COPYRIGHT / USAGE

Material on this site may be quoted or reproduced for personal and educational purposes without prior permission, provided appropriate credit is given. Any commercial use of this material is prohibited without prior permission from The Special Collections Department - Langsdale Library, University of Baltimore. Commercial requests for use of the transcript or related documentation must be submitted in writing to the address below.

When crediting the use of portions from this site or materials within that are copyrighted by us please use the citation: Used with permission of the University of Baltimore.

If you have any requests or questions regarding the use of the transcript or supporting documents, please contact us:

Langsdale Library
Special Collections Department
1420 Maryland Avenue
Baltimore, MD 21201-5779
http://archives.ubalt.edu
DESEGREGATION
BALTIMORE
PUBLIC SCHOOLS

HISTORY
PROBLEMS
SOLUTIONS

$.50
LEAGUE OF WOMEN VOTERS
OF BALTIMORE CITY

411 N. CHARLES ST.
SA. 7 - 1961
PREFACE

The League of Women Voters has had an interest in public education for forty years and is committed to the principle of equality of educational opportunity for all. Having won rights for ourselves only forty-two years ago, we, the daughters of the women's suffrage movement, have a special interest in the protection of rights of others. Thus, it seemed that we were duty-bound to look at the charges made last spring that equal opportunities were not being offered Negroes in the schools.

We wish to express our appreciation to Mr. Joseph Allen, Dr. George B. Brain, Mr. Adam Clymer, Mr. Eli Frank, Jr., Mr. Melvin Sykes and Miss June Shagaloff without whose cooperation this project would not have been possible. We also wish to thank all the people quoted in our booklet whose material we liberally borrowed. Above all, we are indebted to a dedicated team of volunteers who compiled and edited this publication; Mrs. Joseph M. Levi and Mrs. Henry Seidel who served as co-editors; Mrs. Richard Andrews, Mrs. Edwin Castagna, Mrs. George Kostritsky, Mrs. Daniel Nathans and Mrs. L. P. Scriggins who so ably assisted them.

We prepared these pages of quotations from the documentation and the readings related to school desegregation because of the need for the complex problems to be easily understood by all. We must remember that we are faced not only with governmental or legal issues but with a moral question: WHAT IS RIGHT?

Mrs. W. Newton Long, Jr., President
Mrs. Donald A. Thompson, Chairman, Education Committee

League of Women Voters of Baltimore City

September 20, 1963
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Part I</th>
<th>History of Desegregation - Baltimore Public Schools - 1954-1963</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part II</td>
<td>Documentation of the History</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Supreme Court Decision - School Desegregation - June 1954</td>
<td>6</td>
</tr>
<tr>
<td>2.</td>
<td>Resolution - Board of School Commissioners - June 1954</td>
<td>7</td>
</tr>
<tr>
<td>3.</td>
<td>A Page from Local History</td>
<td>7</td>
</tr>
<tr>
<td>4.</td>
<td>Resolution - NAACP - National Convention, 1962</td>
<td>8</td>
</tr>
<tr>
<td>5.</td>
<td>Report Parents Group on Desegregation</td>
<td>10</td>
</tr>
<tr>
<td>6.</td>
<td>Conclusions and Recommendations - Parents Group</td>
<td>12</td>
</tr>
<tr>
<td>7.</td>
<td>Report - Ad Hoc Committee Board of School Commissioners</td>
<td>14</td>
</tr>
<tr>
<td>8.</td>
<td>School Board Policy - June 1963</td>
<td>15</td>
</tr>
<tr>
<td>9.</td>
<td>Statement - N.A.A.C.P.</td>
<td>16</td>
</tr>
<tr>
<td>10.</td>
<td>Statement - Mrs. Elizabeth Murphy Phillips</td>
<td>18</td>
</tr>
<tr>
<td>11.</td>
<td>Demonstration - N.A.A.C.P.</td>
<td>19</td>
</tr>
<tr>
<td>12.</td>
<td>The Elimination of Part-Time - Questions and Answers</td>
<td>20</td>
</tr>
<tr>
<td>13.</td>
<td>Figures - De Facto Segregation</td>
<td>22</td>
</tr>
<tr>
<td>14.</td>
<td>Costs - Pupil Transportation</td>
<td>23</td>
</tr>
<tr>
<td>15.</td>
<td>Conference - School Superintendents</td>
<td>24</td>
</tr>
<tr>
<td>16.</td>
<td>Legal Guidelines - Solicitor's Opinion</td>
<td>25</td>
</tr>
<tr>
<td>17.</td>
<td>School Board Policy - September 1963</td>
<td>27</td>
</tr>
</tbody>
</table>

| Part III | Pertinent Quotations | |
| 1. | Educators and Others | 30 |
| 2. | Dr. John H. Fischer - Excerpts | 33 |
| 3. | Guiding Principles - New York State | 35 |
| 4. | Legal Opinions | 36 |

| Part IV | Terminology | 39 |

| Part V | Works Used in Preparation | 41 |
May 17, 1954  The Supreme Court of the United States rules that racial segregation in the public schools is unconstitutional and that schools must be desegregated "with all deliberate speed." (1)

June 1, 1954  The City Solicitor, Mr. Thomas N. Biddison, advises the Board of School Commissioners that in his opinion Baltimore must act at once to implement the Supreme Court Decision. (2)

June 3, 1954  The Board of School Commissioners resolves that "Our system should be conformed to a non-segregated basis to be in effect by the opening of schools in September of this year." (Mr. Walter Sondheim, President of the Board of School Commissioners and Dr. John H. Fischer, Superintendent of Schools) Baltimore becomes the first city in the segregated third of the nation to act. (3)

June 10, 1954  Policy statement of the Board of School Commissioners:
1. The present policies of the school system are to continue in force except that the race of the pupil shall not be a consideration.
2. No child shall be required to attend any particular school.
3. Pupils have unlimited right of transfer, except into districted schools, with the approval of the two principals involved.
4. In the assignment, promotion and transfer of staff, no person shall be denied any opportunity because of his race. (4)

June 14, 1954  Procedures and criteria for implementing the June 10, 1954 policy: "There will be no reorganization of the school system to integrate all schools. We have had the last of placing children anywhere for racial reasons. No effort will be made to deliberately transfer children of either race for the purpose of mixing schools. Where a nearby school offers advantages to any pupil, White or Negro, the parent's request for a transfer shall be granted." The directions for the selection of pupils for part-time include the selection of pupils who are likely to adjust best and the avoidance as far as possible of placing the same children on part-time in successive years. (5)

September 1961  A Group of 28 parents of both races begins to discuss school desegregation and the difficulties of maintaining schools on a stable and integrated basis in integrated communities. They observe that schools and class-rooms are less integrated now than in 1954. They compare written policies of the schools with the practices they have observed. (6)
January 1963 "Seven Years of Desegregation in Baltimore Public Schools: A Report", a preliminary draft of the findings and recommendations of the parents' group is compiled. This group, concerned about racial imbalance and discriminatory practices in the schools, seeks legal counsel. (7)

Feb. 18, 1963 Baltimore Neighborhoods, an organization designed to maintain neighborhood stability, on reading the draft, is concerned that there "may be racial discrimination in Baltimore's schools" and requests that the Board of School Commissioners give it their "Immediate attention and make provision for whatever remedial action may be necessary." (8)

March 27,1963 Counsel for the 28 parents alleges that the School Board is maintaining racial imbalance in the public schools through its policies of enrollment, transfer, districting, transportation, part-time instruction, and school construction. He charges that more than 80% of the Negro children attend elementary schools which are more than 90% Negro; and that 79% of the children on part-time are Negro. (9)

March 27,1963 Mr. Eli Frank, President of the School Board, appoints an ad hoc committee of School Board members to evaluate the report of the 28 parents and to recommend necessary remedial action. The school administration and the City Solicitor are called upon to analyze the complaints and contentions. (10)


June 2, 1963 The Interdenominational Ministers' Alliance requests that the Board of School Commissioners meet with their representatives to discuss the personnel selection procedures as related to Negro teachers and staff. (12)

June 6, 1963 The parents' group presents to the Board of School Commissioners its revised report, "Eight Years of Desegregation in the Baltimore Public Schools: Fact and Law." They urge the School Board to recognize in its policies 1. the inequality of educational opportunity inherent in schools or classrooms which because of housing patterns or for whatever reason are in fact segregated and 2. racial integration as an educationally desirable objective to be considered in enrollment and transfer policies. (13)

June 6, 1963 The ad hoc committee of the Board presents its report. The committee is "unable to find any deliberate or purposeful action to maintain segregated schools," and feels the ultimate solution is in changing neighborhood and residential patterns.
The ad hoc committee does, however, recommend the following new policy which is adopted by the School Board; Effective October 31, 1963, all districting of schools shall be abolished. Any pupil may register in any school on a first-come, first-served basis, to a class limit of 35 students. Priority will be given to pupils who live nearest a school, transportation to be furnished by the parents. (14)

June 6, 1963

The NAACP, which is legally contesting de facto segregation in northern cities, alleges that the School Board is maintaining policies that perpetuate segregation. They urge a new policy to achieve maximum desegregation. (15)

June 19, 1963

Mrs. Elizabeth Murphy Phillips, a member of the School Board, criticizes the Board for "shirking its responsibilities when it does not work at greater speed to see that there is faster desegregation in the assignment of personnel and pupils." (16)

June 26, 1963

The Interdenominational Ministers' Alliance alleges that the "School Board by-passes qualified Negroes in its promotion practices and that it fails to appoint Negro teachers in predominantly white or integrated schools." (17)

July 2, 1963

Tentative plans are announced to eliminate part-time instruction in elementary schools. To receive full-time instruction, some children will be transported by bus to underutilized schools and other will attend classes in portables. (18)

July 16, 1963

Dr. George B. Brain, Superintendent of Baltimore Public Schools, calls a conference of school superintendents from other cities on practical problems in public school desegregation "to clarify the role of the public schools in mitigating the effects of 'de facto' segregation" to be held in Baltimore on August 5-7. (19)

July 18, 1963

The League of Women Voters asks Dr. George B. Brain fifteen key questions which they know to be of concern to parents of public school children.

July 31, 1963

The Board of School Commissioners approves the procedures to relieve part-time instruction for more than 11,000 children proposed on July 2. Seventy-eight (78) portables to be erected will accommodate 6,000 children, and transportation will be provided for about 5,000 children who are now on part-time and whose parents approve. Dr. Willard Ellsbree, an outside consultant, is invited to review school personnel practices.
July 31, 1963

The NAACP demonstrates to protest the new school policies, contending that delaying termination of districting until October 31, 1963, will in effect continue segregation for another school year; and that the new policy does not clearly state that Negro children may transfer from a school which has more Negroes than whites. They charged that Negro children are assigned to predominantly Negro schools, while under-utilized white schools are by-passed.

August 6, 1963

"Practical Problems of School Desegregation," a three-day conference of school superintendents, civil rights' advocates, and representatives of five federal agencies, convenes in Baltimore.

August 29, 1963

The Board of School Commissioners receives a 32-page advisory opinion from the City Solicitor regarding the contentions and demands of the Parents' Group and the NAACP which sets forth legal guidelines for new school policies. "Discrimination is forbidden, integration is not compelled."

The school authorities, the opinion advises, are legally bound to make it possible for those who wish to do so to attend school with members of the other race and for the school authorities to adopt administrative measures that are not either racially discriminatory nor a subterfuge to maintain segregation. While school authorities are not legally bound to facilitate more rapid integration, it is likely that "affirmative policies encouraging integration will be held to be constitutional, though failure to adopt such policies will not be unconstitutional."

Sept. 5, 1963

The Board of School Commissioners adopts a new policy statement which essentially states that it will do all it possibly can to remedy any inequities and educational problems that result from racial imbalances.
FOOTNOTES - A History of Desegregation in the Public Schools 1954-63

(1) Brown v. Board of Education, 349 U. S. 294

(2) Opinion from City Solicitor (to Board of School Commissioners), Department of Law, City of Baltimore, June 1, 1954


(4) ibid, p. 2 and 3

(5) ibid, p. 4-24


(7) ibid, p. 1

(8) ibid, p. 1

(9) ibid, p. 4 and 5


(11) ibid

(12) Comments Regarding Reports of Interdenominational Ministers' Alliance (to the Board of School Commissioners), June 10, 1963, pp 1-12

(13) Opinion from City Solicitor (to Board of School Commissioners), Department of Law, City of Baltimore, August 29, 1963, p. 1

(14) ibid, p. 2 and 3

(15) Statement (to Board of School Commissioners) Baltimore Branch, National Association for the Advancement of Colored People, June 6, 1963, p. 1 and 2

(16) Memorandum (to Board of School Commissioners) Mrs. Elizabeth Murphy Phillips, School Commissioner, June 19, 1963

(17) Statement, Interdenominational Ministers' Alliance (to Board of School Commissioners), June 26, 1963

(18) Tentative Plans for Eliminating Part-timeness, also Some Considerations as Regards Plans for Eliminating Part-Timeness, Baltimore Public Schools, July 2, 1963, p. 1-4

(19) Release, Baltimore City Public Schools, July 16, 1963, p. 1

(20) Statement, Baltimore Branch of National Association for the Advancement of Colored People, July 31, 1963.
THE 1954 SUPREME COURT DECISION

On May 17, 1954, the Supreme Court of the United States spoke:

"We conclude that in the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal." The states were ordered to act "with all deliberate speed."

The decision stated in part:

"Today, education is perhaps the most important function of state and local government . . . it is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."
RESOLUTION OF THE BOARD OF SCHOOL COMMISSIONERS

June 3, 1954, the Baltimore City Board of School Commissioners

unanimously adopted this resolution:

"In view of the decision of the Supreme Court regarding our public schools, and in view of an opinion given us by the Baltimore City Solicitor dated June 1, 1954, it is the opinion of this Board that our system should be conformed to a non-segregated basis to be in effect by the opening of schools in September of this year."

Baltimore Supports the School Board

"Only a small minority of Negro pupils entered formerly white public schools, and their presence caused little adverse reaction at the outset. Then, on the last warm days of September, disturbance broke out in south Baltimore, notably at Southern High School, assisted by Bryant Bowles, president of the short-lived National Association for the Advancement of White People. Although a resident of Delaware who was wanted by Baltimore police on a charge of commercial fraud, Bowles aggravated the unrest from a nearby county vantage point and for a few days it looked as though Baltimore might experience real trouble, as unruly demonstrations spread to neighboring schools. Most of Baltimore's school children remained quietly in their classes under the unwavering attention of their teachers; civic and religious leaders rallied community support behind the School Board; and the Police Department under the late Colonel Beverly Ober took prompt steps, first to control and confine the disturbances and then to eliminate them.

A court test sought by Bowles' local adherents and the pro-segregation Maryland Petition Committee, upheld the legal validity of the School Board's non-segregation policy, and Baltimore did not look backward from that day. The disturbances actually served to crystallize a positive stand on integration in the community, and the civic groups that met then to form a common front against disorder have continued to work together in other areas of race relations."

SIX YEARS PASS; THE N.A.A.C.P. "DEPLORES"

At their 53rd Annual Convention July 2, 1962, in Atlanta members of the National Association for the Advancement of Colored People passed vigorous protest resolutions.

"The National Association for the Advancement of Colored People deplores the inexcusably slow pace of public school desegregation and the failure of state and local officials to comply with the 1954 decisions of the Supreme Court declaring the unconstitutionality of segregation per se in public education.

... With a sense of immediate urgency, the Association pledges itself to rededicate every effort toward meaningful desegregation by vigorously challenging the 'token' and less than token admission of a few Negro pupils to formerly all-white schools.

We strongly urge Branches and State Conferences to encourage Negro parents and students to exercise their constitutional rights by applying in ever-increasing numbers to all-white and predominantly white schools, to stimulate mass demonstrations protesting violations of the United States Constitution and, of course, to institute court action, whenever and wherever necessary.

We renew our basic position that along with student desegregation, Negro teachers and other personnel be assigned throughout the school system on the basis of professional merit without regard to race or color....p. 7.

The segregated public school in the North and West is one of the gravest and most destructive evils in our society and the need for its elimination is of the greatest urgency. School authorities in many communities have facilitated and extended segregation through zoning practices, permissive transfers and optional transfer areas, feeder patterns of elementary to secondary schools, failure to utilize existing classroom space, site selection for new schools, and school expansion programs. These instances where administrative practices take advantage of segregated housing do not constitute inevitable, innocent, or de facto segregation, as is commonly assumed, but reflect a deliberate intent to contain Negro pupils in separate schools. Unquestionably, extensive segregated residential areas obviously result in purely de facto segregated schools....p. 8.

"Separate and unequal" go hand-in-hand no less in the North and West than in the South. Over-crowding, rapid teacher turnover, a high proportion of teachers with temporary and substitute licenses, few remedial reading teachers and other special services, changing curriculum, biased counselling, flagrant discrimination in school-sponsored vocational, apprenticeship training and distributive education programs are found in schools segregated in fact. In short, Negro families of all income and educational levels, already severely limited by discrimination in housing, are further restricted by segregated, inferior public schools....p. 8.
Nor is there a choice either in the cities or the suburbs between eliminating segregation and improving the quality of education. Raising educational standards without eliminating existing segregation is simply "separate-but-equal", a doctrine declared unconstitutional on May 17, 1954. Segregated education in any form can never provide equal education....p. 8.

THE NAACP must seek the following objectives:

TO eliminate zoning practices, which contain Negro pupils in segregated residential areas, and other discriminatory administrative practices which extend segregation;

TO urge that rezoning, the Princeton Plan, reorganizing the use of schools, changing feeder patterns of elementary to secondary schools, and other effective methods be utilized to end existing segregation;

TO support open enrollment whereby pupils may transfer from segregated overcrowded schools to under-utilized schools offering maximum desegregation, when other more effective desegregation approaches cannot be used;

TO locate new schools whenever possible, on sites offering the greatest possibility of desegregation;

TO oppose the location of new schools in segregated public housing units whenever alternative locations are possible;

TO ensure that other school expansion programs, such as building additions to existing schools, are so conducted as to offer the greatest possibility of desegregation;

TO oppose the use of "mobile" units which further entrench segregated schools; and

TO oppose the neighborhood school policy whenever its misuse results in segregated schools....p. 9.
In March 1963 an informal committee of 28 interested parents who has been studying the progress of desegregation in the Baltimore Public Schools for about two years published their conclusions. Submitted to the Board of School Commissioners, Seven Years of Desegregation in the Baltimore Public Schools: A Report criticized the Board for maintaining racial imbalance in the schools through their policies of transfer, districting, transportation, part-time instruction, and school construction. The parents charged that more than 80% of Negro children attended elementary schools with more than 90% of their own race and that 79% of the children on part-time were Negro. Their revised report, Eight Years of Desegregation in the Baltimore Public Schools: Fact and Law, began with this table of contents, which constitutes a survey of their charges.

I. The Pattern of Racial Discrimination in the Baltimore Public Schools Involves Substantial Denial of Equality of Educational Opportunity for Students within the School System.

A. There is still extensive separation of the races notwithstanding the passage of eight years since the Baltimore public school system was officially declared desegregated.

B. The separation of the races deprives the Negroes affected of equality of educational opportunity.

1. Separation of the races involves inherent inequality of educational opportunity.

2. Inequality of educational opportunity for Negro students in segregated schools is compounded by the actual condition of such schools.

II. The operation of the City Schools' Enrollment and Transfer Policies Have Contributed to the Denial of the Equal Protection of the Law to the Negro Students.

III. Districting has Contributed to Racial Segregation.

A. There has been discrimination in the determination of when to district schools.

B. There has been discrimination in the drawing of district lines. (Northwood School 242 and School 239).

IV. The Transportation Policy Has Contributed to Racial Segregation.

A. The transportation program of the Department of Education discriminates against Negro students, in that such students, even though they are on part-time, are often not transported to the nearest available school with sufficient space and facilities where such a school is a non-integrated white school. (School 85, 71, 224, 238).
B. The transportation policy has contributed to the creation of non-integrated Negro schools.

C. The transportation policy of the school system has resulted in transporting white students who have never been on part-time to fill and maintain transferee schools as non-integrated white schools in preference to transporting Negro students who are as close and have been on part-time.

V. The Baltimore City Schools Have Discriminated Against Negro Students in Regard to Part-time Instruction.

VI. The Construction Program of the Department of Education has Discriminated Against Negro Students.

VII. The Administration Has Misconceived the Legal Duties and Powers and the Moral Obligation of the Department in Regard to School Desegregation.

(pages i, ii, iii, Eight Years of Desegregation in the Baltimore Public Schools).
SOME CONCLUSIONS AND RECOMMENDATIONS

The group of parents was emphatic:

"The present situation must be changed. The devising of specific methods to bring about the necessary changes is the responsibility of the Board of School Commissioners, from whom the community is entitled to expect the origination of creative and constructive suggestions as well as fair and critical analysis of suggestions advanced both by themselves and citizens of the community. The following recommendations are not intended to limit the Board in its own search for appropriate solutions, nor, if any one or more of these recommendations should prove unfeasible, is it intended that the Board consider the problem resolved when it has demonstrated the difficulties of a particular suggestion for solution."

(Eight Years of Desegregation in the Baltimore Public Schools, pp. 36-38).

They recommended:

1. That the Board recognize and rectify the present discriminatory aspects of its enrollment, transfer, districting, transportation, part-time, and school construction programs.

2. That the Board recognize and adopt a policy declaring the educational undesirability in Baltimore of public schools which are racially homogeneous or nearly so, whether or not such homogeneity is de facto.

3. That the Board, in all its decisions as to school policies and programs which affect the racial distribution of the pupils and staff in the city schools, consider the effect of its decisions upon such distribution, and encourage policies and programs the effect of which will be to achieve actual integration of pupils and staff in school through the city.

4. That the Board direct a comprehensive survey of all inequalities of educational opportunity within the city school system, including but not limited to qualifications of teachers, classroom size, pupil-teacher ratio, physical facilities, special services such as library, reading clinics, etc. with a view to eliminating all inequalities to the fullest extent possible.

5. That the Board immediately formulate and adopt methods for distributing equitably the incidence of part-time instruction until such instruction can be completely eliminated from the city school system.

6. That the entire program of the Department of Education be subject to continuing review as to its effect upon patterns of racial distribution in the schools. Such review should be the direct responsibility of the Board, initially through a Board Special Committee with the assistance of an advisory group of interested parents and citizens.
7. That a school human relations department be established on the staff level to implement the recommendations of this report and to assist the schools and the public in solving human relations problems affecting the education of students in the Baltimore schools. At present there is no staff official short of the Superintendent himself, specifically charged to act in behalf of the school system in this critical area.

8. That the Board direct the staff to keep, tabulate, and make conveniently available to the public meaningful statistics in regard to the matters dealt with in this report, including racial statistics by school, without which the progress toward actual desegregation cannot be measured, statistics as to rated capacity class size, and degree of school utilization by school, without which the non-discriminatory operation of districting, transportation, part-time instruction, etc., may not be fully demonstrated; statistics as to transportation, including for each case of transportation the transfer school, the transferee school, the number of students transported; statistics of the incidence of part-time instruction by school; records of all transfer requests showing school from which the transfer is sought, school or schools to which transfer is requested, address and race of the student requesting transfer, disposition of the request and a brief statement of the reason for such disposition. The existence of the foregoing information and its availability to the citizens of Baltimore should be publicized by the Board.

9. That the Board and the School Administration enlist such cooperation from other agencies in the community as may be necessary to eliminate inequalities of educational opportunity in the city school system."
BOARD STUDIES CHARGES

To answer these accusations the Board of School Commissioners appointed
from their membership an ad hoc committee on desegregation policies. Their

Has the Board of School Commissioners as a result of policies and adapted
in 1954 to end segregation unwittingly permitted the existence of continua­
tion of conditions over which the School Board exercises control that have
resulted in segregation in the schools? p. 1.

There has been no proof advanced by the citizens group that there has
been deliberate or purposeful action by the Board of School Commissioners
or the school staff to maintain racially segregated schools or to discrim­
inate between pupils on the basis of race.

That enrollment in some public schools is predominant Negro and in others
predominantly white is apparently the result of housing patterns.

It is clear, therefore, to the members of the ad hoc committee of the
School Board that the ultimate solution to this problem lies in the free
choice of residence and the elimination of the present housing patterns
which obviously are beyond the control of the Board of School Commissioners.

In its appraisal of existing School Board policies which tend to restrict
or limit the free choice of schools by individual pupils or their parents,
this committee concluded that the establishment of School Attendance Dis­
tricts because of overcrowding does limit, to some extent, the free choice
of schools to those schools which are non-districted.

Therefore, by using other means to control overcrowding it would seem to
the members of the ad hoc committee that the Board of School Comission­
ers might consider the possibility of eliminating all attendance bouna­
daries. p. 2.

Where a child attends a given school voluntarily as a result of the free
choice of schools, the ad hoc committee concludes that any plan which
would seek to move the child about involuntarily from one school to an­
other for the purpose of maintaining racial balance would tend to violate
the rights of the individual. p. 4.

Thus it is the feeling of the members of the ad hoc committee that nei­
ther the Board of School Commissioners nor members of the administrative
staff can provide a satisfactory definition of what constitutes the
appropriate racial balance for a given school or for the school system.
The idea of fixed racial quotas for a single school or for the entire
school system appears to be impracticable. p. 5.

Does the existence of predominantly Negro or predominantly white enroll­
ments in a given school constitute an educational handicap for the pupils
involved?
It may, particularly if the school is located in a blighted neighborhood.

Where children attend such schools voluntarily, and not by assignment, is the Board of School Commissioners obligated to eliminate the racial imbalances of such schools?

Not in the judgement of the Committee. Because the board cannot compel a child to attend a particular school all it can do is to permit transfers that recognize the child's educational needs. p. 5.

The Board must continue its efforts to eliminate all part-time classes as rapidly as possible." p. 5.

BOARD ISSUES POLICY STATEMENT
June 6, 1963

The Board adopted as a policy statement part of the committee report. The main points of this statement were:

1. No child shall be required to attend any particular school.

2. Effective October 31, 1963, all rules of the School Board for establishing and maintaining school districts shall be terminated.

3. It is the intent of the Board of School Commissioners to (1) employ only those criteria that are educationally valid and reliable and (2) preserve the neighborhood school concept.

4. Transfers for educational or other reasons may be authorized by the appropriate superintendent or his designated representative, where the class size is not in excess of 35 pupils or where the existing facility is not being utilized to its maximum capacity.

5. Class size refers to the number of pupils regularly assigned to meet as a class or as a class section usually under the direct guidance of a single teacher.

6. All transfer requests are to be made in writing and signed by the child's parent or legal guardian.

7. Decisions on transfer requests may be appealed by parents.

(p. 3 and p. 4 Ad hoc committee report)
N.A.A.C.P. DEMANDS

The same day the ad hoc committee report was accepted, the Baltimore Branch of the N.A.A.C.P. presented to the Board of School Commissioners this list of ten demands:

1. That the Board adopt a policy recognizing the educational undesirability of public schools segregated-in-fact and unequivocally committed to achieving maximum desegregation in the Baltimore public schools.

2. That the Board take the following steps no later than the opening of schools in September, 1963:
   a. Meaningful changes of school districting and student transfer procedures which contribute significantly to racial concentration in the public schools;
   b. The selection of under-utilized schools receiving pupils from over-crowded Negro schools on a basis which will prevent racial concentration in the receiving schools whenever possible;
   c. Distribution of part-time classes on an equitable, non-discriminatory basis throughout the school system; and
   d. Changes of pupil assignment practices in the Riverside Park area which presently excludes Negro pupils living near the predominantly white elementary school;
   e. Immediate reconsideration of the announced plans for limiting admissions to City, Eastern and Western High Schools.

3. That the Board formulate and implement a long-range, comprehensive city-wide plan to achieve maximum desegregation of elementary and secondary schools.

4. That site selection and districting for all new schools be guided by the cardinal principle of integration, together with other administrative considerations, to prevent, wherever possible, the creation of new schools segregated-in-fact.

5. That meaningful steps be taken to raise educational standards of segregated Negro schools including: the assignment of regular qualified teachers; a stable teaching staff; reduction in class size; and an intensive remedial program in basic reading skills.

6. That the Board expand the crash remedial program underway at the Mount Royal Elementary School to other schools, as needed.

7. That the Board reassign teachers, administrative and supervisory personnel to assure the placement of Negro teachers and administrators on a non-discriminatory basis throughout the school system.
8. That the Board regularly review changes in racial residential patterns and administrative practices affecting the assignment of pupils to schools in order to provide maximum racial desegregation throughout the school system.

9. That a central office be assigned the administrative responsibility of examining changing school population trends as related to pupil assignment practices in order to maintain maximum desegregation in the schools.

10. That the Board review all history and social science textbooks now being used in order to replace distorted texts with objective and unbiased educational materials.
ONE COMMISSIONER DISSENTS

Mrs. Elizabeth Murphy Phillips, a member of the Board of School Commissioners, was not satisfied. She addressed the Board June 19.

It is my opinion that this Board is shirking its responsibility when it does NOT work at greater speed to see that there is faster desegregation in appointments and assignments of personnel as well as children.

We have here in the list we are approving today...six unprecedented assignments of colored personnel to jobs heretofore closed to them. This is a step in the right direction, but I do NOT feel it enough......

But for several exceptions, we are still doing what we did 40 years ago when I was in elementary school: -- shifting colored principals and vice principals from one three-digit school to another, white principals and vice principals to two-digit schools.

What I am saying about principals is true of teachers.....this list shows some token desegregation steps, but in my opinion, token desegregation is NOT sufficient at this time when our entire methods of desegregation are under fire by a parents' group and the N.A.A.C.P., and we face the threat of court action.

I want to go on record in this public session.....that the changes indicated on the list of recommendations submitted.....for approval.....are too few. If we say we are a truly integrated system, we must move faster. And it is up to this Board to see that we do. We are the persons to approve the appointments.....We determine policy.

The fact that district lines have been erased as of October, 1963 is not sufficient answer to the complaints of parents and other interested citizens. We need to do more. And, it is my feeling that we can do it immediately.
N.A.A.C.P. DEMONSTRATES

At the July 31, 1963 meeting of the Board of School Commissioners, the Baltimore Branch of the N.A.A.C.P. demonstrated. Their purpose, they said, was threefold:

1. To protest the fact that the Baltimore Board of School Commissioners has failed to adopt a basic policy committed to eliminating extensive segregation-in-fact or to take the necessary actions to end discriminatory practices affecting Negro pupils and the assignment of Negro teachers and administrators.

2. To protest the proposed plan to relieve part-time classes as discriminatory. First, the plan in some instances calls for transferring children from overcrowded Negro schools to other Negro schools, bypassing accessible under-utilized white schools. Second, the plan calls for portable units at Negro schools although there are more than 134 empty classrooms at white schools that are not being used to relieve overcrowding.

3. To dramatize to the entire city of Baltimore the urgent need for meaningful and immediate changes in school policies and practices.
Questions and Answers on the Elimination of Part-time.

1. Q. Why are children being transported today?
   A. To eliminate part-timing.

2. Q. Have we transported children to eliminate part-timing in Baltimore before 1963?
   A. Yes; about 2,000 children have been transported successfully.

3. Q. Must parents give permission for their children to be transported from their neighborhood school to another?
   A. Yes. No child may be moved from his school without written consent of parents or guardians.

4. Q. How many children will be "bussed-in"?
   A. 5,000 plus, including the 2,000 mentioned above.

5. Q. Are all children to be transported already in their receiving schools?
   A. No, since only a small number of buses were available the first day of school. As soon as new buses are delivered more children will be taken off part-time and transported to less crowded schools.

6. Q. Will the transported children increase class size?
   A. Class sizes will be held as near 35 as possible.

7. Q. Will classes be homogeneous?
   A. The transported children will be integrated into the total school population of the receiving school and will be placed according to the school's specific plans for grouping and criteria for grouping set forth in the Elementary Guide, (pp. 26-27).

8. Q. Will any children remain on part-time?
   A. School officials plan to take all children off part-time. However, if parents prefer having children remain in the neighborhood school, even though this means part-time for their children, their preference will be respected. It should also be remembered that part-time will exist temporarily for some schools until new buses arrive and portables can be secured and erected. This may last into November.

9. Q. Will temporary classrooms be erected to eliminate part-time, and where?
   A. They will be erected either adjoining overcrowded school buildings, where site exists, or on a site as near as possible.

10. Q. Will play space be available where temporary classrooms are set up?
    A. Play space will be curtailed by portables when these are placed on school lots adjoining existing schools. Size of play space on sites away from schools depends upon the size of site and number of portables on it. Expected cost of portables will approximate $10,000 each.

11. Q. Will transported children receive a full and/or five hour school day?
    A. Yes
12. Q. Will transported children miss before and after school activities?  
A. Yes, because they must conform to a bus schedule. This is common practice wherever transportation is necessary in our country.

13. Q. Who will supervise children boarding buses?  
A. Staff members of the Education Department.

14. Q. What will happen to children who miss the bus?  
A. They will miss a day at school, unless their parents deliver them there.

15. Q. What will happen when children get sick at a school many miles from home?  
A. All principals seek to obtain emergency care information from parents for all children enrolled in the school. Principals will contact homes if possible.

16. Q. How will teachers hold conferences with parents?  
A. Conferences will be held with parents to the extent made possible by parent cooperation. However, since individual parent-teacher arrangements are always necessary for such conferences, no matter which school, there is no reason why this kind of planning will not be possible for children who are in schools out of their neighborhoods.

17. Q. Will the educational needs of the transported children be met in their new school? Will the curriculum be appropriate?  
A. A basic principle is that the curriculum shall be adjusted to the particular needs and abilities of the children concerned. Teachers in some instances will need to adapt and adjust the curriculum to the experiences and characteristics of pupils new to a particular school. This will require time and careful study.

18. Q. When transportees are integrated into receiving schools, will all children in the classes involved suffer an interruption in their curriculum schedule?  
A. A temporary adjustment period is to be expected.
FIGURES ON DE FACTO SEGREGATION

Elementary

A. Pupils

84% of the Negro children attend schools whose pupil enrollment is comprised of 90% or more Negroes

75% of the white children attend schools whose pupil enrollment is comprised of 90% or more white students

81% of the total number of children enrolled attend schools whose pupil enrollment is comprised of 90% or more white students or schools whose pupil enrollment is comprised of 90% or more Negroes

19% go to schools whose pupil enrollment is comprised of less than 90% of one race

B. Schools

118 out of a total 148 elementary schools are either schools whose pupil enrollment is comprised of 90% or more white students or schools whose pupil enrollment is comprised of 90% or more Negroes (80%)

Secondary

A. Pupils

72% of the Negro children attend schools whose pupil enrollment is comprised of 90% or more Negroes

51% of the white children attend schools whose pupil enrollment is comprised of 90% or more white students

62% of all pupils attend either schools whose pupil enrollment is comprised of 90% or more white students or schools whose pupil enrollment is comprised of 90% or more Negroes

B. Schools

32 out of 52 schools are either schools whose pupil enrollment is comprised of 90% or more white students or schools whose pupil enrollment is comprised of 90% or more Negroes (62%)

Baltimore City Public Schools
Bureau of Research
8/28/63
Approximate Costs of Additional Pupil Transportation and Portables

<table>
<thead>
<tr>
<th>Item</th>
<th>Approximate Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximate Costs of Additional Pupil Transportation</td>
<td></td>
</tr>
<tr>
<td>11 buses @ $10,000</td>
<td>$111,000</td>
</tr>
<tr>
<td>2 buses @ $6,000</td>
<td>12,000</td>
</tr>
<tr>
<td>13 chauffeurs @ $1.80 per hour</td>
<td>48,672</td>
</tr>
<tr>
<td>Contract bus service @ approximately $31 per bus per day</td>
<td>84,351*</td>
</tr>
<tr>
<td>Approximate Costs of Portables</td>
<td></td>
</tr>
<tr>
<td>20 portables</td>
<td>273,978*</td>
</tr>
<tr>
<td>53 portables (including site preparation, site design, foundation</td>
<td>795,000</td>
</tr>
<tr>
<td>preparation, provisions for gas and electric utilities and lavatories, etc.)</td>
<td></td>
</tr>
<tr>
<td>Furniture and equipment</td>
<td>75,000</td>
</tr>
<tr>
<td>Supplies and texts</td>
<td>30,000</td>
</tr>
</tbody>
</table>

*Pending approval of contract by Board of Estimates.

Baltimore City Public Schools
Bureau of Research
8/28/63
SCHOOL SUPERINTENDENTS CONFER

The following press release came from the office of Baltimore Superinten­dent, Dr. George B. Brain, who had initiated the conference.

The Conference has been made possible through a grant from the Public Affairs Division of the Ford Foundation.

Conference participants included public school superintendents from Balti­more, Boston, Detroit, Milwaukee, New Haven, New Rochelle, New York City, Phila­delphia, and St. Louis; Commissioners of Education from three states; consult­ants representing five Federal agencies; and representatives from the national offices of three Negro organizations.

The general purpose of the Conference was to provide a forum for the free exchange of ideas to clarify the role of the public schools in mitigating the effects of de facto segregation.....

The participants gained a sense of urgency in working toward the solution of problems of de facto segregation. The need to develop new designs and pat­terns was discussed within the framework of a sense of urgency in correcting inequities stemming from racial imbalances.

Consideration was given zoning and rezoning of schools, adaptations of the particular grade organization plan of the schools, administrative reorganization pertinent to the use of schools, the closing of certain schools, the altering of feeder patterns as pupils proceed from elementary to junior high to senior high schools, and open enrollment. Expanded school utilization by the community was also discussed.

In terms of educational standards, the challenges identified related the desire to raise educational standards, examination of the need for special edu­cational services, and a study of the neighborhood school concept as it relates to de facto segregation.

Several of the long-range plans discussed included site selection, the con­cept of the educational park, the role of the superintendent and relationships to the school board as well as to the public, and the development of instructional materials appropriate to the needs of all children and youth.

The participants examined and identified promising, expeditious, and legally-sound ways of administering educational programs to achieve better racial balances in the public schools while at the same time advancing the basic aims of public education.
THE CITY SOLICITOR ADVISES THE BOARD OF SCHOOL COMMISSIONERS

The City Solicitor, Mr. Joseph Allen, acting at the request of the Board of School Commissioners, has been studying its desegregation policies since March 27, 1963. Five months later, on August 29, 1963, the Solicitor's Opinion is presented to the School Board, "setting forth in a 32 page Memorandum, a detailed examination, analysis and summary of the prevailing law to serve as legal guideposts for the Board in making the policy decisions which confront it." The Solicitor's Opinion contains the following legal guidelines: (These quotations are partial excerpts).

1. "The School Board has the duty to end segregation in good faith and with all deliberate speed." p. 24.

2. "The courts will not hesitate to act when the School Board evidences a purposeful intent to perpetuate or maintain a segregated school system." p. 25.

3. "The courts will intervene where school authorities take little or no real action to end a condition of segregation deliberately imposed prior to 1954 and thus evident a patent lack of good faith in meeting the problem." p. 24.

4. "The efforts of the school authorities must be in good faith and not as a mere subterfuge to maintain segregation." p. 28.

5. "The courts will not brook discrimination by school authorities, either overt or subtle." p. 24.

6. "A presumption of unconstitutionality may be inferred by the courts where a given school is predominantly or entirely colored in pupils, staff and faculty." p. 25.

7. "A transfer plan may not be predicated upon racial classification and operated in a manner designed to promote discrimination." p. 25.

8. "An enrollment policy may not operate in such a manner as to perpetuate a former system of segregation." p. 25.

9. "A Negro child or a white child must be accorded the same option in a transfer or enrollment plan." p. 9.

10. "A voluntary system is no longer voluntary when it becomes compulsive." p. 11.

11. "Those who wish to do so must be able to attend school with members of the other race." p. 12.

12. "A school system to be truly voluntary must offer reasonable alternatives at reasonable intervals so that those who wish to do so may attend school with members of the other race." p. 28.
13. "The pupils' rights of 'reasonable alternatives at reasonable intervals' are not absolute and must be tempered by considerations of administrative convenience and practicality." p. 28.

14. "School authorities may adopt good faith enrollment, districting, transfer, transportation and related policies in the orderly administration of the public schools." p. 28.

15. "Districting is a constitutional permissible means of achieving an effective administration of the school system where it is applied in a racially non-discriminatory manner." p. 29.

16. "The neighborhood school policy is a well established institution in American public school education, but the neighborhood school is not sacrosanct and will be condemned where it is utilized via gerrymandering or otherwise as a mere camouflage or subterfuge to purposefully maintain a condition of segregation." p. 29.

17. "There is no legal compulsion upon the School Board to adopt a policy designed to achieve a racial balance in the public schools." p. 27.

18. "There is no legal compulsion upon the School Board to adopt a policy designed to effect active mixture of the races in the schools." p. 29.

19. "Forced integration because of racial imbalance could very well be the violative of the equal protection clause of the Fourteenth Amendment as segregation on racial grounds." p. 27.

20. "It is clear that there is no inherent constitutional infirmity in the Board's declared enrollment and transfer policies." p. 29.

21. "Nothing should be taken to mean that the school authorities may not, as a matter of sound educational policy, adopt active steps to facilitate a more rapid integration in the school system." p. 30.
POLICY

THE BOARD OF SCHOOL COMMISSIONERS ADOPTS A NEW POLICY - SEPT. 5, 1963

The Board of School Commissioners, acting on the advice of the Solicitor, adopts a new policy statement on September 5, 1963 which has implications for those groups who had criticized school desegregation policies and practices.

POLICY STATEMENT

The Board of School Commissioners is constantly seeking to improve educational policies and practices toward the end that the principle of equality of educational opportunity for persons of all ethnic, racial, cultural, and economic backgrounds may be fully and completely realized. Consistent with this effort the School Board recently requested the City Solicitor to examine the Board's statement of policy adopted on June 6, 1963 to determine its legal adequacy.

The City Solicitor has analyzed that policy statement and has found it to be legally sufficient. Moreover, the Solicitor in his opinion has commented in a complimentary manner on the efforts made by the Board of School Commissioners to achieve educational equality for all children. But, even more significantly the Solicitor noted that he was leaving to the Board's discretion those further policy decisions which may be considered desirable to meet "the educational, cultural, and social needs of our time."

In keeping with the previous efforts of the Board of School Commissioners to provide the best possible educational opportunity for all pupils in the school system to enable every child to achieve his maximum development, and after carefully studying the implications of the Solicitor's opinion, it is recommended that the previous policy statements of the Board be supplemented as follows:

1. That the Board recognize and work toward the maximum resolution of every educational problem or inequity in the school system, including any inequities that may result from racial imbalances in certain schools, to the maximum extent of the human, financial, and other resources of the Department of Education.

2. The Board recognizes intergroup understanding as an important school objective. All policies and practices bearing on this objective must be educationally sound and any plans to develop and achieve it must treat equally all those within the class or group affected.

3. The Board views the task for the schools as being not merely to eliminate the educational problems inherent in racial imbalances, but more significantly to counteract the discriminatory aspects of the practical problems that result from the countless practices of modern urban living.

4. Insofar as racially imbalanced schools may lead to educational, psychological, and sociological problems, the Board will do all it possibly can to remedy this situation. Board policies and school practice shall be reviewed to insure that they are not discriminatory or do not contribute intentionally to racial imbalance.
5. All study fields and all levels of instruction are to be examined to insure that they include appropriate materials and educational activities bearing on this objective.

6. The Board calls on the appropriate agencies of the city to solve the larger social problems; for without collective action on all fronts it will prove difficult, if not impossible, for the school staff to solve some of the basic related educational problems. The Board believes that much must be done with a far greater expenditure of both human and material resources throughout the city. An action program to achieve comfortable relationships in the face of cultural, ethnic, racial, and socio-economic differences will benefit the entire community.

7. The Board of School Commissioners, as it consistently has done, directs that no child or group of children should be excluded from a given public school or any of its programs because of ethnic, racial, or religious reasons. Enrollment policies shall not operate in such a manner as to perpetuate segregation.

8. All standards and criteria now in force with respect to the admission of pupils to schools, grades, or curricula are to remain in effect. No child shall be required to attend any particular school.

9. Effective September 30, 1963, all rules of the Board of School Commissioners for establishing and maintaining school districts shall be terminated. However, the neighborhood school concept is to be preserved.

10. Transfers because of changes of residence will be routinely authorized by principals provided the new residence is within a reasonable distance of the required school or the nearest school in which the appropriate educational program is available.

Transfers for other reasons, including the right to attend a desegregated school, shall be routinely authorized on a first-come, first-served basis by the appropriate assistant superintendent or his designated representative, where the class size in an appropriate program or grade of a school is not in excess of the city-wide norm (presently 35) or where an existing facility is not being utilized to its maximum capacity as computed according to established state standards.

The burden and expense for transportation involved in a voluntary transfer to a more distant school as outlined in the foregoing is to be assumed by the individual.

11. The central educational concern with class size is its effect upon pupil achievement, teacher health and morale, and operational efficiency. For purposes of definition, class size refers to the number of pupils regularly assigned to meet as a class or as a homeroom group, usually under the direct guidance of a single teacher.
The net roll figures reported on September 30th and filed with the State Department of Education shall be used as a basis for measuring individual class size for purposes of accepting transfers for reasons other than change of residence.

12. All transfer requests are to be made in writing and signed by the child's parent or legal guardian.

A report on transfer requests is to be made annually at the close of the school year to the Board of School Commissioners by the Superintendent.

13. Any parent, or legal guardian, may appeal decisions on transfer requests to the appropriate director, assistant superintendent, or the superintendent.

14. Statistical and pupil census information shall be kept as required for reports to the State Department of Education. This information is to be released only in the annual reports of the Board of School Commissioners.

15. In the assignment, promotion, and transfer of staff members, the present policy of respecting relative merit shall be scrupulously observed. For any vacancy the Board directs that each employee should be assigned to that position in which he is likely to render his best educational service to the school and to the community. The presence wherever possible of qualified persons of varied ethnic, racial, cultural, religious, and educational backgrounds on the staff of a given school, bureau, or division is considered desirable.

16. These policies are to be examined annually by the Board of School Commissioners and the Superintendent of Schools.

17. The foregoing statement of general policy is not concerned with the administrative details or arrangements which are the responsibility of the Superintendent subject to the approval of the Board of School Commissioners.
PERTINENT QUOTATIONS

Since sufficient experience is nonexistent, there cannot be a valid, scientific conclusion about the best education for deprived children. Many people are studying the current sociological changes in our schools and some of their recent comments follow:

"We should do well to avoid what is sometimes called social engineering. The very term is inconsistent with the purposes and the values of democracy. Even the most desirable end does not justify manipulating people to create a structure pleasing to some master planner. To put it precisely, I am disturbed about the growing pressure to locate schools, draw district lines, and organize curricula in order to achieve a predetermined racial pattern of enrollment. By no means am I opposing the desirability of having in the same school children of different racial backgrounds. Quite the contrary. But decisions about school organization based entirely or primarily on racial criteria seem to me to violate the principle of non-discrimination." (Dr. John H. Fischer, Report of Conference Before the United State Commission on Civil Rights, Fourth Annual Education Conference on Problems of Segregation and Desegregation of Public Schools, May 3, 1962, p. 19.)

"That enrollment in some public schools is predominatly Negro and in other predominantly white is apparently the result of housing patterns. It is clear, therefore, to the members of the ad hoc committee of the School Board that the ultimate solution to this problem lies in the free choice of residence and the elimination of the present housing patterns which obviously are beyond the control of the Board of School Commissioners." (Report from the Ad Hoc Committee-Board of School Commissioners of Baltimore, June 6, 1963)

"It is clear that the ultimate solution lies in the free choice of residence and the elimination of segregated housing which lies beyond the control of the Board of Education or the Commissioner. Nevertheless, the Commissioner is of the opinion that in the minds of Negro pupils and parents a stigma is attached to attending a school whose enrollment is completely or almost exclusively Negro, and this sense of stigma and resulting feeling of inferiority have an undesirable effect upon attitudes related to successful learning.

Obviously, however, logic makes its demands. The school cannot be required to do the impossible, but if there are reasonable and administratively feasible alternatives available which would reduce or eliminate the school segregation complained of, the respondent is under constitutional obligation to put these alternatives into effect." (Decision of the Commissioner of Education, State of New Jersey, May 15, 1963)

"The concept of neighborhood schools itself is not sacrosanct nor so rigid as to be incapable of change, nor was it ever intended to be misused to justify or explain away segregation. The neighborhood school policy must be flexible and adapted through re-zoning and other administrative methods to end and prevent racial segregation." (National Association for the Advancement of Colored People, Resolution July 1962)
Mr. Joseph P. Lyford, has spent a year studying a 40 block area on the upper West Side of Manhattan for the Center for the Study of Democratic Institutions (a division for the Ford Foundation Fund for the Republic). In an interview in the NEW YORK TIMES, July 14, 1963, he stated:

"The almost totally exclusive preoccupation of some civil rights groups with racial percentages in the schools is going to have damaging effects on some of the good schools in our West Side area. Some of the schools in the area have excellent educational programs, good staffs and able principals. Reshuffling school population to achieve racial balances will introduce a further element of instability among the children, demoralize the teaching and administrative staffs, and upset the special programs in these schools.

If an elementary school has a special service program with additional teachers for language problems, extra guidance personnel and extra activities for under-privileged children, the process of siphoning children out of the school and sending in pupils from more favorable backgrounds will make it more difficult to justify the maintenance of such special services.

In my interview with low-income Negro and Puerto Rican parents of the area, never once has the question of racial percentages in the schools been raised as a concern. The parents interests have been in the type of teachers the children have, whether the child seems to be benefiting by his school experience and the various school facilities the school has to offer both during and after school hours.

There is a considerable gap between the concerns of the low-income Negro family in the area of my study and the avowed aims of various organizational leaders who presume to speak for them. I think that it would be useful for representatives of the Urban League, the National Association for the Advancement of Colored People, the Congress of Racial Equality and other groups to take the trouble to evaluate by visits what is going on inside the schools, instead of making their judgements by cursory examination of racial percentages in the schools." (Excerpts from NEW YORK TIMES, page 1, Sunday, July 14, "Reshuffling for Racial Balance Held Harmful to City's Schools," Joseph P. Lyford.)


"We support the integration of schools to the maximum extent feasible, irrespective of so-called zoning regulations. We do not support integration without limit for its own sake in areas of heavy racial concentration where undue hardships would be imposed on the children and the educational system itself. We believe far greater efforts to find remedies for segregation in those cases should be made where the causes actually lie, in more and better jobs, in training for those jobs, and in more, better, and color-blind housing."
"... If good schools can exist only with a heterogeneous student population, one could argue just as logically that state authorities should adjust all school district lines so that the high-income suburban high school would include students from a neighboring depressed area. Another impossible proposal. Antithetical to our free society as I believe de jure segregation to be, I think it would be far better for those who are agitating for the deliberate mixing of children to accept de facto segregated schools as a consequence of a present housing situation and to work for the improvement of slum schools whether Negro or white. The problems in these schools are far more difficult to solve than in other schools, larger and better staffs should be available, more money is required. It is my firm belief that actions based on the premises I have outlined are in the best interests of the Negro and of the nation..." James B. Conant, "Slums and Suburbs", p. 31.

"The answer to improving Negro education in the large Northern cities is to spend more money and to upgrade Negro schools, many of which are in slums, rather than to effect token integration by transporting pupils across attendance lines. Fully integrated teaching staffs are a necessity as well." James B. Conant, "Slums and Suburbs", p. 13.

"Rather than embrace social or political innovations, the human tendency even among the enlightened is to hold steadfast to time-honored arrangements that might well be questioned...."and" we may, as educators for example, know we ought to educate youth for social and cultural change, but we hesitate possibly to jeopardize our personal security by doing so." John A. Perkins, "Is The Future Absolute", American Association of School Administrations, 1963, p. 37.
The idea that equality for Negroes is no longer enough is being increas­
ingly heard throughout the civil rights movement. Many feel that there
must be a temporary imbalance in favor of Negroes if there is to be true
equality of opportunity. Dr. John H. Fischer wrote the following:

**IS EQUALITY IN EDUCATION ENOUGH?**

"The temptation is always strong to say that the Negro child should
be seen merely as any other child, respected as an individual, and provided
with an educational program that will best meet his particular combination
of needs.

"Every Negro child is the victim of the history of his race in this
country. On the day he enters kindergarten, he carries a burden no white
child can ever know. Teaching reading, .. to a first-grade child who has
never seen an adult read anything requires an approach quite different from
one appropriate to a child in whose home books are as normal as food.

"In respect to the development of intellectual competence, many Negro
children face special problems. During years of oppression, first under
slavery and later under more subtle forms of discrimination, the opportuni­
ties for large numbers of Negroes to apply their own rational powers with
initiative and freedom to important problems have been far more limited than
the opportunities available to other racial groups. Many Negro children,
therefore, carry the disabling scars of the culture in which they were nur­
tured, a culture which encouraged the use of muscles and not only discourag­
ed but often penalized those who sought to use their minds creatively. The
school must take all of this into account and build programs and provide
opportunities which not only reflect these facts but more aggressively to
compensate for them.

"This implication for policy and practice cuts more than one way, how­
ever, for just as certain as no person should be subjected to discriminatory
treatment which depresses him because of his race, so it follows that none
should be given preferential treatment simply because his complexion or his
ancestry is different from another's. A practical application of this prin­
ciple may arise if a school organizes classes according to the academic abil­
ity of students. If. . . it should develop that one classroom contains
pupils largely of one racial group while a second classroom is composed
mostly of another, the school should not be criticized for the result. If,
on the other hand, the school authorities have used an ostensibly educational
device simply to justify some predetermined racial arrangement, the action
is totally indefensible. . . .

"A second guideline for the development of policy and practice centers
about the concept of equality of opportunity. 'Equality of opportunity' ..
.. means much more than a schoolroom desk for every child. It connotes,
rather, a condition in which every American may rightfully expect to find
himself in fair competition with every other American. This condition is
achieved and maintained by the operation of a host of agencies and forces,
some political, some social, others economic or cultural. . . .
"In the cases of some Americans, and in that of the Negro American most dramatically, our traditional system has failed for a long time in countless ways to provide that equality of opportunity that should be the condition of all our people. . . . Especially is this true of children whose parents and grandparents were deliberately, systematically, and by law denied what is now clearly recognized as fully equal treatment.

"Is it not a reasonable contention - and a just one - that to compensate for past injustices, we should offer these children educational services beyond the level of what might be called standard quality?

"Could it be that to achieve total equality of opportunity in America we may have to modify currently accepted ideas about equality of opportunity...? Is it conceivable that some of our children are entitled to more and better educational opportunities than most of the others? In fact, of course, the question has already been answered. Thousands of mentally and physically handicapped children, regardless of race, regularly receive teaching service, physical facilities, and supporting services more extensive and more costly than those furnished children who are considered physically and mentally normal. In the cases of many Negro children - and the generalization would apply also to certain other minority groups - we may need to substitute for our traditional concept of equal educational opportunity a new concept of compensatory opportunity....

"I doubt that anyone is in a position now to say precisely what the concept of compensatory educational opportunity would mean in every case, but my purpose here is not so much to answer the question as to raise it for discussion." (Dr. John H. Fischer, President of Teachers College, Columbia University, "Educational Problems of Segregation and Desegregation" from Education in Depressed Areas, edited by A. Harry Passow, Bureau of Publications, Teachers College, Columbia University, New York.)
We, therefore, suggest six principles which seem to us relevant to the whole question of racial balance in the schools:

1. The common school has long been viewed as a basic social instrument in attaining our traditional American goals of equal opportunity and personal fulfillment. The presence in a single school of children from varied racial, cultural, socio-economic, and religious backgrounds is an important element in the preparation of young people for active participation in the social and political affairs of our democracy.

2. In forming school policies, every educationally sound action should be taken to assure not only passive tolerance but active acceptance of and genuine respect for children from every segment of the community, with particular attention given to those from minority groups that may have been the objects of discriminatory mistreatment.

3. No action, direct or indirect, overt or covert, to exclude any child or group of children from a public school because of ethnic, racial, religious, or other educationally irrelevant reasons should be taken by any public agency. Wherever such action has occurred it is the obligation of the school authorities to correct it as quickly as possible.

4. No action should be taken which implies that any school or any group of pupils is socially inferior or superior to another, or which suggests that schoolmates of one group are to be preferred to schoolmates of another. In establishing school attendance areas one of the objectives should be to create in each school, a student body that will represent as nearly as possible a cross-section of the population of the entire school district, but with due consideration also for other important educational criteria including such practical matters as the distance children must travel from home to school.

5. A "neighborhood school" offers important educational values which should not be overlooked. The relation between a school and a definable community with which it is identified can, in many cases, lead to more effective participation by parents and other citizens in the support and guidance of the school. It can stimulate sound concern for the welfare of the school and its pupils and can lead to beneficial communication between the school staff and the community that staff serves.

6. When a "neighborhood school" becomes improperly exclusive in fact or in spirit, when it is viewed as being reserved for certain community groups, or when its effect is to create or continue a ghetto type situation it does not serve the purpose of democratic education.
"...The court is of the opinion that a simple definition of a segregated school....... is a school which a given student would be otherwise eligible to attend, except for his race or color or, a school which a student is compelled to attend because of his race or color." (Bell v. School City of Gary, Indiana). p. 6.

"...Though a voluntary separation of the races in schools is uncondemned by any provision of the Constitution, its legality is dependent upon the volition of each of the pupils.......if a voluntary system is to justify its name, it must, at reasonable intervals, offer the pupils reasonable alternatives, so that, generally, those, who wish to do so, may attend a school with members of the other race." (Jeffers v. Whitley). p. 11.

"...The Court held that the fact that the children were attending an all-Negro school, administered by an all-Negro faculty, and surrounded entirely by predominantly white attendance areas, gave rise to a presumption of unconstitutionality. The initial burden was accordingly placed upon the school authorities to rebut the presumption......" p. 9.

The U. S. Supreme Court has not addressed itself directly to the "de facto segregation" problem. Its most recent pronouncement in this area is found in the case of Goss v. Board of Education,......(June 3, 1963). "...In ruling that the school system is obligated to provide a transfer plan which is non-racial in application and which is not designed to perpetuate segregation, the Court in Goss gave no intimation that there is any greater burden upon the school authorities to take active steps toward integration......" pp. 15 and 16.

"...With the use of the neighborhood school districts in any school system with a large and expanding percentage of Negro population, it is almost inevitable that a racial imbalance will result in certain schools. Nevertheless, I have seen nothing in the many cases dealing with the segregation problem which leads me to believe that the law requires that a school system developed on the neighborhood school plan, honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools where the district is populated almost entirely by Negroes or whites......" (Bell v. School City of Gary, Indiana). pp. 6 and 7.

"...The clear implication of this statement is that if races are separated because of geographic or transportation considerations or other similar criteria, it is no concern of the Federal Constitution. Thus, discrimination is forbidden but integration is not compelled." (Evans v. Buchanan). p. 8.

"...Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color...." (Brown v. Board of Education). p. 7.
"...The educational system that is compulsory and publicly afforded must deal with the inadequacy arising from adventitious segregation. So here, it is not enough to show that residence accounts for the fact of segregation and to contend that therefore the segregation is ineluctable. The effort to mitigate the consequent educational inadequacy has not been made and to forego that effort to deal with the inadequacy is to impose it in the absence of a conclusive demonstration that no circumstantially possible effort can effect any significant mitigation. What is involved here is not convenience but constitutional interests." (Branche v. Board of Education of Town of Hempstead). p. 21.

"...a few courts, as in Branche and Jackson, supra, and a few administrative rulings in California, New York and New Jersey, have taken a broader view of the responsibilities of the school authorities. This view, a comparative newcomer to the mainstream of the law in this sphere, imposes an affirmative obligation upon the school system to take active steps to mitigate the effects of adventitious segregation and the educational inadequacy deemed to accompany such a condition. It may be that these views represent the future trend and some day may become the generally prevailing law. Branche-Jackson is not yet the governing law in the Fourth Circuit." p. 30.

"...Even here, the Court was reluctant to impose any sort of an affirmative obligation of integration or "intermixture" upon the school authorities, except to afford pupils reasonable freedom of choice, within the limits of administrative practicality." p. 12.

"...school authorities may not, as a matter of sound educational policy, adopt active steps designed to facilitate a more rapid integration in the school system. Such procedures, however, are not a matter for this office to decide. A social or educational responsibility is not a legal responsibility." p. 30.

"The tendency in such direction will probably be bolstered by the preponderance of high educational and sociological authority supporting the proposition that a racial, ethnic and cultural mix in the classroom is a valid educational criterion (among others) to be considered by school administrators." p. 32.

"This is not to say that when a pupil is assigned to a school in accordance with his wish, he must be transferred immediately if his wishes change in the middle of a school year. It does not mean that alternatives may not be limited if one school is overcrowded while others are not, or that special public transportation must be provided to accommodate every pupil's wish." (Jeffers v. Whitley) p. 11.

"...Here is the right of transfer, which operates solely on the basis of a racial classification, is a one-way ticket leading to but one destination, i.e., the majority race of the transferee and continued segregation. Not only is race the factor upon which the transfer plans operate, but also the plans lack a provision whereby a student might with equal facility transfer from a segregated to a desegregated school. The obvious one-way operation of these two factors in combination underscores the purely racial character and purpose of the transfer provisions. We hold that the transfer plans promote discrimination and are therefore invalid." (Goss v. Supreme Court of the United States.) p. 15.
Criteria such as transportation, geography and access roads may be rational basis for establishing pupil attendance areas or designating school districts. But if such criteria are utilized merely as camouflage, and children are assigned to particular districts solely because of race, then their constitutional rights have been violated."

(Evans v. Buchanan.) p. 9.

"I see no basis to draw a distinction, legal or moral, between segregation established by the formality of a dual system of education, as in Brown, and that created by gerrymandering of school district lines and transferring of white children as in the instant case. Brown, if it meant anything, meant much more than this. Necessarily implied in its prescription of segregation was the positive obligation of eliminating it. This obligation requires both good faith, and action with dispatch."

(Taylor v. Board of Education of City District of New Rochelle.) pp. 18 and 19.

"Although the Court further stated that the neighborhood school policy is not sacrosanct, and cannot be used "as an instrument to confine Negroes within an area artificially delineated. . . . by official acts", the opinion impliedly recognized that a properly utilized neighborhood school policy is valid." p. 19.

"we view as significant the Board's recent policy statement, to take effect as of October 31, 1963, whereby all district lines in the Baltimore school system will be abolished. As noted earlier, it is the understanding of this office that the Board's transfer policy is to be further clarified, so that the right of a pupil to transfer from one school to another, within the thirty-five-student-per-class limitation, will be an automatic right, routinely granted, so long as the burden and expense of transportation is satisfactorily met. In this connection, however, it should be pointed out that while a class limitation of thirty-five pupils appears reasonable, if such a limitation should represent less than the number of pupils in the average class or particular grade in the school system (for instance, if the norm is forty pupils), the limitation of thirty-five could be held by the Courts to be arbitrary and design to deny transfer on racial grounds. Likewise, as another illustration, if the charge be true that Negro children are being assigned to portables attached to Negro schools, while under-utilized white schools are being by-passed, such action could be considered discriminatory on racial grounds." p. 26.
TERMINOLOGY OF EDUCATION AND DESEGREGATION

BROWN DECISION - Supreme Court of the United States declared that the doctrine of separate but equal has no place in public education. (May 17, 1954).

BUSSING IN - Moving children by bus from one school to another.

CALIFORNIA SUPREME COURT DECISION - Race should be consciously considered, not blindly disregarded, in assigning pupils to schools.

COMPENSATORY EDUCATION - Special educational efforts in slum schools.

DE FACTO SEGREGATION - Actual segregation, though possibly not intentional, usually caused by segregated housing patterns.

DE JURE SEGREGATION - Legally prescribed segregation.

DESEGREGATION - Removal of race barriers.

DISTRICTING - Controlling enrollment in overcrowded schools by defining the geographical areas to be served by such schools.

EARLY ADMISSIONS PROJECT - Program allowing pre-school age children in deprived areas to enter school at age four to experience enriching preparation for education generally and reading specifically.

EDUCATIONAL PARKS - Groups of new schools in clusters near expressways.

FEEDER PATTERN ALTERATION - Enrollment in junior and senior high schools from segregated elementary schools can be split off to achieve greater racial balance.

FREE CHOICE TRANSFERS - Policy which allows any child to transfer to the school of his choice.

GARY, INDIANA DECISION - Ruling which found no constitutional objection to racial imbalance resulting from "neighborhood school" system. Requiring students to transfer away from their neighborhoods simply to mingle races would violate their rights under the Fourteenth Amendment.

HIGH HORIZONS - An intensive educational program for culturally deprived children in New York City, where funds, facilities, and talents are used to enrich and broaden children's perspectives.

INTEGRATION - Deliberate effort to expose children to different cultures.

NEW ROCHELLE DECISION - Court ruling that the school board had deliberately gerrymandered school attendance lines to contain Negroes in one elementary school and allowed whites to enroll elsewhere.
NON-INTEGRATED, OR SEGREGATED SCHOOL - A school housing children of predominantly one race. (The citizens' committee report, "Eight Years of Desegregation in Baltimore Public Schools" defines a non-integrated as one with ninety per cent or more of one race enrolled.)

ORANGE, NEW JERSEY - Ruling of State Education Commissioner Raubinger that unintentional racial imbalance in schools resulting from housing patterns is illegal and interferes with successful learning.

PORTABLES - Temporary classrooms that can be dismantled and moved from place to place.

PRINCETON PLAN - Integration accomplished by accommodating all children of the first three grades in one school while a nearby school accommodates all children of the next three grades.

RACIAL IMBALANCE - Unrealistic proportion of either white or Negro children in a school. (This term is often used in place of segregated or non-integrated.)

RECOMBINATION - Elimination of an all-Negro school by using the building for a new purpose (e.g. administration, school for the gifted or retarded) and sending the former pupils to several other schools.

REZONING, or ungerrymandering - Dividing residential patterns so as to achieve a more equal racial balance in each school district.

SCHOOL SPOTTING - Construction of schools with a view to housing patterns to avoid building new schools in segregated areas.
WORKS USED IN PREPARATION


Clyman, Adam. "'De Facto': Semantics with Substance." Baltimore Sun, Aug. 12, 1963, sec. 1, p. 12, col. 8.


Comments Regarding Reports of Interdenominational Ministers Alliance to the Board of School Commissioners. Baltimore, June 10, 1963. (Mimeographed.)


Department of Law, Opinion to Board of School Commissioners, Baltimore, Md., August 29, 1963.


Lewis, John W. *Tentative Plans of the Business Division and Background Information Related to the Elimination of Part-Timeness in Elementary Schools.* (a mimeographed memorandum addressed to the members of the Board of School Commissioners). Baltimore, July 23, 1963.


NAACP *Demands Made to the Baltimore Board of School Commissioners.* Baltimore, June 6, 1963. (Mimeographed.)

National Association for the Advancement of Colored People. *53rd Annual Convention Resolutions.* Atlanta, Georgia, July 2-8, 1962.

*Opinion* from City Solicitor. Department of Law, City of Baltimore, June 1, 1954.


Policy Statement, Board of School Commissioners, Baltimore, June 6, 1963. (Mimeo'd.)

Policy Statement, Board of School Commissioners, Baltimore, September 5, 1963 (Mim.)


Racial Imbalance in Schools (a mimeographed memorandum from the state education department of the University of the State of New York). Albany, New York, June 14, 1963.


Statement, Baltimore Branch of National Association for the Advancement of Colored People, July 31, 1963. (Mimeographed.)

Statement, Interdenominational Ministers' Alliance (to Board of School Commissioners), June 26, 1963. (Mimeographed.)


"WHEN YOU TALK ABOUT DISADVANTAGED KIDS IN CONGESTED SLUMS -- NEGRO OR WHITE -- IT'S A WASTE OF TIME TO SAY THE ANSWER IS IN THE HOME. THE HOME DOESN'T HAVE IT! IF YOU'RE LOOKING FOR AN INSTITUTION THAT'S BIG ENOUGH, WITH POWER AND RESOURCES, PUBLIC SCHOOL IS THE ANSWER."

"Rearing Children of Good Will",
Workshop on Human Relations,
National Conference of Christians and Jews