Restraining Order and counsel for all parties were so notified after the Corporation Counsel attorneys advised that they and the Mayor would not agree to a voluntary stay so as to give the Court more time to study the matter.

Over the week-end the Court has done some ^{independent} preliminary legal research, and now has had the benefit of the briefs, and oral argument of the parties, and has studied the record compiled in this Court to date. Upon consideration thereof, the Court finds that plaintiffs ^{have standing to sue and} are likely to succeed on the merits of their action; that some or all of them may suffer irreparable injury if the defendants, their agents, servants, and employees are not restrained and enjoined from enforcing the "Short Term Curfew Emergency Act of 1989, and that the defendants' will not be harmed if the implementation or enforcement of the Act is temporarily restrained. Accordingly, it is, by the court, this 20th day of March, 1989,

ORDERED, that the defendants, and each of them, their agents, servants, and employees be and are hereby restrained and enjoined from implementing or enforcing the District of Columbia "Short Term Curfew Emergency Act of 1989," for a period of ten (10) days from the date hereof, and it is

^{without prejudice} to an application for a further ^{ten (10) day} extension thereof
FURTHER ORDERED, notice of this Order shall be immediately given by the Mayor, in writing, to all members of the law enforcement community of this City, and those who may or might operate in concert with them and this includes but is not limited to the members of the Metropolitan Police Department, but all those who from time to time assist in the enforcement of the laws of the District of Columbia, and it is

FURTHER ORDERED, that nothing herein shall be construed to constitute an opinion, one way or the other, by the Court on the

there is a justiciable controversy before the Court; that
independent
preliminary
have standing to sue and
preliminary
Moreover, in view of the serious public constitutional claims asserted the public interests would be served by issuance of the Injunction
without prejudice to an application for a further ten (10) day extension thereof

proposal by the Mayor on the law he has submitted to the City Council to supercede the one that is the subject of this Order, nor shall it be considered by anyone that the Court condones narcotic trafficking in public or private places in the Nations Capitol *or homicide*. On the contrary, the Court applauds all those associated with finding out the causes of crime, drug addiction, and its terrible cost in financial and human terms. After eighteen years of judicial service the Court is well aware of the pain and anguish that the use and sale of drugs brings to anyone associated with them. While vigorous enforcement of our criminal laws must proceed unabated, it must done with total regard for the civil liberties of all those affected by the current epidemic and the Constitutional system in this republic.

The problem must be solved but not by throwing the baby out with the bathwater. The Court also notes that the

Date

In short,

CHARLES R. RICHEY
UNITED STATES DISTRICT JUDGE

Time

instant law is more of a reaction than a solution because of the defendants admission in their brief that "it cannot be certain that the fear of minors will prove a sufficient deterrent to criminal conduct involvement or protection from the ravages of drug related crime and violence."