

Negroes Seek Integration In Durham

Court Action Calls For Order To End Segregation In School

[Chapel Hill board replies to school suit, B1.]

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Parents and guardians of 161 Durham Negro children filed a suit in federal court here yesterday for an order directing the Durham School Board and its members to operate schools on a "non-racial" basis.

The suit also asks for an order to prevent the assignment of principals, teachers and other school personnel to the Durham schools on the basis of race and color. Filed in the Greensboro headquarters of U.S.

Middle District Court, the suit lists Thurgood Marshall of New York City, chief counsel of the National Association for the Advancement of Colored People, as an attorney in the case.

In addition to naming the board as a unit, the suit is directed against individual board members and Lew W. Hannen, superintendent of the Durham City Schools.

Board Members Included

Board members named in the suit are F. L. Fuller Jr., chairman, R. M. Harris, George Parks, Mrs. Ruth F. Dailey, Herman Rhinehart and Alston J. Stubbs.

Brought on behalf of the 161 children of 68 families and "all others similarly situated," the suit alleges that the Durham board is maintaining a "pattern of school zone lines based upon race and color."

The suit also makes these allegations:

1. That prior to the commencement of the 1959-60 school year, the board assigned all Negro students to schools attended solely by pupils of their own race.

2. That approximately 225 Negro children sought reassignment, with about eight of the requests being approved. The remainder were rejected.

3. That a hearing on the board's rejection of the majority of applications was requested, but with the board setting the hearing for Sept. 21, 1959, a date coming after the opening of school.

Applications Rejected

4. That after the hearing, the board announced that applications entered by those not personally present were rejected, and that the others were rejected without any cause given.

The parents and guardians of the children said the action of the board in setting the hearing for a date after school opened was "arbitrary, capricious, unreasonable, and constituted a denial of due process and equal protection of the laws . . ."

Schools to which the 161 children sought assignment were listed as Durham High School; East Durham, Carr and Brøgden Junior High Schools; and Morehead, Watts, Powe, Smith, Fuller, Hope Valley, Edgemont and Southside Schools.

The Negro children were assigned, the suit said, to Hillside High School; Whitted Junior High School; and Spaulding, Burton,

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Court Suit Filed By Durham Body

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Pearson, Walltown and Lyon Park Schools.

In another allegation, the parents and guardians said their children would have been reassigned to the schools attended by white pupils except for their race and color.

The suit also seeks an order

directing the board not to subject Negroes seeking reassignment or transfers to "criteria, requirements and prerequisites not required of white children. . . ."

"In the alternative," the suit states, the court is asked to direct the board and its members to present a plan for reorganization of the school system "on a unitary, nonracial basis. . . ."

The parents and guardians said a reorganization plan should include the assignment of pupils, principals, teachers and other school personnel and the drawing of school zone lines on a non-racial basis.