Harford Co. delay was 'deliberate'

CHARLOTTE, N.C. — The United States Court of Appeals for the Fourth Circuit has been asked to reverse a decision of Judge Roszel C. Thomsen that would allow Harford County until 1963 to completely desegregate its public schools.

The appeal was made on Thursday by NAACP attorneys Mrs. Juanita J. Mitchell and Tucker R. Dearing of Baltimore, and Jack Greenberg of New York.

It was heard by Chief Judge John J. Parker and Judges Simon E. Sobeloff and Clement F. Haynesworth Jr.

Judgement on the case has been reversed.

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NO QUESTIONS were asked by the judges during the hour and a half long arguments by the NAACP attorneys and Wilson K. Barnes, representing the Harford County Board of Education.

The NAACP lawyers charged that the county's plan of gradual desegregation was not moving with "deliberate speed but with deliberate delay."

Mr. Barnes countered with the assertion that after 69 years of segregation in the county, a delay of seven and was not unreasonable.

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IN THEIR brief the NAACP attorneys presented the question of whether the appellants were denied rights secured by the 14th Amendment when Judge Thomsen permitted the Harford County Board of Education to defer desegregation of certain schools and grades for one to three years and prolong high school desegregation until 1963.

Tracing the history of the case the brief recounted that early in 1956 a suit against the Harford County board was about to come to trial when the board issued a statement saying that any child could make application to attend a school different then the one he was attending.

On the basis of this and under the belief that all applications for transfers would be considered without regard to race, the brief said the plaintiffs dropped the suit.

However, the board later announced that it would desegregate only the first three grades of two elementary schools and rejected 45 out of 60 applications for transfer.

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ON THE basis of this a new suit was filed but Judge Thomsen ordered the plaintiffs to seek an administrative remedy before the State Board of Education.

In February, 1957, the board adopted a new policy in which it said that applications for transfer would be accepted from puplis who wished to attend elementary schools in the area where they lived, if space was available.

Under this plan, five elementary schools and the sixth grade in two schools were opened.

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AT A HEARING in April the Board unveilved a plan to desegregate all schools of the county by September, 1963.

Then in June the board came up with a new plan which would have permitted colored children, prior to 1963, to take special tests for admittance to desegregated high schools.

This plan received the approval of Judge Thomsen and it was from this ruling that the NAACP appealed.

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THE ATTORNEYS said that the county's arguments about overcrowding of schools as a hinderance to desegregation were not valid since out of a school system of 14,000 children only 60 colored children had applied for transfer to integrated schools.

At the same time, the brief said, county officials admitted that white children coming into the county for the first time would be admitted to the schools, regardless of whether they were overcrowded.

It was further alleged that the "clear inference from the record has been that the sole reason for delay has been reluctance to admit" colored children.