

Appeal Planned In Court Case

Hillsboro Suit Will Go to Higher Court

Russell Carter, Dayton attorney for the NAACP, announced in that city Thursday morning that the Hillsboro case would be appealed. The appeal was to be filed in U. S. District Court at Cincinnati Thursday.

Carter said the necessary papers had been prepared and the group had intended filing them Wednesday afternoon but the district judge left after announcing his ruling in the controversy.

The appeal, Carter said, would go to the U. S. Court of Appeals, Sixth Circuit, which covers all of Ohio and sections of nearby states. Three judges, including Judge Florence Allen, former Ohio Supreme Court justice, of Cleveland, will "sit" at Cincinnati on the appeal.

CARTER said the appeal would be on the entire record of the hearing and an appeal "by law."

"You see, this judge didn't even say that segregation was illegal in Ohio. He said the Hillsboro superintendent had a right to operate the schools as he sees fit. Our position is that it is segregation and we will carry it to the Supreme Court if necessary."

The NAACP attorney maintained Thursday, as he did in court Wednesday, that this case is differ-

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Appeal Planned

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ent from those in Southern states. He said the judge refused to permit them to cite sections of law to show this. District Judge John Druffel ruled that this case was similar to others now before the U. S. Supreme Court.

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THE COLORED group maintained that if overcrowded conditions were the chief defense of the local board then that "overcrowded condition should be one of both white and colored children."

One of the points in the appeal will be the fact that plaintiffs were not called in the case, Carter said.

Earlier, the NAACP had indicated that this would be the first test case in the northern states.

Colored youngsters again reported to the white schools here Thursday.