BLACK STUDIES RESEARCH SOURCES:
Microfilms from Major Archival and Manuscript Collections
General Editors:
Dr. August Meier and Dr. Elliott Rudwick

PAPERS OF THE NAACP
Part 3. The Campaign for Educational Equality:
Legal Department and Central Office Records,
1913–1950

Series A:
Legal Department and Central Office Records,
1913–1940
PAPERS OF THE NAACP


Series A:
Legal Department and Central Office Records, 1913–1940

Editorial Adviser: Dr. August Meier

Guide Compiled by
Martin Schipper

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General Introduction

From its inception in 1909, the National Association for the Advancement of Colored People (NAACP) had as its principal objective the enforcement of the Fourteenth and Fifteenth Amendments in order to secure constitutional rights for black Americans. For more than two decades, however, the attention of the organization was devoted primarily to the struggle against mob rule and lynching, disfranchisement, and residential segregation ordinances. Occasionally the association and/or its local branches became involved in battles against school segregation, principally in northern towns and cities that attempted to establish segregated school systems in place of previously integrated systems as a result of the growing black migration from the South.

As the NAACP charted its legal strategy for the 1930s it decided to shift its major emphasis to the problem of educational segregation and discrimination in the South. The inauguration of this campaign was facilitated by a grant from the American Fund for Public Service (generally known as the Garland Fund). This grant enabled the NAACP to establish a full-time paid legal counsel for the first time in 1936. The man selected for the post, and who set the basic tactics for the litigation, was the prominent black attorney and dean of Howard University Law School, Charles H. Houston. Two years later his former student, Thurgood Marshall, took over the helm of the NAACP's legal department and the struggle against Jim Crow education.

The NAACP's strategy in the educational equality cases was two-fold. One campaign was aimed at southern state universities, demanding the admission of blacks into those graduate and professional programs (such as law, medicine, and journalism) for which no provision had been made at the black state colleges. The other campaign was aimed at demanding equalization of public school education at the elementary and secondary levels—equalization of school facilities, school-term length, and especially of teachers' salaries. A frontal attack on school segregation per se was postponed, partly because it was felt that such a direct approach would fail in the courts and partly because the NAACP operated on the theory that a truly equal dual-school system would be so expensive that it would collapse under its own weight. (This approach, of course, did not take into account either the urban school segregation that would remain because of ghettoization and housing segregation, or the amount of
money white southerners proved to be prepared to spend to maintain the dual-school system.)

Closely related to the legal strategy of the education cases were other important NAACP objectives. These included the building of local NAACP branch membership by appealing to black school teachers—then undoubtedly the largest group of black professionals in America and, as such, better able to contribute dues and articulate voices to the association. Another important objective involved the efforts of Houston and the national staff to develop a network of impeccably professional black attorneys to wage the educational and other civil rights legal campaigns in coordination with local branches and the national office.

As the documents in this collection demonstrate, what in retrospect appears to have been a program of litigation that was shrewdly planned from the very start was in actuality a struggle characterized by a spirit of experimentation and flexibility. The most successful thrust of the strategy at first was the salary equalization cases. Then, in 1949, following the NAACP’s success in Shelley v. Kramer (the 1948 Supreme Court decision declaring restrictive covenants to maintain housing segregation unconstitutional) and the declaration against segregation made by President Truman’s Committee on Civil Rights, the NAACP and its attorneys decided to shift their focus from the inequities in southern school systems to an assault on the very principle of school segregation itself. By 1950 the association had succeeded in persuading the Supreme Court to declare segregation in advanced professional training, such as law, inherently unequal. This landmark was established in two cases, McLaurin v. Board of Regents and Sweatt v. Painter, which are fully documented in this collection.

It is at this point that the record in the legal files of the National Association for the Advancement of Colored People at the Library of Congress becomes thin. By 1950 its tax-exempt legal arm, the NAACP Legal and Educational Fund, Inc., had (because of Internal Revenue Service regulations) become a completely independent organization, and the files of subsequent litigation are to be found in its archives. But the NAACP campaign for educational equality had set the stage for the series of cases that culminated in the famous 1954 Brown decision in which the Supreme Court struck down the “separate but equal" rationale for racial segregation in American society.

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Note on Sources

Original copies of the files reproduced on this microfilm can be found in the National Association for the Advancement of Colored People collection at the Library of Congress, Washington, D.C. The files selected for Part III-A derive from Group I (1909–1939) of the NAACP collection, with supplements from the Addendum File for 1910–1939 in NAACP Papers, Group II. The collection register for Group I is reproduced at the beginning of Reel 1 of Part III-A.

Editorial Note

All files selected for this edition have been microfilmed in their entirety with the exception of the “General Education” files from Group I, Boxes C-287 through C-293, which appear on Reels 19–22. These files contain many requests for scholarship aid and for advice regarding college admission, totalling approximately 2,000 pages, which have been systematically omitted from this microfilm edition. These deliberate omissions aside, every administrative subject file or legal file relevant to the NAACP campaign for educational equality has been selected for this edition.

Each file on the microfilm bears an indication of the Group, Series, and Box number of the original collection for purposes of scholarly citation. Thus, for example, “I, D-48” refers to Group I, Series D (Legal File), Box 48; “II, L-1” refers to Group II, Series L (Addendum File), Box 1. Following is a list of boxes from which Part III-A of Papers of the NAACP has been drawn:


The arrangement of the microfilm edition is as follows:

Group I, Boxes C-270–272.
Further details of the NAACP Campaign for Educational Equality can be obtained from the Files of the NAACP Board of Directors, Monthly Reports of NAACP Officers, and Special Correspondence Files that are available as *Part I* of the *Papers of the NAACP*, and from the Personal Correspondence Files of Selected NAACP Officials, 1910–1939, available as *Part II of Papers of the NAACP*.
Scope and Content Note

American Fund for Public Service

The American Fund for Public Service (AFPS) was established in 1922 by Charles Garland. Also known as the Garland Fund, it was established to finance diverse causes of a radical or liberal nature. Representatives of causes seeking aid made presentations to the AFPS board of directors, who in turn appointed individuals or committees to look into the function and feasibility of proposals. Members of the board of directors, at various times, included Roger N. Baldwin, Robert W. Dunn, Morris L. Ernst, William Z. Foster, Lewis S. Gannett, Benjamin Gitlow, Clinton S. Golden, Sidney Hillman, James Weldon Johnson, Freda Kirchwey, Robert Morse Lovett, Mary E. McDowell, Judah L. Magnes, Clarina Michaelson, Scott Nearing, Norman M. Thomas, and Harry F. Ward.

The NAACP's primary liaison with the American Fund for Public Service was James Weldon Johnson, executive secretary of the NAACP, 1920–1930, as well as a board member of the Garland Fund from its inception and president of the Fund from 1929–1930. Walter White continued this liaison work as acting secretary of the NAACP during Johnson's term as president of the Garland Fund and succeeded him as executive secretary following his retirement in 1931. Among the officers of the American Fund for Public Service, Roger Baldwin occupied a compelling role as its first executive secretary and molder of opinion on the board of directors. Johnson, White, and the NAACP were continually forced to justify and defend their goals before Baldwin and others among the radical directorate of the Garland Fund to get money for NAACP programs. The Committee on Negro Work—consisting of Morris L. Ernst, Lewis S. Gannett, and James Weldon Johnson—was appointed to oversee appropriations, including those to the NAACP. Large contributions to the NAACP during the years 1925–1928 included over $31,000 donated to plan and implement a legal campaign. These were followed by a 1930 grant of $100,000 that was never fully realized due to losses suffered by the Fund in the stock market.

Following the 1930 appropriation, the American Fund for Public Service-NAACP Joint Committee was instituted to oversee the legal campaign. Preliminary campaign goals underwent revision at the hands of Nathan Margold, a protégé of Felix Frankfurter. As the newly hired special counsel of the NAACP, Margold undertook the task of implementing the roughly outlined campaign envisioned by the Committee on Negro Work. After serving the NAACP from 1930–1933 and producing an extensive "Preliminary Report" that refined the
basis for later litigation, Margold resigned to accept a position as solicitor of the Department of the Interior. Possible successors to Margold were discussed for over a year before Charles H. Houston was selected as special counsel and the real work of the NAACP legal campaign commenced. Houston—working in concert with other attorneys including William T. Andrews, William Hastie, Thurgood Marshall, James Nabrit, Leon Ransom, and Sidney Redmond—traversed the country in the NAACP legal campaign, and especially the educational campaign that is documented in this microfilm publication.

American Fund for Public Service material appears in both the Administrative Subject File and the Addendum File (where it is filed under “AFPS” and “Garland Fund”). AFPS materials are also scattered throughout the legal case files.

The first microfilm reel contains complete general office files for the American Fund for Public Service, 1922–1938, from the Administrative Subject file. Correspondence during these years features such prominent social activists as Mary M. Bethune, Elizabeth Gurley Flynn, Marion M. Shields, and others; such NAACP leaders as W.E.B. Du Bois, Mary White Ovington, Arthur B. Spingarn, Joel E. Spingarn, Moorfield Storey, and Roy Wilkins; as well as various NAACP legal counsels and members of the board of directors of the Garland Fund.

Newsclippings among these papers describe the beginnings of the Fund, its purposes, and initial contributions. Issues which the AFPS funded in collaboration with the NAACP during the 1920s include the proposed federal anti-lynching bill, the Arkansas race riots investigation, the Negro Foreign Fellowship Fund, and residential segregation cases that include the highly publicized defense of Dr. O.H. Sweet of Detroit, Michigan, during 1925. (For more on the defense of Dr. Sweet, see also the Pittsburgh Courier Controversy, 1926, on Reel 5.)

Documents for 1929 include a fiscal report of the Fund from 1925 through 1928 that features a summary of the entire six years of operation showing the distribution of funds by areas of interest and geography. Reports of the Committee on Negro Work focus on the work of the NAACP.

Competition for AFPS funding between the liberal NAACP and the more radical African Labor Congress is apparent throughout the files. Of special interest is a report on a “Comparison of the Aims of the African Labor Congress and the NAACP,” as well as pertinent memoranda from the Committee on Negro Work and materials relating to the ill-fated $100,000 grant to the NAACP, all in the 1930 files.

A memorandum of Nathan Margold dated May 3, 1932, focuses on an alleged conspiracy to drive Negroes from farms in Beckham County, Oklahoma. It is very important in encouraging a decisive shift toward litigation in the area of education. Among the papers of 1933 is a brief prepared in the Louisiana suffrage case, Trudeau v. Barnes. An AFPS fiscal report for 1930–1934 can be found among the 1934 files. The files dated 1935–1937 contain detailed ex-
pense accounts from Charles H. Houston and his assistants. A fiscal report for 1934–1936 documents the diminution of Garland Fund activities. Memoranda of Charles Houston include a discussion of university education cases affected by the loss of funding, and other fiscal and strategic ramifications of the educational campaign that is more fully documented in the legal case files.

Alphabetical subgroupings included in American Fund for Public Service material found on microfilm Reels 2–6 (please consult the indexes for exact locations) are as follows:

- Alabama Schools, 1935–1940
- Arkansas Schools, 1936–1937
- Committee on Negro Work, 1930–1933
- Educational Campaign, 1934–March 1936
- Educational Campaign, April 1936–November 1937
- Educational Campaign, December 1937–1939
- Fraternities and Sororities, 1935–1937
- Georgia Schools, 1937–1938
- Harrison-Black-Fletcher Bill, 1936–1938
- Hubbard and Alexander Report [1934?]
- Joint Committee, 1933–1935
- Joint Committee, 1936–1937
- Kansas, University of, 1935–1940
- Kentucky Schools, 1939–1940
- Kentucky, University of, 1936
- Loudoun County, Virginia, 1934–1936
- Louisa County, Virginia, Schools, 1935–1937
- Louisiana Schools, 1937
- Louisiana State University, 1936
- Margold Report, 1930
- Maryland Counties, 1938
- Maryland Schools, 1938–1939
- Mississippi Schools, 1937–1940
- National Conference on Problems of Negro Youth, 1936–1937
- North Carolina Schools, 1936–1940
- Oklahoma, University of, 1935
- Pennsylvania, University of, 1935
- Pittsburgh Courier Controversy, 1926
- Port Huron School Case, 1935
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- Scholarship Bill—Maryland, 1937 and Texas, 1937
- South Carolina Schools, 1938–1940
- South Carolina, University of, 1937–1940
- Tables, 1931–1932
- Temple University, 1935
- Virginia, University of, 1935–1936
- West Virginia, University of, 1937
- Wise County, Virginia, 1935–1936

**Legal File**

These folders show the NAACP educational campaign in action. Files typically document the development, litigation, resolution, and aftermath of attempts by black Americans to obtain educational equality. The legal campaign comprised three major types of litigation. School cases fought new efforts to establish segregation in primary and secondary institutions or sought equalization of facilities among segregated schools. Teachers’ salary cases challenged the existence of separate and inferior pay scales for black educators. University admission cases concentrated on the admission of qualified black scholars to the state-funded graduate schools of their home states. Documents in each category include correspondence, memoranda, reports, and legal briefs.
The evolution of legal strategies can be charted through the interaction of Nathan Margold, Charles Houston, Thurgood Marshall, and others of the national office with local attorneys and local branch officers of the NAACP. A portrait of the evolving professionalism of black attorneys is a major facet of these records. Prominent among a growing network of black lawyers committed to civil rights are Raymond Pace Alexander, William T. Andrews, Charles A. Chandler, William H. Hastie, Eugene R. Hayne, Oliver W. Hill, Charles Houston, Cecil McCoy, S.D. McGill, Thurgood Marshall, James Nabrit, Conrad Pearson, Leon A. Ransom, and Sidney Redmond. Briefs and correspondence depict the attention to detail and the continuous process of revision that marked a successful campaign.

The records also cast light on the financing of the litigation as well as on the morale and political consciousness of many separate black communities. A key element in the NAACP strategy was the recruitment of teachers and other civic leaders into chapters of the NAACP. Liaison with these groups was an important facet of the campaign and is well documented in the collection. National opinion makers, newsmen, religious groups, and other parties expressed interest in many cases as well. Correspondence of Walter White and Roy Wilkins of the national office shows the cultivation of this interest through vigorous public relations efforts.

A chronological listing of cases from the Legal File follows. For reel and frame numbers of these and related subjects, please consult the indexes.

School Cases: Indianapolis, Indiana, 1926; Gary, Indiana, 1927–1931; Atlantic City, New Jersey, 1927; Toms River, New Jersey, 1927; Berwyn, Pennsylvania, 1932–1934; Baltimore County, Maryland, 1935–1937; Muskogee, Oklahoma, 1937–1939; Wilmington, Ohio, 1939–1940; and Central City, Kentucky, 1939–1940.


University Admission Cases: North Carolina, 1933–1937; Maryland, 1933–1939; Missouri, 1935–1940; and Tennessee, 1935–1940.

Administrative File


Subjects found within are further subdivided into the following topics, which may be located through the indexes.
Administrative File: Discrimination

Education, 1916–1939; Arkansas, 1938–1940; Arkansas, University of, 1938–1939; Bradley Polytechnic Institute, 1931; Harvard University, 1922–1923; High Schools, New York, 1919–1939; Johns Hopkins University, 1938–1940; Marquette University, 1930; Michigan, University of, 1930–1931, 1939; Minnesota, University of, 1935–1936; New York University, 1928–1929; North Carolina, University of, 1938–1939; Oberlin College, 1919; Ohio University, 1924, 1929; Rochester, University of, 1927; Smith College, 1923; Stenotype School, New York, 1939; Syracuse University, 1931; Tennessee, University of, 1938; Texas, University of, 1938; U.S. Military Academy, 1929–1930; Valparaiso University, 1920; Various Religious Schools, 1931, 1938–1939; Vermont, University of, 1926–1927; and Virginia Military Institute, 1921; Teachers' Salaries, 1933–1940.

Administrative File: Education


Addendum File

These later accessions of NAACP documents augment the materials found in the previous sections. Substantive correspondence, minutes of meetings, and newsclippings concern both the formative and final years of the American Fund for Public Service, or Garland Fund. Discrimination in education is documented for 1913–1914 in Atlanta, Georgia; Cincinnati, Ohio; and New York. The establishment of the NAACP Legal Defense Fund is highlighted in a folder of 1938–1939. Legal File additions concern school cases in Baltimore, Maryland; Hillburn, New York; Moline, Illinois; Richland County, South Carolina; Wilmington, Ohio; and other educational issues affecting blacks. Teachers' salary cases provide further documents from Anne Arundel, Calvert, and Prince Georges counties, Maryland; Louisville, Kentucky; and Norfolk, Virginia; as well as more general material. University admission cases include additional documents for the University of Missouri and the University of Tennessee cases documented in previous legal files. (For the locations of these and related documents, please consult the indexes.)
REEL INDEX

[To facilitate the location of certain documents within a file folder—e.g., reports, memoranda, articles, studies, legal documents, questionnaires, newscippings—the frame number and name of each highlighted document has been indented beneath the heading “Major Document Frame#” throughout the Index.]

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**Introductory Material**


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**Subject File—American Fund for Public Service.**

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0186 Committee on Negro Work. 1930–1933. 56pp.

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Subject File—American Fund for Public Service cont.

0470 Educational Campaign. April–July 1936 Correspondence relating to the Admission of Aubrey Grossman to the California Bar, June 1936 Filed Inaccurately under June 1937. 44pp.
0769 Admission of Aubrey Grossman to the California Bar. June 1–24, 1936. 7pp.
0984 Reports of the Statistician, Missouri State Association of Negro Teachers. 39pp.
Group I, Box C–199.
Subject File—American Fund for Public Service cont.


0064 Educational Campaign. 1937. 50pp.


0114 Educational Campaign. 1937. 35pp.


0194 Educational Campaign. n.d. 74pp.


0390 Fraternities and Sororities. 1936–1937. 82pp.


0823 "Types of Potentially Favorable Cases," by Maceo W. Hubbard and Raymond Pace Alexander. ca. 1934. 64pp.


0888 Reports and Memoranda to the Joint Committee Supervising the Expenditure of the Appropriations by the American Fund for Public Service to the NAACP. 1933–1935. 136pp.
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Administrative File cont.

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0149 University of Kansas. 1938–1940. 36pp.
0185 University of Kentucky. 1936. 21pp.
0262 Kentucky Schools. 1939–1940. 36pp.
0298 Loudoun County, Virginia, School Case. 1934–1936. 64pp.
0531 Louisiana State University. February–September 1936. 28pp.
0560 "Preliminary Report to the Joint Committee Supervising the Expenditure of the 1930 Appropriation by the American Fund for Public Service to the NAACP," by Nathan R. Margold. 213pp.

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0773 Maryland Counties. 1938. 89pp.
0774 Calvert County Teachers' Salaries. 1938. 7pp.
0781 Charles County Teachers' Salaries. 1938–1939. 27pp.
0808 Dorchester County Teachers' Salaries. 1938. 22pp.
0830 Frederick County Teachers' Salaries. 1938. 32pp.
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0018 Somerset County Teachers’ Salaries. 1938. 39pp.

0057 Maryland Schools. 1938–1939. 60pp.


0117 Mississippi Schools. 1937–1940. 47pp.


0255 Recommendations of the Committee on Security of Life and Equal Protection Under the Law. 1937. 4pp.

0260 “Report of the Committee on Housing and Health,” by M.O. Bousfield. 1937. 6pp.


0332 North Carolina Schools. 1938–1940. 70pp.

0402 University of Oklahoma. 1935. 8pp.

0410 University of Pennsylvania. 1935. 6pp.

0416 Pittsburgh Courier Controversy. September–October 1926. 68pp.


Group I, Box C–202.
Subject File—American Fund for Public Service cont.


0596 Port Huron, Michigan, School Case. 1935. 17pp.


0655 Roanoke, Virginia, School Teachers. 1935. 8pp.


0768 Scholarship Bill in Texas. 1937. 28pp.

0796 South Carolina Schools. 1938–1940. 60pp.

0856 University of South Carolina. 1937. 2pp.

0858 University of South Carolina. 1938–1940. 95pp.
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Group I, Box C—202 cont.
Subject File—American Fund for Public Service cont.
0001 Temple University. 1935. 8pp.

Group I, Box C—203.
Subject File—American Fund for Public Service cont.
0254 University of Virginia. March—October 1936. 69pp.
0323 University of West Virginia. 1937. 5pp.

Legal File

Group I, Box D—44.
Cases Supported—School Cases.

0460 Atlantic City School Segregation. 1928. 34pp.


Group I, Box D—45.
Cases Supported—School Cases cont.
0652 Baltimore County School Case. March—April 1936. 38pp.
0690 Baltimore County School Case. May—June 1936. 48pp.
0738 Baltimore County School Case. August—September 1936. 44pp.
0782 Baltimore County School Case. October 1—31, 1936. 41pp.


0876  Baltimore County School Case. February–November 1937. 83pp.


Reel 7

Legal File cont.

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