

No. 162 - Sept. T. 1960

No reply but to be
filed to Annals
Central Trust

Fried. July. 18 - 1961.

RAG CONTENT

LAW OFFICES

DEARING & TOADVINE

627 AISQUITH STREET

BALTIMORE-2, MD.

PEABODY 2-6651

TUCKER R. DEARING
WILLIAM M. TOADVINE

January 17, 1961

Court of Appeals of
Maryland
Annapolis, Maryland

Re: State Board of Public
Welfare et al vs. Robert
Myers, et al
No. 162

Attention: Mr. J. Lloyd Young

Dear Sir:

We find it unnecessary to file any reply brief to the
Brief of Amicus Curiae filed by the Maryland Petition Committee,
Inc.

Very truly yours,


Tucker R. Dearing

TRD/dh

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Keystone
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Petition to file
Brief on Amicus
Curiae
(Geo. W. Williams)

Filed: Dec. 14-1960

Leave in this case to the above petitioner to file the

George W. Williams
Attorney

Page

Therefore, the petitioner prays leave to file such brief, and

of said case, in the above entitled case.

W. W. Williams, petitioner.

Multiple social relations between the said Negro.

the objects of the law and order of this state and to be directed

in the above entitled case conflict with the latter and in the

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IN THE
COURT OF APPEALS OF MARYLAND
September Term, 1960

No. 162

STATE BOARD OF PUBLIC WELFARE
THE BOARD OF MANAGERS OF MARYLAND TRAINING SCHOOL
THE BOARD OF MANAGERS OF MONTROSE SCHOOL
THE BOARD OF MANAGERS OF BARRETT SCHOOL
and
THE BOARD OF MANAGERS OF BOYS' VILLAGE

Appellants

v.

ROBERT MYERS, Minor, by
MAE COLEMAN, etc.

Appellee.

APPEAL FROM THE CIRCUIT COURT OF BALTIMORE CITY
(Charles E. Moylan, Judge)

Petition for leave to file a brief as amicus curiae

TO THE HONORABLE, The Judges of the Court of Appeals:

The Maryland Petition Committee, Inc. respectfully shows:

1. That it is a corporation of this state organized for public and educational purposes and explaining and defending the principles embodied in the Constitution of the United States with particular reference to the division of powers between the Federal and State Governments and also for the humane and social purposes of the preservation of the integrity of the white and negro races.
2. That your petitioner believes the decision of the lower court in the above entitled case conflicts with the letter as well as the spirit of the Constitution of the United States and is injurious in its effects on the law and order of this State and tends to destroy amicable social relations between the said races.
3. Your petitioner therefore desires to file a brief as a friend of the court for the reversal of the decision of the Circuit Court of Baltimore City in the above entitled case.

Wherefore your petitioner prays leave to file such brief, and as in duty bound, etc.

MARYLAND PETITION COMMITTEE, INC.

By Gen. Hugh Williams
C. Mawer Williams Attorney

Leave is hereby granted to the above petitioner to file its brief as prayed

December 14, 1960.

J. W. Quinn

Judge

No. 162 - Sept. 7, 1960

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

ADVERSARIES

In the

COURT OF APPEALS

of the State

10th JUDICIAL DISTRICT, 1960

*Motion to advance
case for argument
granted
11/7/60
Case set for December*

Filed Nov. 3 - 1960

CHIEF JUSTICE

State Board of Public Welfare,
et al.,

Appellants,

v.

Robert Myers, etc.,

Appellees

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In The

Court of Appeals

of Maryland

No. 162, September Term, 1960

O R D E R

Upon motion of the appellants, and being advised that the appellees are in accord with the appellants' request, it is, this 7th day of November, 1960, ORDERED by the Court of Appeals of Maryland that this case be set for argument at the December 1960 session of this Court.



Chief Judge

Stipulation

Filed: Sept. 15 - 1960

Attorneys for Appellee
WALTER S. MOYER, JR.
1501 Washington Blvd.
New York, N.Y.

Attorneys for Appellant
WALTER S. MOYER, JR.
1501 Washington Blvd.
New York, N.Y.

WALTER S. MOYER, JR.
1501 Washington Blvd.
New York, N.Y.

WALTER S. MOYER, JR.
1501 Washington Blvd.
New York, N.Y.

COURT OF APPEALS
IN THE
STATE OF NEW YORK

September Term, 1960

OF DELAWARE

NO. 105

IN SEN

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STATE BOARD OF PUBLIC
WELFARE, et al.,
Appellants
v.
ROBERT MYERS, MINOR, etc.,
Appellee

IN THE
COURT OF APPEALS
OF MARYLAND
No. 162
September Term, 1960

STIPULATION

It is stipulated by the parties to the above
entitled case, through their respective counsel, that the time
for filing the Appellants' brief be and it is hereby extended to
and including September 26, 1960.

✓ Robert C. Murphy
Robert C. Murphy
Assistant Attorney General
1201 Mathieson Bldg.
Baltimore 2, Md. LE 9-5413)
Attorney for Appellants

✓ Tucker R. Dearing
Tucker R. Dearing
627 N. Aisquith St.
Baltimore 2, Md. (PE 2-6651)

✓ Juanita Jackson Mitchell
Mrs. Juanita Jackson Mitchell
1239 Druid Hill Ave.
Baltimore 17, Md. (LA 3-1142)
Attorneys for Appellee

9/15/60
JLM

September 13, 1960

Tucker R. Dearing, Esq.
627 N. Aisquith Street
Baltimore 2, Md.

Dear Mr. Dearing: Re: State Bd. of Public
Welfare v. Robert Myers
No. 162 - Court of
Appeals of Md.,
Sept. Term, 1960

As per our telephone conversation of today's date, in which you agreed to an extension of time for filing Appellants' brief in the above matter, to and including September 26, 1960, I am attaching stipulation to that effect.

Will you please sign the original of this stipulation and mail the same direct to the Court of Appeals in the enclosed, stamped envelope. The carbon copies are for you and Mrs. Mitchell.

Very truly yours,

Robert C. Murphy
Assistant Attorney General

RCM-h

Encls.

cc: Mrs. Virginia Sandrock

November 7, 1960

Office of the Attorney General
1201 Mathieson Building
Baltimore 2, Maryland

Att'n: Robert C. Murphy, Esq.
Asst. Attorney General

Dear Mr. Murphy:

I am enclosing herewith copy of your motion to advance the case for argument in the appeal of State Board of Public Welfare, et al. vs. Robert Myers, etc., No. 162, September Term, 1960. Attached to said motion is a copy of an Order of Court granting said motion and setting the date for argument during the December session of this Court.

You will be notified later as to the exact date.

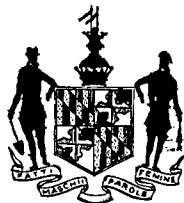
Very truly yours,

Clerk

JLY/ojr
Enclosure

cc: Tucker R. Dearing, Esq.
Mrs. Juanita Jackson Mitchell,
Attorney at Law

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STATE OF MARYLAND
STATE LAW DEPARTMENT
10 LIGHT STREET
BALTIMORE 2, MD.

November 2, 1960

Honorable Frederick W. Brune
Chief Judge
Court of Appeals of Maryland
Court House
Baltimore 2, Maryland

Dear Judge Brune:

I am attaching a Motion to Advance case No. 162. Copy of the motion has been served on attorneys representing the Appellee, and they are in accord with the State's request to advance the case.

In speaking with your secretary, she suggested that I merely leave the motion with you, without serving copies on the other judges, and should you desire either myself or the Appellee's attorneys, or both, to come to your office for the purpose of further discussion, that you would so advise. Assuming that you will grant the State's request to advance, the parties would be available to argue the case at any time during the November session of court.

Very truly yours,

A handwritten signature in cursive script that reads "Robert C. Murphy".

Robert C. Murphy
Asst. Attorney General

RCM:mm

cc: Tucker R. Dearing, Esq.

FILED NOV 3 1960

J. LLOYD YOUNG, CLERK

DEPARTMENT OF APPEALS OF MARYLAND

STATE BOARD OF PUBLIC WELFARE,
ET AL.

IN THE
COURT OF APPEALS OF MARYLAND

V.

No. 162

ROBERT MYERS, ETC.

September Term, 1960

MOTION TO ADVANCE

Now come the Appellants in the above entitled case and move the Court to advance the hearing of this case to the end that the case may be disposed of at the earliest convenient day during the present September term for the following reasons:

1. That this case arose out of a Bill for Declaratory Decree and Injunction challenging the constitutionality of Maryland's racially segregated training school facilities for minor delinquents, as provided by statute, and pursuant to the trial court's decree holding the same to be unconstitutional in violation of the Fourteenth Amendment, the Circuit Court of Baltimore City, Division of Juvenile Causes, committed the Negro Appellee to the Maryland Training School for white boys, where he presently remains confined.

2. That the court further decreed that Appellants be restrained from denying to any Negro youth, solely on account of race and color, commitment, admission, and transfer to any of the training school facilities established, operated, and maintained by the State of Maryland.

3. That no Negro minor, other than Appellee, has since the date of the trial court's decree been committed to the Maryland Training School for white boys or the Montrose School for white girls, and no white child has been committed either to Boys' Village for colored boys or Barrett School for colored girls.

4. That Appellants, charged with supervision, direction, control, and general management of these institutions have undertaken, in the light of the trial court's decree, to formulate a plan for the orderly transition and conduct of all said institutions on an

integrated basis, which plan necessitates personnel and budgetary changes and the re-grouping of inmates at the existing institutions on an age and problem basis rather than on a racial basis.


5. That pending this Court's decision on appeal, the said plan has not been carried into effect, although your Appellants may be required under the decree to accept commitment of additional Negro youths either to the Maryland Training School or Montrose School and, conversely, to accept white youths at Boys' Village or Barrett School.

6. That should this Court affirm the decree of the trial court, the implementation of Appellants' plan for the orderly transition and conduct of the training school institutions on an integrated basis may require action at the forthcoming 1961 Legislative session.

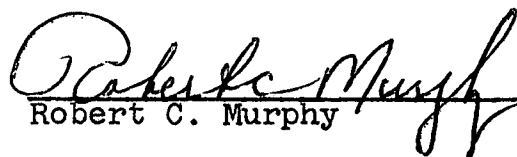
7. That in light of the above and of the vital importance of these institutions to the State and the State's need for uniformity throughout all judicial circuits in the State relative to the commitment procedures of minors to these institutions, it is deemed essential that the uncertainties now existing be resolved at the earliest possible time.

8. That your Appellants therefore respectfully request that this case be advanced and set for argument during the December session of court, reconvening Tuesday, December 6th.

Respectfully submitted,


Robert C. Murphy
Asst. Attorney General
1201 Mathieson Building
Baltimore 2, Maryland

I HEREBY CERTIFY that a copy of the foregoing Motion to Advance was mailed this 2nd day of November, 1960 to Tucker R. Dearing, Esq., 627 Aisquith Street, Baltimore, Maryland, and Juanita Jackson Mitchell, 1239 Druid Hill Avenue, Baltimore, Md.


Robert C. Murphy