

GEBHART V. BELTON

*grant*

Cert to Del Sup Ct

(unanimous)

Although this case is not listed on the conference list, the Clerk has distributed papers "at this time in order to afford the Court an opportunity to consider the matter today, should it desire". This is another primary school segregation case, involving the schools of Wilmington, Del., and suburbs. The Delaware Chancellor found the facilities of the segregated schools unequal. Refusing to hold segregation unconstitutional per se, he nevertheless directed immediate admission of the colored children to the white schools despite contentions that facilities would be equalized in a reasonably short time. He rejected contentions that the injunction should be limited to a decree directing state officials to equalize facilities and opportunities in a reasonable time. The Del Sup Ct substantially affirmed.

The school officials seek review here, urging that the Del Ct's decision is in substantial conflict with the holdings of the 3-judge DCs in the South Carolina and Virginia segregation cases now pending argument by the Court. The Del Sup Ct in fact did specifically note its disagree-

ment with those cases and deemed them irreconcilable with this Court's pronouncements.

The NAACP counsel representing resp have waived opposition to cert, and urge that if cert is granted, the case be set for argument immediately following the other segregation cases.

GRANT AND ADVANCE

FMR