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IN THE
Supreme Court of the United States

October Term, 1954

No. 4

SPOTSWOOD THOMAS BOLLING, ET AL., *Petitioners,*

v.

C. MELVIN SHARPE, ET AL., *Respondents.*

**BRIEF FOR PETITIONERS ON FURTHER
REARGUMENT**

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On May 17th last, this Court disposed of the basic constitutional question presented by this case and companion cases by construing the due process clause of the Fifth Amendment and the equal protection clause of the Fourteenth Amendment as stripping federal and state governments of the power to require, authorize or permit the enforcement of racial segregation in the public schools. The Court said, moreover, that the formulation of decrees was made difficult "because these are class actions, because of the wide applicability of this decision and because of the great variety of local conditions . . . We have now an-

announced that [Segregation in public education] is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term. The Attorney General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as *amici curiae* upon request to do so by September 15, 1954, and submission on briefs by October 1, 1954."

Subsequently the time for filing of briefs for all parties was set for November 15, and these cases set down for re-argument December 6th.

QUESTIONS

Questions 4 and 5 left undecided, and now the subject of the discussion in this brief, follow:

4. Assuming it is decided that segregation in public schools violates the Fourteenth Amendment,
 - (a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or
 - (b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

5. On the assumption on which questions 4(a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b),

lumbia compel their segregation solely on the basis of race or color.

(b) If Acts of Congress which provide educational opportunities for pupils in the District of Columbia compel their segregation solely on the basis of race or color, whether these acts are unconstitutional.

(c) If Acts of Congress which provide educational opportunities for pupils in the District of Columbia permit segregation solely on the basis of race or color, whether to the extent that this legislation is thus permissive its implementation by actions of respondents is unconstitutional.

3. Whether the actions of respondents in refusing to admit minor appellants to Sousa Junior High School solely on the basis of race or color violated petitioners' rights guaranteed them by the Constitution and Laws of the United States.

4. Whether the United States District Court for the District of Columbia erred, in denying petitioners' application for an injunction and for a declaratory judgment, and in granting respondents' motion to dismiss petitioners' complaint on the ground that it failed to state a claim on which relief could be granted.

TREATY AND STATUTES INVOLVED

Treaty:

Article 1(3), 2(2), 55(c) and 56 of the United Nations Charter, 59 Stat. 1035 et seq.

Statutes:

(A) Title 8, United States Code, Sections 41 and 43.

(B) Act of June 11, 1878, 20 Stat. 107, Chapter 180, Sec. 6, as amended June 20, 1906, 34 Stat. 316, Chapter 3446, Sec. 2 (D. C. Code 1951 Ed., Title 31, Secs. 1110, 1111, 1112, 1113).

These factors shed additional light on the events which have occurred since that decision. Any critical examination of what has taken place in the District of Columbia must be made in full awareness of the strong position taken by the President of the United States in not only urging immediate integration in the public schools of the District of Columbia but in also expressing the hope that the manner in which this transition from a segregated public school system to an integrated one might serve as a model for the rest of the country. The Commissioners of the District of Columbia took vigorous action in support of this position. The Corporation Counsel of the District of Columbia issued a clear cut opinion authorizing immediate action in the implementation of this position. The Board of Education then adopted a forthright and unequivocal policy calling for immediate integration. All of these actions occurred within the astonishingly short period of eight (8) days. It would also appear to us to be of some assistance to the Court to be advised that wherever unseasonable delay manifested itself in the plan proposed or in the steps taken in carrying out the plan that some one or more of these public officials or agencies insisted upon elimination of such delay and thus facilitated prompt action. It is in the light of this background that we wish to discuss with the Court the "Corning plan" and the steps taken thereunder in the District of Columbia.

DEVELOPMENT AND OPERATION OF THE CORNING PLAN

On December 17, 1952 the Board of Education directed Dr. Hobart Corning, the Superintendent, to formulate plans and to hold hearings on the integration of the then existing dual school system in the District of Columbia in the event that the Supreme Court should declare the dual school system to be unconstitutional. (Minutes of the Seventh (stated) meeting of the Board of Education, 1952-1953, held on December 17, 1952, p. 34.) The Superintendent

pursuant to this directive invited suggestions with regard to desegregation from interested persons and community organizations. Numerous responses resulted from these invitations. These responses were analyzed and tabulated, and reported upon by Dr. Corning to the Board. The Board invited organizations and citizens to appear and submit further suggestions. The materials submitted were referred to the Superintendent for the attention of his staff, looking forward to the submission of a plan of desegregation by the Superintendent.

The Superintendent advised the Board at its meeting on December 16, 1953, that he planned "to set up a series of meetings in the general field of inter-cultural relationships . . ." (Superintendent's Circular No. 79, Appendix B, p. 33.)

From December, 1953 until May 1954, a program of inter-cultural education was carried on among Dr. Corning's staff and to a limited extent among the teaching personnel. The superintendent stated that the purpose of his activity was not to deal "with segregation or integration as such or with the advantages and disadvantages of either system, but that we are dealing rather with the problem of developing desirable human understandings and relationships as we live together and work together for the education of all the children—no matter under what general plan the schools are organized." (*Ibid.*, p. 34.)

On the day this Court announced its opinion in this case, Superintendent Corning made a statement to the press that neither he nor the Board could do anything about desegregation until the Court had handed down its final decree. However, the next day, May 18, 1954, the District authorities decided not to wait for the re-arguments on the method and timing of integration nor for this Court's final decree. On that day the members of the Board of Education and Superintendent Corning, along with the Corporation Counsel for the District of Columbia, The Honorable Vernon West, met with the Commissioners of the

District of Columbia. The Corporation Counsel advised them that the decision of this Court made Acts requiring separation of the races in public education unconstitutional; that the Board could determine the mechanics and time of integration; and that there was nothing to prevent the school authorities from desegregating as soon as they deemed advisable. At this meeting Commissioner Samuel Spencer disclosed that President Eisenhower had expressed the hope that the District would become a "model" for the nation in school integration. (Washington Post-Times Herald, May 19, 1954, p. 1 col. 7, p. 6 col. 3.)

The Board at its next regular meeting, May 19, 1954, decided to have a call meeting on May 25, 1954 for the purpose of hearing the Superintendent's report on the matter of desegregation of the public schools. A resolution was presented to the Board that "the Board enunciate in advance of the consideration of any plan proposed by the Superintendent, a clear and unequivocal statement of principles which shall govern in the adoption and execution of the Superintendent's proposed plan", and that the President appoint a special committee for the purpose of drafting such a set of principles for presentation to the Board at the May 25 meeting.

During the discussion of the resolution, the Superintendent strenuously objected to this proposal saying, "... he is wholly in accord with the establishment by the Board of an unequivocal set of principles. He stated further, however, that he has been working for weeks in the preparation of a set of principles to recommend to the Board and that he believed his report would be almost useless if the Board, prior to receiving his report, established a set of principles. He stated that his report is not a detailed administrative report except insofar as it illustrates how the principles would operate. He stated further that he was prepared to present to the Board at its special meeting on May 25, 1954, a specific set of principles with the firm recommendation that they be adopted as an

unequivocal set of principles to govern the administrative procedures to follow. He stated that he had no objection to another set of principles being suggested, but that it was his thought that inasmuch as work had been put upon this matter of principles, he felt the Board should first give consideration to his report which the Board could amend, revise or eliminate."

"... The Superintendent stated that whatever principles are adopted and whatever administrative devices are applied will require a great deal of time beyond the establishment of principles."

The resolution was adopted by the Board and the committee was appointed. (Minutes of the Twelfth (stated) Meeting of the Board of Education, 1953-54, May 19, 1954.)

At its May 25th meeting the Board adopted the following policy:

"In the light of the decision of the Supreme Court of the United States in *Bolling v. Sharpe*, the Board of Education of the District of Columbia, believing it to be in the best interest of all citizens of the community of Washington, and necessary to the effective administration of an integrated system within the public schools, hereby adopts the following declaration of policy:

1. Appointments, transfers, preferments, promotions, ratings, or any other matters respecting the officers and employees of the Board shall be predicated solely upon merit and not upon race or color.
2. No pupil of the public schools shall be favored or discriminated against in any matter or in any manner respecting his or her relationship to the schools of the District of Columbia by reason of race or color.
3. Attendance of pupils residing within school boundaries, hereafter to be established, shall not be permitted at schools located beyond such boundaries, except for the most necessitous reasons or for the public convenience, and in no event

for reasons related to the racial character of the school within the boundaries in which the pupil resides.

4. The Board believes that no record should be kept or maintained in respect to any pupil not enrolled in a public school on or prior to June 17, 1954, or in respect to any officer or employee not employed within the system on or prior to that date in which information is solicited or recorded relating to the color or race of any such person.
5. That the maximum efficient use shall be made of all physical facilities without regard to race or color.

In support of the foregoing principles, which are believed to be cardinal, the Board will not hesitate to use its full powers. It is pledged to a complete and wholehearted pursuit of these objectives.

We affirm our intention to secure the right of every child, within his own capacity to the full, equal and impartial use of all school facilities, and the right of all qualified teachers to teach where needed within the school system. And, finally, we ask the aid, cooperation and good-will of all citizens and the help of the Almighty in holding to our stated purposes." (Minutes of the 13th (Special) Meeting of the Board of Education, 1953-1954, held May 25, 1954, and Recessed Session held June 2, 1954, pp. A-8-9, App. pp. 1-15.)

After adopting this declaration of principles, the Superintendent was called upon to present his plan for integration. The "Corning Plan" was then presented by the Superintendent.

This plan was prefaced by the following statement:

1. *Complete desegregation of all schools is to be accomplished with least possible delay.*

Desegregation by grades or by levels would delay the process and would create administrative problems arising from confusion and inconsistencies.

2. *New boundaries are to be established for each school.*

Definite boundaries will be established for each school to make the optimum use of the school by the pupils living in its immediate area.

In sections of the city where schools are located very close to each other it will be impossible to set up separate boundaries for each school. In such instances, therefore, the boundaries will be for groups of schools rather than for individual schools.

When the new boundaries have been established and the plan is in operation, adherence to the boundary limitations must be definite and without exception.

This does not mean, however, that there will be any change in the present practice of adjustments of any school boundaries by the Superintendent wherever changes in school population make such action necessary. These boundary readjustments during the period of transition to a desegregated system will probably be more frequent than they are at present.

3. *Appointments and promotions of all school personnel are to be made on a merit system only and assignment will be in accord with the needs of the service.*

The tenure rights of individuals as to salary level and rank will be maintained.

The duties of some officers will necessarily be changed.

4. *The transition to a desegregated system is to be accomplished by natural and orderly means.*

Artificial and immediate reassignments of large numbers of pupils, teachers, and officers would be disruptive and will be avoided." (*Ibid.*, p. A. 16)

The report next proceeds with a consideration of the distribution of pupils and of school boundaries. The following

criteria are provided for governing the distribution of pupils:

- “1. the optimum use of all school buildings, and
2. the optimum accessibility of school buildings to the residences of pupils.

These criteria according to the plan necessarily require the establishment of definite zones to be served by each school or group of schools with the exception of the teachers colleges and the vocational and technical high schools which are specialized in nature and will continue to be city-wide in their services.” (*Ibid.*, p. A. 17)

This plan provides for an option for students presently enrolled in the District of Columbia system at any level to remain at the school until graduation from that level in order to avoid immediate displacement of large numbers of pupils. It provides the following procedures for carrying this out:

- “1. Fixed zones are to be established for each elementary, junior high and senior high school to insure balanced use of school facilities.
2. All pupils new to the school system or to a particular school level will be assigned to the schools designated to serve the zones in which they live.
3. All pupils at present enrolled in a given school may remain until graduation provided the school is not overcrowded and provided the priority rights of pupils within the new boundaries of the school are not denied. If they prefer they may transfer to the school serving the zone in which they live. Elementary school pupils who change residence will be transferred to the school assigned to the area of the new residence.
4. Transfers from one school to another will be required when necessary to relieve overcrowded conditions.” (*Ibid.*, p. A. 17-18.)

In keeping with the directions of the Board of Education the plan next set forth a proposed schedule (*Ibid.*, pp. A. 21-25.) This schedule provided for the completion of the drawing of new boundaries for the public schools by September, 1954. (*Ibid.*, p. A. 21.) It provided for limited transfers of elementary and junior high school pupils solely to relieve overcrowding by September, 1954. (*Ibid.*, p. A. 21-22.) It further provided for a beginning of a merger of the McKinley and Armstrong technical high schools at the same time. (*Ibid.*, p. A. 22.) In addition, provision was made for students of all races to attend the Miner and Wilson Teacher Colleges by September, 1954. (*Ibid.*, p. A. 22-23.)

The plan next enumerated a series of administrative actions which needed to be taken which caused the Superintendent to feel that he could make no more progress toward desegregation in the public schools by September, 1954 than indicated in the paragraph above. He also indicated that the need for legislative changes supported this delay. (*Ibid.*, p. A. 22.)

The plan continues with these observations:

"If the Board approves the Superintendent's plan and if there are no such setbacks as the failure to secure such legislative changes as the Corporation Counsel deems necessary or to secure funds that may be necessary to accomplish the physical changes in schools and in the redistribution of classroom equipment and supplies, the Superintendent feels that he can complete the changeover to a desegregated system by September, 1955.

"It is the belief of the Superintendent that he cannot in September go beyond the steps outlined in this report because of the lack of sufficient time before the close of school in June as the presence of pupils, teachers, and officers is essential to the carrying out of these plans. The official school calendar specifies June 17, as the last day for pupils; June 18, as the last day for teachers; and July 1 through August 31, as the summer vacation period for field officers. The field

officers are, of course, subject to call during this vacation period if their services are needed." (*Ibid.*, p. A. 23-24.)

As regards personnel, the Superintendent set no dates, but stated that persons presently employed would not be moved immediately, and that new personnel would be assigned in accordance with the needs of the service. Staff personnel would continue to exercise their current functions. (*Ibid.*, pp. A. 19-21.)

The Board heard the Superintendent read this report and immediately recessed until June 2. On June 2 the Board met and discussed the Superintendent's report—that is the "Corning Plan" as described above. (*Ibid.*, pp. A. 35-61). The Superintendent then submitted a statement to the Board in which he sought to justify the validity of the "option" plan and to further support his position that it was administratively impossible to put his plan into effect in September, 1954, except for the emergency transfers indicated above. In this statement the Superintendent conceded that he could establish new school boundaries by July 1, 1954; but, he stressed vigorously his viewpoint that it was administratively impossible to make any significant assignment of pupils by September, 1954. In this statement it was pointed out that emergency transfers referred to would provide for the transfer of about 2,700 Negro pupils into the previously all-white elementary and junior high schools. (*Ibid.*, pp. A. 62-66.)

The Superintendent's report of May 25 was accepted and filed and Dr. Corning was instructed to complete the designation of school boundaries and present maps to the Board on July 1 and to submit to the Board on June 23 a specific schedule covering the steps in desegregation. (*Ibid.*, p. A. 74.)

In the Board Meeting of June 23, 1954, Superintendent Corning outlined the steps in the desegregation program which had been taken and were to be accomplished.

with their respective dates. (*Ibid.*, A. 41-46.) The schedule has been carried out to date except in instances and manners as hereinafter noted:

- June 8 Temporary reorganization of the two Boards of Examiners into one Board under the direct chairmanship of the Superintendent.
- June 10, 11, 12 Teacher examinations for elementary, junior high, and vocational high schools on a completely integrated basis.
- June 11 Notices sent to all high school principals announcing that both Miner and Wilson Teachers Colleges are receiving applications for admission in September from any qualified person, regardless of race.
- June 11 Instructions issued to Heads of Departments of Military Science and Tactics to prepare and submit suggested plan for integration of cadet program for 1954-55 school year.
- June 14 Meeting of First Assistant and Associate Superintendents concerned, Directors of Health, Physical Education, Athletics, and Safety, and Directors of Athletics to discuss all sports programs for 1954-55 school year. Directors of Athletics to report back on June 24 with suggested schedules.
- June 14 First field officer examination announced on a city-wide basis (five such announcements issued to date).
- June 15 Completion of tabulation and listing of data from registration cards for approximately 100,000 pupils.
- June 17 Preliminary steps completed to effect transfers of pupils in elementary, junior high, and senior high schools listed in Superintendent's report of May 25 (Proposed Schedule, pp. 7-8)
- June 23 Revised legislative language submitted to the Board covering necessary amendments to existing law because of Supreme Court decision—

Concerning First Assistant Superintendent
 Concerning Chief Examiners
 Concerning Board of Examiners
 Concerning School Censuses

- July 1 Superintendent to submit to Board maps and descriptive data to show new boundary lines for all elementary, junior high and senior high schools.
- July 1 All necessary data concerning new boundaries to be furnished school principals and press to insure publicity reaching all school personnel and patrons.
- Superintendent to submit recommendations for merging of all lists of persons eligible for appointment to all teacherships on all levels.
- September 1 Use of new boundaries on all levels for all pupils new to the public schools including kindergarten and first grade pupils entering the public schools for the first time.
- (12,000 children affected. Change moved up by three months and put into operation.)
- September 13 Evening schools to open for operation on an integrated basis.
- September 13 Transfers of selected Division 2 elementary school pupils who, because of present boundaries, are required to travel excessive distances where there are present Division 1 schools near their homes. This is possible as it involves a limited number of pupils and in no instance will require reorganization in a school receiving pupils or the transfer of furniture or equipment.
- (Approximately three hundred transferred.)
- (Pupil changes and transfers were made in the elementary schools, junior high schools, senior high schools, teachers colleges and evening schools. Estimated number of pupils transferred was 2903.)
- September 13 Completion of building organizations including the transfer of teachers in some schools.
- September 13 Completion of transfer of furniture and equipment and textbooks and classroom supplies between schools affected by pupil transfers.
- October 1-15 Explain to all pupils the options provided either for remaining in present schools or transferring to new schools.
- (Prior to this date, this phase was accelerated.)
- Hold meetings for parents of all children who are qualified to request options to explain the choices

although no assurance can at that time be given whether the options can be approved for February 1 or for a later date.

(Meetings of parents not held as provided for.)

Written statements to be filed not later than November 11 confirming all options requested. Sixth, ninth and twelfth grade pupils not to be transferred.

(Transfers not made in the sixth, ninth and twelfth grade pupils, except in instances showing hardships. Senior High, 400 Negroes transferred to white school. Junior High, 525 Negroes transferred to white school. Elementary, 900 Negroes transferred to white school.)

The Superintendent repeats his desire to take such additional progressive steps as are consistent with the welfare of the children. He will, therefore, examine and tabulate all the written options that are filed to determine the numbers of pupils residing outside the new boundaries who wish to remain in their present schools and the numbers of those who wish to transfer to the schools serving their residence areas. On the basis of these findings he will then make such changed pupil assignments as are found feasible without forced transfers at the beginning of the new semester in February.

(Transfers being made with changes of address and in accord with zoning for new pupils)

On September 22, 1954, Superintendent Corning summarized the progress made in desegregating the public schools. He reported that the following things had been accomplished: (1) Schools reorganized; (2) Teachers' eligible register merged and appointments made therefrom; (3) Pupils transferred in accordance with the administration's plans; (4) Furniture, etc. moved; (5) Faculties in more than one-fifth of the schools rendered bi-racial; (6) Committee set up to consider "hardship cases," received about 700 requests for relief, processed about 500, granted about 60%, rejected about 10 percent and placed the remaining 30% under the "option" category

to be disposed of later; (7) new kindergartners, new first graders and all pupils attending Washington schools for the first time assigned on the basis of the new boundaries; (8) more than 3000 elementary and junior high school pupils transferred to new schools to relieve over-crowding; (9) about 100 children transferred to avoid necessity of travelling long distances; (10) Youth Council Centers established at Thomson and Walker-Jones Schools [student bodies bi-racial not faculties]; (11) 20 mentally retarded children and 3 special teachers assigned to the Military Road School [actually only 8 pupils—3 Negro and 5 white—and 3 teachers—2 Negro and 1 white—were assigned here]; (12) merging of McKinley and Armstrong started with a transfer of several hundred (346) children to McKinley; (13) Miner and Wilson Teachers Colleges opened to all qualified applicants [no whites at Miner, 32 Negroes at Wilson]; (14) all evening schools opened on an integrated basis; (15) on September 20 about 460 applications for transfers on the basis of options filed by senior high school pupils [467 eventually granted]; (16) on September 27, 560 applications filed by junior high school pupils [488 eventually granted]; (17) on September 27, about 2400 applications filed by elementary school pupils [none granted, at first because a strike against desegregation existed in the secondary schools, later about 900 transfers in the secondary schools effected, the remainder not acted upon.] (Minutes of the Fourth (Stated) Meeting of the Board of Education, 1954-55, September 22, 1954, pp. A. 18-22. Matters in brackets obtained by us from the District of Columbia School Officials.)

We turn now to an appraisal of the "Corning Plan", and our answers to Questions Four and Five propounded by this Court.

ARGUMENT

I

In Answer to Question 4a This Court Must, and in Answer to Question 4b This Court Should Issue a Decree Ordering Forthwith Desegregation of the Public School System of the District of Columbia.

Again stated, Question 4 is:

4. Assuming it is decided that segregation in public schools violates the Fourteenth Amendment,

- (a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or
- (b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

With respect to these questions petitioners reaffirm the views set forth in their brief on reargument heretofore submitted¹ wherein it is urged that this Court should by its decree direct respondents forthwith to admit petitioners to schools of their choice within the limits of normal geographic school districting. This Court, having decided that segregation in public schools is violative of the Fifth Amendment should decree that respondents, lacking the constitutional power to assign pupils to public schools on the basis of race, immediately cease and desist using race as a factor in making such assignments.

Supporting of that position are the cases decided by this Court enunciating the proposition that the rights here involved are personal and present. *Sweatt v. Painter*, 339 U.S. 629, 635; *Sipuel v. Board of Regents*, 332 U.S. 631, 633; *Missouri ex rel. Gaines v. Canada*, 350 U.S. 337, 352; *Brown v. Board of Education*, 347 U.S. 483; *Bolling v. Sharpe*, 347

¹ Brief for Petitioners on Reargument No. 8, October Term, 1953, pp. 89-94.

U.S. 497. The present, personal rights of children who are growing through their formative years necessitate forthwith vindication if they are not to be irretrievably lost.

Petitioners also adopt the arguments urged in the joint brief filed by the pupils and parents in the State cases. Further, petitioners reaffirm the position taken in their brief on reargument hereinbefore mentioned which is in essence that no power exists in this Court to postpone the enjoyment by petitioners of rights constitutionally protected, especially where, as here, the unconstitutional conduct of respondents is causing injury to the most important secular claims that can be put forward by children, the claim to their full measure of the opportunity to learn and grow, and to be treated as entire citizens of the society into which they have been born. In the words of the Delaware Court:

“ . . . To require the plaintiffs to wait another year under present conditions would be in effect partially to deny them that to which we have held they are entitled.” *Gebhart v. Belton*, 91 A. (2d) 137, 149.

Moreover, even should this Court conclude that its equity powers do permit an ending of a segregated school system to be accomplished by means of an *effective gradual adjustment*, assay of the factors involved makes it clear that in the District of Columbia it would be both unnecessary and unwise to exercise such powers. The factual situation in the District of Columbia makes a gradual decree unnecessary. Racial segregation has disappeared from virtually every phase of life in the District where Negroes and whites live side by side, work together, dine together and recreate in the same places and in general live their lives without racial distinction, save in the public schools. As has been heretofore indicated, since May 17, 1954 the great majority of individuals and organizations in the District have worked and are working with great zeal to achieve the implementation of this Court's decision without awaiting the decree of this Court. In this atmosphere it is sub-

mitted that it would be an unwise exercise of equity powers were this Court to do other than grant a forthwith decree.

In specific implementation of their answer to question four (b) and as an aid to the Court in its consideration thereof, petitioners would like to call to the attention of the Court the experience in the District of Columbia with the *Corning Plan* for desegregation of the District school system.

This Court has questioned whether it might permit a gradual adjustment from a segregated school system to one not based upon race. We have already indicated that in our opinion no power exists in the Court to postpone relief and we address ourselves to that question on the assumption that the Court finds that such power does exist. Even if this Court finds that such powers exist, we submit, that the power should not be exercised in this case. It needs no citation of authority to establish that the defendant in equity who asks the chancellor to go slowly in upholding the adjudicated vital rights of children accruing to them under the Constitution must make out an affirmative case of crushing conviction to sustain his plea for delay.

The experience in the District of Columbia with the *Corning Plan* substantiates the empirical studies of actual cases of desegregation of public schools and other social institutions, and rebuts the possibility that an affirmative case can be made out to prove that there is any compelling and valid justification which would sustain the delay implicit in the plan.²

At the very outset we desire to make our position clear that we do not agree with counsel for the respondents in

² Ashmore, Harry S., *The Negro and the Schools*, Chapel Hill: University of North Carolina Press, 1954;

Clark, Kenneth B., "Desegregation: An Appraisal of the Evidence", *The Journal of Social Issues*, 1953, 9, No. 4, 1-77;

"Next Steps in Racial Desegregation in Education", *Journal of Negro Education*, Summer 1954, 23, No. 3, The Yearbook Number 23, 1-399.

their publicized position that desegregation of the public schools in the District of Columbia has been accomplished in compliance with the pronouncement of this Court in its decision of May 17th. It is our appraisal of the plan put in operation in the District of Columbia that respondents have advanced on the assumption that this Court has accepted the theory of an effective gradual adjustment of the transition from a segregated system to a system not based on color distinctions and they have discounted the propriety of a forthwith disposal of this matter upon its merits, and have launched upon this gradual plan which is replete with errors and pitfalls. There is a basic inconsistency between the protestations of immediacy by the respondents and the gradualism contained in the program and demonstrated in its operation.

The inequities and partial or complete denial of constitutional rights which are necessarily inherent in any plan providing for postponement of constitutional rights are highlighted by a discussion and critique of the "Corning Plan" as administered by the District of Columbia which plan contains elements of both forthwith desegregation and gradualism. Here the gradualist element has caused not only a denial of present constitutional rights to some pupils, but has also been the genesis of many administrative difficulties in the past. It presages many more difficulties for the future, most all of which would be avoided by the adoption of a forthwith plan.

The principal areas of objections to the Corning Plan are (1) the delay in completely desegregating the public school system and (2) the insertion of a plan of student options designed to defeat effective desegregation as contemplated by the May 17th decision and by the policy declaration of the Board.

(1) An examination of proposals and statements of Superintendent Corning indicates that administratively he was of the opinion that the only desegregation which could take place in the District by September 1954, was the lim-

ited desegregation involved in relieving overcrowding; the merging of Armstrong and McKinley; and the opening of Wilson and Miner Teachers Colleges without regards to race. As a matter of fact, the Superintendent stated that he could not even draw boundary lines before September 1954. But when the Board took its position and told Dr. Corning to act forthwith, the Superintendent found that he could draw the boundary lines by July 1, 1954, and could partially desegregate in all levels by September, 1954, which he accordingly did. That is, the Superintendent took an administrative position of gradualism from which he receded step by step. The experience here in the District of Columbia demonstrated that extended time to desegregate was not necessary, which is in line with the results of studies made in the field of desegregation.³

It should be noted in this connection that part of the administrative indecision and delay was repeatedly justified by Dr. Corning on the basis that he was acting in advance of a final decree in this case.

It is the petitioners position that the Corning Plan taken out of its setting and transplanted into another would occasion greater delay, confusion, and extended, if not complete, denial of constitutional rights.

We should like to call the attention of the Court to the repeated statements by the Superintendent of Schools that certain steps in desegregation were necessary because they were educationally sound, not for the purpose of discrediting the Superintendent, but for the purpose of emphasizing to the Court that claims of educational unsoundness as justification for delay and other administrative actions are, to say the least, unreliable.

(2) The provision for an option, which the Superintendent engrafted upon a boundary system, created anticipated

³ Clark, Kenneth B., "Desegregation: An Appraisal of the Evidence", *The Journal of Social Issues*, 1953, 9, No. 4, 1-79, 36.

Ashmore, Harry S., *The Negro and the Schools*, Chapel Hill: University of North Carolina Press, 1954, 70-71.

confusion and so-called hardship cases. It was difficult for some and impossible for others to understand the operation of this phase of the plan, so that many did not exercise these options because they did not know whether they could, or when they could, exercise them. Some people did not exercise the option to remove their children from the school they had been attending outside the new boundary to the school within the new boundary for fear of the hostility which would be accorded the children in the new school because they would be "bumping" former students. This piecemeal desegregation thus produced the very ills forecast by the experts.⁴

The option provision in effect takes the authority to operate an orderly integrated system from the Superintendent and delegates it to the parents of each child. The option plan has not in fact operated as Dr. Corning has promised that it would. At one place in the plan we find this language:

"Any child living in the area of School "A" may attend that school if he so desires even though he may now be enrolled in School "B" or in some other school.

"It should be noted that all children living within the boundaries of any given school *will have first priority for attending that school.*"

This on its face seems a fair proviso but the application of the rule, with the required sanction of the Superintendent

⁴ Kutner, Bernard; Wilkins, Carol; Yarrow, Penny Reelman, "Verbal Attitudes and Overt Behavior Involving Racial Prejudice", *The Journal of Abnormal and Social Psychology*, 1952, 47, 649-652;

LaPiere, R. T., "Attitudes vs. Action", *Social Forces*, 1934, 13, 230-237; Saenger, Gerhart and Gilbert, E., "Customer Reactions to the Integration of Negro Sales Personnel", *International Journal of Opinion and Attitude Research*, 1950, 4, 57-76;

Deutsch, Morton and Collins, M. E., *Interracial Housing, A Psychological Study of a Social Experiment*, Minneapolis; University of Minnesota Press, 1951;

Chen, I.; Deutsch, M.; Hyman, H.; Johoda, M.—Editors, "Consistency and Inconsistency in Intergroup Relations", *The Journal of Social Issues*, 1949, No. 3, 1-63.

ent, is having the following demonstrated result: Child John Doe (Negro) lives now in an area within the boundaries serviced by School A (white) and expresses the desire to go to School A. The Superintendent denies this right on the ground that School A will be overcrowded by that transfer, although the place which John Doe seeks to occupy is being held by one or more children (white) who live outside of the area of School A. In others words, exactly contrary to the wording of the plan, the preference is given to the child outside of the boundaries of the school. Thus attendance with race fundamentally as the controlling factor is being perpetuated. That this is designedly done and that there is no immediate relief in sight is voiced by the Superintendent himself in his announced projected plan:

“The Superintendent repeats his desire to take such additional progressive steps as are consistent with the welfare of the children. He will, therefore, examine and tabulate all the written options that are filed to determine the numbers of pupils residing outside the new boundaries who wish to remain in their present schools and the numbers of those who wish to transfer to the schools serving their residence areas. On the basis of these findings he will then make such changed pupil assignments as are found feasible without forced transfers at the beginning of the new semester in February.”

Our investigation discloses no instance where a single Negro child has been transferred from a school which he has previously attended because of race to a school from which he was previously excluded because of race where to do so would have meant the displacement of a white student. To the contrary, we have come upon instances where white children required by Board rules to attend schools formerly all Negro have been permitted to transfer to schools predominantly white on the alleged ground of “hardship”. We respectfully submit that this so-called “hardship” is nothing less than having to attend a public

school within his boundary where his racial group is in the minority. The granting of such transfers by the School Administrator is an admission and acceptance of this as hardship. In addition, the granting of such transfers is assigning students on the basis of race in contravention of this Court's decision of May 17th, and in violation of the expressed policy of the Board of Education stated in the following language:

“Attendance of pupils residing within school boundaries, hereafter to be established, shall not be permitted at schools located beyond such boundaries, except for the most necessitous reasons or for the public convenience, *and in no event for reasons related to the racial character of the school within the boundaries in which the pupil resides.*” (Minutes of the 13th (Special) meeting of the Board of Education, 1953-1954, held May 25, 1954, p. A 8.)

This is further evidence that this plan not only embraces the principles of gradualism but fosters the denial of effective desegregation.

It appears to us that the Corning Plan as evolved and operated in the District of Columbia tends to nullify the decision of May 17th in two ways: (1) The option features of the plan operate to fasten aspects of the segregated system upon the purportedly desegregated system, and (2) the lack of known standards by which the administrators of the plan are to determine when desegregation is to take effect and why desegregation is to be delayed subject petitioners declared constitutional rights to the uncertain whims and caprice of school authorities, and argues for a forthwith decree, rather than a decree permitting gradualism.

II

If This Court Should Decide to Permit an "Effective Gradual Adjustment" From a Segregated School System to a System Not Based on Color Distinctions, It Should Not Formulate a Detailed Decree But Should Remand This Case to the Court of First Instance With Specific Directions.

In addressing themselves to the problems posed by the several parts of Question 5, petitioners submit that a crucial factor in determining the kind and character of decree which this Court should enter, is the factor of respondents' actions taken and proposed as hereinabove described looking toward the de-segregation of the public schools in the District of Columbia. Based on respondents' own prognosis the outer limit in point of time required for the necessary adjustment of the school system from a segregated system to one not based on race or color is September, 1955. Inasmuch as the bulk of the deficiencies in the proposed plan to which petitioners have called attention are deletions, their adoption will not extend but tend to shorten the time needed for transition. An additional factor which is submitted as a consideration underlying the choice of form of decree is the atmosphere of integration, to which attention has been called, extant in the District of Columbia.

For the reasons enumerated above it would appear crystal clear that it would be injudicious for this Court to undertake the formulation of a detailed decree in this case. Neither is it needful that the decree reach the specifics which have been considered by the Board of Education and implemented by its action. Nor should this Court appoint a special master since all pertinent evidence is already before this Court and is of record for the use both of this Court and the District Court as well.

It is petitioners' position that this Court should issue its mandate directing that the District Court enter a decree enjoining respondents forthwith from imposing distinctions based on race or color in the administration of the public schools of the District of Columbia and directing that each child eligible for public school attendance in the

District of Columbia be admitted to the school of his choice not later than September, 1955, within the limits set by normal geographic school districting.

CONCLUSION

It is respectfully submitted that in light of the decisions of this Court to the effect that respondents lack the constitutional power to use race or color as a basis for the administering of the public schools in the District of Columbia and that it is in violation of Petitioners' rights under the Fifth Amendment to the Constitution of the United States to be excluded from any of such schools on the basis of race or color, this Court should therefore by its mandate require the entry of a forthwith decree restraining Respondents from using distinctions based on race or color in the administration and operation of the public school system in the District of Columbia.

Respectfully submitted,

(s)

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APPENDIX

APPENDIX A

Extracts from the Minutes of The Board of Education of the District of Columbia

SUPERINTENDENT OF SCHOOLS
FRANKLIN ADMINISTRATION BUILDING
THIRTEENTH AND K STREETS N. W.
WASHINGTON 5, D. C.

May 25, 1954

To the Board of Education
of the District of Columbia

Ladies and Gentlemen:

On Monday, May 17, 1954, the Supreme Court of the United States issued two opinions, one having to do with segregation in public schools in Kansas, South Carolina, Virginia, and Delaware, and the other with segregated schools in the District of Columbia. The first opinion declared that "such segregation is a denial of the equal protection of the laws" and the second opinion stated:

"In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government. We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the Fifth Amendment to the Constitution."

The latter opinion also restored to the docket of the Court the case of *Brown v. the Board of Education* for further argument next fall on certain aspects of the suit. This opinion placed upon the Board of Education and the Superintendent of Schools the responsibility for accomplishing the complete de-segregation of all public schools in the District of Columbia.

The transition from a segregated to a de-segregated type of school organization requires definite administrative decisions and practices. To accomplish the transition in Washington as rapidly and effectively as possible, basic principles need to be established which will govern all administrative procedures necessary in complying with the opinion of the Court. The Superintendent and his staff state as a basic premise that the schools will hereafter operate as a single system and that no reference will be made in any way to racial differences among its pupils or its employees.

The following general principles are calculated to make the best use of the total resources of the school system in plant and personnel, to serve the best interest of all the pupils, and to promote the general welfare of the community. To implement these principles, administrative attention must be directed toward steps which will assure the distribution of pupils and the assignment of employed personnel smoothly and expeditiously. These general principles are presented to the Board of Education for its consideration.

1. *Complete de-segregation of all schools is to be accomplished with least possible delay.*

De-segregation by grades or by levels would delay the process and would create administrative problems arising from confusion and inconsistencies.

2. *New boundaries are to be established for each school.*

Definite boundaries will be established for each school to make the optimum use of the school by the pupils living in its immediate area.

In sections of the city where schools are located very close to each other it will be impossible to set up separate boundaries for each school. In such instances, therefore, the boundaries will be for groups of schools rather than for individual schools.

When the new boundaries have been established and the plan is in operation, adherence to the boundary limitations must be definite and without exception. This does not mean, however, that there will be any change in the present practice of adjustments of any school boundaries by the Superintendent whenever changes in school population make such action necessary. These boundary readjustments during the period of transition to a de-segregated system will probably be more frequent than they are at present.

3. *Appointments and promotions of all school personnel are to be made on a merit system only and assignment will be in accord with the needs of the service.*

The tenure rights of individuals as to salary level and rank will be maintained.

The duties of some officers will necessarily be changed.

4. *The transition to a de-segregated system is to be accomplished by natural and orderly means.*

Artificial and immediate reassignments of large numbers of pupils, teachers, and officers would be disruptive and will be avoided.

SCHOOL BOUNDARIES AND DISTRIBUTION OF PUPILS

One very significant aspect of the process of de-segregation is that concerned with the distribution of pupils among the various schools. It is evident that the reasonable and proper criteria for this distribution are:

1. the optimum use of all school buildings, and
2. the optimum accessibility of school buildings to the residences of pupils.

These criteria necessarily require the establishment of definite zones to be served by each school or group of

schools. The teachers colleges and the vocational and technical high schools because they are specialized in nature will continue to be city-wide in their services. In establishing zones for the optimum use of all school buildings, the objective will be to assign to each given school or group of schools an area calculated to give each building its fair share of the total pupil load in relation to its capacity.

Although it will not be possible to avoid all traffic hazards or to assure convenient public transportation in every case in considering the accessibility of a school account will be taken of these factors as well as the factor of distance to be travelled by the pupils.

To facilitate the establishment of proper boundaries for all school buildings on a de-segregated basis, the residence cards for all pupils now in the Washington public schools have been set up on the IBM accounting machines according to city blocks, by grade levels, and by schools now attended. In addition thereto each building principal is preparing a spot map to indicate the places of residence of all his pupils. The officers charged with the responsibility of establishing the boundaries will then be able to determine the number of pupils now enrolled in the schools who live in any given city block. They will also know the grade level and the school last attended by each pupil. The compilation of these data will assist in the establishment of the boundary limitations.

In order to provide stability, continuity, and security in the educational experiences of pupils during the transition period, it is agreed that it will be educationally sound to permit pupils at present enrolled in any school to continue in that school even though they are not living within the new boundaries. By this means immediate displacement of unnecessarily large numbers of pupils will be avoided. Progressively with the establishment of new boundaries all children will attend the schools serving the areas in which they live.

The following procedures will be needed to carry out this plan:

1. Fixed zones are to be established for each elementary, junior high and senior high school to insure balanced use of school facilities.
2. All pupils new to the school system or to a particular school level will be assigned to the schools designated to serve the zones in which they live.
3. All pupils at present enrolled in a given school may remain until graduation provided the school is not overerowded and provided the priority rights of pupils within the new boundaries of the school are not denied. If they prefer they may transfer to the school serving the zone in which they live. Elementary school pupils who change residence will be transferred to the school assigned to the area of the new residence.
4. Transfers from one school to another will be required when necessary to relieve overerowded conditions.

In order to demonstrate how these procedures will operate, the Superintendent suggests that the cases of the boundaries of two hypothetical schools (elementary, junior high or senior high) be considered: School "A", formerly a Division 1 school, and School "B", formerly a Division 2 school, serving areas within their new boundaries on a de-segregated basis, the two areas being contiguous.

By the application of the foregoing procedures, what children must attend and what children may attend School "A"?

These *must* attend School "A"

1. All children living within the new boundaries who formerly attended School "A".
2. All children living within the new boundaries who are entering a school of that level for the first time.
3. All children who are newly residing in the area served by School "A".

4. Children now attending School "B" but living within the boundaries of School "A" if School "B" becomes overeroweded.

Those who *may* attend School "A"

1. Children now enrolled in School "A" whether or not their residence is within the boundaries of School "A" may continue to attend until their graduation subject to the following conditions:

- a. if School "A" becomes overeroweded, pupils previously attending School "A" who live in the area now served by School "B" or any other school will be transferred to that school.

- b. if further relief from overcrowding is necessary after all children not living in the area served by School "A" have been transferred, it will then be necessary to provide additional relief by further changing the boundaries of School "A".

2. Any child living in the area of School "A" may attend that school if he so desires even though he may now be enrolled in School "B" or in some other school.

It should be noted that all children living within the boundaries of any given school will have first priority for attending that school.

These same regulations will apply to School "B", and to all other elementary, junior high or senior high schools in the city except those which are city-wide in their services.

The ultimate distribution of pupils strictly in accordance with established zones will be accomplished through the provisions of the principle that all pupils entering the elementary, junior high, or senior high schools for the first time shall be assigned to the schools designated to serve the zones of their residences. This applies equally to pupils entering the first grade, pupils promoted to

junior high or senior high schools, pupils entering the Washington Public Schools for the first time, and pupils transferring from one area of the city to another.

Finally, authority for the placement of all pupils must be vested in the Superintendent of Schools and his staff, who will administer the plan within the framework of the policies enunciated by the Board of Education.

ASSIGNMENT OF EDUCATIONAL EMPLOYEES

A second major aspect of the process of de-segregation is that dealing with the distribution of the teachers, including librarians and counselors. The following procedures are recommended to govern the assignment of these employees. Here again it is felt that once policies are established through formal action of the Board of Education the school administration shall then be vested with final authority for determining the placement of school employees.

1. *Teachers now in service.*

In general these employees will remain in their present assignments subject to the following conditions.

- a. They will be transferred only to meet the needs of the service and then only within the level and/or the subject matter fields of their preparation and experience.
- b. When vacancies occur or when there is need for additional teachers in a given school, assignments to that school will be determined in accordance with the best use of available personnel. As is true at present, a controlling consideration in the placement of personnel will be the general fitness and adaptability of a individual for a particular situation.

c. Requests of teachers for transfers will be honored as at present if the transfers are in accordance with the needs of the overall school organization.

2. *Appointment and placement of teachers new to the service.*

a. All appointments of teachers will be made from rated lists resulting from examinations to be held by a single Board of Examiners.

b. All assignments of new personnel will be in accordance with the needs of the service.

Another important aspect in the de-segregation process is the assignment of field officers. Since most of them are specialists in their field it is essential that consideration be given their training and experience.

1. *Principals and Assistant Principals now in service.*

The procedure for the assignment of assistant principals and principals now in the service will be the same as that prescribed for teachers.

2. *Directors, Assistant Directors, Heads of Departments, and other field officers.*

Directors, assistant directors, and heads of departments, who at present serve the system on a divisional basis will be assigned to duties in the same fields of work on a city-wide basis. The duties of most of these positions fall logically into large areas, such as administration, supervision and improvement of instruction, and curriculum revision. Each of these officers will be assigned to some such area in his field on a city-wide basis and will serve all levels of the system.

3. Personnel in special departments and offices now operating on a divisional basis will be reassigned on a city-wide basis.
4. Newly appointed officers in these groups will be selected according to merit under the existing procedures for the selection and promotion of persons for officer positions, but on a system-wide basis.

The Superintendent is not yet prepared to make recommendations as to any formal changes in the functions of the officers on his staff. The work involved in accomplishing de-segregation in so large a school system will require the closely-knit and joint efforts of all these officers for a considerable period of time. They have been engaged in working out the detailed preparation of this plan and it will require their continued cooperative efforts in its inauguration. The responsibilities and duties of such officers as the Assistant to the Superintendent in charge of Business Administration, the Associate Superintendent in charge of Buildings and Grounds, and the Associate Superintendent in charge of Personnel are already city-wide in scope. The work which is at present the responsibility of the officers in charge of instruction and school administration and of educational research will in no wise be lessened by the change in the school system. It is the plan of the Superintendent to assign these officers eventually to duties that will be broadened and on a system-wide basis and which will provide opportunity for the initiation of new services and the development of others not at present sufficiently emphasized. These reassignments will result in considerably improved supervisory and administrative practices in the classrooms of all levels.

PROPOSED SCHEDULE

To begin the implementation of the plan to de-segregate the public schools of the District of Columbia, the Superintendent proposes the following tentative schedule:

By September, 1954—

Completion by the building principals and their supervisory officers of the establishment of new boundaries for all schools except those that will continue to function on a city-wide basis.

Relief of present urgent situations in:

1. Elementary Schools

a. To relieve overcrowding transfer a sufficient number of pupils:

from the Slowe and Noyes Schools to the Woodridge, Langdon, and Burroughs Schools

from the Bruce, Monroe, and Park View Schools to the Raymond, Petworth, Barnard, and Rudolph Schools

from the Madison, Maury, and Lovejoy Schools to the Kingsman, Edmonds, and Blair Schools

from the Taylor, Hayes and Ludlow Schools to the Wheatley School

from the Bryan and the Payne Schools to the Buchanan School

from the River Terrace School to the Benning School.

b. To vacate the Military Road School, no longer needed for classroom purposes, transfer the pupils from that school to the Brightwood School.

2. Junior High Schools

a. To alleviate overcrowding transfer pupils:

from the Randall Junior High School to the Jefferson Junior High School

from the Browne, Eliot, and Langley Junior High Schools to the Eastern Junior-Senior High School

from the Kelly Miller Junior High School to the Sousa Junior High School.

NOTE: These transfers of elementary and junior high school pupils are proposed by the Superintendent because of almost emergency situations and in his opinion are deserving of approval at this time as first steps in the complete de-segregation process. He feels that no cases beyond these should be considered at this time.

3. Senior High Schools

Begin the merging of the McKinley and Armstrong Technical High Schools by transferring to McKinley students in such courses as can be accommodated in the present classroom and shop facilities.

NOTE: The complete merger of these two schools will depend upon appropriation of necessary funds for construction and moving and purchase of equipment.

4. Teachers Colleges

While there is no urgent situation in the college enrollments, it is proposed that both Wilson and Miner Teachers College be opened to qualified students regardless of race and that the two institutions plan special course offerings so that students in either one will be able to take advantage of such offerings in the other. A complete merging of the colleges cannot be accomplished at this time since there is not at present any building available which can accommodate so large an institution.

Attention is called to the fact that the suggestions proposed above providing for de-segregation in certain areas of the school system are in advance of any present requirement of the Supreme Court Opinion.

After the opening of the schools in September, the Superintendent will continue as rapidly as possible with the whole program, taking into consideration the necessary steps, the most important of which are listed below:

1. Assigning pupils to schools on basis of new boundaries.
2. Preparing Board Orders for changed assignments of teachers and officers where necessary.
3. Carrying on programs of in-service training in intercultural relationships for all employees.
4. Conducting examinations based on amended legislation.
5. Establishing new eligible lists for teacher appointments.
6. Replanning city-wide student activities, such as sports, cadets, student government, and musical activities.
7. Relocating all field officers now occupying space which will be required for classroom use.
8. Making adjustments in allotments for postage, stores-clerks, and evening schools.
9. Moving furniture and classroom equipment.
10. Arranging for adjustments in the delivery of classroom supplies and textbooks to meet changed school enrollments.
11. Recommending to the Board necessary changes in its rules.

If the Board approves the Superintendent's plan and if there are no such setbacks as the failure to secure such

legislative changes as the Corporation Counsel deems necessary or to secure funds that may be necessary to accomplish the physical changes in schools and in the redistribution of classroom equipment and supplies, the Superintendent feels that he can complete and change over to a de-segregated system by September, 1955.

It is the belief of the Superintendent that he cannot in September go beyond the steps outlined in this report because of the lack of sufficient time before the close of school in June as the presence of pupils, teachers and officers is essential to the carrying out of these plans. The official school calendar specifies June 17, as the last day for pupils; June 18, as the last day for teachers; and July 1 through August 31, as the summer vacation period for field officers. The field officers are, of course, subject to call during this vacation period if their services are needed.

The Superintendent submits this report for the consideration of the Board and recommends its approval. For the convenience of the Board he recapitulates below the specific recommendations that will require Board approval before he can begin the administrative steps looking to the actual de-segregation of the public schools of the District of Columbia:

1. As a basic premise, that the public schools operate hereafter as a single system without reference of any kind to or consideration of racial differences among its pupils or its employees.
2. That complete de-segregation be accomplished with the least possible delay according to the suggested scheduled steps.
3. That the transition to a de-segregated system be made by natural and orderly means.
4. That new boundaries be established for each school to provide the optimum use of all buildings and the

optimum accessibility of schools to the places of residence of pupils.

5. That the assignments of pupils to schools be made on the basis of the steps outlined in the section, "School Boundaries and Distribution of Pupils," and according to the calendar established in the schedule.
6. That all appointments, promotions, and assignments of school personnel be made on the basis of merit only and in accordance with the needs of the service.
7. That the assignments of teachers, librarians, counselors, and field officers be made according to the policies outlined in the section, "Assignment of Educational Employees."
8. That members of the Superintendent's immediate staff continue in their present assignments until the whole process of de-segregation has proceeded sufficiently far to enable the Superintendent to present his plan for the reorganization of his staff including such changed duties as he then finds expedient.
9. That a schedule be set up providing by September, 1954, for the establishment of new boundaries for all schools; the closing of the Military Road School; the relief of pupil-overcrowding in those elementary schools and junior high school listed in the schedule on pages 7 and 8; the beginning of the merging of the McKinley and Armstrong Technical High Schools; the opening of both Teachers Colleges on a de-segregated basis; and by September, 1955, the complete de-segregation of all schools in the system.

The Superintendent further recommends that he be authorized to prepare an estimate of funds to be sought through appropriation covering such expenses as will be incurred in the de-segregation process that can not be met from funds already appropriated.

The Superintendent is submitting a separate report covering amendments to existing legislation which he considers necessary to the de-segregation program.

Respectfully submitted

HOBART M. CORNING
Superintendent of Schools

The Superintendent made the following statement:

"I think there are probably two points that rise above all others as being points of misunderstanding or difference of opinion, and I would like to speak, if I may, to those two points quite briefly by way of further explanation.

The two points I have in mind are the choice to remain in the present school until completion of that level and the dates for the various steps to be taken for the completion of the de-segregation plan. Now with respect to the first of those two points, the plan proposed by the Superintendent would grant the option to all presently enrolled pupils to (1) remain in their present schools until completion of that level, whether that be elementary, junior high school or senior high school, or (2) to transfer to the school which under the new boundaries will serve areas in which they reside. Every student would be given that option.

It is important to bear in mind that this choice obtains only until a child finishes the school in which he is presently enrolled and that every pupil new to a school by reason of promotion, change of residence, or transfer from another school must attend the school serving his residence area.

It is the firm belief of the Superintendent that this plan is educationally sound, that it is essential to the educational development of children, and that it will result in a

minimum of disruption to the entire school system and to this community.

The advocacy of this plan is based upon the following considerations:

1. The option to remain in present schools until graduation will apply to pupils now in both Division 1 and Division 2 schools.
2. These same children will have equal opportunity to transfer to the schools that will serve their places of residence under newly established boundaries. *Indeed all pupils entitled to such transfers will have priority over any children previously attending the school but living outside the new boundaries.*
3. Therefore, any pupil who wishes to attend the school serving his residence area under the new boundaries may do so.
4. By this plan through the exercise of the options there is positive assurance that in all schools serving areas with mixed population there will be at the outset an admixture of the races.
5. Since every child has the right to attend the school in his home area if he chooses, it is difficult to find convincing arguments for arbitrarily transferring any child who may wish to remain in the school previously attended and who can be accommodated there.
6. The transition to an integrated school system should be accomplished with a minimum of disruption to the educational program of children.
7. Transfer of children from one school to another can have the following effects:
 - A. Interruption of the continuity of instruction.
 - B. The replacement of well established relationships with teachers and pupils by new associations.

- C. The loss to the pupil of the teacher who knows him as a person and who is acquainted with his educational background and needs.
 - D. Loss or at least interruption of the advantages of prestige and leadership which he has established.
 - E. Since in the secondary schools the course offerings are not identical, but are determined in large part by the requirements and demands of students, the Superintendent feels the need of the interim period to make sure that after all transfers are settled as few students as possible will be interrupted in their present planned curriculums, since courses can be organized with teacher transfers where necessary to obviate this kind of difficulty.
8. Transfer of all students initially would require a great many more moves of teachers and resulting reorganization of school staffs and school offerings than are necessary to accomplish the de-segregation process.

In considering this proposal of the Superintendent a controlling consideration should be the fact that *the purpose of public education everywhere is the welfare and progress of the child*. The Superintendent feels that unnecessary transfers to accomplish a desired goal immediately and to satisfy adult desires would be a blow to the welfare and progress of the child for whom the schools exist.

The second point to which I'd like to give further explanation has to do with the timing of the various steps to complete integration.

A point of view has been expressed that all children should be assigned to schools according to the newly established boundaries by September, 1954. For the following reasons the Superintendent believes that only the significant emergency transfers recommended should be made as of September, 1954.

1. Using the spot maps for all schools that have been prepared at the Superintendent's direction and the L.B.M. cards, representing 103,000 students, the drawing of new boundary lines can be completed earlier than September as originally estimated.
2. The assignment of pupils to schools according to the new boundaries, however, is not accomplished by indicating these boundaries on a map. The satisfactory accomplishment of this complicated process of transferring large numbers of children and preparing the schools to receive them involves the following steps:
 - A. The actual drawing of new boundary lines for every school.
 - B. The announcement of these new boundaries to the patrons of the schools together with the furnishing of sufficient explanatory material to enable them to understand how the new boundaries will operate.
 - C. The securing of school choices signed by the parent of every child who is entitled to any option.
 - D. The compilation of these choices to determine the total number of pupils to be accommodated in each school according to the new boundaries.
 - E. The further readjustment where possible of boundary lines for any school which at this stage appears to be overpopulated.
 - F. The listing by the building principals of all pupils to be transferred together with the preparation of the usual necessary transfer data including in the secondary schools the preparation of an individual transcript of record for each pupil.
 - G. Notification to all parents whose children are to be transferred.

- H. The necessary reorganization of classes according to grade or subject matter following the adjustment in individual school enrollments.
- I. The necessary changes in teacher assignments following the completion of pupil assignments.
- J. The necessary building changes and moves where rooms now used for office purposes will be required for classes.
- K. The moving of teacher and pupil furniture to accommodate the changed building enrollments.
- L. The reallocation and transfer of equipment, textbooks, and classroom supplies.

All of these steps are essential to a smooth and efficient transition.

3. These steps can not be accomplished in the summer when the schools are not in session and pupils, teachers, parents and field officers are not available. Even though it is possible to require educational employees to serve during the vacation period any move in this direction would result in lowered morale at a time when it should be at its highest point. Furthermore, there would still be no means of communicating with pupils and parents.
4. It is highly important that the moving of so many children and teachers and the complete changeover on so vast a scale should be undertaken only after detailed planning and conferences.
5. It is the opinion of the Superintendent that the complete transition of the school system in a sound orderly way by September 1954 is administratively impossible.

The Superintendent in his May 25 report recommended that the transition be completed by September, 1955. It

was explained that complete de-segregation would be accomplished step-by-step during the school year beginning in September 1954. The first steps recommended for September involved the transfer of approximately 2700 children from 21 present Division 2 schools to 18 Division 1 schools to relieve serious over-crowding in the colored elementary and junior high schools. It also recommended the opening of the teachers colleges to both races and the merging of Armstrong and McKinley High Schools. The report did not detail the progressive steps which can be undertaken during the school year 1954-55. The steps which seem possible in present planning are:

1. Completion of boundaries by July 1, 1954.
2. Additional transfers as soon after the opening of the school year as possible by the application of the new boundaries in certain areas in which the number of pupils to be transferred is very limited.
3. The completion of de-segregation of the senior and vocational high schools by February 1, 1955.
4. Such other transfers as may be found possible and desirable when the actual fall enrollments are available.

I believe, Mr. Chairman, that that is about all I care to say other than to remind you that this plan was worked out by the staff with the Superintendent in a series of many meetings which were held, some of them night meetings, long sessions and have been given very careful consideration. It is our opinion that the slight amount of delay which is involved in this problem is essential for the orderly working out of this very complicated program. Furthermore, the slight delay recommended is not serious when we consider that the steps taken by us toward de-segregation in September and those which may be taken during the next school-year before the final decree of the

Supreme Court is handed down are actually in advance of legal necessity.

Emphasis should be placed, therefore, it seems to me, not upon any incompleteness of the process in September, but upon the fact that changes made by that time are in advance of any final directive from the Supreme Court.

The Superintendent and his staff will be held responsible for the successful administration of plans for de-segregation. They should not, therefore, be required to follow a schedule which in their judgment cannot be met by orderly and well thought-out educational procedures. The sincere, honest, and objective opinion of the staff as to the time required and the methods to be used should be given consideration. I believe that that is all." Minutes of the Thirteenth (Special) meeting of the Board of Education, 1953-54 held May 25, 1954, and Recessed Session held June 2, 1954.

SUPERINTENDENT OF SCHOOLS
FRANKLIN ADMINISTRATION BUILDING
THIRTEENTH AND K STREETS NW.
WASHINGTON 5, D. C.

June 23, 1954

To the Board of Education
of the District of Columbia

Ladies and Gentlemen:

The Superintendent submit the following calendar of dates for the steps that have been or are to be taken to complete the program of de-segregation of the public schools of the District of Columbia

**STEPS IN DE-SEGREGATION PROGRAM ALREADY
ACCOMPLISHED**

- June 8 Temporary reorganization of the two Boards of Examiners into one Board under the direct chairmanship of the Superintendent.
- June 10, 11, 12 Teacher examinations for elementary, junior high, and vocational high schools on a completely integrated basis.
- June 11 Notices sent to all high school principals announcing that both Miner and Wilson Teachers Colleges are receiving applications for admission in September from any qualified person, regardless of race.
- June 11 Instructions issued to Heads of Departments of Military Science and Tactics to prepare and submit suggested plan for integration of cadet program for 1954-55 school year.
- June 14 Meeting of First Assistant and Associate Superintendents concerned, Directors of Health, Physical Education, Athletics, and Safety, and Directors of Athletics to discuss all sports programs for 1954-55 school year. Directors of Athletics to report back on June 24 with suggested schedules.
- June 14 First field officer examination announced on a city-wide basis (five such announcements issued to date).
- June 15 Completion of tabulation and listing of data from registration cards for approximately 100,000 pupils.
- June 17 Preliminary steps completed to effect transfers of pupils in elementary, junior high, and senior high schools listed in Superintendent's report of May 25. (Proposed Schedule, pp. 7-8)
- June 23 Revised legislative language submitted to the Board covering necessary amendments to existing law because of Supreme Court decision—

Concerning First Assistant Superintendents
Concerning Chief Examiners
Concerning Boards of Examiners
Concerning School Censuses

STEPS IN DE-SEGREGATION PROGRAM TO BE
ACCOMPLISHED

- July 1 Superintendent to submit to Board maps and descriptive data to show new boundary lines for all elementary junior high and senior high schools.
- All necessary data concerning new boundaries to be furnished school principals and press to insure publicity reaching all school personnel and patrons.
- July 1 Superintendent to submit recommendations for merging of all lists of persons eligible for appointment to all teacherships on all levels.
- July 6 Completion of estimate for 1956 budget for funds needed to convert McKinley High School to a modern technical school to permit the eventual closing of the present Armstrong Technical High School.
- September 1* *Use of new boundaries* on all levels for all pupils new to the public schools including kindergarten and first grade pupils entering the public schools for the first time.
- September 13* Evening schools to open for operation on an integrated basis.
- September 13* Transfers of selected Division 2 elementary school pupils who, because of present boundaries, are required to travel excessive distances where there are present Division 1 schools near their homes. This is possible as it involves a limited number of pupils and in no instance will require reorganization in a school receiving pupils or the transfer of furniture or equipment.
- Any similar cases on the secondary level will be considered on an individual basis.

* This step has not previously been reported to the Board.

September 13 Pupil changes indicated by the following table:

ELEMENTARY SCHOOLS

		Resulting number of pupils in integrated schools based on June enrollments**	
Pupils to be transferred from 12 schools in Division 2 to 14 schools in Division 1		Estimated number of pupils to be transferred	
FROM	TO		
Bruce	Barnard		
Bryan	Benning		
Hayes	Blair		
Lovejoy	Brightwood		
Madison	Buchanan		
Maury	Burroughs		
Military Road	Edmonds		
Noyes	Kingsman	1503	6341
Park View	Langdon		
River Terrace	Petworth		
Slowe	Raymond		
Taylor	Rudolph		
	Wheatley		
	Woodridge		
Transfer of special cases of pupils travelling ex- cessive distances to schools nearer their homes (18 schools)			
Bancroft	Patterson		
Congress Heights	Powell		
Eaton	Randle Highlands		
Hearst	Rudolph		
Janney	Simon	96	9603
Key	Stoddert		
Lafayette	Truesdall		
Orr	Tyler		
Oyster	West		

** This number does not include the schools which are integrated by the admission of pupils new to the school system and the new kindergarten and first grade pupils.

Resulting number
of pupils
Estimated in integrated
number of schools
pupils to be based on June
transferred enrollments**

JUNIOR HIGH SCHOOLS

Pupils to be transferred
from 5 junior high schools
in Division 2 to 3 junior
high schools in Division 1

FROM	TO		
Browne	Eastern Jr.-Sr.		
Eliot	Jefferson	844	3050
Langley	Sousa		
Miller			
Randall			

SENIOR HIGH SCHOOLS

Pupils to be transferred from Armstrong to McKinley High School	460	1230
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TEACHERS COLLEGES

Admission of applicants without regard to race		908
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EVENING SCHOOLS

Opening Evening Schools to all students		8677
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Totals	2903	29809
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- September 13 Completion of building organizations including the transfer of teachers in some schools.
- September 13 Completion of transfer of furniture and equipment and textbooks and classroom supplies between schools affected by pupil transfers.
- October 1-15 Explain to all pupils the options provided either for remaining in present schools or transferring to new schools.

** This number does not include the schools which are integrated by the admission of pupils new to the school system and the new kindergarten and first grade pupils.

Hold meetings for parents of all children who are qualified to request options to explain the choices although no assurance can at that time be given whether the options can be approved for February 1 or for a later date.

Written statements to be filed not later than November 11 confirming all options requested. Sixth, ninth and twelfth grade pupils not to be transferred.

The Superintendent repeats his desire to take such additional progressive steps as are consistent with the welfare of the children. He will, therefore, examine and tabulate all the written options that are filed to determine the numbers of pupils residing outside the new boundaries who wish to remain in their present schools and the numbers of those who wish to transfer to the schools serving their residence areas. On the basis of these findings he will then make such changed pupil assignments as are found feasible without forced transfers at the beginning of the new semester in February.*

January 31
1955*

Assign all junior high school graduates to senior high schools on the basis of the new boundaries.

Make such additional teacher transfers and school reorganizations as are necessary.

Effect such transfers at all levels as may produce a better balanced use of all school facilities, and at the same time be consistent with the educational program of the children themselves.

Arrange for building changes and transfers of equipment and supplies as are necessitated by the changed pupil assignments.

February to
June 1955

Complete the processing of all options not acted upon for February with the consequent pupil transfer and reassignment of teachers on September 1, 1955.

Arrange for additional transfers of furniture and equipment and textbooks and supplies, where necessary.

* This step has not previously been reported to the Board.

September 1,
1955*

The Superintendent announces one further important step in the integration process which is now presented. This will involve the closing of the Cardozo High School by June, 1955, and the merging of the Wilson and Miner Teachers Colleges in the present Cardozo building in September, 1955. The rezoning of the senior high schools has revealed such an overage of seating space that Cardozo can be closed and the pupils accommodated in the remaining senior high schools, freeing the Cardozo building for college use. It is planned also at the same time to open a junior high school unit in the same building to serve as a laboratory school for the new merged college. The Superintendent will submit a subsequent and more detailed report on this new plan.

As the Superintendent studies the entire process of integration and discovers additional steps which can be taken he will advise the Board of Education.

September 1,
1955

All steps will have been taken to complete desegregation of the public schools. Technically, desegregation will have begun in all schools in September, 1954, since the admission of all pupils including kindergarten and first-grade pupils new to the public schools will be on the basis of the new boundaries. All senior high schools will, in addition, be further integrated by the admission of all junior high school graduates in February, 1955, on the basis of the new boundaries.

The Superintendent recommends that the Board of Education approve this schedule and authorize the Superintendent to proceed administratively to carry out the various steps enumerated.

Respectfully submitted,

H. M. CORNING

Hobart M. Corning

Superintendent of Schools.

The Superintendent submitted the following report:

“September 22, 1954

“To the Board of Education
of the District of Columbia

“Ladies and Gentlemen:

“Because of the important and far reaching changes that have accompanied the opening of the public schools, I am presenting this summary of the happenings thus far in September.

“By September 10, the first working day for teachers, the staff officers had completed their work of reorganization of schools in accordance with the steps in the desegregation program presented to the Board in June. Eligible registers of applicants for teacherships had been merged and appointments had been made to fill vacancies from these merged lists. Other teachers had been transferred to meet changed school populations. Many pupils—in addition to those promoted from the elementary to the junior high schools and from the Junior high schools to the senior high schools—had been transferred to new schools according to the plans formulated in the late spring. Furniture had been moved to meet changes in building use and supplies, equipment, and textbooks had been readied for a new and different opening school day.

“At the first teachers meetings in more than one-fifth of the building for the first time colored and white teachers were side by side as they participated in the final plans for the return of their pupils on the following Monday. In the afternoon elementary school personnel gathered before the television screens in their respective buildings to receive my direct greetings.

“There was admittedly tension across the city on the opening day. Much careful preparatory work has been done—not only in the way of checking and oiling the machinery of school administration—but more deeply and of far greater importance in increased understanding and

sympathetic acceptance of the many variations in cultural relationships. Some of this had been accomplished by city-wide, official workshop sessions and some by the participation of hundreds of school employees on a wholly voluntary basis in meetings, discussions and study in order to be better prepared to meet changes such as now were set into action by the pronouncement of the Supreme Court in May, 1954, on the subject of segregation in the public schools of the United States.

"We no longer ring bells to summon our pupils to school. On Monday, September 13, without signal and beginning long before nine o'clock, children left their homes for school—about 97,000 of them, many to go to buildings near their homes which they had not hitherto even entered. To help in this day of transition police officers were available near every school building in the city to watch traffic conditions, to assist at street crossings, and in general to cooperate in the beginning of a new kind of school system.

"I had heard some rumors of the possibility of friction on this opening day, but as the morning passed I received no appeals for assistance, no word of difficulties, but on the contrary reports of an amazingly successful opening in which parents, children, and teachers outdid themselves in a determined cooperative effort that resulted in a very satisfying record. Children were excused at 12:15 this first day in order that teachers and school officers might have the remaining hours to complete the jobs that were still to be done before the first full day of the study, work and plan that is provided for our pupils program.

"The opening day of school is always almost wholly out of the hands of the central school officers and the full responsibility for the activities that day lies in the field. I can, therefore, unreservedly commend to the Board all the teachers and officers in the field because of their performance on that Monday and during the days that have followed which have been wholly free from untoward incidents. Building visits have been made to many schools

during these days and the reports are the same—fine spirit, pleasant relationships, and a buzz of coordinated activities that spell a good school in full operation.

“There have been some unhappy and some disappointed individuals. There have been a number of parents who have sought transfers for their children because of the effect which the changes have made in their own families. In some instances it has been possible to meet their requests, in others not.

“Early in the summer I began to receive letters requesting consideration in the placement of pupils in September. Some of the problems presented were caused by the new boundaries, some by the fact that pupils new to the system were required to enter the school serving the areas of their residence while their brothers and sisters were attending another school; thus dividing the family, some because of physical conditions which necessitated special consideration. The long distances which some pupils were required to travel caused parents to ask for transfers without waiting for the options provided for in the Superintendent’s plan.

“I therefore appointed a committee of eight school officers to review these cases and to come to a decision in each one. This committee consisted of two senior high principals, two junior high principals and two directors of elementary education and the Executive Assistant to the Superintendent and the Administrative Assistant to one of the First Assistant Superintendents.

“The work of this committee has not been completed, although, of the almost 500 letters already processed it has been possible to make favorable adjustment for approximately 60 per cent. Some of these requests were at first denied but because of changed circumstances and administrative action it was possible later to give favorable action. About 10 per cent of the cases have been rejected, and the remaining 30 per cent are dependent on the options plan. Replies to parents giving the committee decisions were delayed because of the great number of interviews

and telephone calls which had to be handled by the co-chairmen.

“There are approximately 200 additional cases before the committee for review. Many of these, however, will be taken care of by the options which have been called for in the elementary and senior high schools and which will be called for in the junior high schools on September 23. The greatest single problem presented in these letters is that of the divided family. Parents will now be able to exercise their options to have their children transferred to the school serving their area and in this way, if they so desire, have their families together in the same school.

“As rapidly as possible any remaining cases which cannot be solved by the exercise of the options will be processed by special committee.

“Considerable reference has been made to changes in our schools this fall. For the purpose of record, these are the steps in the desegregation plan accomplished during these opening days :

“New kindergarteners, new first graders, and all pupils attending Washington schools for the first time entered schools on the basis of the new boundaries.

“More than 3000 elementary and junior high pupils transferred to schools in general nearer their homes to relieve overcrowded school centers.

“About a hundred children travelling excessively long distances last year were permitted to transfer to much nearer schools.

“At the Thomson and Walker-Jones schools classes were organized experimentally on a lower pupil-teacher ratio and special arrangements have been made to provide in these schools increased medical, nursing, and psychiatric service. These experiments have the sponsorship of the Commissioners' Youth Council.

“In the former Military Road School, a center for not more than twenty mentally retarded children is being established in which the three special teachers provided in the 1955 Appropriations Act will work.

“The merging of the McKinley and Armstrong High Schools was begun with the transfer of several hundred children to McKinley.

“Both Miner and Wilson Teachers Colleges were opened to all qualified applicants.

“All evening schools were opened on an integrated basis.

“Since the opening of schools the calendar has been stepped up so far as the filing of ‘options’ applications is concerned:

“On the senior high school level about 460 such applications are now being processed.

“Applications for options on the elementary level have been called for and notices concerning such applications on the junior high school level will be issued on September 23.

“No guarantee can of course be made that all the applications will be approved.

“To enrollment of 97,000 on the opening day had increased to more than 103,000 on Friday, September 17.

“This report is for the information of the Board and I wish to express for myself and the officers our appreciation of the staunch support we have had from board members during this period. I think that the Board members will understand my pride in what has been done this fall and in the manner in which it has been accomplished. I repeat my admiration for the fine work that has been done by the school personnel and the understanding and cooperation of the community as a whole.

“Respectfully submitted,

(Signed) H. M. CORNING

Hobart M. Corning

Superintendent of Schools”

Minutes of the Fourth (Stated) Meeting of the Board of Education, 1954-55 September 22, 1954, pp. A-18-A-22.

APPENDIX B**Circular of the Superintendent of Schools of the
District of Columbia**

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA
FRANKLIN ADMINISTRATION BUILDING
WASHINGTON 5, D. C.

Superintendent's Circular No. 79
March 9, 1954

To ALL SCHOOL OFFICERS:

At the meeting of the Board of Education held on December 16, 1953, the Superintendent advised the Board of Education that he planned to set up a series of meetings in the general field of intercultural relationships. The first meeting which was in the nature of a seminar was held on March 3, for members of the Superintendent's staff and members of the Board of Education. It was felt that since meetings of this sort are to be planned throughout the school system it would be well to start with a pilot meeting for chief administrative officers and board members. Since additional meetings are to be called it is desirable that field officers and teachers know the general nature of the meeting which was held on March 3.

To assist in this meeting three experts in the field were brought to Washington:

Dr. John L. Milligan, Assistant Commissioner of Education in charge of Intercultural Affairs, Newark, New Jersey.

Dr. Dan W. Dodson, Professor of Education and Director of Curriculum and Research Center for Human Relations Study, New York University.

Mr. William E. Vickery, Education Director, National Conference of Christians and Jews.

The Superintendent opened the meeting by stating its general purpose which was "to create a climate for general

understanding and improved relationships among the various segments of our population." The Superintendent stated that the seminar was not geared to any particular type of school organization but that there is need for better intercultural relationships whether the schools continue to be segregated or whether integration is ordered.

The Superintendent called attention to the comments of one civic leader who contended that too much emphasis has been placed upon the preparation of the white population. This leader contended that a four-way preparation is needed—a preparation of the colored population for right attitudes if integration is ordered and preparation against the disappointment if segregation is continued; on the other hand, the preparation of the white population for the adjustments which will be necessary if integration is ordered and preparation for the development of right attitudes if segregation is continued. It would seem that this analysis and advice are good and that better intercultural understandings and relationships are desirable and needed whatever the circumstances may be.

The Superintendent stated further that the seminar was not dealing "with segregation or integration as such or with the advantages and disadvantages of either system, but that we are dealing rather with the problem of developing desirable human understandings and relationships as we live together and work together for the education of all the children—no matter under what general plan the schools are organized."

The Superintendent stated that the workshop should be characterized by a down to earth consideration of the following topics:

1. Practical problems in the field of intercultural relationships now existing.
2. Practical problems in interracial relationships which may present themselves if schools are integrated.
3. Practical solutions of these problems.

4. Procedures for breaking down prejudices and misunderstandings.
5. Methods of developing cooperative and harmonious effort among the patrons of the schools and all school personnel.
6. General nature of meetings to be held.

During the months of April and May a series of seminars is being set up which will make this sort of experience available to all officers in the field. This is done in the hope that field officers in turn will provide similar experiences for the teachers with whom they are associated. The exact dates of these subsequent seminars have not been set. Neither can announcement be made at this time of the leaders who will assist the groups. Complete announcement will be issued soon. A general meeting will be held for teachers also before the close of school.

Yours very sincerely,

HOBART M. CORNING
Superintendent of Schools

APPENDIX C**Extracts from the Minutes of The Board of Education
of the District of Columbia****MINUTES OF THE SEVENTH (STATED) MEETING
OF THE BOARD OF EDUCATION 1952-53 DECEMBER
17, 1952**

[p A-30f] Mr. Tobriner stated he wishes to present a matter of new business to the Board at this time. He stated it is known by everyone that cases involving segregation in school systems have been argued before the Supreme Court of the United States and among those cases is the case of Bolling against Sharpe which involves the constitutionality of the present segregated system in the District of Columbia. Accordingly, Mr. Tobriner continued, there is a possibility that the Court at some time in the future, near or far, will hand down a ruling which may possibly involve the end of segregation in the District of Columbia. Mr. Tobriner stated he is advised that the Superintendent of Schools is in the process of making plans for that possibility. Mr. Tobriner stated further he feels the Board of Education would be highly derelict in its duty if it did not take into account that possibility and make preparations for that eventuality. Mr. Tobriner thereupon made a motion that the Board at its next stated meeting or adjournment thereof, through its President and its Superintendent, request to appear before it leading citizens of this community, officials of the District of Columbia, members of the clergy and group representatives to give the Board the benefit of their views on two subjects: (1) the question of the mechanics of integration, if it should be ordered, and, (2) what educational preparation might be deemed necessary in order to make integration, if it is ordered, work more freely. The motion was seconded by Colonel Hamilton.

Mrs. Phillips stated that the mechanics of this matter might be contained in the decision of the Court with which Mr. Tobriner agreed.

As a suggestion from the Chair, Acting President Steinem stated it was his personal feeling, inasmuch as the Board of Education has been represented by counsel, that before the Board goes on record adopting or rejecting the pending motion, it should consult with the Corporation Counsel, D. C. who represented the case of the District of Columbia before the Supreme Court, to ascertain whether any action of the Board, might, in any way, be prejudicial to the presentation of his case.

In support of the pending motion as he said he understood it, Colonel Hamilton stated the motion has nothing to do with the ultimate action of the Court and the Board is not trying to influence the Court one way or the other. Colonel Hamilton stated further that Mr. Tobriner by his motion is suggesting that the members of the Board give this matter some thought and seek advice from cross sections of the community.

Mr. Faulkner stated he felt Mr. Tobriner's motion would be a good one if and when the Court should decide that segregation is illegal. He stated that he also felt Mr. Tobriner's motion was therefore premature at this time and that he would oppose it on that ground.

[p A-32f]

The Superintendent stated he had two observations to make. First, he said, as he understands Mr. Tobriner's motion, the purpose of the meeting would not be to argue whether or not the public schools should be segregated or integrated and, therefore, that issue would be left entirely out of the meeting. The purpose of the meeting would be to get the advice of organized citizenry in the community on how the public school system could operate best if the Supreme Court decides that the public schools are to be integrated. p A.33. The Superintendent stated that as he further understands the motion, the testimony to be given

at such a meeting would, of course, be wholly advisory on the part of those who appear and the Board of Education "would not necessarily follow any of the suggestions indeed (sic) that are brought in." The Superintendent stated that as a matter of fact it is very important at some time or other to get community reactions on the two points which Mr. Tobriner has included in his motion and the only misgiving that he has about the meeting is as to its immediacy—the next Board meeting—together with whether or not in the judgment (sic) of the Corporation Counsel the meeting might be something which would prejudice the opinion of the Court one way or the other. The Superintendent said that is a point about which the lawyers could better give advice. As to the question . . .

Colonel Hamilton suggested that a special evening meeting be held by the Board as the Board does hold evening meetings with citizens on budget requests because he could not conceive of there being enough time for this matter at an afternoon Board meeting if the Board is to transact its other business also.

Mr. Tobriner thereupon amended his pending motion to provide that the meeting be held either at a regular or adjourned meeting of the Board or at such special meeting as the President desires to call. This amendment was accepted by Colonel Hamilton, the seconder of the motion.

The Superintendent asked if the Board wished the calling of such a meeting by the President of the Board to be dependent upon the advice of the Corporation Counsel. Mr. Tobriner replied that he did not believe the Corporation Counsel's advice was at all material on this matter, that the matter is with the Court and the Supreme Court is not going to be prejudiced by what the Board does or does not do after the case has been submitted.

[p A-34] The motion as amended was put and carried with Colonel Hamilton, Miss Parker, Mrs. Williams, Mr. Williams and Mr. Tobriner voting in the affirmative and Mrs. Phillips and Mr. Faulkner voting in opposition to the motion.

MINUTES OF THE EIGHTH (STATED) MEETING
OF THE BOARD OF EDUCATION 1952-53 JAN-
UARY 21, 1953

[p A-36ff]

The Superintendent submitted the following report which he read:

“January 21, 1953

“To the Board of Education of the
District of Columbia

“Ladies and Gentlemen:

“At the meeting of the Board of Education held on December 17, 1952, the following motion was passed by vote of the Board:

“That at a regular or adjourned meeting of the Board or at such special meeting as the President desires to call, the Board, through its President and its Superintendent, request to appear before its leading citizens of this community, officials of the District of Columbia, members of the clergy and group representatives, to give the Board the benefit of their advice on two suggestions (sic) (1) the question of the mechanics of integration if it should be ordered and (2) what educational preparation might be deemed necessary in order to make integration, if it is ordered, work more freely.

“In the discussion of this motion, it was clearly set forth that the purpose of the meeting is not to permit arguments as to whether the schools should be segregated or integrated and that the advice of community organizations would be sought at this meeting only on the two questions set forth in the motion.

“As a result of discussions which have been held by the Superintendent and his staff on this subject, the officers and the Superintendent are unanimously of this opinion that this meeting when called would be more helpful to the Board of Education and the discussion by citizen groups would be more meaningful if opportunity would first be

given to any organization or individuals in the community to submit in writing to the Superintendent of Schools their advice on the two questions contained in the motion.

[p A-37] The Superintendent would tabulate the views that are expressed in such statement and report to the Board of Education a summary which would be a general pattern of the thinking of the community on these two important questions. This summary would then be used by the individuals and groups who may be invited to appear before the Board of Education in accordance with the Board actions above referred to. The community reactions to this problem is of course important. At the same time the Superintendent presents the summary of community opinion or shortly thereafter, he will present to the Board of Education the result of his own study, with the officers of the administrative procedures which would be involved.

“This suggestion and recommendations are given not to supersede or circumvent the action of the Board in authorizing the calling of a meeting, but rather as a preliminary step in order to assure that the meeting, when called will be of more specific help than would otherwise be possible.

“The Superintendent recommends, therefore, that the Board of Education approve this as a preliminary step and authorize the public announcement that any interested organization or individual in the community is invited to submit its suggestion in writing, that the advice and suggestions should be confined to the two questions proposed in the Board actions and that the written statements be submitted to the Superintendent of Schools on or before February 4, 1953.”

...

[p A-38] There was a feeling on the part of some of the members that the deadline of February 4, would be too short a time. Mr. Tobriner suggested that the deadline could be extended if necessary.

MINUTES OF THE ELEVENTH (STATED) MEETING OF THE BOARD OF EDUCATION 1952-53
APRIL 15, 1953

[p A-13f] The Superintendent submitted the following report:

“April 15, 1953

“To the Board of Education of the
District of Columbia

“Ladies and Gentlemen:

“At the meeting of the Board of Education held on January 21, 1953, the Board on recommendation of the Superintendent, authorized a public announcement to be made that any interested organizations or individuals submit suggestions in writing on (1) the question of the mechanics of integration if it should be ordered, and, (2) what educational preparation might be deemed necessary in order to make integration, if it is ordered, work more freely.

“In his report to the Board on January 21, 1953, the Superintendent indicated that he would submit a summary of the statements submitted which would be a general pattern of the thinking of the community on these two important questions. Attached hereto is a summary of the suggestions received together with an alphabetical list of the organizations and individuals who submitted communications. This summary is submitted for the information of the Board in the belief that it may be helpful to the Board in evaluating public opinion as expressed in these written statements.”

The Superintendent stated that copies of the summary had been placed in the books of the members for this meeting. Colonel Hamilton asked if the Superintendent has a recommendation to make at this time. The Superintendent replied he did not and that he was still working on the matter in a series of meetings. Mr. Williams asked if the analysis in the summary reflected the thinking of

the Administration and the Superintendent replied that it did not. Mr. Williams asked when the Superintendent would present his recommendation. The Superintendent replied that he would probably report next month and that "if there is a decision earlier than the next month" he will be ready earlier than the next meeting to present a plan to the Board.