

STATE OF MARYLAND
DEPARTMENT OF EDUCATION
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THOMAS G. PULLEN, JR.
STATE SUPERINTENDENT OF SCHOOLS

November 8, 1954

To the Members of the State Board of Education
and the Superintendents of Schools:

The report of the superintendents on segregation was received late Friday afternoon. It was my understanding that it would receive no publicity until there had been an opportunity to take it up with the State Board of Education and the Superintendents. Confidentially, and unfortunately, the report was given to the press this afternoon from the Attorney General's office.

I am sending you special delivery a copy of the report so you will have it almost as soon as the article appears in the press. Since there is no great difference in what has been reported to you, probably no difficulty will arise. You already have received certain exhibits.

I wanted you to be informed, and am sorry our plans went awry.

Sincerely yours,

T. G. PULLEN, JR.

State Superintendent of Schools

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REPORT
TO
THE STATE BOARD OF EDUCATION
AND
THE ATTORNEY-GENERAL OF MARYLAND

FOREWORD

This report combines the findings and recommendations of individuals, and committee groups, who have -

- (1) studied the recent opinion of the Supreme Court with respect to segregated school systems, such as exist in the twenty-three counties of Maryland;
- (2) gathered pertinent data; and,
- (3) developed statements of principles for consideration by:

THE STATE BOARD OF EDUCATION

and

THE ATTORNEY-GENERAL OF MARYLAND



William S. Schmidt
Chairman

Acknowledgement is due many individuals in the preparation of this report. As chairman of the Superintendent's Committee on Desegregation of the Public Schools of Maryland, I wish to express my gratitude first to the members of my committee,

Mr. James M. Bennett, Superintendent of Schools,
Wicomico County,

Mr. William M. Brish, Superintendent of Schools,
Washington County,

Mr. Reade W. Corr, Superintendent of Schools,
Kent County

and

Mr. John H. Fischer, Superintendent of Schools,
Baltimore City,

who assisted me so ably in the gathering of data and the drafting of statements of general principles, as well as, through their critical reading of the preliminary report.

The Committee is indebted especially to our State Superintendent of Schools, Dr. Thomas G. Pullen, Jr., to Mr. W. Giles Parker, Assistant Attorney-General of Maryland, and to Mr. Paul E. Huffington, State Supervisor of High Schools, for their invaluable contribution of thought, and their wise counsel. The Committee also wishes to acknowledge the help of all others who had a share in gathering and compiling the data upon which this report is based.

As chairman, I wish to express my appreciation to a member of my professional staff, Miss Rowannetta S. Allen, for her assistance in editing and combining the several reports received.

Maryland has always been considerate of its colored population. As a matter of fact, the State was considerate of the Negro race when most of its representatives within the confines of the State were not citizens but slaves. The most eloquent testimony of this fact is that in 1861 the number of Negroes in Maryland was about equally divided between freed men and slaves. In its Constitution of 1867 the State provided for the education of both the white and colored races. True, it did provide for the education of both races in separate schools, but this was the accepted pattern of the day.

Elsewhere in this report is a summary of the progress that has been made in the education of the colored race in Maryland from 1867 through 1954, a period of nearly a century. Progress has been phenomenal. It is not the purpose of this report to belabor this particular point; facts and figures are cited merely to prove the good will and intent of the State of Maryland toward all its citizens.

On May 17, 1954, the Supreme Court of the United States rendered an opinion to the effect that the continuation of segregated schools is unconstitutional, and it invited the attorneys general of the various states affected to present briefs to the Court in the capacity of "amici curiae" suggesting procedures by which segregation of schools could be eliminated most satisfactorily and to guide the Supreme Court of the United States in drawing up its final decree.

The State Board of Education held its first meeting following this decision on May 26. The Board was advised by Attorney-General Rollins that the Supreme Court had issued only an "opinion" not a final decree.

It should be noted that the Attorney-General of Maryland, while not objecting in any sense to the opinion and to the forthcoming decree of the Supreme Court, notified the State and local school authorities of Maryland that in accordance with the laws of the State it would be necessary for them to continue segregation in the schools and teachers colleges of the State until such time as a final decree was transmitted or until such time as the Legislature of the State might repeal its laws requiring segregation.

Particular attention should be called to the fact that the Attorney-General of Maryland accepted the opinion of the Supreme Court as being just and equitable and publicly affirmed his willingness to assist in the desegregation of the schools of the State in accordance with due process of law and the decree of the Supreme Court of the United States.

Especial attention is called also to the fact that the State Superintendent of Schools has accepted the decision of the Supreme Court and has indicated his willingness to implement desegregation to the best of his ability and to the limit of the powers of his office. Further, the State Board of Education, at its meeting on May 26, took the position that the final judicial authority of the land had spoken and that it would do all within its power to implement the decision of the Court's decree when it is finally issued. (For the record, a copy of the statement of the State Board of Education is included in this brief.)

This action of the State Board was followed by a meeting of the school superintendents from the twenty-three counties and Baltimore City with the Attorney-General and other state officials. At that time, Dr. Thomas G. Pullen, Jr., State Superintendent of Schools, announced the appointment of a five-man committee of superintendents to (1) work closely with the State Department of

Education and the Attorney-General's Office on the collection and preparation of data to be used in the presentation of Maryland's brief to the Supreme Court in October, and (2) to draw up a broad general statement of principles to be used by local boards of education as guiding principles for implementing the Supreme Court decision "that will be fair and equitable through the state" and impair no individual rights.

In compliance with this assignment, the committee divided itself into two sub-committees: one studied and considered the general guiding principles; the other conducted the survey and compiled data regarding the present status of our segregated schools.

Very early in its work, the committee discovered that one of its functions would be to advise the Attorney-General on the arguments to Questions 4 and 5 which the Supreme Court had propounded for reargument in the October 1954 session. These questions are: (4) "Assuming it is decided that segregation in public schools violates the Fourteenth Amendment,

- (a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or
- (b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?"

In search for the answer to this question, the committee was governed by the returns on its questionnaire circulated to the superintendents of the twenty-three counties of the State, and to the Superintendent of Schools of Baltimore City. In a majority of the counties the returns indicated that the most acceptable method for ending public school segregation would be by a gradual transition period. In support of this position, the committee offers the following statements:

- (a) Since 1870, Maryland has operated a segregated system of public education. The adherence to the *Plissy V. Ferguson* doctrine of "separate but equal facilities" since 1896 has created in many counties a duplication of facilities, personnel and administrative practices which, if abruptly discontinued or ignored, could create much unrest and confusion and ultimately result in unnecessary harm to children and youth.
- (b) Few, if any, of the county units are prepared for a sudden changeover if integration should be made a mandatory requirement. Workshops in Human Relations on a bi-racial basis need to be instituted at all levels; i. e., pupil, teacher, administrator and parent. The hopeful outcome of such planning and preparation would be to identify any problems and tensions which now exist, and to develop, through cooperative endeavor, techniques and procedures for solving these problems and for relieving the

tensions. An orderly transition would be a more certain way of improving inter-racial understanding than to summarily implement the desegregation of the public schools.

- (c) The wide variation which exists in the number and percentage of Negro pupils in the different counties of Maryland makes obvious the view that the counties in the State vary in their racial composition as Maine varies from Mississippi. In four or five counties the transition would possibly create few, if any, problems at all as the number of Negro pupils affected totals less than 500. In all other units the the total of Negro pupils involved is considerably larger and the percentage in one county exceeds 50% of the total school enrollment. It is apparent that with such differences it is desirable that the counties within the State be permitted a gradual period of transition consistent with local conditions.
- (d) The canvass of the counties also indicates that there is considerable variation within a county. One county specifically noted that desegregation would affect four communities within that county. While little or no opposition or tension would be manifest on a county-wide basis, citizens in the affected areas have indicated a preference

for a gradual period of change from segregation to integration. This condition can be duplicated in nearly every unit where there is a concentration of Negro population.

For these reasons, the committee urges the Attorney-General of Maryland to argue for a "gradual adjustment" as the counties move from a segregated system "to a system not based on color distinctions." As stated above, the variation among states having segregated schools; the variation existing in Maryland as reflected in Garrett, Allegany and Washington Counties with the regions of Southern Maryland and the Eastern Shore Counties; the variation within a given county; compel us to suggest that any time limit recommendation be flexible enough to provide for local adaptation to the final decree of the Court. If it please the Court to issue such a decree, it may be argued by some protagonists that indefiniteness is an invitation to endless court litigation and confusion. In fact, some have already argued that "gradual adjustment" will be nothing short of a dodge - "a law of compliance which permits state officials to do nothing at all whenever they are of a disposition to do nothing." In rebuttal, the committee would call to the attention of the Supreme Bench the expressed intent of public officials of Maryland, who would be charged with the responsibility of carrying out the Court's decree, which appear earlier in this document. The committee would also wish to impress upon the honorable judges the fact that the process of desegregation will be carried out with the same good will and spirit--which have always characterized the application of the law in Maryland. The long and honorable record of Maryland as a member of the Union attests to the integrity of this statement. However, it may be argued that the moment a

state or county ceases to operate a system providing enforced separation of every Negro child from every white child solely because of race, it has begun an action aimed to guarantee to every citizen his, or her, rights existing under the Fourteenth Amendment to the Constitution, as recently interpreted by the Supreme Court.

Any decree of the Supreme Court as to the procedure to be used in de-segregation, we believe, should take into due consideration the good faith, fair-mindedness, and civil integrity of the people who will be affected, as well as, the profound and sweeping changes involved. The court's decision (May 17, 1954) will inevitably affect the entire school system of the State in the areas of administration, expenditures, allocation of pupils and teachers, construction of school facilities, and other related services. It may even necessitate a revision of state laws. We believe that changes of this kind, involving extensive reorganization, and the mores of society, to be successfully and soundly established, must be based on intelligent, considered action in the light of both fortunate and unfortunate eventualities, of both positive and negative reactions. In the judgment of the committee it would seem better to plan and prepare the way thereby creating a readiness which would assure success.

The Supreme Court in abolishing segregation in the public schools of this country created a new right for a minority group. By the same action it abrogated a right of the majority group. It is specious to argue that this right of the majority did not exist legally; it has been countenanced as a right for nearly a century and the Supreme Court on one memorable occasion placed its official sanction upon it. Pragmatically, then, the right of the white people in any given state, under the approval of its state laws, to send their children

to segregated schools has existed. More important than any other consideration is the fact that the citizens of the several states practicing segregation in their schools have thought they had this right and their thinking and their attitudes have been conditioned by this fact.

The Supreme Court, in rendering its opinion to the effect that the operation of segregated schools by any state or local community is unconstitutional, strongly emphasized the psychological disturbances in Negro children due to this policy of excluding them from schools for white children. Supposedly, and conversely, the mixing of children, white and colored, will eliminate this emotional disturbance on the part of Negro children. Assuming for the purposes of this discussion that the premise has validity, although the problem is not quite so simple, by the same token it is reasonable to expect that integration will cause emotional disturbances in those white children who have lived in a segregated world with as clear a conscience as that of the English, Dutch, and New England slave traders who brought the Negroes to America for financial gain. Without implying criticism of the Court on this point, it might be said that justice--we are not referring to mercy--has no concern with the purely psychological. Justice is concerned solely with rights and privileges--moral or legal.

But since the psychological disturbances of Negro children have been considered in creating this new right for them, the Court should bear in mind the emotional disturbance it is creating in white children by revoking the pre-existing right. The practical application of this point is that this factor should be taken into consideration in deciding upon the final decree.

The second question (#5) propounded by the Supreme Court and, in turn, directed to this committee for a recommendation is stated as follows:

"5. On the assumption on which question 4 (a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4 (b),

- (a) should this Court formulate detailed decrees in these cases;
- (b) if so, what specific issues should the decrees reach;
- (c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;
- (d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and, if so, what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?"

The reply to these questions is a legal one with many different answers. These questions ask: Who will decide the exact and precise steps to be taken in abolishing segregation? Who will decide when the process is to begin?

Who will decide how the process will proceed? These and many other questions must be clarified before the Supreme Bench issues its final decree.

It was the considered judgment of the committee that the Attorney-General of Maryland should be requested to plead for the remanding of all cases involving segregation to courts of the first instance (lower courts) with instructions to them to devise a program for implementing the Court's opinion of May 17. This decision was reached because of our belief that it is not proper for the Supreme Court to involve itself in the administration of the public schools.

In the light of the foregoing, the following statement of principles to guide the State and local school authorities in Maryland would seem appropriate:

1. The primary concern of the Supreme Court is to guarantee that the right of no child to attend the school of his choice be impaired by reason of race.
2. The Supreme Court is not an administrative body on the Federal, State, or local level. Its function is judicial, not administrative.
3. The Court, in setting forth the condition under which its decree is to be implemented, should take into consideration the same psychological disturbances which were one of the bases for its decision.
4. The Supreme Court, in setting forth the conditions of implementation, should recognize the good faith of those who accept its decree and not inhibit them with undue restrictions.

5. The Supreme Court should be mindful of the fact that public education is the responsibility of the several states, and that they are accountable to no Federal agency or court except as they may infringe upon the rights guaranteed citizens by the Constitution.
6. The Supreme Court would be less than fair to those who are entrusted with the task of implementing its decree unless it defined a "non-segregated school." Are the terms "non-segregated" and "integrated" synonymous? Is non-segregation a legal fact only if there is a close relationship between the ratio of races in a school to the racial composition of the community? Would the practices in the states where segregation is already illegal be accepted in Maryland as satisfying the decree of the Supreme Court?

The following recommendations are made only with the unique problem in Maryland in mind.

Under the laws of Maryland "The State Board of Education shall exercise, through the State Superintendent of Schools and his professional assistants, general control and supervision over the public schools and educational interests of the State; . . . , " and "The county board of education shall exercise through its executive officers, the county superintendent, and his professional assistants, control and supervision over the public school system of the county." Other sections of the law state that "Educational matters affecting the State and the general care and supervision of public education shall be entrusted to a State Department of Education, at the head of which shall be a State Board of Education, "

and "Educational matters affecting a county shall be under the control of a County Board of Education."

It should be apparent from these and other laws that the State Board of Education is entrusted with general oversight and supervision of the public schools of the State, but that the actual operation of schools, including specifically such matters as the assignment of pupils, consolidation of schools, and the appointment and dismissal of teachers, is the responsibility of the local (the several counties and Baltimore City) school systems.

It should be obvious then that the functions of the two divisions of administrative authority are different. Briefly and simply, the functions of the State Department of Education, acting under the State Board of Education, are supervisory; and those of the local school systems are operational. In the implementation of the decree of the Supreme Court, the statement made by the State Board of Education at its meeting on May 26, 1954, clearly defines the respective duties and functions of the two authorities.

The following is an excerpt from the statement of the State Board, and the amplifying and clarifying principles are added:

"The role of the State Board of Education is not to set the detailed pattern of operation but to take an official position that the decision will be implemented with fairness and justice to all, and with due regard for the professional aspects of the program. Further, its responsibility is to act in a general over-all supervisory nature to insure that standard, equitable, practices are followed throughout the State."

In the opinion of the Committee the State Board of Education would be acting within the scope of its authority and in line with its responsibility if it

should agree upon the following set of general principles, including possibly others, regarding the implementation of the decree of the Supreme Court:

It should state clearly and unequivocally to the local school authorities and the public the effect of the decree of the Supreme Court and of its (the State Board's) intention to exercise whatever authority it may have to guarantee that the decree is implemented fairly, honestly, and intelligently.

1. The administration of the public schools in Maryland is the responsibility of the county and city boards of education. Practices locally must be consistent with the laws of the State and the by-laws of the State Board of Education.

2. By law the consolidation of schools is the responsibility of the county and Baltimore City boards of education. The State Board of Education has no initiatory powers with respect to consolidation; it does have the right of review upon appeal.

Likewise, the county boards of education have the responsibility for assigning children to schools. The only inhibitory condition placed upon the county boards in the assignment of children is that race shall not be a factor in the decision.

3. In consolidating schools and in assigning children to schools, no county board may deny any child a right enjoyed by others.

4. Coercive measures should not be employed; that is, no child should be compelled to attend a particular school, rather, he should be given a choice. This position is more or less consistent with the pattern now employed in the several school systems of the State with respect to white children attending white schools and colored children attending colored schools.
5. Each county and Baltimore City should study its own situation and decide upon a plan to be put into operation within that system. The policy determined should be uniform throughout the system.
6. Certain cases of individuals who might believe themselves to be discriminated against could be appealed to the State Board of Education; others would have to appeal to the courts.
7. State funds are distributed to the counties and Baltimore City contingent upon the faithful adherence to the school laws; otherwise these funds can be withheld.
8. Due to different conditions, professional and social, the change from segregated schools to non-segregated schools will be more rapid in some local systems than in others; the change should be gradual but as rapid as possible.

While the local school systems are governed in a general way by the supervisory authority of the State Board of Education, they possess a considerable degree of autonomy. This autonomy, in effect, permits them to accept or reject certain actions suggested by the State Board; in certain aspects of operation, however, the coercive authority must be accepted. In the field of simple administrative procedure, the autonomy of the local board is quite clear. As local school

systems vary greatly in their problems it would be exceedingly unwise and futile for either the Court, or the State Board of Education, to make detailed suggestions for implementing the program of desegregation within the counties of the State.

If the committee's reasoning is correct the inauguration and implementation of desegregation in the schools of Maryland will constitute an involved and time-consuming process. It was our hope that we might be bold enough to suggest a possibility for the carrying out of the Court's opinion. Would it not be feasible to suggest to the Court that it provide for the principle of "gradual adjustment" and that it leave great discretion to responsible state and county school authorities and the legal departments of the several states to devise ways and means for putting the program of desegregation into effect? We believe because of the argument previously presented, that these responsible school authorities should have the first opportunity to devise and inaugurate a plan, reasonable, fair and just, to implement the opinion of the Court. We believe that such action on the part of the Court would reaffirm our great faith in the wisdom and integrity of our State and local county boards of education and their executive officer - the superintendent of schools.

For that reason, the following set of principles for the local school systems, would seem appropriate:

THAT the County and Baltimore City Boards of Education, solely responsible for the operational phases of the local units of the public school system of the State, plan for desegregation on the basis of morally, legally, and administratively sound principles. In the opinion of the Committee those principles should be a clear delineation to the public of the implications of the decree of the Supreme Court.

THAT each local school system should develop a program of action based upon a thorough and comprehensive study of the local situation designed with due regard to the rights of every child and after consultation with representatives of both races. It might be remarked, parenthetically, at this point that such studies have already been inaugurated in many of the local units in Maryland.

THAT each local school system should develop a program of action that takes into proper consideration the psychological and other factors, both detrimental to and beneficial of, the orderly process of desegregation. In effect, application of this principle means simply that desegregation may be more rapid in some local school systems than in others, but it does not mean that no step in that direction may be taken by any local system. It does mean, however, that no uniform rigid pattern of desegregation can be followed statewide in Maryland.

THAT each local school system should keep in constant contact with proper authorities, educational and judicial, for review of actions taken as to their professional and legal appropriateness.

THAT the attitude of the local school authorities should not be one of aggressive advocacy but rather one of calm, fair administrative justice.

THAT the local school board should exercise all the leadership of which they are capable in bringing about an orderly implementation of the decree of the Supreme Court.

THAT in their procedure of implementation, the local school authorities making public utterances should be mindful not to make careless statements which will inflame the public. On the other hand, the local school officials should be clear, frank, and meticulous in informing the public of the detailed steps they intend to take in carrying out the program of desegregation.

In summary, the committee advocates a policy of gradual adjustment and remanding of responsibility for implementing the decree to the local school authorities. Legal opinion would seem to indicate that the issues to be treated in moving from segregation to desegregation are not within the conventional experience of the judiciary. The state and local agencies which have been established to cope with such problems should be afforded the first opportunity to work out on a bi-racial basis the procedures for meeting the new principles of law as contained in the Court's decision of May 17.

Our adherence to this position is based on our desire to build at the local level in our respective counties a climate of good will between all parties concerned. This climate is necessary to undergird the program of action which must be organized to carry out the opinion of the Court. We recommend to the several counties the formation of Citizens' Committees appointed by the local board and consisting of representatives of both races, who will consult with the local educational authorities on the steps to be taken in each county, the progress of desegregation, and the setting up of safeguards for the protection of the rights of all children. Following such a democratic procedure the people will feel that they have had a part in this program if the authority and responsibility for implementing the course of action is arrived at through

citizens' advisory groups working in cooperation with local boards of education to devise the appropriate administrative policies. It is our further belief that this program will need the sympathetic understanding of all citizens, if the decision and resultant course of action are to be freed of emotional outbursts. Imposition of the specific directions at a level of government detached from the people will only add suspicion and confusion to an issue highly charged with emotionalism. The very nature of our democratic life implies that we approach this problem with an attitude of trust and a determination to develop a satisfactory answer to our immediate problem.

The essence of democracy lies in the local community; its manifestations are in the light of local tradition and thought. Mere edict from above will not change thinking nor the attitudes which influence human behavior; although its power may be accepted. If respect for law and order, elementary justice, and good will toward every man are present, as we desire them to be in Maryland, then the Supreme Court may well decide that establishment of the principle of non-segregation is the primary concern of the nation for the moment, with the belief that each community will move as rapidly as possible to bring its practices in line with proper moral and legal principles. Coercive measures, particularly drastic and sudden ones, never settle issues; they often create new ones. However, proper restrictive measures properly employed could serve as a gentle prod to action in the desired direction.

Finally, it is but a truism to say that the means determine the end. The manner in which desegregation is put into effect in our state and in our nation will determine for many years to come the attitude of the races toward each other. Only through good will is good will engendered.

EXHIBIT A

Statement of the State Board of Education regarding the Supreme Court Decision of May 17, 1954

"The Supreme Court of the land has spoken. It is the duty and responsibility of the State Board of Education to do all within its power to work out the problem 'seemingly and in order' and in such manner that the rights and privileges of no individual are impaired by arbitrary or capricious methods.

Upon the advice of the Attorney General of Maryland, the decision of the Supreme Court and the full implications of the decision will not be made until some time in the fall after the Court has had a conference and further hearings and arguments with the Attorneys General, and possibly other representatives from the various states which will be affected. Until the conditions of the decision are made known finally, with the mandate and decree of the Supreme Court, any detailed plan of action for implementation would be premature. This statement does not imply, however, that the State Board of Education and the local school authorities, upon whom the major burden of solving the problem will fall, should delay in analyzing the situation and making plans for implementing the decision of the Court.

The laws of Maryland specifically provide for segregation in the public schools and in the teachers colleges. In view of this law requiring segregation, no program of integration can be put into effect until the decision of the Supreme Court becomes final and an effective date is set by the Supreme Court.

The detailed problems in respect to implementing the decision of the Supreme Court will rest primarily upon the local boards of education. The problems involved in any program of integration will vary among the different school systems of the State, but we are confident that they will be solved in a fair, decent, and legal manner and with good common sense. Furthermore we are confident that the local school boards, the local school officials, and the parents will settle this problem without resorting to chicanery or devious methods and with due regard for the rights of all parties concerned. Any program of implementation will be based upon professional and human considerations and not with coercive designs or methods. The public school system of Maryland has always been known for its high professional attitude and for its unbiased and unprejudiced treatment of all children.

The role of the State Board of Education is not to set the detailed pattern of operation but to take an official position that the decision will be implemented with fairness and justice to all, and with due regard for the professional aspects of the program. Further, its responsibility is to act in a general over-all supervisory nature to insure that standard, equitable practices are followed throughout the state."

A SURVEY OF NEGRO EDUCATION IN MARYLAND

Since the early days of the State's history, Maryland has had a relatively large Negro population. In 1790, the year of the first Federal census, Maryland's total population was 319,728, of which 65.3 per cent were white and 37.7 per cent were Negro. The maximum proportion of Negroes to white was reached in 1810, with 38.2 per cent, with a gradual decrease, decade by decade, until in 1950 the Negro population comprised but 16.5 per cent of the total.

The following table gives the racial population since 1890.

Table 1. Population of Maryland by Races*

Year	Total Population	White	Per Cent	Negro	Per Cent
1890	1,042,390	826,493	79.3	215,657	20.7
1910	1,295,346	1,062,639	82.0	232,250	17.9
1930	1,631,526	1,354,226	83.0	276,379	16.9
1950	2,329,263	2,343,009	83.5	385,972	16.5

A. Public School Education for Negroes

In any study of the status of Negro education in Maryland, two or three basic factors and conditions should be mentioned. The first of these has to do with the varied population patterns among the counties and the metropolitan areas of the State. The northern and western counties have very sparse Negro populations; in fact, there are no Negroes of school age in Garrett, the mountainous, westernmost county of the State. The concentration of population increases from less than two percent in Western Maryland to approximately 25 per cent in the Southern Maryland and Eastern Shore counties and in Baltimore City.

*U.S. Census Bureau Reports

The second factor has to do with the State's geographic location and socio-economic life. Maryland's varied topographic features, socio-economic patterns, and racial groups are some of the reasons why the State is frequently referred to as a "miniature America." Although it is a border state, many of its customs and traditions have linked it with the South. In fact, life in some areas of Southern Maryland and the Eastern Shore is similar in many respects with life in areas traditionally characterized as "the deep South." The highly industrialized Baltimore City area has attracted large numbers of people, both white and Negro, many in the unskilled labor category, chiefly from the South. Similarly, because of employment opportunities in government and related service fields, a tremendous concentration and expansion of population of both races is characteristic of the Washington suburban areas.

The third factor concerns the impact of the above noted population trends and patterns upon the school enrollments in the counties and in Baltimore City. These enrollment figures are shown in the table below:

Table 2. Maryland Public School Enrollment by Color: 1923-1953

A. State Enrollment

Year ending June 30:	Total Enrollment	White	Per Cent	Colored	Per Cent
1923	256,546	208,023	81.1	48,523	18.9
1933	280,519	228,071	81.3	52,448	18.7
1943	279,842	222,596	79.5	57,256	20.5
1953	399,050	314,916	78.9	84,134	21.1

B. Baltimore City Enrollment

Year ending June 30:	Total	White	Per Cent	Colored	Per Cent
1923	104,072	87,066	83.6	17,006	16.4
1933	113,039	89,251	79.0	23,788	21.
1943	105,212	75,309	71.6	29,903	28.4
1953	131,854	84,498	64.2	47,356	35.8

C. County Enrollment - All Counties

Year ending June 30:	Total	White	Per Cent	Colored	Per Cent
1923	152,474	120,957	79.4	21,517	20.6
1933	167,480	138,820	82.9	28,660	17.1
1943	174,640	147,287	84.2	27,353	15.8
1953	267,196	230,418	86.1	36,778	13.9

Table 3. Maryland Public School Enrollment - Colored Pupils: 1923-1953

Year ending June 30:	Total State			Total Counties			Baltimore City		
	Total	Elem.	High	Total	Elem.	High	Total	Elem.	High
1923	48,523	46,745	1,778	31,517	30,070	447	17,006	15,675	1,331
1933	52,448	47,193	5,255	28,660	25,944	2,716	23,788	21,249	2,539
1943	57,256	48,699	8,557	27,353	22,170	5,183	29,903	26,529	3,374
1953	84,134	57,877	26,257	36,778	23,631	13,147	47,356	34,246	13,110

Historically, Negro education in Maryland has followed the social and economic trends of our country's development. During the Revolutionary War period, benevolent attitudes were prevalent, especially on the part of many statesmen and churchmen; education was favored, and many Negroes became tradesmen, artisans, and clerks. Maryland early developed a favorable attitude

toward the education of Negroes as evidenced by the establishment in Baltimore in 1797 by the Maryland Abolition Society of "An Academy for Children of Africans."

With the invention of the cotton gin, the extension of the plantation system southward, and the expansion of slavery, the first half of the nineteenth century was a period of strong reaction against education of Negroes, with legal restrictions in the South and segregated schools for Negroes in the northern states.

During the hectic reconstruction period following the Civil War, Negro education gradually became accepted and extended, with special help from church groups, philanthropic foundations and the Freedman's Bureau. By 1900, the Negro had achieved his legal right to education in all states, but with segregation the pattern in the South and border states.

Maryland is particularly fortunate in the legal framework supporting the public school system. The State school system is made up of twenty-three self-governing local county units and Baltimore City, each under the leadership of professionally trained superintendents and supervisors, and each unit developing its own program in compliance with the State School Law and under the leadership and support of the State Superintendent of Schools and his staff. The entire structure of the system rests upon legislation enacted from session to session to support and implement the 1867 Constitutional provisions for public education.* This section of the Constitution is the foundation for a State minimum program of education for every child in Maryland regardless of race,

*Constitution of Maryland - Declaration of Rights and Articles III and VIII.
Also Article 77: The Public School Laws of Maryland

creed, color, or geographical location of his birth. This program makes provision, among other things, for:

1. A qualified teacher for every child
2. A twelve-year system of education
3. A minimum salary scale for teachers, principals, and supervisors
4. State assistance to local units in establishing a minimum pupil-teacher ratio.
5. Free transportation for all pupils who live beyond a reasonable and safe walking distance
6. Free textbooks and materials of instruction
7. A minimum school year of 180 days
8. Compulsory school attendance
9. Special non-teaching services to pupils
10. Additional financial assistance for atypical pupils
11. An incentive fund to assist local units in financing construction of school buildings
12. A system of teacher tenure and retirement

A brief review of some of the legislation and practices affecting the progress of Negro education will show the tremendous advances made, particularly in the last few decades, in the State's effort to provide adequate educational opportunities for its children and youth.

Separate colored schools were established as a part of the public school system in Maryland as a result of the enactment of Chapter 377 of the Laws of 1872. Every county had colored schools in operation for the school year 1872-1873.

In 1918, four counties established high schools for their colored youth. The number increased gradually until by 1934 every county, with the exception of one county with no colored children, was providing and is continuing to provide high school advantages for its colored youth.

A. Supervision

An act of the 1910 Maryland Legislature provided supervision of Negro schools in the counties and carried with it a State appropriation for the salary of the supervisor. This law was modified in 1916 to require that a county must have as many as ten Negro schools to receive the State appropriation.

In 1920 a by-law of the State Board of Education, having the force of law, fixed the minimum academic and professional qualifications of supervisors and required the State Superintendent's approval for their appointment.

The 1916 Legislature created the position of State Supervisor of Colored Schools, as a member of the State Superintendent's staff, restricting the appointment to a white person. This restriction, however, and the position were removed by later legislation. In 1947 the first Negro was appointed to the supervisory staff of the Department of Education, and there are now two members on the staff. Special supervisors in the Department have, since their appointment, rendered equitable and regular services to all schools without regard to color.

Legislation enacted in 1945 provided that each county employing 30 or more teachers must employ a colored person as supervisor of colored schools, and also provided part-time supervision in counties employing from 10 to 30 teachers, with no color restriction.

B. Teacher Certification

When certification of teachers became a State function, according to 1916 legislation, the same certification requirements were set for both white and colored teachers. As the certificate requirements were increased from time to time, those for colored teachers usually lagged by a few years but are now identical. As a matter of fact, the certification status of colored teachers has maintained a most favorable position. As early as the school year ending in June 1934, the county colored elementary teaching staffs of 704 members included 689, or 98 per cent, who held first-grade certificates. As certification requirements were extended first to three years' and then to four years' training, the colored teachers have continued to maintain almost 100 per cent full certification status at both elementary and high school levels.

C. Teacher Salaries

Maryland had no State-wide salary schedule for public school teachers prior to 1904, at which time the Legislature prescribed a minimum of \$300 per year for white teachers. In 1918 a salary schedule for colored teachers was set up by the Legislature. This schedule was increased in 1920 and in 1922 legislation provided for increments for satisfactory service, with a maximum of \$85 per month for the eight-month school year then required. Although other salary adjustments were made after the 1922 legislation, the most significant advance was made when the Legislature, in 1941, passed the law equalizing salaries of white and colored teachers, effective January 1, 1942. Maryland thus became the first state to equalize salaries. Equality in salary for all teachers with comparable training and experience has since been fully respected by all counties, including the payments of increments not specified by State law. From an examination of the data in

Table 2 page 16 in the Appendix, it will be noted that the average annual salary for colored teachers in the State in 1953 (the latest year available) exceeded that of the white teachers by \$61 or \$3996 for colored and \$3935 for white teachers. This favorable status is accounted for through the generally longer tenure and higher certification ratings of Negro teachers.

D. Length of School Year

The minimum session for colored schools was fixed at 140 days, or seven months, in 1916, but the Legislature raised this to 160 days or eight months in 1922, and to the present 180--day minimum for all schools in 1937. See Table 3 page 16 in the Appendix for fuller details regarding length of school year.

E. Transportation and Consolidation

Consolidation of schools has developed at an accelerated pace during the last decade or two as modern highways and buses have aided transportation of pupils. The extent to which consolidation has taken place is shown in Table 4 page 17 in the Appendix. From less than one per cent in 1923, transportation is now provided for more than half of all colored elementary pupils (57.0%) and for nearly three-fourths (73.5%) of colored high school pupils.

Even more remarkable has been the consolidation of schools from the inadequate, often drab and sub-standard one- or two-room schools to the modern, functional school plants which now are provided generally for all pupils, regardless of color. The figures in Table 5 page 17 tell only a part of the story but the reduction from over 400 one-teacher schools to only 26 in three decades is partial evidence of the trend toward adequate facilities for the colored pupil. Further evidence is found in tremendously

accelerated post-war building programs for Negro schools. From 1946-1953, inclusive, the total capital outlay for new schools or additions in the State amounted to \$31,432,740, with every county and Baltimore City sharing in this cost. Based on the 1952-53 total State enrollment of 84,134 colored pupils, this capital outlay represents an investment of \$374 per pupil in new facilities alone. This figure compares favorably with the value of school property per pupil, regardless of color.

F. Enrollment and Persistency Trends

With the expansion of facilities, the extension of transportation, the improvement of teacher qualifications, and the modifications in the school program, there have come marked changes in enrollment and persistency in schools for colored children. Certainly the greatest change has been the expansion of high school enrollment. From a study of Table 3 page 3 we note a 73 per cent increase in elementary enrollment since 1923 and a 1380 per cent increase in high school enrollment. Over-age-ness likewise was reduced from more than 65 per cent in 1921 to 11.8 per cent in 1949, the last year such studies were made by the State Department of Education. Persistency to high school graduation, while not keeping pace with enrollment increases, has improved remarkably and is now approximately 50 per cent - that is, one-half of all pupils enrolled in the 9th grade remain until graduation four years later. The number of graduates in the county high schools has increased from 24 in 1923 to 1,086 in 1953 and the State total from 958 in 1933 to 1,912 in 1953 - a 100 per cent improvement in twenty years. (See Table 6, page 18) Further examination of the data in this table will show the improved situation with regard to the extension upward into high school grades of very large numbers of our colored youth. For example, the ratio of high to elementary enrollment has been reduced from 1 to 27 pupils in 1923 to 1 to 2.2 pupils in 1953.

G. Miscellaneous Information Supporting Progress in Negro Education

It is generally conceded that the current expense cost per pupil is a fair index of educational opportunity. From this criterion, there is full evidence that the State is fulfilling its obligation of equal educational opportunity for all its children and youth. In 1953 the State per capita cost for elementary pupils was:

Colored pupils - \$185.72	For high schools: Colored - \$239.07
White pupils - \$184.61	White - \$247.36

(See Table 7, page 18 for further detail)

The effectiveness of a school's program is in part dependent upon the number of pupils assigned to each teacher. State aid is given to counties on the basis of thirty pupils per teacher in the elementary school since this ratio is considered the maximum for optimum effectiveness. The ratio for high schools is somewhat smaller in view of the nature of the offerings. From Table 8, page 18 it will be noted that in recent years, especially, there has been little difference in the teacher-pupil ratio among the schools regardless of color. The counties, in particular, have been able to reduce class size nearly to the desired minimum. In 1953, for example, the ratio for colored elementary schools was 32 and for high schools 21.2.

Another evidence of an improved educational program is the extent to which teachers take advantage of the in-service training opportunities offered them. Traditionally, the colored teachers of the State have taken full advantage of all programs designed to improve themselves professionally. Through summer schools, extension courses, workshops, and other such programs, teachers have been given full and equal opportunities. In recent years these programs in the various counties have been conducted for all

teachers on an integrated basis. Indeed, one of the most promising advances has been the complete integration of local supervisory and administrative staffs to promote one program for all pupils in a particular unit.

Other evidences of continued progress in the public schools of the State include:

1. The appointment of a Negro member to the State Board of Education
2. The appointment of Negro members to various local Boards of Education
3. Removal of the color restriction concerning membership in the Maryland State Teachers' Association
4. Extension of programs of adult education on an integrated basis in the local units
5. Programs of Parent Education extended to County units
6. The appointment of Negro supervisors of pupil personnel in counties with large Negro pupil populations
7. Extension of vocational programs in home economics, agriculture and trade and industrial education in all high schools where enrollment justified without regard to color
8. Legal provision for colored supervisors in all county units with 30 or more colored teachers even though such restriction based on color is contrary to current interpretations*.
9. Proper distribution of all funds received from local, State, and Federal sources for educational purposes, without regard to color.
10. Adequate provision for buildings, equipment, and materials of instruction for every child in the State, regardless of color.
11. Uniform provision for related and supporting services to the educational program; e.g. school lunch, health, and library services, to all pupils without regard to color.

*Chapter 11, Sec. 142: Public School Laws of Maryland. Vol. 28, April '48, No.2.

B. Higher Education for Negroes in Maryland

There are at the present time four Negro colleges in the State, all of which are under public control and state support. Two of these are State Teachers Colleges, operated under the State Board of Education, acting as their Trustees, one is a branch of the University of Maryland and the fourth is a liberal arts college with its own Board of Trustees. None of the Negro colleges have ever offered work beyond the undergraduate level. In 1950 a Junior College for Negroes was opened in Montgomery County, with some State aid, but operating under the County Board of Education.

Within the past few years, the rigid pattern of racial segregation in higher education has begun to relax. Since 1935, an increasing number of Negro students have been admitted to the School of Law of the University of Maryland, and to such private institutions as the Johns Hopkins University, Loyola College and St. John's College. During the current year 1953-1954, both graduate and undergraduate Negroes are enrolled in several colleges of the University of Maryland.

The State's interest in and support of higher education for Negroes are reflected in its investment for capital outlay and general fund appropriations to the Negro colleges. The figures for recent years are shown on Table 4.

Table 4. State Support For Maryland Negro Colleges

Year	Bowie State Teachers College	Coppin State Teachers College	Maryland State College	Morgan State College
A. <u>Capital Outlay Appropriations - 1939-1953*</u>				
1939	\$ 30,000.	-	\$ 35,000	\$ 122,000
1947	42,000	-	587,000	1,491,000
1949	750,000	-	865,000	1,669,170
1951	800,000		865,000	2,111,170
1952				
1953	260,500			1,920,000
B. <u>Property Inventory - Buildings, Equipment and Land</u>				
1953	\$1,720,843.88	\$674,213.84	\$2,506,689.03	\$6,392,225.55
C. <u>General Fund Appropriations</u>				
1950-51	\$187,531	- - -	\$457,186	\$639,041
1951-52	241,456	\$70,000	495,807	822,083
1952-53	263,012	86,035	559,461	929,681

*Source: Reports of the Comptroller of the Treasury:
Construction and Property Inventories and
Fiscal Digests of the State of Maryland

Table 5. Summary of Selected Data Concerning Institutions of Higher Learning for Negroes in Maryland*

Institution & Location	Date Founded	Enrollment, June,	Number Teachers on Staff	Number Acres in Site	Estimated Value (Present Value)
1. Carver Jr. College	1950	39	**	**	**
2. Maryland State College Princess Anne	1886	431	47	303	\$4,500,000
3. Morgan State College Baltimore	1867	2314	102	91	9,300,000
4. State Teachers College, Bowie	1867	348	16	187	1,720,844
5. State Teachers College, Coppin - Baltimore	1900	206	14	21	920,216

The foregoing picture, however, gives only a part of the State's support of Negro higher education. To alleviate somewhat the condition of limited opportunities for graduate work or undergraduate work offered at the University of Maryland but not offered at any of the Negro colleges, the General Assembly of Maryland¹ in 1935 authorized the payment of partial scholarships to Negroes attending out-of-state institutions and appropriated \$10,000 a year for 1936 and 1937. Additional legislation² provided \$30,000 yearly for the 1938-39 biennium and subsequent appropriations have been made for each year since that time. Increasing demand has resulted in constantly increasing appropriations and disbursements. The 1954 appropriation was \$200,000, with disbursements estimated to be \$244,000. The total amount appropriated by the General Assembly for this purpose from 1936 to 1953, inclusive, is \$995,000 with \$1,269,745 disbursements during the same period - the difference having been made up from supplemental appropriations. The highest number of persons receiving grants was in 1953, with 907 recipients, divided among 76 out-of-state institutions. From the above data, the State appears to have been most generous in its provisions for higher education for Negroes.

*Source-Replies received from Questionnaire to the College Presidents, Summer 1954

1. Acts of 1935, Ch. 92
2. Acts of 1937, Ch. 506, ...

**Uses staff and facilities of Montgomery County Public Schools (Article 49B.)

Appendix

Table 1. Enrollment in Maryland Public Schools: By Color, September 1953

County	All Pupils	White	Per Cent	Colored	Per Cent
Total State	409,570	325,910	79.6	83,660	20.4
Baltimore City	125,266	79,127	63.2	46,139	36.8
Total Counties	284,304	246,783	86.8	37,521	13.2
Allegany	15,837	15,553	98.2	284	1.8
Anne Arundel	24,396	19,663	80.2	4,733	19.8
Baltimore	52,341	48,520	92.7	3,821	7.3
Calvert	3,172	1,594	50.3	1,578	49.7
Caroline	3,869	2,976	76.9	893	23.1
Carroll	8,763	8,311	94.8	452	5.2
Cecil	7,164	6,695	93.5	469	6.5
Charles	5,759	3,197	55.5	2,562	44.5
Dorchester	5,249	3,607	68.7	1,642	31.3
Frederick	11,533	10,458	90.7	1,075	9.3
Garrett	4,518	4,518	100.	--	--
Harford	11,924	10,658	89.4	1,266	10.6
Howard	5,037	4,053	80.5	984	19.5
Kent	2,835	2,013	71.1	822	28.9
Montgomery	37,362	34,860	93.3	2,502	6.7
Prince George's	42,223	36,468	86.4	5,755	13.6
Queen Anne	3,086	2,238	72.5	848	27.5
St. Mary's	3,886	2,734	70.3	1,152	29.7
Somerset	3,945	2,337	59.2	1,608	40.8
Talbot	3,767	2,582	68.5	1,185	31.5
Washington	15,531	15,205	97.9	326	2.1
Wicomico	7,491	5,607	74.9	1,884	25.1
Worcester	4,616	2,936	63.6	1,680	36.4

Table 1-A. Summary Distribution

Percentage Distribution Colored Enrollment	No. of Counties	Baltimore City
0-9.9%	8	
10.0-19.9	4	
20.0-29.9	5	
30.0-39.9	3	1
40.0-49.9	3	
Total	<u>23</u>	<u>1</u>

Appendix

Table 2. Maryland Public Schools
Average Salary Per Teacher: By Color 1923-1953*

Year Ending June 30	Elementary Schools			
	White	Colored		
1923	\$1,228	\$ 899	\$1,690	\$1,455
1933	1,401	1,056	1,710	1,197
1943	1,724	1,634	1,968	1,905
1953	3,856	4,017	4,031	3,963

Table 3. Maryland Public Schools
Average Days in Session: By Color 1923-1953

Year Ending June 30	Total State				Baltimore City				All Counties			
	Elementary		High		Elementary		High		Elementary		High	
	White	Col.	White	Col.	White	Col.	White	Col.	White	Col.	White	Col.
1923	187.3	172.4	186.	181.1	188.9	189.1	184	184	186.4	162.5	187	171.
1933	188	178.4	186.9	181.3	190.	190.	188	189.5	187.7	167.8	186.4	173.
1943	184	185	186	185	188	188	188	188	183	184	183	181
1953	182.4	183.1	182.8	183	184	184	184	184	181.8	182	182.5	182.

*For purposes of brevity, the data in these tables have been condensed to cover a 30-year period by decades only. All data in this report are from the Annual Reports or other sources on file in the Maryland State Department of Education, unless otherwise indicated.

Appendix

Table 4. Number and Per Cent of Pupils Transported at Public Expense - Maryland Counties: By Color 1923-1953

Year Ending June 30	Elementary				High			
	No.	White %	Colored No.	%	No.	White %	Colored No.	%
1923	3485	3.	133	1.	843	6.	--	--
1933	28750	26.5	847	3.	10209	33.7	502	19.
1943	45733	42.	6591	29.	18804	49.	3583	69.
1953'	68070	48.1	13240	57.	54060	63.7	9649	73.5

Table 5. Reduction in Number of One-Teacher Schools in Maryland Counties 1923 - 1953

Year Ending June 30	Total No. Elementary Schools		No. of One-Teacher Schools	
	White	Colored	White	Colored
1923	1619	521	1093	403
1933	901	489	406	334
1943	565	298	143	132
1953	498	182	33	26

Maryland Public Schools

Table 6. High School Graduates: By Color 1923-53

Year Ending June 30	All Counties		Baltimore City	
	White	Colored	White	Colored
1923	1953	24	(Not available)	
1933	4921	297	2381	661
1943	6731	664	2501	453
1953	8609	1,086	2835	826

Maryland Public Schools

Table 7. Current Expense Cost Per Pupil: By Color 1923-53

Year Ending June 30	State Average			
	Elementary		High	
	White	Colored	White	Colored
1923	\$49.69	\$30.68	\$102.25	\$94.35
1933	52.91	36.84	86.10	61.16
1943	65.23	57.72	113.43	103.15
1953	184.61	185.72	264.11	239.85

Maryland Public Schools

Table 8. Average Number of Pupils Per Teacher: By Color 1923-53

Year Ending June 30	Elementary				High			
	All Counties		Baltimore City		All Counties		Baltimore City	
	White	Colored	White	Colored	White	Colored	White	Colored
1923	31.7	38.3	--	--	20.	15.2	--	--
1933	36.2	34.9	34.5	38.3	24.6	26.7	26.5	29.7
1943	36.8	36.3	32.	34.7	23.	25.4	21.	20.9
1953	31.4	32.	32.3	33.5	21.6	21.2	20.9	26.3