PAPERS OF THE NAACP

Part 3. The Campaign for Educational Equality:
Legal Department and Central Office Records,
1913-1950

Series B:
Legal Department and Central Office Records,
1940-1950

UNIVERSITY PUBLICATIONS OF AMERICA
PAPERS OF THE NAACP

Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950

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Series B:
Legal Department and Central Office Records, 1940-1950

Editorial Adviser: Dr. August Meier

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Guide Compiled by
Martin Schipper

A microfilm project of
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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.

August Meier
General Editor
Kent State University
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 (NAACP) collection at the Library of Congress, Washington, D.C. The files selected for Part 3-B derive from Group II (1940-1950) of the NAACP collection, Series B, Legal File and Series A, General Office Subject File.

EDITORIAL NOTE

Each file selected for this microfilm edition has been included in its entirety. Subsequent to the microfilming, however, Library of Congress archivists discovered additional materials of relevance to the Group II, Series B, Legal File of this publication. These materials were found in the course of the processing of the third group of NAACP Papers, at the Library of Congress, running from 1956-1970, which are as yet closed to the general public.

The newly discovered pre-1956 materials were correctly interfiled in Group II of the collection after the microfilming was done. Rather than refilm the entire collection to accommodate the new materials, they were filmed as Reels 18 and 19. An indication at the point in the Reel Index where these materials would have been filmed as a matter of course has been made for each file, directing the user to the additional material on Reels 18 and 19.

A portion of the newly discovered material belonging to Group II, Series B, Legal File has not been included on this microfilm edition, however. These materials are approximately 1 1/2 feet of legal documents for the case of Brown v. Board of Education of Topeka, Kansas. They have been archived in Boxes II-B-139-141, and these boxes are accordingly absent from the Reel Index of this user's guide under the subseries, "Schools" of the Legal File.

These materials were omitted because they were the only case for which the legal files in the area of educational equality extend beyond 1950, and because they are incomplete of themselves. The material pertains only to the Topeka, Kansas case and to none of the collateral cases that were grouped in the Brown litigation. Moreover, none of the background corre-
Correspondence appears in the files; they are composed exclusively of legal documents.

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The selection of materials included in this microfilm edition was made by Professor August Meier, University Professor of History at Kent State University. The object of the publication has been to include every file series from the Legal Department file and every supporting subject file of relevance to the Campaign for Educational Equality from the General Office File through 1950. Users are also encouraged to consult concurrent series of the NAACP collection that have been made available by University Publications of America (UPA) in microfilm editions for supporting materials on the campaign. Researchers should be especially alert to the possibility of correlative materials in the Board of Directors files and Special Correspondence files, which are included in Part 1 of the UPA edition of *Papers of the NAACP*.

Because the Library of Congress has reprocessed parts of Group II of the NAACP collection, an accurate container inventory was not available at the time of this microfilm edition. Researchers may wish to write the manuscript division of the Library of Congress as to future availability of a container inventory for Group II.
The Campaign for Educational Equality, 1940-1950, consists of three general areas of legal activity: schools, teachers' salaries, and universities. School cases generally sought the equalization of facilities among segregated schools or the desegregation of school systems. 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. Files typically document the development, litigation, resolution, and aftermath of attempts by black Americans to obtain educational equality. Documents include correspondence, memoranda, reports, transcripts, and legal briefs.

Spearheading the legal effort was Thurgood Marshall as Special Counsel to the NAACP Legal Defense and Educational Fund. Providing advice and assistance were William H. Hastie, Charles H. Houston, Benjamin Kaplan, Leon A. Ransom, and Spottswood W. Robinson III. Assistant Special Counsels and Legal Research Assistants in the NAACP offices included Charles Anderson, Robert L. Carter, Edward R. Dudley, Milton R. Konwitz, Cassandra Maxwell, Constance Baker Motley, Marian Wynn Perry, Frank D. Reeves, Prentice Thomas, and Franklin H. Williams. Regional Special Counsel for the Southwest Division beginning in 1948 was U. Simpson Tate. In addition, the efforts of many local attorneys representing both the branch and national offices of the Association are fully documented. Of particular importance among these were Oliver W. Hill of Richmond, Sidney Redmond of St. Louis, A. Maceo Smith of Dallas, and A.P. Tureaud of New Orleans.

In the early litigation for educational equality, the NAACP's object was not to question the premise of segregated education. Rather, the Association sought to force equalization of educational facilities. However, in 1946, local attorneys representing the NAACP in the educational campaign met with Thurgood Marshall in Atlanta, Georgia, to review all cases pending in the South. This Special Lawyers Conference and other developments in the immediate post-war era document a shift in policy by the NAACP. No longer content to fight for separate but equal as a step toward desegregation, the association increasingly fought the very concept of segregation in any form.
Among the frequent correspondents were newspaper editors (see particularly the Schools File--Appeal for Funds on Reel 1, frame 0066). Prominent editors of the Negro press in these years included Roscoe Dunjee of the *Black Dispatch*, Louis Martin of the *Chicago Defender*, Carl Murphy of the *Afro-American*, C.B. Powell of the *New York Amsterdam News*, John Sengstacke of the *Chicago Defender*, and P.B. Young of the *Norfolk Journal and Guide*. These leaders of the black press were vital to the public relations effort associated with the educational campaign. Oliver W. Harrington and Henry Lee Moon as directors of Public Relations received memoranda and briefings on the details of the campaign.

Walter White and Roy Wilkins, as Executive Secretary and Assistant Secretary of the NAACP, respectively, provided logistical support and served as liaisons, between various elements of the public, officials, staff, and the Board of Directors of the association. Local and state branches queried the national office on potential cases involving educational opportunity and numerous peripheral matters. Gloster B. Current was Director of Branches and frequent correspondent in these files.

A listing of states and subjects in the legal file follows. For localities and subjects within states, and reel and frame numbers, please consult the indexes.


**Teachers' Salaries**: Alabama, 1940-1946; American Federation of Teachers, 1940-1941; American Teachers Association, 1940-1941; Arkansas, 1941-1946; Florida, 1940-1945; General, 1940-1947; Georgia, 1940-1942; Illinois, 1945-1946; Kentucky, 1940-1942; Louisiana, 1940-1948; Maryland, 1940-1942; Mississippi, 1941-1943; North Carolina, 1941-1943; Oklahoma, 1941-1948; South Carolina, 1940-1950; Tennessee, 1941-1944; Texas, 1940-1945; and Virginia, 1939-1943.

**Universities**: Delaware, 1947-1950; Georgia, 1940-1946; Kentucky, 1940-1949; Maryland, 1940-1950; Missouri, 1940-1946; New York, 1941; Oklahoma, 1940-1950; South Carolina, 1942-1949; Tennessee, 1939-1943; and Texas, 1945-1951.
General Office File

Five topics from the General Office file are included. These are Education, Federal Aid to Education, Regional Education in the South, School Incidents, and Schools. Correspondence in these files documents public opinion, legislation, testimony in Congress, and relations with branch offices of the NAACP. Newsclippings and articles interspersed in these files also illustrate these matters. The General Office File supplements the Legal File, which is the main body of this publication.

Additional Materials--Legal File

Teachers' Salaries: Louisiana, 1941-1947.
REEL INDEX

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

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**Schools**

0066  Appeal for Funds. 1950. 59pp.
0206  Arkansas. 1946. 8pp.
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0235 Indiana: Jeffersonville--Correspondence. 1941-1942. 79 pp.


0311 Extracts of Minutes of Meetings of the Jeffersonville, Indiana School Board. 1930-1941. 3 pp.

0314 Indiana: Jeffersonville--Litigation. 1941-1942. 44 pp.

0315 Petition to the School Board of Jeffersonville, Indiana, a Body Corporate. 2 pp.


0345 Martin v. School City of Jeffersonville. U.S. District Court for the Southern District of Indiana. Answer to Defendants' Brief in Support of Motion to Dismiss. 4pp.


0359 Questionnaire on Racial Segregation in Kansas Public Schools. Undated. 2pp.

[For Additional Materials see Reel 18, Frame 0316]

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Kentucky: Cowper v. Livingston County Board of Education. 1941-1942. 20pp.

Cowper v. Livingston County Board of Education. Livingston Circuit Court. Agreed Order and Judgment. December 14, 1940. 3pp.


[For Additional Materials see Reel 18, Frame 0323]


1144 Mississippi: Nursery Schools. 1943. 16 pp.
1167 Missouri: Kansas City Art Institute. 1946. 33 pp.

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0075 Hedgepeth v. Board of Education of the City of Trenton. New Jersey Supreme Court. On Mandamus Rule to Show Cause Memorandum in Rebuttal. 6 pp.

0183 Intercultural Education and the Schools, by the Board of Education of New York City. 44 pp.
0276 Report on Anti-Semitism in the Romance Language Department of the City College of New York, by a Committee of the B’nai B’rith Hillel Foundation. 10 pp.
Schools cont.


0481 Depositions and Charges of Striking a Student Filed against Beatrice Rae before the Board of Education of School District No. 1 of the Town of Hempstead, New York. April 1950. 7 pp.

0492 Answer of Beatrice Rae to Charges of Striking a Student before the Board of Education of School District No. 1 of the Town of Hempstead, New York. May 18, 1950. 6 pp.

0498 Decision of the Board of Education of School District No. 1 of the Town of Hempstead, New York, Suspending Beatrice Rae from Her Duties as Teacher. May 18, 1950. 3 pp.

0505 New York: Hillburn--Clippings, Press Releases, etc. 1943. 100 pp.

0591 Town of Ramapo Building Zone Ordinance, Adopted by Town Board of Ramapo on February 5, 1930 and Amended 1940. 14 pp.


0658 New York: Hillburn--Correspondence. 1943. 102 pp.

0712 Application for Registration of Private Nursery, Kindergarten or Elementary School before the State Education Department for the Brook Chapel School. October 20, 1943. 9 pp.


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0994 In the Matter of the Appeal of United Parents Association of New York City and Others from the Action of the Board of Education of the City of New York on Charges against May A. Quinn, a Teacher, before the Commissioner of Education. Brief of Appellants and Petitioners. 74 pp.


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0740 Pearson v. County Board of Education for Clarendon County. U.S. District Court for the Eastern District of South Carolina. Motion to Dismiss Complaint. April 9, 1948. 3pp.


0763 South Carolina. 1941-1948. 16pp.


Copies of Contract between Texas State University for Negroes and the University of Texas Providing for Graduate Study for Negroes. January 24 and October 20, 1948. 5pp.


Petition to the Board of Trustees of the Hearne Independent School District. 2pp.

Vermont. 1944. 3pp.

Virginia: Abingdon. 1940. 23pp.


Freeman v. County School Board of Chesterfield County; Smith v. School Board of King George County; Ashley v. School Board of Gloucester County. U.S. District Court for the Eastern District of Virginia. Findings of Fact and Conclusions of Law by Judge Sterling Hutcheson. April 7, 1948. 7pp.

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Virginia: Greensville. 1941. 20pp.


1338  Virginia: Loudoun County. 1940. 63pp.


1422  Petition to the Pittsylvania County School Board and the Superintendent of Schools. 3pp.


1461  Wisconsin. 1944-1946. 5pp.

1466  Max Yergan. 1941. 20pp.

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**Legal File cont.**

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**Teachers’ Salaries**


0134  Alabama: Jefferson County. 1944. 32pp.

0135  Negro Teachers List. 1938-1939. 9pp.


0145  Petition of William J. Bolden and Others to the School Board of Jefferson County, Alabama. 3pp.


0166  American Federation of Teachers. 1940-1941. 53pp.

0170  "Teachers’ Salaries in Black and White: A Pamphlet for Teachers and Their Friends," Prepared by the NAACP. August 1941. 10pp.


0291  Committee on Resolutions Report to the President and Members of the American Teachers Association. August 1, 1941. 7pp.


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Statement of Points to be Relied on in Appeal from Decision of the District Court. 3pp.

Notes on Testimony. 3pp.

Excerpts and Draft of Brief relating to Composite Rating Sheets and the Fixing of Teachers' Salaries. 17pp.

Notes on Background and History of Case. 25pp.

Lists of Teachers with Qualifications and Salaries. 15pp.

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Tables of Teachers with Qualifications and Salaries. 30pp.

Draft of Brief. 43pp.

List of Personnel, 1941-1942 Session. 14pp.

Composite Rating Sheets, 1941-1942. 3pp.

Excerpts of Minutes of Meetings of Little Rock School Board. 1925-1947. 5pp.


Excerpts of Minutes of Meetings of Little Rock School Board. 1925-1937. 3pp.

Suggested Record to be Encouched in Motion in the Case of Susie *Morris v. Little Rock School Board.* 1p.

List of Plaintiff's Exhibits. 1p.


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0001 Salary Schedules of the Public Schools for the Miami Area (Dade County), Florida, Adopted by the Board of Public Instruction of Dade County, Miami, Florida. November 26, 1941. 15pp.


[Unidentified] Memorandum in Opposition to Motion to Dismiss. 6pp.


0304 Blocker v. Board of Public Instruction for the County of Duval. U.S. Circuit Court of Appeals for the Fifth Circuit. Answer to Motion for Stay. 3pp.


0309 Florida: Escambia County—General. 1940-1942. 191pp.


0500 Florida: Escambia County—Transcripts. 1941-1942. 131pp.


0505 Petition of Vernon McDaniel to the Board of Public Instruction for the County of Escambia. 3pp.


0518 McDaniel v. Board of Public Instruction for the County of Escambia. U.S. District Court for the Northern District of Florida. Order Denying Motion to Dismiss. July 3, 1941. 9pp. [annotated]

0527 Petition of Vernon McDaniel to the Board of Public Instruction for the County of Escambia. 3pp. [re-typed copy]


McDaniel v. Board of Public Instruction for the County of Escambia. U.S. District Court for the Northern District of Florida. Motion to Dismiss by the Florida Education Association. 2pp.


McDaniel v. Board of Public Instruction for the County of Escambia. U.S. District Court for the Northern District of Florida. Order Denying Motion to Dismiss. July 3, 1941. 9pp. [annotated]


McDaniel v. Board of Public Instruction for the County of Escambia. U.S. District Court for the Northern District of Florida. Motion for Certification and Transmittal of Record to Appellate Court. March 31, 1942. 2pp


McDaniel v. Board of Public Instruction for the County of Escambia. U.S. Circuit Court of Appeals for the Fifth Circuit. Answer to Motion for Stay. 3pp.


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0903 List of Teachers Comparing Old and New Salaries and Notes. 14pp.


0952 Florida: Marion County. 1941-1943. 180pp.


1025 Minutes of the Marion County Board of Public Instruction for April 17, 1942. April 17, 1942. 4pp.


1032 Salary Schedule and List of Negro and White Teachers in Marion County. 1942-1943. 17pp.

1049 Starke v. Board of Public Instruction for the County of Marion. U.S. District Court for the Southern District of Florida. Memorandum Brief of Petitioner for Intervention in Support of Motions for Better Statement and to Dismiss the Complaint upon the Ground that the Allegations thereof are Insufficient to Disclose the Right of the Plaintiffs to Maintain this Suit as a Class Action. 24pp.


1084 Starke v. Board of Public Instruction for the County of Marion. Motion for Consolidation. 2pp.
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0001  Florida: Palm Beach County. 1941-1944. 229pp.

0079  Stebbins v. Board of Public Instruction for the County of Palm Beach.
July 6, 1943. 2pp.

0092  Stebbins v. Board of Public Instruction for the County of Palm Beach.
U.S. District Court for the Southern District of Florida. Notice of Hearing
on Motion for Stay. March 17, 1942. 4pp.

0096  Stebbins v. Board of Public Instruction for the County of Palm Beach.
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| 0949        | Georgia: Atlanta. 1941-1942. 21pp. |
| 0964        | Reeves v. Cook. U.S. District Court for the Northern District of Georgia. Motion to Dismiss Filed by Defendants Prior to Filing Pleas and Other Defenses. March 31, 1942. 2pp. |
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0001 Kentucky: Louisville—Correspondence. 1940-1942. 202pp.


[For Additional Materials see Reel 18, Frames 0569-0785]


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0440  Petition of Malissa T. Smith to the School Board of the City of Charleston, South Carolina. 2pp.


0463  Petition of Malissa T. Smith to the School Board of the City of Charleston, South Carolina. 2pp.


0472  South Carolina: General. 1940-1943. 97pp.

0569  South Carolina: General. 1944. 85pp.

0654  South Carolina: General. 1945. 82pp.

0736  South Carolina, Richland County. 1944-1945. 217pp.


0738  Petition of Albert Thompson to the School Commissioners of School District No. 1, Richland County, South Carolina. 1944. 4pp.


0755  Typed Notes on Evidence, Case Law, and Exhibits. 28pp.

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