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NATIONAL ASSOCIATION FOR THE  
 ADVANCEMENT OF COLORED PEOPLE

69 FIFTH AVENUE, NEW YORK

TELEPHONE ALGONQUIN 4-3551

Official Organ: *The Crisis*



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November 6, 1937

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Miss Elizabeth Brown  
 Mount Hope School  
 Sunderland  
 Maryland

Dear Miss Brown:

Sorry that we were unable to file your case on yesterday. The petition is completed and the case will be filed on Thursday. It will be necessary that you sign the petition before a notary public before the case is filed. I will possibly be in Calvert County on Wednesday night. Either I or one of the other lawyers will meet you at your school at 3:30 o'clock Wednesday, for certain in order to have you make the affidavit on the petition.

Yours very truly,

*Thurgood Marshall*  
 Assistant Special Counsel.

TM:erw

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## Geo. B. Murphy, Sr., Reports on Salary Case Contributions

Dear AFRO:

I want to call your attention to three significant contributions that have been made to the joint committee, Teachers' Salary Cases this year:

The Calvert County Council P.-T.A. has sent to us a check for \$206; the Anne Arundel County Federation of P.-T.A. sent \$150; and the Maryland Congress of P.-T.A.'s \$100.

The teachers, themselves, have contributed to date personally and through their association, \$2,319.

The committee desires to publicly thank the three P.-T.A.'s.

GEORGE B. MURPHY  
Treasurer

Baltimore

### THE TEACHER

Consider the life of a school teacher! There's nothing to it. It's a snap, just pleasing the children, the other teachers, the principal, the school board and the parents. Oh, boy!

She must dress well at all times, give liberally to all civic campaigns, attend summer schools with her savings, buy the right magazines, but also save for a rainy day. Nothing to it!

She must make certain that all students are getting their lessons every day; but not work too hard those suffering from any temporary ailments which no one else has discovered.

She must help the Boy Scouts, the Girl Scouts, the Community Chest, etc. (But if she gives too liberally the cry goes up, "Why, she can't need a job very bad; she's got lots of money.")

She must maintain order in the classroom by the strength of her personality and never touch a child.

She should keep up with the current educational teachings, but never express a radical opinion that may catch the ear of some conservative parent.

(Copyright 1938)

## FILE ON TEACHERS PERPLEXES BOARD

### Equal Pay To Negroes Will Break Budget Law In Anne Arundel

### Failure To Fulfill New De- cree May Put Officials In Contempt

(Continued from Page 26)

would be arranged to provide for the increases.

#### May Be Forced To Appeal

Mr. Hillman said that if the teachers consent to this arrangement, he and Marshall will draw up a decree which they will ask Judge Chesnut to sign. If the jurist refuses, it appears that the board will have no choice but to appeal to a higher court.

"We are not going to take an appeal," George Fox, superintendent of schools, said after the board meeting. "However, if the ruling takes effect before the next budget period, which begins January 1, 1941, we don't know what we will do. The new law prohibits the board from expending any money not authorized in the budget.

"We feel that Judge Chesnut was very fair in his decision, and we will do everything in our power to respect his ruling."

#### To Cost \$40,000 Yearly

Mr. Fox said that equalization of white and Negro salaries would cost approximately \$40,000 annually. The present budget for maintenance is approximately \$700,000, of which \$300,000 is provided by the State.

Judge Chesnut's decision was reached in the case of Walter Mills, Negro elementary school principal at Camp Parole, Anne Arundel county. Mills charged that he was receiving less than white educators doing the same work, in violation of the Fourteenth Amendment of the Constitution, which prohibits discrimination against American citizens and guarantees them "the equal protection of the laws."

Judge Chesnut found that there had been a discrimination and issued an injunction forbidding the board to make salary discrimination based on race or color.

Progress in the Elimination  
of Discrimination in  
White and Negro Teacher's Salaries

Reprinted, by permission, from  
THE JOURNAL OF NEGRO EDUCATION  
January, 1940

# THE JOURNAL OF NEGRO EDUCATION

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VOL. IX

JANUARY, 1940

No. 1

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## Editorial Comment

### PROGRESS IN THE ELIMINATION OF DISCRIMINATION IN WHITE AND NEGRO TEACHERS' SALARIES

Our readers are undoubtedly aware of the fact that, with few exceptions, Negro teachers in those states which maintain separate schools for white and Negro pupils receive smaller salaries than white teachers. And this, despite the fact that the Negro teachers may be equally well trained or do the same or similar work. In many instances Negro teachers receive less than half as much salary as white teachers with similar training and doing similar work. It is conservatively estimated that Negro teachers in publicly-supported institutions suffer discrimination amounting to \$10,000,000 annually, solely because they are Negroes.

During the past three or four years, under the leadership of the National Association for the Advancement of Colored People, Negro teachers in several states have brought suits in the courts to determine whether such discrimination could legally obtain. One of the earliest cases was that of *Gibbs v. Browne* in Montgomery County, Maryland, where mandamus action was brought by a Negro principal of an elementary school requesting the

court to require the Superintendent and County Board of Education to pay him a salary equal to that of white principals of the same qualifications and work. Before a decision could be rendered in this case the Board of Education offered to equalize salaries, making up the total differential within a period of three years. This year marks the beginning of the third year and the end in Montgomery County of salary differentials, based solely upon race.

In 1937, N. W. Griffen, the principal of a Negro school in Florida brought mandamus action requesting the court to require the school board to pay him the same salary as white principals of similar qualifications and work. The lower court held that since there was no statutory provision requiring minimum salaries<sup>1</sup> the court could not require equal salaries. The state supreme court upheld the lower court in this instance. However, before the case could be carried to the U. S. Supreme Court on writ of certiorari Mr. Griffen

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<sup>1</sup>This situation is quite different from Maryland which does have a statute establishing minimum salaries.

was fired from his position, thereby making his position in the matter a moot one.

It should be noted here, to the everlasting credit of the Negro teachers of Florida that they stood by Griffen who, with his wife, had sacrificed his position for their benefit. The state teachers' association not only elected Mr. Griffen as its president, but paid him a regular salary to travel throughout the state building up the association among the Negro teachers.

Early in 1939, Miss Aline Black, a teacher in the Norfolk public school system in Virginia, filed mandamus action against the school authorities demanding that they pay her a salary equal to that of white teachers of the same training, experience and work. The defendants succeeded in postponing the case until the end of the school year when Miss Black was not given a contract for the next year. Thus, similar to the Griffen case in Florida, this case was not pursued further. (Again, it should be noted here that the Negro teachers association anticipated that this sort of reprisal might be taken against Miss Black. Consequently, they provided against this contingency by allocating enough money from their treasury to allow her to make the transition.)

The most recent case to be brought to a conclusion is that of *Walter Mills v. Board of Education et al*, in which the Negro principal of an elementary school at Camp Parole, Md., requested the court to issue an *injunction* to restrain the school board from paying him and *other Negro teachers* lower salaries than white teachers of the same training and experience who were doing similar work. It should be ob-

served that in this case two new steps were taken, based upon experience in previous cases: *First*, *injunction* proceedings were instituted instead of *mandamus*, which answered the question raised by the court in the Florida case; and *second*, the plaintiff filed the case not only in his own interest but in the interest of all Negro teachers in the same category, thus circumventing the ruse of killing the case by firing the individual plaintiff as was done in the Black case in Virginia and the Griffen case in Florida. Moreover, it should be observed that this case was filed in a district Federal court under the equal protection clause of the 14th Amendment.

On November 22, 1939, W. Calvin Chesnut, U. S. District Judge for the District of Maryland, handed down the decision in this case, stating that ". . . the controlling issue of fact is whether there has been unlawful discrimination by the defendants in determining salaries of white and colored teachers in Anne Arundel County solely on account of race and color, and my finding from testimony is that this question must be answered in the affirmative, and the conclusion of the law is that the plaintiff is therefore entitled to an injunction against the continuance of this unlawful discrimination."<sup>2</sup> It should be observed here that according to Judge Chesnut as indicated in his decision:

Counsel for the plaintiff are also not unmindful of the financial problems which will necessarily be faced by the County Board of Education and County Commissioners of Anne Arundel County by reason of the *injunction* to be issued in this case, and have

<sup>2</sup> For a complete text of this decision see: "Education and the Law" in this issue of the JOURNAL.

expressed willingness to have the operative effect of the injunction postponed until the preparation of the next annual budget by the County School Board; and therefore the judgment to be entered will conform to this agreement.

Pending at the present time, hearing set for March 12, 1940, is the case of M. O. Alston in Virginia, in which an injunction is asked, not only in the interest of the plaintiff as an individual teacher and taxpayer but in the interest of other Negro teachers, requesting the Federal district court to restrain the school authorities from paying him and other Negro teachers less than is paid to white teachers who have the same qualifications and are doing the same kind of work. It is anticipated that, despite the Maryland decision, this case will probably have to be fought all the way up to the U. S. Supreme Court. The most hopeful sign in the situation is that the Negroes in Virginia—both teachers and laymen—have made up their minds to see this thing through at whatever cost financial or otherwise.

As recently pointed out by Arthur B. Spingarn, Chairman of the National Legal Committee of the N.A.A.C.P., in commenting on the Mills case:

Although this opinion decides only the question of salary between Mr. Mills and Anne Arundel County, it establishes a precedent which will act as a yard-stick to measure the constitutionality of the differential in salaries paid colored teachers and principals throughout the separate school system of Maryland and the other eighteen Southern and border states where the separate school systems differentials exist. . . .

While the National Association for the Advancement of Colored People, which has led the fight against educational inequalities in this and other departments of tax-supported education, is gratified at this im-

portant victory it wishes to emphasize that winning this case does not solve the whole question of inequalities. The precedent established by Judge Chesnut's decision will undoubtedly have to be applied in court actions and in the stirring of public opinion in other counties of Maryland and throughout the other states in which such inequalities exist. . . .

Furthermore, the establishment of the principle of equal pay for equal work and the removal of discrimination in tax-supported institutions on account of race and color will also speed up the processes of equalization of pay and of opportunity in other fields of public and private employment. . . .

I have quoted Mr. Spingarn at length because I think his observation here indicates very clearly the potential effect of this most recent and favorable decision. However, there are one or two additional observations which should be made or further emphasized:

*First*, it should be specifically noted that while court action has its limitations, yet it may be used as an effective device to crystallize public opinion against injustice and in many instances to achieve considerable material results. When the N.A.A.C.P. started its campaign of employing the courts as a wedge to split open some of the discriminatory practices all sorts of dire predictions were made as to the effect such action would have on race relations. As far as this writer has been able to learn, there has been nothing but the utmost courtesy extended to counsel for the Association, and so far, little or no race friction has occurred as a result of any of this litigation.

There is one important result that has been achieved, however. Some officials who admit the practices are

wrong and would do something to remedy them if they did not fear their constituency have been given the basis to act in accord with their convictions. In addition, many officials who have been put upon the witness stand have been forced either to admit publicly that the practices were wrong or to put up such an irrational defense that testimony amounts to even more than a frank admission of guilt. Such action has the effect of educating the more intelligent citizens (many of whom are ignorant of the fact that such practices exist) and of crystalizing opinion for just treatment.

*Second*, one of the most encouraging aspects of all these cases is the fact that they have been prosecuted by young Negro lawyers without fees and many times even without their traveling expenses defrayed. For example, in the Mills case in Maryland, four young Negro attorneys presented the case for the N.A.A.C.P.: William H. Hastie, former District Judge in the Virgin Islands and at present Dean of the Howard University School of Law; Leon A. Ransom, Professor of Law at Howard University; W. A. C. Hughes, Attorney-at-Law in Baltimore; and Thurgood Marshall, Legal Adviser of the N.A.A.C.P., and graduate of the Howard Law School.

It should be pointed out that it is

by no means an accident that three of the four attorneys in this as well as the other cases were from the Howard Law School. For the past ten years now, the Law School of Howard University, as well as other units in the University, has operated upon the policy that it was not only the duty of the school to turn out expert practitioners but even more, that the teachers should set a worthy example of leadership to the Negro community in particular and the country in general by voluntarily contributing their services to improvement of the nation in general. It is our hope that this attitude will grow apace among institutions of higher learning for Negroes.

Finally, it should be recognized more clearly than appears to be the case that the N.A.A.C.P. deserves much more credit and support for its efforts in initiating these cases. As I have mentioned before in these comments every Negro teacher should become an active member of this Association, and what is more important there is every good reason why there should be an active junior chapter in every Negro high school and college in the country. The good work that the Association has begun should not be allowed to falter because of lack of support from the very group it is intended primarily to benefit.

C. H. T.

*National Association for the Advancement of Colored People*  
*69 Fifth Avenue*  
*New York, N.Y.*

I am enclosing ..... dollars for a membership in the N.A.A.C.P. to enable it to carry on its program including the elimination of unequalities in public education.

*Name* .....  
*Address* .....  
*City* ..... *State* .....

Memberships of \$2.50 and up include a year's subscription to *The Crisis*, official monthly magazine.

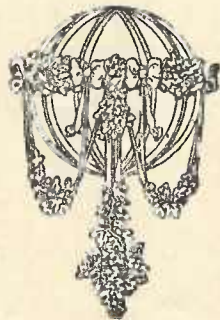


**THE FEDERATION**  
*of*  
**MARYLAND ORGANIZATIONS**

composed of  
**Religious, Civic, Fraternal and Social  
Organizations Throughout the State**

presents facts in support of

**A Program of Justice  
And Liberty for All**



**BALTIMORE, MARYLAND  
FEBRUARY 1935**

Compiled by the  
**Federation Research Committee**

## THE FEDERATION PROGRAM

The Federation is committed to the following program:

1. Equal length of school term for every child in the State without regard to race or sex.
2. Equal pay for equal service for every public school teacher in the State without regard to race or sex.
3. Equal provision of building, equipment and supplies for every element of the public school population of the State without regard to race or sex.
4. Just and proportionate distribution of funds expended for the transportation of children to school centers, without regard to race or sex.
5. Adequate facilities for fully meeting the needs for higher or professional training for every qualified citizen of the State desiring it, without regard to race or sex, by:
  - (a) Making available the facilities of the University of Maryland to every person qualified to use them without regard to race or sex.
  - (b) Providing adequate facilities for fully meeting these needs in some other institution for those not able to enter the University of Maryland: or:
  - (c) Paying the cost of full scholarships for those who are compelled to go outside of the State to secure like or equal higher or professional training.
6. A colored Assistant State Supervisor of colored schools.
- (7) Provisions for a State owned and controlled corrective institution for colored boys together with a colored personnel to manage it.
- (8) Colored representatives on all public boards in control of colored institutions.
9. A colored personnel in all institutions established and maintained for colored inmates, or such as may be established hereafter.
10. Abolition of all Jim Crow Laws in the State.

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A VICE PRESIDENT IN EACH COUNTY OF THE STATE

## MEMBERSHIP IN THE FEDERATION

Individuals may join for \$1.00 each.  
Organizations may affiliate for \$3.00 each.  
Write the Executive Secretary for application blank.

50,000 CITIZENS UNITED FOR JUSTICE.

LOOKING TOWARD THE FUTURE.  
WHAT INDIVIDUALS AND ORGANIZATIONS CAN  
DO IN A UNITED EFFORT TO ESTABLISH  
A "SQUARE DEAL" FOR ALL CITIZENS.

Any one who believes in fair play, in a "Square Deal," in "Justice and Liberty For All," after reading the facts presented in this little booklet, will surely be constrained to join forces with the Federation, to the end that, those finer purposes, which alone, one can hardly hope to realize, may in conjunction with the concentrated power of many, be brought to pass. With an organization like the Federation, that knows neither race, nor sex, nor creed, but which believes in, and seeks Justice, and Fair Play, and a Square Deal for All, one can visualize the day, when living in the State of Maryland will mean every where and to all, the fullest opportunity to make the most of one's powers, to render the largest possible service, to be happy and satisfied from day to day, and to maintain the finest type of mutual understanding and friendly relationship within and without the several groups, that in their aggregate, constitute the population of this great State.

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Topeka, Kas.	Hon. Arthur Capper
Waco, Texas	R. D. Evans
Wilmington	Hon. William H. Hastie Charles Edward Russell Dr. Charles H. Thompson Dr. Elizabeth Yates Webb

January 17, 1938

Miss H. Elizabeth Brown,  
 Mt. Hope School,  
 Sunderland, Maryland

Dear Miss Brown:

Thank you for your letter of January 11 which arrived during my absence from the office.

The spirit of the teachers in Calvert County is most encouraging. We wish to thank you for your pledge of cooperation and to assure you that we need the cooperation of every Negro in the Country to put over our program.

I have enclosed your certificate and hope that you have not suffered any inconvenience by my delay in returning it to you.

Very truly yours,

*Thurgood Marshall*

Thurgood Marshall  
 Assistant Special Counsel

NATIONAL LEGAL COMMITTEE

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Pittsburgh, Pa.	Homer S. Brown
Toledo, Ohio	Jesse S. Heslip
Wilmington, Del.	Louis L. Redding

Enc.  
 TM:AG

207 N. Washington St.

Rockville, Md.

Dec. 17, 1937

Miss Elizabeth Brown

Sunderland, Md.

My dear Miss Brown,

I have been informed both through the press and the national office that it is you who has taken the courageous step in acting as plaintiff for the equalization of Negro teachers in your county. In taking this eventful stand you have the distinction of being the first of your sex to be such a heroin. This alone is most commendable.

It is because I have experienced the position that you are now enjoying, that I take this opportunity to congratulate you upon this very noble deed. Such an act will mean much to your co-workers and the race. May your success in this adventure be as gratifying as mine, or rather ours was in this (Montgomery) county. Too, let us pray for the ever increasing power of the N.A.A.C.P.; without whose aid we would surely be forced to carry on indefinitely under the old order.

Hoping that sometime in the near future I shall have the pleasure of meeting you personally

Very truly yours,

*Wm. B. Gibbs Jr.*

# NEGROES FILE SUIT ON TEACHERS' PAY

Seek Equalization Of Re-  
muneration With That Pro-  
vided For Whites

Bill Charges State Law Is In  
Violation Of Fourteenth  
Amendment

Court action seeking equalization of the pay of white and Negro teachers in Maryland has been instituted by the National Association for the Advancement of Colored People, it was learned yesterday.

An injunction petition was filed in the United States District Court here by a firm of Negro lawyers in Washington, legal counsel for the association, on behalf of Walter Mills, Negro principal of a school for Negro children in Anne Arundel county.

#### On Constitutional Grounds

The bill charges that the Maryland law creating a higher base pay for white teachers is in violation of the Fourteenth Amendment to the Constitution of the United States and therefore should be declared unconstitutional.

Dr. Leon A. Ransom, member of the faculty of the law school of Howard University and one of the four attorneys who filed the petition, said last night that the action is a test case undertaken by the association for the State Teachers' Association of Maryland, organization of Negro teachers.

#### Fight On Two Years

The association has been fighting for equalization in the State for two years, he said, and has succeeded in its efforts in all the counties where individual actions have been taken, except in Prince George's.

The group finally decided to attack the law on a statewide basis rather than go into court in each county. The defendants named in the petition are members of the State Board of Education, including Albert S. Cook, State Superintendent of Schools.

## The Courage to Fight

Not only Virginia school teachers but all of us appreciate the fine courage which prompted Miss Aline Black, Norfolk high school teacher, to become the spearhead in the fight to equalize teacher salaries.

It turns out frequently that when we have collected money with which to carry on a fight like this, we cannot find the people in a position to buck the line.

It requires not only a highly developed sense of consecration and sacrifice, but persons must be found who can give the time to testify in courts and who are willing to stand the publicity and have economic security sufficient to be beyond bribery or threats.

But the NAACP has been fortunate in Virginia and Maryland in getting intelligent men and women to volunteer for this service. This is encouraging, for unless people are willing to fight for the things they believe to be right, they ought not to expect to get them.

No one turns aside when he meets an earthworm wriggling down the street, but a wild cat gives us pause.

# CALVERT COUNTY

## Md. School Supervisor Called "Little Hitler"

### Citizens Ask Removal of ex-Blacksmith "Dictator"

By Staff Correspondent

PRINCE FREDERICK, Md.—Calvert County is seething under what citizens call Maryland's most deplorable school conditions, under which children are not only compelled to study in dilapidated, unsanitary buildings, but where teachers themselves are allegedly held in virtual peonage.

#### "Hitlerish Tactics" Charged

As an outgrowth of these conditions, 700 county residents, represented by W. A. C. Hughes, Baltimore attorney, presented a petition to the school board demanding the ousting of J. P. Layne, supervisor of colored elementary schools, for what they termed his "Hitlerish tactics."

The petitioners charge that Layne, who was graduated from Hampton as a blacksmith and who served at Princess Anne Academy as a cook, has only the rating of a college freshman, and is not qualified for the job which he holds.

#### Board Ignores Protest

Although he was charged with retarding the educational progress of the county through his refusal to permit teachers to participate in the life of the county, refusal to co-operate with parent-teacher organizations, and laxity in the performance of his duties, the petition was dismissed by the board.

This action was taken following a closed session, during which none of the protesting county residents were present. They were told later that there was not sufficient evidence in the petition to warrant Layne's dismissal.

#### Charge Peonage

At a later meeting of the anti-Layne group, it was charged that he held many of the teachers of the county in what amounted to "veritable peonage," compelling them to live in "teacheries," which he provided, and preventing them from any association with county residents.

Mrs. Wallace A. Gibson of

Owings, Md., declared that Layne had rented two houses, one at Prince Frederick and the other at Mt. Hope; that he ordered the teachers to live in them, and that they were afraid to do otherwise, lest they lose their jobs.

She maintained that one of the teachers had married a resident of the county and had immediately lost her job. Another, she said, had taken up residence at the home of a minister at Mt. Hope and had also been discharged.

#### State Law Violated

She called attention to the schools in the county, many of which were without adequate sanitary facilities (in violation of State law), and declared that she felt that this was due to laxity on the part of Layne in calling this to the attention of the proper authorities.

It was declared that seating, transportation, and other facilities in the schools were inadequate, and that a hearing would be demanded in an effort to remedy these conditions.

Several schools in the county, which were visited by AFRO reporters were found to have loosely boarded outdoor toilets behind which waste matter lay exposed on the ground.

At two or three of the schools, no toilets were provided for boys attending them. At the Mt. Hope school two sanitary outhouses stood in the school yard, but they had not been installed for use.

Residents of the neighborhood said that they had been standing there awaiting installation since last October. In the meantime, pupils of the school used rickety, unsanitary structures.

#### Have No Books

A parent stated that in a number of cases pupils did not have books from which to study. "No readers are provided in one school," she said, "and the pupils study reading from history books."

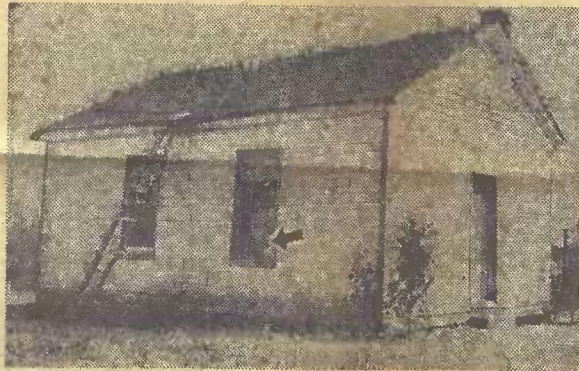
She stated also, that pupils in the high school did not have enough desks to go around, and that at examination times students were compelled to hold their papers on their laps while taking examinations.

A popular belief was expressed that many of the shortcomings of the schools were due to Layne's refusal to attempt to secure needed supplies from the school authorities.

#### Windows Patched

At Olivet School, there was no

## TOTS ATTEND HERE



Note pasteboard nailed in window openings to keep out the cold. Residents of the vicinity say that the windows have been as they are during the greater part of the winter. This is known as the Parker Creek School.

wear, are 8-year-old Glmons, 755 Irving Street west, and 6-year-old Smith, 751 Irving Street west.

tators pause to taste their he south portico.

## er Can't ling on

## BEAUTICIANS ENJ





# Has Maryland's Worst School System, AFRO Probers Learn

## LOWRY SCHOOL



Note loose boards on walls of building.

glass in the window frames on the side of the building. Strips of hardboard had been tacked on to keep out the cold.

Transportation facilities were declared to be inadequate. It was reported that a number of students had to walk as far as five or six miles to catch a bus to bring them to school.

Layne was also accused of having used his influence to have his wife and sister-in-law appointed principals of schools in the county, although they were rated as first-year college students.

It was charged that eight teachers had been tried in one school in less than two years, and that no teacher stayed at the high school for more than two years.

County residents voiced their determination to continue their fight for Layne's removal, which they contended is necessary to the betterment of educational conditions in the county.

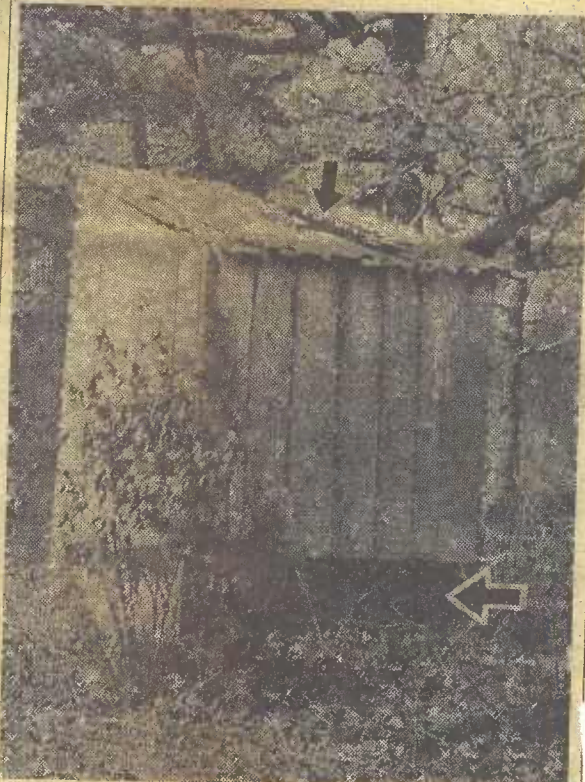
### Says It's All News to Him

When interviewed by an AFRO reporter, Layne declared that he was completely in the dark about the entire matter and that he had known nothing about the petition demanding his removal until he was informed by the AFRO.

He attempted to minimize it, however, and declared that the filing against him had been stirred up by comparative newcomers to the county who had personal axes to grind.

"And number of the persons whose names appeared on the petition were not residents of the county," he said. "One of them gave an address in Northeast Washington, and none of the better thinking people of the county have paid any attention to the affair."

## HEALTH MENACE



Note gaps between the boards and loose roof of these outhouses typical of those provided for Calvert County school children. The waste falls on the ground behind the buildings and lies there as a menace to the health of the community.

# HER FAILS TO KEEP EGG ROLLERS FROM WHITE HOUSE LAWN



Among the spectators were Misses Ida Mae Boardly and her sister, Elizabeth, showing the sights to their guest, Miss Susan Cunningham (center) of New York.

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Shown with their Easter baskets, perhaps a little the worse for wear, are 8-year-old Gladys Simons, 755 Irving Street, Northwest, and 6-year-old Gloria Smith, 751 Irving Street, Northwest.

ators pause to taste their  
the south portico.

# er Can't ling on Lawn

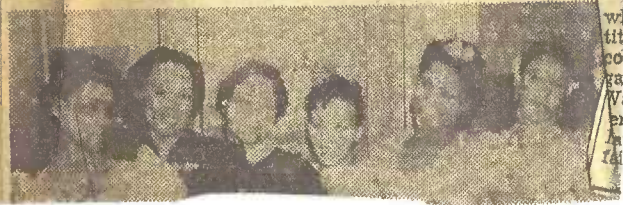


Among the spectators were Misses Ida Mae Boardman and her sister, Elizabeth, showing the sights to their guest, Miss Susan Cunningham (center) of New York.



Taking time out for a little rest in the sun are Mrs. Emma Carson and John Simms, 13, all of Matti

## BEAUTICIANS ENJOY



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# Maryland State Teachers Banqueted



Group shown in cafeteria at Dunbar High School, Baltimore, where dinner was served Friday night. Business sessions were also held at Dunbar.

## Dedicate New High School at Towson, Md.

TOWSON, Md. — Dedication of the new Towson High School building was held, Friday evening, in the school auditorium.

Edward G. Stapleton, assistant superintendent of schools of Baltimore County, delivered the main address. Brief talks were made by Benjamin H. Engle, president of the board of education; Ernest H. Akehurst, vice-president of the board; Clarence G. Cooper, superintendent; Judge Joseph Ulman of the Supreme Bench of Baltimore, and John T. Hershner, former-assistant superintendent.

### Other Guests

Other guests included Mrs. Benjamin H. Engle, Mrs. Edward G. Stapleton, Mrs. George Odell, Mrs. Erwin Huber, Mrs. Joseph Ulman, William Mackle, and Mrs. Akehurst.

Music was furnished by the high school chorus, Mrs. Marie Johnson, vocalist, and Charles Caldwell, pianist.

Walter Mack, vice-president of the P-TA, presided

Members of the school's faculty are: Miss Minnie H. Woolford, principal; Miss Myrtice E. Knight, Charles Caldwell, Miss Elmyria M. Smith, Robert Bishop, Mrs. Dorothy J. Smith, Miss

## They Are Getting Equal Salaries



# State Names Locations of 28 T-B Clinics

BALTIMORE—The Maryland Tuberculosis Association, with offices at 900 St. Paul Street, announced this week, the location of tuberculosis clinics in twenty-eight Maryland towns and the hours at which they may be visited during November.

The places and hours follow:  
 Upper Marlboro, health department, 11 a.m.; Centerville, health department office, 9:20 a.m.; Annapolis, clinic room, old high school building, 10 a.m.; Ellicott City, health department office, 10 a.m.; Denton, health office, 9 a.m.; Prince Frederick, Calvert County Hospital, 10 a.m.;  
 Snow Hill, health depart. office, 10 a.m.; Frederick, Winchester Hall, East Church Street, 9 a.m.; Princess Anne county health office, 10 a.m.; Oakland, health department office, 9 a.m.; Elkton, health department office, 10 a.m.; LaPlata, health office, 10 a.m.;  
 Cambridge, Cambridge-Maryland Hospital, 9 a.m.; Havre de Grace, health office, 1:30 p.m.; Hyattsville, County Service Building, Rhode Island Avenue, 10 a.m.; Salisbury, health department office, court house, 9 a.m.; Catonsville, Public Health Center, Meirrose Avenue and Eges Lane, 10 a.m.;  
 Easton, health department, 9 a.m.; Essex, Public Health Center, Dorsey and Woodward Avenues, 10 a.m.; Westminster, Albion Building, 3 E. Main Street, 9 a.m.; Odenton, Community Center, 10 a.m., and Cumberland, City Hall, 9 a.m.

# School Marms from the State



Visiting teachers to the Maryland State Teachers' Association in Baltimore last week. Left to right: Mrs. Jane Jones,

Centerville; Miss Mildred Rivers, Cookville; Mrs. Robert Williams, Leonardtown, and Mrs. Mary Bates, Cookville.

Dr. Lazon's assertion that "democracy and discrimination cannot live side by side in the same house."

Dr. Long followed Dr. Lazon and prefaced his address by telling of a conference he and Dr. Rayford Logan of Howard University and President F. D. Patterson of Tuskegee Institute had just held with President Roosevelt on the assignment of colored reserve officers. Speaking on "Education and Democracy," Dr. Long said that democracy should require that there be a common education for all people together and not apart.

### Other Speakers

Other speakers at the general session were:

Walter R. Hough, white, executive secretary to Mayor Howard W. Jackson, and Dr. David E. Weglein, white, who gave welcome talks; Miss Regina Brown and Dr. Murphy, who reported on the annual sessions of the American Teachers' Association held in Pine Bluff, Ark.

Carrington L. Davis presided at the meeting. Music was rendered by the Dunbar High School Club, directed by Miss George McMechen, and the Bowie State Teachers' College Chorus, under the direction of Mrs. C. B. Robinson.

Howard Little of the Pomona High School faculty and Sinclair Swann of Bel Alton High, sang solos.

At the business session on Saturday morning, Dr. R. Floyd Powell, white, supervisor of vocational and vocational education of the Maryland State Department of Education, was the

- Hall
- Worcester County**  
 E. Jerry Williams, Marguerite L. Reed, William H. Hayman, Oliver H. Williams, Camille Harris, Elaine V. Spry.
  - Montgomery County**  
 James H. Waters, R. H. Horton, Grace Billingsley, Lillian Locks, Marylyn V. Drew, A. V. Allen, Katherine R. Gaither, Thelma F. Wheeler, Lillian S. Coleman, Sarah M. Snowden, Lillian L. Giles, Allen T. Brown, G. S. Brown, Edith Hill, Ada M. Henderson, Jessine E. McNeill, Helen M. Bryan, Jessie Baylor, Margaret L. Taylor, Inez H. Smith, Rosalie C. Mapson, Edna M. O'Brien, Edward U. Taylor, Nellie Watts, Oneita Kane, Maude Howard, Margaret Wood, Zelma W. Jackson, M. Hazel Green, Mrs. Albert M. Livingston, Maso P. Ryan, Eloise Leviston, Ross J. Boddy, Fannie R. Prather, Josephine N. Hill, Mattie E. Simpson, Parlett L. Moore.
  - Hartford County**  
 Alma Green, Cornelia F. Ruff, Alberta E. Ross, Laura Christy, Mattie G. Summons, Veronica J. Campher, Fannie M. Jackson, Leon S. Royce, Blanche E. Cox, Chauncey Herst, Morgan L. Jones, Sarah T. Kane, Mildred H. Noble, Veola H. Whittington, Jessie C. Johnson, Horace Cromwell, Agnes Curtis, D. W. Noble, Stephen Moore, Jr., J. Pierce Turner, Ruth M. Hall, Alda M. Newsome, Percy Williams.
  - Dorchester County**  
 Walker S. Ross, Stephen E. Campher, Flossie G. Pinder, Corrine V. Peterson, Carrie M. Campher, Alda W. Creighton, Elois M. Chester, S. Mildred Harris, Marian L. Sampson, Helen C. Logan, Normi C. Moleck, Ella H. Richardson, Virgie Lake, Ethel F. Garrett, Viola J. Camegys, Gladys E. Mapp, Irene Hill, Mildred Dickerson, E. T. Myers, Elizabeth D. Mullen.
  - Allegheny County**  
 Nonella S. Moore, Claude Waters.
  - Cecil County**  
 Hattie H. Jones, Cora K. Young, Charles W. Caldwell, Thelma R. Bestwick, Helen M. Shorter, Aileen F.

### Visiting Teacher



MISS EUNICE NICKENS, teacher at Bates High School, Annapolis, who is here attending the two-day meeting of the Maryland Educational Association at the Dunbar Senior-Junior High School. Miss Nickens is a Washingtonian and a graduate of Howard University.

# 18-Day Program Marks 11th Year of Md. Church

The House of Prayer Church of God, Central Avenue and Richie Road, Seat Pleasant, Md., celebrated its eleventh anniversary recently with eighteen days of special worship.

Mrs. Marion O. Hill and Mrs. Ruth Coates sponsored the program and were assisted by the Rev. L. R. Simmons. The Rev. James P. Simms is pastor.

### D. C. Pastors Assist

Services were held nightly, with speakers participating from Washington and various points in Maryland. A musical and literary program and a reception concluded the celebration.

### Those participating included:

The Revs. J. H. Hammond, Washington; Thomas Gray, Brandywine; F. D. Myers, Nottingham; G. Marton, Baltimore; William Littleton, Forestville; J. W. Tyler, Fairmont Heights; John Myles and Virgie Myles, Central Avenue; The Revs. A. L. Adams, F. J. Davis, J. R. Boman, Rosa V. Windsor, Samuel Kelsey, John Headen, and C. W. Ward, all of Washington; Misses Esther Jenkins, Beatrice Riddley, and Emily Hill. Music was furnished by the men's chorus, Friendship Baptist Church, Washington; the Rising Sun Chorus, Dunbar Methodist Church, Nottingham.

**Grasonville**

By MRS. SARAH J. TURNER  
 GRASONVILLE, Md.—The annual sermon for the Galilean Fishermen was delivered at Brook Grove Methodist Church, Sunday, by the Rev. C. C. Thomas, assisted by the Rev. E. B. Johnson.  
 Mrs. Sophia Wilson entertained the visitors at dinner, including Thomas Carr and Mrs. Gertrude Cooper.  
 Mrs. Sarah J. Turner and son, John, entertained Miss Anna Johnson, Thursday. Charlie Johnson was also her dinner guest.  
 Mrs. W. Wilson is visiting her father, in Lancaster County, Va.

Ruby McKae Galloway Naylor, principal of the board. They attended the Maryland educational society in Baltimore last week.

board. They attended the Maryland educational society in Baltimore last week.

**Gaithersburg**

GAITHERSBURG, Md.—The Rev. Mr. and Mrs. Tyler of Romney, W.Va., were in Stewart Town, recently, where he conducted revival services.  
 They also visited Hannah Wallace, Mrs. Bessie Warren, and Mrs. Lucy Frather on Friday.  
 The Rev. Mr. and Mrs. Tyler, the Rev. Mr. and Mrs. Moore and Mrs. Annie Burris were dinner guests of Miss Elizabeth Hawkins on Thursday.

**Md. Educational Body Ends Meet**

500 Teachers Attend 2-Day Meet;  
 William H. Hastie Among Speakers

BALTIMORE—Dean William H. Hastie of the Howard University Law School, newly named assistant to the Secretary of War, was one of the principal speakers during the two-day session of the Maryland Educational Association, held at Dunbar High School, Thursday and Friday, and attended by over 500 teachers from 21 counties and Baltimore City.

Addressing the dinner session of the meeting, Friday evening, Dean Hastie said:

"In making your fight for the equalization of teachers' salaries, emphasize to your school boards, P.-T.A. organizations and to the community at large that it is more than an idea for doing economic justice to the teachers; it is, in a broader aspect, a picture of what our democratic government represents."

**Urged to File Suits Now**  
 General theme of the sessions was "Education for Successful Living in Democracy." Following Dean Hastie's address, Thurgood Marshall, legal advisor for the NAACP, advised teachers in counties where salaries are not equalized, to file suit before changes are made in the State legislature.

Dr. George B. Murphy, Sr., in making a report of the expenses of the joint committee on equalization of teachers' salaries, declared, "if success is worth fighting for, it is worth paying for, and, if it is not worth paying for, then it is not worth having."

Other speakers included John L. Berry, manager of the East Baltimore branch of the North Carolina Mutual Life Insurance Company, and Mrs. Lillie M. Jackson, president of the Baltimore NAACP.

**Opened on Friday**  
 The session opened on Friday morning, with three group meetings. Parlett L. Moore presided over a principals' section, held in the lecture room of First Baptist Church, with President Eu-

gene A. Clark of Miner Teachers' College as main speaker.

The high school teachers' section was conducted in the main auditorium of the church by Miss Ruth G. Brannum of the Bates High School, Annapolis. The main speaker was Miss Edna W. Peyton of the Francis Junior High School, Washington.

An elementary section, presided over by Miss Edith Throckmorton, was held at Memorial Baptist Church, with Edward G. Stapleton, assistant superintendent of schools, Baltimore County, as speaker. Dean George C. Grant of Morgan State College, led the discussion.

**Highlight of Meeting**  
 Highlight of the meeting was the general session held on Friday afternoon, with Dr. Howard H. Long, assistant superintendent in charge of Washington schools, and Rabbi Morris S. Lazaron of the Baltimore Hebrew Congregation, as guest speakers.

Rabbi Lazaron, who spoke on "The Role of the Teacher in Educating for Democratic Living," told the audience that "we who are members of minority groups in this particular time of American life have got to be patient and forbearing beyond measure and full of pride in our own background."

"We've got to believe in democracy," Dr. Lazaron continued. "We've got to live it and create it; and how much more difficult that is for us as members of minority groups."

**Dr. Lazaron Gets Plaudits**  
 A round of applause greeted

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"Castilla Wine has the rich goodness of California grapes at their full strength. Matured nature's way, Castilla Wine comes to you exactly as it leaves California—nothing added—nothing taken away."

Alcohol 20% by Volume



**Castilla Wine**

MIGLIORETTI BROS.

BALTIMORE, MD.

**W. T. Andrews Left Estate of \$1,615.40**

BALTIMORE — An inventory, filed this week, by E. Everett Lane, attorney, acting for W. T. Andrews, Jr., administrator of the estate of the late William T. Andrews, showed the publisher left \$1,615.40.

Of this amount, \$195.58 was in insurance; \$201.82 in cash; \$100 in accounts due and the remainder in a car, furniture and printing equipment.



HENRY WINSTON

WFBR—Baltimore

WTBO—Cumb

Miss tired V recently poems, "degree teachers to who checks to inspi Al Jesse more C installe the asso re-elect W. C Larry J Mrs. M vice p executi sa D. E and F Miss visor schools, ecutive ciation Enolia leave f Teach ference which Helen Yvonne son, Joh David A Corinda cer, Eu Baker, Helen L ther E James B Charles Emma J A Eugal Sarah Rachel E. Oliv M. Thor B. Chas Marshall Hams, Chand, Alice C Mae Margie Margare ning, E. Burg Shockley Walley Madel Clara I Bertha Gilbert James Janet J RA He Na Youn Alb Co

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Baltimore Coun-  
Dean George C.  
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Dr. Lazon contin-  
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ority groups."  
aron Gets Plaudits  
of applause greeted

D.C. Poetess Speaks  
Miss Charlotte E. Hunter, re-  
ired Washington teacher who  
recently published a volume of  
poems, told the group that the  
degree to which we succeed as  
teachers depends on the degree  
to which we forget our pay  
checks and remember our duty  
to inspire children."

All Officers Re-elected  
Jesse Nicholas, retired Balti-  
more County school principal,  
installed the following officers of  
the association, all of whom were  
re-elected:

W. Cato Anderson, president;  
Larry Jones, first vice president;  
Mrs. Mildred L. Pindell, second  
vice president; Joseph C. Parks,  
executive secretary; Mrs. There-  
sa D. Banks, recording secretary,  
and Frank B. Butler, treasurer.  
Miss Anna B. Dashiell, super-  
visor of Wicomico County  
schools, was named to the ex-  
ecutive committee of the asso-  
ciation in the place of Mrs.  
Enolia P. McMillan, who is on  
leave from her school duties.

Teachers attending the con-  
ference and the counties from  
which they came were:

**Frederick County**  
Helen M. Roberts, Edna V. Bowie,  
Yvonne M. Myrick, Antoinette V. John-  
son, John F. Davis, Drexel F. Bruner,  
David A. Shickly, Jeannette C. Bruner,  
Corinda B. Stewart, Herman J. Tyrnan-  
cor, Eunice C. Hutchins, William K.  
Baker, Mary E. Thomas, Ward Hollis,  
Helen L. Loud, Elizabeth Browne, Es-  
ther E. Grinage, Erolise E. Myrick,  
James M. Weedon, Evelyn E. Lawson,  
Charles E. Heason, Ruth Timmons,  
Emma L. Beard.

**Anne Arundel County**  
Eugenia Francis, Cornelia Brown,  
Sarah V. Jones, Henrietta W. Jordan,  
Rachel C. Smith, Ella Anderson, Mary  
E. Oltman, Emma W. Thompson, Alice  
M. Thomas, Florence N. Tongue, Rosie  
E. Chase, Charlotte V. Ruddock, Louise  
Marshall, Mattie W. Clash, Edna Wil-  
liams, Edna Headman, James Mar-  
chand, Nora G. Jones, Francis L. Noel-  
chand, Alice C. Brown, Ethel L. Johnson.

**Kent County**  
Mae Howard, Marie F. Strucknins,  
Margie Harmon, Theresa B. Thompson,  
Margaret B. Southall, Irene B. Struck-  
ning, Mamie E. Goldsborough, Kathryn  
E. Burgess, B. F. Graham, Anthony M.  
Shockley, Olive T. Thompson, Phyllis  
Walley.

**Queen Anne's County**  
Madelyn Spellman, Norwood Brown,  
Clara L. Davis, Elva Goldsborough,  
Bertha A. Washington, Corrine L. Chase,  
Gilbert D. Wilson, Wilhelmian Joiner,  
James R. Wilson, Marie E. Johnson,  
Janet Jones, Larrie S. Jones, Myrtle

Koger, Gladys C. Sheppard, Harry E.  
Simms, Alva C. Wallace, Harriet E.  
Milburn.

**Wicomico County**  
E. Wallace Johnson, Randolph Brooks,  
William Hull, Delois K. Caul, Mae M.  
Poik, Catherine R. Lee, Robert Brown,  
Maude Ennis, Evelyn Duckery, Dicie  
B. Kier, Bessie Bowser, Beatrice Con-  
way, Marie A. Dashiell, Anna B.  
Dashiell, Malvern L. Ore, Geneva C.  
Johnson, Lessie Hughes, Estella Brown,  
Sylena Barclay, Cora E. Goslee, Mantie  
C. Elzey, Bertha M. Elzey, Agatha M.  
Jones, Virgie F. Bentley, Ruth A. Mor-  
ris.

**Carroll County**  
Daisy Harris, Kersey Jones, Russell  
Hayward, Margaret Brown, Mae Prince,  
George Crawford, James R. Hite, Willie  
A. Blount, Helen Costley, Beatrice B.  
Stanley, Edna Collins.

**Somerset County**  
Thelma V. Brooks, John Hammond,  
Frances C. Brown, Ruth E. Sandesbury.

**Baltimore County**  
Abraham E. Hall, Lillian Rustin, Ro-  
land E. Harris, Beatrice O. Gwynn,  
Julia Perry, Elizabeth Pratt, Ella L.  
Ponsie M. Barclay, Florence B. Scott,  
Winston, Ella Mason, Ellamae Lee,  
Elizabeth Young, Lauretta Anthony,  
Alvetha V. Pipes, Addison V. Pinkney,  
Dorothy J. Howard, Royce L. Will-  
Caroline M. Randolph, Edward N. Wil-  
son, W. Jefferson Moore, Maude L.  
Williams, Frances O. Proctor, Arabella  
V. Paul.

**Prince Georges County**  
Helen L. Parker, A. P. Smith, Adella  
Johnson, Mary E. Wallace, June Hawk-  
ins, Marion Shields, Thelma E. Wilson,  
Charlotte E. Brewer, Mattie R. Green,  
Margaret S. Gee, Wilma W. George,  
Artie G. Bell, James E. Diggs, Mildred  
C. Fletcher, Edith R. Hawkins, Pearl E.  
H. Green, Virginia L. Jenkins, Louise  
Hill, Cornelia S. Spriggs, Bessie Ran-  
dall, Alice E. Morton, Agnes M. Ed-  
wards, Robert R. Gray, E. King, Alice  
H. Thomas, Elsie L. Funnell;  
Charity J. Quander, Mary E. Quan-  
der, Rachael G. Quander, Mildred Bur-  
nett, Helen V. Owens, T. Griffith,  
Dorothy Poole, Mabel C. Lancaster,  
Reba J. Hughes, Gertrude Brown,  
Mary J. Henry, Bernice Q. Phelps, Mae  
P. McGee, Mary S. Burrell, Burnadette

Haskins, C. Alveta Richardson, How-  
ard Bolden, William W. Hall, Helen  
J. Bennett, Theodore T. Watkins,  
Gladys M. Walls, George T. Arnold,  
Myrtle Waite, Josephine E. Blount;  
Eleanora L. Miles, Agnes H. Waters,  
Helen P. Tallafiero, R. F. Frisby, Mary  
E. Harrison, Grace Mary E. Hill, Char-  
West, Mae Henson, Mary E. Johnson,  
lotta Andrews, Blanche F. Glascoe,  
Mamie E. Henry, Mildred E. Ridgeley,  
David W. Lewis, Juanita S. Young, He-  
Mary M. Lewis, Juanita S. Young, He-  
tella G. Pridgion, C. Anita Brooks,  
Helen Claiborne, Alice H. Tolson,  
Marie A. Henderson, P. Estella Helle-  
Dorothy S. Tyler, Mildred Lloyd,  
Robert M. Thomas, Ruby M. Galloway,  
Lillian Myers, Theresa Banks, Edith C.  
Hawkins, Dorothy G. Mack, Gladys V.  
Laws, Elizabeth M. Jordan, Priscilla W.  
Wallace, S. Beatrice Henson.

**Charles County**  
Howard Little, Romaine E. Butler,  
Myrtle V. Rector, Lehman W. Spry, Nel-  
lie W. Gray, William H. Kiah, Clemlie  
Georgia C. Lucas, Osceola Savage,  
Rosalie Kelly, Gladys B. Maddox,  
Charlotte P. Swan, Eleanor Pinkney,  
Nellie Gray, Hildegarde J. Adams,  
J. C. Parks, Edwina Tucker,  
Mercedes E. Key, Alcega K. Clarke,  
Inez Johnson, Sinclair Swan, Aaron  
Kane, Mildred K. Coel, Mattie B. Reed,  
Raymond Johnson, Maurice E. Reid,  
Maud Ross, Elmira K. Davis, Mary E.  
Burgess, Audrey M. Jackson, Grace V.  
Beverly, Ruth M. Bevenly, Minnie C.  
Fields, Letta W. Hull.

**St. Mary County**  
Iona M. Hall, Estelle E. Bell, Grace  
Meares, Vera L. Williams, Carrie Tilgh-  
mer, Carrie J. Jameton, Julian A.  
Mears, Vera L. Williams, Carrie Tilgh-  
mer, B. McKinley Bickett, Henry H.  
Les, Elvare L. Smith, Devora C. Som-  
erville, Theresa Somerville, Marjorie E.  
Ball, David H. Smith, Alice G. Boar-  
man, Anna E. Price, Mildred Showell,  
Mary H. Allen, Althea P. Jones, Della E.  
P. Landers, Julia E. Bennett, R. F. Wil-  
Galline, Aulme T. Bennett, R. F. Wil-  
liams, Ralph S. Waters.

**Howard County**  
Ethel E. Boone, Mamie G. Magruder,

Misses Marior Willis 200  
Gardener, Tenth Street Baptist  
Washington.

## White Haven

By WILLIAM TOWNSEND  
WHERE HAVEN, Md. — A  
round the World" was given  
A. M. Jones, recently.  
Miss Florence Peter was the  
guest of her parents.  
Ira Hart was the Sunday  
William Townsend.  
Miss Pearl Lamore vis-  
daughters, recently, in Brook-

Cora G. Meadows, Viola  
Mary D. Bates, Mildred A.  
Jean A. Ball, Mildred Rive  
Martin, Marjorie Cooper, Et-  
Mabel Hall, Lorraine C. Ar-  
ence Lake, Effie V. Diggins  
Meadows.

**Talbot County**  
Laura Turner, Hollis W. F.  
tha R. Chase, Evelyn D. Hy-  
garet G. Smith, W. Edwa-  
Mary F. Thomas, Anna I.  
Ada Eggerson.

**Calvert County**  
Virginia E. J. Gray, Ray  
H. Elizabeth Brown, E. Sco-  
Calloway, Mable E. Corby  
Grimes, H. G. Funn, Audre-  
son, Susie L. Newman, Al-  
er, Dorothy E. Webb, Ella  
J. P. Layne, Mary C. Tho-  
J. P. Thomas, Lucy V.  
Edythe W. Cordery, Calver-  
E. B. Norfolk, L. D. Groce,  
Selma Mason, Maggie M.  
Katie L. Fuller.

**Caroline Cou**  
M. Bryant Weaver, O.  
Calvin H. Thomas, Lucie  
Matilda A. Palmer, Marg-  
ington, Mary L. Sharp,  
Henry, Hazel C. Butler,  
Dorothy A. Hopkins, Mik-  
kins, Lula D. Ward, Je-  
Sears D. Shockly, Beat-  
ard.

# They all answer P. D. Q.

(Perfectly Delicious Quality)

## when you say let's have a drink of



# NATIONAL'S EAGLE

"The King of Blends"



If you want a perfect, mild, gentle whiskey, try  
National's EAGLE. And compare its price, its body,  
its aroma and its taste with any blend at any price.

National Distillers Products Corporation, New York—90 Proof. 40% straight whiskey, 60% &

## RADIO TALKS!

HEAR

### Henry Winston

National Secretary of  
Young Communist League

### Albert Blumberg

Communist Candidate  
for U. S. Senate

## SUNDAY

# NOV. 3

4:30 P. M.

HENRY WINSTON

WFBR—Baltimore

WBOC—Salisbury

WTBO—Cumberland

**Poetess Speaks**  
Charlotte E. Hunter, re-shington teacher who published a volume of old the group that the o which we succeed as depends on the degree and we forget our pay and remember our duty children.

**Officers Re-elected**  
Nicholas, retired Baltimore school principal, the following officers of ciation, all of whom were ed:

ato Anderson, president; ones, first vice president; dred L. Pindell, second esident; Joseph C. Parks, ve secretary; Mrs. There- banks, recording secretary, ank B. Butler, treasurer. Anna B. Dashiell, super- of Wicomico County was named to the ex- committee of the asso- in the place of Mrs. P. McMillan, who is on from her school duties. chers attending the con- e and the counties from they came were:

**Frederick County**  
M. Roberts, Edna V. Bowie, M. Myrick, Antoinette V. John F. Davis, Drexel F. Bruner, A. Shickly, Jeannette C. Bruner, A. B. Stewart, Herman J. Tyrant, C. Hutchins, William K. Mary E. Thomas, Ward Hollis, L. Loud, Elizabeth Browne, Es- L. Grinage, Errolle E. Myrick, M. Weedon, Evelyn E. Lawson, E. Henson, Ruth Timmons, L. Beard.

**Anne Arundel County**  
Bena Francis, Cornelia Brown, V. Jones, Henrietta W. Jordan, C. Smith, Ella Anderson, Mary Oliver, Emma W. Thompson, Thomas, Florence N. Tongue, Rosie base, Charlotte Y. Ruddock, Louise hall, Mattie W. Clash, Edna Wil- L. Estabrook, James Mar- d, Nora G. Jones, Francis L. Noel, C. Brown, Ethel L. Johnson.

**Kent County**  
Howard, Marie F. Strycknins, e Harmon, Theresa B. Thompson, garet B. Southall, Irene B. Stryck- Mammie Goldsborough, Kathryn Burgess, B. F. Graham, Anthony M. eckley, Olive T. Thompson, Phyllis ley.

**Queen Anne's County**  
Madelyn Spellman, Norwood Brown, ta L. Davis, Elva Goldsborough, tha A. Washington, Corrine L. Ghee, bert D. Wilson, Wilhelmjan Joiner, ces R. Wilson, Marie E. Johnson, et Jones, Lattie S. Jones, Myrteal

Koger, Gladys C. Sneath, Harry A. Simms, Alva C. Wallace, Harriet E. Milburn.

**Wicomico County**  
E. Wallace Johnson, Randolph Brooks, William Hall, Delois K. Caul, Mae M. Poik, Catherine R. Lee, Robert Brown, B. Kiser, Evelyn Duckery, Dicie Maude, Bessie Bowser, Beatrice Cor- way, Marie A. Dashiell, Anna B. Dashiell, Malvern L. Ore, Geneva C. Johnson, Lessie Hughes, Estella Brown, Sylena Barclay, Cora B. Goslee, Mantie C. Elzey, Bertha M. Elzey, Agatha M. Jones, Virgie F. Bentley, Ruth A. Mor- ris.

**Carroll County**  
Daisy Harris, Kersey Jones, Russell Hayward, Margaret Brown, Mae Prince, George Crawford, James R. Hite, Willie A. Blount, Helen Costley, Beatrice E. Stanley, Edna Collins.

**Somerset County**  
Thelma V. Brooks, John Hammond, Frances C. Brown, Ruth E. Saulesbury.

**Baltimore County**  
Abraham E. Hall, Lillian Rustin, Ro- land E. Harris, Beatrice O. Gwynn, Ponsie M. Barclay, Florence B. Scott, Julia Perry, Elizabeth Pratt, Ella L. Winston, Ella Mason, Ellamae Lee- Elizabeth Young, Lauretta Anthony, Alberta V. Pipes, Addison V. Pinkney, Dorothy J. Howard, Royce L. Goslee, Caroline M. Randolph, Edward N. Wil- son, W. Jefferson Moore, Maude L. Williams, Frances O. Proctor, Arabella V. Paul.

**Prince Georges County**  
Helen L. Parker, A. F. Smith, Adella Johnson, Mary E. Wallace, June Haw- kins, Marion Shields, Thelma E. Wilson, Charlotte E. Brewer, Mattie R. Green, Margaret S. Gee, Wilma W. George, Artie G. Bell, James E. Diggs, Mildred C. Fletcher, Edith R. Hawkins, Louise H. Green, Virginia I. Jenkins, Pearl E. Cornelia S. Spriggs, Bessie King, Alice E. Morton, Agnes M. Ed- wards, Robert R. Gray, E. King, Alice H. Thomas, Elsie L. Furnick, Charity A. Quander, Mary E. Quan- der, Rachael G. Quander, Mildred Bur- nett, Helen Y. Owens, T. Griffith, Dorothy Poole, Mabel C. Lancaster, Dorothy Hughes, Gertrude Brown, Reba R. Henry, Bernice Q. Phelps, Mae P. McGee, Mary S. Burrell, Burnadette

Haskins, C. Alverta Richardson, How- ard Bolder, William W. Hall, Helen J. Bennett, Theodore T. Watkins, Gladys M. Walls, George T. Arnold, Myrtle Wake, Josephine E. Blount; Eleanor L. Miles, Agnes H. Waters, Helen P. Tallafiero, R. F. Frisby, Mary E. Harrison, Grace Brown, Deitha A. West, Mae Henson, Mary E. Hill, Char- lotte Andrews, Blanche B. Johnson, Mamie E. Proctor, Matilda F. Glascoe, David W. Henry, Mildred E. Ridgley, Mary M. Lewis, Juanita S. Young, Es- tella G. Bridgson, C. Anita Brooks, Helen Claiborne, Alice H. Tolson, Marie A. Henderson; Dorwell E. Brooks, P. Estella Hollo- way, Dorothy S. Tyler, Mildred Lloyd, Robert M. Thomas, Ruby M. Galloway, Lillian Myers, Theresa Banks, Edith C. Hawkins, Dorothy G. Mack, Priscilla W. Laws, Elizabeth M. Jordan, Priscilla W. Wallace, S. Beatrice Henson.

**Charles County**  
Howard Little, Romaine E. Butler, Myrtle V. Rector, Lehman W. Spry, Nel- lie W. Gray, William H. Kiah, Clem- entine Cheatham, Elsie M. Albright, Georgia C. Lucas, Osceola Savage, Rosalie Kelly, Gladys B. Maddox, Charlotte P. Swan, Eleanor Pinkney, Nellie Gray, Hildegarde, J. Adams, J. C. Parks, Edwina Tucker; Mercedes E. Key, Alcega K. Clarke, Inez Johnson, Sinclair Swan, Aaron Kane, Mildred K. Coel, Mattie B. Reed, Raymond Johnson, Maurice E. Reid, Maud Ross, Edmira K. Davis, Mary E. Burgess, Audrey M. Jackson, Grace V. Beverly, Ruth M. Beverly, Minnie C. Fields, Letta W. Hull.

**St. Mary County**  
Iona M. Hall, Estelle E. Bell, Grace Meares, Vera L. Williams, Carrie Tilgh- cer, Carrie J. Jamerson, Julian A. Mears, Vera L. Williams, Carrie Tilgh- man, E. McKinley Hackett, Henry E. Lee, Elvare L. Smith, Devora C. Som- erville, Theresa Somerville, Marjorie E. Ball, David H. Smith, Alice G. Boar- man, Anna E. Price, Mildred Showell, Mary H. Allen, Althea P. Jones, Flava P. Landers, Julia B. Clarke, Della E. Galline, Adeline T. Bennett, R. F. Wil- liams, Ralph S. Waters.

**Howard County**  
Ethel E. Boone, Mamie G. Mgruder,

Misses Marior Willis and Lovaine Gardener, Tenth Street Baptist Church, Washington.

**White Haven**

By WILLIAM TOWNSEND  
WHITE HAVEN, Md. — A "Trip A- round the World," was given by Miss A. M. Jones, recently. Miss Florence Peter was the Sunday guest of her parents. Ira Hart was the Sunday guest of William Townsend. Miss Pearl Larnore visited her daughters, recently, in Brooklyn, N.Y.

Cora G. Meadows, Viola Pamilton, Mary D. Bates, Mildred A. Williams, Jean A. Ball, Mildred Rivers, Louis Martini, Marjorie Cooper, Elsie Flor- ence Lake, Effie V. Diggins, Nina D. Meadows.

**Talbot County**  
Laura Turner, Hollis W. Posey, Mar- tha R. Chase, Evelyn D. Hynson, Mar- garet G. Smith, W. Edward Dobson, Mary F. Thomas, Anna I. Kennedy, Ada Eggerston.


**Calvert County**  
Virginia E. J. Gray, Regina Brown, H. Elizabeth Brown, E. Scotland, Irene Calloway, Mable E. Corbin, M. W. Grimes, H. G. Funn, Audrey E. Robin- son, Susie L. Newman, Ailene Stomp- er, Dorothy E. Webb, Ella J. Burnette, J. P. Layne, Mary C. Thomas, Kath- erine C. Thomas, Lucy A. Phillips, Edythe W. Cordery, Calvertia M. Berry, E. B. Norfolk, L. D. Gfocce, N. B. Layne, Selma Mason, Maggie M. Freeland, Katie L. Fuller.

**Caroline County**  
M. Bryant Weaver, O. G. Weaver, Calvin H. Thomas, Lucretia P. Henry, Matilda A. Palmer, Margaret D. Brew- ington, Mary L. Sharp, Hannah E. Henry, Hazel C. Butler, Paul E. Wise, Dorothy A. Hopkins, Mildred M. Hop- kins, Lula D. Ward, Jennie C. Cobb, Sears D. Shockly, Beatrice A. How- ard.

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National Distillers Products Corporation, New York—90 Proof, 40% straight whiskey, 60% grain neutri

**RADIO TALKS!**  
HEAR  
**Henry Winston**  
National Secretary of  
Young Communist League  
**Albert Blumberg**  
Communist Candidate  
for U. S. Senate  
**SUNDAY**  
**NOV. 3**  
4:30 P. M.  
**WBOC—Salisbury**  
Cumberland



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# NEGRO SCHOOL PRINCIPAL WINS SALARY FIGHT

Chesnut Issues Injunction  
Forbidding Racial Dis-  
crimination

Walter Mills Claims He  
Gets \$1,050 Yearly; White  
Supervisors \$1,800

Walter Mills, Negro high-school principal at Camp Parole, Anne Arundel county, yesterday won the first round in what was described in court as a test case of national importance when an injunction was issued forbidding the county school board to make salary discrimination based on differences of race and color.

In signing the injunction, Judge W. Calvin Chesnut, in Federal Court, handed down an opinion which stated that the question of whether "there has been unlawful discrimination in determining the salaries of white and colored teachers . . . must be answered in the affirmative.

"The plaintiff is therefore entitled to an injunction against the continuance of this unlawful discrimination."

### Equivalent Work

Walter Mills, as plaintiff in the case, had complained before Judge Chesnut that he received \$1,050 a year for doing work equivalent to that performed by white school principals in the county who were paid \$1,800.

This, he alleged, is a violation of the Fourteenth Amendment of the Constitution, which prohibits discrimination against American citizens and guarantees to them "the equal protection of the laws."

The complaint was opposed by

George Fox, public school superintendent, and by the county school commissioners. They contended that the county could not afford to pay larger salaries to colored teachers, which they estimated would increase the county tax rate by 7 cents.

#### Will Be Eliminated

George T. Cromwell, member of the school board, disassociated himself, apparently, from the position held by the school board and announced that "salary differences ought to be eliminated and will inevitably be eliminated."

"The practice of paying white teachers more than colored persons for doing the same type of work is absurd," he added.

"It shows a lack of progress. I believe that each teacher should be paid whatever his services are worth regardless of his color. Meanwhile, I am doing all in my power to abolish these pay differences with a minimum of strain on the county's finances."

#### No Discrimination

In his opinion Judge Chesnut said that "the court is not determining what particular amounts of salaries must be paid in Anne Arundel county either to white or colored teachers individually, nor is the board in any way to be prohibited by the injunction in this case from exercising its judgment as to the respective amounts to be paid to individual teachers based on their individual qualifications, capacities and abilities.

"It is only enjoined from discrimination in salaries on account of race or color."

Mr. Fox, county school superintendent, on learning of the decision stated that the School Board would meet shortly to consider possible grounds for an appeal against the injunction.

#### Points To South

"The question of expense for further litigation will be influential in the board's decision," he said.

"But this injunction," he said, "points not merely against Anne Arundel, but against every county in the State and every school board in the deep South. There the pay differences between white and colored teachers are much greater than in Anne Arundel county."



ells of A

# \$490,000 Teacher Pay Bill Passes

Adc Charr

ANNAPOLIS—After a four-week battle, during which proponents of the teachers' equal salary bill fought bitterly against almost overwhelming odds, the measure was passed in the General Assembly, late Monday.

Much of the opposition to the bill, which will make it possible for colored teachers in Maryland counties to receive the \$490,000 increase decreed two years ago by Federal Judge W. Calvi Chesnut, came from Legislators from the Western Maryland counties.

Though the Legislators knew when they convened in January that the question would have to be met and handled, it was not until the last of February that three bills covering the issue

(Continued on Page 2, Col. 4)

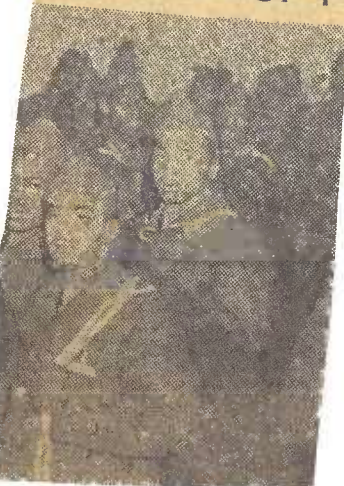
# Robeson Buys Conn. Estate

THOMSONVILLE, Conn. — Paul Robeson on Tuesday purchased for \$10,000 the famed showplace estate, "The Beeches," built and formerly owned by Frederick Swindells, late textile mill magnate.

The home, which contains fifteen rooms, swimming pool, tennis courts, bowling alleys and billiard room, is situated on two and one-half acres and cost over one hundred thousand dollars to build.

It was vacant several years. Thomsonville is in the center of the textile and tobacco growing section.

# "Leave for N



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*On Disk*

*Scanned Copy Provided by*

*Margaret Dunkle*

*Chair, Harriet Elizabeth Brown Commemoration Task Force*

*June 2018*

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H. ELIZABETH BROWN



\$490,000

# Teacher Pay Bill Passes

(Continued from Page 1)

were thrown into the legislative hopper through the Senate.

They provided that the additional money necessary to finance the increases be obtained through a new school tax and a tax on pari-mutuel bets at half-mile race tracks, and that the word "white" be stricken from the existing law.

Various county delegations objected to the proposed revenue sources and attempted to throw the burden on the State treasury.

The first of these angles was straightened out when it was agreed that the new school tax be imposed only in those counties which do not now meet the equal salary standards.

### Race Track Tax Opposed

The question of imposing a tax on race tracks brought protests from most of the counties also, and was not cleared up until late on Monday, when the measure was passed in the House of Delegates.

The remaining angle, while in the House Ways and Means Committee, met with stiff and unexpected opposition from an Eastern Shore bloc, Monday. Lobbyists and proponents were taxed to no end to swing the dissenting Legislators who finally conceded. When the measure was finally brought to the floor, it passed without a dissenting vote.

### Princess Anne to Benefit

In the hustle and bustle of the busy sessions, late Monday, the Assembly passed Senate Bill 67,

These broad definitions would make the terms of the measure applicable to even such remote agencies as the D. (Welfare and Recreation Association), which has been under fire, partly for its jim crow policy in operation of food and recreation concessions in Washington.

#### Would Decl Policy

Innumerable organizations and institutions enjoy Federal subsidies which would likely be affected.

Discrimination hiring and in both tenure and conditions of employment would be outlawed on the part of a person or firm holding a Government contract.

which was re-

Assembly passed Senate Bill 67, introduced by Senator Arthur Brice, of Kent County, and providing for a bond issue of \$2,217,000.

This measure was amended to include \$100,000 to cover the damage wrought the Princess Anne Academy by fire, Sunday.

#### New Policewoman Approved

Among the many House and Senate bills rushed through the final sessions was H.B. 741, which provides for the appointment of six policewomen in Baltimore. Originally designed to cover the naming of five policewomen, the measure was amended, two weeks ago, to include another appointment.

This additional guardian of the law is scheduled to be a colored woman, who if appointed, will work in East Baltimore. Instrumental in bringing about the amendment was Miss Janet Green, president of the East Baltimore Residential Protective Association.

#### Lobby Successful

Miss Green brought the matter to the attention of Legislators in the Second District, and on Thursday led a delegation to Annapolis to secure the support of other assemblymen.

Included in the delegation were the Rev. Simon Williamson, the Rev. Mr. and Mrs. Hendershott, Mr. and Mrs. DuBois Banton, Mrs. Euter Jordan and John C. Green.

#### 25-Year Fight Reviewed

Political observers here recalled, as the salary bill was passed, that the uphill battle was begun by the Maryland State Teachers' Association twenty-five years ago.

At that time, a legislative committee representing the association and composed of William McCard, Walter S. Washington and Harold E. Young, called the attention of each Legislator to the conditions facing colored teachers in the counties.

It was pointed out that teachers in Anne Arundel County were receiving \$94 per school year of four months; \$145 in Calvert County; \$86 in Caroline; \$81 in Dorchester; \$175 in Prince Georges, and \$145 in Queen Annes.

#### Success Came Slowly

At each of the regular biennial sessions of the General Assembly, educators and political leaders attacked the question. The first success was raising the school year in the counties up to nine months. The second was recorded on Monday, with the final okey on the salary question.

Leading the fight for the association, during the recent sessions, were W. A. C. Hughes, Jr., and Josiah F. Henry, Jr., attorneys, who followed the legal steps of the measure and lobbied for its passage.

#### Awaits Governor's Pen

The bill, now awaiting the signature of Governor O'Connor, who in his effort to affect its passage, placed it on his "must" list as an administration supported measure, is to become effective on January 1, 1942.

It provides a minimum salary of not less than \$1,000 per year for teachers without a degree and holding a regular first-grade certificate, and increases that are graduated up to \$1,600 per year for seventeen years of service.

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Limit Us



know because you read the A  
TIMORE, MD., APRIL 5, 1

will be \$1,200, regardless of whether they are employed in high schools or grade schools. A teacher having seventeen years of service must be paid at least \$1,800, and between the scale jumps by easy stages for each two years of service.

#### Not Effective Immediately

For teachers without a degree, the beginning minimum is \$1,000, and over 17 years this minimum jumps to \$1,600 by stages.

Nineteen counties participating in Maryland's equalization plan will carry the burden of the increases during the first two years, but after that time the State will contribute to the added cost.

The full increases will not take effect immediately, even for teachers who have college degrees and ten to twelve years of experience.

The bill provides that salary raises shall not be invoked at a rate of more than \$100 in any two years.

#### Illustration Given

A teacher with a college degree and seventeen years of experience but receiving only \$1,400 a year, for example, will not be raised immediately to the \$1,800 minimum. The bill increases the salary to \$1,500 in 1940, \$1,600 in 1942, and \$1,700 in 1944, until the minimum has been reached.

Representatives of the State Education Department pointed out that many counties already pay better salaries than are provided in the bill, and that



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

August 29, 1991

Dear Ms. Brown:

I am returning your original newspaper article to you which you sent to Justice Thurgood Marshall. I made a xerox copy for Justice Marshall's use. I thought the original article would be something you would want to keep.

Sincerely,

Vickie Messent  
Secretary

Ms. Elizabeth Brown  
P.O. Box 83  
Owings, MD 20736

# The Washington Post

AN INDEPENDENT NEWSPAPER

## Justice Marshall Resigns

JUSTICE Thurgood Marshall, who announced his resignation from the Supreme Court yesterday, often joked that he was too stubborn to leave the court at any time when his successor might be appointed by a president from a different end of the political spectrum. Justice Marshall was an unabashed liberal, an unswerving defender of individual and civil rights. But at 83—his birthday is next week—and in ill health for many years, he was at a point where it was easy to understand why the strain of frequent dissent and the increasing loneliness of his position had become a burden.

Famous and even revered long before he was appointed to the high court, Thurgood Marshall was probably the foremost civil rights litigator of his day. And in his day, that was not an easy role. Those were years when people asserting their rights risked life and limb in some states. Long before the '60s, when the civil rights movement grew and became widely accepted, he was constantly in court on behalf of the NAACP Legal Defense Fund pressing cases and winning victories. His most far-reaching triumph was *Brown v. Board of Education*, a case that went to the Supreme Court and forced the desegregation of the nation's schools. Young Americans may not recall the degree of racial injustice of those years or appreciate what it meant to resist violence in

the belief that courts would right wrongs. As a lawyer, Justice Marshall survived physical danger, personal insults and an unsympathetic establishment, and he succeeded brilliantly.

His life did not become immediately easier when he moved to high public office in 1961. President John F. Kennedy appointed the civil rights champion to the U.S. Court of Appeals, but the Senate Judiciary Committee, led by Sen. James Eastland of Mississippi, refused to move on the nomination for almost a year. He was later named solicitor general and then justice of the Supreme Court by President Lyndon Johnson, and although these confirmations came more swiftly, his ascent to the court was opposed by 11 die-hard members of the Senate.

Born in Baltimore and an honored graduate of Howard Law School, Justice Marshall has strong ties to this community. He is a hero to African Americans but no less to other citizens who share his commitment to civil liberties and equal justice. His stalwart dissents spoke not only for the accused, the impoverished and the victims of discrimination who were the focus of his life's work but for all who are anxious about the court's continuing drift away from these concerns. In his absence, the court will be more united next term; that is not a pleasing prospect.

# The Washington Post

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## Weather

**Today:** Sunny, hot, more humid.  
High 94. Low 76. Wind 7-14 mph.  
**Saturday:** Sunny, hot, humid.  
High 96. Wind 10-18 mph.  
**Yesterday:** Temp. range: 66-89.  
AQI: 80. Details on Page B2.

# The Washington

114TH YEAR

No. 205

FRIDAY, JUNE 2

## Justice Marshall Retires

### Precedents Go By the Board as Justices End Term

By Ruth Marcus  
Washington Post Staff Writer

The Supreme Court ended its term yesterday by explicitly overruling two recent decisions and severely limiting a third, provoking open warfare among the justices about the propriety of the court's conservative majority tossing out precedents it dislikes.

Ruling 6 to 3, the court reversed decisions made as recently as 1989 and said juries weighing the death penalty can hear "victim-impact" evidence about the character of murder victims and the suffering of their survivors.

In a separate case, the court voted 5 to 4 to uphold a mandatory sentence of life without parole for possession of 1½ pounds of cocaine. [See story, Page A16.] Two justices voted to overrule a 1983 decision requiring that criminal sentences be proportionate to the crime, and three others interpreted that ruling in a way that the dissenters claimed leaves it an "empty shell."

The decisions on the last day of the court's 1990-91 term continued the conservative majority's move to narrow the constitutional protections afforded criminals and restrict the ability of prisoners to bring their cases to federal courts.

In *Payne v. Tennessee*, the victim-impact case, the court reversed a pair of 5 to 4 decisions from 1987 and 1989 excluding such evidence. It said that the principle that the court should not lightly jettison its earlier rulings did not apply in this case.

Those decisions "were decided by the narrowest of margins, over spirited dissents challenging the basic underpinnings of those decisions," the court said in an opinion by Chief Justice William H. Rehnquist. "They have been questioned by members of the court in later decisions, and have defied consistent application by the lower courts. . . . Reconsidering these decisions now, we conclude . . . that they were wrongly decided and should be, and now are, overruled."

The ruling, in which Justice David H. Souter joined five members of the court who already were on record as disagreeing with the earlier decisions, *Booth v. Maryland* and *South Carolina v. Gathers*, drew a pair of anguished dissents from the three most liberal members of the court.

See COURT, A17, Col. 1



BY GERALD R. ...  
His judicial career and the court term at an end, Justice Marshall arrives



# From Supreme Court

## An Era of Civil Rights Gains Closes; Bush to Move Quickly on Successor

By Al Kamen and Ruth Marcus  
Washington Post Staff Writers

Supreme Court Justice Thurgood Marshall, a towering figure in civil rights for half a century and the only black Supreme Court justice in the nation's history, yesterday announced his retirement. He said his "advancing age and medical condition" made it impossible for him to meet "the strenuous demands of court work."

Marshall, who will be 83 next week, notified President Bush of his decision by letter delivered to the White House shortly after the court issued its last opinions for the term, including a sharp attack by Marshall on the court's conservative majority.

Marshall made his departure contingent on the confirmation of a successor, an unusual action last taken by Chief Justice Earl Warren in 1968. All justices since then have retired without conditions.

The departure of Marshall, by far the most liberal justice, gives Bush his second appointment to the court. Justice William J. Brennan Jr.'s retirement last summer, and his replacement by Justice David H. Souter, left the court firmly under conservative control.

Marshall's resignation ends an era in which the court used the Constitution as a tool to advance the rights of minorities and the downtrodden, and will leave the conservative majority with no need to compromise to attract the vote of a wavering justice.

In a statement, Bush thanked Marshall for his "extraordinary and distinguished ser-

vice to his country" and said, "I intend to nominate a successor very soon."

Speculation focused immediately on a short list of conservative minority and women candidates, including Clarence Thomas, a black judge on the federal appeals court here and former head of the Equal Employment Opportunity Commission; Edith H. Jones of the 5th U.S. Circuit Court of Appeals, the runner-up to Souter last summer; Ferdinand F. Fernandez of the 9th Circuit; Emilio Garza, elevated in May to the 5th Circuit; and Ricardo H. Hinojosa, a district judge in Texas.

In his letter, Marshall echoed the words of Brennan, who retired last July after suffering a stroke.

"The strenuous demands of court work and its related duties required or expected of a justice appear at this time to be incompatible with my advancing age and medical condition," Marshall said. "I, therefore, retire as an associate justice of the Supreme Court of the United States when my successor is qualified."

Marshall had been in declining health for many years, but it was not clear that any particular medical circumstance prompted his decision to break his often-repeated vow to remain on the court "for the length of my term, which is life." Marshall plans to speak to the press at the court this morning.

Kevin Baine, a Washington lawyer and former Marshall clerk who helped the justice select his law clerks, said he had been interviewing potential Marshall clerks for the term after next and was surprised by

See MARSHALL, A19, Col. 1



MARTINEAU—THE WASHINGTON POST  
at home in Virginia.

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Miss Elizabeth Brown  
Mount Hope School  
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Dear Miss Brown:

As expected, the Board of Education of Calvert County refused our petition to equalize salaries on your behalf. We are now drawing a petition to carry the case to court. There are certain facts which must be made clear before we can file the case. Please let me know immediately your exact salaries for as many years back as you can remember and especially for this year. Let us have your annual salary and also your monthly salary. I must have this information by return mail, special delivery. You will find enclosed an addressed envelope.

If everything goes as expected I will be by your school no later than 3:30 P.M. on Thursday afternoon so that you can read over the petition before it is filed on Friday morning. Please do not tell anyone that the case is to be filed on Friday.

Yours sincerely,  
*Thurgood Marshall*  
Assistant Special Counsel.

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*Have You Written Your Senators Urging Support of the Federal Anti-Lynching Bill?*

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# Who Will Continue the Fight?

**T**hurgood Marshall's departure from the Supreme Court marks more than the end of an era in American life and the passing of the last great liberal justice. It represents the beginning of a new political struggle for direction of the nation that will continue well into the next century.

Marshall is the last survivor—and principal shaper—of the progressive impulse toward reform that crested in Lyndon B. Johnson's presidency in the 1960s and steadily eroded until a new conservative majority emerged during the Ronald Reagan years of the 1980s.

Probably more than anyone in the last generation of sweeping national change, Marshall personified a belief that people could look to the federal government, especially to the courts, for resolution of long-festering social problems. His appointment in 1967 as the first black Supreme Court justice was a symbol of that approach to governance. His decisions contributed significantly to extending the concepts of "entitlements" and "rights" to groups of citizens who had neither. Marshall did more than extend rights; he expanded them.

That's what the civil rights revolution was all about, as was the plethora of "Great Society" legislation that the court viewed favorably in several decisions in which Marshall played a leading role.

At the heart of this expansionist belief was a conviction that the government can, and should, make a difference in the lives of ordinary Americans. Despite the now-common view that the liberal era was marked by waste and a penchant to throw money at problems, a record of solid achievement was forged. At the least, there was a commitment to attempting to alleviate age-old scourges such as poverty and disease and to finding creative ways to provide better education and health care for those who could least afford them.

With no little irony, only days before the news yesterday of Marshall's resignation the nation was vividly reminded of how much remains to be

living in poverty. One in four is raised by a single parent, typically divorced or unmarried. Thirty percent have not been immunized against such common childhood diseases as measles and mumps. Of children age 18 and younger, one of five has not seen a doctor in the last year. Of all children, 13 percent have no health insurance coverage. America's infant-mortality rate is higher than that of 21 other industrialized nations. Seventy percent of children who need treatment for mental disorders don't receive it. One-fourth of all births in the United States are to unmarried mothers, five times the rate in 1960.

Of those children in school, 40 percent are in danger of failing. Academically, they rank far behind their peers in other lands—and not just in familiar statistics showing average or below-average students placing below foreign counterparts. Compared with math and science achievement levels of high school seniors in 18 countries, the top 1 percent of American students ranked last.

As for families, despite conservative rhetoric about economic gains of the 1980s, they bear greater financial burdens today than they did a generation ago. For young families, real wages fell 24 percent from 1973 to 1989. At the same time, costs have risen steadily for housing, transportation, education and health care. These costs now consume substantially more of a typical family's income than they did 20 years ago.

To cite two examples: Last year, housing required 44 percent of a median family income, compared with 28 percent in 1970. Annual private-college tuition now consumes 38 percent of a family's income, 10 percent more than in 1970.

"Poverty rates among young families have almost doubled since the mid-1960s," the commission stated in a telling passage about the distance the nation has traveled backward since the year when Marshall joined the court. "And middle-income families report greater difficulty making ends meet. . . or perhaps the first time since the great Depression, American children will no longer routinely surpass their parents' standard of living . . ."

Thurgood Marshall's life has been devoted to changing such conditions. His departure from the daily struggle leaves not only a void but also a challenge: that others renew the battle.

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# Plain-Spoken Marshall Spars With Reporters

MARSHALL, From A1

this way: "That he did what he could with what he had."

At another point, he noted, "Everything has to come to an end some time, and I have given 50 years to it, and if that is not enough, God bless them."

Marshall said he had made his retirement contingent on the qualification of a successor "in case anything came up where I was needed. For a nine-member court, that's important."

The opening question set the tone. Marshall walked with a cane into the crowded room and sat down in a mahogany chair beneath a

*"I don't look back, I look forward."*

—Justice Thurgood Marshall

portrait of John Jay, the nation's

an activist conservative majority champing at the bit to dismantle scores of precedents protecting minorities, women, criminal defendants and the indigent. But he resolutely refused to comment yesterday on the direction of the court, his colleagues or the philosophy of President Bush.

Twirling his cane in his lap, he turned aside all questions about the future of civil rights, whether the court has lost touch with ordinary people, or any regrets he might have about unfinished business.

"For the 87th time, I will not discuss cases or judges," he said at one point.

Still, he offered a glimpse of the new reality with which he had been confronted in recent years, as conservatives cemented their control of the court, when he described the interview process for potential law clerks.

"For the past four or five years, one of the questions I asked prospective law clerks was, 'How do you like writing dissenting opin-



first chief justice. His tie was askew and his pants hiked up well over his white socks.

"How do you feel, Justice?" a reporter shouted.

"With my hands," Marshall replied, without skipping a beat.

Marshall's wife, Cecelia, looked on, sometimes beaming, sometimes shaking her head at her husband's remarks. She was joined by Marshall's law clerks, staff, and good friend and former NAACP colleague, attorney William T. Coleman Jr.

His son, Thurgood, and his daughter-in-law, Colleen Mahoney, took turns holding 2½-year-old Thurgood William, named for Marshall's closest colleague on the court, retired justice William J. Brennan Jr.

Brennan, Marshall said, was the first person he told, outside his immediate family, about his decision to retire. Although Marshall was coy about the timing, he informed his colleagues of his plans when the court met yesterday after issuing the final opinions of the 1990-91 term.

Marshall left the bench with a written blast at what he viewed as

you like writing dissenting opinions?" Marshall said. "If they said no, they didn't get the job."

For himself, Marshall said, "I don't have feelings about it."

When a reporter referred to his resignation, Marshall was quick to correct him. "It wasn't a resignation," he interjected. "It was a retirement."

Later, asked whether "black people" are better off today, he cut off the questioner.

"I am not a 'black people.' I'm an Afro-American. Now, do you want to talk about Afro-Americans?" Marshall responded.

Then, after the chagrined reporter apologized, Marshall said it was a dumb question anyway. "So are the white people, better off since I sat on the court," he said.

Responding to a question about Martin Luther King Jr.'s vision of a day when black Americans were "free at last," Marshall said:

"Well, I'm not free. All I know is that years ago, when I was a youngster, a Pullman porter told me that he had been in every city in this country . . . and he had never been in any city in the United States where he had to put his hand up in front of his face to find out he was Negro. I agree with him."



BY LUCIAN PERKINS—THE WASHINGTON POST

Marshall sits at news conference. "I will not discuss cases or judges," he said.

Even today? Marshall was asked. "I agree with him," he repeated.

On his legacy as a justice, Marshall was silent.

"I don't look back, I look forward," he said.

"All I do know was each job I got was tougher than the one I had before."

One reporter asked Marshall's reaction to liberals wringing their

hands over the loss of their stalwart supporter on the court, and conservatives' gleefulness about the expected addition of another conservative justice.

"What would you say to each camp?" Marshall was asked.

"Well, just pick two people at random," he responded. "President Roosevelt and Churchill both died and the world went right along."

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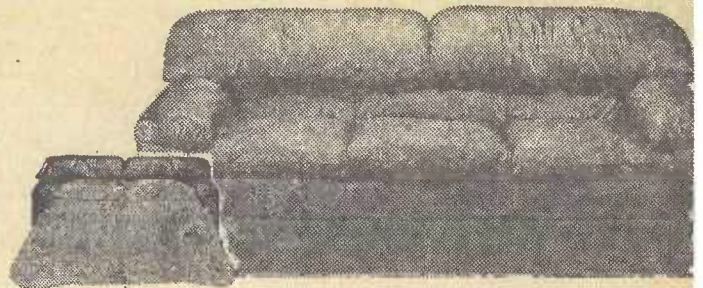
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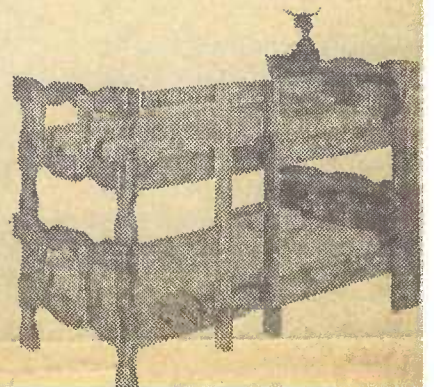
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## Weather

**Today:** Sunny and colder, diminishing wind. High 43. Low 24. Wind 10-20 mph.  
**Tuesday:** Mostly sunny, cold. High 40. Wind 6-12 mph.  
**Yesterday:** Temp. range: 37-59. Wind chill: 22. Details on D2.

# The Washington

116TH YEAR

No. 51

MONDAY, JANUARY 25, 1993

## Thurgood Marshall, Retired Justice, Dies

*Unyielding Defender of Individual Rights*

By Joan Biskupic  
Washington Post Staff Writer

Retired Supreme Court Justice Thurgood Marshall, a relentless voice for minorities whose six-decade legal career was emblematic of the civil rights revolution, died yesterday of heart failure.

He was 84 years old and had been retired since June 1991. Marshall had been in failing health in recent months. He died at the National Naval Medical Center in Bethesda, where he had been since Thursday. He had planned to administer the oath of office to Vice President Gore last Wednesday, but could not because of his condition.

Marshall, who was born in Baltimore the son of an elementary school teacher and yacht-club steward, went on to become one of the most important figures in civil rights history, first as a lawyer for the National Association for the Advancement of Colored People (NAACP) and then as the first black Supreme Court justice. He was known for both his sense of humor and his impatience over the ongoing struggle of blacks in America.

"He was somebody who had absolutely no sense of his own importance," said Louis Michael

Seidman, a former Marshall clerk who is now a Georgetown University constitutional law professor. "He held an unusual combination of reverence for the American justice system and a realization that his people were excluded."

In 1967, President Lyndon B. Johnson appointed Marshall to the court. During his 24-year tenure, he was the only black justice. He was replaced by Clarence Thomas, also a black man, but one who adopted a judicial approach that is the opposite of Marshall's liberalism.

Marshall's record on the court was consistent: always the defender of individual rights, he sided with minorities and the underprivileged; he favored affirmative action and supported abortion rights; and he always opposed the death penalty.

But he was not the liberal leader that retired Justice William J. Brennan Jr. once was. He did not strive for consensus, and as a result was the author of few significant majority opinions.

In a statement, President Clinton said Marshall was one of the giants "in the quest for human rights and equal opportunity in the whole history of our country."

Chief Justice William H. Rehn-

See MARSHALL, A10, Col. 1



BY LUCIAN PERKINS—THE WASHINGTON

At a retirement news conference in 1991, Marshall said he wished to be remembered with 10 words: "That he did what he could with what he had."

## CONCERNS ABOUT AIDS

*The death of three world-class Canadian men's figure skaters is raising concerns within the sport about the disease.*

**SPORTS,**  
Page C1

## A12/WORLD

### ■ KURDS' COMPLAINT

Aid is helping Kurds survive the winter but not to stand on their feet economically the rest of the year. *Page A12*

### ■ GERMANS ASSESS THEMSELVES

In correspondence with an American student, Germans try to explain the recent anti-foreigner violence. *Page A12*

### ■ ISRAEL'S PRIZE DISPUTE

A controversial Israeli dove gave up his nomination for the state's highest prize amid a public flap over it. *Page A13*

## D/METRO

### ■ DEALING WITH THE CREW

In the P Street Crew case, federal prosecutors got less than the decisive verdict they had hoped for. *Page D1*

### ■ THE YEAR OF THE ROOSTER

Thousands turned out to ring in the Chinese New Year at the annual celebration in Washington's



## SCIENCE

NOTEBOOK

### Climatology: Space Data Indicate Rivers in the Sky

**T**o their surprise, scientists have discovered that the Earth's lower atmosphere is laced with rivers of water vapor rivaling the Amazon in the massiveness of their flow.

Those rivers "are the main mechanism by which [atmospheric] water gets transported from the equator to the poles," said Reginald E. Newell of the Massachusetts Institute of Technology, who reports on the findings in the American Geophysical Union journal *Geophysical Research Letters*.

He said the concentrated streams, releasing not only moisture but latent heat in the higher latitudes, may turn out to be the main sources of hurricanes.

Climatologists have long understood that warm moist air rises from Earth's equatorial regions and drifts toward the poles along a course slightly offset by the motion of the Earth's spin. And the newly detected rivers flow in the expected directions. The surprise is that, for reasons so far undetermined, the moisture is confined in narrow

streams, rather than flooding willy-nilly in broad bands across large air masses.

Newell's team found the rivers serendipitously, while searching for the mechanism that transports carbon monoxide, he said.

In data from an instrument flown aboard a space shuttle, reinforced by independent data from an ozone-mapping satellite, they detected five rivers in the Southern Hemisphere and four or five in the Northern Hemisphere. Flowing at an altitude of no more than 1.9 miles above Earth's surface, they stretch typically to lengths of 4,800 miles or so, with widths ranging from 420 to 480 miles, and they sometimes undulate horizontally.

The flow volumes typically measured 165 million kilograms (364 million pounds) of water per second, which is comparable to an average flow in the Amazon.

Newell said his team is working to answer several key questions, such as why are the rivers so narrowly confined, and what role do they play in global weather patterns?

—Kathy Sawyer

### Ecology: Warming's Effects on Oceans, Tundra

**T**o the myriad potential effects of "greenhouse" warming, add two new reports from the current issue of *Nature*.

One appears to suggest that the higher the concentration of carbon dioxide (CO<sub>2</sub>) in the air, the more of it ocean-dwelling plankton can remove and store. Scientists from the Alfred Wegener Institute for Polar and Marine Research in Bremerhaven, Germany, found that level of carbon dioxide dissolved in ocean water is a critical limiting factor in the growth rate of plankton—which "fix" carbon from CO<sub>2</sub> in photosynthesis.

When plankton die, they sink to the bottom—taking their fixed carbon with them and "sequestering" it from immediate circulation. The Bremerhaven

may well be positively correlated to atmospheric CO<sub>2</sub> concentrations."

In a second report in *Nature*, Canadian scientists examined lake-bottom sediment samples and found that a previous episode of substantial climate warming—some 4,500 years ago—caused a rapid and dramatic change in the ecology of central Canada. In the very brief span of 150 years, the region was transformed from a virtually treeless tundra to a heavy forest of black spruce before subsiding to its current tundra condition.

The cause, apparently, was a rise in winter air temperatures. When very cold, only scrub forms of spruce can survive. The upright versions are so tall that their buds are frozen; the scrub buds, however, are low enough to be insulated by the snow. But when



# Thurgood Marshall, Tireless

MARSHALL, From A1

quist said Marshall will be remembered as much for his work before coming to the court as afterwards, for "his untiring leadership in the legal battle to outlaw racial discrimination."

Before Marshall joined the court, he had distinguished himself as the country's first black solicitor general, serving in that post from 1965 to 1967 and taking a lead in promoting the Johnson administration's civil and constitutional rights agenda.

Marshall came to national prominence as the chief lawyer for the NAACP Legal Defense and Educational Fund, when he argued a series of 1954 school desegregation cases known collectively as *Brown v. Board of Education*. The Supreme Court ruled in those cases that segregation in public schools was unconstitutional.

As a lawyer, Marshall also championed litigation that ended white-only primary elections and explicit racial discrimination in housing contracts.

His greatest cause was defendants' rights, and when he left the court two years ago, he was the last of the justices to oppose the death penalty.

People close to him said frustration with the court's conservative turn in recent years prompted his retirement.

But at a news conference at the time, Marshall blasted suggestions that his retirement stemmed from anger about the future of the conservative-dominated court.

"What's wrong with me?" Marshall said impatiently. "I'm old. I'm getting old and coming apart."

Such was the style of a man who could be eloquent or, when he wanted, slip into slang and black dialect. When he was asked what he was going to do in retirement, he said, "Sit on my rear end."

He was 6-foot-2, a physically imposing man who always appeared to be coming out of his black robes, and had a distinctive gravelly voice. He said he wanted to be remembered this way: "That he did what he could with what he had."

Marshall's roots were unlike any other justice before him. His mother was an elementary school teacher and his father a steward at an all-white yacht club on the Chesapeake Bay.

The great-grandson of a slave brought to America from Africa's Congo region, Marshall was named after a paternal grandfather, who had chosen the name "Thurgood."



Marshall talks with reporters after announcing his retirement from the court in 1991.



Good" for himself when enlisting in the Union army during the Civil War. Marshall later changed it to Thurgood.

Marshall attended Douglas High School in Baltimore, working as a delivery boy for a women's store after school.

He later confessed to having been a bit of a cutup in high school and college. He recalled that in high school he often was punished by being sent to the basement and forced to memorize "one paragraph of the Constitution for every infraction. . . . In two years, I knew the whole thing by heart," he said.

Marshall attended the all-black Lincoln University in Pennsylvania, earning money for tuition while waiting tables.

He obtained his law degree from Howard University in 1933, graduating first in his class.

Marshall attributed his interest in law to "arguing with my dad. We'd argue about everything." He also credited his father with instilling in him a fighting spirit. "Son," he once recalled his father saying, "if anyone ever calls you a nigger, you not only got my permission to fight him, you got my orders to fight him."

Marshall remembered carrying out that order one time when, as a delivery boy, he accidentally brushed against a woman on a Baltimore trolley car because he couldn't see over a stack of hat boxes he was carrying. A white man called him "nigger" and Marshall took him on.

Marshall began practicing law in Baltimore after graduating from Howard. One of his first civil rights cases was a successful effort to gain admission for a young black man to the University of Maryland Law School.

Three years later, he was hired as an assistant to the national counsel for the NAACP and two years later became chief counsel.

In late 1939, he created the NAACP Legal Defense and Educational Fund, and as its head from 1940 to 1961 he worked within the legal system to improve minority rights.

Traveling around the country, he won dozens of civil rights victories. He won all but three of the 32 cases he argued before the Supreme Court, including the 1954 *Brown* ruling. That landmark decision ended "separate but equal" school systems.

He achieved *Brown* through a series of court cases over several years, methodically dismantling the foundations of segregation.

He also was at the lead in the integration of the Little Rock Central High School in 1957, as well as crafting successful legal arguments against poll taxes, racial restrictions



in housing and white primary elections.

In 1961, President John F. Kennedy selected Marshall for the U.S. Court of Appeals for the 2nd Circuit. The nomination initially was opposed by southern Democrats in the Senate, who claimed he lacked legal qualifications for the job. But Marshall was approved several months later, becoming the second black judge to sit on the 2nd Circuit.

Marshall served on the appeals court until 1965, when President Johnson appointed him solicitor general of the United States, the government's top lawyer at the Supreme Court.

Johnson had several civil rights

victories at the court while Marshall was solicitor general, including high court approval for the 1965 Voting Rights Act.

Marshall also provided the government's backing to a case that led to the overturn of a California constitutional amendment prohibiting open housing legislation.

On June 13, 1967, at 11 a.m., Marshall called his wife, Cecilia, from the White House. "Take a deep breath and sit down slowly," he reportedly told her. Then Johnson's voice came on the line and told her Marshall had just been nominated to the Supreme Court.

The Senate confirmed Marshall 69 to 11 on Aug. 30, 1967, making

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# oice for Minorities, Dies at 84



BY JOHN McDONNELL—THE WASHINGTON POST

1991. "What's wrong with me? I'm old. I'm getting old and coming apart," he said.



death penalty, and since then a majority of the states have reinstated capital punishment.

It was to be Marshall's dissents, particularly in death penalty cases, thundering with indignation, that gained most attention. He was suspicious of police searches and interrogation. He took a similar liberal tack in other areas, disdaining restrictions on speech, government expenditure benefiting religion and the weakening of environmental regulations.

In a partial concurrence in the 1978 *University of California Regents v. Bakke* that endorsed a broader remedial use of race-conscious programs, he wrote: "It must be remembered that, during most of the past 200 years, the Constitution as interpreted by this court did not prohibit the most ingenious and persuasive forms of discrimination against the Negro. Now, when a state acts to remedy the effects of that legacy of discrimination, I cannot believe that this same Constitution stands as a barrier.

"At every point from birth to death, the impact of the past is reflected in the still-disfavored position of the Negro. In light of the sorry history of discrimination and its devastating impact on the lives of Negroes, bringing the Negro into the mainstream of American life should be a state interest of the highest order. To fail to do so is to ensure that America will forever remain a divided society."

Legal scholars say that Marshall's most important doctrinal contribution likely came in a dissent to the 1973 *San Antonio Independent School District v. Rodriguez*. In that Texas case a five-justice majority said an education is not a fundamental right guaranteed by the Constitution.

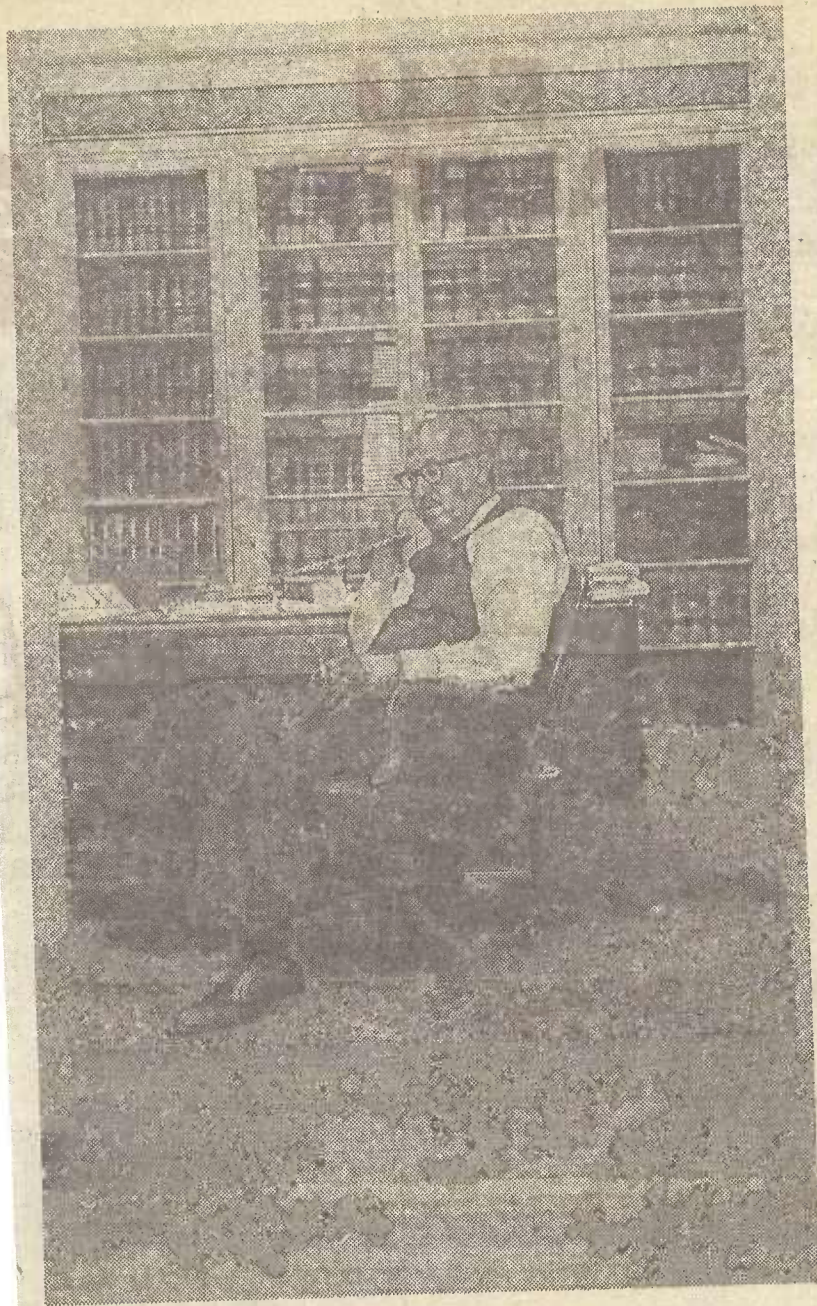
In an opinion by Lewis F. Powell Jr., the court said the constitutional guarantee of equal protection does not require that courts apply the strictest level of scrutiny to state decisions on how to finance public schools.

Marshall favored a different standard for determining whether state or federal laws violated equal protection guarantees, and his sliding scale approach influenced the court in later years to give greater scrutiny to government decisions and more broadly read equal protection guarantees.

In the years closer to his retirement, Marshall increasingly assumed a defensive role.

Until his close friend Brennan retired in 1990, it was just the two

Clockwise from above, Marshall with wife, Cecelia, and sons, John, foreground, and Thurgood Jr. outside Supreme Court after his swearing-in in 1967. Marshall, as solicitor general, makes call in Justice Department office in 1965. President Lyndon B. Johnson announces Marshall's appointment to the court in 1967. Marshall, center, with fellow lawyers George E. C. Hayes, left, and James M. Nabrit, after their victory in *Brown v. Board of Education* in 1954.



him the first black justice in the court's 178-year history. He faced criticism from only a few southern senators, who attacked his "activist" temperament.

But Marshall was to join like-minded brethren. The court was then led by Chief Justice Earl Warren, who already had begun a judicial and social revolution.

Through the 1970s, Marshall was more regularly a steady vote for the opinions of liberal-leaning justices than author of major opinions himself.

In 1972 when the court struck down capital punishment as it was then being practiced, he wrote one

of the most definitive statements on the death penalty:

"Death is irrevocable. Life imprisonment is not. Death, of course, makes rehabilitation impossible. Life imprisonment does not. In short, death has always been viewed as the only sanction. . . . In striking down capital punishment, this court does not malign our system of government. On the contrary, it pays homage to it. . . . In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."

In that landmark ruling, *Furman v. Georgia*, the court set out procedural safeguards that states must follow if they wish to impose the

of them who would dissent from any decision that would lead to the execution of a defendant. He considered the death penalty immoral in principle and discriminatory in application.

"I'll never give up," he said in an interview in December 1983. "On something like that, you can't give up and you can't compromise. It's so morally correct."

On the day he resigned—June 27, 1991—Marshall fired a parting shot that embodied his vigilance for criminal defendants and minorities generally.

It was in a dissent in *Payne v. Tennessee*, a case in which a narrow majority upheld the use of "victim impact" statements in death penalty cases, overruling two earlier cases that had prohibited such evidence from being introduced.

Marshall believed that the focus on a victim's character and his family's suffering would shift jury attention from whether the defendant was guilty to the victim's character and be difficult for the defendant to rebut.

Objecting to the conservative majority's overturning of precedent, Marshall wrote, "Tomorrow's victims may be minorities, women or the indigent. Inevitably, this campaign to resurrect yesterday's 'spirited dissents' will squander the authority and legitimacy of this Court as a protector of the powerless."

Marshall's overall health and his eyesight began to deteriorate in recent years. He had had a heart attack in 1976. He wrote fewer opinions and appeared to have difficulty reading from the bench the ones he did write.

He was hospitalized in 1987 with a blood clot in his right foot, and had been in and out of hospitals since.

But he never lost any of his exuberance.

Shortly before Marshall retired, Justice Byron R. White quipped to a law clerk, "In my 25 years here, Justice Marshall has told 1,000 stories and never the same one twice."

And friends say Marshall never forgot that he was black.

In his 1991 farewell news conference, he was asked whether he considered blacks, in the words of the Rev. Martin Luther King Jr., "free at last."

"Well, I'm not free. All I know is that years ago, when I was a youngster, a Pullman porter told me that he had been in every city in this country . . . and he had never been in any city in the United States where he had to put his hand up in front of his face to find out he was a Negro. I agree with him."

Marshall's first wife, Vivian Burney, died in February 1955. He married Cecilia A. Suyat in late December of that year. He had two sons.

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*[Faint signature or stamp]*

# Maryland State Colored Teachers' Association

ENOLIA V. PETTIGEN  
PRESIDENT  
FRANK B. BUTLER  
TREASURER

OFFICE OF  
THE PRESIDENT  
1513 ~~McCULLOH STREET,~~ *Prestman St.*  
BALTIMORE, MD.

THERESA A. B. DOUGLAS  
CORRESPONDING SECRETARY  
JOSEPH C. PARKS  
EXECUTIVE SECRETARY

Aug. 27, 1937

Miss Elizabeth Brown  
Haddonfield, N. J.

Dear Miss Brown:

In reply to your letter of Aug. 25<sup>th</sup> concerning the salary situation, may I suggest that you write to our attorney - Mr. Thurgood Marshall, N. A. A. C. P. office, 69 Fifth Ave., New York, N. Y. Tell him where you teach, how long you've taught, your qualifications and present salary, your inability to fight the case alone (i. e. financially) and ask him to proceed with the case.

Wishing you the best of luck and pledging my cooperation, I am

Yours truly,  
(Mrs) Enolia P. McMillan

THE AFRO-AMERICAN NEWSPAPER

the same duties receive \$1100 per year.

**Based on Color**

This differential, the petition charges, is based solely on the grounds of race or color.

The board of education of Calvert County, the attorneys holds with power to fix salary scales under the Maryland code, has set a higher salary for white teachers and principals of same grade and doing the same duty. This, they con-

tend is unlawful and arbitrary, and in violation of the Constitution of Maryland.

It is also set forth that this action on the part of the board denies Miss Brown and other teachers of her race the equal protection of the laws guaranteed by the Fourteenth Amendment to the Constitution of the U.S.

**Filed Petition**

On September 28, Miss Brown filed a petition with the board asking equitable salary; but the body refused.

The petition is expected to come up for a hearing on December, 24.

Thurgood Marshall, Charles H. Houston, Leon Ransom and Edward P. Lovett are listed as lawyers for the NAACP and Miss Brown.

CAMPAIGN of N. A. A. C. P.

October 1937

Received from Miss H. E. Brown

Paid: \$1.00

Signed: N. B. Layne Solicitor

(If you receive no acknowledgement from National Office, write Mary White Ovington, Treasurer, 69 5th Avenue, New York City)

- Elizabeth Brown 1937  
(3 items)

EQUALIZATION OF TEACHERS' SALARIES

TEACHERS IN THE SAME COUNTY OR SCHOOL DISTRICT  
WHO HAVE EQUAL QUALIFICATIONS AND WHO DO THE SAME  
KIND AND AMOUNT OF WORK SHALL RECEIVE THE SAME  
SALARY IRRESPECTIVE OF RACE OR COLOR.

The National Association for the  
Advancement of Colored People  
69 Fifth Avenue, New York City

March 1, 1938



In continuing its program against inequalities in public schools, the National Association for the Advancement of Colored People has opened an attack upon the wage differential in separate schools whereby Negro teachers are paid much less salary than white teachers with similar certification and qualifications, and who perform essentially the same duties.

This salary differential is another method of discrimination in the separate school system. The entire system is based upon gross inequalities in school plant, current expenditures, transportation, library and health facilities and teachers' salaries.

The Journal of Negro Education for October, 1936, states in an editorial comment on teachers' salaries:

"It is probably unnecessary to reiterate but it should be repeated for emphasis that as a general rule Negro teachers in separate schools have never received salaries equal to that of white teachers in the same community, even when they had the same training and performed the same kind and amount of work. Nor are they paid in proportion to their training when it is more or less than the white teacher. The Negro elementary teacher in separate schools, for example, although she has 70 per cent as much training as the white teacher in the same community and teaches 38 per cent more pupils, nevertheless receives only 47 per cent as much salary.

"Moreover, it should be emphasized that the present discrimination represents an increase rather than a decrease; the situation instead of improving is growing worse. In 1900, the Negro elementary teacher had to teach only 29 percent more children than the white teacher; in 1932, she had to teach 38 per cent more. In 1900, the average salary of the Negro elementary teacher was \$106 and that of the white elementary teacher in the same community was \$162 or only \$56 more; in 1930, despite the fact that the training of the Negro teacher more nearly approximated that of the white, the salary of the Negro elementary teacher was \$423 and that of the white elementary teacher was \$801, or a difference of \$478. In other words, the average Negro elementary teacher has had her teaching load increased proportionately 9 per cent more than it was in 1900 and she receives relatively 60 per cent less salary than she received in 1900."

Interested groups in the states having separate schools have been constantly making every effort to have local school authorities equalize the salaries of colored teachers with the salaries of white teachers. Except for certain isolated instances, such as Washington County, Virginia, Knox County, Tennessee, and a few others where Negro and white teachers are paid the same salary according to classification, experience and rank, there has always been a blunt refusal.

#### Maryland

The first case of the National Association for the Advancement of Colored People in its campaign to equalize teachers' salaries

is the case of William B. Gibbs, Jr. vs. Board of Education of Montgomery County in the Circuit Court for Montgomery County. This case is typical of the cases to follow.

According to the latest annual report of the State Board of Education, more Negro teachers have first grade certificates or better than white teachers--97.9 per cent white teachers have first grade certificates or better, while 98.7 per cent Negro teachers have first grade certificates or better.

The average salary of a white elementary school teacher in the counties of Maryland is \$1,135 as compared to the Negro elementary teachers' salary of \$602, or an average difference of \$533. The average salary of a county white high school teacher is \$1,398 as compared to the Negro high school teacher's salary of \$790, or an average difference of \$608.

For more than ten years Negroes had been importuning the Maryland State legislature and the State Department of Education to equalize teachers' salaries. Each effort had met with failure.

#### The Gibbs Case

The Maryland State Colored Teachers' Association sought the aid of the National Association for the Advancement of Colored People who on December 8, 1936, filed a petition with the Board of Education of Montgomery County, Maryland, on behalf of a Negro teacher to have teachers' salaries equalized. Upon refusal of the Board of Education to act a petition for a writ of mandamus to compel the Board of Education to equalize salary schedules was filed in the Circuit Court for Montgomery County on December 31, 1936.

A check of records of the Board of Education of Montgomery County and the scales of salaries reveal that in Montgomery County, white high school teachers receive an annual salary of \$1,571 as compared to \$859 for colored teachers, or a difference of \$712; that white elementary teachers receive an annual salary of \$1,362 as compared to \$631 for colored elementary teachers, or a difference of \$731.

The schedules of salaries for white janitors provides for \$80 a month for twelve months, or \$960, which is \$339 a year more than the average salary of a Negro elementary teacher or Negro elementary principal, and \$101 more than the average salary of a Negro high school teacher or Negro high school principal.

The defendants filed a demurrer to this petition. Because of the importance of the case the entire Bench from that circuit of Maryland heard the demurrer. After hearing argument of counsel the Court overruled the demurrer and ordered the defendants to answer.

The defendants made the following agreement and the case has been postponed pending the final performance of this agreement:

- (a) To go on record as favoring the equalization of salaries of teachers.

- (b) To disregard the Negro salary schedule and to establish a salary schedule without regard to race.
- (c) To pay Negro elementary school principals as well as teachers pursuant to this schedule.  
(Negro elementary principals heretofore had been paid no more than Negro teachers.)
- (d) Fifty per cent of the differential to be paid to the colored teachers beginning at once.
- (e) The remaining fifty per cent to begin with June, 1938 at the time the new budget is made out.
- (f) Salaries completely equalized by June 1938.
- (g) The present case will be left in court and held over until June, 1938.

This agreement means that colored teachers in Montgomery County within a year will be paid the same salaries as other teachers with the same qualifications and doing the same work. This means that within a year the annual increase in salaries of Negro teachers will be more than \$30,000. Similar cases throughout the state will mean an increase of more than \$500,000 to Negro teachers, (this estimate is by the State Board of Education),

#### The Brown Case

The second Maryland case was filed in Calvert County, Maryland on November 11, 1937. A petition seeking a writ of mandamus to compel the Board of Education of Calvert County "to adopt and establish salary schedules for teachers and principals in Calvert County without distinction as to race or color of teacher" was filed in the Circuit Court by N.A.A.C.P. attorneys on behalf of Elizabeth Brown, a teacher in one of the colored elementary schools. The petition alleged she was paid \$600.00 a year, whereas white teachers with the same qualifications and experience and performing essentially the same duties receive a salary of \$1100.00 a year. The petition alleged that the differentials in salaries were unlawful, arbitrary and in violation of the Fourteenth Amendment to the Constitution of the United States.

This case also was settled by agreement wherein the Board of Education agreed to equalize salaries by August, 1939, the date of the next budget in Calvert County. In the meantime colored teachers in Calvert County are to get an increase equal to one-third of the differential.

#### Other Maryland Cases

On December 29, 1937, after the settlement of the "Gibbs Case" and the "Brown Case," Governor Harry W. Nice of Maryland issued a statement calling for the equalization of teachers salaries. According to the Baltimore Sun:

"Faced with the legal 'necessity' of the State to

eliminate the discrimination between white and Negro school teachers in the rate of minimum salary. Governor Nice yesterday pledged himself to take preliminary steps to correct the present condition created by a law which he classified as 'totally unconstitutional.'"

The N.A.A.C.P. realizing that the educational system of Maryland is controlled by county boards of education is continuing to file cases in several counties.

### Virginia

The Virginia State Teachers Association in its Annual Convention on November 26, 1937 agreed to cooperate with the N.A.A.C.P. in its campaign to equalize teachers' salaries. The January issue of the Virginia Teachers Bulletin, in commenting on the action of the teachers association, states:

"The report of the Executive Committee was then called for and the momentous resolution which the committee offered was adopted by the more than one thousand delegates without a dissenting vote. The resolution proposed:

1. Joint action with the N.A.A.C.P. to raise \$5,000. for court action toward the equalization of salaries.
2. Appropriation of \$1,000. of the Association's funds to begin this action at once.
3. That each local association be urged to raise funds and send them to the joint committee of the N.A.A.C.P. and the State Teachers Association.
4. That each teacher be asked to contribute at least one dollar immediately to the cause.

The action of the body was taken in an atmosphere surcharged with a superlative degree of seriousness. An almost reverential hush prevailed as the committee's secretary read the report. The Golden Jubilee was thus climaxed by a decision that is bound to have a great influence on the future of Negro education in this State and in the South whatever the outcome may be."

Preliminary research is being conducted leading to the filing of cases during the Spring of 1938.

### Other Cases

Teachers in several other states in the South have requested the assistance of the N.A.A.C.P. in equalizing teachers' salaries. The program of the Association depends entirely upon the local teachers' groups. The initiative for these cases must come from the teachers within the individual states. The N.A.A.C.P. is ready to cooperate, but only cooperates after being called in by the local teachers.

## One-room school open for visitors

### SCHOOL, From Page A-1

part of the 1930s at the Chaney one-room school in northern Calvert. Howard and most of the other teachers boarded with local families and walked to school alongside their students.

Unlike the age-segregated classes of today, one-room school teachers juggled dozens of students from first through seventh grades and guided them through all their subjects from reading to mathematics to music.

"In the winter there would be as many as 40 children," Howard said. "Students sometimes had to sit on the floor."

"Aisles would sometimes be filled with kids," Brown added.

Not unexpectedly in the predominantly farming community, classes would be smaller in the spring and fall during planting and harvesting seasons, Howard said.

And despite being pretty much on their own with only the occasional visit from a supervisor or superintendent, teachers managed their workload with aplomb and little resistance from students.

"Things weren't really involved and technical," said Elizabeth Brown, who came to teach in Calvert for one year and ended up staying on for 40. "What you had to do was clear. You used your own judgment."

Class began about 8:30 a.m., Howard reported and the older

boys would come to school early to light the wood stove. Wood was sometimes plentiful, sometimes not.

"One day I closed the school because there wasn't any wood," said Elizabeth Gross, a veteran teacher of 42 years. Gross followed Regina Brown at Wallville and then spent a number of years at the St. Leonard one-room school.

"Sometimes we would have to forage for our own wood," Regina Brown said.

"Those days were interesting," Gross said.

"It kept you busy," agreed Howard who went on to teach for 34 years.

Provisions were routinely scarce, even more so for black schools where all the primers were used. "Some had pages, some didn't," said Gross.

Teachers started out the year with a water bucket and dipper, broom and dust pan, box of chalk and a couple of erasers and some slates — hand-held chalkboards. The bathrooms were outhouses.

"There was an opening salute to the flag and then the Lord's Prayer," recalled, Elizabeth Brown. "There were no made up prayers," said Elizabeth, the shy one of the Brown sisters. They've lived in Owings long enough to see the boy who once cut their grass become a grandfather.

"And then a Bible verse," added Gross who lives in St. Leonard.

"We never opened school with-

out the Lord's Prayer," Elizabeth Brown said.

When instruction began, each group of students in a particular grade would come forward and stand in a line facing the teacher's desk, Howard explained. They would recite lessons, get instruction and answer the teacher's questions. Meanwhile the other students would perform individual assignments dubbed, "seat work."

When the teacher was busy and a student needed individual help, an older student would often step in and provide support. At the Chaney school, Howard said she set up a table in the back for one-on-one tutoring.

"It helped the older kids, too," Elizabeth Brown said. Their understanding deepened as they taught others.

Students also learned a lot by listening to what other grades were doing. "They wanted to learn what the students were learning in the upper grades," Howard said.

And discipline was never a problem.

"The parents were good to us," Elizabeth Brown said. "The children were good. When it came time to sign up for the second year, I never hesitated."

"Many of the students were related so they were used to getting along," Elizabeth Brown said. "Fights were rare."

If discipline was needed, the teachers could talk to the parents and it would be taken of. "There

was no tom foolery with parents saying 'My child did nothing wrong,' Gross said. 'You told them there was a problem ...'

'And the parents would take care of it,' Regina Brown finished.

'Teachers were very respected then,' Gross said.

But the work day didn't end when the students went home.

'You had to know the subject matter for each class and each grade level,' Regina Brown said. Teachers also had to read over the assignments in each grade's book and make out its corresponding lesson plan. 'It was a lot of work,' she said.

One-room schools hit their peak around the turn of the century when nearly 60 of them dotted Calvert's landscape. But the advent of busing and consolidation of students into larger schools marked the beginning of the end for the old way of educating children. The Chaney one-room school was the last to close in 1957.

For some, the loss of the one-room school also brought about the loss of intimacy between teachers and students.

'You don't have that close contact with the children,' Regina Brown said.

'Brothers and sisters don't see each other all day long now,' Gross said.

'It's not as intimate with the children,' Howard said.

'You have one class with them, then they're off,' Gross said. 'We had them all day long.'

Because of the much larger schools and classes, Regina

Brown, who retired from Island Creek School in 1973, said she doesn't really miss teaching. 'I don't miss it, but I dream about it often,' she said. 'I teach about every two or three nights, I guess.'

Elizabeth Brown, who retired from Mt. Hope in 1970; Howard, who retired from Broomes Island School in 1971; and Gross, who retired from Appeal Elementary in 1977, don't miss teaching either. They are, however, never far from it.

'Great big men with beards and glasses come up and say, 'Hello Mrs. Howard; do you remember me?'' Howard said.

Former students approach the four regularly at the grocery store and anywhere else they go. 'Sometimes I thought I was hard on them, but they seem to be glad to talk to me,' Regina Brown said.

Employees who, for example, work for the utilities stop and say hello, Elizabeth Brown said.

'They holler at you when they come to the house,' Gross laughed.

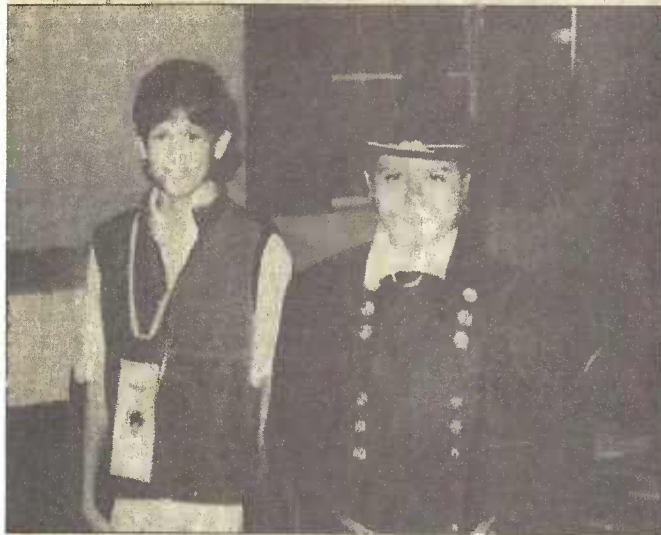
Although there are still several one-room schools that have been converted into private homes, the Port Republic School No. 7 is the only one remaining in its original form. The Calvert Retired Teachers Association began its restoration in 1976 and has been improving it every year since.

Currently about 50 photos have been removed from the school and are being copied and restored by D.S. Mohler and Sons of Prince Frederick. The association is looking for additional photos of the early education system in Calvert to display. Elaine Dunkle, chair of the association's one-room school committee, emphasized the association seeks only to borrow the photos long enough to have copies made. Dunkle said the association is especially in need of photos from the African American community.

The association is also hoping to collect more books for display or hands-on perusal. Historically significant books are displayed behind glass, while more common ones are put out on desks so visitors can look through them, Dunkle said. Because they eventually wear out, the association hopes to collect spare books to use as replacements.

Port Republic School No. 7 is open Sundays in June, July and August from 2 to 4 p.m. Special arrangements for clubs, organizations and school groups also can be made.

The school is located on the grounds of Christ Church on Broomes Island Road in Port Republic. For information or to make donations, contact Dunkle at 410-586-0482.



Sean O'Neill and Doug Lambourne "Migration to Freedom"

## Historical society hosts winners from Calvert

Performance winners at Maryland History Day were hosted by the Calvert County Historical Society at its annual meeting. It was a most interesting program; mem-

School: Doug Lambourne and Sean O'Neill in "Migration to Freedom, the One Called Moses," and Anne Donovan in "From Scotland: Tale of an Indentured Servant."

Linda Collins, curator for the

## OBITUARIES

### DR. JOE T. HILLSMAN

Dr. Joe T. Hillsman, of Drum Point, died on June 3, 1998.

He is survived by his wife and best friend, Nancie S. Hillsman; three daughters, Suzan Marcon, Joanna Lynott, and Laurie Lee Weatherford; one son, David Frank Hillsman; two sons-in-law; and five grandsons.

Private services were held in Jackson, Miss.

Memorial contributions may be made to The American Cancer Society.

### TFC. CORNELIUS JAYE "C.J." KING

Cornelius Jaye "C.J." King, 35, a trooper first class with the Maryland State Police, died on June 10, 1998, at his Chesapeake Beach residence.

He is survived by his wife, Vickie S. King; two stepsons, James and John Stone of Chesapeake Beach; his mother, Dolores G. Pinkey of Ridgeway, S.C.; his stepfather, Roland L. Pinkey; six sisters, Virginia King of Columbia, S.C., Valeria Myles of Bowie, Vickie Rice of Baltimore, Vanessa Hardy of Ft. Washington, Vanita Gross of Columbia, S.C., and Mishalle King of Washington, D.C.; six brothers, Charles J. King of Washington, D.C., Carlos J. King of Ridgeway, S.C., Michael M. King of Lorton, Va., Chris Allen King of Anchorage, Alaska, Nathaniel Ward of Washington, D.C., and Charles Dion King of Washington, D.C.

Funeral services were held on

St. John Vianney Catholic Church since moving to Calvert County. She was also a graduate of St. Vincent's Hospital School of Nursing, Los Angeles, Calif., where she received her RN. She did post-graduate studies in Nursing Education in 1945/46 at Catholic University of America in Washington, D.C. She was both a private and general duty nurse in Washington area hospitals, including George Washington University Hospital, and served as a Supervisory Clinical Nurse at D.C. Village Infirmary (Geriatrics) in the early 1970s. She also worked for 13 years as an office nurse with a general practitioner who specialized in adult medicine and geriatrics. In the mid-60s, when Medicare first began, she saw firsthand how it assisted the elderly to have better health care. It was through these experiences that she came to advocate for the elderly and their needs.

She and her husband relocated to Calvert County in 1974 where she worked for a short time as an aide on the county senior citizens' bus. Mrs. Palczewski also worked as a general duty nurse in the medical unit of Calvert Memorial Hospital from 1975 to 1980.

The remainder of her life was spent "making a difference" in the lives of and services for the elderly of Calvert County. Mrs. Palczewski served on the Calvert County Commission on Aging from 1981 to 1987.

She monitored blood pressures at the Solomons Eating Together luncheon site and with the Ameri-

Palczewski III, Eugene Karol, Donato (Dan) Williams, and Vern Brumbaugh.

Honorary pallbearers were Commissioner Hagner R. Mister, Commissioner Mark R. Frazer, Commissioner Patrick M. Buehler, Commissioner Linda L. Kelley, Commissioner Mary M. Krug, and S.W. "Spike" Parrish.

In lieu of flowers, the family requests donations be made to Calvert County Hospice.

Funeral arrangements were provided by Rausch Funeral Home in Port Republic.

### DOROTHY ELLEN "DOTTIE" PHIPPS

Dorothy Ellen "Dottie" Phipps, of Deale, died on June 19, 1998, at Anne Arundel Medical Center.

She is survived by one son, Amon R. (Randy) Brown of Huntingtown; two daughters, Dolores Ellen Hall of Deale, and Jo Ann Martin of Huntingtown; one brother, Norman F. Collinson of Smyrna, Tenn.; two sisters, Hazel V. Gwinn of New Carrollton, and Iris Phipps of West River, Md.; nine grandchildren; and 16 great-grandchildren.

She was preceded in death by Amon R. Brown, Clayton J. Hollen, and Nevitt (Buddy) Phipps; four brothers, Edward, Gerald, Marion, and Harold Collinson; and one sister, Louise French.

Mrs. Phipps was born on Dec. 30, 1915, in Deale. She was a 1934 graduate of Southern Senior High School in Lothian; she retired from Safeway Stores Inc., Washington, D.C. Division, on Nov. 28, 1972, after 24 years of service. She was a member of Oakland United

## Elderly warned about scams

The Baltimore County Department of Aging and Baltimore Gas and Electric (BGE) have teamed up to warn the public about scams which target older persons. This effort is in response to the recent flurry of cases in Baltimore County where organized groups of thieves have robbed the hopes of the elderly.

Their methods have been as simple as entering an unlocked door while the homeowner was gardening and as constructed as operating as tree trimmers with one individual engaging the homeowner outside, ostensibly to show where trimming work needed to be done, while a partner robbed the home. In other cases, individuals have posed as BGE workers needing to inspect or repair equipment. "Anytime these types of crimes occur in our community, it concerns us," says Bob Beahm, Director - Corporate Security at BGE. "But particularly when people target the elderly and attempt to gain access by impersonating a BGE employee."

The department and BGE offer the following tips: lock all windows and doors, beware of contractors who come to the door unsolicited, and don't let anyone in the house without proper identification.

BGE reminds you that all their employees carry identification cards which bears their name, photograph and employee number. If anyone claiming to be

JOINT COMMITTEE-TEACHERS' SALARY CASE  
Baltimore Maryland

Mrs. Enolia P. McMillan, Pres.  
1513 Presstman Street  
Mrs. Geneva R. Woods, Sec.  
1712 McCulloh Street  
Mr. George B. Murphy, Treas.  
1741 Druid Hill Avenue

Mr. Jesse Nicholas  
Mr. Carrington Davis  
Mrs. Lillie M. Jackson  
Mr. Alfred Hughes  
Mr. Carl J. Murphy

September 29, 1937

To the Executive Committee of the Maryland State Colored Teachers' Association

Report of the Treasurer of the Joint Committee, Teachers' Salary Case

RECEIPTS

From the Treasurer of the State Teachers' Association	\$129.00
From 64 teachers, Maryland	173.50
Total	<u>302.50</u>

EXPENDITURES

Attorney Marshall's expenses	\$145.99
Secretary: mimeographing, postage and stationery	39.77
The Afro-American Company, printing	16.28
The Afro-American Company, advertising	2.60
Attorney Hughes's expenses	5.00
Treasurer, postage and receipt books	2.00
Mrs. Lillie Jackson, telephone calls	1.35
Bank charges, Dec. 1936 to Sept. 1937	7.00
	<u>219.99</u>

Balance in bank, October 1, 1937      \$82.51

Respectfully submitted

Geo. B. Murphy  
Treasurer



## THE NECESSITY AND AIMS OF THE FEDERATION

The platform of principles upon which the Federation of Maryland Organizations stands, and for the realization of which it was founded, should be an adequate reason to any well-disposed, justice loving citizen of this State, for the necessity of its existence. As long as there are glaring discriminations, woeful inequalities, and an uninformed indifference in provisions made by the State, or parts of the State, for the educational, economic, or broader social welfare of any group of its citizens, as compared with any other group there will be need of an organization like the Federation, that can coordinate the efforts of all lovers of justice, without regards to race or sex or religion, in a concentrated drive to right these wrongs. It was the overwhelming sense of a need like this that brought into being the Federation of Maryland Organizations, and to the achievement of this definite objective of establishing social justice in this State it dedicates its whole power.

## HIGHER EDUCATION FOR NEGROES OF MARYLAND

The State of Maryland is the only State in this country with a bi-racial educational system that does not have a State College for Negroes. This condition makes higher education for Negroes in Maryland suffer in comparison with any of the southern States, even with Mississippi which ranks near or at the bottom of our State educational systems.

It is an established fact that without first rate high school system, higher or collegiate training cannot be inaugurated in any State on a "Grade A" standard. The colored high schools in Maryland have grown tremendously in the last few years. However, it should be kept in mind that until recently the only colored high school in the State was in Baltimore City. At present there are twenty-six in the State. Of this number, only about 12 (Baltimore, Annapolis, Salisbury, Denton, Cambridge, Frederick, Seat Pleasant, Chestertown, Cumberland, Berwyn, Pomonkey and Hagerstown) can prepare students, in some fashion, for college work. The Baltimore high school is the only one in the State with adequate facilities, including laboratories, libraries, latest text books, health and physical education. It is also the only high school in the State where the teachers receive salaries commensurate with the services rendered, which is necessary in order that teachers may purchase books, magazines, attend summer schools and travel.

In the other 14 high schools (Rockville, Princess Anne, Centerville, Easton, Crisfield, Upper Marlboro, Snow Hill, Elkton, Havre de Grace, Nanticoke, Westminster, St. Michaels, Berlin and Prince Frederick), at the time this report is made, many are not fit for school purposes. Little or no facilities are provided for laboratories or libraries. The courses of study are not conducive to the pursuit of higher education. Eighteen towns in the counties, where colored high schools are located, have public or semi-public libraries. Only two (Hagerstown and Cumberland) permit colored high school students to enter their libraries. These conditions form the foundation for higher education among the Negroes of Maryland.

Morgan College, the only institution in the State of standard collegiate grade for Negro youth, is the only outlet for high school graduates (696 in 1934) to receive bachelors' degrees in preparation for their vocational and professional preferences. If Morgan College cannot prepare Maryland students in their selected fields, they must of necessity go out of the State for that preparation. The teaching profession is the only one in which Negro youth of Maryland may be trained in Maryland.

Higher education for Negroes in Maryland has suffered not only because of inadequate high school facilities and the absence of a State college of high grade, but because the Federal funds appropriated to Maryland for higher education have evidently not been properly divided as between white and colored citizens. The Morrill Act of 1862 granted \$50,000 to each State for agricultural training. In States where Negroes were not permitted to enter the white State colleges, the Act provided that separate institutions be established and the funds divided according to the percentage of Negroes to the white population of the State. In Maryland, Princess Anne Academy, owned by Morgan College and operated by the University of Maryland, receives \$10,000 annually from this fund. Two years of agricultural and home economics training are offered to less than 50 students. Several Amendments to the Morrill Act have increased the Federal appropriation to the States.

However, a study of two other Federal Acts do not show up as well as the Morrill Act. Maryland receives annually from the Federal Government through the Smith-Hughes Act (1917) \$96,052.46 which is appropriated on the basis of rural population according to the Federal Census (up to 19-

30), This money should be expended as follows: (1) Agriculture, for salaries of teachers, Supervisors and Directors, \$33,863.79. (2) Trade industry and home economics for salaries of teachers, \$48,418.18. (3) Teacher training, salaries and maintenance, \$13,770.49. The total which should be expended for Negroes under these designations: (1) \$6,027.96, (2) \$8,618.44, (3) \$2,451.41. In 1931-32, the amount actually spent in Maryland for Negro work was, items (1) and (2) \$907.91, item (3) nothing. The Negro rural population of Maryland is 17.8%. White rural population is 82.2%. The total which should be expended according to these percentages each year would be, white \$78,955.12 and colored \$17,097.33 as against \$907.91 actually spent. It seems to be a practice in Maryland to count the Negroes in order to receive Federal money, but to forget them when the money is disbursed. (Source of information: Dr. H. O. Sargent of the Federal Board for Vocational Education and President John W. Davis, West Virginia State College in "Land-Grant Colleges for Negroes" pp. 31-33).

The Smith-Lever Act (1914) provides Maryland with \$139,283 and the State appropriates \$249,337, making a total of \$388,620 to be expended for the aid of persons who are not enrolled in the colleges, through demonstrations and instruction in agriculture and home economics. The Maryland University catalogue for 1934-35 lists 96 white extension service staff, county agents and county home demonstration agents, and 4 local agents who are colored. The amount of money for extension work which should go to Negroes on the basis rural percentages is \$69,174. The amount of money actually expended for and by the 4 local colored agents is not available. However, it is obvious they do not have \$69,174 at their disposal. (Source of information—University of Maryland Catalogue, pp21-24; The Maryland State Budget for 1934-35; "Land-Grant Colleges for Negroes" by John W. Davis, p. 29.)

In addition to these Acts, there are the Hatch Act 1887; Adams Act, 1906; Purnell Act, 1925; Second Morrill Act, 1890, Capper-Ketcham Act, 1928. George-Reed Act, 1929. Maryland receives several hundred thousand dollars annually from the Federal Government. The Negroes do not receive their fair share and in many cases receive no benefit.

This same practice of denying the Negro a privilege which is certainly his, is very evident in the State appropriations for higher education. A careful study of the Governor's Budget for the present fiscal year (Sept. 30, 1934 to

Sept. 30, 1935) reveals the following appropriations:

	White	Colored
University of Maryland . . . .	\$2,068,804.99	
Johns Hopkins University ..	75,000.00	
Maryland Institute . . . . .	20,000.00	
Blue Ridge College . . . . .	7,000.00	
Charlotte Hall School . . . . .	9,500.00	
St. Johns College . . . . .	70,000.00	
St. Mary's Seminary . . . . .	11,000.00	
Washington College . . . . .	65,000.00	
Western Maryland College ..	50,000.00	
Morgan College . . . . .		\$26,000.00
		<hr/>
TOTAL . . . . .	\$2,316,304.99	\$26,000.00

On the basis of population the Negroes should receive \$395,849.54.

State appropriations for Teacher-training for the same fiscal year show:

	White	Colored
Towson Normal School . . . . .	\$207,726.00	
Frostburg Normal School . . . .	60,015.00	
Salisbury Normal School . . . . .	64,265.00	
Bowie Normal School . . . . .		\$36,030.00
		<hr/>
TOTAL . . . . .	\$332,006.00	\$36,030.00

On the basis of population the Negroes should receive \$52,579.00.

FACTS CONCERNING THE NON-APPROPRIATION  
(OR MIS-APPROPRIATION) OF PUBLIC FUNDS  
FOR THE EDUCATION OF NEGROES  
IN MARYLAND

Maryland is a border State and boasts of possessing the best influences of the South and North. However, in matters relating to Negroes, Maryland has followed a course that is even worse than the most prejudiced Southern State. Only one table of facts is necessary to prove this statement. It follows:

State and Federal Appropriations for Negro  
Land-Grant Colleges for 1931-32

	STATE	FEDERAL	TOTAL
S.C.—State College, Orangeburg..	\$ 73,000	\$35,954	\$108,954
Ala.—A. & M. College, Normal....	25,000	25,219	50,219
Ark.—State College, Pine Bluff ....	63,100	15,965	79,065
Del.—State College, Dover .....	44,255	10,000	54,255
Texas—State College, Prairie View	205,180	12,500	217,680
W. Va.—State College, Institute..	187,760	12,049	199,809
Okla.—A.&N. College, Langston..	138,521	8,000	146,521
N. C.—A. & T. College, Greensboro	51,800	22,000	73,800
Mo.—Lincoln Unive'ty, Jefferson..	260,328	3,125	263,453
Miss.—A. & M. College, Alcorn..	51,500	28,000	79,500
La.—Southern Univ'y, Baton Rouge	81,900	23,560	105,460
Ky.—State Indus. Col., Frankfort..	100,000	12,066	112,066
Ga.—State Indus. College .....	39,995	18,732	58,727
Fla.—A. & N. Col., Tallahassee....	141,550	25,000	166,550
Va.—State College, Ettrick .....	87,155	33,110	120,265
Md.—Princess Anne Academy ....	26,000	10,000	36,000

(Source of information: "Land-Grant Colleges for Negroes" by John W. Davis—Registrar, Business Manager or President of College; and or Reports of the office of Education, Department of the Interior, Washington, D. C.

The fair-minded white people and all Negroes of Maryland should not rest until a more just division of public funds is made in Maryland. This is the only way in which ALL of Maryland citizens may be guaranteed equal opportunities.

The Maryland Agricultural Experiment Station

On page 29 of the "Maryland Manual, 1933 " by David C. Winebrenner, 3d, Secretary of State, will be found the following:

"The Agricultural work of the University naturally com-

prises three fields: research, instruction and extension. The Agricultural Experiment Station is the research agency of the University, which has for its purpose the increase of knowledge relating to agriculture, primarily for the direct benefit of the farmer. It is also the real source of agricultural information for use in the classroom and for demonstrations in the field.

The Experiment Station work is supported by both State and Federal appropriations. The Hatch Act passed by Congress in 1887, appropriate \$15,00 annually; the Adams Act passed in 1906, provides \$15,00 annually; and the Purnell Act, passed in 1925, provides \$60,00 annually. The State appropriation for 1930 is \$74,000."

The University of Maryland Experimental Station has available \$164,000 annually. There is no Station for Experiment provided for Negroes and they are denied the privilege of doing research work at the University of Maryland. It is apparent, therefore, that the Negroes are being denied these unusual privileges. There is no justice and therefore no Christianity in such practices.

#### HOW LONG WILL THIS LAST?

—0—

#### PROVISION OF BUILDINGS, EQUIPMENT AND SUPPLIES

In some counties equal provision of buildings is denied the Negroes. In Baltimore County the Negroes compose more than 10% of the population, but there are ten high schools for whites and none for the colored. Even the payment of the tuition to Baltimore City for colored children who survive the elimination process places the burden of board and lodging or transportation upon the parent. In Charles County 46.3% of the population are Negroes, but they have only one high school or 16% of the high schools, whereas the whites have five high schools. In Howard County, the Negroes form 19.9% of the population, but they have no high school, even though the white have five.

Special rooms in high schools are inadequately provided as is shown by those reporting from a questionnaire in the following table:

Per cent having—			
no auditorium	no library	no office	no science room
24	13	27	46

The unjacketed stove is still used, despite its hazardous effects upon comfort and efficiency during the winter.

A comparative study of the value of equipment in white and colored high schools of the same size in the same county reveals alarming disparities as the following table shows:

Laboratory Equipment For the Following Fields	Value in White High Schools Studied	Value in Colored High Schools Studied	No. of Times Value in White H. S. Exceeds that in Colored H. S.
Commercial .....	\$2170.00	\$22.50	96.4
Music .....	2150.00	245.00	8.7
Science .....	6090.00	1766.50	3.4
Agr. & Manual Training	2050.00	322.00	6.4
Athletic .....	915.00	380.00	2.4
History .....	795.00	332.50	2.39
Library .....	13,334.00	5,849.52	2.27
Home Economics .....	1,160.00	1,653.00	.70*

\*This discrepancy is due to the facts that (1) only five of the twelve white high schools in this group have courses in home economics, and (2) the Salisbury Colored High School equipment alone is valued at \$800. Whereas the white high school at Pittsburgh in the same county has no home economics equipment.

These differences in the value of equipment in white and colored schools may be partially explained (but not justified) by the differences in the cost per pupil belonging (excluding general control). The following facts taken from the reports of the State Board of Education indicate that the average cost per pupil in the county colored schools is about one-half that in white schools.

Average Cost Per Pupil in County Schools  
(Exclusive of General Control).

	High Schools			Elementary			Normal
	1931	1932	1933	1931	1932	1933	1933
WHITE	\$99.	\$94.78	\$82.35	\$50.00	\$49.27	\$46.82	\$347., \$549 & \$485
COL.	\$47.	\$48.58	\$44.34	\$25.09	\$24.97	\$24.12	\$255.00

## TRANSPORTATION OF NEGRO SCHOOL CHILDREN IN THE COUNTIES OF MARYLAND.

The Sixty-sixth Report of the State Board of Education shows that transportation facilities are inadequately provided for Negro children. During the school year 1931-1932 only nine counties or 40.9 per cent of those having an appreciable colored population transported any colored children to high schools. Only six counties or 27 per cent of the counties transported more than twelve pupils. Caroline, Calvert, and Kent counties had four busses running, each: Charles had three and Dorchester, two. In 1931-1932, 477 colored children were transported to high schools at a total cost of \$11,886.00, of which \$1,762.50 was secured from the Rosenwald Fund. The number transported ranged from one in Worcester County, to 155 in Caroline County. Whereas only 18.9 per cent of the colored high school pupils were transported to school, 9,019 or 32 per cent of the total white high school enrollment was transported at public expense. The amount spent for transporting colored pupils to high schools was only 4.9 per cent of the total amount spent for the transportation of high school pupils. The cost per capita for transportation in the white high schools was \$8.27 as compared with a per capita cost of \$4.77 for the colored. The smaller per cent of colored pupils transported becomes more significant when we recall the fact that the white high schools are more accessible without transportation than the colored, because instead of twenty-six high schools they have one hundred and fifty-two.

The Rosenwald Fund was the stimulus to the transportation movement in several counties. In 1931-1932, Caroline received aid for three routes from the Rosenwald Fund amounting to \$712.50; Kent established four routes with the aid of \$640 from this fund, and Queen Anne's and Calvert received contributions of \$300 and \$110 respectively for one route each. With the aid secured from the Rosenwald Fund, Caroline County increased the number of pupils transported from 145 in 1931 to 230 in 1932, and Calvert transported sixty-one more pupils than had been transported the year before. Kent, which had provided no transportation at public expense for its colored pupils in 1931, was able to transport sixty-two pupils in 1932. The average cost to the public and Rosenwald Funds per pupil transported to colored high schools was \$25. Charles County refused to accept Rosenwald Aid because it would not accept the responsibility of continuing transportation when the Rosenwald Aid would be discontinued after the stated number of years, even though it was spending over \$8,000. for white high school pupils to say nothing of an ad-



ditional \$20,000 for white elementary pupils.

Now, let us examine the results of transportation of colored high school pupils. The first and most outstanding result was a remarkable increase in enrollment in the six counties transporting more than twelve pupils. In the six counties mentioned the increase in enrollment from 1930 to 1932 was 53 per cent as compared with an increase of only 17.8 per cent in the other counties. The increase in enrollment in the counties transporting colored high school children ranged from 13 per cent in Kent county to 139 per cent in Calvert County. Note the similarity between the number of pupils transported and the increase in high school enrollment in the county high schools as shown in the following table.

School Year .....	1930	1931	1932
Number transported ....	162	215	477
High School Enrollment	1953	2230	2489
Per cent transported ..	8 pc.	9.6 pc.	18.9 pc

The following table shows the increase in enrollment in the six counties transporting more than twelve children in 1931-1932:

County	Enrollment 1932	Enrollment 1930	Per cent of Increase
Calvert .....	67	28	139
Caroline ....	189	90	110
Charles .....	124	84	47.6
Dorchester ...	189	129	46.5
Montgomery .	131	102	28.5
Kent .....	114	99	13.
Total .....	814	532	53.

The Sixty-Seventh Annual Report of the State Board of Education reveals similar discrepancies for 1932-1933. Only 4.7 per cent of the colored school enrollment was transported (847 elementary and 502 high school pupils) as compared with 33.7 per cent (28,750 elementary and 10,209 high school pupils) of the white. The amount spent from public funds for transportation of white elementary pupils was \$593,736 as compared with \$17,335 for the colored—over 34 times as much. The amount spent for white high school pupils was \$234,331 as compared with \$12,873 for colored high school pupils—over 18 times as much.

HIGH SCHOOLS IN MARYLAND—COST PER PUPIL,  
STATE AND FEDERAL AID, FOR YEAR ENDING  
JULY 31, 1933.

(pp. 322 to 327, 67th Annual Report of the  
State Board of Education)

County	No. of Schools		Cost per Pupil		State & Fed. Aid	
	White	Colored	White	Colored	White	Colored
Allegany	12	1	\$74.69	\$70.73	\$42,581.	\$2,581.
Anne Arundel	4	1	75.09	44.02	17,216.	3,534.
Baltimore	12	0	65.14	00.00	36,138.	0,000.
Calvert	2	1	104.33	46.64	4,530.	,720.
Caroline	5	1	90.17	56.81	18,207.	2,856.
Carroll	10	1	99.50	50.79	35,715.	,896.
Cecil	8	1	84.23	57.70	23,595.	1,201.
Charles	5	1	99.14	38.87	14,668.	2,226.
Dorchester	6	1	103.74	38.34	18,294.	1,975.
Frederick	7	1	70.43	40.50	29,939.	1,493.
Garrett	6	0	94.29	00.00	22,885.	0,000.
Harford	8	1	73.21	52.01	30,815.	1,042.
Howard	5	0	95.52	00.00	17,025.	0,000.
Kent	4	1	99.07	65.54	11,550.	1,338.
Montgomery	7	1	99.36	51.68	30,662.	1,543.
Prince George's	11	3	85.97	50.09	36,429.	5,010.
Queen Anne's	5	1	101.32	40.80	15,508.	,720.
St. Mary's	2	0	91.59	00.00	5,640.	0,000.
Somerset	4	2	95.13	36.97	14,001.	1,836.
Talbot	6	2	85.32	41.35	16,560.	2,085.
Washington	8	1	66.95	70.03	32,599.	1,263.
Wicomico	7	2	75.73	35.16	18,320.	3,022.
Worcester	5	3	102.30	25.90	17,595.	1,404.

Each of the seven high schools in Baltimore City, including the Douglass High School for colored, received \$6,000.

Space will not permit a table showing white and colored school populations and the amount which should be expended for colored high schools. It is, however, sufficient to see the difference in per capita cost of operating the white and colored high schools in the counties. It is evident that the law governing public instruction in Maryland, could not be carried out properly in supplying necessary materials of instruction. It is of interest to quote the State School Law at this point:

Chapter 4—County Board of Education (1)  
(1916 Ch. 506, p. 21)

51. "The County Board of Education shall purchase and

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NATIONAL ASSOCIATION FOR THE  
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69 FIFTH AVENUE, NEW YORK

TELEPHONE: ALGONQUIN 4-3551

Official Organ: *The Crisis*



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January 14, 1938

Miss H. Elizabeth Brown,  
 Mt. Hope School,  
 Sunderland, Maryland

Dear Miss Brown:

Your letter of January 11 arrived in the absence of both Mr. Marshall and Mr. Houston. They are in Washington working on the Antilynching Bill.

I have enclosed for your information a press release giving the latest developments in the Teachers' Salary Cases.

I regret that I cannot give you any information about your certificate. Your letter will be brought to Mr. Marshall's attention upon his return to the office.

Very truly yours,

*Juanita E. Jackson*

Secretary to Mr Marshall

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distribute on the written recommendation of the County Superintendent, text books, supplementary readers, materials of instruction, stationery and school supplies, school furniture, equipment and apparatus needed by the schools under their jurisdiction."

Chapter 10—Textbooks and School Supplies (p. 88)

130. "The Board of Public School Commissioners of Baltimore City and of each County Board of Education shall adopt and purchase, subject to the provisions of this Article, textbooks, supplementary readers, materials of instruction, stationery and school supplies for use in the public schools of said city and of the several counties of the State. When so purchased, the necessary textbooks in sufficient quantities to the several grades in the public schools...."

It is a wide-spread practice, in many sections of the State, to give the colored children the textbooks which have been discontinued or discarded in the white schools.

It is apparent from the foregoing that the wide differences in per capita costs is caused by not granting the colored population in the counties the following in amounts to which they are entitled: Adequate buildings and equipment, textbooks, materials of instruction, transportation and adequate salaries to teachers.

**BILLS PRESENTED TO THE 1935 LEGISLATURE  
TO CORRECT SOME OF THESE EVILS:**

1. Repeal of the separate car law, commonly known as the "Jim Crow Law."
2. Equalizing the minimum salaries of teachers.
3. Equalizing the minimum school term. ✓
4. A state controlled Reformatory for colored boys. ✓
5. To strike out the word "white" in the State School Law which refers to the appointment of a State Supervisor of Colored Schools. ✓

WHITE AND COLORED TEACHERS' SALARIES IN  
THE COUNTIES OF MARYLAND FOR 1932

Average Annual Salaries for Elementary Teachers

County	White	Colored	Percentage
Baltimore	\$1541.	\$1227.	79
Montgomery	1362.	655.	48
Alleganey	1297.	1172.	90
Prince George's	1221.	730.	59
Cecil	1210.	717.	59
Anne Arundel	1200.	660.	55
Queen Anne's	1191.	561.	47
Kent	1170.	587.	50
Washington	1167.	795.	68
Harford	1146.	695.	60
*Garrett	1131.		
Frederick	1129.	574.	50
Wicomico	1127.	580.	51
Talbot	1127.	553.	49
Calvert	1114.	566.	50
Somerset	1109.	536.	48
Worcester	1102.	557.	50
Howard	1101.	560.	50
Caroline	1096.	553.	50
Carroll	1097.	587.	53
Dorchester	1090.	559.	51
Charles	1088.	558.	51
St. Mary's	1077.	554.	51
State Average by ..			
Counties ..	1230.	653.	53

\*There are no Colored Schools in Garrett County.

Average Annual Salaries for Colored High School  
Teachers in the Counties of Maryland for 1932:

Salary	No. Teachers	% Total No.
Under \$600.	1	1.0
Between \$600. and \$800.	45	48.3
Between \$800. and \$1000.	27	30.
Between \$1000. and \$1200.	11	11.8
Between \$1200. and \$1500.	6	6.4
Between \$1500. and \$1550.	3	3.2

Total number of high school teachers ..... 93

Salary median ..... \$800

Salaries for white high school teachers range from  
\$1000. to \$3600. per annum.

## NEGRO GIVEN RIGHT TO ATTEND SCHOOL

Supreme Court Rules On  
Missouri Plan For Law  
Education

Association Expected To  
Press Privilege In  
Other Areas

### High Court Rulings

In its session yesterday, the  
Supreme Court:

Gave the National Labor Board  
its second setback in as many  
weeks.

Ruled that the University of  
Missouri Law School should ad-  
mit as a student Lloyd L. Gaines,  
a Negro.

Refused a petition for a writ of  
habeas corpus for Tom Mooney.

Agreed to review a decision de-  
nying I. W. Lane, Oklahoma  
Negro, a \$10,000 judgment against  
election officials he accused of  
denying him the right to vote.

By J. FRED ESSARY

Washington, Dec. 12—Every South-  
ern State that maintains a law school  
must admit Negroes to that school if  
no other State law institution is pro-  
vided for them.

It is not enough that such a State  
may pay or offer to pay the tuition  
of Negro law students in schools out-  
side that State.

Nor is it enough that a State may  
declare its intention, even by an act  
of the Legislature, to provide a school  
of law for Negroes.

These rulings were made by the  
Supreme Court today in a case coming  
up from Missouri, and it may result  
in a rush of Negro students to State  
university law schools in the South.

#### 16 Deny Admission

There are sixteen States in the  
South or on the "border" which deny  
admission of Negroes to their univer-  
sities. In any case where such denial  
deprives a Negro student of the same  
educational advantages offered a white  
student, such action is discriminatory  
and unconstitutional.

A majority of the court held this to  
be true today, and that decision is an  
open invitation to Negroes in any sec-  
tion to apply for and demand their  
full educational rights.

And it is believed that the National  
(Continued on Page 3, Column 4)

# NEGRO'S RIGHT TO ATTEND LAW SCHOOL UPHeld

## Supreme Court Rules Missouri Offer Of Tuition Insufficient

## Association Expected To Press Privilege In Other Areas

By J. FRED ESSARY  
(Continued from Page 1)

Association for Advancement of Colored People, which bore the expenses of this test case, will capitalize its victory by enrolling colored students in practically all State universities which now bar them.

### Similar To Maryland Case

The Missouri case is not the first involving this issue to reach the Supreme Court. A few years ago a similar issue was raised in Maryland and a similar decision was rendered by the same court.

The Missourians, however, sought to differentiate their case from that of Maryland by setting up the claim that Missouri actually had initiated plans for a Negro law school at Lincoln University, which is supported in part by the Legislature.

But the court found that plan had never been consummated and Missouri was just as guilty, in fact, of racial discrimination, as Maryland was found to be. This phase of the matter was dealt with by the court in the following:

"It is manifest that this discrimination, if not relieved by the provisions we shall presently discuss, would constitute a denial of equal protection. That was the conclusion of the Court of Appeals of Maryland in circumstances substantially similar in that aspect, University of Maryland vs. Murray.

### Had Undertaken Function

"It there appeared that the State of Maryland had 'undertaken the function of education in the law,' but had 'omitted students of one race from the only adequate provision made for it, and omitted them solely because of their color'; that if those students were to be offered 'equal treatment in the

performance of the function, they must, at present, be admitted to the one school provided.'

"A provision for scholarship to enable Negroes to attend colleges outside the State, mainly for the purpose of professional studies, was found to be inadequate, and the question, 'whether with aid in any amount it is sufficient to send the Negroes outside the State for legal education,' the Court of Appeals found it unnecessary to discuss. Accordingly, a writ of mandamus to admit the applicant was issued to the officers and regents of the University of Maryland as the agents of the State entrusted with the conduct of that institution."

### Justice Black Concurrs

Associate Justice Hugo L. Black, whose association with the Ku Klux Klan was attacked when he was appointed to the court in 1937, concurred in the majority opinion today.

The dissenters were Justices James McReynolds, a Tennessean, and Pierce Butler. They are commonly regarded as minority conservatives. Speaking for that minority, Mr. McReynolds justified the university authorities in refusing admission to Negro students on the ground that it was "contrary to the Constitution, laws and public policy."

Continuing, he said:

"The State has offered to provide the Negro petitioner opportunity for study of the law—if perchance that is the thing really desired—by paying his tuition at some nearby school of good standing. This is far from unmistakable disregard of his rights and in the circumstances is enough to satisfy any reasonable demand for specialized training. It appears that never before has a Negro applied for admission to the law school, and none has ever asked that Lincoln University provide legal instruction."

### Hughes Writes Opinion

The majority opinion, written by Chief Justice Charles Evans Hughes, held that refusal of the university to admit a Negro student was a violation of his rights to "equal protection" under the Fourteenth Amendment to the Constitution.

The opinion said Missouri's offer to Lloyd Gaines to pay his tuition at either of these State university law schools—Kansas, Illinois, Iowa or

Nebraska—was not

ply with his rights

"Commendable

opinion declared,

that instruction in

not now afforded

at Lincoln Univer

within the State, a

excludes Negroes fro

of the law school i

the University of Miss

### Termed Personal

The right of Gaines,

ruled, was "a personal one

cision said:

"It was as an individual

he

was entitled to the equal protection of

the laws, and the State was bound to

furnish . . . him within its borders

facilities for legal education substantially

equal to those which the State there

afforded for persons of the white race,

whether or not other Negroes sought

the same opportunity.

"We must conclude that the court

(Missouri Supreme Court) denied the

Federal right which petitioner set up,

and the question as to the correctness

of that decision is before us.

"We are of the opinion that the rul-

ing was in error, and that petitioner

was entitled to be admitted to the law

school of the State university in the

absence of other and proper provi-

sions for his legal training within the

State."

## Editor Outlines Effect Of Decision On Virginia

Richmond, Dec. 12 (AP)—Virginius Dabney, editor of the Richmond Times-Dispatch, said tonight the Supreme Court's ruling today that a State must provide "equality" in educational privileges for white and Negro law students left Virginia with these alternatives:

To develop graduate and professional instruction at the State College for Negroes at Petersburg at a "cost of a good deal of money."

To admit Negroes to institutions of higher learning which heretofore have been exclusively for whites.

The second course, Dabney said, would be harmful to racial relations in Virginia.

### Aid For Outside Study

The 1936 Virginia General Assembly authorized Virginia institutions which

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69 FIFTH AVENUE, NEW YORK

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November  
 15th  
 1937

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Miss Elizabeth Brown  
 Mount Hope Colored Elementary School  
 Sunderland, Maryland

Dear Miss Brown:

Enclosed please find copy of our  
 press release on your case.

Yours sincerely,

*Thurgood Marshall*  
 Assistant Special Counsel.

TH:erw  
 encl.

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Next pages

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*Have You Written Your Senators Urging Support of the Federal Anti-Lynching Bill?*



NEGRO TEACHER SEEKS  
EQUAL SALARY SCALE

1937

Prince Frederick, Md., Nov. 12.- A petition seeking a writ of mandamus to compel the board of education of Calvert county "to adopt and establish salary schedules for teachers and principals in Calvert county without distinction as to race or color of teacher or as to the school taught" was filed in the Circuit court here November 10 by attorneys acting for Elizabeth Brown, a teacher in the Mount Hope colored elementary school.

The order was signed by Judge W. M. Loker. The petitioner, Elizabeth Brown, sets forth that she is a graduate of the Philadelphia, Pa., normal school and has taken courses at Hampton institute, holds a first grade certificate of the first class issued by the state department of education in Maryland and is in her eighth year of teaching experience in the state of Maryland.

The petition declared that she is being paid \$75 a month for eight months or a total of \$600, whereas white teachers in Calvert county with the same qualifications and experience and performing the same duties receive a salary at the rate of \$1100 annually.

The petition avers that the differentials in salaries between white and colored teachers are based solely on race or color and that the enforcement of the salary schedule "is unlawful and arbitrary and in violation of the constitution of the state of Maryland and denies your petitioner and others of her race the equal protection of the laws guaranteed by the fourteenth amendment to the constitution of the United States."

The board of education of Calvert county, the petition recites, was requested by petition filed on September 28, 1937 to adopt and enforce a salary schedule providing for equal salaries to all teachers with the same qualification and experience without any distinction as to race or color, but the board of education refused to adopt such a schedule and still refuses to do so.

Thurgood Marshall, member of the legal staff of the National Association for the Advancement of Colored People, is counsel for the petitioner. He declared that the average salary in the counties for elementary teachers is \$1202, whereas the colored average is \$636; that the white average for Calvert county is \$1040, whereas the colored is \$572. The average salary for white high school teachers in the state is \$1469 and the colored \$817; but in Calvert county, the average is \$1349 for white and \$668 for colored.

Mr. Marshall said the minimum salary schedules for Maryland county elementary teachers, as set forth in article 77, Maryland Code of Laws, provides for \$600 minimum for white teachers with third grade certificates and from one to three years experience; and a minimum for Negro teachers of the same grade and experience of \$320. The highest salary for Negro elementary teachers is \$680 a year for first grade certificate and eight years or more of experience; white teachers of this grade receive \$1150 a year. A white teacher with a third grade certificate and one to three years experience receives the same salary of a Negro teacher with a first grade certificate with five years experience or more. A white teacher with a second grade certificate and only one year of experience receives more salary than a Negro teacher with a first grade certificate and eight years experience.

SENATOR PEPPER, FLORIDA  
WILL FIGHT LYNCH BILL

Pensacola, Fla., Nov. 12.- Speaking here last week at a luncheon, Senator Claude Pepper declared: "I was one of the opponents of the anti-lynching bill during the last session and I will do everything in my power against it."

Senator Pepper made his address before the Officers' club at the naval air station and devoted most of his time to foreign relations, but after he finished, he was questioned directly about his attitude on the anti-lynching bill.

Florida has staged three lynchings so far in 1937. Two Negro youths were taken from officers a bare four blocks from the state capitol. On a visit to New York last month, Governor Fred P. Cone, of Florida, put his official sanction on lynching.

## N.A.A.C.P. Attacks Law

The law and the salary scales have been attacked by lawyers of the National Association for the Advancement of Colored People acting for teachers in Montgomery county and Calvert county, Maryland. The N.A.A.C.P. legal staff contends that a statute setting up separate salary scales for public school teachers based solely on race violates the fourteenth amendment to the United States constitution.

The case in Montgomery county was argued in the spring of 1937 and terminated by an agreement by the county board of education to adopt a uniform, nondiscriminatory salary scale. This case will result in the Montgomery county Negro teachers receiving a salary increase amounting to \$30,000 annually. Before the case was filed a Negro elementary school principal in Montgomery county received \$612 a year, whereas a white teacher with the same qualifications and experience was receiving \$1175 a year.

The Calvert county case was filed in November, 1937, and settled December 27, 1937, by the county board of education making an agreement to equalize salaries, beginning one-third in August, 1938, and full equalization by August, 1939. The delay is due to the necessity of providing additional funds out of the next tax levies. When full equalization is reached, Negro teachers in Calvert county will have their salaries increased over \$16,000.

The N.A.A.C.P. lawyers who have successfully handled these teachers salary cases are Thurgood Marshall and Charles H. Houston of the New York national Office, and Edward P. Lovett of Washington, D.C.

### Approves Arrangements

After discussing the legal action taken and the compromise

of the bill, since the supporters of the bill are ready to vote at any time; that rape is not the cause of lynchings, being charged in only one-sixth of the cases; that the county penalty clause is not a tax upon the innocent, but a preventive for lynchings and that it is contained in mob violence statutes in twenty-three states; that the decrease in lynchings has been caused primarily by the increased agitation for a federal anti-lynching bill; and that in 1937 the law enforcement officials have shown 100% inability or unwillingness to do anything to punish lynchers since there has not been a single arrest.

All organizations and their members are urged to keep in constant touch with their senators on the bill by letter and telegraph and to watch the debate daily.

MARYLAND GOVERNOR TO  
SEEK EQUAL PAY FOR  
NEGRO, WHITE TEACHERS

Present State Law Called "Totally Unconstitutional" As  
N.A.A.C.P. Lawyers Secure Settlement Giving Calvert  
County Teachers \$16,000 More Pay  
- - - - -

Baltimore, Md., December 31.- Governor Harry W. Nice on December 28 announced that he would initiate the necessary steps to equalize the salaries paid to white and Negro teachers in the state. This will mean an increase of \$486,000 in the annual salaries of Negro teachers throughout the state.

Governor Nice stated that a number of distinguished lawyers in Maryland had informed him that the law now on the statute books providing one salary scale for white teachers and a much lower salary scale for Negro teachers was "totally unconstitutional."

At the present time Maryland works its discrimination thru a state law which puts salaries for white teachers on a yearly basis but salaries for Negro teachers on a monthly basis. The minimum salary for a white teacher in an elementary school is \$600 per year, but for a Negro teacher \$40 per month. In an eight month school term the Negro elementary teacher receives \$280 less salary than the white elementary teacher. A white high school teacher receives a minimum salary of \$1,150 per year, while a Negro high school teacher receives \$80 per month, which makes a differential of \$510 against the Negro high school teacher in an eight month term.

BALTIMORE SUN

NOVEMBER 1937

## Third County to Sue for Equal Teachers' Pay

NAACP Starts Work  
in Calvert and  
Harford

### FLASH!!

HAVRE DE GRACE, Md.—The Harford County Teachers' Association has filed a petition with the board of education to equalize teachers' salaries in this county.

If the board refuses, according to President Percy Williams, the NAACP will file mandamus proceedings in the circuit court.

### Second Suit on Docket

MT. HOPE, Md.—The NAACP filed suit in Calvert County last week to compel the county board of education to increase the salary of Miss Elizabeth Brown by \$500.

Miss Brown is receiving \$600 a year. White teachers doing the same work in this county are being paid \$1100.

If NAACP lawyers, headed by Dr. Charles Houston, Thurgood Marshall, and Leon Ransome, win this case, salaries of all colored teachers in the county will be increased 45 per cent.

### \$30,000 Won in Montgomery County

The test case which is guiding NAACP lawyers in the fight to make colored and white teachers' salaries the same throughout the State was won last summer in Montgomery County.

This county board of education listened to preliminary pleadings before three judges, then settled the case out of court by agreeing to equalize all teachers' salaries within a year.



(Class) \$1.00

This Certifies that

Miss Elizabeth Brown  
is a Member of the National Association for  
the Advancement of Colored People for one  
year from date.

In Witness Whereof the Board of Directors  
has caused this Certificate to be issued.

Date recorded NOV - 1937  
at 69 Fifth Ave., New York,

*Henry W. Onigh*  
Treasurer

# File 3rd Salary Suit in Maryland

## NAACP and Teachers Back Chapel Hill Instructor

**UPPER MARLBORO, Md.—**The fight to equalize white and colored salaries in the counties of Maryland was continued on a new front when attorneys for the NAACP filed a petition asking for a mandamus to compel such action by the Prince Georges County board of education.

Although the petition is filed in the case of Mrs. Evelyn Elsie Cook, teacher at Chapel Hill, the court action is being backed by the teachers in the State and the NAACP as part of a fight that will be continued until all salaries are equalized, Thurgood Marshall, assistant special counsel, told the AFRO-AMERICAN.

### Follows Precedent

The Prince Georges County action follows the precedent of that taken in Montgomery, Baltimore, and Calvert Counties. It followed an effort to come to an agreement by negotiation.

At a meeting on Saturday of teachers representing all the counties where salary adjustments have not already been made, there was a unanimous decision to go into court in every county where other efforts to have teachers salaries equalized failed.

These counties at present are Anne Arundel, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Queen Anne's, St. Marys, Somerset, Talbot, Washington, Wicomico and Worcester.

### Gets Only \$760

The petition filed by Miss Cook sets forth that her salary, and that of all other colored teachers and principals in the county is less than that paid whites in the same class and for the same work. Miss Cook, it is said, re-

ceives \$760 annually, while white teachers in the same grade receive \$1,150.

Several efforts to make peaceful adjustments in a number of counties have failed. It has been this failure that has caused teachers of the State to decide upon resorting to the courts in every county which failed to equalize pay.

### Nice Is Stimulant

A recent statement by Governor Harry W. Nice has also stimulated the fight for equalization of salaries.

Calling the statutes of the State of Maryland under which white county school teachers are paid in excess of colored school teachers discriminatory and unconstitutional, the governor told Mrs. Enolia P. McMillan, president of the Colored State Teachers' Association, that he approved the fight they were making.

He has directed the State budget director to place additional funds in the State budget to make these salaries equal.

## EQUAL PAY SOUGHT BY NEGRO TEACHER

Court Asked To Compel Calvert County Board To Eliminate Differential

From the "Evening Sun"

A petition seeking a writ of mandamus to compel the Calvert County Board of Education to pay equal salaries to Negro and white teachers, has been filed at Prince Frederick, Md., on behalf of Elizabeth Brown, Negro instructor at the Mount Hope Elementary School for Negro children.

Representatives of the National Association for the Advancement of Colored People are handling the case for the teacher.

### Alleges \$500 Difference

Her petition sets forth that she is paid \$75 a month for eight months a year, or a total of \$600, while white teachers engaged in the same work, with similar qualifications, are paid \$1,100 a year.

The petition further declares that the differentials between the salaries of white and Negro teachers are "based solely on race or color, and the enforcement of the salary schedule is unlawful and arbitrary and in violation of the Constitution of the State of Maryland, and denies your petitioner and others of her race the equal protection of the laws guaranteed by the Fourteenth Amendment."

## Philadelphia Girl Center Of Md. Court Fight Seeking Equalization Of Teachers' Pay

### Local Normal School Graduate Gets Salary Of \$600 Annually, Compared To \$1,100 For Whites

PRINCE FREDERICK, Md.—A petition seeking a writ of mandamus to compel the board of education of Calvert county "to adopt and establish salary schedules for teachers and principals in Calvert county without distinction as to race or color of teachers or as to the school taught" was filed in the Circuit court here on November 10 by attorneys acting for Elizabeth Brown, a teacher in the Mount Hope colored elementary school.

The order was signed by Judge W. M. Loker. The petitioner, Elizabeth Brown, sets forth that she is a graduate of the Philadelphia Normal School and has taken courses at Hampton Institute, holds a first grade certificate of the first-class, issued by the state department of education in Maryland and is in her eighth year of teaching experience in the state of Maryland.

The petition declared that she is being paid \$75 a month for eight months or a total of \$600, whereas white teachers in Calvert county with the same qualifications and experience and performing the same duties receive a salary at the rate of \$1100 annually.

The petition avers that the differentials in salaries between white and colored teachers are based solely on race or color and that the enforcement of the salary schedule "is unlawful and arbitrary and in violation of the constitution of the state of Maryland and denies your petitioner and others of her race the equal protection of the laws guaranteed by the fourteenth amendment to the constitution of the United States."

By Colored Judge

## NAACP Begins New Pay Suit

The National Association for the Advancement of Colored People renewed its legal offensive against differentials in salaries of white and colored teachers in Maryland counties this week.

The court action, begun by Miss Elizabeth Brown, teacher in the Mount Hope elementary school in Calvert County, asks that a mandamus be granted compelling the board of education of Calvert County and H. R. Hughes, county superintendent of education, to pay her the same salary paid white teachers of the same grade who do the same work.

#### Follows Montgomery Case

The case follows the proceedings taken in the successful Montgomery County action whereby the NAACP attorneys brought about an adjustment which added \$30,000 per year to the salaries of teachers in that county.

Miss Brown holds a first grade certificate and has been teaching in Maryland

for eight years. She is now receiving a salary of \$75 per month for eight months, or \$600 per year.

The petition sets forth that white teachers holding first grade certificates similar to that held by Miss Brown and performing

Continued on page 2, col. 1



Nov 1939

START SALARY CAS

IN CALVERT COUNTY

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Newspaper Copyright 1937  
AMERICAN Company

LATE CITY  
EDITION

Price: 6c

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Nov 1937

# START SALARY CAS

THE AFRO-AMERICAN, NOVEMBER 28, 1937

CE 2

## NAACP Begins New Pay Suit

Continued from page 1

the duties receive \$1100 per

### Based on Color

This differential, the petition charges, is based solely on the grounds of race or color.

The board of education of Calvert County, the attorney holds with power to fix salary scales under the Maryland code, has set a higher salary for white teachers and principals of same grade and doing the same duty. This, they con-

tend is unlawful and arbitrary, and in violation of the Constitution of Maryland.

It is also set forth that this action on the part of the board denies Miss Brown and other teachers of her race the equal protection of the laws guaranteed by the Fourteenth Amendment to the Constitution of the U.S.

### Filed Petition

On September 28, Miss Brown filed a petition with the board asking equitable salary, but the body refused.

The petition is expected to come up for a hearing on December, 24.

Thurgood Marshall, Charles H. Houston, Leon Ransom and Edward P. Lovett are listed as lawyers for the NAACP and Miss Brown.

## Three Sisters File Hughes Report

Continued from page 1

comprises properties at 526 Laureate Street; 520 St. Paul Street; 524 St. Paul Street and

## HEART DISEASE MAN'S WIFE

Following an investigation Dora Smith, 52, of 1225 St. Thursday of complicity in the same address. Hopkins common-law husband

STAR'S DISCORD

# NAACP Reviews Two-Year Fight on Teachers' Salaries

The fight new being waged by the NAACP and the teachers of Maryland to bring the salaries of colored teachers in every classification up to the plane of equality with white teachers enters its third year.

A brief review of the three court cases taken up by the association in Maryland will serve to show where the drive stands.

## MONTGOMERY COUNTY

At the instance of the Maryland State Colored Teachers' Association, members of the legal staff of the NAACP filed suit December 8, 1936, against the Montgomery County, Maryland, board of education on behalf of William P. Gibbs, Jr., an acting elementary school principal, to have the salaries of white and colored teachers equalized in the county.

When the board refused to act, the association's lawyers filed a petition for a writ of mandamus, December 31, 1936, to compel the board to equalize teachers' salary schedules in Montgomery County, Maryland.

Ordered by the circuit court of Maryland to answer the petition, the board made an agreement, pending completion of which, further action in the case has been postponed.

A check of the Montgomery County board of education records revealed that some white janitors in the county received \$333 more per year in average salary than colored elementary teachers and \$100 more than colored high school teachers per year.

The record showed the following disparity between colored and white teachers: white high school teachers, \$1,571; colored high school teachers, \$859; colored elementary school teachers, \$631; white elementary school teachers, \$1,362.

In the settlement, the board of education agreed:

1. To go on record as favoring the equalization of teachers' salaries.
2. To disregard the colored salary schedule, and to establish a salary schedule without regard to race.
3. To pay colored elementary school principals, as well as teachers pursuant to this schedule. (Colored elementary principals heretofore had been paid no more than colored teachers.)
4. To pay 50 per cent of the differential to colored teachers at once.
5. To pay the remaining 50 per cent beginning June, 1938, when a new budget was made out.
6. To complete equalization of all salaries by June, 1938.

The agreement gave to colored teachers an increase of \$30,000 per year in salaries.

## CALVERT COUNTY

The second Maryland case was filed in Calvert County on behalf of Elizabeth Brown, an elementary school teacher, November 11, 1937, when the association sought by writ of mandamus, to

compel the county board of education to equalize the salaries of all teachers.

The petition alleged that Miss Brown received \$600 a year, while white teachers in the same category received \$1,100 per year.

This case was also settled by an agreement wherein the board of education granted the equalization of salaries by August, 1939, the date of the next budget in Calvert County. In the meantime, colored teachers in this county were allowed a salary increase equal to one-third of the differential.

## PRINCE GEORGES COUNTY

Two outstanding cases to be decided to this year have far-reaching implications which affect not only all county teachers in Maryland, but the teachers in Baltimore City as well.

The first of these cases involve the fight for equalization of teachers' salaries in Prince Georges County, where the superintendent of schools, Nicholas Orem, has declared open war on the NAACP campaign, stating that he will fight the case through the courts and by intimidating colored teachers in any way within his power.

Colored elementary school teachers in this county receive an average of \$711 a year; white elementary teachers receive an average of \$1169 a year. Colored high school teachers receive an average of \$858 a year; white teachers average \$1396 for the same period.

## BEGAN PURGE

As a first step in this campaign of frightening colored teachers, Superintendent Orem has dismissed all probationary teachers for cause.

Superintendent Orem's hostility insures a court fight every step of the way.

One instance will serve to show how bitter is the resentment of Superintendent Orem toward the view that colored teachers in Prince George's County have a perfectly legal right to receive salaries equal to white teachers, and the lengths to which he will go to prevent the association's fight to wipe out this wage differential:

In April, 1937, Thurgood Marshall, an NAACP attorney, acting as the representative of a colored teacher in a test case, requested that the Prince George's County board of education submit to him for inspection its complete minutes from the time when separate schools were inaugurated.

Superintendent Orem indignantly refused the request and did not accede to the demand until after Mr. Marshall had filed a writ of mandamus to compel the board to do so.

## FAR-REACHING VICTORY

The association's winning of this point was far-reaching in that it established the right of citizens to inspect the minutes of any institution or public agency in Maryland.

The second case, which the association is preparing to file, involves the State board of education's practice of distributing State funds to various counties

within the State that are too poor to meet their educational budgets, in accordance with a State salary code that discriminates in favor of white teachers.

A heartening step in the fight has been taken by Governor Harry W. Nice of Maryland, who on December 29, 1937, issued a statement in the Baltimore Sun, in which he pledged himself to take the preliminary steps toward equalizing teachers' salaries in Maryland.

He called the old law "totally unconstitutional." Equalization of these salaries will mean an increase of approximately \$500,000 a year to colored teachers.

## THE FIGHT CAN BE WON

To the colored teachers of Maryland the NAACP says the fight can be won. The program grows broader every year. Equal salaries for equal work can be obtained, but it means fighting, sacrifice, a never-say-die spirit.

It means that no such fight can be won in your State unless the teachers in your State respect themselves and their right to a decent wage equal to that of a white teacher doing the same work.

It means that no such fight can be won simply by calling upon the association to come into your State, raise the issue, make a fight, and go home.

The fight cannot be won that way. It can be won by organizing a strong teachers' group, selecting one teacher to bring the fight into court, raising funds to keep that teacher in bread and butter while the fight goes on—raising more funds to aid in the association's conduct of that teacher's defense.

Further than this, it means that trusted citizens, whose integrity and belief in the fight is unquestioned, must be enlisted to arouse the sentiment in your community.

It means enlisting the aid of such agencies as the parent-teacher associations, social clubs, fraternal groups, church groups, labor groups, in short all of the progressive agencies in your community.

These are the people who represent public sentiment in your community, who will back you in such a fight, because they understand that the future of their children's education is at stake. But you, firmly determined in your own mind that only organized effort can win these battles, must lay the groundwork, build the leadership, raise the funds, keep the program alive.

1. Read, write and interpret constitution of the United States of this State, and understand duties and obligations of citizenship.
2. Own \$500 worth of real state or personal property upon which all taxes have been paid six months prior to election.
3. Previous residence required one year.

**LOUISIANA**

1. Read and write and provide essential facts necessary to show that he is entitled to register and vote.
2. Previous residence required two years.

**MISSISSIPPI**

1. Read, write and interpret constitution of the United States of this State.
2. Previous residence required two years.

**NORTH CAROLINA**

1. Read, write and interpret U. S. Constitution.
2. Previous residence required one year.

**SOUTH CAROLINA**

1. Read and write U. S. Constitution.
2. Own \$300 worth of property on which taxes for previous year have been paid.
3. Pay poll tax six months prior to election.
4. Previous residence required two years.

**VIRGINIA**

1. Pay \$1.50 poll tax for each of three years prior to registration.
2. Answer in writing any and all questions affecting his qualifications as submitted to him by the officers of registration.
3. Previous residence required one year.

The above synopses will give every reader an idea of the poll tax requirements and voting requisites President Roosevelt had reference to in his Hyde Park, N.Y., interview September 9.

The above laws are the southern politicians instruments, called democracy, but white supremacy filled a Republican form of government.

Of the rights of citizenship, the U. S. Constitution makes the following mention:

**Article 14, section 1—**  
All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.

**Article 15, section 1—**The right of citizens of the United States to vote shall not be abridged by the United States or by any State on account of race, color or previous condition of servitude.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

**Article 19—**The right of citizens of the United States to vote, shall not be denied

in his answer to their suit to have a fee simple deed given him declared a trust.

Mr. Franklin's answer, filed in the District court, Monday, states that the bill of complaint does not contain the full agreement they entered into.

He says the Johnsons also agreed that the property should be placed under his management and control until they had repaid him the money he advanced and expended on it.

He said he advanced on the property a total of \$3,310.50 for monthly payments and interest on existing trusts, necessary repairs, taxes, and water rent.

He has received only \$1,980 to be applied to the indebtedness to him, he asserts. He also asks compensation of \$100 for his services.

**"LONG TABLE" SOUGHT**

Shot during an argument, Saturday by a man known to him as "Long Table," Eugene Williams of Arlington was treated at Freedmen's Hospital.

same race often conflict, and one has to make way for the other.

That grouping of persons of the same race as "the race" is impractical, if not impossible, and this is pertinently revealed in a most matter-of-fact incident, by Joseph Alsop and Robert Kintner, the Washington Evening Star's "off the record expose twins" in their column of that newspaper September 21.

It has to do with the successor to the late Associate Justice Cardozo on the bench of the Supreme of the United States. Justice Cardozo was a Sephardic Jew.

Most prominently mentioned person, virtually the only one in the category, to succeed Justice Cardozo has been Prof. Felix Frankfurter of the Harvard Law School, son-in-law, I believe, of the great liberal jurist, also a Jew, Associate Justice Louis D. Brandeis of the Nation's highest judicial tribunal.

Concerning the plea of certain Jews that Frankfurter be not appointed, Alsop and Kintner write:

**WANT A.M.A. DOORS OPENED**



The president of the National Medical Association and members of its committee, who appeared before the House of Delegates of the American Medical Association. They asked that the doors of the A.M.A. be opened to all doctors. Top: Dr. George W. Bowles, president, National Medical Association; lower: left to right: Dr. Carl G. Roberts, Provident Hospital; Dr. Clarence Payne, president of the Cook County Medical Association, and Dr. Roscoe C. Giles, former president of the N.M.A.—(ANP).

**Classified Ads**

**GIRL WISHES TO PLAY PIANO** for Sunday services. Call Sunday afternoon between 4 and 4:30 p.m., at 1712 New Jersey-ave., Northwest.

**LARGE FURNISHED ROOM** for refined married couple, or single woman. DEcatur 4267.

**TWO UNFURNISHED ROOMS—**Private home. Modern convenience. Couple. DUpont 9312. 318 T Street, Northwest.

**CARE FOR CHILDREN** by the week or month. Ages from 6 to 11. Good home. DEcatur 4267.

**ANY RESPONSIBLE PERSON** may secure credit and open an account at the Green Furniture Company, 3600 Georgia Avenue, Northwest, where you will find a selection of household furniture for every room in the house, including beautiful odd pieces. Everything reasonably priced. Come in and look around. Open every evening.

**FOR RENT—**A small modern apartment. 3 large rooms, shower, kitchen, garage, heat. About 15 minutes drive on Virginia side. See janitor at 2824 Twelfth-st., Northeast. (Rear).

# Text of Md. Teachers' Pay Equalization Law

ENTITLED

AN ACT to repeal and re-enact with amendments Section 93 of Article 77 of the Annotated Code of Maryland (1939 Edition), title "Public Education," sub-title "Chapter 8. Teachers' Certificates, Salaries and Pensions," to repeal Sections 194 and 195 of said Article, sub-title "Chapter 18, Schools for Colored Children," to provide for the equalization of the salaries of the principals and teachers in the elementary and high schools of the State for white and colored children.

SECTION 1. Be it enacted by the General Assembly of Maryland, that Section 93 of Article 77 of the Annotated Code of Maryland (1939 Edition), title "Public Education," sub-title "Chapter 8. Teachers' Certificates, Salaries and Pensions," be and it is hereby repealed and re-enacted with amendments to read as follows:

No [white] teachers or principals regularly employed in public schools in the counties of the State of Maryland shall receive salaries less than the amounts provided for in the following schedule for varying amounts of training and successful experience:

Provided that [white] teachers and principals having eight years' or less experience prior to the effective date of this schedule shall receive the salary in the new schedule corresponding with their years of experience, and [white] teachers and principals having more than eight years' experience prior to the effective date of this schedule shall receive only one salary increment for experience in any two-year budgetary period.

But no teacher or principal whose certificate is rated by the county superintendent as second-class, as provided in Section 91 of Article 77, shall receive any salary increment based on experience.

## \$1000 Minimum for Grade 1

No [white] teacher, without degree, holding a regular first-grade or higher certificate, shall receive a salary less than \$1000 per school year during the first and second years; \$1050 per school year for the third and fourth years; \$1100 per school year for the fifth and sixth years; \$1150 per school year for the seventh and eighth years;

Not less than \$1250 per school year for the ninth and tenth years of service; \$1350 per school year for the eleventh and twelfth years; \$1450 per school year for the thirteenth and fourteenth years; \$1550 per school year for the fifteenth and sixteenth years; and \$1600 per school year for the seventeenth and each succeeding year of service thereafter.

No [white] teacher, with degree, holding regular first-grade or higher certificate, shall receive a salary less than \$1200 per school year for the first and second years of service; \$1250 for the third and fourth years; \$1300 for the fifth and sixth years; \$1350 for the seventh and eighth years;

Not less than \$1450 per school year for the ninth and tenth years of service; \$1550 for the eleventh and twelfth years; \$1650 for the thirteenth and fourteenth years; \$1750 for the fifteenth and sixteenth years; and \$1800 or the seventeenth and each succeeding year of service thereafter.

Any such teacher having charge of a two-teacher elementary school shall receive \$100 per school year more than the foregoing schedule requires.

BALTIMORE. — The following is the text of the Teachers' Equal Salary Bill passed by the Maryland Legislature last week, calling for the expenditure of some \$490,000 to equalize the salaries of colored and white teachers in the State, effective January 1, 1942.

Known as Senate Bill No. 329 when it was pending in the legislature, the new law was supported by Gov. Herbert R. O'Connor who is expected to give it his signature sometime during the coming week.

## Climaxes 25-Year Battle

Passage of this legislation marks the first time that a State has passed an equalization law, and climaxes a twenty-five-year fight for equal salaries in Maryland by the Maryland Teachers' Association, NAACP and other civic groups.

The legislation was given impetus two years ago when Federal Judge W. Calvin Chesnut handed down his history-making decision which ruled that teachers of both races with the same qualifications must be paid equal salaries for the same work.

The new law means that, at the beginning of next year, some 500-odd teachers in Maryland counties, most of whom hold first-grade certificates, are due for pay increases. The text of the bill, as passed by the legislature, follows:

(Editor's Note — Those portions of the text of the bill inclosed in brackets were killed (left out) in the bill as re-enacted by the 1941 legislature).

#### Elementary Principals

A principal of an elementary school, with from two to four assistants, shall receive \$200 per school year more than the foregoing schedule requires;

The principal of an elementary school, with from five to eight assistants and with an average daily attendance of 200 or more, shall receive \$400 per school year more than the foregoing schedule requires;

The principal of an elementary school with nine or more assistants and with a daily average attendance of 360 or more, shall receive \$600 per school year more than the foregoing schedule requires; a teacher in charge of a second-group high school shall receive \$200 per school year more than the foregoing schedule requires.

The salary of a teacher holding a second-grade certificate shall be \$850, and the salary of a teacher holding a third-grade certificate shall be \$650 per school year.

#### High School Heads

The principal of a first-group high school, with from one to four assistants shall receive \$1650 per school year for the first and second years of teaching service; \$1750 for the third and fourth years; \$1850 for the fifth and sixth years; \$1950 for the seventh and eighth years; \$2,050 for the ninth and tenth years;

Shall receive \$2,150 for the eleventh and twelfth years of teaching service; \$2,250 for the thirteenth and fourteenth years; \$2,350 for the fifteenth and sixteenth years; and \$2,450 for the seventeenth and each succeeding year [s] of teaching service.

A principal of a first-group high school, with from five to eight assistants and with an average daily attendance of not less than 100 and less than 200, shall receive \$200 per school year more than the foregoing schedule requires;

The principal of a first-group high school, with nine or more assistants and with an average daily attendance of 200 or more shall receive \$400 per school year more than the foregoing schedule requires.

#### Provisional Certificates

The salary of a teacher or principal holding a provisional certificate shall be \$200 less per school year than that required for a teacher or principal holding a regular certificate for the same grade.

The board of education of any county may, in its discretion, pay to teachers and principals annual salaries in excess of the salaries provided for in this section, but the State shall not share in the payment of any such excess salaries.

The commissioners of each county shall levy sufficient funds to meet the schedule of salaries herein established.

[During the budget years 1940 and 1941, the increases due teachers and principals as a result of the salary schedule established by this section over the salaries as provided by Sections 93 and 195 of this Article during the budget year 1939, shall not be considered in calculating the twenty-four per cent to be expended by the Equalization Fund Counties for purposes other than teachers' salaries.]

**SECTION 2.** And be it further enacted, that Sections 194 and 195 of Article 77 of the Annotated Code of Maryland (1939 Edition), title "Public Education," sub-title "Chapter 18. Schools for Colored Children," be and they are hereby repealed.

**SECTION 3.** And be it further enacted, that this Act shall take effect January 1, 1942.



second, and Mrs. Hallie Carper (left), who conducted the cooking school, is holding the third prize winner's cake.

## with Gift



# Longer Hours for Saloons Hit by Methodists

## Urge Appointment of Dr. Howard to Temperance Body

PHILADELPHIA.

Resolutions requesting the appointment of Dr. A. R. Howard to represent the temperance movement and that a letter be sent to the State legislature protesting the extension of saloon closing hours, were approved at a mass meeting of the Delaware conference on Friday at Tindley Temple.

The meeting, called by Bishop A. P. Shaw of the Baltimore area, Central Jurisdiction of the Methodist Church, brought to Philadelphia some of the most outstanding leaders of the church. Dr. Edgar A. Love, secretary of the board of home missions, spoke on "Our Missionary Responsibility."

### Bennett Prexy Speaks

"Our Educational Responsibility in Support of Our Colleges" was discussed by Dr. David D. Jones, president of Bennett College, Greensboro, N.C.; Dr. J. W. Haywood, president of Morristown College, Morristown, Tenn., and the Rev. J. J. Seabrook, professor of religious education and chaplain of Langston University, Langston, Okla.

Dr. J. N. Crolley of the board of pensions, Chicago, stressed responsibility to conference claimants.

Dr. A. R. Howard spoke on "Temperance." After his speech the two resolutions were passed, one requested that Dr. Howard be appointed by the board of temperance to represent the temperance movement throughout the Central Jurisdiction.

The other requested that a letter be sent to the State legislature of Pennsylvania, protesting the extension of the closing hour of saloons Sunday afternoon.

### Rev. A. J. Mitchell Talks

The Rev. A. J. Mitchell, district superintendent of the Washington Conference, brought greetings from that conference.

In the afternoon three discussion groups met. The Society of Christian Service was presided over by Mrs. L. B. Jewett, Herman D. Brown presided over the lay activities group which had as its guest speaker, Eustace Gay.



Part of the large crowd which braved a brisk March wind to witness the cornerstone laying a

# Arrest Philly

PHILADELPHIA.

Over a hundred persons were arrested during the week as vice squad detectives conducted flag raids throughout the city in an effort to "break" the number racket and clean up other vice conditions which have been cited as "running rampant."

On the complaints of several patrons, detectives arrested fifteen men and four women in a taproom at Eighteenth and Carpenter Streets, Wednesday afternoon, and making a return trip, took nine more women into custody.

### Bartender Fined \$2.50

Central police court, Magistrate Williams imposed a fine of \$2.50 and costs on Spencer Mitchell, bartender of the taproom wh

and Bishop A. P. Shaw led the ministerial group.

The highlight was the evening service at which Bishop Lorenzo King of the Atlanta area spoke on "The Methodist Heritage of the Colored American."

## Wins Essay Contest



MISS MAYME K. WILKINS, of Alexandria, Va., Howard University freshman, who won first prize in the city-wide National Unity Essay Contest, last week. —Oscar photo

## Nab Man in 10-Year-Old Murder Case

WASHINGTON  
Sought for ten years for the murder of Luther Jones, Walton Burnside, 35, was arrested in New York City, last week, and will be returned here for trial, according to Lieut. George Darnall

bar tender of the taproom, was booked on numbers charges.

When they entered the tap room, detectives said, numerous numbers slips were suddenly thrown on the floor.

### Others Draw Fines

Others, charged with disorderly conduct and fined \$2.50 by Magistrate Williams are:

Wilson Carter, 30, of 1636 Lombard Street; Leroy Handy, 56, 1818 Christian Street; Dudley Riley, 28, 1021 Derrance Street; Eugene Staline, 3, 1940 Annin Street; Harold Glen, 5, 1836 Christian Street; Miss Eva Stewart, 37, 1001 S. Boyer Street; Miss Estelle Moore, 5, 1921 Carpenter Street; Miss Tranol Davis, 28, 914 S. Twentieth Street; Miss Lillian Winfrey, 43, 2034 Annin Street; Miss Anna Davis, 32, 1024 Twenty-first Street; Eddie Edwards, 43, 1023 S. Eighth Street; Misses Minnie Boyd, 4, 614 S. Twenty-first Street; Helen Whit, 32, 1619 Christian Street; Mary Add, 22, 1114 S. Twentieth Street; Mabel Davis, 1826 Christian Street; Mary Tyso, 34, 813 S. Nineteenth Street; Jul Poke, 23, 1601 South Street; Naor Johnson, 23, 916 S. Seventeenth Street; Flossie Handy, 33, 1818 Christian Street; and Viola Smith, 31, 1929 Carpenter Street.

Arrested in an apartment house at 2122 Christian Street on Friday. Eight others were discharged the same day were:

Isaac Jackson, 37, 2122 Christian Street; Andrew Murray, Edward eHrsey, 21, 1208 S. Twentieth Street, and Gidien Mince, 49, 1430 Christian Street.

All were held by Magistrate Williams, while one other was discharged.

### Others Picked Up

Other numbers pick-ups during the week were Clotee Woods, 34, of 4909 Paschall Avenue, and Miss Elizabeth Jacobs, 3, of 4909 Paschall Avenue, who were held in \$500 bail for court.

Nathaniel Ford, 41, of 15 Woodstock Street, arrested on Twentieth and Montrose Street, was held in \$500 bail for court. Miss Mary Walker, 22, 2327 Twenty-seventh Street, \$30, and Eddie Branch, 39, of 714 Eighth Street, \$500.

Mrs. Nannie McClough, 54, 1354 Melville Street, was also arrested on Thursday on a numbers charge.

Austin Walker, 63, of 810 W Berks Street, arrested at Seventh and Montgomery Street, was held by Magistrate Williams in Cer



# **T h e N. A. A. C. P.**

## **ITS PURPOSE**

1. To educate America to accord full rights and opportunities to Negroes.
2. To fight injustice in Courts when based on race prejudice.
3. To pass protective legislation in State and Nation and defeat discriminatory bills.
4. To secure the Vote for Negroes and teach its proper use.
5. To stimulate the cultural life of Negroes.
6. To stop lynching.

(Memberships with *The Crisis*: \$2.50; \$5.00; \$10.00.)

THE MAN WHO WAITS FOR SOMEONE ELSE TO DO  
SOMETHING FOR HIM USUALLY GETS NOTHING DONE

# Teacher Pay Question Solution Is Promised

Equal Salary Problem Will Be  
Worked Out Satisfactorily, Says  
Ways and Means Committee Head

By Staff Correspondent

ANNAPOLIS — House Leader John S. White (Prince Georges), chairman of the important ways and means committee, assured a delegation of educators and civic leaders, Wednesday, that the question of equal salaries would soon be worked out to the satisfaction of the group.

Addressing the delegation as it appeared before the committee to ask that influence be brought to bear in aiding the passage of a pending bill providing for the equalization of salaries, Delegate White said:

#### Cites Court Ruling

"The governor and the members of this committee are not unmindful of the situation and of the decision rendered in 1939 by

Federal Judge W. Calvin Chesnut.

"What we must first do is raise the minimum standard salaries of the colored teachers up to the scale set forth in the law adopted in 1939, and then increase that scale to that decreed by Judge Chesnut in his decision. That matter is now in the hands of a special committee appointed by the governor.

"The problem must and will be worked out, but not without increased taxes to the taxpayers of the State," he said.

It was pointed out that a bill, introduced by Delegate Elmer M. Jackson (Anne Arundel) which, if passed, will throw the obligation of equalizing teachers' salaries on the State treasury, had disrupted the governor's budget to the tune of an additional \$412,000 not previously anticipated.

#### To Supersede 1939 Bill

Delegate White's bill is believed designed to supersede one passed at the 1939 session of the legislature which established a minimum salary for white principals and teachers in both high and elementary schools, based on their preparation and experience, and provided that the commissioners of the respective counties should levy sufficient funds to pay the scale of salaries therein contained.

Leading the delegation was W. A. C. Hughes, Jr., and Josiah F. Henry, Jr., Democratic figure said by politicians to have a number of influential contacts in the legislature. They represented the joint committees on the equalization of teachers' salaries.

Mrs. Enolia P. McMillan, representing the State Teachers' Association, outlined the progress the colored teachers have made over a period of years, especially in their qualifications for advancement.

She explained the differences in the salaries paid both white and colored teachers in the high and elementary schools, the comparative educational background, and listed the reasons for the group's demands for equality of salaries.

The following persons voiced their approval on the favorable outlook of the situation:

#### Other Speakers

Mr. Henry, Mrs. Lillie M. Jackson, representing the NAACP; the Rev. Asbury Smith, the Interracial Commission; J. C. Parks, executive secretary of the Colored Teachers' Association; Mrs. Annie H. Butler, the State Parent-Teacher Association;

Mrs. Geneva Woods, the Baltimore Urban League; the Rev. George Bell, Methodist Ministers' Conference; the Rev. Richard Johnson, Charles A. Oliver, Annapolis alderman and superintendent of the College Creek housing project, and Donald Murray.

**\$490,000 Victory**

*Back of J*

The Afro-American  
Makes a Fine Gift

**THE JUN**

# Text of Decision in Md.

## District Court Of The United States

DISTRICT OF MARYLAND.

Civil Docket No. 170.

Filed November 22, 1939.

WALTER MILLS, PLAINTIFF,

vs.

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY, A CORPORATION, AND GEORGE FOX, AS COUNTY SUPERINTENDENT OF SCHOOLS OF ANNE ARUNDEL COUNTY, DEFENDANTS.

Thurgood Marshall, Leon A. Ransom, William H. Hastie, W. A. C. Hughes, Jr., Charles Houston and Edward D. Lovett for complainant.

William C. Walsh, Attorney-General of Maryland; H. Vernon Eney, Assistant Attorney-General of Maryland, and Noah A. Hillman for defendants.

Constitutional Law—Fourteenth Amendment of Constitution—Equal Protection of the Laws—Bill for Injunction Against Discrimination as to Salary of School Teachers Because of Race or Color—Injunction Granted.

W. CALVIN CHESNUT, District Judge—

This case is a natural sequel to that of Mills vs. Lowndes et al., in this Court, 26 F. S. 792. In that case the same plaintiff, who is a colored school teacher employed by the Board of Education of Anne Arundel County, of the State of Maryland, sued the State Board of Education to secure an equalization of salaries paid to white and colored teachers in the public schools of Maryland.

### First Complaint Dismissed

On motion of the defendants after extended argument, the complaint was dismissed for various reasons stated in the opinion, importantly including the absence from the record as a defendant of the County Board of Education.

In the present suit the plaintiff has sued the County Board and its superintendent alone.

Under the practice recently established by the new Federal rules of civil procedure the defendants have filed third-party complaints against the State Board of Education and the County Commissioners of Anne Arundel County as third party defendants, and the latter have moved to dismiss these third party complaints.

The complaint in this case calls attention to the Maryland statute which provides a minimum scale or salaries for white teachers, graduated to professional qualifications and years of experience, and a separate statute providing a lower minimum for teachers in colored schools; and alleges that in practical application only white teachers are employed in white schools and colored teachers in colored schools, and that the latter are paid less in Anne Arundel County than white teachers solely on account of their race or color.

### Plaintiff's Contention

The plaintiff contends that this constitutes an unconstitutional discrimination which is prohibited by the equal protection clause of Section 1 of the Fourteenth Amendment to the Federal Constitution.

### See Editorial and Cartoon

Attention should also be called to the Maryland Act of 1937, Ch. 552, effective September 1, 1939, which made the school term for colored children of equal duration to that for white children, there previously having been some disparity in the respective terms, those for colored children being generally a month or two shorter than those for white children. Hereafter for both it is required that the schools be kept open not less than 180 actual school days, or nine months in each year.

**Comparative Salaries Important**  
The historical development of Maryland legislation with respect to the comparative salaries for white and colored teachers is important in this case.

The legislation is said to be unique in that while no maximum salary is prescribed for payment by the several county boards of education, there is a difference which has existed for many years in the minimum requirements with respect to white and colored teachers' salaries, by virtue of which the minimum for white teachers has always been very materially higher than the minimum for colored teachers.

The rating of all teachers, both white and colored, is determined and certified to the county boards by the State Board and is based on uniform requirements.

The salaries for white teachers (and to lesser extent for colored teachers) are graduated to professional qualifications and years of experience, so that the schedules are somewhat complex; but for simplicity of statement and for purpose of comparison, it will be sufficient to take the case of white and colored teachers respectively who have a first-grade rating and nine years or more experience.

Salaries Traced to 1904

It is, however, equally clear that the statutes do permit the County Boards to make such discrimination, and there is ample evidence that in most of the counties of the State (including Anne Arundel County) a very substantial difference between the pay schedules of white and colored teachers has always existed.

Thus it is shown that the annual average salary for white and colored teachers in elementary schools in the Maryland counties for the period of 1921 to 1939 is in the ratio of nearly two to one in favor of the white teachers.

### Averages Shown

In 1921, the comparative figures were \$881 for white teachers and \$442 for colored; in 1930 the respective figures were \$1199 and \$635, and in 1931, \$1314 and \$848.

It is, however, fairly to be noted that in recent years the disparity has gradually been reduced. The average increase in salary over the nineteen-year period has been \$433 for white teachers and \$406 for colored teachers, or a percentage of increase of 49 per cent for the white teachers and 92 per cent for the colored teachers.

The controlling question in the case, however, is not whether the statutes are unconstitutional on their face, but whether in their practical application they constitute an unconstitutional discrimination on account of race and color prejudicial to the plaintiff. We must, therefore, look to the testimony in this case to see how the statutes have been applied in Anne Arundel County.

### Minimum Exceeded

In the first place, we find that for some years past, at least the County Board of Education of Anne Arundel County, in fixing the salaries of white and colored teachers, has paid to both classes more than the minima required by the general statutes.

In 1937 the County Board of Education fixed the scale of salaries for white teachers, in the case of a teacher who has the qualifications and experience, above mentioned, at \$1250 (the comparable statutory minimum being then \$1150; and for colored teachers at \$700, the general minimum being \$680. These figures are for teachers in elementary schools.

The plaintiff, however, is the principal of a colored elementary school at Camp Parole, Anne Arundel County, Md., with three teacher assistants and he is now in his eleventh year of teaching experience.

The State minimum statutes do not prescribe the salary for the position of a principal of a colored elementary school but do for white principals of elementary schools, the minimum for the latter (where the principal has the same qualifications as the plaintiff) and has been fixed at \$1530.

to four assistants being \$1530

by the State minimum statute.

### F. E. Butler's Case

It is not necessary to state the details of the high schedules in this respect, but the case of Frank E. Butler, a principal of the Bates High School at Annapolis, may be taken as an illustration.

He received an A.B. from Morgan College in 1921 and has been continuously employed as a teacher in, or principal of, a colored school in Anne Arundel County for nineteen years.

He now receives an annual salary of \$1600. A white principal of a comparable white high school would receive a minimum of \$2,600.

I also find from the evidence that in Anne Arundel County there are 243 white teachers and 91 colored teachers; but no colored teacher receives so high a salary as any white teacher of similar qualifications and experience.

### Finds Discrimination

The crucial question in the case is whether the very substantial differential between the salaries of white and colored teachers in Anne Arundel County is due to discrimination on account of race or color. I find as a fact from the testimony that it is.

Some effort has been made by counsel for the defendants to justify the difference in salaries on other grounds.

Thus it is said that until recently the school term was so much longer in the white schools than in the colored schools, and it is also said that the colored teachers are less efficient than the white teachers because the results of examinations in the white colored schools in Anne Arundel County, when the papers marked by outside impartial evaluators, show a substantially lower average for colored pupils than for white pupils.

### Contentions Nullified

But in opposition to these contentions it is to be noted that the school term has now been made equal for white and colored schools; and the lower grade examinations attained by colored pupils is readily explainable on other grounds than the alleged inefficiency of colored teachers.

5. See "Special Problems of Negro Education," by Doxey A. Wilkerson, Staff Study No. 12, prepared for the Advisory Committee on Education, published by the Government Printing Office, Washington, 1939, pages 8, 22, 24.

The contentions of the defendants in this respect seem really unsubstantial when the whole problem is viewed historically in the light of the Maryland law and general State practice on the subject, and particularly in the light of the actual practical application of the Maryland statutes in Anne Arundel County. And indeed any controversy

The prayer for specific relief is that "the Court issue a permanent injunction forever restraining and enjoining the defendants and each of them from making any distinction solely on the grounds of race or color in the fixing of salaries paid white and colored teachers and principals employed for the public schools of Anne Arundel County, and from paying to the plaintiff or any other colored teacher or principal employed by them a less salary than they pay any white teacher or principal employed by them and filling an equivalent position in the public schools of Anne Arundel County."

By an amendment to the original complaint the plaintiff also seeks a declaratory decree (under 28 U. S. C., s. 400) "that this Court adjudge and declare that defendant's policy complained of herein, in the respects it is maintained and enforced pursuant to State statutes as well as in the respects it is maintained and enforced in the absence of controlling statutes, violates the due process and equal protection clauses of the Fourteenth Amendment of the Constitution of the United States; and Sections 41 and 43 of Title 8 of the United States Code."

1. As plaintiff has not prayed for an interlocutory injunction a three-judge Court was not authorized by U.S.C. Title 28, s. 380 *Stratton vs. St. Louis, S. W. Ry. Co.*, 289 U. S. 19; *McCart vs. Indianapolis Water Co.*, 302 U. S. 410.

The jurisdiction of the Court in this case is based on 28 U. S. C., s. 41 (1) and (14).

A precise understanding of the Maryland statutory scheme of public education is essential to a considered opinion on the question presented by the pleadings and testimony in this case.

#### Statutes Cited

The statutory provisions were discussed at length in the former case, 28 F. S. 792 (to which reference is hereby made) and need not now be repeated. The opinion in the former case was filed on March 1, 1939.

The only subsequent legislation upon the subject is the Maryland Act of 1939, Ch. 502, approved May 11, 1939, and effective September 1, 1939, which established a new State minimum salary schedule for white teachers, setting up therein a single salary schedule based on preparation and experience, to replace the former position-experience schedule.

The general effect of the Act was to somewhat increase the minimum salary schedule for white teachers, but without any increase in the previously established minimum salary for teachers in colored schools.<sup>2</sup>

2. See also Act of 1939, Ch. 514, increasing from 47 cents to 51 cents the county tax levy for school purposes as a condition to the benefit of the "Qualification Plan" discussed in the former case, and hereinafter also mentioned.

In 1904, the first minimum salary act for white teachers (there being none at all for colored teachers prior to 1918) prescribed a minimum for white teachers of \$300 per annum; in 1908 and 1910 this was increased (for a teacher in white elementary schools having a first class rating and more than eight years' experience) to \$450; in 1916 to \$550; in 1918 to \$600; in 1920 to \$750; in 1922 to \$1150; and in 1939, (on a slightly different basis as to professional qualifications and experience) to \$1250, and, if the teacher held an academic degree, to \$1450.

By comparison the minimum for colored elementary teachers of similar rating has been much less. Their salaries have been fixed by statute not on a yearly but monthly basis, and for most of the time heretofore, for seven months of the year.

#### Made \$280 in 1918

In 1918, the minimum was \$280 per year, increased in 1920 to \$445 per year; in 1922 to \$595; and in 1939, (by reason of increase in the duration of the school year) to \$765 per year.

At the present time, therefore, the respective minima are \$1250 for white teachers and \$765 for colored teachers, with comparable professional qualifications and experience.

The plaintiff contends that the statutes are unconstitutionally discriminatory on their face and should be held generally invalid.

On the other hand, it is pointed out in defense of the statutes that they constitute minimum, not maximum, salaries, and that, while the minimum for white teachers is higher than the minimum for teachers in colored schools, the statutes affecting the latter do not expressly apply to colored teachers as such but only to all teachers in colored schools, whether white or colored.

#### Equal Cases Cited

It is also to be noted, as was pointed out in the opinion in the former case, that the county is the unit for public education in the State; that the county boards of education have full authority for discretion as to the actual amount to be paid to their teachers, both white and colored, and are entirely at liberty, in co-operation with the county commissioners of the counties respectively, to pay higher salaries than the minimum fixed by law; and that in fact, nine of the twenty-three counties of the State, and Baltimore City, do pay equal salaries to white and colored teachers of equal professional qualifications and experience.

It is clear enough, therefore, that in practical application the statutes of themselves do not necessarily require actual discrimination in practice between white and colored teachers on account only of their race or color.<sup>3</sup>

#### Iowa, Indiana Cases

3. A non-discriminating minimum salary scale for teachers was held constitutional in *Bopp vs. Clark*, 165 Iowa 697; see also *School City of Evansville vs. Hickman*, 47 Ind. App. 500. At least 20 States have some form of minimum salary laws for teachers. See "Minimum Salary Laws for Teachers," Nat. Ed. Assoc., Wash., D.C., Jan., 1937.

ants) being \$1550.

The county scale fixes the minimum salary of a white principal of a comparable school at \$1550, and for a colored principal at \$995; but in practice the County Board in many cases actually pays higher salaries to the principals of schools, in consideration of particular conditions and capacities of the respective principals.

Thus the plaintiff's salary for the current year has been fixed at \$1058, or \$103 more than the minimum, and in the case of three white principals, mentioned in the evidence, the salary is \$1800 per year or \$250 more than the minimum.

The defendants contend that the materially higher salaries of these three white teachers of schools comparable in size to that of which the plaintiff is a principal is due to the judgment of the board that the three white principals have superior professional attainments and efficiency to that of Mills;<sup>4</sup> but it is to be

4. The defendants also contend that the \$1,800 compensation of these three white principals (that is \$250 more than the minimum county scale) is in part justified by the fact that their particular schools are what are called consolidated schools and that the bus transportation of pupils to the school, the busses arriving and leaving at different times, requires the principals of these schools to have approximately 1 1/4 hours additional attendance per day at school over and above the time required for Mills. It appears, however, that what is required in this respect is additional time from the teachers of the school to receive and discharge pupils rather than from the principal alone. The teachers receive no additional compensation for their extra time which seems to be substantially merely an incident of their general duties.

importantly noted that these personal qualities, while explaining greater compensation to the particular individuals than the minimum county scale for the particular position, do not account for the difference between \$1058 only received by Mills and the minimum of \$1550 which by the county scale would have to be paid to any white principal of a comparable school.

Or, in other words, if Mills were a white principal, he would necessarily receive according to the county scale not less than \$1550 as compared with his actual salary of \$1058.

The plaintiff has filed this suit not only individually but on behalf of other colored teachers in Anne Arundel County, including those teaching in colored high schools.

By the Anne Arundel scale the salaries of teachers and principals of white high schools is somewhat higher than that for the white elementary schools, the difference ranging from \$300 to \$400; and there is also a differential in favor of high school teachers in the scale for the colored schools, the difference in favor of the high school teacher being about \$300.

There is also a salary differential between elementary and high school teachers in colored schools

ended by the testimony of the defendant, Fox, who is Superintendent of Education in Anne Arundel County and an executive officer of the County School Board, and that of Miss McNeil, the financial secretary of the board, both of whom substantially admitted that the discrimination in the county schedule minimum salaries for white and colored teachers, respectively, was at least largely influenced by the fact of race or color.

#### Ruling Modified

I conclude, therefore, from the pleadings and testimony that plaintiff has established that a colored teacher is unconstitutionally discriminated against in the practice of his profession by the discrimination made between white and colored teachers by the County Board of Education of Anne Arundel County; and that he is entitled to an injunction against the continuation of such discrimination to the extent that it is based solely on the grounds of race or color, and that he is also entitled to a declaratory decree to the effect that such unlawful discrimination exists; but I do not think the plaintiff is entitled to an injunction to the extent prayed for in the concluding clause of the prayer for an injunction reading: "and from payment to the plaintiff or any other colored teacher or principal employed by them at a less salary than they pay any white teacher or principal employed by them and filling an equivalent position in the public schools of Anne Arundel County."

#### Discretion Allowed

It does not follow that because the positions are equivalent to particular persons filling them are necessarily equal in all respects in professional attainments, efficiency; and some range of discretion in determining actual salaries for particular teachers is entirely permissible to the County Board of Education.

If the County Board continues to observe the minimum State statute for salaries for white teachers, it is difficult to see how it would have the legal justification for paying colored teachers less than the minimum required for white teachers of similar standard professional qualifications and experience, as such discrimination would seem to be clearly based solely on race or color.

But the Board has full discretion in its judgment to pay more than the minimum to any white or colored teacher who merits it provided the discrimination is not solely on account of race or color.

#### Avoids Constitutional Issue

I do not find it necessary in this case to expressly decide that the State minimum statute for white teachers is necessarily of its face unconstitutional, because it is the county practice rather than the mere terms of the statute which prejudices the plaintiff.

There are practical advantages to the County School Board in observing the State statute, as it thereby becomes entitled to participate in the so-called Equaliza-

# Discrimination in Md. Teachers'

It is, however, equally clear that the statutes do permit the County Boards to make such discrimination, and there is ample evidence that in most of the counties of the State (including Anne Arundel County) a very substantial difference between the pay schedules of white and colored teachers has always existed.

Thus it is shown that the annual average salary for white and colored teachers in elementary schools in the Maryland counties for the period of 1921 to 1939 is in the ratio of nearly two to one in favor of the white teachers.

### Averages Shown

In 1921, the comparative figures were \$881 for white teachers and \$442 for colored; in 1930 the respective figures were \$1199 and \$635, and in 1931, \$1314 and \$848.

It is, however, fairly to be noted that in recent years the disparity has gradually been reduced. The average increase in salary over the nineteen-year period has been \$433 for white teachers and \$406 for colored teachers, or a percentage of increase of 49 per cent for the white teachers and 92 per cent for the colored teachers.

The controlling question in the case, however, is not whether the statutes are unconstitutional on their face, but whether in their practical application they constitute an unconstitutional discrimination on account of race and color prejudicial to the plaintiff. We must, therefore, look to the testimony in this case to see how the statutes have been applied in Anne Arundel County.

### Minimum Exceeded

In the first place, we find that for some years past, at least the County Board of Education of Anne Arundel County, in fixing the salaries of white and colored teachers, has paid to both classes more than the minima required by the general statutes.

In 1937 the County Board of Education fixed the scale of salaries for white teachers, in the case of a teacher who has the qualifications and experience, above mentioned, at \$1250 (the comparable statutory minimum being then \$1150) and for colored teachers at \$700, the general minimum being \$680. These figures are for teachers in elementary schools.

The plaintiff, however, is the principal of a colored elementary school at Camp Parole, Anne Arundel County, Md., with three teacher assistants and he is now in his eleventh year of teaching experience.

The State minimum statutes do not prescribe the salary for the position of a principal of a colored elementary school but do for white principals of elementary schools, the minimum for the latter (where the principal has the same qualifications as the plain-

by the State minimum statute.

### F. E. Butler's Case

It is not necessary to state further details of the high school schedules in this respect, but the case of Frank E. Butler, a colored principal of the Bates High School at Annapolis, may be taken for illustration.

He received an A.B. degree from Morgan College in 1920, and has been continuously employed as a teacher in, or principal of, a colored school in Anne Arundel County for nineteen years.

He now receives an annual salary of \$1600. A white principal of a comparable white high school would receive a minimum of \$2,600.

I also find from the evidence that in Anne Arundel County there are 243 white teachers and 91 colored teachers; but no one colored teacher receives so much salary as any white teacher of similar qualifications and experience.

### Finds Discrimination

The crucial question in the case is whether the very substantial differential between the salaries of white and colored teachers in Anne Arundel County is due to discrimination on account of race or color. I find as a fact from the testimony that it is.

Some effort has been made by counsel for the defendants to justify the difference in salaries on other grounds.

Thus it is said that until recently the school term was somewhat longer in the white schools than in the colored schools, and it is also said that the colored teachers are less efficient than the white teachers because the results of examinations in the white and colored schools in Anne Arundel County, when the papers are marked by outside impartial educators, show a substantially lower average for colored pupils than for white pupils.

### Contentions Nullified

But in opposition to these contentions it is to be noted that the school term has now been made equal for white and colored schools; and the lower grade in examinations attained by colored pupils is readily explainable on other grounds than the alleged inefficiency of colored teachers.<sup>5</sup>

### Wilkinson Studies

5. See "Special Problems of Negro Education," by Doxey A. Wilkinson, Staff Study No. 12, prepared for the Advisory Committee on Education, published by the Government Printing Office, Washington, 1939, pages 8, 14, 22, 24.

The contentions of the defendants in this respect seem really unsubstantial when the whole problem is viewed historically in the light of the Maryland law and general State practice on the subject, and particularly in the light of the actual practical application of the Maryland statutes in Anne Arundel County.

And indeed any controversy

tion Fund provided by the State as fully explained in the opinion in the former case.

That is to say, it will be less expensive to Anne Arundel County to raise the colored teachers' pay to the minimum of the State statute for white teachers than to fail to comply therewith and lose the benefit of the Equalization Fund.

The evidence shows that to bring the colored teachers' pay up to the statutory minimum for the white teachers will cost the County only \$45,000, while at the present time it is receiving about \$100,000 from the Equalization Fund.

To raise this extra \$45,000 will mean seven or eight cents additional on the general County tax rate for school purposes.

I am not unmindful of the difficult financial position which is thus created for the County, as has been so forcibly urged by counsel. The county has a present very high tax rate of about \$2.30 per \$100 of assessed valuation of property.

### Problem Extensive

It is also true that the problem presented by this case is not peculiar alone to Anne Arundel County, but exists to a more or less extent in many other counties of the State; and indeed the problem is not limited to the State of Maryland, but exists in many Southern States.<sup>6</sup>

6. See "Special Problems of Negro Education," by Doxey A. Wilkinson, Staff Study No. 12, prepared for Advisory Committee on Education, Government Printing Office, Washington, 1939; also "Progress and Problems for Equal Pay for Equal Work," published by the National Education Association, 1201 16th St. N.W., Washington, D.C., June, 1939, p. 24; and "Minimum Salary Laws for Teachers," published by the same association, January, 1937.

Nor has Anne Arundel County been unmindful of or indifferent to its problem. As previously noted, it does not limit the pay of its teachers, either white or colored, to the minima of the State statutes.

In January, 1938, the board passed a resolution expressing sympathy with the proposition that the salaries of white and colored teachers should be equalized by State law, and expressing regret that no immediate action could be taken by the board toward that result in view of the county's finances, but indicating an intention to soon make some increase in the rate of pay for the colored teachers.

For the scholastic year 1939-40 it has increased its budget for colored teachers' salaries from \$66,000 to \$74,000, which is a much larger proportionate increase for colored teachers than for white teachers, the increase for the latter being from \$210,000 to \$218,000.

In January, 1939, it voluntarily increased by ten per cent the sal-

as a possibly appropriate remedy in this class of cases.

### Can't Shift Load to State

The County Board of Education also contends that if the plaintiff is entitled to the relief prayed for in this case, it has a remedy over against the State Board of Education and the County Commissioners of Anne Arundel County.

But for the reasons fully stated in the opinion in the former case, I do not find or conclude that there is any judicial remedy, as distinct from legislative amendments to which the defendants are entitled against the State Board of Education and the State officers in charge of the Equalization Fund, or any present remedy over against the County Commissioners of Anne Arundel County.

The applicable legal procedure is that the County Board of Education will have to prepare a new budget for the next scholastic year, and the county commissioners, to the extent required by the statutes, will thereafter have to fix the necessary county rate for taxation.

I conclude therefore that the third party complaints must be dismissed.

Counsel for the plaintiff are also not unmindful of the financial problems which will necessarily be faced by the County Board of Education and County Com-

And indeed any controversy

MISSIONERS OF Anne Arundel

ants) being \$1550.

The county scale fixes the minimum salary of a white principal of a comparable school at \$1550, and for a colored principal at \$995; but in practice the County Board in many cases actually pays higher salaries to the principals of schools, in consideration of particular conditions and capacities of the respective principals.

Thus the plaintiff's salary for the current year has been fixed at \$1058, or \$103 more than the minimum, and in the case of three white principals, mentioned in the evidence, the salary is \$1800 per year or \$250 more than the minimum.

The defendants contend that the materially higher salaries of these three white teachers of schools comparable in size to that of which the plaintiff is a principal is due to the judgment of the board that the three white principals have superior professional attainments and efficiency to that of Mills; but it is to be

4. The defendants also contend that the \$1,800 compensation of these three white principals (that is \$250 more than the minimum county scale) is in part justified by the fact that their particular schools are what are called consolidated schools and that the bus transportation of pupils to the school, the busses arriving and leaving at different times, requires the principals of these schools to have approximately 1 1/4 hours additional attendance per day at school over and above the time required for Mills. It appears, however, that what is required in this respect is additional time from the teachers of the school to receive and discharge pupils rather than from the principal alone. The teachers receive no additional compensation for their extra time which seems to be substantially merely an incident of their general duties.

importantly noted that these personal qualities, while explaining greater compensation to the particular individuals than the minimum county scale for the particular position, do not account for the difference between \$1058 the only received by Mills and the minimum of \$1550 which by the county scale would have to be paid to any white principal of a comparable school.

Or, in other words, if Mills were a white principal, he would necessarily receive according to the county scale not less than \$1550 as compared with his actual salary of \$1058.

The plaintiff has filed this suit not only individually but on behalf of other colored teachers in Anne Arundel County, including those teaching in colored high schools.

By the Anne Arundel scale the salaries of teachers and principals of white high schools is somewhat higher than that for the white elementary schools, the difference ranging from \$300 to \$400; and there is also a differential in favor of high school teachers in the scale for the colored schools, the difference in favor of the high school teacher being about \$300.

There is also a salary differential between elementary and high school teachers in colored schools

over the fact would seem to be ended by the testimony of the defendant, Fox, who is Superintendent of Education in Anne Arundel County and an executive officer of the County School Board, and that of Miss McNeely, the financial secretary of the board, both of whom substantially admitted that the discrimination in the county schedule of minimum salaries for white and colored teachers, respectively, was at least largely influenced by the fact of race or color.

**Ruling Modified**

I conclude, therefore, from the pleadings and testimony that the plaintiff has established that he as a colored teacher is unconstitutionally discriminated against in the practice of his profession by the discrimination made between white and colored teachers by the County Board of Anne Arundel County; and that he is entitled to an injunction against the continuation of such discrimination to the extent that it is based solely on the grounds of race or color, and that he is also entitled to a declaratory decree to the effect that such unlawful discrimination exists; but I do not think the plaintiff is entitled to an injunction to the extent prayed for in the concluding clause of the prayer for an injunction reading: "and from payment to the plaintiff or any other colored teacher or principal employed by them at a less salary than they pay any white teacher or principal employed by them and filling an equivalent position in the public schools of Anne Arundel County."

**Discretion Allowed**

It does not follow that because the positions are equivalent that the particular persons filling them are necessarily equal in all respects in professional attainments and efficiency; and some range of discretion in determining actual salaries for particular teachers is entirely permissible to the County Board of Education.

If the County Board continues to observe the minimum State statute for salaries for white teachers, it is difficult to see how it would have the legal justification for paying colored teachers less than the minimum required for white teachers of similar standard professional qualifications and experience, as such discrimination would seem to be clearly based solely on race or color.

But the Board has full discretion in its judgment to pay more than the minimum to any white or colored teacher who merits it, provided the discrimination is not solely on account of race or color.

**Avoids Constitutional Issue**

I do not find it necessary in this case to expressly decide that the State minimum statute for white teachers is necessarily on its face unconstitutional, because it is the county practice rather than the mere terms of the statute which prejudices the plaintiff.

There are practical advantages to the County School Board in observing the State statute as it thereby becomes entitled to participate in the so-called Equaliza-

tion of colored school teachers for the remaining months of the scholastic year 1938-39.

**Deal Recalled**

That percentage increase was not continued for the current year; but in October of this year the board proposed to a representative delegation of county colored school teachers that it would for the succeeding scholastic year and for each year thereafter increase their salaries by an additional ten per cent until they approximated the State minimum for white teachers, it being estimated that it would require four or five years to bring about such equalization, on the condition that the present suit be withdrawn; but this proposition was declined by the plaintiff whose action in the matter had the support of all the colored teachers of the county.

But these financial considerations cannot control the supreme law of the land as expressed in 14th Amendment, and the implementing Acts of Congress which must be controlling here.

Some objections by the defendants to the relief asked by the plaintiff were considered in the former case.

Thus it is argued that the plaintiff is not entitled to complain because he is a public employee; in the former opinion the view was taken that he has a sufficient status as a qualified school teacher by profession and occupation to have the question determined.

Again it is argued that an injunction should not be granted because there is an adequate remedy at law by mandamus in the State Court. This also was discussed in the former case, but in a somewhat different connection.

The objections to an injunction which were there held valid, do not exist here; and Title 8, s. 43 of the United States Code expressly authorizes an injunction

County by reason of the injunction to be issued in this case, and have expressed willingness to have the operative effect of the injunctions postponed until the preparation of the next annual budget by the County School Board; and therefore the judgment to be entered will conform to this agreement.

**Cites Federal Authority**

The findings of fact and conclusions of law expressed in this opinion are intended to be in compliance with Rule 52 of the Federal Rules of Civil Procedure; but if counsel on either side desire separate and more explicit findings of fact they can be prepared and submitted for consideration.

As already stated, the controlling issue of fact is whether there has been unlawful discrimination by the defendants in determining the salaries of white and colored teachers in Anne Arundel County solely on account of race or color, and my finding from the testimony is that this question must be answered in the affirmative, and the conclusion of law is that the plaintiff is therefore entitled to an injunction against the continuance of this unlawful discrimination.

I wish to make it plain, however, that the Court is not determining what particular amounts of salaries must be paid in Anne Arundel County either to white or colored teachers individually; nor is the board in any way to be prohibited by the injunction in this case from exercising its judgment as to the respective amounts to be paid to individual teachers based on their individual qualifications, capacities and abilities, but is only enjoined from discrimination in salaries on account of race or color.

Counsel, after conference between themselves, can submit the appropriate form of judgment.

# Salary Fight in U.S. Court

BALTIMORE—Argument on the petition for a permanent injunction asked by the NAACP which would tie up the Maryland teachers' equalization fund and cost the State some \$490,000 in increased salaries for colored teachers, was made before Judge W. Calvin Chestnut in Federal court, Saturday.

After significantly asking Attorney General William C. Walsh and Charles T. Levines, defense counsel, whether they would have any stronger argument to present if their petition was overruled, the court took the case under advisement.

## 700 Teachers Affected

Although the petition was filed in December in the name of Walter Mills, a Camp Parole school principal, who is president of the Anne Aundel County Teachers' Association, a favorable decision on it would affect 700 teachers in the counties.

The petition for the injunction sets forth that under the Maryland law, the average colored school teacher in the counties is paid an average of \$700 less than white teachers doing the same work.

The argument, Saturday, was on a motion to dismiss the petition for the injunction. The NAACP legal staff which represented Mills included: Thurgood Marshall and Dr. Charles H. Houston.

## Denies Obligation

In his statement, Attorney General Walsh argued that there is nothing in the Maryland law to compel the State board of education to pay Mills the same salary paid to whites. He stated that the law did not discriminate between the races in that it provided minimum salary for white teachers and a minimum salary for "teachers in colored schools."

The colored schools simply happened to have colored teachers, he said. They could be turned out and white teachers named to colored schools.

He also argued that granting of this injunction would strike out all salary scales in the State and constitute a destructive action which would not benefit the plaintiff.

## Suggests Resignation

Mr. Walsh stated Mills had been teaching under this law for ten years, and that as he had accepted the contract offered him his only recourse was to resign if he wasn't satisfied. The attorney general also said that the State had a right to put white teachers in all the schools or reduce white teachers' salaries to the schedule now paid colored teachers.

## Judge Raises Question

Judge Chestnut asked the attorneys whether a child, rather than a teacher, who is a State job-holder, should not have filed the petition. This raised the legal question as to whether a job-holder, could bring court action against the State for salary increases.

The defense contended that all State stenographers are not paid equal salaries.

In answer to Judge Chestnut's question as to whether they had a stronger argument in the event he overruled their motion to dismiss the petition, the defense attorneys stated that they did not.

They were submitting their whole case, Mr. Walsh said.

Thurgood Marshall presented a thirty page brief against dismissal of the petition and stated that the present action was taken

after long effort on the part of teachers in the State to have their salaries equalized.

## "Mandamus Useless"

Mr. Houston insisted that a mandamus, as suggested by the defense, would be useless in this case because the Maryland law set up the discrimination and the State board of education could not be forced to violate the law as it stands. He argued that the law violates the Fourteenth Amendment to the U.S. Constitution.

The petition points out that the State law expressly provides the following minimum salary scale for county teachers:

## White Teachers

### Elementary (Per Year)

Third grade—\$600;  
Second grade—\$750-\$850;  
First grade—\$950-\$1150;  
White principals—\$1150-\$1550;

### High Schools (Per Year)

White teachers—\$1150-\$1350;  
White principals—\$1550-\$2350.

## Teachers in Colored Schools

### Elementary (Per Month)

Third grade—\$40-\$45;  
Second grade—\$50-\$60;  
First grade—\$65-\$85;

### High Schools (Per Month)

Teachers—\$80-\$95;  
Principals—\$95-\$130.

The petition points out that the State statutes provide a higher minimum pal for whites than for colored with identical qualifications.



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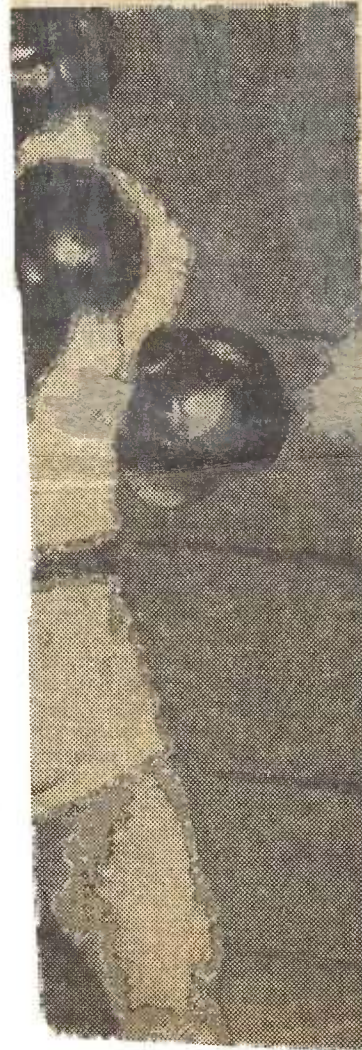
come out from behind that glove, Joe Louis, we know  
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### Joe Spares No Man, Says Roxborough

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# THE SUN

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BALTIMORE, FRIDAY, NOV. 24, 1939

## JUST RULING ON SALARIES OF NEGRO SCHOOLTEACHERS

Judge Chesnut has ruled in the United States District Court that if Negro schoolteachers are as well qualified as white teachers they must receive equal salaries. The ruling applies directly to Anne Arundel county, whose school board defended the suit in which the decision was handed down. By extension, however, it will probably affect other counties in the State and it may create a precedent that will be controlling in other States as well.

There will be little quarrel with Judge Chesnut's opinion on its merits. The principle of equal pay for equal work in all public employments is one which State and local agencies of government must expect to observe. And even if this consideration were not present, there would still be the fact that the salary change to which Judge Chesnut's ruling points is in line with the recent steps that have been taken in Maryland for the improvement of Negro education. Those steps, all of them useful, include enlarged appropriations for the training of Negro teachers and the purchase of Morgan College, which is to be operated as a State institution for the higher education of colored students.

But while the principle enunciated in the Anne Arundel case is sound, its application may raise certain financial difficulties. At a time when the educational establishment, like every other form of public activity, is absorbing more and more funds, the addition of new burdens for teachers' salaries may be an item of no small significance. The State has set aside a contingent fund in each of the two years of the current biennium to meet this new requirement, but just what extra burdens may be imposed on the counties remains to be seen.

## COURT RULING ON TEACHERS VEXES BOARD

### Equal Pay To Negroes Will Break Budget Law In Anne Arundel

### Failure To Fulfill New Decree May Put Officials In Contempt

[Special Dispatch to The Sun]

Annapolis, Dec. 21—The Board of Education of Anne Arundel county decided this morning not to appeal the Federal Court decision ordering it to cease salary discrimination against Negro teachers.

Salaries of Negro and white teachers in the county schools will be equalized, but unless a compromise can be effected to hold the arrangement in abeyance until the next county budget, the board is in a predicament.

The new county budget law, passed at the last session of the Legislature, prohibits the expenditure by any county officer of any sum not specifically authorized in the budget. The penalty: A fine of \$500 and barring the guilty person from county office for life.

#### Facing Dilemma

On the other hand, it is feared that Judge W. Calvin Chesnut may specify in his formal decree, which has not been issued, that the order shall take effect immediately. In that case the board would be in contempt if it did not comply, and would violate the budget law if it did.

Noah A. Hillman, counsel for the board, said that he had held a conference this afternoon with Thurgood Marshall, counsel for the teachers, at which it was arranged to call a meeting January 2 of the Negro teachers in the county school.

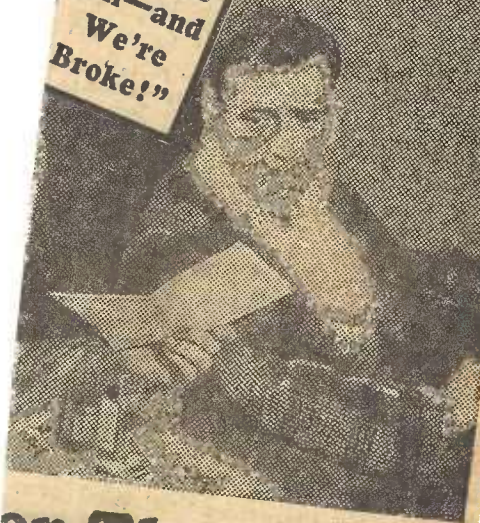
The Board of Education will "lay the fiscal affairs before the teachers and explain the predicament they are in," Mr. Hillman said, and ask the teachers to consent to a decree which would take effect January 1, 1941, when a new budget period begins.

This arrangement would result in the teachers voluntarily foregoing their salary increases for September, October, November and December of 1940. In the meantime, the budget for 1941

(Continued on Page 7, Column 1)

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MONEY TO LOAN (94)

(Continued from Preceding Page)

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