

August 12, 1937

FOR INFORMATION OF YOUR EXECUTIVE COMMITTEE:

The attached report was prepared for the twenty-eighth Annual Conference. Since this report the William B. Gibbs Case to Equalize Teachers' Salaries in Montgomery County was successfully closed on July 23rd by an agreement of the Board of Education to equalize the salaries of white and colored teachers. This means that within a year the annual increase in salaries of Negro teachers in this county will be more than thirty thousand dollars. (\$30,000.) Similar cases throughout the state will mean an increase of five hundred thousand dollars.) to Negro teachers. Cases will be filed in other states.

This case is of great importance in attacking the wage differential throughout the country which is the result of a fixed policy to pay Negroes less than white people with similar qualifications and doing the same work. This type of case also means that the Negro people are actually receiving additional money. The additional money paid the teachers will be spent in Negro business and to Negro professional men and will increase the standard of living of Negroes, thereby contributing to the removal of the economic foundation for the perpetuation of race prejudice.

We are sending you this report in the hope that the Executive Committee of your Branch will use it in formulating an educational program in its particular locality. Feel free to call upon the National Office for any suggestions or advice concerning contemplated cases or your program in general. The force of our educational program is being felt throughout the country.

Thurgood Marshall
Assistant Special Counsel

REPORT OF THE NATIONAL EDUCATIONAL PROGRAM
TO THE
TWENTY EIGHTH ANNUAL CONFERENCE OF THE N. A. A. C. P.

Herein is a report of the results of investigation, research and court cases handled by the legal staff of the N.A.A.C.P. in which the assistance of the legal staff was requested by the parties involved. As a result certain definite plans have been formulated for coordination of the activities of the branches and the national legal staff whenever assistance is requested by parties who have been discriminated against in seeking educational opportunities.

The first section of this report is a very brief resume of the activities of the legal staff and what has been accomplished. The second section details the problems in securing equalities in educational opportunities and outlines how these inequalities have been attacked.

This report is to be used at the conference and to be carried back to the individual branches as a guide for formulating the annual program of the branches.

New York, June 24, 1937

THE NATIONAL EDUCATIONAL PROGRAM
AND WHAT HAS BEEN ACCOMPLISHED

The N.A.A.C.P. has launched an active campaign against discrimination in public education. The campaign will reach all levels of public education, from the nursery school through the university. The association holds that the Negro will never be able to take his rightful place in the nation as long as he is systematically denied the educational facilities with which to equip himself. EDUCATIONAL INEQUALITIES MUST GO!!

At the present time the N.A.A.C.P. educational program has six specific objectives for its immediate efforts:

1. Equality of opportunity for graduate and professional training;
2. Equality of pay for Negro teachers;
3. Equality of school terms;
4. Equality of buildings and equipment;
5. Equality of per capita expenditure for education of Negroes;
6. Equality of transportation for Negro school children at public expense.

The N.A.A.C.P. proposes to use every legitimate means at its disposal to accomplish actual equality of educational opportunity for Negroes. Court action has already been started; one case has been won - three are pending-- investigation has been completed in several others.

Before any cases are filed it is necessary to make careful and exhaustive preliminary investigation and research of reports, local laws, etc. These investigations have been completed in several instances. No report is made on these investigations in this report which is limited to the court cases themselves.

Equality of Opportunity For
Graduate and Professional Training

The highest court of the State of Maryland in January, 1936, in the case of Pearson V. Murray established the right of a qualified Negro to be admitted to the University of Maryland Law School.

Since 1935 the N.A.A.C.P. has opened one state university to Negroes and has caused five states to pass scholarship acts providing for graduate and professional education of Negroes beyond the state borders. These states are Maryland, Virginia, Kentucky, Oklahoma and Tennessee. A scholarship bill was intro-

duced in the Texas legislature but did not pass. The N.A.A.C.P. is informed that it will be reintroduced at the next session. A case is pending in the Supreme Court of Missouri which challenges the sufficiency of this type of scholarship bill. Investigations prior to additional court cases have been completed.

Equality of School Terms

As a direct result of the educational campaign for educational equalities conducted by the N.A.A.C.P. the legislature of the State of Maryland passed an act in 1937 to equalize colored school terms with the white school term. Other counties have equalized school terms rather than to face a court case.

Equality of Pay for Negro Teachers

A very significant case is being conducted by the N.A.A.C.P. in Montgomery Maryland where a suit, argued on June 9, 1937, seeks equal pay for Negro teachers having the same qualifications, experience and assignments as white teachers. This case has implications of vast importance both to education and labor. It is a traditional and firmly fixed policy of the South to impose a wage differential on Negroes regardless of qualifications and ability; a Negro is simply not supposed to get as much money as a white man for the same work. This is true not only in private industry but also in official work. Investigation on other cases is almost completed and cases in other states await the outcome of the pending case.

Equality of Opportunity for a High School Education

The N.A.A.C.P. has challenged the failure of a county to accord adequate high school facilities in Maryland in the case of Williams v. Zimmerman, et al. The case was decided against the Negro child by the Maryland Court of Appeals May 26, 1937, but the incidental results of the case have resulted in a general improvement of Negro education in Baltimore County where the case was started and throughout the State. The Court of Appeals in this decision held that there must be inequality under the separate school systems - this declaration by the highest court of a State firmly justifies our educational campaign.

Equality of Buildings and Equipment

The Annapolis, Maryland branch, by threatening court action, succeeded in having the local Board of education agree to build an addition to the high school and to increase the equipment of the schools. Similar action has been successful in other counties all as a direct result of the campaign of the N.A.A.C.P.

The Harrison-Fletcher Bills

Senate Bill 419 provided for an initial grant of \$100,000,000 to the states in aid of education to be divided among the states. This grant was to be increased annually until a maximum of \$300,000,000 annually was reached. Obviously, the Southern states

would count the Negro children in to swell their school age population and get money proportionately when it came to applying for the money, and to overlook the Negro children when it came to spending the money.

The N.A.A.C.P. started the fight to have this bill amended to protect the Negro children. With the aid of interested groups including the National Coordinating Committee it was able to obtain practically all the amendments it proposed. It is safe to say that in view of the nationwide interest in the Harrison-Black-Fletcher bill that the inequalities in public education between whites and Negroes were given nationwide publicity to a degree hitherto unprecedented.

CONCLUSION

The above cases set out a very brief report of the National Education Program. It is impossible to set out in detail all the activities of the National Legal Staff and the local branch activities or to set out the incidental results of this campaign. However, it is apparent that the campaign has passed the stage of beginning and is actually in the process of carrying out the plan to break down all discrimination in educational opportunities.

EDUCATIONAL INEQUALITIES MUST GO!!

I. EQUALITY IN GRADUATE AND PROFESSIONAL TRAINING

The Problem:

Prior to the University of Maryland case by the N.A.A.C.P., not a single Southern or border state admitted Negro students to the state universities, and only two had scholarship acts; West Virginia and Missouri. All these state universities are public institutions and are supported by tax monies collected from Negroes as well as whites. Although no provision had been made for the separate education of Negroes in graduate and professional studies, they were excluded from the state universities.

There are four problems in the effort to secure graduate and professional education: (1) Admission to the "white" university, (2) Establishment of separate colored universities offering graduate and professional training, (3) Scholarships to universities outside the state, and, (4) A group of Southern states to establish a joint separate university for Negroes.

What has been done:

Since 1935 the N.A.A.C.P. has opened one state university to Negro students (the University of Maryland), and has caused five states to pass scholarship acts providing for professional and graduate education of Negroes beyond the state borders where the same courses are offered to white students in the state university at home but from which qualified Negro students are excluded on account of race. These five states are Maryland, Virginia, Kentucky, Oklahoma and Tennessee. A scholarship bill was introduced in the Texas legislature in 1937 but failed to pass before the session closed. It will be introduced again at the next session.

The N.A.A.C.P. does not accept these scholarship acts as the constitutional equivalent of full admission of qualified Negro students to the state universities on the same terms as any other students. But when it is considered that the program of the association has brought about this opportunity for so many Negroes to secure a graduate or professional training which has been hitherto denied to them, it is easy to see the results accomplished. However, the question of the scholarships as a constitutional equivalent is squarely raised in the University of Missouri case which is pending in the Supreme Court of the State of Missouri and will be carried to the United States Supreme Court if the decision is adverse.

As a direct result of our program several states have appointed commissions to study the problem. On December 9, 1936 a conference was held at Duke University, North Carolina

under the auspices of the Division of Cooperation in Education and Race Relations to study the problem. At this conference the following reports were made:

"President Mordecai Johnson of Howard University mentioned the possibility of Negroes attending the University of North Carolina. He says, the law should be changed and that it is time for a few Negroes to be educated with members of the white race. He suggested the possibility of beginning in such fields as Law or the Social Sciences. Dr. Johnson thinks that such contacts would contribute to spiritual understanding and would eventually result in better race relations in the country."

"Dr. E. R. Embree of the Rosenwald Foundation was of the opinion that the conference should go on record as favoring gradual facilities for both races at the same institution. That is, he thinks that the races should be educated together on the graduate level. He said graduate facilities in Negro schools would tend to be inferior. Dr. Embree intimated that it would take four hundred dollars a year per person if Negroes should be given graduate facilities outside of the State".

The following "findings" were adopted by the conference on December 10th.

"The conference is further of the opinion that ideally, both from the point of view of economy in the use of the monies of the State as well as the ultimate aims of higher education, the best way of meeting the graduate and professional needs of Negro students is to admit them to facilities available in the existing higher grade institutions of the State."

II. EQUALITY OF PAY FOR NEGRO TEACHERS

The Problem:

The Journal of Negro Education for October, 1936, states in an editorial 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 percent 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 per cent 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 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 approximates that of the white, the salary of the Negro elementary teacher was \$423 and that of the white teacher \$901, 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."

The problem here is based upon the proposition that 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. This problem has certain very definite benefits to the field of education, and the whole broad question of equality of educational opportunities for Negroes. The problem is also significant in its relation to the entire question of labor and the Negro. It is a traditional and firmly fixed policy of the South to impose a wage differential on Negroes regardless of qualifications and ability: a Negro is simply not supposed to get as much money as a white man for the same work. This is true not only in private industry but also in official public work.

The breaking down of this differential as to teachers will be a great contribution toward removing the economic foundation for the perpetuation of race prejudice in the South. The payroll for education is the largest payroll of any single industry in the country. The precedent of this case would have direct application on all public employment, which would incidentally have its effect on the standards of private industry.

What Has Been Done:

William B. Gibbs, Jr., a Negro teacher of Montgomery County, Maryland sought the aid of the N.A.A.C.P. in having his salary equalized. On December 31, 1936, Gibbs, through his

attorneys from the N.A.A.C.P., filed a petition for a writ of mandamus to compel the Board of Education of Montgomery County to equalize the salaries of colored teachers. The Board of Education filed a demurrer to the petition setting forth that they should not be required to answer the petition. This demurrer was argued and on June 21, 1937 the Circuit Court ruled that the demurrer should be overruled and the defendants are required to answer.

It is estimated that it will cost more than a half million dollars to equalize the salaries. When it is admitted by the State Board of Education that this is true then it is evident how much money has been taken from the Negro race in that particular state over a period of years.

Teachers in several other states have applied for assistance in having their salaries equalized. These cases await the decision in the pending case.

III. EQUALITY OF SCHOOL TERMS

The Problem:

Throughout the separate school systems it is the invariable rule, except in certain large cities, to have a shorter term for Negroes than for white children. It is simply impossible for the Negro child to get the same quantity of education in from six to eight months that the white child gets in from nine to ten months. There is no use to open the state universities and provide a high school education for Negroes unless you see to it that they receive enough elementary education to be qualified.

What Has Benn Done:

As a direct result of the educational program of the N.A.A.C.P. in court cases and in lobbying, the Maryland Legislature passed an act in 1937 to equalize the school terms. Several counties have also equalized the school terms rather than to face court cases.

IV. EQUALITY OF BUILDINGS AND EQUIPMENT; EQUALITY OF PER CAPITA EXPENDITURE FOR EDUCATION OF NEGROES; EQUALITY OF TRANSPORTATION FOR NEGRO SCHOOL CHILDREN AT PUBLIC EXPENSE.

The Problem:

Separate but equal schools simply do not exist. The budget for colored schools is always cut to maintain the white schools. The Commission on Interracial Cooperation in the fourth

edition of Recent Trends in Race Relations (Revised May, 1933) stated:

"In his excellent study, 'Financing Schools in the South in 1930' Prof. Fred McCuistion shows that in the eleven southern states in which separate records are kept, the public school outlay averaged \$44.31 for the white and \$12.57 for the colored child enrolled, or nearly four to one against the group most completely dependent upon public funds for its educational opportunity. In South Carolina the respective figures were \$56.06 and \$7.84; in Mississippi they were \$45.34 and \$5.45.

"But even these figures do not tell the worst. Within these averages there are unbelievable extremes. In Alabama, for example, where the averages for the state were \$36.43 for the white child and \$10.09 for the colored, there is one county in which the figures were found to be \$75.50 for the white child and \$1.82 for the Negro. In hundreds of counties in many of the states the proportion runs as high as ten to one, in favor of the white child."

In fifteen Southern states, 230 counties with a Negro population of 12½ per cent or more of the total, are without high school facilities for Negro children. These young people represent 16.5% of all Negroes between the ages of fifteen and nineteen in these fifteen Southern states.

What Has Been Done:

Investigations on all the above points have been made in several states. Appearances have been made before the county boards of education and state boards of education. Hearings in state legislatures have been attended. Many branches have started investigations of the expenditures for white and colored schools and have demanded that the local boards of education increase the budget for colored schools to equal those of white schools.

Many branches have been successful. Some have secured increases in school buildings, equipment and have secured bus transportation for colored children. The National Office has always cooperated and has always been willing to lend its experience in attacking these problems.