

# NAACP Files Suit For Injunction in School Dispute Wednesday

## Gets A Lift



SECOND hydraulic lifter obtained by the Highland County Crippled Children's Society for a county resident is shown in use here. The patient is Miss Martha Diven, 48, daughter of Mr. and Mrs. Charles Diven of New Petersburg. The lifter was a joint purchase of the family and the society. It costs around \$210. Earlier this year, the society and Rotary Club here purchased one of the devices for a local youth. A hydraulic arrangement permits easy lifting of the patient by pumping a handle. Situated on three rollers, the whole apparatus can be used to move the patient about. Miss Diven has been handicapped since birth. (Staff Photo)

## Judge Denies Restraining Order Now

Petitions were filed in United States District Court at Cincinnati Wednesday in the Hillsboro school controversy. Negro leaders say it is a move to stop what they call segregation in the local school system.

Attorneys Russell Carter and James H. McGee, both of Dayton, filed petitions asking the court for a restraining order against the school board and the superintendent, but this was denied by Judge John H. Druffel, because, he said, the board had not been officially notified of the proposed action. Judge Druffel then set September 29 for hearings on petitions for a temporary and permanent injunctions against the school board.

"The Hillsboro action is designed as a test case for racial segregation in northern schools," Mrs. Miley O. Williamson, regional coordinator in Dayton for the National Association for the Advancement of Colored People, said.

Carter, retained by the NAACP, said it would be the first test case in the north and that legal advisors from national headquarters of the association would take an active hand in the case.

**FIVE LOCAL** women are listed as plaintiffs in the case. Their children, according to the petitions, were denied admission to the Webster and Washington School.

Plaintiffs include Mrs. Gertrude Clemons, Mrs. Norma Rollins, Mrs. Elsie Steward, Mrs. Zella Mae

Cumberland and Mrs. Roxie Clemons.

The superintendent of schools and the board of education are named as defendants.

Carter said he conferred with James Hapner, city solicitor and advisor to the board, by phone Tuesday in connection with the case.

The Dayton attorney said that he and attorneys from the national office would come to Hillsboro on Oct. 4 to take depositions from Paul L. Upp, superintendent, and the board. Briefly, this means they would obtain testimony from the defendants on their side of the case.

ASSISTING Carter in the case will be Constance Baker Motley

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and Thurgood Marshall, on the national legal staff. Marshall presented some of the arguments before the Supreme Court prior to that group's ruling on segregation in the schools. Miss Motley handled research on segregation.

The Negroes claim that the court's ruling gave them the right to attend Washington and Webster Schools. School officials maintain that there is not enough space to accommodate all the extra students. They had urged that all integration be delayed until two new elementary buildings were completed in about two years. However, under a rezoning of the city by the board effective last week, some colored pupils were accepted and enrolled in both Washington and Webster buildings.

The restraining order sought by the NAACP asks that the defendants and their employees be restrained from interfering with the plaintiffs and their right to send their children to Washington and Webster School. The two injunctions carry virtually the same plea.

Carter is a regular attorney in Dayton, with offices in the Knott building. He was formerly a judge of municipal court there and prior to that, served five years as assistant trial counsel for the prosecutor of Montgomery County.

The legal action by the Negroes in the local situation was agreed upon at a meeting of the association in Warren, Ohio, Sunday. Various chapters in the state agreed to finance the test case through contributions, according to George Francis, public relations counsel for the group.

Francis said that Mrs. Williamson had reactivated the Hillsboro chapter of the NAACP, with Rita E. H. Lee, of the First Wesleyan Methodist Church here, as president.