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IN THE
Supreme Court of the United States

OCTOBER TERM, 1952

No. 413-4

SPOTTSWOOD THOMAS BOLLING, ET AL., *Petitioners*

v.

C. MELVIN SHARPE, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN COUNCIL ON HUMAN RIGHTS
AMERICANS FOR DEMOCRATIC ACTION
WASHINGTON CHAPTER
AMERICAN JEWISH COMMITTEE
WASHINGTON CHAPTER
AMERICAN JEWISH CONGRESS COM-
MISSION ON LAW & SOCIAL ACTION
WASHINGTON CHAPTER
CATHOLIC INTERRACIAL COUNCIL
OF WASHINGTON
COMMISSION ON COMMUNITY LIFE OF
THE WASHINGTON FEDERATION OF
CHURCHES
DISTRICT OF COLUMBIA INDUSTRIAL
UNION COUNCIL, C.I.O.
N.C. FEDERATION OF CIVIC
ASSOCIATIONS, INC.
FRIENDS COMMITTEE ON NATIONAL
LEGISLATION

JAPANESE AMERICAN CITIZENS
LEAGUE
WASHINGTON CHAPTER
JEWISH COMMUNITY COUNCIL OF
GREATER WASHINGTON
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
D. C. BRANCH
UNITARIAN FELLOWSHIP FOR
SOCIAL JUSTICE
WASHINGTON CHAPTER
WASHINGTON BAR ASSOCIATION
WASHINGTON ETHICAL SOCIETY
WASHINGTON FELLOWSHIP
WASHINGTON INTERRACIAL
WORKSHOP
WASHINGTON URBAN LEAGUE

S. WALTER SHINE,
THEODORE C. SORENSEN,
SANFORD H. BOLZ,
SAMUEL B. GRONER,
Counsel.



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BRIEF FOR AMICI CURIAE

INTEREST OF AMICI CURIAE

This case deals with the question whether children in the public school system of the Nation's Capital may, consistently with the Constitution and laws of the United States, be separated by groups solely on the basis of skin color or the origin of their ancestors.

The undersigned submit this brief because our organizations represent groups of Americans in the Washington

community and throughout the nation of many creeds and many races who are deeply committed to the preservation and extension of the democratic way of life and who reject as inimical to the welfare and progress of our country artificial barriers to the free and natural association of peoples, based on racial or creedal differences. We believe this to be of especial importance in the Nation's Capital. We are united in the belief that every step taken to make such differences irrelevant in law, as they are in fact, will tend to cure one of our democracy's conspicuous failures to practice the ideals we proclaim to the world, and to bring us closer to that peace and harmony with other peoples throughout the world for which we all strive.

We submit this brief out of a sense of urgency which compels us to speak out for great segments of the community on behalf of a good and just cause. We are convinced that the great democratic principles of our Constitution are denied when racism permeates and shapes the institutions in which the children of the Capital of the Nation receive their schooling.

We submit this brief, finally, in the knowledge that the progress and welfare of a democratic community and the best contributions of all its people toward enriching the life, the intellect, and the spirit of the community can be achieved only from the untrammelled association of fellow-citizens without the interposition, especially by government, of barriers based on race.

STATEMENT OF THE CASE

This case is here on writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit, granted while the case was pending in that court on appeal from a judgment of the United States District Court for the District of Columbia granting a motion to dismiss the complaint. The petitioners are minors and their parents, citizens of the United States and residents of the District of Columbia, are suing on behalf of themselves and

others similarly situated. The respondents here are members of the school board and officials of the public school system of the District of Columbia.

The complaint alleged that the minor petitioners applied for enrollment in the Sousa Junior High School of the District of Columbia and were denied enrollment solely because of their race or color and that they appropriately exhausted all administrative remedies for correction of that denial. It alleged *inter alia* that their exclusion from the school denied them due process of law, in violation of the Fifth Amendment to the United States Constitution and Title 8, Sections 41 and 43 of the United States Code; and constituted a bill of attainder prohibited by Article 1, Section 9, clause 3 of the Constitution. The complaint sought a declaratory judgment that the respondents had no right to exclude the minor petitioners from the Sousa School because of their race or color and an injunction restraining the respondents from such exclusion.

Respondents, without denying any of the allegations of the complaint, filed a motion to dismiss which was granted by the District Court without an opinion.

THE QUESTIONS TO WHICH THIS BRIEF IS ADDRESSED

The undersigned *amici curiae* believe that racial segregation in the District of Columbia public schools is unconstitutional. We refrain here from presenting such of our reasons as would parallel those presented in the brief of the petitioners already filed herein. We confine ourselves to the following two questions which we feel merit fuller discussion and on which we possess some special competence:

1. Does separation of school children by skin color or ancestry have any warrant in twentieth century community experience, proper legislative purpose, or scientific understanding?

2. Does the fact that Congress made provision for the establishment of schools for Negro children in the

District of Columbia before the adoption of the Fourteenth Amendment justify the conclusion that the Fourteenth Amendment was intended to permit racial segregation?

SUMMARY OF ARGUMENT

1. Racial classifications are not permissible in our democracy except only under the most dire of emergencies such as the "crisis of war". The conventional standards of "reasonableness" to test legislative action do not come into play when racial criteria are involved. Nor, even if it were relevant, is there any reasonable basis for separating school children by skin color. Examination of community experience in the District of Columbia and throughout the country discloses vast areas of activity in which the members of the public both voluntarily and by government action have departed from patterns of segregation and associate free of color restrictions. No rational basis exists to single out school children for racial separation.

The predictions of defiance of a decision invalidating racial segregation in schools or of difficulties resulting therefrom are neither novel nor warranted. They are not justified by community experience, history, morality, or law. To assert such factors implies that Constitutional rights must await the consent of those who withhold them.

Present day scientific knowledge discredits traditional concepts of "race." Continued enforcement of legislative action based on assumed distinctions formerly attributed to such concepts is not rational.

2. In *Carr v. Corning*, 182 F. 2d 14, it was held that Congress' establishment of public schools for Negroes before the ratification of the Fourteenth Amendment "conclusively supports" the determination that the Amendment permitted segregation in schools. This misconceives the chronology of the events of that day and gives a completely distorted significance to the school statutes.

ARGUMENT

I

SEPARATION OF SCHOOL CHILDREN BY SKIN COLOR OR ANCESTRY HAS NO WARRANT IN TWENTIETH CENTURY COMMUNITY EXPERIENCE, PROPER LEGISLATIVE PURPOSE, OR SCIENTIFIC UNDERSTANDING AND IS THEREFORE A MEANINGLESS CLASSIFICATION VIOLATIVE OF THE FIFTH AMENDMENT

This brief documents what twentieth-century America knows: racial segregation is not—and never was—intended to achieve any legitimate legislative goal but is a continuing attempt to maintain some vestiges of the slave system of the nineteenth century.

Classification by “race”¹ has been permitted by this Court to sustain governmental action only during the major crisis of the twentieth century and then only after “the most rigid scrutiny” had disclosed “circumstances of dire emergency and peril” stemming from “the crisis of war and threatened invasion.”²

Though we do not suggest the propriety of even this limited impairment of the constitutional safeguards for the individual, we point out that these instances were occasioned only by extreme cases of national peril. It is only at such times that racial designations may become the basis for governmental action. No conventional problems and no ordinary standard of “reasonableness” may justify a transgression of the overriding principle that racial distinctions are odious.

¹ We use the term “race” only for simplicity of expression. We submit it has no meaning relevant to legal problems. See Section C, *infra*, p. 19. For purposes of brevity we have also referred generally to “skin color” as the basis adopted for segregation. Analyzed carefully, the real basis for segregation of Negroes stemming from the institution of slavery, lies in the birthland of the individual’s forebears (i.e., Africa) rather than in skin color alone. For these reasons many statutes refer generally to “persons of African descent.” Cf. Art. 1661.1, Sec. 2, Vernon’s Statutes of Texas, Annotated (1947).

² *Hirabayashi v. United States*, 320 U. S. 81, 92 (1943), and *Korematsu v. United States*, 323 U. S. 214, 220 (1944). Cf. *Ex parte Endo*, 323 U. S. 283 (1944).

Moreover, governmental classification at any time must comport with what is fundamentally just. This is the essence of due process, a term of no fixed content. The "essentials of fundamental rights" are not "confined within a permanent catalogue," for it "is of the very nature of a free society to advance in its standards of what is deemed reasonable and right." *Wolf v. Colorado*, 338 U. S. 25, 27 (1949). And the question whether a classification separating school children solely by race is constitutionally permissible today cannot be answered by looking backward to yesterday. Constitutional principles "may acquire meaning as public opinion becomes enlightened by a humane justice."³ For this reason, the "boot-strap" arguments of the School Board in this case, as in all others which rely upon the authority of *Plessy v. Ferguson*, 163 U. S. 537, without reexamining its premises, cannot justify this Court's failing to do so. *Passenger Cases*, 7 How. 283, 470 (1849). We submit that the validity of continuing today to separate school children solely according to a skin-color

³ *Weems v. United States*, 217 U. S. 349 (1910):

pp. 373-374: "Time works changes, brings into existence new conditions and purposes. Therefore a principle to be vital must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitutions. They are not ephemeral enactments, designed to meet passing occasions. * * * The future is their care and provision for events of good and bad tendencies of which no prophecy can be made. In the application of a constitution, therefore, our contemplation cannot be only of what has been but of what may be. Under any other rule a constitution would indeed be as easy of application as it would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into impotent and lifeless formulas. Rights declared in words might be lost in reality. And this has been recognized. The meaning and vitality of the Constitution have developed against narrow and restrictive construction. * * * The construction of the Fourteenth Amendment is * * * an example for it is one of the limitations of the Constitution."

p. 378: "The clause of the Constitution in the opinion of the learned commentators may be therefore progressive, and is not fastened to the obsolete but may acquire meaning as public opinion becomes enlightened by a humane justice."

classification must be tested in the light of today's known community and social experience, declared legislative purposes and present scientific understanding. Tested accordingly, separation of children in public schools on the basis of skin-color alone is completely without rational basis in the United States in the twentieth century.

A. Community experience demonstrates the invalidity of racial segregation in the District of Columbia or anywhere in the United States.

1. DETERIORATION OF PATTERNS OF SEGREGATION.

As this community's experience is examined, the lack of consistency and indeed of plain common sense involved in the erection of racial barriers between groups of school children is dramatically exposed. A brief glance at Table IV (Appendix, *infra*) shows the vast range of public activity in which this city engages free of color restrictions. Washingtonians mingle today without regard to skin color in many restaurants, movies, hotels, libraries, swimming pools, golf courses, tennis courts, and playgrounds, in all legitimate theatres, streetcars and busses, art galleries, and music halls, and in every public building, and every auditorium in the city. They attend inter-racial nursery schools, parochial schools, colleges, law schools and medical schools. (Table II, Appendix, *infra*.)

On what basis, then, may they rationally be precluded from doing so in public schools? If people, young and old, can live next door to each other in apartment houses, can walk or ride together as far as school doors, and can enter together in private schools, what proper reason may be adduced to prevent them from entering those doors to study together in public schools established in the interests of all the people, by a government dedicated to democracy?⁴

⁴The President-elect has pledged himself to remove "every vestige of segregation" in the Nation's Capital to the extent of the means at his command. But this is a goal which, as this case proves, cannot be achieved by executive action alone.

Moreover, segregation in schools has been abandoned in practice in so great a portion of this country, including the South, as to make its continuation anywhere impossible to justify in principle. Compiled in the Appendix, *infra*, is a list of those communities, in the South and border areas, where Negro students have been recently admitted to formerly all-white schools. (Table I). This list, which is representative but by no means exhaustive, marks the unanimously successful integration, in varying degrees, of colored and white students in educational institutions in over 85 communities in such areas. (There is of course no need to detail the vast areas of the North where legal segregation has never been practiced.)

These are developments of only the past several years, chiefly following this Court's action in *Sweatt v. Painter*, 339 U. S. 629 and *McLaurin v. Oklahoma*, 339 U. S. 637, in 1950. In that short time, one or more educational institutions in practically every Southern, Southwestern and Border state have opened their doors to Negroes, who had previously been excluded altogether. For example, tax-supported colleges and universities have opened their doors to Negro students in Texas, Oklahoma, Arkansas, Kansas, Missouri, Louisiana, Kentucky, Tennessee, Virginia, North Carolina, West Virginia, Maryland and Delaware. (Table III(A) (1) (b), Appendix, *infra*).

Despite the continued insistence of those who urge the continuance of segregation on the ground that the country is "not ready," these changes have not been limited to *public* colleges which alone would be compelled by the enforcement of the Fourteenth Amendment to open their doors. *Non-public* institutions have been far in the lead in the process of integration. Schools and colleges, both private and parochial, have removed racial barriers to admission in Alabama, Texas, Georgia, Missouri, Louisiana, Kentucky, Maryland, North Carolina, Virginia, West Virginia, and as mentioned, the District of Columbia. (Table III (A) (2), Appendix, *infra*). This merits special

attention, for if segregation were as embedded in the "usages, customs and traditions" of the South as it is alleged to be, none of these institutions would have departed therefrom without compulsion. But freed of governmental compulsion to segregate (or exclude) by the aftermath of this Court's decisions in the *Sweatt* and *McLaurin* cases which substantially destroyed segregation in public colleges, these non-public schools have dropped the color bars in numbers and with a speed and fervor⁵ which make it plain that it was only the barrier of the South's government-required segregation which had earlier stood in their way—and not the South's "usages, customs and traditions."

In addition to the colleges and universities in which segregation has been abandoned, *public elementary and high schools* have successfully ended segregation in recent years in one or more communities in California, Arizona, New Mexico, Kansas, Illinois, Ohio, Indiana, Maryland, Delaware, Pennsylvania and New Jersey. Public schools supported entirely by Federal funds have been integrated at Fort Bragg and Camp Lejeune, North Carolina, Quantico, Virginia, Fort Knox, Kentucky and other southern military reservations.

The District of Columbia has been no laggard in this pattern of change. Only where law is interpreted to forbid departure from segregation (as the D. C. Board of Education maintains is true here) has there been no corresponding progress. Private schools, at all levels of study, have dropped the color bar. This is true of pre-nursery, nursery, elementary and high schools, as well as colleges and graduate schools. (Table II, Appendix, *infra*).

⁵ The reactions of white students have been extremely favorable. They have welcomed the newly arrived Negroes with group demonstrations of approval, have called for change at colleges refusing admission to Negroes, have written articles for the press, and have called on the President of the United States for assistance to end racial restrictions. Table IV (B) Appendix, *infra*.

Moreover, neither in the District nor in other places which have known segregation are these changes occurring only in schools. We have compiled in Table IV a wide variety of instances (which is only a sampling of thousands of similar cases) in which places of public accommodation, voluntary associations, religious bodies, employers, and the athletic and entertainment world have followed where enlightened public thinking has beckoned.

These developments have significance for our problem because everywhere one looks—in colleges and universities, in factories, in state legislatures and city councils, in theaters, in stadia, in restaurants, in swimming pools, and throughout our Armed Forces—there has developed an increasing and cumulative mingling of people of different racial origins on a scale which makes ludicrous the continued separation of children in their formative years at school. Those who ride, play, and work, who fight and die together without strife may—nay, *do*—study together without strife.

This wide-ranging experience with integration, it should be added, is a judicial, not a legislative, consideration for it provides conclusive practical confirmation of the propositions that (1) separation based on race has no rational basis in our society and (2) integration presents nothing remotely like war-time “dire emergency and peril” which alone might justify separation (*Korematsu v. United States, supra*, p. 220), but in fact proceeds peacefully.

2. THE PROPHESED COMMUNITY RESISTANCE TO CHANGE.

Departures from segregation have been successful to a degree that surpasses even the most optimistic expectations of the proponents of such change. They continually refute the forecasts of those who on each and every such occasion predict violence, resistance, difficulties and, at very least, common dissatisfaction with the change.

If these predictions were made by those who previously had urged the removal of barriers toward equality they

might be listened to with good grace. But though the words are different the voice is the same. These are the last-ditch arguments of those who would still preserve something of their ancestors' 19th Century class superiority, with its intolerable burdens on other human beings, while they also enjoy all the benefits of 20th Century society.

Furthermore, the mere assertion of such factors as worthy of consideration by this Court necessarily implies a belief that even if the Constitutional rights of an individual—or thousands of individuals—are being violated justice shall be rendered them only if those who withhold those rights will consent. Such a belief our democracy rejects.

And this aside, these assertions are unsound judged even by empirical standards rather than moral principle. In *Sweatt v. Painter, supra* (October Term, 1949, No. 44), the appellees warned that "forced mixed schools" would "cause large withdrawals from the public schools" (Appellees' Brief, p. 175). The brief *amicus* filed by the Attorneys General of eleven states was even more direful (at p. 9), citing reports of impending disturbance at East St. Louis and Alton, Illinois, two southern Illinois cities where the schools were being desegregated under force by law, and of apparent trouble at desegregated swimming pools in Washington, D. C., and St. Louis, Missouri⁶:

⁶ The swimming pool incidents referred to by the Attorneys General refute rather than support their argument. In Washington, the disturbance was an isolated incident which has been followed since 1950 by operation of pools under jurisdiction of the Interior Department without segregation and without the slightest difficulty. Comment, 18 Univ. Chi. L. Rev. 769, 773-775 (1951). And the attendance has shown a continuing increase. (Table IV, item (8) Appendix, *infra*.) The St. Louis experience was even more revealing. There the city officials reacted to an outbreak of violence by reversing their previously adopted decision to end segregation. A law suit was commenced to prevent segregation. *Id.* at 771-772. United States District Judge Hulen firmly rejected the argument that segregation should be retained to prevent disorder. Calling this "a new and novel theory", he ruled that "The law permits of no such delay in the protection of plaintiffs' constitutional rights".

The Southern States trust that this Court will not strike down their power to keep peace, order, and support of the public schools by maintaining equal separate facilities. If the States are shorn of this police power and physical conflict takes place, as in the St. Louis and Washington swimming pools, the States are left with no alternative but to close their schools for that reason.

Of course, no "physical conflict" took place because of the decision which the Attorneys General feared. Instead, in less than two years the number of Negroes who have been peacefully integrated into Southern graduate and professional schools exceeds well over a thousand, and the tabulation is no longer a matter of much interest since the point is proved beyond debate.

In the *Henderson* case, *infra* (October Term, 1949, No. 25), the brief *amicus* filed by Rep. Sam Hobbs warned flatly that "that to adopt the contention of Appellant would be the kiss of death to render operation of the railroad impossible" (p. 5). In *Morgan v. Virginia*, 328 U. S. 373 (1946) (October Term, 1945, No. 704), the Commonwealth of Virginia, Appellee, warned that the statute which the Court subsequently invalidated was necessary to prevent violent altercations which would cause drivers to lose control of their busses (Appellee's brief, p. 14). The effects of a reversal of the decision below were painted in lurid terms (*Id.* at pp. 18-20).

Again, no such evils resulted. In fact, the Court of Appeals for the Fourth Circuit has had occasion to point out that no disorders occurred on the cars of a Virginia railroad which recently abandoned segregation to the extent it

Draper v. St. Louis, 92 F. Supp. 546, 549 (E.D. Mo., 1950). The following year, 1951, the pools were opened on a fully integrated basis. "Civil Rights in the United States in 1951", page 90. As indicated in the Appendix, both East St. Louis and Alton are examples of successful integration, rather than disturbance of any sort.

found convenient. *Chance v. Lambeth*, 186 F. 2d 879, 881, 882-883 (C.A. 4th, 1951).

We are not so naive as to discount the possibility of some forms of resistance to a decision that racial segregation in public grade schools is unconstitutional. But the prophecy of violence has so often been shown to be without substance⁷ that it is now made with little conviction. Of course, this Court conclusively answered what has been called the "rhetoric of violence"⁸ when it squarely held that the preservation of the public peace cannot be accomplished by laws which violate the Constitution. *Buchanan v. Warley*, 245 U. S. 60, 81 (1917).

It goes without saying that to deny a constitutional right because the lawless element of a community dislikes its enforcement is to suggest that the Federal compact is no match for the lynch-law mob.

Recognition of these facts by those who still seek to uphold segregation leads to their more sophisticated suggestion that the abolition of segregation at this time will (a) destroy public education in the South or (b) destroy the liberal or progressive movement in the South. The fact is that public education will no more be threatened by the Court's action against segregation in these cases than it was by its action in the cases of *Sweatt v. Painter*, *supra*; *McLaurin v. Oklahoma State Regents*, *supra*, and *Henderson v. United States*, 339 U. S. 816. At best such arguments in effect only urge delay in the disposition of the constitutional question. But delay is more likely to aggravate than to solve these alleged problems.⁹ Moreover,

⁷ Note, 61 Yale L. J. 730, 738-743 (1952); Lewis, *The Crisis That Never Came Off*, The Reporter, 1:12 (Dec. 6, 1949).

⁸ Comment, 18 Univ. Chi. L. Rev. 769, 781 (1951).

⁹ In the meantime the denial of constitutional rights is itself productive of disorder. As a Georgia court noted long ago, "in the end, if those laws are unfair, unjust, unequal, they will breed discontent and disorder, and it is better for the peace and good order of society that all shall have equal rights." *White v. Clements*, 39 Ga. 232, 269 (1869).

these arguments were not first urged upon this Court when the *Sweatt* and *Henderson* cases were argued; they were put forth over 75 years ago (*Cf.* 2 Cong. Record 4153 (1874); 3 Cong. Record 981-982, 997, 1002 (1875)).

Nor are these alleged problems peculiar to the South. The quality of individual prejudice is not governed solely by the residence of the individual. Integration proposals have brought prophecies of violent resistance in northern waterfront towns like Camden, N. J., no less than in Clarendon County, S. C., and of destruction of public education in Alton, Illinois no less than in Atlanta, Georgia. But Camden saw no violence and is fully integrated, and Alton, rather than give up the State's monetary contribution to its public schools, gave up segregation. This was done grudgingly, but it was done—peacefully and completely.

We submit that if there is to be resistance, it will take the form not of destruction but of evasion. And the patterns of evasion are by this time familiar. Although the practice of excluding Negroes from the Democratic Party primary in the South was first condemned in 1927 (*Nixon v. Herndon*, 273 U. S. 536) this Court was called on several times thereafter to consider the validity of attempted evasions of that decision.¹⁰ Even after the last decision there were further attempts—continuing to the present day¹¹—which were dealt with by the lower courts.¹²

¹⁰ *Nixon v. Condon*, 286 U. S. 73 (1932); *Grovy v. Townsend*, 295 U. S. 45 (1935); *Smith v. Allwright*, 321 U. S. 649 (1944); *Schnell v. Davis*, 336 U. S. 933 (1949).

¹¹ *Terry v. Adams*, 193 F. 2d 600 (C.A. 5th, 1952), cert. granted Nov. 12, 1952.

¹² *Chapman v. King*, 154 F. 2d 460 (C.A. 5th, 1946), cert. denied, 327 U. S. 800; *Mitchell v. Wright*, 154 F. 2d 924 (C.A. 5th, 1946), cert. denied, 329 U. S. 733; *Rice v. Elmore*, 165 F. 2d 387 (C.A. 4th, 1947), cert. denied, 333 U. S. 975; *Baskin v. Brown*, 174 F. 2d 391 (C.A. 4th, 1949); *Perry v. Cyphers*, 186 F. 2d 608 (C.A. 5th, 1951); *Adams v. Terry*, 193 F. 2d 600 (C.A. 5th, 1952); *Davis v. Schnell*, 81 F. Supp. 872 (D.C. S.D. Ala., 1949), aff'd without opinion, 336 U.S. 933 (1949); *Dean v. Thomas*, 93 F. Supp. 129 (D.C. E.D., La., 1950).

Ultimately the fight will be completely abandoned. Negroes are now voting in constantly increasing numbers in the Democratic primary and general elections in the South, and candidates make special efforts to win their support.¹³

And so, while we may expect gerrymandering and possibly so-called "private" corporations operating the schools for one or a few of the States, we freely predict that in this day and age there will be neither real abandonment nor educational deterioration of the public school system in the areas involved. Furthermore, in the District of Columbia community acceptance and respect for legal authority is obviously such that there can be no fear whatever that this Court's order will be resisted here. As Judge Edgerton said in his dissent in *Carr v. Corning*, 182 F. 2d 14, 33: "When United States courts order integration of District of Columbia schools *they will be integrated*". (Emphasis supplied).*

We know, too, that despite the urging of the prophets of doom this Court will not permit basic Constitutional rights to be reduced by the lowest pessimistic denominator.

¹³ Race and Suffrage in the South since 1940, Jackson, Luther P., *New South*, Vol. 3, pp. 1-26 (1948); *Civil Rights in the United States in 1951*, op. cit. *supra*, p. 18; *A Decade in Race Relations*, Wilkins, Roy, America, June 16, 1951, pp. 287-289; *Stakes Are Costly in Play for Texas*, N. Y. Times, Sept. 23, 1952.

* Only last week the Superintendent of Schools said the school system would not be unprepared for a decision ending segregation, *Washington Post*, Nov. 29, 1952. By contrast, we regard as particularly unfortunate the Court's statement in the *Carr* case, *supra*, p. 16, that the problems with which it was dealing were "insoluble by force of any sort." The same amount of "force" is exercised by segregated as by unsegregated schools. The present practices in the District of Columbia school system are just as "forceful" to those who desire to associate with their fellows without artificial racial barriers as an unsegregated system would be to those who wish to keep aloof.

B. Declared legislative prohibitions against segregation in other areas of activity in the District of Columbia demonstrate the further irrationality of school segregation.

The classification of groups of children in the public schools by skin color alone must also be tested in the light of legislative action affecting other group relationships in the community.

As early as 1865,¹⁴ the Congress expressly forbade any street railway company in the District of Columbia to exclude any person from any car, and since then there has been no "Jim-Crow" transportation in the District. In 1872 and 1873, the Legislative Assembly for the District enacted laws (referred to as the "Equal Service Laws") forbidding the refusal to serve any well-behaved person in any eating place, barber shop or hotel.¹⁵ Thereafter, in 1875, the Congress enacted the famed Civil Rights Act,¹⁶ forbidding racial discrimination or exclusion in places of public accommodation throughout the country, including the District of Columbia.

This series of legislative measures, then, carved out vast areas for the free association of peoples in the District. As opposed to the direct prohibitions *against* segregation in these instances where Congress has clearly expressed its intention on the subject, no instance has been found where the Congress *requires* segregation. (It should be noted that the statutes relied upon here as establishing a segregated school system are not mandatory in form—unlike school and other statutes in the South which explicitly re-

¹⁴ SECTION 5 of the Act of March 3, 1865, 13 Stat. 536.

¹⁵ The law of 1873 was recently held valid, and in force, in *District of Columbia v. John R. Thompson Co.*, 81 A. (2d) 249 (D.C. Mun. App.). An appeal is now pending in the United States Court of Appeals for the District of Columbia Circuit.

¹⁶ Act of March 1, 1875, 18 Stat. 335. This Act was declared invalid as applied to the States (*Civil Rights Cases*, 109 U. S. 3 (1883)) and, only because the provisions were considered nonseparable, to steamships in coastwise trade (*Butts v. Merchants and Miners Trans. Co.*, 230 U. S. 126 (1913)).

quire segregation. See compilation in the Appendix to the Petitioners' brief, herein.)

In this context, particularly in view of the other broad areas of present free community association mentioned in Section A, *supra*, it becomes impossible to accept as having rational foundation a legislative classification singling public school children alone out of the entire community for governmental separation based solely on race.

C. Present scientific understanding discredits traditional concepts of "race".

Governmental classifications must also be tested in the light of present-day scientific understanding.

It seems hardly necessary at this late date to offer proof that conduct governed by assumed distinctions attributed to race is wholly arbitrary. Moreover, the concept of "race", which has been thought to have a scientific explanation based on esoteric classifications used by physical anthropologists, have been demonstrated by mature students of anthropology to be largely lacking even such a foundation, and they have shown that no significance whatever can be attached to skin color alone. Boyd, *Genetics and the Races of Man* (Little, Brown & Co., 1950), pp. 10-27, 184-207.¹⁷

Certainly in the Western World *no* nation is anything but a mixture of many kinds of racial groups. The term

¹⁷ "The biological fact of race and the myth of 'race' should be distinguished. For all practical social purposes 'race' is not so much a biological phenomenon as a social myth. The myth of 'race' has created an enormous amount of human and social damage. * * * It still prevents the normal development of millions of human beings and deprives civilization of the effective co-operation of productive minds. The biological differences between ethnic groups should be disregarded from the standpoint of social acceptance and social action." *Statement by Experts on Race Problems*, United Nations Educational, Scientific and Cultural Organization, July 18, 1950. See also LaBarge, *The Race Question and the Negro*; Redfield, *What We Do Know About Race*, 57 *Scientific Monthly* 193 (Sept., 1943); Krogman, *An Anthropologist Looks at Race*, 7 *Intercultural Education News* 1 (Nov., 1945).

“white” is racially meaningless as applied to almost all American or European whites. There are fair-haired, tall, long-headed North Europeans and dark-haired, less tall, round-headed South Europeans. And there are all those who run the gamut. They are all *race mixtures*. Benedict & Weltfish, *Races of Mankind* (Public Affairs Committee, 1944). Even more certain is it that the American Negro is not a “race”. Not only were the original African slaves members of different “racial” groups (from different parts of Africa) but their cross-fertilization with “white” Americans has been extensive. As early as 1920 at least 15.9 per cent of the “Negro” population was visibly mulatto. Klineberg, *Characteristics of the American Negro* (Harper, 1944), p. 268. And a recent study by John Hopkins and Pittsburgh University professors discloses that the Negro population in the United States is 30 per cent white in its ancestry. Glass and Li, *Report on the Dynamics of Racial Intermixture*, Annual Meeting of American Institute of Biological Sciences at Cornell University (N. Y. Times, Sept. 8, 1952, 33:8); Comas, *Racial Myths* (UNESCO, 1951) pp. 1-26.

II

THE FACT THAT CONGRESS MADE PROVISION FOR THE ESTABLISHMENT OF SCHOOLS FOR NEGRO CHILDREN IN THE DISTRICT OF COLUMBIA BEFORE THE ADOPTION OF THE FOURTEENTH AMENDMENT DOES NOT JUSTIFY THE CONCLUSION THAT THE FOURTEENTH AMENDMENT WAS INTENDED TO PERMIT RACIAL SEGREGATION.

Petitioners urge in this case that racial segregation in the schools operated by the District of Columbia government is discriminatory *per se* and consequently prohibited by the Fifth Amendment. The argument rests on the firmly based principle that “distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality”. *Hirabayashi v. United States*, 320 U. S. 81, 100 (1943).

It is urged, however, by those seeking to uphold school separation based on race alone that neither the Fifth nor the Fourteenth Amendment to the Constitution, prohibits segregation.^{17a} In this connection, reliance is placed on certain statutes enacted by the United States Congress for the education of Negro children in the District of Columbia at about the same time the Congress submitted the Fourteenth Amendment to the states for ratification. The theory suggested is that these statutes expressly provided for the establishment of segregated schools for Negro and white children and that, hence, the Congress of that period could not have viewed the constitutional principles embodied in the Fourteenth Amendment as prohibiting racial segregation.

This argument was given much weight by the majority opinion (Edgerton, J., dissenting) of the Court of Appeals for the District of Columbia Circuit in *Carr v. Corning*, 182 F. 2d 14 (1950).¹⁸ Judge Prettyman's opinion there reviewed the statutes in question and concluded that they "conclusively support" the view that the Fourteenth Amendment does not prohibit segregation. *Ibid*, pp. 17-19.

We have already indicated our contention that the reason or unreason of a classification such as separate racial schools must be judged on the basis of contemporary conditions and current knowledge, and not governed by the dead hand of the past. *Weems v. United States*, 217 U. S. 349, 373-374, 378 (1910). But because we wish to meet squarely the argument from history, just outlined, we turn now to an analysis of the past as it is involved therein.

^{17a} Brief for Respondents herein, pp. 36-37; Brief for Appellees in *Briggs v. Elliott*, No. 101 this term, p. 15; Brief for Appellees in *Davis v. County School Board*, No. 191 this term, pp. 12-13.

¹⁸ The complaint in the *Carr* case, as in this one, challenged the constitutionality of segregation in the District of Columbia public schools. The Court of Appeals upheld segregation and no review of its decision was sought in this Court. In the instant case, the District Court in granting the motion to dismiss, stated in an oral opinion that it was bound by the *Carr* decision.

Such analysis shows that the conclusion on the part of the Court of Appeals in the *Carr* case was neither required nor justified in the light of the genesis of the local laws and of the Fourteenth Amendment. On the contrary, the conclusion that the Fourteenth Amendment was intended to prohibit segregation is fully documented in the penetrating study by Flack in his *The Adoption of the Fourteenth Amendment* (1908), by the petitioner's brief in *Sweatt v. Painter, supra* (pp. 54-62), by the *amicus* brief of the Committee of Law Teachers in that case (pp. 5-19), and by the latest and perhaps most exhaustive study of all, Frank and Munro, *The Original Understanding of "Equal Protection of the Laws,"* 50 Col. L. Rev. 131, 153-62 (1940). We shall not repeat that presentation here.

This conclusion cannot be cavalierly swept aside simply by finding in isolated statutes, narrow and localized in scope and enacted years before the ratification of a constitutional amendment over which the entire nation seethed, a purpose completely at variance with the whole thrust of that amendment as it was generally understood.

In the *Carr* case, Judge Prettyman cited six statutes. Only five of these are actually relevant.¹⁹ These five statutes were enacted between 1862 and 1866—and the dates are crucial, since the Court of Appeals inferred, from the fact that they were (1) contemporaneous with the passage by Congress of the proposed Fourteenth Amendment and (2) seemingly inconsistent with an anti-segregation in-

¹⁹ The reference in the *Carr* decision (pp. 17-18) to Sections 281, 282, 294 and 304 of the revision of the D. C. Statutes (Act of June 22, 1874, 18 Stat. part 2) appears erroneously to assume that these provisions were first enacted in that year. In fact, these are sections taken from the Act of June 25, 1864, 13 Stat. 187, 191, from which Judge Prettyman had already drawn significance, and no additional significance can be found in their inclusion in the 1874 Revision, since that was merely part of a Congressional attempt to provide up-to-date compilations of existing law—one such compilation for the District of Columbia, and another (U. S. Revised Statutes, 1872 and 1878) of the general laws of the United States. Certainly there is no suggestion that any consideration was given by Congress in 1874 to the determination of racial policy which is inherent in the inference drawn by Judge Prettyman.

terpretation of that Amendment, that the Amendment itself could not have been intended to abolish segregation.

But the inference is by no means either necessary or correct. It is based on a misconception of both the pertinency of the chronology and the purposes of the school statutes.

When the Fourteenth Amendment was proposed in June 1866, its framers obviously had no means of knowing how many years would elapse before its ratification by the states; in fact, it was not until July 1868, more than two years later, that it was declared ratified. The mere fact that the Amendment was proposed in 1866, at approximately the same time as the 1866 statutes, does not, as Judge Prettyman implies, necessarily impute to the Congress a purpose in that Amendment to perpetuate segregated schools.²⁰ It may equally suggest a desire to deal with the problem on a national basis rather than a local one, just as the Congress later did, in the Civil Rights Act of 1875, when it prohibited discrimination of any kind in places of public accommodation anywhere in the United States, including the District of Columbia.²¹ We recognize that Congress, *prior to* the Fourteenth Amendment, was making provision for schools which, when they were finally established, were separate. But to conclude from this that Congress intended to *perpetuate* this situation, come what may, is to fail to distinguish between mere recognition of the historical *fact* of segregation and a *mandate* for segregation.

In fact, what the historical development of public education for colored children does amply demonstrate is that the Congress was concerned in the 1860's with *obtaining* education for those children, and further that Congress was never faced with the issue of granting or denying a request

²⁰ Moreover, it should be recognized that there is significance in the fact that the path travelled through the Houses of Congress by the Bill dealing with District schools was obviously different from that taken by the Bill proposing the Fourteenth Amendment. The origin, committee consideration, and debates were totally different from the two matters.

²¹ Act of March 1, 1875, 18 Stat. 335.

that there should be "integrated" education. At that time public education of any kind was still regarded in many quarters as invidious, and education for the Negro (who in many states was still forbidden to learn to read or write) had only a short while prior thereto been deemed wholly objectionable by some legislators.²²

In 1862, only a few weeks after slaves were freed in the District of Columbia²³ (and almost a year before the Emancipation Proclamation of January 1, 1863) the Congressional action was an attempt for the first time to provide "free"²⁴ public education for colored children. The Congress was concerned with that problem *alone*.

Similarly, in 1864,²⁵ when Congress provided that the amount used to support schools for colored children should be appropriated from the general revenues of the cities of Washington and Georgetown in accordance with the ratio of colored children to the total number of children, Congress was faced only with the problem whether (in view of the exceedingly small sums allotted by the authorities to the colored schools)²⁶ they should continue to tax colored persons separately to support schools for colored children.²⁷

²² Cf. 62 Cong. Globe, 37th Cong., 3d Sess. 1326-1327 (1863).

²³ Act of April 16, 1862, 12 Stat. 376.

²⁴ Act of May 20, 1862, 12 Stat. 394; Act of May 21, 1862, 12 Stat. 407. In part, the purpose was to remedy the unjust discrimination of the existing D. C. school system which, as a result of slavery days, denied admittance to colored children while collecting taxes from their parents, forcing the latter to maintain their own schools. Bryan, *History of the National Capital*, Vol. II, (1916), pp. 137-38, 389, 524-528.

²⁵ Act of June 25, 1864, 13 Stat. 187, 191.

²⁶ In 1862 nothing was paid over by Georgetown and only \$8,256.25 by Washington. In 1863, Georgetown paid \$69.72 and Washington \$410.89. The need for additional funds was obvious. *Special Report of the Commissioner of Education on the Condition and Improvement of Public Schools in the District of Columbia*, p. 253, H. Rep. Ex. Doc. No. 315, 41st Cong., 2d Sess. (1871).

²⁷ The earlier Act of May 21, 1862, *supra*, n. 24, required the use of 10 percent of the taxes levied upon property of colored persons for the support of such schools.

So, too, when in 1866²⁸ Congress expressly ordered that the Act of 1864 be construed so as to require the cities of Washington and Georgetown to pay over the appropriated sums to the trustees of colored schools, Congress had not been requested to "integrate" but was acting only to overcome the continued reluctance of the municipal authorities to make any but the most completely inadequate provision for the education of colored children. And further, when the following week²⁹ the Congress authorized the conveyance of certain lands of the United States to the trustees of colored schools it was again seeking to *provide* education for colored children; it was not determining a question of racial policy. Since at that very time Congress was debating the question whether segregation would be outlawed by the proposed Amendment,³⁰ it may be supposed that Congress would have been astonished to be told that it was elsewhere determining that very question—and by means of a localized statute, not a Constitutional Amendment of nation-wide scope and interest.

In sum, the whole point is that the major portion of the period under analysis was *prior* to and not contemporaneous with the Fourteenth Amendment and (as the Corporation Counsel has argued in another context)³¹ "the laws setting up schools for colored were enacted at a time when members of that race were afforded no schooling whatsoever. The purpose of the laws was to give rather than to take away, was to afford opportunity rather than deny opportunity * * *."

Additional evidence of historical misconstruction in the *Carr* opinion is found in the fact that, contemporaneously with the adoption of the Fourteenth Amendment by the Congress, there was also enacted the bitterly fought over

²⁸ Act of July 23, 1866, 14 Stat. 216.

²⁹ Act of July 28, 1866, 14 Stat. 343.

³⁰ Flack, *Adoption of the Fourteenth Amendment* (1908), pp. 77-82.

³¹ Brief for Appellees in *Cogdell v. Sharpe*, No. 11,019, in U. S. Court of Appeals for District of Columbia Circuit, October Term, 1951, p. 58.

Civil Rights Bill of 1866.³² So significant was that Bill that the Amendment was "sidetracked to give full sway to that important measure."³³ This bill was generally understood to have the effect of opening white schools to Negroes.³⁴ But this very fact was believed to raise substantial doubts as to its validity on the ground that it was an exercise of the powers of the States. Accordingly, the first section of the Fourteenth Amendment was designed to meet this alleged Constitutional infirmity and to make secure the provisions of the Civil Rights Bill.³⁵

Following the ratification of the Amendment, the Bill was re-enacted³⁶ and has been enforced by this Court as recently as 1948, in *Hurd v. Hodge*, 334 U. S. 24.³⁷

Thus it is plain that the conclusion reached in the *Carr* case not only ignores the time sequence of the statutes and the ratification of the Amendment, but also gives a completely distorted significance to the school legislation.

CONCLUSION

The advances commenced by the Civil War were slowed and almost halted by judicial gloss on the Fourteenth Amendment. We trust that it is worth reminding the Court that segregation is not a Constitutional command. It was nothing more than a *de facto* social phenomenon until this Court itself gave it legal and Constitutional dignity by its majority decision in *Plessy v. Ferguson*. By

³² Act of April 9, 1866, 14 Stat. 27 (passed over veto). This is not the Act invalidated in the Civil Rights Cases.

³³ Flack, op. cit., *supra*, p. 20.

³⁴ *Ibid*, pp. 40-54; Frank and Munro, op. cit., *supra*, p. 160.

³⁵ *Ibid*, p. 55.

³⁶ Act of May 31, 1870, 16 Stat. 140.

³⁷ The respondents argue that the failure to include schools within the coverage of the Civil Rights Act of 1875 indicates Congressional intent to permit segregation. (Br. p. 37) The answer to this is two-fold: (1) It was not *that* Congress which proposed the Fourteenth Amendment; and (2) the omission of schools was a purely political and practical matter, not negating the understanding that the Amendment (though obviously not self-executing) did prohibit separate schools. Brief of the Committee of Law Teachers, op. cit., *supra*, pp. 14-16; Frank and Munro, op. cit., *supra*, pp. 156-162.

now it has become clear that "separate" in practice is never "equal", and it now needs only this Court's determination to strip from segregation its spurious dignity, by holding with Mr. Justice Harlan that "Our Constitution is color-blind."

Respectfully submitted,

AMERICAN COUNCIL ON HUMAN RIGHTS

By: *Aubrey E. Robinson, Jr.*

AMERICANS FOR DEMOCRATIC ACTION (Washington Chapter)

By: *Theodore C. Sorensen*

AMERICAN JEWISH COMMITTEE (Washington Chapter)

By: *William C. Koplovitz*

AMERICAN JEWISH CONGRESS, COMMISSION ON LAW & SOCIAL ACTION (Washington Chapter)

By: *S. Walter Shine*

CATHOLIC INTERRACIAL COUNCIL OF WASHINGTON

By: *John J. O'Connor*

COMMISSION ON COMMUNITY LIFE OF THE WASHINGTON FEDERATION OF CHURCHES

By: *L. Maynard Catchings*

DISTRICT OF COLUMBIA INDUSTRIAL UNION COUNCIL, C.I.O.

By: *Ben Segal*

D. C. FEDERATION OF CIVIC ASSOCIATIONS, INC.

By: *John B. Duncan*

FRIENDS COMMITTEE ON NATIONAL LEGISLATION

By: *E. Raymond Wilson*

JAPANESE AMERICAN CITIZENS LEAGUE

(Washington Chapter)

By: *Rikio Kumagai*

JEWISH COMMUNITY COUNCIL OF GREATER WASHINGTON

By: *Isaac Frank*

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (D. C. Branch)

By: *Constance E. H. Daniel*

UNITARIAN FELLOWSHIP FOR SOCIAL JUSTICE

(Washington Chapter)

By: *Margery T. Ware*

WASHINGTON BAR ASSOCIATION
By: *Joel D. Blackwell*

WASHINGTON ETHICAL SOCIETY
By: *Milton Chase*

WASHINGTON FELLOWSHIP
By: *Edwin B. Henderson*

WASHINGTON INTERRACIAL WORKSHOP
By: *Lillian Palenius*

WASHINGTON URBAN LEAGUE
By: *L. K. Shivery*

S. WALTER SHINE
THEODORE C. SORENSON
SANFORD H. BOLZ
SAMUEL B. GRONER
Counsel

December, 1952.

APPENDIX

The information in the following tables is culled from the files and resources of the organizations sponsoring this brief. It is intended to be only representative, not exhaustive, and it is believed to be accurate.

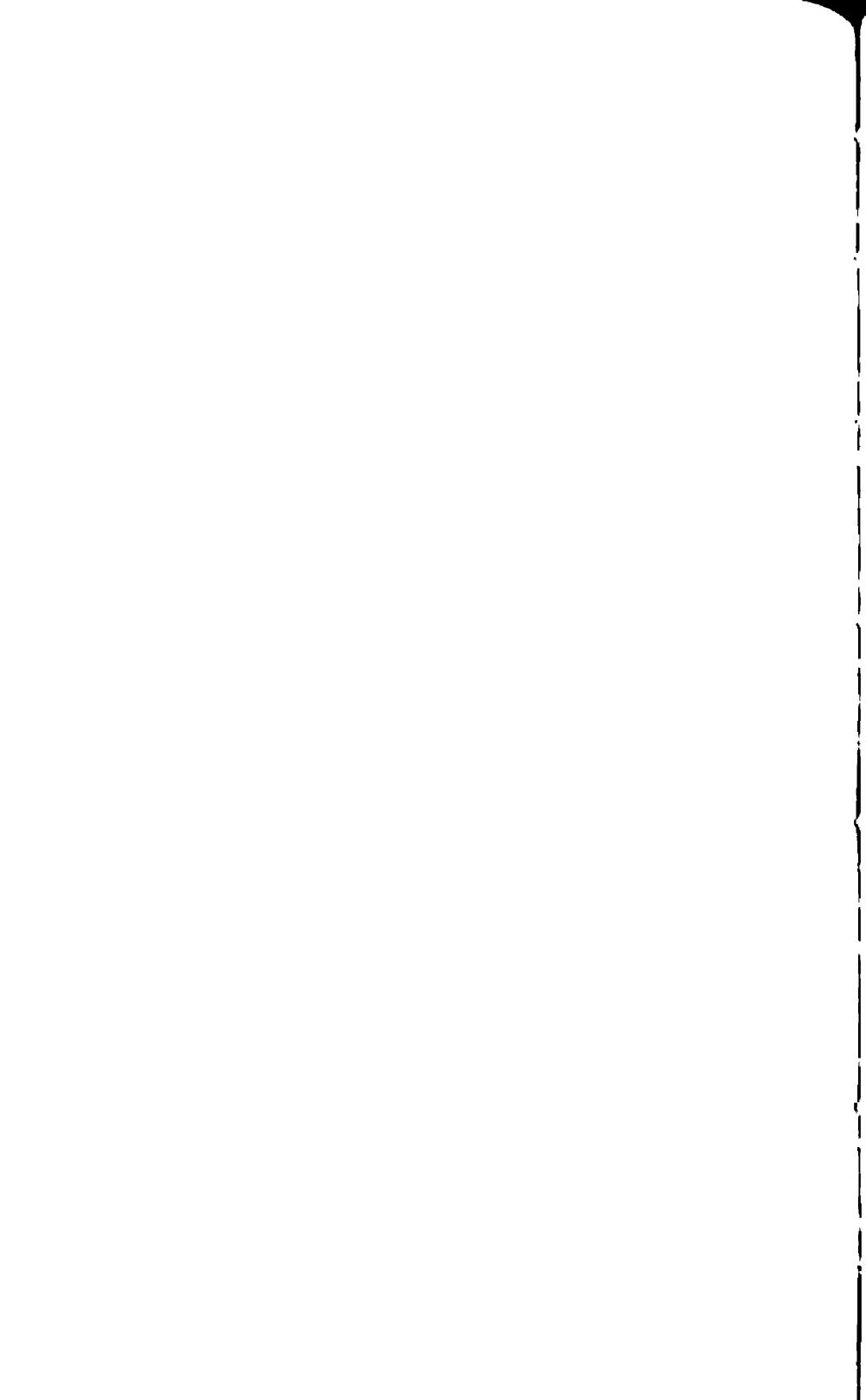


TABLE I

List of Cities in Southern and Border States in Which Some Schools, Colleges and Universities Have Been Recently Integrated.

| | | |
|------------------|----------------------|-----------------|
| ALABAMA | ILLINOIS (continued) | NORTH CAROLINA |
| Talladega | Sparta | Asheville |
| | Tamms | Camp Lejeune |
| ARIZONA | Ullin | Chapel Hill |
| Douglas | Waukegan | Fort Bragg |
| Duncan | | |
| Globe | INDIANA | OHIO |
| Miami | Elkhart | Allendale |
| Prescott | Gary | Cincinnati |
| Tolleson | Indianapolis | Glendale |
| Tucson | New Albany | Wilmington |
| | South Bend | |
| ARKANSAS | | OKLAHOMA |
| Fayetteville | KANSAS | Norman |
| Little Rock | Topeka | Stillwater |
| Pine Bluff | Lawrence | |
| | | SOUTH CAROLINA |
| CALIFORNIA | KENTUCKY | Greenville |
| Contra Costa | Berea | |
| County | Fort Knox | TENNESSEE |
| Imperial Valley | Lexington | Knoxville |
| Santa Ana County | Louisville | Mont Eagle |
| Mendota | Nazareth | |
| | Paducah | TEXAS |
| DISTRICT OF | | Amarillo |
| COLUMBIA | LOUISIANA | Austin |
| | Baton Rouge | Big Spring |
| DELAWARE | New Orleans | Corpus Christi |
| Claymont | | Dallas |
| Hockessin | MARYLAND | Fort Worth |
| Newark | Annapolis | Houston |
| | Baltimore | Plainview |
| GEORGIA | College Park | Wichita Falls |
| Decatur | Westminster | |
| | | VIRGINIA |
| ILLINOIS | MISSOURI | Alexandria |
| Alton | Columbia | Charlottesville |
| Argo | Kansas City | Fort Quantico |
| Cairo | St. Louis | Richmond |
| East St. Louis | | Williamsburg |
| Edwardsville | NEW MEXICO | |
| Harrisburg | Alamogordo | WEST VIRGINIA |
| Madison | Albuquerque | Buckhannon |
| Metropolis | Carlsbad | Morgantown |
| | Santa Fe | |

TABLE II

Schools, Colleges and Universities in the District of Columbia and Environs Which Will Accept Both White and Negro Students.

A. NURSERY, ELEMENTARY AND HIGH SCHOOLS:

All Catholic parochial schools
 Arlington Unitarian Church Summer School
 Baker's Dozen Youth Center
 Beauvoir Elementary School (1953)
 Bethesda-Chevy Chase Nursery School
 Burgundy Farms Country Day School
 Community Nursery School
 Georgetown Day School
 Green Acres Day School
 Hisacres New Thought Center Nursery School
 Kenilworth School (Mother's Club, Nursery)
 Lincoln Congregational Church Nursery School
 Raymond School (Mother's Club, Nursery)
 Rosedale School (Mother's Club, Nursery)
 Silver Spring Nursery School

B. COLLEGES AND UNIVERSITIES:

American University
 Catholic University
 Dunbarton College of Holy Cross
 Georgetown University (all but Foreign Service School)
 Howard University
 National Law School
 Trinity College

TABLE III

"The School Doors Open Wide"

Examples of Recent Admission of Negroes to Educational Institutions in the South and Border Areas

A. In the South

1. PUBLIC EDUCATION

a. ELEMENTARY AND HIGH SCHOOL LEVEL

Delaware

Claymont—Negroes attend Claymont public school previously restricted to whites, for first time, under court order.¹

Hockessin—Negroes admitted to Hockessin white public school, as ordered by state court.²

Kentucky

Fort Knox—Base public school, supported entirely by Federal funds, admits both Negro and white students on equal basis.

Maryland

Baltimore—Negro boys admitted to Baltimore's Polytechnic Institute (High School) although municipal ordinance bars admission.³

North Carolina

Camp Lejeune—Public school at Camp Lejeune, supported entirely by Federal funds, has successfully integrated its white and Negro students.

Fort Bragg—Integrated public school at Fort Bragg, operated entirely with Federal funds, operated without fanfare or incident since September, 1951. Only one parental complaint, about Negro students and teacher, soon ended.⁴

Virginia

Fort Quantico—Public school at Fort Quantico operates without segregation.

b. COLLEGE AND GRADUATE LEVEL

Arkansas

Fayetteville—Several hundred Negro students have received a friendly acceptance for nearly 4 years in graduate and professional schools of University of Arkansas.⁵

Little Rock—Negroes accepted without incident in law, education, and medical graduate schools of University of Arkansas, despite one local objection.⁶

Delaware

Newark—University of Delaware at Newark admits qualified Negroes to any course which is not provided at Delaware State College for Negroes.⁷

Kentucky

Louisville—Louisville Municipal University and Negro College completely and successfully integrated at graduate and undergraduate levels, in classes, dormitories, cafeteria, and all student activities. "A magnificent success," says Pres. Davidson.⁸

Lexington—University of Kentucky has successfully opened up graduate and professional schools to several hundred Negro students, who face no segregation in such places as the cafeteria.⁹

Paducah—Under court order, a Negro applicant has been accepted at Paducah Junior College.¹⁰

Louisiana

Baton Rouge—Negro student accepted without incident at Louisiana State University.¹¹

New Orleans—Louisiana State University graduate college is open to Negro students.

Maryland

Annapolis—Negro graduates from U. S. Naval Academy at Annapolis.¹²

College Park—University of Maryland admits qualified Negroes to graduate and undergraduate schools. (Negroes have been admitted to the law school since 1935.) Integration (including admission to dormitory life) has been wholly successful.¹³

Missouri

Columbia—Negroes are being admitted to the University of Missouri after favorable action by students, administrators, and others, and without incident.¹⁴

St. Louis—Harris Teachers College, a municipal institution, admitted its first Negro under court order.¹⁵

North Carolina

Chapel Hill—Several Negroes attend University of North Carolina law school, as 2 graduates pass state bar examination. Other graduate schools also opened without incident.¹⁶

Oklahoma

Norman—Negro students have attended, and graduated from, various divisions of the University of Oklahoma since 1948, with no trouble of any kind.¹⁷

Stillwater—Negroes admitted to Oklahoma A. & M., join white students in athletic and other similar activities, without difficulty.¹⁸

Tennessee

Knoxville—Negroes have been admitted to some of the graduate and professional schools of the University of Kentucky, without difficulty.¹⁹

Texas

Amarillo—Amarillo Junior College now admits Negro students.

Austin—Negroes enrolled successfully, despite widespread protest, in September 1950, at University of Texas.²¹

Texas University admits first two Negroes to Dental School.^{21a}

Corpus Christi—Del Mar Municipal Junior College has opened its doors to qualified Negro residents of Corpus Christi.²²

Big Spring—Howard Junior College, previously all white, has opened its doors to Negro students.²³

Wichita Falls—Midwestern University ordered by Federal Court to admit colored students.²⁴

Virginia

Charlottesville—Negroes admitted without incident to University of Virginia for first time in 1950.²⁵

West Virginia

Morgantown—Negro students have been accepted into the University of West Virginia graduate, and more recently undergraduate, colleges successfully.²⁶

2. PRIVATE EDUCATIONAL INSTITUTIONS

Alabama

Talladega—Talladega College becomes Alabama's first mixed educational institution by enrollment of a white student (other than a child of a white faculty member).²⁷

District of Columbia

Washington—All catholic and most of the other parochial schools, and most private schools, have begun to operate in past several years on an interracial basis; so has the pre-nursery school program operated in cooperation with the District Recreation Department, youth centers, day-care centers, and other private institutions of an educational nature (See: Table II)

Negroes have been accepted in Georgetown University, Catholic University, National Law School, Washington College of Law, Dumbarton College of Holy Cross, Trinity College, and American University.

Georgia

Decatur—Columbia Theological School now admits Negroes.²⁸

Kentucky

Berea—Berea College, subject of a 1908 court case upholding segregation, has successfully integrated Negroes at all levels since 1950.²⁹

Louisville—Negroes successfully admitted to undergraduate schools of Ursuline College, Louisville Theological Seminary, Nazareth College, the Nursing School of St. Joseph's Infirmary, and Bellarmine College.³⁰

Louisiana

New Orleans—Loyola University of this city and Southern Baptist Theological Seminary now admit Negro students.³¹

Maryland

Annapolis—Negro graduates, as another enrolls, at St. John's College in Annapolis.³²

Baltimore—Johns Hopkins University in Baltimore has admitted Negroes each year since World War II.³³

Westminster—Westminster Theological Seminary has opened its doors to Negroes.³⁴

Missouri

St. Louis—Large numbers of Negro students have attended St. Louis University, where Negroes also serve on the faculty, since 1944. Washington University of St. Louis has admitted Negro students and has had Negro visiting professor, for some time. The St. Louis College of Pharmacy and Allied Sciences began admitting Negroes this year.³⁵

St. Louis Catholic parochial schools have been integrated by order of the Catholic hierarchy, and have operated wholly without incident despite some parental protests.³⁶

North Carolina

Asheville—Black Mountain College announces that its doors are opened to all persons regardless of color.³⁷

Texas

Austin—The Austin Theological Seminary now admits Negro students.³⁸

Dallas—Southern Methodist University has admitted 3 Negro students to its graduate school of theology.³⁹

Forth Worth—Southwestern Baptist Seminary now accepts Negro students.⁴⁰

Plainview—The local theological school, Wayland College, accepts Negroes.⁴¹

Virginia

Alexandria—Burgundy Farm Country Day School is a most successful example of interracial operation on both the student and faculty level.⁴²

Richmond—The Union Theological Seminary, and the Richmond Professional Institute, both admit Negroes now, though formerly open only to white students.⁴³

Williamsburg—First Negro student is admitted to William and Mary College.⁴⁴

West Virginia

Buckhannon—West Virginia Wesleyan has abolished segregation in its school entirely, after admitting Negroes to specific courses for some time.⁴⁵

B. In Southwestern, Border and Other Areas.**1. PUBLIC EDUCATION****a. ELEMENTARY AND HIGH SCHOOL LEVEL***Arizona*

Douglas—Public schools have been integrated.

Duncan—Public School segregation of white and Negro students ends as litigation is settled out of court.⁴⁶

Globe—Globe public schools are integrated without incident.⁴⁷

Miami—Segregation in the public schools ends here without difficulty of any sort.⁴⁸

Prescott—Segregated schools end successfully in Prescott.⁴⁹

Talleson—Segregation of pupils of latin descent is ended by Federal Court order.⁵⁰

Tuscon—Segregated public schools ended in Tuscon with full integration of students, teachers and administrators in 1951. In spite of many advance protests, Superintendent Morrow says system works well.⁵¹

(All the foregoing occurred following 1950 state referendum authorizing integration by School Boards)⁵²

California

Imperial Valley—Kindergarten and elementary pupils and teachers have been integrated.

Contra Costa County—Segregation is ended in county schools by Federal Court order.⁵³

Mendota—Integration of separate schools for Mexican and white children is highly successful.⁵⁴

Santa Ana—Segregation of Mexican school children in the Westminster School District is ended by court order.⁵⁵

Illinois

Alton—Long-standing segregation in public schools of Alton successfully ended, despite rumors of trouble and initial protests.

Argo—Segregation in public schools successfully ended.

Cairo—Despite violent objections, schools successfully maintain new policy of opening schools to all, and strife ceases.⁵⁶

Edwardsville—Segregation in public schools successfully ended.

East St. Louis—85 year policy of segregation ended without difficulty in 1950, despite rumors of trouble and student strikes which did not occur.⁵⁷

Harrisburg—Segregation in public schools ended without incident.

Tamms—Public schools successfully end segregation in 1951.⁵⁸

Ullin—Schools here were integrated in 1951 without any difficulty.⁵⁹

Waukegan—Public schools successfully integrated in 1951.⁶⁰

Indiana

Gary—Protests and disorder successfully overcome as large Negro and white student bodies became completely integrated.⁶¹

Indianapolis—Despite agitation by the K.K.K., separate Negro and white schools at Indianapolis are integrated without serious disruption.⁶²

New Albany—Segregated school systems completely and successfully integrated with respect to both teachers and students.

New Jersey

General—Nearly four dozen communities in New Jersey have seen their Negro and white schools integrated successfully in the past several years. The few protests and withdrawals which arose were quietly ended by the finality of the decision. Segregation in a peaceful and successful manner was particularly significant in towns which evidenced strong prejudice, including populations of lower than average educational background, as well as those of intellectual and cultural pride, where both teachers and students were successfully integrated.

Communities in New Jersey where public schools have been integrated include: Freehold, Camden, Haddonfield, Burlington, Bordentown, Cape May, Egg Harbor, Fair Haven, Florence, Greenwich, Long Branch, Lower Penns Neck, Palmgra, Penns Grove, Pleasantville, Princeton, Princeton Township, Quin-

ton, Riverside, Salem, Shrewsbury, Woodstown, Trenton, Asbury Park, Mount Holly and Atlantic City.⁶³

Princeton—In intellectually elite Princeton, installation of a Negro teacher in the newly-integrated school attended by children of both races caused a withdrawal of seven children to the exclusive private schools nearby; yet all but one returned before semester's end.⁶⁴

Salem—In Southern-like Salem, N. J., where over one-third of the students were colored, the white and Negro schools were completely integrated with a Negro principal remaining in charge of white teachers. There was no difficulty.⁶⁵

New Mexico

Alamogordo—Segregation in public schools is abolished and Negro faculty member appointed.⁶⁶

Albuquerque—Segregation of public school systems is ended in this large city of Southern traditions.

Carlsbad—Schools integrated for first time in 1951, after welcoming vote by students and faculty.⁶⁷

Santa Fe—Racial segregation in public school system is ended.

Ohio

Glendale—Segregation in Glendale public schools ends on advice of County Attorney.⁶⁸

Wilmington—Further desegregation of grade levels in elementary schools undertaken, high schools already being non-segregated.⁶⁹

Pennsylvania

Carlisle—Segregation of Negro children eliminated from school system.⁷⁰

b. COLLEGE AND GRADUATE LEVEL

Note: Successful integration in these institutions outside of the South has been too widespread and universally accepted for recent developments to be regarded as significant.

For some examples and surveys see: National Scholarship Service and Fund for Negro Students, "Opportunities in Interracial Colleges," 1951 (over 200 interracial colleges listed); Roche, "Catholic Colleges and the Negro Student," 1948 (overwhelming majority of Catholic colleges admit Negroes); Texas Legislature Council, "Staff Monograph on Higher Education for Negroes in Texas," 1951 (Negroes at University of Texas and other Southern institutions, following *Sweatt* and other cases); Na-

tional Assn. of Intergroup Relations Officials, "Toward Equality in Education," 1952 (white students enrolled at Southern Negro colleges, and more white colleges than listed here would welcome Negro students if enabled to do so); "The American Negro in College, 1949-1950," *Crisis*, Vol. 57, No. 8, p. 488; "The American Negro in College, 1950-1951," *Crisis*, Vol. 58, No. 7, p. 445. Sorensen, "The School Doors Swing Open," *New Republic*, 127:13, Dec. 15, 1952.

2. PRIVATE EDUCATIONAL INSTITUTIONS

Note: Successful integration in these institutions outside of the South has been too widespread and universally accepted for recent developments to be regarded as significant.

Sources for information in Table III are listed below. The abbreviations refer to the following publications:

B.S.—“Civil Rights in the United States—A Balance Sheet of Group Relations,” published jointly each year by the American Jewish Congress and the National Association for the Advancement of Colored People.

J.N.E.—Journal of Negro Education.

N.Y.T.—New York Times.

W.A.A.—Washington Afro-American.

W.D.N.—Washington Daily News.

W.E.S.—Washington Evening Star.

W.P.—Washington Post.

- 1 W.A.A., 4-5-52.
- 2 W.A.A., 4-5-52; N.Y.T., 8-29-52.
- 3 W.D.N., 9-4-52.
- 4 W.P., 10-14-51.
- 5 N.Y.T., 10-23-50.
- 6 N.Y.T., 10-23-50; W.A.A., 11-27-51.
- 7 1948 B.S., p. 24.
- 8 New Republic, 7-21-52.
- 9 N.Y.T., 10-23-50.
- 10 1950 B.S., p. 44.
- 11 1950 B.S., p. 44; W.E.S., 3-28-52.
- 12 W.E.S., 6-7-52.
- 13 1948 B.S., p. 24.
- 14 1950 B.S., p. 44.
- 15 1949 B.S., p. 32.
- 16 The Voice (A.N.P.), 9-18-52; W.A.A., 5-1-51.
- 17 1950 B.S., p. 44.
- 18 1950 B.S., p. 45.
- 19 W.E.S., 1-12-52; N.Y.T., 10-23-52.
- 20 Amsterdam News, 8-9-52.
- 21 N.Y.T., 10-23-50.
- 21a N.Y.T., 9-11-52, 38:8.
- 22 Amsterdam News, 8-9-52.
- 23 Amsterdam News, 8-9-52.
- 24 W.A.A., 1-52.
- 25 N.Y.T., 10-23-50.
- 26 N.Y.T., 10-23-52.
- 27 W.A.A., 1-52; N.Y.T., 2-4-52.
- 28 1951 B.S., p. 66.
- 29 N.Y.T., 10-23-50.
- 30 N.Y.T., 10-23-50; W.A.A., 1952; Colored Harvest, 11-52; Crisis, No. 5, 1952, p. 594.
- 31 W.A.A., —, 1952.
- 32 W.E.S., 7-10-52; N.Y.T., 1-2-49.
- 33 1951 B.S., p. 66.
- 34 W.A.A., —, 1952.
- 35 St. Louis Argus, 6-20-52; N.Y.T., 10-23-50; 1951, B.S., p. 66.
- 36 Rose (ed.), Race Prejudice and Discrimination (1951), p. 548.
- 37 W.A.A., 1952.
- 38 1951 B.S., p. 66.
- 39 1951 B.S., p. 66.
- 40 1951 B.S., p. 66.
- 41 1951 B.S., p. 66.
- 42 W.P., 7-19-52.
- 43 1951 B.S., pp. 66-67.
- 44 W.A.A., 5-18-51.
- 45 1949 B.S., p. 32.
- 46 1949 B.S., p. 33.
- 47 Nation, 4-28-51.
- 48 Nation, 4-28-51.
- 49 Nation, 4-28-51.
- 50 1951 B.S., p. 65.
- 51 Time, 10-8-51.
- 52 1951 B.S., p. 58.
- 53 W.A.A., 11-20-51.
- 54 Survey, 1951.
- 55 Westminster.
- 56 Time, 2-18-52; Nation, 2-9-52; N.Y.T., 9-7-52, 14:1.
- 57 N.Y.T., 12-22-49, 1-30-50.
- 58 W.A.A., 9-31-52.
- 59 W.A.A., 9-30-52.
- 60 W.A.A., 9-30-52.
- 61 N.Y.T., 6-7-47, 9-13-47.
- 62 The Reporter, 12-6-49.
- 63 N.Y.T., 6-5-48; J.N.E., Summer, 1952.
- 64 J.N.E., Summer 1952.
- 65 J.N.E., Summer 1952.
- 66 The Voice (A.N.P.), 9-4-52.
- 67 Nation, 9-22-51.
- 68 W.A.A., 10-21-52.
- 69 1950 B.S., p. 49.
- 70 1948 B.S., p. 24.

TABLE IV

"The Old Order Changeth"
**(Representative Departures From Segregation Throughout
the Nation)**

A. In Public Accommodations*Alabama*

1. United Nations Week observed by inter-racial, inter-faith celebration in Birmingham (1951).

Arkansas

2. Little Rock Public Library ends entry ban against Negroes (1951).
3. McRae Memorial Sanatorium opens near Little Rock with inter-racial surgical staff (1951).

Delaware

4. Six movie houses in Wilmington admit Negroes for the first time (1952).

District of Columbia

5. Refusal to carry Negroes on Potomac River's Wilson Line excursion boat is ended by Interstate Commerce Commission order (1951).
6. Eating places in District of Columbia serving without discrimination following efforts of "Coordinating Committee for the Enforcement of D. C. Anti-Discrimination Laws of 1872-1873" are listed as follows:

1950

April—Greyhound Post House.

July—Kann's Department Store.

July—Trailways Depot.

Sept.—G. C. Murphy & Co. (Park Road),

Woolworth & Co. (all stores),

F & W Grand (all stores),

McCrorry (all stores),

Goldenberg Department Store.

1951

Jan.—S. S. Kresge Co. (all stores).

April—McBride's.

July—Neisner's.

1952

Jan.—Hecht Co.

March—Lansburgh & Bro. Dept. Store.

Sept.—G. C. Murphy & Co. (F St. store).

Also listed by the Committee are 27 other eating places as well as many hotel dining rooms (1952).

7. Recreation Board's annual report reveals increase in attendance at playgrounds, including integrated areas. Recreation Dept. head reports integrated units operated much more fully than those on segregated basis (1951).
8. Attendance at inter-racial pools increased in 1951 by 24% over 1950; no disturbances of any kind since 1949 (1951). D. C. Recreation Board continues policy of gradual abandonment of segregation. Four more playgrounds declared "open" after widespread community discussion and much opposition. No "incidents" reported following change of designation of the playgrounds (1952).
9. Summer theatre for mixed audience opens at Meridian Hill Park; hailed as complete success (1949).
10. U. S. O. canteen in District's Lafayette Square opens as integrated center (1951).
11. Negro Wave is crowned carnival queen of U. S. O.'s integrated Lafayette Square canteen, winning over eight white contestants (1952).
12. Eleven Howard University and two Meharry interns (Negro) join staff of District's Gallinger Hospital, continuing a process commenced in May 1949 with "no incidents" (1951).
13. Inaugural Committee chairman announces policy of non-segregation at Inaugural ceremonies, including ball, during January, 1953; asks for relaxation of segregation by restaurants and hotels (1952).

Florida

14. Unsegregated audience of 7,000 sees "Jazz at the Philharmonic" concert in Miami (1951).
15. Miami opens new library to all persons, regardless of color (1952).
16. Negro Doctor is appointed to staff of white hospital in Miami Beach; first such appointment in the South (1952).

Kentucky

17. Louisville's five public golf courses opened to Negroes by Mayor following Federal Court action (1952).
18. Negroes admitted for first time to all departments of main branch of Louisville Public Library (1948).
19. State Legislature passes hospital bill containing anti-discrimination clause (1952).

Louisiana

20. New Orleans ends some segregation at Union Station (1951).

Maryland

21. Baltimore Marine Hospital now completely without segregation in any of its facilities (1951).
22. State Legislature repeals law segregating Negroes on intrastate steamboats and railways (1951).
23. Baltimore Park Board ends segregation at 4 city golf courses, 20 tennis courts, baseball fields, playgrounds, and other facilities (1951).
24. Campers and counsellors are integrated at Senior High Conference and Junior High Camps at Colona, Md., operated by the Board of Christian Education of the Presbyteries of Baltimore, Washington and New York (1952).
25. Baltimore's Friendship International Airport agrees to serve all persons regardless of color in dining room and cocktail lounge (1952).
26. Gov. McKeldin calls racial bias in theatres "offensive and illogical" (1952).
27. Ford Theatre in Baltimore drops segregation policy in effect since 1871 (1952).
28. Christ Child Home for Convalescent Children opens in Rockville for children of all races (1952).

Missouri

29. St. Louis municipal pools continue to operate on non-segregated basis in 1951; attendance closer to average of past years than in 1950, first year of non-segregation.
30. Kansas City Council ends segregation at public events in Municipal Auditorium, Municipal Air Terminal, and Municipal Starlight Theatre (1951).
31. St. Louis County recreation park concessionaires comply with order to serve Negroes (1951).
32. Publishers attending St. Louis convention astonished when, for first time, all downtown hotels accept colored guests, thus expanding breaches in segregation pattern previously made in parks, swimming pools, municipal opera, airport facilities, and colleges (1952).
33. U. S. District Court bans segregation in publicly-owned swimming pools in Kansas City (1951).

New Jersey

34. Atlantic City Hospital accepts Negro doctors and nurses on staff for the first time (1950).

New Mexico

35. Albuquerque City Commission enacts strong anti-discrimination ordinance for all places of public accommodation (1952).
36. La Fonda Hotel in Santa Fe accepts Negro guest for first time in its history (1952).

North Carolina

37. First unsegregated radio audience in history of Charlotte meets for Town Meeting of Air program (1948).

Ohio

38. East Liverpool ends segregation in public swimming pools without difficulty (1951).
39. Eleven of fifteen public swimming pools in Cincinnati are operated on non-segregated basis (1951).
40. Airport restaurant agrees to ban discrimination against Negroes at Cincinnati airport (1951).

Oklahoma

41. Segregation in all forms for both interstate and intrastate riders is eliminated from Rock Island Railway by company order (1951).

Pennsylvania

42. Pennsylvania Railroad ends discrimination in reserving coach seats on travel destined for the South (1949).

Texas

43. Austin's city council opens main branch of its public library to all citizens (1952).
44. Unsegregated audiences attend concert of "Jazz at the Philharmonic" troupe at El Paso and San Antonio (1952).
45. Winnie Street YWCA opens all-white dining room to colored persons (1951).
46. Dallas' Baker Hotel serves Negro luncheon guest for first time as one of winners of contest sponsored by Serra Club (1952).

Virginia

47. First non-segregated audience in history of Norfolk Museum of Arts and Sciences attends exhibition and lecture (1949).
48. White and Negro seamen mingle unrestrictedly in Norfolk's new National Maritime Union Building (1949).
49. Manager of Charles Department Store in Richmond affirms non-segregation policy in lunch room and continued lack of friction (1951).
50. Restaurant ordered by court to end racial segregation at Washington National Airport (1948).
51. Gov. Battle and Gov. Scott of North Carolina speak to unsegregated audience at the Mosque in Richmond (1951).
52. Historic Williamsburg Inn entertains first Negro guests (1952).

West Virginia

53. Airport restaurant in Charleston halts discrimination against Negroes after court order (1951).

B. In the Field of Education*South*

54. Roper survey shows that 42 percent of persons in the South think that "eventually children of all races and colors will go to the same public schools together everywhere, including the South" (1950).
55. 200 teachers from 116 Southern and border state colleges and universities, meeting at Atlanta University, on a non-segregated basis, call for removal of all laws requiring segregation in education (1950).
56. About 100 college presidents, deans, and other educators unanimously adopt recommendation to all institutions of higher learning to eliminate all forms of racial segregation and discrimination in admission (1949).
57. Southern Conference Educational Fund announces poll of 15,000 Southern college teachers shows 70% of those replying (3,375) favor admission of Negroes to professional and graduate schools (1949).

Alabama

58. Auburn Institute student newspaper calls for admission of Negroes to white colleges (1950). See items 67, 79 below.
57. Talladega College (Birmingham) names first Negro president (1952).

Arkansas

60. Negro law student at University of Arkansas is elected president of dormitory, most of whose residents are white (1952).

California

61. Woman teacher is first Negro appointed to Los Angeles Board of Education (1952).

District of Columbia

62. Student newspaper at George Washington University urges university officials to permit admission of Negro students (1949).
63. Howard and Fisk Universities are first two Negro institutions admitted to Phi Beta Kappa (1952).
64. Superintendent of Schools announces abandonment of rule that Negroes and whites cannot appear together during school hours at any school building (1952).

Florida

65. The state-wide Florida Student Government Association adopts resolution opposing segregation (1951).

Georgia

66. Georgia University Regents reject \$10,000 gift from J. W. Pew to distribute book favoring segregation and white supremacy (1951).
67. Three Negroes win high awards at Atlanta University's annual art exhibition (1951).
68. Negro elected to Augusta's Board of Education, first time since Reconstruction days any Negro has held public office in Richmond County (1952).
67. Emory University student publication calls for admission of Negroes to white graduate schools and colleges (1950).
70. Students at Candler School of Theology in Atlanta vote, 234 to 13, in favor of admitting Negroes (1950).
71. Students and faculty at Piedmont College attack the institution's acceptance of gift from anti-Negro propagandist (1951).

Indiana

72. All opposition to Negroes has broken down in clubs, dormitory life and classes at Notre Dame and St. Mary's College for Women (1949).

Kentucky

73. Catholic Committee of the South recommends all institutions of higher learning admit Negroes without discrimination (1949).

Louisiana

74. Non-segregated audience of elementary and high school teachers meets in New Orleans school building for first time to discuss joint educational problems (1952).

Maryland

75. Baltimore witnesses first inter-racial summer vacation school for children, sponsored by Baltimore's Catholic Inter-racial Council (1952).
76. Governor McKeldin appoints Negroes to state and county boards of education (1951).
77. Co-ordinating Council of School P. T. A.'s of Baltimore, having small number of Negroes, chooses Negro man for vice-president over white woman opponent (1952).

Mississippi

78. Jefferson Military College (Natchez) refuses 50 million dollar endowment from Armstrong Texas Education Association conditioned on school limiting enrollment to "white Christians" and proselytizing for "white supremacy" (1949).
79. Student publication of University of Mississippi calls for "admission of Negroes to white graduate schools," concluding that "the pigment of a man's skin should not make any difference." Student senate refuses to order editor's discharge. Millsaps College publication echoes same view (1950).

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Missouri

80. Students at Missouri University vote, 4,156 to 1,847, in favor of admitting Negroes. Curators of the university recommended legislation to admit Negroes to facilities not found at Lincoln University (1949).

New Jersey

81. First Negro is appointed to Jersey City Board of Education (1950).

North Carolina

82. Negro doctor is first of his race to become member of North Carolina Board of Education (1949).
83. University of North Carolina's "tacit understanding" to enforce segregation at all public meetings is denounced by the president of the student body and other campus leaders and in lead editorial of student newspaper (1950).
84. Order of University of North Carolina officials banning newly-admitted Negro students from cheering section at football games reversed after sharp criticism of, and protest against, order by 14 student organizations (1951).
85. First Negro is appointed to Durham's Board of Education (1951).

Oklahoma

86. One thousand white students at Oklahoma State University burn copy of Fourteenth Amendment and mail ashes to President Truman to protest school's segregation policy (1948).

South Carolina

87. Student at College of Charleston polls 152 fellow-students, 126 of whom stated it would make no difference to them if Negroes were admitted to their classes and 91 said Negroes had a "moral and ethical" right to attend (1951).

Tennessee

88. Eight of nine faculty members resign in protest over decision of trustees of University of the South (Sewanee) not to admit Negroes to the theological school (1952).
89. Members of the faculty of the third annual Cumberland Forest Music Festival cancel teaching and concert as protest against refusal of Sewanee to admit Negroes (1952).
90. First Negro educator named as supervisor of instruction for Nashville elementary and secondary schools (1952).
91. Dr. H. D. West is first Negro to head Meharry Medical College (1952).

Texas

92. University of Texas school newspaper commends Supreme Court's *Sweatt* decision and declares: "All over the South the new change is being accepted with good grace. Nowhere has there been a suggestion that race relations have been injured, rather to the contrary" (1950).

Virginia

93. Ralph Bunche addresses mixed audience, largest in history of University of Virginia, despite segregation law (1951).

C. In Voluntary Associations

1. DOCTORS

Alabama

94. 500 Negro and white doctors attend annual meeting at John A. Andrew Clinical Society (1951).

District of Columbia

95. D. C. Optometric Association, by unanimous vote, admits first Negro (1952).
96. D. C. Medical Society admits five Negro physicians for first time after overwhelming approval by membership (1952).

Florida

97. Florida Medical Association admits Negroes for the first time (1950).

Georgia

98. Georgia Medical Association admits Negroes to scientific sessions (1952).
99. Fulton County Medical Association in Atlanta, by vote of 176 to 33, removes bar to membership of qualified Negro physicians (1952).

Kentucky

100. Kentucky Medical Association abandons race as a qualification to membership (1951).

Missouri

101. Missouri Medical Association votes, 60 to 16, to change constitution and admit Negro doctors (1949).
102. St. Louis Dental Society votes almost 2 to 1 to unite Negroes to membership (1951).

Oklahoma

103. Oklahoma Medical Association votes to invite Negro physicians to attend scientific sessions (1950).

Tennessee

104. Newly-elected president of Tennessee State Medical Association calls for removal of race bar.

Virginia

105. Delegates from Northern Virginia branch of Medical Society of Virginia to vote to change society's color bar (1951).

2. NURSES

106. National Association of Colored Graduate Nurses disbands, having achieved its purpose of integrating Negro nurses into nursing profession.
107. American Nurses Association approves full Negro role in all activities (1950).

Alabama

108. Alabama Nurses Association votes to admit Negroes to membership (1949).

Arkansas

109. Arkansas State Nurses Association votes unanimously to admit Negroes to full membership (1949).

District of Columbia

110. D. C. Graduate Nurses Association removes bar to Negro membership; 25 admitted by end of first year.

North Carolina

111. North Carolina Association of Registered Nurses votes unanimously to dissolve, following by nine months the vote of North Carolina State Nurses Association to give full membership to Negro nurses.

Ohio

112. Admit first Negro nurse to Ohio State Nurses Association (1952).

3. LAWYERS

113. Twenty-five State Bar Associations are fully integrated (1950).

Alabama

114. Alabama Bar Association, which admitted first Negro years ago, now has 7 Negro members (1950).

District of Columbia

115. Inter-racial Lawyers Committee starts Community Chest drive among lawyers.

Ohio

116. Cincinnati admits two Negro lawyers to Bar Association for the first time (1951).

Texas

117. Galveston County Bar Association amends constitution to remove barrier to Negro membership (1951).

4. EDUCATORS AND SCIENTISTS

Arkansas

118. Arkansas Education Association admits Negroes (1950).

District of Columbia

119. Prof. E. Franklin Frazier, elected President of American Sociological Society, is first Negro to be President of an American professional society not composed only of Negroes (1948).
120. Washington Metropolitan Chapter of American Institute of Architects votes unanimously to admit members without regard to color (1946).

Georgia

121. Georgia Teachers and Education Association becomes first Negro state group to affiliate with National Education Association after N. E. A. announces eligibility of Negro delegations (1951).

Louisiana

122. Segregation abandoned at New Orleans convention of National Education Association.

Maryland

123. Maryland State Teachers Association votes 5 to 1 to eliminate "white only" membership requirement and invites all teachers to participate in activities (1951).

North Carolina

124. North Carolina Science Academy votes with only one dissenter to admit Negroes to full membership (1951).

Ohio

125. Negro admitted to National Engineering Society (Tau Beta Pi) 22 years after election when admission barriers are removed.

Texas

126. Texas Social Welfare Association, in which Negroes are fully integrated, adopts resolution to meet only where Negroes will not be "Jim-Crowed" (Circa, 1947).

Washington

127. Convention of American Association of University Women at Seattle votes, 2,168 to 68, to admit Negroes to membership (1949).

South

128. State Library Associations in Oklahoma, Virginia, Arkansas, Texas, and Kentucky are open to full Negro participation, and have been for many years (1950).

5. SERVICE ORGANIZATIONS

129. Report on inter-racial advance shows all branches of YMCA are open to colored and white members alike in Detroit, New York, Cleveland, Chicago, Philadelphia, San Francisco, Emporia, Kansas; Fort Wayne, Indiana; Kansas City, Missouri (cafeteria only); Providence, Rhode Island; Paterson, New Jersey, Joliet, Illinois; Altoona, Pennsylvania; Canton, Ohio, and Colorado Springs, Colorado (1951).

District of Columbia

130. National Symphony Orchestra Association removes racial barriers to membership (1952).

Illinois

131. Illinois State American Legion convention unanimously approves resolution to admit Negro, Filipino, and Japanese veterans to all divisions (1952).

Kentucky

132. First Negro appointed director of Louisville Community Chest.

North Carolina

133. Colored Girl Scout represents entire State at National encampment (1949).

Tennessee

134. American Red Cross removes racial designations in blood collecting program. Memphis Chapter balks. Citizens of Memphis in turn rebel at refusal to accept the National ruling (1952).

Virginia

135. Thirty young white persons holding N.C.C.J. seminar in Norfolk decide to invite colored representatives to meeting next year (1952).

New York

136. International Geneva Association, a society of chefs, headwaiters, and hotel and restaurant managers, revokes 75-year-old ban on Negro membership (1952).

D. In Religious Bodies*South*

137. Southern branch of Presbyterian Church in the United States after 91 years votes to dissolve its one Negro synod and to absorb it into the general organization (1951).

General

138. National Council of Churches of Christ in the U. S. A. renounces all patterns of segregation based on color (1952).

California

139. Methodists at quadrennial general conference vote to permit changes in segregation practices by member churches (1952).
140. Two San Francisco Presbyterian congregations, one entirely Negro, the other entirely white, merge as a single church under a Negro pastor (1951).

District of Columbia

141. Secretary for Social Action of Board of Social Missions of United Lutheran Church urges end of color bar to membership.
142. First Washington Negro pastor appointed to head mixed parish in Northwest section.

Louisiana

143. Archbishop Rummel issues pastoral letter in New Orleans calling on all Catholics to break down segregation in "education, industry, and opportunity" as well as in "social and civic relationships" and "in the seating accommodations, at the confessional, at the communion rail, and in the general reception of sacraments and sacramentals of the Church" (1951).

Missouri

144. Lutheran Church, Western District of Missouri Synod, to admit Negro congregations for first time (1949).
145. Report discloses 30 Catholic parishes in St. Louis have integrated congregations (1951).

New York

146. St. Paul Evangelical Lutheran Church in Brooklyn becomes first integrated Lutheran church in America (1951).
147. First Negro is elected chairman of Executive Committee of Congregational Christian Churches (1950).

North Carolina

148. Presbyterians end segregation at church resort at Montreat, North Carolina (1951).

Ohio

149. World Baptist Congress in resolution adopted at convention calls on all associated organizations to abandon segregation and discrimination (1950).

South Carolina

150. Negro Baptist churches in Columbia agree to drop color bar and admit whites (1951).

Virginia

151. Norfolk Ministers' Association abolishes segregation at United Preaching Mission.
152. White Norfolk pastor challenges his congregation to admit Negroes to membership.
153. Augusta County Ministerial Association in Staunton, Va., and Ministerial Association of Clifton Forge, Va., both inter-racial, are now headed by Negro presidents. The pattern had long ago been developed by the Ministers' Inter-racial Group of Lynchburg, Va. (1952).

E. In Employment*South*

154. Southern Regional Council reports 16 major Southern cities employ about 6,500 Negro municipal workers in more than 110 different kinds of jobs, including professional and managerial. Report asserts Negro city workers accepted by the entire community "as a matter-of-course," and that only reason hiring of Negroes is not stepped up seems to be "fear of criticism for going too fast." Sixteen cities surveyed were: Atlanta, Birmingham, Dallas, Fort Worth, Houston, Jacksonville, Knoxville, Little Rock, Louisville, Miami, Nashville, New Orleans, Norfolk, Oklahoma City, Richmond, and San Antonio (1951).

District of Columbia

155. Peoples Drug Stores, largest chain pharmacy in District, hires three Negro pharmacists.

Florida

156. H. H. Arrington is first Negro member of the Florida bar.

Illinois

157. Chicago Association of Commerce reports development of wide utilization of Negroes among its members, some of whom had formerly resisted even legal action to compel employment (1952).

Maryland

158. Baltimore taxi company hires 14 Negro drivers as experiment at beginning of 1951; ends up year with 161 drivers, and no "incidents."
159. Baltimore Transit Company employs 5 Negro bus drivers, first in company's history.

Missouri

160. St. Louis Post-Dispatch announces hiring of Negro reporter, first in 40 years (1949).

New York

161. National Urban League reports 550 "first" jobs were found for colored workers in 1951 and that significant improvements in racial situations were found in eleven cities, including Memphis, Tennessee, Phoenix, Arizona, and Baltimore, Maryland.

North Carolina

162. The Rocky Mount Sanitarium admits two Negro doctors to its staff with full privileges. They are the first to be thus accepted in a Southern hospital (1949).

Pennsylvania

163. Negroes promoted for first time to skilled jobs at Phileo Philadelphia plant, thus ending a long-established departmental segregation (1951).

Tennessee

164. Gov. Browning breaks precedent and appoints two Negro women to work in state employment service office (1952).

Virginia

165. First Negro fireman in history is employed by city of Richmond.

F. In Entertainment and Athletics*Arizona*

166. Long Island University assured by University of Arizona of non-discrimination against Negro basketball players (1951).
167. University of Arizona will no longer play with teams which bar Negroes on opponents' teams. Its teams are open to all, along with the following Border Conference teams: Texas Western (El Paso), West Texas (Canyon, Texas), Hardin-Simmons (Abilene), Arizona State (Tempe), Arizona State (Flagstaff), New Mexico A. & M. (Las Cruces) (1951).

California

168. Precedent set when Professional Golfers' Association changes rules and permits Negroes to compete in tournament at San Diego (1952).

District of Columbia

169. Washington Caps introduce mixed team in National Basketball Association without incident.
Washington Lions purchase first Negro hockey player from Canadian team.
D. C. Golden Gloves tournament drops bar to Negro entrants.
170. Negro teams participate for first time in softball league sponsored by District Recreation Board (1952).
171. Dorothy Maynor is first Negro to perform commercially in D. A. R.'s Constitution Hall (1952).
172. Hamilton Bank sponsors high school musical talent contest open to all Washington pupils. Finals held at Constitution Hall (1951).
173. Colored students accepted as matter of course on American and Catholic University teams (1951).

Florida

174. Miami holds mixed boxing matches with no difficulties, though the sports editor of Miami Daily News had warned "It's a backward step, loaded with dynamite" (1952).
175. Tampa Smokers baseball team breaks precedent in Florida league with first Negro player (1952).
176. First colored jockey in Florida rides at Hialeah Park (1952).
177. University of Miami breaks tradition; plays football against University of Pittsburgh and University of Iowa, both having Negroes on team (1952).
178. Marian Anderson sings before unsegregated audience in Miami (1952).

Georgia

179. Despite warning by Dr. Green, K. K. K. head, that 10,000 will boycott Atlanta baseball games if Negroes play, exhibition game is held between Brooklyn Dodgers and Atlanta baseball club (1949).
180. Southern Association Baseball League officials state their view that colored players are acceptable to them and to the public; only remaining obstacle is Birmingham, Alabama, ordinance barring mixed play (1952).

Louisiana

181. State Legislature defeats bill designed to prevent white and Negro athletes from playing opposite each other (1952).

New Jersey

182. Precedent set when swank Maplewood Country Club accepts two colored entrants to play in Eastern Veterans Championship tennis matches (1952).

New York

183. First Negro woman is accepted as entrant in National Amateur Tennis Championship (1950).
 184. Negro team breaks precedent when allowed to compete in American Bridge Association national tournament (1951).
 185. Amateur Fencers League of America votes to accept all members, regardless of color (1949).
 186. Metropolitan Opera breaks precedent by having Negro ballet dancer Janet Collins and Negro singers in chorus (1951).

North Carolina

187. First Negro plays football in North Carolina against a Southern Conference team (1950).

Oklahoma

188. Negroes play for first time on Oklahoma College football field in game against University of Tulsa (1948).

Tennessee

189. Negro singer Mary Robbs is first Negro ever to appear as soloist with Chattanooga Orchestra; mixed audience mingles freely (1951).

Texas

190. Dallas baseball team to use Negro players, first in Texas League. Ty Cobb, native Georgian, voices strong approval (1952).

Virginia

191. Ralph Thomas, Negro baritone, sings with all-white group in play at Salem, Va. (1952).

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