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# A study of the movement to equalize Virginia's dual school systems during the years 1934-1945 with a focus on Chesterfield County and Richmond City public schools

Michael Stephen Irby

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ABSTRACT

A STUDY OF THE MOVEMENT TO EQUALIZE VIRGINIA'S DUAL SCHOOL  
SYSTEMS DURING THE YEARS 1934-1945 WITH A FOCUS ON  
CHESTERFIELD COUNTY AND RICHMOND CITY PUBLIC SCHOOLS

BY

Michael Stephen Irby

MASTER OF ARTS

in

History

University of Richmond

August, 1990

Richard B. Westin, Thesis Advisor

The efforts to equalize the legally segregated schools in Virginia began in the mid 1930's. It was a movement supported by the N.A.A.C.P. and others that targeted six specific areas:

- (1) Equality of school term;
- (2) Equality of pay for black teachers having the same qualifications and doing the same work as white teachers;

- (3) Equality of transportation for black school children at public expense;
- (4) Equality of buildings and equipment;
- (5) Equality of per capita expenditure for education of black students;
- (6) Equality in graduate and professional training.

The major sources of information used included newspapers and magazines, Papers of the N.A.A.C.P. (Microfilm), The Budget Bills of Virginia (1936-1946), State Board of Education-Bulletin (Annual Reports 1934-1950), and Virginia State Board of Education Minutes.

Of the six areas targeted for equalization, only the length of school term achieved full equalization by 1945. The other areas achieved only partial equalization. Therefore, the overall movement did not meet its objectives, but did make some progress.

I certify that I have read this thesis and find that,  
in scope and quality, it satisfies the requirements for the  
Master of Arts.

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A STUDY OF THE MOVEMENT TO EQUALIZE  
VIRGINIA'S DUAL SCHOOL SYSTEMS DURING THE YEARS  
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AND RICHMOND CITY PUBLIC SCHOOLS

By

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B.A., North Carolina Wesleyan College, 1976

A Thesis

Submitted to the Graduate Faculty

of the University of Richmond

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"A Study of the Movement to Equalize Virginia's Dual  
School Systems During the Years 1934-1945  
with a Focus on Chesterfield County  
and Richmond City Public Schools"

I. INTRODUCTION

The education of Virginia's children in the years between 1934 and 1945 took place under a dual system that had been created many years before and continued for more than twenty years after. It was a system that had become deeply entrenched by law. There was very little, if any, opposition to the schools being segregated by race, however, there were objections to the obvious discrimination that took place as a result of the segregation. This study examines the efforts of the National Association for the Advancement of Colored People, teachers' organizations (both black and white), private citizens, state lawmakers, and the courts that worked to

try to equalize the schools throughout Virginia. Unfortunately, the groups working for equalization were never formally joined together under a centralized organization. Therefore, the progress made under one school system in the state did not always apply to the other systems. The urban school systems in Virginia provided better facilities and paid higher salaries to blacks than did the rural schools. However, no greater progress towards equalization was achieved in the urban schools when compared with the rural schools.

The basis for a dual school system in Virginia continued to be found in the state's Constitution of 1928 and the laws governing education just as it had in previous years. The Constitution of Virginia required that, "The General Assembly shall establish and maintain an efficient system of public free schools throughout the state."<sup>(1)</sup> The system of public free schools in Virginia was to be a segregated system as required by both the Constitution and the Code of Virginia. Section 140 of the Constitution stated that, "white and colored children shall not be

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<sup>1</sup> "Virginia Laws and Regulations," Bulletin-State Board of Education, 23, no. 5 (November 1940): 3.

taught in the same school."(2) The Code of Virginia detailed this even further in section 680, "White and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulation as to management, usefulness, and efficiency."(3) This law does not in any way imply that the schools must be equal, only separate.

Since the state required separate schools for black and white students, it defined "colored persons" by state law as well. Section 67 of the Code of Virginia stated that, "Every person in whom there is ascertainable any Negro blood shall be deemed and taken to be a colored person, and every person not a colored person having one fourth or more of American Indian blood shall be deemed an American Indian."(4) This law must have caused problems for some people who had, at some time in their ancestry, a black relative. As the law reads, even if the "Negro blood" went back several generations, the person would still be considered "colored" regardless of their present appearance.

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2 Ibid., 8.

3 Ibid., 47.

4 Ibid., 108.

The General Assembly passed laws in 1928, 1930, 1934, 1936, and 1940 which made attendance and education compulsory. Section 138 of the Constitution also states that, "The General Assembly may, in its discretion, provide for the compulsory education of children of school age."<sup>(5)</sup> To force someone to learn is much more difficult than getting them to attend school. Compulsory attendance came under Section 683 of the Code of Virginia. Basically, the law required parents or guardians to send their children to school. There were some exceptions to this law which allowed children who were physically or mentally incapacitated for school work to be exempted. Also, those children who lived certain prescribed distances from the nearest school were exempted if public transportation was not provided for them.<sup>(6)</sup> Thus, it was very easy to exclude blacks from public education simply by not providing transportation.

These laws, then, were the basis upon which the various school systems throughout the state were operated. School districts were required to provide an education to

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5 Ibid., 8

6 Ibid., 48; The transportation problem will be discussed in more detail in a later chapter.

all students, both white and black, but there was nothing that required that they had to be equal, however one chooses to define "equal". Plessy v Ferguson (1896) did require that separate facilities must be equal, but this does not mean that they had to be identical. Therefore, school districts could create dual schools that were not identical, but did meet the state requirements and thus, they were considered to be constitutional.

The inequalities that existed between the white and black schools systems were obvious. Black schools were far inferior to white schools in their construction and equipment. Based on per capita expenses, school districts spent less money for black students than for whites. Local school districts provided some bus transportation for white students while virtually none was provided for blacks. The length of school term in many localities was shorter for black students than that for white. And the public records show that black teachers were paid far less than white teachers with similar qualifications doing similar work.

Until the 1930's, this is the way in which the schools of Virginia operated. For whatever reasons, political, economic, or social, blacks in Virginia previously did not have the position to force a change for improvement. The time had not been reached when blacks could openly protest

for change, nor could they openly defy the laws. Their only hope of success was to turn to the laws to seek some legal solution to end discrimination in education in Virginia's schools.

By the early 1930's, other states had already started to experience the call for equalization which was developing in Virginia. It was only a matter of time before the issue would find its way to the courts in Virginia to be openly debated. The results of these efforts, however, would contain many ironies. Even though the legal battles for "equalization" would be won in the courts, the realities of "equalization" would not be achieved during the period of 1934-1945.

This study will define the areas of discrimination that were the major targets of concern for "equalization". The years 1934-1939 will be examined for what actions were actually taken to try to bring about changes in Virginia's schools and to awaken Virginians (black and white) to the fact that these changes were necessary. Data provided by the local school systems to the Superintendent of Public Instruction is used to determine exactly where the schools stood in relation to each other for the years 1934-1939. Graphs and charts are used to help create a clear picture of the relationship between black and white schools in

Virginia. The statistical analysis for this section was done by using a computer program (Statistical Analysis Systems) that employs generally accepted statistical procedures. The same program (SAS) created the charts and graphs based on analysis of the data entered.

The year 1939 marks the time at which the courts, both state and federal, became actively involved in the salary issue. Various cases that involved the equalization of salaries in Virginia are discussed, which became the single largest issue of the equalization movement. A very valuable source of information for this particular section was the collection of microfilmed papers of the N.A.A.C.P. Specifically, the correspondence of Thurgood Marshall during that time shed a great deal of light on the subject. An attempt was made to contact Justice Marshall to inquire about his views concerning the salary cases. He declined to comment, stating that all of his papers on that issue had been left with the N.A.A.C.P.

A comparison of black and white schools for the years 1940-1945 will once again rely primarily on data submitted to the State Superintendent of Public Instruction from the local school districts. This data will be used to measure the progress, if any, that the schools made towards "equalization".

An evaluation of the success or failure of the movement to equalize Virginia's dual school systems between 1934 and 1945 will be given. It will show the specific areas in which the school authorities were willing to make changes for equalization and those in which they were not.



II. The Discrimination Issues and The Early Attempts to  
Equalize, 1934-1939

In October of 1936, the N.A.A.C.P. released a publication entitled "The National Educational Program of the N.A.A.C.P.". In it, the N.A.A.C.P. outlined its specific programs that it had been using over the last few years to campaign against discrimination in public education. The N.A.A.C.P. stated that the "Negro will never be able to take his rightful place in the nation as long as he is systematically denied the educational facilities with which to equip himself." (7)

The N.A.A.C.P. educational program had six specific objectives :

- (1) Equality of school term;
- (2) Equality of pay for Negro teachers having the same qualifications and doing the same work as white teachers;
- (3) Equality of transportation for Negro school

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<sup>7</sup> J. Byron Hopkins to Charles H. Houston, 15 August 1935, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

- children at public expense;
- (4) Equality of buildings and equipment;
  - (5) Equality of per capita expenditure for education of Negroes;
  - (6) Equality in graduate and professional training. (8)

The N.A.A.C.P. proposed "to use every legitimate means at its disposal to accomplish actual equality of educational opportunity for Negroes" (9) as stated in their national program.

In order to gain support for their educational program, the N.A.A.C.P. cited several recent successes. The first was that of Donald Murray of Maryland who was seeking admission to the University of Maryland law school. The N.A.A.C.P. quoted a report by the Journal of Negro Education that stated that there was not "a single state-supported institution of higher learning in any one of seventeen of the nineteen states which require separation by law to which a Negro may go to pursue

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8 Ibid.

9 Ibid.

graduate and professional education."(10) This situation led Murray to apply to the University of Maryland law school. His application was denied solely on the ground of his color which the university admitted to in court. The court immediately issued a writ of mandamus ordering that Murray be admitted to the law school. The University of Maryland appealed the case to the Court of Appeals of Maryland which sustained the order of the lower court. Murray was eventually admitted to the law school. Other similar cases that were being tried at about the same time (1936) were the Redmond case in Tennessee and the Gaines case in Missouri.

The N.A.A.C.P. also pointed out that in fifteen states, 230 local school districts were without high school facilities for black students.(11) In one such instance, the Association brought suit against Baltimore county in 1936 to have a black student admitted to one of the eleven white high schools in the county where none existed for blacks. The court refused to issue a writ and the case was appealed. At the time the publication was written, the case was still pending in the courts.

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10 Ibid.

11 Ibid.

To illustrate the existence of discrimination even further, the N.A.A.C.P. used the following information from Recent Trends in Race Relations (revised May, 1933), written by the Commission on Interracial Cooperation:

In his excellent study, "Financing Schools in the South in 1930" Prof. Fred McCuistion shows in the eleven southern states in which separate records are kept, the public school outlay averaged \$44.31 for the white and \$12.57 for the colored child enrolled, or nearly four to one against the group most completely dependent upon public funds for its educational opportunity.

In hundreds of counties in many of the states the proportion runs as high as ten to one, or twenty to one, in favor of the White child.(12)

It was with these goals and efforts that the N.A.A.C.P. launched its campaign to end education discrimination in Virginia. The N.A.A.C.P. felt that the equalization of education would be easier to accomplish on the university level. One of the first things that they did was to look for a test case in which a black student would try to enroll in a state supported university. Such a case was found when Alice Jackson , a Richmond native, sought an application from the University of Virginia to continue graduate studies which she had started at Smith College. The N.A.A.C.P. agreed to represent Jackson and advised her on how to proceed. It was agreed, however,

that the N.A.A.C.P. would not bring legal action until Jackson had personally exhausted all possible remedies.

The University of Virginia was an excellent choice in which to bring a suit against the state since the university was a public institution supported by state taxes. The argument used in this case was that Jackson was denied equal protection as guaranteed by the Fourteenth Amendment to the United States Constitution. The N.A.A.C.P.'s officers wanted to attack the idea that they believed some white Virginian's had that the University of Virginia was not a public institution, but instead was their own private property.(13) Section 819 of the Code of Virginia very clearly illustrated this point. It states, "The annual appropriation of the University of Virginia shall be made on the condition that said institution shall give instruction to all white students of the State of Virginia over the age of sixteen years . . . ." (14) With the wording of this law, it is conceivable that the

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13 The Crisis 42 (October 1935) : 316.

14 Byron Hopkins to Charles H. Houston, 15 August 1935, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

University of Virginia would have lost its state appropriations if it admitted a black student.

The public response to this proposed action can be demonstrated by the reaction of some of Virginia's newspapers. One editor admitted that black students probably had the legal right to attend a state supported university like the University of Virginia, "but urged the N.A.A.C.P. not to force the issue".<sup>(15)</sup> Many older white Virginians felt that "any attempt to force the university issue [would] disturb 'amicable race relations' in Virginia."<sup>(16)</sup> The Richmond Times Dispatch makes the same point in an editorial by stating, "The question here, it seems to us, is not what the Negro has an absolute right to do, but what it is wise to attempt."<sup>(17)</sup> It is obvious here that few people were questioning the legal right of blacks to attend state universities, but that their objections were based solely on the assumption that it would disrupt the harmony that supposedly existed between blacks and whites in Virginia at that time. The N.A.A.C.P. was held responsible for maintaining the peace between the

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<sup>15</sup> The Crisis, 42 (October 1935) : 316.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

races. The N.A.A.C.P. continued to press the state to admit blacks to all white institutions of higher learning regardless of how it might affect race relations.

By September, 1935, the University of Virginia had decided to consider Jackson's application. And, as was expected, her request for admission was denied. The university stated as its basic reason for denying her application that, "The education of white and colored persons in the same school is contrary to the long established and fixed policy of the Commonwealth of Virginia." (18) The Board of Visitors cited "other good and sufficient reasons" (19) for not admitting Jackson to the University of Virginia. Unfortunately for the N.A.A.C.P., it was the "other good and sufficient reasons" that would have kept Jackson from attending the University of Virginia regardless of her race. It was unfortunate for the University of Virginia that they included race as a reason for their denial.

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18 Press Release, 20 September 1935, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

19 Ibid.

A memorandum from Smith College dated September 20, 1935, explained that Jackson "was entirely incapable of carrying work on the Master's level." (20) She was considered to be "the poorest student" (21) one member of the faculty had ever had in the graduate school. At the end of her first semester, Jackson was informed that she could not continue in the graduate program so she decided to return as an undergraduate. Her grades for the second semester were barely average. This information had been sent to the University of Virginia and was certainly enough to deny her admission to their graduate school. (22)

After the N.A.A.C.P. learned that Jackson might not actually be qualified for admission to the University of Virginia, they immediately began a search for "four or five other Negro students who have applied for graduate or professional work at the University of Virginia." (23)

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20 Memorandum, Dean Nicolson to President Neilson, 20 September 1935, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

21 Ibid.

22 Ibid.

23 Charles H. Houston to Thomas Dabney, Part 3. The Campaign for Educational Equality: Legal Department and  
(Footnote Continued)



These students were to be held in reserve in the event that the first case (Jackson) was dismissed on a technicality. Now that the momentum had gotten started, the N.A.A.C.P. wanted to make sure that they were able to keep it moving without delay.

The admissions issue was addressed by the General Assembly the following year (1936) when it enacted a law---"Providing Equal Educational Facilities for Certain Persons denied admission to Virginia State colleges, universities, and institutions of higher learning", approved March 27, 1936 and amended in 1940 which stated that any black student who was qualified but denied admission to a state college or university or who applied for admission and enrollment to any graduate or professional course of study not offered at Virginia State College for Negroes was entitled to receive :

an amount equal to the amount, if any, by which the cost to such person to attend such college, university or institution, not operated as an agency or institution of the state exceed the amount it would have cost such person to attend the state institution of higher learning to which the graduate and professional course or course of study desired is offered. In determining the comparative costs of attending the said respective institutions the State Board of Education shall take into

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(Footnote Continued)

Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

consideration tuition charges, living expenses and costs of transportation.(24)

The state could also choose to pay an amount equal to "the amount appropriated, for the then current year, by the state per student to the said state institution of higher learning and education to which said admission was sought and denied."(25)

This act provided for equal educational opportunities without forcing the issue of admitting or denying blacks to Virginia's state supported colleges and universities. The Norfolk Journal and Guide (a black newspaper) commented that this act "metes out justice as far as the money is concerned."(26) This comment shows that the black community placed a different value on the word "equal" and that money for education alone was not going to be enough to maintain the harmony between the races in Virginia.

One way to protect the harmony between the races was to pay for black students to attend out of state colleges

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24 "Virginia Laws and Regulations," Bulletin-State Board of Education 23 (November 1940) : 178.

25 Ibid.

26 "Graduate Study Funds," Norfolk Journal and Guide, 30 March 1940, 8.

and universities rather than to admit them to the white colleges in the state. It would be financially less expensive to handle the situation this way too, as opposed to expanding the programs at the existing black institutions in the state.

Over the next few years, the State began to budget for the equalization of higher educational opportunities in accordance with the Act passed by the General Assembly in 1936. The first time it appeared in the budget was in 1938-39, when \$25,000 was designated for this purpose out of a total educational budget of almost eight million dollars. It did not appear again until the biennial budgets of 1944-45/1945-46 when \$40,000 was put in a total educational budget of fifteen million dollars.(27)

This seemingly agreeable settlement for "equalizing" graduate and professional training in Virginia differed greatly from what had been demanded and accepted in Missouri. In that particular case, a black student (Lloyd Gaines) sued for admission to the University of Missouri

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27 Equalization of Higher Education Opportunities in accordance with provisions of Chapter 352 of Acts of General Assembly of 1936, The Budget Bill 1936-1946, Communications from the Governors, Richmond: Division of Purchase and Printing, 1936-1946, 26 and 94.

Law School. The state offered to Gaines the opportunity of attending, at state expense, another institution outside the state of Missouri. He refused the offer stating his desire to practice law in his home state of Missouri and also the prestige attached to graduating from the University of Missouri Law School. The courts found in favor of Gaines and the state had to admit him to the university under a plan that would allow the university to set up two rooms in a basement for the exclusive use by Gaines. The University of Missouri ultimately refused to admit Gaines even under those conditions. The N.A.A.C.P. was prepared to take the university back to court to prove whether a two room law school had been established for Gaines, when he suddenly disappeared. There was some speculation that the state paid Gaines a large sum of money to leave the country and that he was living in Mexico. Fifteen years after his disappearance no one yet knew what had really happened to him. (28)

This case, Gaines v Missouri, had a direct impact on the state of Virginia passing the legislation that allowed for the payment to blacks denied admission to Virginia's

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28 Walter White, A Man Called White (New York: The Viking Press, 1948), 162.

colleges and universities to attend out of state institutions. There certainly must have been the fear that a court case in Virginia would end in the same manner as in Missouri. Therefore, it was better for the state to act quickly in providing the money for educational opportunities.

For the time being then, blacks in Virginia were willing to accept the opportunity to gain graduate and professional training even if it meant going out of state to do so. The next battle in waging the war against discrimination was to fight to have blacks admitted to all white institutions within the state. However, this war was not to occur for many more years.

Another major issue that was not as easily remedied as graduate and professional training concerned the equalization of salaries of teachers in the public schools. Since the beginning of state supported dual schools in Virginia, white teachers were paid on a higher salary scale than black teachers. An example of this fact is seen in a resolution adopted by the State Board of Education in 1930 in which the Board suggested a minimum salary for elementary teachers that continued the policy of having differential pay scales. Communities should pay white teachers \$60 per month plus \$10 for each year of

professional training not to exceed five years. Black teachers, it was suggested, could receive \$45 per month plus \$5 for each year of professional training not to exceed five years.(29) Thus, the State Board of Education approved of and encouraged discriminatory salary practices by the local school districts.

This attitude by the State Board of Education continued until about 1935, when Sidney B. Hall, Superintendent of Public Instruction, issued a letter to all division superintendents describing the advisability of adjusting salaries of all teachers. In the letter, Superintendent Hall stated, "In developing such schedules, we must bear in mind that we will not permit an unfair and inequitable distribution of salaries to any particular group of individuals, but that all will be given as fair consideration as possible under the circumstances confronting us."(30) In this way a signal went out from the State Board of Education that a change in the current salary scales was warranted. Even though Superintendent Hall did not specifically state that black teachers should

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<sup>29</sup> State Board of Education, "Minutes," May 12, 1930, vol. 1, 91.

<sup>30</sup> State Board of Education, "Minutes," 1935, vol. vi, 64-65.

be paid on the same level as white teachers, the implication was certainly there.

The State Board of Education was aware that other areas of the country had already started to experience demands by black teachers for equal salaries. They also knew that the N.A.A.C.P. had wanted to bring this fight to Virginia and was actively seeking someone who would be willing to bring their case to court. With these things in mind, the State Board of Education seemed to be giving a gentle warning to the local school districts that it would be in their best interests to voluntarily make changes in their salary scales rather than to wait for the courts to order them to make the changes. It would turn out to be a very prophetic warning.

### III. AN ANALYSIS OF DATA COMPARING WHITE AND BLACK SCHOOLS

1934-1939

This section will use data gathered from the Annual Report of the Superintendent of Public Instruction in the State Board of Education Bulletin. This information shows how black schools in Richmond and Chesterfield compared in the five areas mentioned below with white schools in those same localities. An analysis is also made comparing Richmond with all other cities in the state of Virginia; Chesterfield with all other counties; Richmond with all school districts in Virginia; and Chesterfield with all school districts in the state.

The analysis has been broken down into separate categories. They include the following:

- (A) Salaries
- (B) Per Capita Cost of Instruction
- (C) Value of School Property
- (D) Length of School Term, Census, Attendance, and Enrollment
- (E) Transportation



(A) Salaries

All school systems in Virginia used salary scales that differentiated on the basis of sex, race, and grade level. This being the case, it is necessary to make comparisons on these bases. Also, there are some instances where the information reported by the local school districts appears to be incorrect. The information used here is the same as it appears in the published reports. The first group will be female teachers in Chesterfield. The following chart will help to clarify the comparisons that are being made.

CHESTERFIELD SALARY SCALES  
FEMALE ELEMENTARY TEACHERS, 1934-1939

YEAR	RACE	LOCATION	#POSITIONS	MIN	MAX	AVG
1934	B	Ch.	34	\$396	\$400	\$360
1934	W	Ch.	99	675	765	714
1935	B	Ch.	39	364	405	404
1935	W	Ch.	98	680	910	768
1936	B	Ch.	40	360	405	394
1936	W	Ch.	99	696	990	780
1937	B	Ch.	38	400	400	424
1937	W	Ch.	103	680	990	693
1938	B	Ch.	38	440	480	457
1938	W	Ch.	104	720	1085	852
1939	B	Ch.	38	495	600	538
1939	W	Ch.	109	720	1130	910(31)

During the years between 1934-1939, black female teachers were the lowest paid teachers in Chesterfield County. In 1934, the average salary paid to a black elementary female teacher was \$360.00 per year, which was actually lower than the minimum salary that was reported by the county. The salary scale for Chesterfield included a minimum salary of \$396 and a maximum of \$400.00. Compare this with the salary scale for white females and it shows

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<sup>31</sup> Bulletin-State Board of Education, Annual Report, 17-22, (September 1934-1939), Tables, Salaries of Teachers.

that on an average, black females were earning one half of the amount paid to their white counterparts.

In the following year, 1935, the black female elementary teachers received an average increase of 12.22% (\$404.00 yearly salary) while the white female teachers' increase averaged 7.56% (\$768.00 yearly salary). Even though black female teachers received a higher percentage increase, white teachers still earned 47% more per year than black teachers. This trend continued through 1939 for female elementary teachers.

In 1936, the average salary for black female elementary teachers was \$394 compared with \$780 for the white teachers. During the next three years there were significant increases for the black female elementary teachers in their average salaries. As seen in the above chart, their average salaries increased from \$424 in 1937 to \$538 in 1939.

During those same years, the salaries for white female elementary teachers showed some rather interesting changes as well. The average salary for white females decreased by 11.15% in 1937 (probably due to the addition of four new teachers). In 1938 and 1939 white females received

substantial increases that raised their average salaries to \$910.

Thus, by 1939, black female elementary teachers in Chesterfield County were earning 59% of the salary that was being paid to their white counterparts. The differential, then, between the two salaries had narrowed slightly.(32)

An examination of the records for the years 1934-1939 reveals that there were no male elementary teachers in Chesterfield County in most years and few in number in the others. For example, in 1934 there were no male teachers, either black or white. In 1935, one white male teacher was reported by the county, but there still were no black male teachers. Nineteen thirty six shows the existence of two white male teachers with an average annual salary of \$1,015.00 and still no black male teachers. In 1937, the county reported once again two white male teachers with an average annual salary of \$990.00 and one black male teacher with an annual salary of \$400.00. This shows that the black male teacher was earning 40.4% of what the white male teachers earned on an average in 1937. There were no white male teachers reported in 1938, and only one black male

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32 See Appendix 1.

with an annual salary of \$440.00. Then, finally in 1939, the county reported one white male with an annual salary of \$1,100.00 and one black male with an annual salary of \$540.00.(33) For the black male, this meant that he was earning 48.65% of what the white male earned.(34)

In summary, Chesterfield County did slightly better towards "equalizing" salaries between women than they did for men (59% verses 49%). This, however, would be very strong evidence that Chesterfield County did have differential pay scales based solely on the grounds of race or color.

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33 See Appendix 2.

34 Bulletin-State Board of Education, 17-22, (September 1934-1939), Tables, Salaries of Teachers.

RICHMOND SALARY SCALES  
FEMALE ELEMENTARY TEACHERS, 1934-1939

YEAR	RACE	#POSITIONS	MIN	MAX	AVG
1934	black	192	\$630	\$990	\$917
1934	white	425	1,000	1,620	1,461
1935	black	195	600	900	920
1935	white	417	1,000	1,620	1,476
1936	black	194	650	1,100	999
1936	white	406	1,100	1,800	1,593
1937	black	198	700	1,100	1,029
1937	white	404	1,100	1,800	1,691
1938	black	202	800	1,100	1,041
1938	white	395	1,100	1,800	1,671
1939	black	207	650	1,100	1,035
1939	white	387	1,100	1,800	1,683(35)

Not too many positive comments can be made for the salaries for female elementary teachers in the city of Richmond with the exception that they were generally much higher than the salaries paid to the teachers in Chesterfield County. The salaries for white teachers in Richmond increased slightly more by 1939 than they did for the black teachers. Additionally, in 1934 black teachers were earning 62.77% of what the white teachers earned, but by 1939 the black teachers were receiving only 61.50%. It

CHESTERFIELD SALARY SCALES  
FEMALE SECONDARY TEACHERS, 1934-1939

YEAR	RACE	#POSITIONS	MIN	MAX	AVG
1934	black	2	\$567	\$567	\$567
1934	white	17	855	967	957
1935	black	2	585	585	585
1935	white	18	815	1,150	935
1936	black	2	585	585	585
1936	white	19	815	1,200	968
1937	black	2	585	585	585
1937	white	16	815	1,200	960
1938	black	2	630	630	630
1938	white	22	850	1,250	903
1939	black	8	630	630	630
1939	white	22	875	1,125	948(37)

For secondary female teachers in Chesterfield County, the above chart shows that the county School Board put much more effort into creating the salary schedules for white teachers than for black teachers. No distinction to allow for differences in educational training or experience existed in salary scales for black teachers. Even when the number of black teachers increased from two to eight between 1938 and 1939, the salary remained the same for all of them.

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37 Bulletin-State Board of Education, 17-22, (September 1934-1939), Tables, Salaries of Teachers.

White teachers on the secondary level in Chesterfield, on the other hand, had a very definite salary scale which allowed for differences based on training and experience. Their minimum and maximum scales allowed the school officials to reward them accordingly.

In comparing the differentials between black and white females in Chesterfield County for the years given, the figures show that in 1934 black teachers were earning, on an average, 59.25% of what white teachers were earning. By 1939 this differential had improved to the point where black teachers were earning 66.46% of the average salary for white teachers. This last point is somewhat misleading, however, because six white teachers had been added to the school system in 1938, thus lowering the overall average. (38)

The data on male secondary teachers is listed below.

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38 See Appendix 4.



CHESTERFIELD SALARY SCALES  
MALE SECONDARY TEACHERS, 1934-1939

YEAR	RACE	#POSITIONS	MIN	MAX	AVG
1934	black	1	\$900	\$900	\$900
	white	8	855	1,150	1,127
1935	black	2	585	585	585
	white	9	890	1,215	1,212
1936	black	2	585	900	742
	white	9	865	1,215	1,146
1937	black	2	585	900	742
	white	12	865	1,265	1,619
1938	black	2	630	950	790
	white	10	900	1,625	1,097
1939	black	3	630	630	630
	white	11	925	1,275	1,022 (39)

The ratio of black to white male teachers' salaries in Chesterfield County reflected very little change from 1934 through 1939. On an average, black males were earning approximately 50% of what white male teachers were earning. (40)

In the City of Richmond, however, the black male teachers on the secondary level did a little better, as far

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<sup>39</sup> Bulletin-State Board of Education, 17-22 (September 1934-1939), Tables, Salaries of Teachers.

<sup>40</sup> See Appendix 5.

as their percentage of income was concerned. In 1936 the black male had an average salary of \$1,203.00 compared with the average salary of a white male teacher of \$1,793.00. Thus, the average salary for black males was 67.09% of the average salary for a white male.(41)

Salaries for both black males and white males in Richmond increased through 1939 to the point where the average salary for black males was \$1,380.00 compared with the average salary for a white male being \$2,001.00. Thus, the black salary had increased to 68.97% of the white salary. The black male teachers in the secondary schools of Richmond gained only slightly in their efforts to have salaries equalized by 1939.(42)

In both Richmond and Chesterfield county there was very little equalization of salaries between white and black teachers in the six years from 1934 through 1939. Average salaries for black teachers were increasing, but so were the white salaries making it impossible to achieve equalization at that rate.

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<sup>41</sup> Bulletin-State Board of Education, 17 (September 1934), Tables, Salaries of Teachers.

<sup>42</sup> See Appendix 7.

### B. Per Capita Cost of Instruction, 1934-1939

There was very little gain towards equalization in the area of per capita cost of instruction. The actual figures for the years 1934-1939 indicate that in 1934 Chesterfield County spent \$19.68 per pupil on the elementary level for white students and only \$9.44 per pupil for black students. This amounted to a 52% difference between the two. Black students were receiving 48% of what was being spent on white students.(43)

For the next few years, the county increased the per capita cost of instruction for both black and white students to the point where by 1939 it had reached \$33.12 for white elementary students and \$18.09 for black elementary students. The black students were receiving 55% of what was being spent on white students.(44)

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<sup>43</sup> Bulletin-State Board of Education, 17-22 (September 1934-1939), Tables, Per Capita Cost of Instruction and Per Capita Cost of Education Per Pupil in A.D.A.

<sup>44</sup> Ibid.

When compared to all other counties in the state of Virginia, Chesterfield County did better as far as actual dollar amounts spent per pupil on the elementary level, but it had a wider difference between white and black per capita expenses. For 1939, all counties spent an average of \$26.38 for white elementary students and \$17.81 for black students which meant that black students were receiving 68% of that spent on the white students. While, as indicated above, Chesterfield County only allowed black students 55% of what was spent on white students.(45)

The Richmond school system displayed similar trends during 1934-1939. For example, in 1934 Richmond was spending \$52.94 per pupil for white students in the elementary schools and \$25.04 for black students. Thus the black students were receiving 47% of the amount spent on white students. By increasing these amounts on a yearly basis, the per capita cost of instruction for white elementary students reached \$92.96 in 1939 and \$61.22 for black students.(46) The black students were receiving 66%

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45 See Appendices 8 and 9.

46 Bulletin-State Board of Education, 17-22 (September 1934-1939), Tables, Per Capita Cost of Instruction and Per Capita Cost of Education Per Pupil in A.D.A.

of the amount spent on white students. This was one of the more significant steps toward equalization discussed thus far. Even though the difference was still great, the rate at which it was decreasing was faster than in any area previously discussed.

It should also be noted that Richmond far exceeded all other cities in the state on its per capita student spending for education. The state records show that the average per capita cost of instruction for all cities in 1934 for white elementary students was \$37.25, far below the \$52.94 spent by Richmond. For black students the average for all cities was \$17.00 in 1934 and \$25.04 for Richmond. By 1939 the state average for all cities had increased to \$42.50 for white elementary students and \$23.90 for black students. Thus, on an average, black students were receiving 56% of the amount spent on white students on a per capita basis. Richmond was not only spending more than twice as much on per capita cost of instruction compared to the average of all other cities, but it was actually moving more quickly towards equalization.(47)

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<sup>47</sup> See Appendices 10 and 11.

In comparing Chesterfield County and the city of Richmond with the state average of per capita expenditures, the figures show that in 1934 Chesterfield County at \$9.44 fell below the state average of \$10.44 for black students and Richmond was well above at \$25.04. The state average for white elementary students was \$20.35 compared with \$19.68 in Chesterfield and \$52.94 in Richmond.

This comparison does not reflect well for Chesterfield County. Admittedly, it was a rural county in 1934, but that should not excuse the fact that it fell below the state average. The data indicates that by 1939, the state average for per capita cost of instruction for black elementary students had increased to \$19.72. Chesterfield was still reporting below the state average (\$18.09) and Richmond far exceeded the state average once again with \$50.35. The state average for white elementary students was \$28.33. This time, Chesterfield paid above the state average with \$33.12 and Richmond paid \$92.96. (48)

The city of Richmond, then, always exceeded the state average on per capita cost of instruction while Chesterfield County generally exceeded the state average

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48 See Appendix 12.

slightly for white elementary students and spent a little less than the state average for black students.

On the secondary level, the same general trends existed throughout the state. For example, in 1934, the per capita cost of instruction in Richmond for black students was \$33.52 compared with \$22.00 in Chesterfield. No comparisons can be made for all counties, all cities, or the state because that information was not reported until 1939. However, it does appear that the same patterns that occurred at the elementary level showed up again in the secondary schools.(49) Chesterfield County was below the state average in 1939 for both black and white students while Richmond exceeded the state average for both black and white students by more than twice as much.

In summary, the per capita cost of instruction for the years 1934-1939 clearly shows that very little was achieved towards equalization. Even though the city of Richmond was paying more than twice the state average for black students on a per capita basis, they still doubled that amount for white students. Chesterfield County did not even meet the

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<sup>49</sup> See Appendices 13 and 15.

state average for black or white students in most of those years.



C. Value of School Property and Equipment, 1934-1939

The "equalization" of facilities was a major concern for the State Supervisor of Negro Education as well as the black parents who were sending their children to one room schools with no toilet facilities, heat, or electricity. W. D. Gresham, Supervisor of Negro Education, reported in 1934 that improvements in many schools had taken place and that many school boards were considering the consolidation of many of the one room schools in their districts.(50) Throughout the remainder of the decade, the Supervisor of Negro Education continued to emphasize the need for "new and properly constructed school buildings" and "that the high school program of study provide an opportunity for Negro children to pursue both vocational and academic courses and fine arts."(51)

Chesterfield County was very typical of other rural counties in that it had many one room schools for black

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<sup>50</sup> Bulletin-State Board of Education, Annual Report of The Superintendent of Public Instruction, vol. 18 (September 1934), p. 71.

<sup>51</sup> Ibid., vols. 17-22 (September 1934-1939), Report from the Supervisor of Negro Education.

students without running water or electricity. Most of these buildings were ill equipped and could not provide the things necessary for an adequate education.

The following chart shows the differential between black and white schools in Chesterfield County.

BUILDING AND EQUIPMENT

YEAR	RACE	LOCATION	VALUE OF BUILDINGS	VALUE OF EQUIPMENT	NUMBER OF SCHOOLS
1934	black	Chesterfield	\$ 60,000	\$10,500	20
	white	Chesterfield	\$427,000	\$57,000	15
1935	black	Chesterfield	60,000	10,500	18
	white	Chesterfield	427,000	59,500	15
1936	black	Chesterfield	60,000	12,000	18
	white	Chesterfield	427,000	60,000	15
1937	black	Chesterfield	60,000	12,000	18
	white	Chesterfield	540,000	68,000	21
1938	black	Chesterfield	90,000	15,000	19
	white	Chesterfield	620,000	60,000	20
1939	black	Chesterfield	87,940	7,615	*
	white	Chesterfield	741,650	87,749	*(52)

\*The number of schools for the year 1939 were not reported in the annual report submitted to the State Superintendent of Public Instruction.

While the value of school property for blacks increased by almost \$28,000.00 between 1934 and 1939, the school property for whites increased by \$314,650.00. The value of furniture and equipment for blacks decreased by \$2,885.00 during those same years. At the same time the value of furniture and equipment for white schools increased by more than \$30,000.00. Chesterfield County was neither improving the condition of the schools for blacks nor changing the differential that existed between the black and white schools.

For the years 1934-1939, the City of Richmond did not report the value of its school property and equipment separately for black and white schools. But, as previously discussed, the amount spent on per capita cost of instruction by the city would indicate that the black schools would have had a much lower value than the white schools.

It would appear then that by 1939 neither the city of Richmond nor Chesterfield County was meeting the expectations of the black community in equalizing school facilities. Nor had Chesterfield County moved very far in consolidating the one room schools for blacks as recommended by the Supervisor of Negro Education for the state of Virginia.

D. School Term, Census, Enrollment, and Attendance:

1934-1939

The "equalization" of school terms was a concern that the State Supervisor of Negro Education recommended in his annual reports from 1934 through 1939. In many of the school districts throughout the state black schools were operated for a shorter period of time during the school year than white schools. The Supervisor of Negro Education reported in 1934 that "Through the assistance of the Federal Government, which through FERA contributed funds for increasing the school term, practically all counties in Virginia were enabled to maintain a school term of eight months for all the children during the school year 1933-34."(53) The Supervisor of Negro Education recommended that all schools adopt a minimum school term of eight months.

For Chesterfield County this minimum recommendation of an eight month school term existed in both the black and white schools in the system. However, there was a significant differential in the school terms for black and

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<sup>53</sup> Bulletin-State Board of Education, 18, (September 1934): 70.

white schools in the county because white schools were open longer than the recommended minimum term. In 1934 the county required that white students attend school for 180 days but black students were required to attend school for only 168 days.(54) Even though this met the minimum standard for school terms that had been set, it established a situation where the white students were being offered more educational opportunities than the black students.

This differential in school terms became worse in 1935 when Chesterfield established a term of 181 days for white students and 165 days for black students.(55) The school terms for 1936 showed some improvement with a required 180 days for white students and 170 days for black students.(56) During that same year, the State Superintendent of Public Instruction advocated a nine month term for all students. The year 1937, however, saw the differential growing larger once again with white students going to school for 181 days and black students for 164

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<sup>54</sup> Bulletin-State Board of Education, 18, (September 1934): 141.

<sup>55</sup> *Ibid.*, 18, (September 1935): 140.

<sup>56</sup> *Ibid.*, 19, (September 1936): 133.

days.(57) The school terms for 1938 were not much better. The term for white schools remained at 181 days and the term for black schools increased to 166 days.(58) By 1939 the minimum school term was finally established at 180 days for all schools.(59)

The effort to equalize school terms is the one area that did succeed by 1939. The State Supervisor of Negro Education was able to report:

"A most outstanding gain in the education of Negroes was realized during the session of 1938-39 through the operation of the Negro schools for nine months in ninety-eight counties. Only a few schools were closed during the ninth month on account of failure to make the legal average attendance. On the whole the attendance throughout the State during the ninth month was equal to the attendance during the each of the previous eight months. In some counties the attendance during the ninth month exceeded that of the previous months. The evidence shows that Negro children will, if given the opportunity, attend school regularly for a full nine months term."(60)

At the same time that the school terms were equalized, the focus moved to increasing black enrollment and

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57 Ibid., 20, (September 1937): 146.

58 Ibid., 21 (September 1938): 154.

59 Ibid., vol. 22 (September 1939), 13.

60 Ibid., 22 (September 1939) : 24.

attendance throughout the state. For the purpose of this study, the following definitions are used and are taken from the Virginia Teacher's Register, published by the Superintendent of Public Instruction, Richmond.

1. Census--The official number of people within a school district who are within the age range set to be eligible to enroll in school.
2. Enrollment--The total number of different pupils admitted to (or entered on the roll of) the school unit concerned.
3. Attendance--The presence of a pupil on days school was in session.

In 1934, Supervisor of Negro Education, W. D. Gresham, stated that "Despite hard times our Negro schools have done well in the matter of attendance as they did last year, the percentage for the year being 85--exactly the figure for last year."<sup>61</sup> If 85% is the correct figure for the average attendance of black students in Virginia, then Chesterfield County fell far behind this average.

The data reported from Chesterfield County for the years 1934-1939 is shown in the chart below.

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<sup>61</sup> Ibid, . 17 (September 1934): 70.

YEAR CENSUS & RACE	ENROLLED	ATTENDANCE	% ENROLLED TO CENSUS	% IN ATTENDANCE TO CENSUS
1934-				
BLACK	2,118	1,647	77.76%	59.02%
WHITE	4,934	4,389	88.95%	76.39%
1935-				
BLACK	2,082	1,707	81.99%	63.06%
WHITE	5,587	4,511	80.74%	69.21%
1936-				
BLACK	2,082	1,698	81.56%	63.40%
WHITE	5,587	4,497	80.49%	69.04%
1937-				
BLACK	2,118	1,842	86.97%	70.35%
WHITE	4,934	4,551	92.24%	78.29%
1938-				
BLACK	2,082	1,747	83.91%	70.32%
WHITE	5,587	4,718	84.45%	71.85%
1939-				
BLACK	2,082	1,499	72.00%	78.24%
WHITE	5,587	3,961	70.90%	76.25%(62)

For many years the black leaders of Virginia had been concerned with the fact that a large portion of the black children in the state were either not enrolled in school or did not attend on a regular basis. In both instances, this was in violation of the laws established by the General

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62 Bulletin-State Board of Education, 17-22 (September 1934-1939), Tables, School Census, Pupil Personnel, Average Days Taught, and Average Daily Attendance.



Assembly. The black leaders wanted the laws enforced on an equal basis.

In 1936 Supervisor, Fred M. Alexander (W. D. Gresham died on January 17, 1936), stated that the basic needs of Negro education in Virginia were:

1. Enrollment of all Negro children of school age.
2. Regular attendance.
3. Improvement of instruction.

It was reported that:

"During the session 1934-35 only 71% of Negro children of school age were enrolled in the county schools and 85% in city schools. The attendance for the counties was 54% of those of school age, while the attendance in cities was 73%. For the State as a whole, 58% of Negro children of school age attended school. The attendance of Negro children of school age in the school divisions falls as low as 35% in some counties and approaches 100% in some of the cities."(63)

As the chart above shows Chesterfield County was just slightly above the state average in enrollment and attendance. With only 59% of the black students in attendance in 1934 and 63% in attendance in 1935, this was a prime example of what the Negro Supervisor had complained about.

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63 Bulletin-State Board of Education, 19 (September 1936): 24.

In 1937 the Supervisor of Negro Education again recommended the enrollment of all Negro children of school age and regular attendance. He specifically stated that "Only 74% of the Negro children of school age are enrolled in the schools and only 58% of those of school age are in attendance. This means that 25% of the Negro children are not enrolled and nearly half of those of school age do not attend school. Some of the remedies for this situation are, more and better school buildings, adequate transportation, a larger number of teachers, and improvement of instruction to the end of providing more adequately for the needs of the children of the State."(64)

Another recommendation of the Supervisor of Negro Education was "That compulsory school attendance laws be enforced and applied to Negroes in all counties and cities."(65) The main problem with trying to increase enrollment and attendance by enforcing the compulsory attendance laws of the State was that there was a big loophole in the law that "excused" students from being enrolled in school under certain conditions.

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<sup>64</sup> Ibid., 20 (September 1937): 20.

<sup>65</sup> Ibid., 20 (September 1937): 22.

Section 683 of the Code of Virginia stated that compulsory attendance shall not apply:

to children under ten years of age who live more than two (2) miles from a public school, unless public transportation is provided within one mile of the place where such children live; nor to children between ten and fifteen years of age who live more than two and one-half (2 1/2) miles from a public school, unless public transportation is provided within one and one-half miles of the place where such children live.(66)

Since many school districts did not provide public transportation, the parents could not be held in violation of the law for not enrolling their children in school.

This lack of public transportation accounts for the large number of black children not enrolled or not in attendance in rural counties such as Chesterfield County. In order to increase the attendance of black students, the local schools would have to be willing to provide the necessary transportation for them.(67)

It was reported in 1938 that, "the enrollment and attendance of Negro children have not increased. This

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66 "Virginia Laws and Regulations," Bulletin-State Board of Education, 23 (November 1940) : 48.

67 The issue of transportation will be examined in greater detail in the next section.

situation is serious for a democratic state. Only 74% of the Negro children of school age are enrolled in the schools and only 58% of those of school age are in attendance. This means that 26% are not enrolled and nearly half of those of school age do not attend school."(68) Again, the need for transportation and enforcement of the attendance laws were stressed as remedies for this problem.

By 1939 no significant improvements had been made statewide in the enrollment and attendance of black students. The State Supervisor continued to emphasize the need "to enroll in school every Negro child of school age, to keep him in regular daily attendance, and to improve the quality of instruction that he gets while in attendance at school."(69)

The enrollment and attendance problem was not an exclusively black problem, however. The enrollment and attendance for white students was not any higher (lower in some years) during the same period of time of 1934 through

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<sup>68</sup> Bulletin-State Board of Education, 21 (September 1938) : 19.

<sup>69</sup> Ibid., 22 (September 1939) : 21.

1939. So, even though this was an issue that the State Supervisor of Negro Education and the N.A.A.C.P. considered to be vitally important, it was also a problem that affected the white students just as much.

#### E. TRANSPORTATION

As mentioned previously, the public transportation of students was recommended as a remedy for increasing enrollment and attendance. In 1938 the Supervisor of Negro Education conducted a study on the "Transportation of Public School Pupils in Virginia" which showed that in "76 counties 8,600 Negro pupils were transported in 214 school buses during the session 1936-1937 at a total cost of \$114,877.90. Of this amount spent on Negro transportation, the sum of \$84,929.68 was appropriated from public funds, and \$20,948.22 was expended by Negro patrons." (70) The total enrollment of black students in the counties of Virginia for the school year 1936-1937 was 113,263. The per percentage of black students transported in those seventy six counties reporting was 7.6%. (71) In 1939 it

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<sup>70</sup> Bulletin-State Board of Education, 21 (September 1938) : 19.

<sup>71</sup> Bulletin-State Board of Education, 20 (September 1937) : 141.

was reported that six per cent of the black students enrolled in the State's schools were being provided with public transportation, which was a one per cent increase over the previous year.(72) This included all cities and counties. This does not appear to be an accurate statement, however. In 1939, the total number of black students enrolled in Virginia's schools was 141,000.(73) The local school districts reported transporting a total of 14,127 black students which would be 10%.(74) In comparison, there were 400,693 white students enrolled in the state's schools with 139,756 provided with transportation.(75) Therefore, 34.9% of the white students received transportation from the state.

For students in Chesterfield County there were no buses provided for either black or white students until 1939. In that year, Chesterfield reported owning 23 buses. The county transported 2,325 white students and 597 black

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<sup>72</sup> Bulletin-State Board of Education, 22(September 1943) : 24.

<sup>73</sup> Bulletin, State Board of Education, 22 (September 1939) : 233.

<sup>74</sup> Ibid., 243.

<sup>75</sup> Ibid., 233, 240.

students.(76) There were 4,260 white students enrolled in the county compared with 1,643 black students.(77) Thus, 54.6% of the white students received transportation compared with 36.3% of the black students. The city of Richmond did not finance any public transportation up through 1939. Transportation in Richmond was not as critical, however, since many of the schools would have been within walking distance. Thus Chesterfield helped to keep the black enrollment and attendance low simply by not providing public transportation. Whether this was a conscious effort on their part to keep enrollment low for blacks is now impossible to determine. The implication is there, however.

In summary, during the years 1934-1939 a solid foundation was established upon which the equalization movement could build. The only true success of total equalization came in the area of the nine month school term for all students. Very little was accomplished towards equalization, but awareness was heightened to the point

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<sup>76</sup> Bulletin-State Board of Education, 22 (September 1939) : 238, 241.

<sup>77</sup> Ibid., 230.

where local school districts were going to have to face the issues and start making decisions.

The movement to equalize schools in Virginia had reached a point that it would be difficult to turn back or stop. By 1939, there was much more public support for the equalization movement than there had been just a few years earlier. The major newspapers of the state were supporting the movement and the State Department of Education in Virginia consistently supported the general concept of equalization. But most of all, the N.A.A.C.P. and the black teachers were convinced that the time had arrived for equalized schools in Virginia. The slow reaction of the school districts to change, however, is what eventually led to the court cases involving equalization of salaries.



#### IV. COURT CASES INVOLVING THE EQUALIZING OF SALARIES

In August 1937, Thurgood Marshall, Special Counsel for the N.A.A.C.P., wrote a letter to Dr. J. M. Tinsley seeking his help in organizing an effort to equalize salaries for teachers in Virginia. Marshall was extremely optimistic in his outlook for the future of equalizing salaries in Virginia after just having won a settlement in a similar case in Maryland. In this letter, Marshall outlined his own version of the "Domino Theory" by stating that, "we prefer to go from Maryland into Virginia, then into Carolina and Kentucky and on down"(78) into the other states. Marshall had mapped out a strategy by which he would attack the most "northern" states first before moving into the deep south. His next move was to find someone who was willing to risk the loss of their profession in order to start a test case in Virginia.

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<sup>78</sup> Thurgood Marshall to Dr. J. M. Tinsley, 30 August 1937, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

The first person to step forward as a volunteer for this task was Melvin O. Alston, a teacher in the Norfolk City schools. In a confidential letter dated October 19, 1938, to the editor of the Norfolk Journal and Guide, Thurgood Marshall identified Alston as being willing "to file a suit for the equalization of teachers' salaries." (79) Marshall asked that Alston's name remain confidential for the time being in order to keep the School Board from acting against him. Marshall also stated in the same letter that, "The teachers in Virginia have raised more than \$3,500.00 to file a case." (80) This was a good indication that the black teachers of Virginia were very serious about pursuing equalization of salaries in the courts.

Alston's case was not filed however, because another Norfolk teacher approached the N.A.A.C.P. just days later wanting to file suit. The N.A.A.C.P. decided that this second volunteer would make a much stronger case in

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<sup>79</sup> Thurgood Marshall to P. B. young, 19 October 1938, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

<sup>80</sup> Ibid.

court.(81) The plaintiff in this case was to be Aline Elizabeth Black, a chemistry teacher at Booker T. Washington High School in Norfolk. Black had earned a B.S. degree at Virginia State College and a Master's degree at the University of Pennsylvania. At the time of the law suit , she was working on a Ph.D. at New York University.

For the 1938 school year, Black's salary was \$1,045.00 per year compared to \$2100.00 per year that white teachers with comparable qualifications received.(82) On October 27, 1938, Thurgood Marshall filed a petition with the city of Norfolk School Board asking that the Board "adopt and enforce a new salary scale which would equalize her salary with that of a white high school teacher doing similar work."(83) The petition explained that black high school

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81 Thurgood Marshall to P. B. Young, 31 October 1938, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

82 "NAACP Carries Teacher Salary Fight into Virginia. Virginia Equal Pay War Launched," Afro-American, 5 November 1938, p. 1.

83 Press Release, "Virginia Teachers Open Fight For Equalized Salaries," Norfolk, Va. 28 October 1938, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

teachers in Norfolk received a minimum yearly salary of \$699.00 and a maximum salary of \$1,105.00 while the minimum salary for a white high school teacher, doing similar work, was \$970.00 and the maximum was \$1,900.00.(84) The petition stated that the differential was based "solely on the ground of race or color."(85) After receiving the petition, the Norfolk School Board decided to postpone indefinitely any hearing on the matter.(86)

On November 4, 1938, Marshall received a "confidential tip" that the high school supervisor for Norfolk City Schools was checking up on Black's classroom work and making complaints to the School Board in an effort to have her fired before the case was brought to trial.(87) Marshall wrote to Black on November 7 to advise her of the situation and to warn her of the Board's plans. Marshall advised Black not to worry and suggested that she continue her "good teaching and make sure that there are no actual

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84 Ibid.

85 Ibid.

86 Ibid.

87 P. B. Young to Thurgood Marshall, 4 November 1938, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

grounds for possible complaints."(88) Black wrote back to Marshall and confirmed that the supervisor, a Mr. Brinkley, had visited her school on October 31. Some of the teachers that Brinkley visited that day had not been observed in the past seven years. At the end of the day, Brinkley filed a report on his observations. According to Brinkley, in one classroom there "was not enough fresh air, in another, he found two teachers conversing; and in another room, he found the teacher at his desk making out a monthly report."(89)

Even though the superintendent did not have any specific complaints against Black, he did tell the principal that the "general impression that he got was that there was a lot of loafing going on in the building and he thought that such would not be the case if he (Mr. Douglas) went around to the various classrooms more."(90) This was

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88 Thurgood Marshall to Aline E. Black, 7 November 1938, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

89 Aline E. Black to Thurgood Marshall, 9 November 1938, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

90 Ibid. p. 2.

an attempt by the School Board to not only discredit Black, but all black teachers in the Norfolk school system. The Norfolk School Board voted in December, 1938, to deny Black's petition for an end to the discriminatory salary scale under which she was paid. Her next option was to continue with the suit in court.

The case, tried in Norfolk Circuit court on June 1, 1939, by Judge Allan R. Hanckel, was based on the contention that a differential pay scale was in violation of the equal protection clause of the Fourteenth Amendment. The salary scales for Norfolk teachers showed that black teachers were paid at a lower rate than white teachers with the same general qualifications. Again, the differential in pay was "based solely on the race or color of petitioner and others of her race." (91)

The court was asked to issue a writ of mandamus compelling the Norfolk School Board to do the following:

- (1) to establish and enforce a basic salary schedule equal to all teachers and principals under their jurisdiction with the same qualifications and experience

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<sup>91</sup> Petition to the Circuit Court, May 1939, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

- (2) without any distinction being made as to race or color of teachers or principals; to pay petitioner and all other teachers and principals pursuant to said salary schedule without distinction as to race or color of teacher or as to school taught. (92)

The Assistant City Attorney, who represented the School Board in this case, argued that Black had no legal basis on which to file a suit. He claimed that each teacher was free to negotiate his/her own contract with the Board. He also stated that Black knew about the differential pay scales and was not forced to sign a contract under those conditions if she so objected. The City Attorney must have become quite confused at this point in the proceedings because he then went on to say that, "Aline Elizabeth Black made her own contract to teach and that she was free, white, and twenty-one." (93) One can only imagine the the absurdity of this statement and the outburst of laughter that it must have caused in the courtroom on that day.

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92 Ibid.

93 Thurgood Marshall to Walter White, 31 May 1939, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

In the end, however, Judge Hanckel dismissed the case on the grounds "that he would not substitute his discretionary power for the discretionary powers vested by the state law in the School Board to employ and discharge teachers as it sees fit."(94) In other words, Judge Hanckel was viewing the matter as more of an employment matter than a civil rights violation.

The Richmond Times Dispatch made the following observations in an editorial concerning the salary case in Norfolk:

But whether or not the N.A.A.C.P. wins this particular case, it will doubtless win some other Virginia case involving teachers' salaries.

Every state must provide "equality" in educational opportunities for members of both races --- that such equality will have to be provided in Virginia.

Moreover, haven't the Negro teachers logic on their side?(95)

The same editorial continued by pointing out that black teachers had the same qualifications as white teachers, but in many areas they only received one half the

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94 Richmond Times Dispatch, 13 February 1940, 1.

95 "Equality in Teachers' Pay," The Crisis, no. 4, vol. 46, (April 1939), 115.



pay.(96) It was becoming obvious that the demand for equal pay would not be quieted by the negative decision in this one case. The Richmond Times Dispatch predicted that other cases involving teachers' salaries would follow.(97)

Two weeks after the trial, Black's principal notified her that the School Board had refused to issue her a contract for another year. No reasons for this action were necessary under the laws of the state. Black also learned that \$4.01 had been deducted from her June pay check for the time lost from school due to her appearance in court on June 1.(98) N.A.A.C.P. officials in New York called the action of the Norfolk, Virginia School Board "utterly shameless."(99) They also stated that if the Board feels

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96 Ibid.

97 One may wonder at the apparent change in opinion by the Richmond Times Dispatch when comparing this editorial to previous ones of just a few years earlier. One possible explanation for this shift may be due to the fact that V. G. Byers (editor from 1933-34) was replaced by Virginius Dabney (editor from 1936-69) on the editorial staff of the paper. Dabney was widely known for his liberal views on matters.

98 "Virginia School Board Fires Norfolk Teacher in Salary Fight," Press Release, 16 June 1939, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

99 Ibid.

"that they can intimidate any teacher through such tactics they are in for a rude awakening."(100) The N.A.A.C.P. made plans to appeal her case as soon as possible.

In September, 1939, Melvin O. Alston filed a petition with the School Board of the city of Norfolk seeking a change in the salary schedules which would equalize black teachers' salaries with that of white teachers. The petition identified Alston as being "a citizen of the United States and of the Commonwealth of Virginia and [was] a resident and taxpayer of the city of Norfolk and the Commonwealth of Virginia."(101)

Alston was employed at Booker T. Washington High School in Norfolk just like Black. At the time of the petition, he was in his fifth year of teaching. Alston had graduated from Virginia State College with a B.S. degree

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100Ibid.

101petition to the School Board of the City of Norfolk, Virginia, 25 September 1939, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

and he was working on a Master's degree in Mathematics at Teachers College of Columbia University.(102)

The petition stated that Alston, as a taxpayer, contributed "to the public funds which maintain and operate the public schools of Norfolk and as such [had] an interest in the distribution of those funds on a legal and constitutional basis."(103) The petition continued on by stating that as a teacher in the Norfolk school system, Alston was compensated out of the public funds and had, therefore, a greater interest in how those funds were distributed.

The School Board was accused in the petition of establishing a salary schedule that provided "a higher salary for white teachers and principals than for Negro teachers and principals possessed of equal qualifications and experience and performing the same duties."(104) The differential in salaries, the petition claimed, was based solely upon race and color. Once again, this discrimination was in violation of the equal protection

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102Ibid.

103Ibid., 2.

104Ibid., 3.

clause of the Fourteenth Amendment to the U. S. Constitution. The petition simply asked that the city establish a salary schedule that was free of racial discrimination or differential. The petition was denied by the Norfolk School Board on October 26, 1939.

Alston then filed a complaint on November 4, 1939, in the District Court of the United States for the Eastern Division of Virginia, Norfolk Division. Thurgood Marshall acted as Alston's attorney from the N.A.A.C.P. Jurisdiction for this case was sought in a Federal court since they had just lost a similar case in a state court. Apparently they were hoping for a more sympathetic judge and also they were trying to focus more on the Constitutional issues of this case rather than making it an employment problem.

The plaintiff's arguments in this case were basically the same as they had been presented in the petition to the School Board. Marshall did, however, go into more detail in court by defining the laws of Virginia that governed education and the state requirements for certification of teachers. He also presented a comparison of black and white salaries for teachers in Norfolk for the 1939-1940 school year which clearly showed the differential in pay:

	<u>Minimum</u>	<u>Maximum</u>
<u>Negro</u>		
Elementary	\$597.50	\$ 960.10
High School		
Women	699.00	1,105.20
Men	784.50	1,235.00
<u>White</u>		
Elementary	850.00	1,425.00
High School		
Women	970.00	1,900.00
Men	1,200.00	2,185.00(105)

Many of the arguments centered around the distribution of tax dollars. Marshall argued that, "no discrimination is made in the rate of taxes [Alston] is required to pay into said public school fund on account of his race of color." (106) Marshall further explained that under the Constitution of Virginia, the public school fund was to be administered for the equal benefit of all the people of the state. But because of the discriminatory salary schedule that was established by the Norfolk School Board, Alston was being "denied an equal and proportionate participation in the benefit derived from that portion of his taxes devoted to the public school fund and the payment of

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<sup>105</sup>Complaint filed in the U.S. District Court, Norfolk Division, 2 November 1939, 6, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

<sup>106</sup>Ibid., 8.

teachers' salaries therefrom."(107) According to Marshall, this denial of equal and proportionate benefit in the taxes that Alston helped to create was in violation of the Fourteenth Amendment equal protection clause.

It was asked that the "Court issue a permanent injunction forever restraining and enjoining the defendants and each of them from making any distinction solely on the grounds of race or color in the fixing of salaries paid to white and colored teachers and principals employed in the public schools of the city of Norfolk."(108)

The city attorney answered these charges by stating that Alston had no vested rights to any position to teach in the public schools. He went on to explain that whatever rights Alston may have had were waived when he signed his contract with the School Board, dated June 12, 1939. The defendants also stated that the laws of the state of Virginia authorize and empower School Boards "to employ teachers and fix their compensation, and such being the case they have the right to employ them for such salary as

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107Ibid.

108Ibid., 11.

said Board is willing to pay and the teacher to accept."(109)

The attorney for the School Board argued, too, that since the case involving Aline Elizabeth Black had not been appealed, then the decree in that case had become final and bringing to an end any further cases of a similar nature.(110)

In an opinion from the Bench, Federal District Judge Luther B. Way concluded that:

It is regrettable, in a sense, that the Court can not finally dispose of all matters in the suit, but will have to dismiss the case because of what may by some be thought to be a technicality. A solemn written contract entered into between parties, whether it be between a citizen and an arm of the state, or between two individuals, or between individuals and a corporation, or between corporations, can in no proper sense be regarded as a technicality.(111)

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<sup>109</sup>Melvin O. Alston v School Board of the City of Norfolk, Answer of Defendants, District Court of the United States for the Eastern District of Virginia, 12 June 1939, 3, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

<sup>110</sup>Ibid.

<sup>111</sup>Melvin O. Alston v School Board of the City of Norfolk, United States District Court for the Eastern District of Virginia, 12 February 1940, 7, Part 3. The Campaign for Educational Equality: Legal Department and  
(Footnote Continued)

Judge Way felt that Alston had not been "induced to enter into the contract by fraud, misrepresentation, or that it was entered into under duress or that any unfair means were employed by defendants in that behalf, or that it was ever made or signed under protest." (112) Judge Way further stated that, "Alston was employed by the Board under a contract voluntarily entered into by him and that whatever Constitutional rights he might have had were waived when he signed the contract." (113)

To illustrate his point, Judge Way entered into the record a sharp criticism of the Norfolk School Board for punishing Aline Black "by refusing to rehire her and setting up the requirement that as long as she was a complainant against the salary schedule she would not be considered for a teaching post." (114) Judge Way stated that this type of requirement placed on Black for employment amounted to duress. However, Judge Way was

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(Footnote Continued)  
Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

112 Ibid., 3.

113 "Negroes Lose fight to Raise Teachers' Pay," Richmond Times Dispatch, 13, February, 1940, 1.

114 "Norfolk Teachers Lose Suit," Norfolk Journal and Guide, 17 February 1940, 1.



"satisfied that Alston did not sign contract under duress."(115) Alston's attorneys argued that he had been under a certain amount of duress to sign the contract at a lower salary than that for white teachers. For by refusing to sign the contract, or even questioning the salary schedule, he certainly would not have been hired. Thus, in order to secure a position in his chosen profession, Alston felt that he had no choice other than to sign the contract at the lower salary. Judge Way, however, could find nothing in the evidence that would cause him to believe that Alston had not signed his contract freely.(116)

As a way of explanation, Judge Way stated that if Alston had intended "to contest the action of the Board with respect to compensation, it was his duty to take prompt and appropriate action to that end after he was accepted as an applicant and before he entered into a contract with the Board for another year."(117) By signing

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115Ibid.

116Ibid.

117Opinion From the Bench, Alston v School Board, 6, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

his contract with the Board, Judge Way felt that Alston had waived his Constitutional rights.

Judge Way said that in principle Alston's case was very much like Missouri ex rel Gaines v. Canada, 305 U.S. 337 except that Gaines was able to assert his Constitutional rights by refusing to accept the substitute remedy offered by the University of Missouri. The University of Missouri had been willing to send Gaines to an out of state university rather than admit him to the University of Missouri Law School. Had Gaines accepted this substitution, according to Judge Way, he would have lost his Constitutional rights that he was claiming, just as Alston had done.(118)

Judge Way did express his sympathies towards the issues in this case by stating the "basic issues in plaintiff's action must be settled"(119) in the near future. He then went on to remind the parties that it "has been ruled by the highest court, that there can be no

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<sup>118</sup>Ibid.

<sup>119</sup>Norfolk Journal and Guide, 17 February 1940.

discrimination in state employment on the basis of race or color." (120)

This case was appealed in March 1940 to the U.S. Circuit Court of Appeals, Fourth Circuit which began hearings on the case on June 13, 1940. The judges present at that time were John J. Parker, Morris A. Soper, and Armistead M. Dobie who rendered their decision on June 18, 1940.

The Circuit Court of Appeals found that in this case there were three questions to consider:

- (1) Whether upon the face of the complaint an unconstitutional discrimination is shown in the fixing of school teachers' salaries by the defendants;
- (2) Whether rights of plaintiffs are infringed by such discrimination;
- (3) Whether plaintiffs have waived their right to complain of the discrimination by entering into contracts with the School Board for the current year. (121)

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<sup>120</sup>Ibid.

<sup>121</sup>Melvin O. Alston v School Board of the City of Norfolk, United States Circuit Court of Appeals, Fourth Circuit, 18 June 1940, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

On the first question, the Court found that the fixing of salary schedules was an action that was subject to the limitations of the Fourteenth Amendment. It also found that the allegations that the salary schedules were discriminatory and based solely on the grounds of race and color could hardly be denied. The Court pointed out the fact that white and black teachers had to meet the same requirements to qualify for a certificate to teach in Virginia. The certificates to teach for white and black teachers were identical in requirements, while the pay received was not. (122)

The Court cited numerous cases in its decision, but relied primarily on two, Mills v. Lowndes 26 F. Supp. 792, 801, (1939), and Mills v. Board of Education of Ann Arundel County 30 F. Supp. 245, (1939), to order that discriminatory pay schedules based solely on the grounds of race and color were unconstitutional. (123)

In the second question as to whether the civil rights of the black teachers of Norfolk had been infringed by the discrimination, the answer was "yes". The Court found that

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122Ibid.

123Ibid.

teachers have the civil right "to pursue their profession without being subjected to discriminatory legislation on account of race or color."(124)

As for the third question, the Court did not feel that the fact that Alston had entered into a contract with the School Board at a salary fixed by a discriminatory practice precluded him from asking for relief. The Circuit Court of Appeals then reversed the decision of the lower court and ordered that it be tried on its own merit.(125)

Walter White expressed his surprise at the outcome of this decision by the Court of Appeals. He had had concerns because one of the judges on Court was John J. Parker from North Carolina. Judge Parker had built a reputation based on his negative decisions, in the lower courts, in cases involving minorities and labor disputes. In 1930 Judge Parker was nominated to the Supreme Court by President Hoover. It was because of the direct pressure from the N.A.A.C.P. that Parker's nomination was rejected by the Senate by a vote of thirty-nine in favor to forty-one against. His work on the Appeals Court, however, was never

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124Ibid.

125Ibid.

challenged on the basis of fairness. White went on to complement Parker and the Constitutional fairness of his later decisions. (126)

Reaction to the Alston case seemed favorable. The Richmond Times Dispatch made the following comments in an editorial concerning the case:

There has for some years been a growing conviction in Virginia that Negro school teachers should be given equal pay for equal work.

That such discrimination against Negro teachers as was alleged in the Norfolk case does exist in Virginia, on a wholesale scale, is common knowledge. In some counties, white teachers have received almost twice as much pay as Negro teachers, with virtually the same teaching duties. It is time this discrimination was ended, in the interests of fair play, and also, of a better public school system. The Norfolk case may end it, not only in Virginia, but throughout the nation. (127)

This seems to be a fairly liberal stand on the salary issue considering the extent to which segregation and discrimination existed not only in Virginia, but throughout the nation.

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<sup>126</sup>Walter White, A Man Called White (New York: The Viking Press, 1948), 104, 110, and 114, .

<sup>127</sup>"Reaction to Teacher Pay Decision," Norfolk Journal and Guide, 29 June 1940, p. 8.

Once the Appeals court had rendered its decision, Norfolk's City Attorney, Alfred Anderson, asked the Supreme Court for a writ of certiorari, (a review of Appeals Court decision). The Richmond Times Dispatch reported that this was the first case of this kind to go to the Supreme Court. The Norfolk School Board commented in its request to the Supreme Court that if the school system was required to establish parity in pay, that it would add an estimated \$125,000 per year to the budget.(128) This statement by the School Board concerning cost of equality does not indicate whether or not the Board felt that equalization of salaries was right or wrong, only that it would add an additional burden to an already overstrained budget. The Board contended in its plea to the Supreme Court that "equal school facilities must be provided, but it does not follow that salaries in public schools must be equal when determined by voluntary contracts."(129) The attorneys for Alston argued that any "discrimination because of race or color is clearly arbitrary and unreasonable."(130)

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128"High Court Review Asked By Norfolk in Fight Against Teachers' Pay Decision," Richmond Times Dispatch, 14 September 1940, p. 5.

129"Court Upholds Equal Pay For Negroes" "Norfolk School Board is Denied Appeal," Richmond Times Dispatch, 29 September 1940, p. 1.

130Ibid.

On the 28th of October, 1940, the United States Supreme Court denied the request by the Norfolk School Board for a writ of certiorari. The refusal by the U. S. Supreme Court to grant certiorari meant that there would have to be a hearing in the lower court based on the merits of the case. In other words, the fact that Alston signed a contract with the School Board could not be used as a barrier in determining whether or not the differential pay scale of the Norfolk schools was discriminatory and if such discrimination violated any of Alston's Constitutional rights.(131) After the U. S. Supreme Court rendered its decision, Alston's attorneys asked Federal District Judge Luther B. Way to schedule a hearing as soon as possible.(132)

On November 6, the City Attorney, C. Alfred Anderson, representing the School Board, made an offer to settle the matter out of court. He offered the city teachers "\$129,000.00 to be paid them over a period of three years,

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<sup>131</sup>Memorandum, Thurgood Marshall to George B. Murphy, Jr., 1 November 1940, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

<sup>132</sup>Ibid.



thus equalizing their salaries with those of white teachers."(133) The N.A.A.C.P., through its attorney Thurgood Marshall, advised that the teachers not negotiate with the city "while the case was pending before the court, unless the City Attorney made a specific offer in writing."(134) The Norfolk Teachers Association met with the City Attorney on November 7 and voted to accept the offer. Specifically, the Norfolk teachers asked that the formal agreement contain the following:

That the defendants remove all differentials in salaries because of race or color between white and Negro teachers and principals on a basis of not less than 1/3 each scholastic year starting September, 1940; provided, however, that if the City of Norfolk is financially unable to pay the 1/3 this year that the teachers will accept \$30,000.00 on the differential for the period January-June 1941, and an additional sum of not less than 1/2 of the balance for the school year September 1941-June 1942.... That starting September 1942 salaries will be completely equalized and thereafter no distinction in the fixing of salaries or the payment of salaries on the basis of race or color. (135)

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133"Virginia Teachers Agree To Salary Parity In Three Years; Accept \$129,000," Press Service of the N.A.A.C.P., 8 November 1940, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

134Ibid.

135Thurgood Marshall to Alfred Anderson, 14 November 1940, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, (Footnote Continued)

The Norfolk Journal and Guide reported that this case and its outcome affected "Norfolk only, but [would] most likely be accepted as a guide for future policy in determination of salaries throughout the state." (136) This victory for the Norfolk teachers sounded a signal for the other teachers of Virginia to demand the same equal treatment.

Shortly after the agreement was reached in the Norfolk case, the State Board of Education asked the Attorney General for the State of Virginia to write an opinion as to what effect this case would have on the other school districts in Virginia. The Attorney General responded with the following:

This opinion [referring to the Alston case] speaks for itself and clearly forbids discrimination on the grounds of race or color in fixing salaries to be paid school teachers in the public schools of the State. Whether this decision will necessitate any change in the differentials in teachers' salaries fixed by any city or county of the State will depend entirely upon the factual questions of whether such differentials are based upon differences in the quality and experience of the teachers and the duties and services performed

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(Footnote Continued)

1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

136"Teachers' Pay Case Settled," Norfolk Journal and Guide, 16 November 1940, 1.

by them, or whether they are based upon race or color." (137)

The State Board of Education responded by passing a resolution directing the local school boards to follow the Attorney General's opinion when making their salary schedules. (138)

Almost immediately after the news had spread that the Norfolk teachers had settled their case, the School Boards in Richmond and Chesterfield were confronted with the salary issue. The Richmond Times Dispatch reported on November 20, 1940 that "Richmond Negro teachers presented Superintendent Binford with a petition asking that their salaries be equalized with those of white teachers." (139) The Richmond teachers based their petition on the U. S. Supreme Court ruling in the Alston case. All 302 black teachers in the Richmond school system signed the petition. (140) Ten days later, the "Richmond School Board

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137State Board of Education, "Minutes," vol. xi, (20 December 1940), p. 121.

138Ibid.

139"Negroes Ask Equal Fees For Teachers," Richmond Times Dispatch, 20 November 1940, p. 12.

140"School Board Will Make Salary Study," Richmond Times Dispatch, 30 November 1940, 4.

set up a six member committee to consider the request from Negro teachers that their salaries be raised to a level with those of white teachers in the public schools."(141) It was estimated that in order to equalize the salaries it would cost the city \$200,000.00 per year.(142) However, the black teachers stressed that they did not want to see any current teachers' salaries lowered in order to achieve equalization.(143)

At about the same time, a group of private citizens in Chesterfield County approached the School Board with a request that "it set up a single salary schedule for all its teachers with out regard to race or color."(144) Once again, the Alston case was used as the precedent for this request.(145)

One member of the Chesterfield School Board, a Mr. Greene, stated, "We have only one salary schedule in the

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141Ibid.

142Ibid.

143Ibid.

144"Negroes Ask Equal Pay For Teachers," Richmond Times Dispatch, 14 November 1940, 6.

145Ibid.

county at the present time. Some Negroes have good salaries and some do not. We are trying to work out an amicable settlement on the School Board." (146) Greene estimated that the differential in salaries was about \$200 a year. An examination of the school records reveals that there was a greater differential in salaries than Greene had stated. In September, 1940, Chesterfield County reported the average salary for elementary white females to be \$910 and the average salary for elementary black females was \$506. (147) On the secondary level the average salary for white male teachers was \$1,033.00 and the average salary for black male teachers was \$635.00. (148) That is a difference of \$398.00, or twice the amount that Greene had stated. The differential, then, was clearly much greater than Greene was willing to admit. Chesterfield teachers, however, did not seem to be very active in pressing the School Board to equalize their salaries because no case involving a Chesterfield teacher was filed during this period.

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146Ibid.

147Bulletin-State Board of Education, 23 (September 1940), Table, Salaries of Teachers.

148Ibid.

Richmond teachers on the other hand (working without the aid of the N.A.A.C.P.) took a very active part in trying to work out an equalization plan with the Richmond School Board. By August 1941 three different equalization plans had been proposed and were under study by the Board. The black teachers of Richmond proposed a plan that would bring about equalization within three years. The white teachers wanted a plan that would do away with all differential pay schedules including those that were based on race, sex, and grade level. This particular plan would take fifteen years to achieve equalization. The third plan, proposed by a committee appointed by the School Board, was to equalize salaries over a three year period but at a lower level than was currently being paid to the white teachers.(149) Both black and white teachers were generally opposed to the committee's plan.(150)

Finally, Superintendent Binford proposed the plan listed below which the School Board voted to adopt.

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149"Three Pay Parity Plans Studied in Richmond," Norfolk Journal and Guide, 2 August 1941.

150Ibid.

Years of Service	Normal	B.A.	M.A.
(1)	\$800.00	\$1,000.00	\$1,100.00
(2)	850.00	1,050.00	1,100.00
(3)	900.00	1,100.00	1,200.00
(4)	950.00	1,200.00	1,300.00
(5)	1,000.00	1,250.00	1,350.00
(6)	1,050.00	1,300.00	1,400.00
(7)	1,100.00	1,350.00	1,450.00
(8)	1,150.00	1,400.00	1,500.00
(9)	1,200.00	1,500.00	1,600.00
(10)	1,300.00	1,600.00	1,700.00
(11)	1,400.00	1,700.00	1,800.00
(12)	1,500.00	1,800.00	1,900.00
(13)	1,600.00	1,950.00	2,050.00
(14)	1,700.00	2,100.00	2,200.00
(15)	1,800.00	2,225.00	2,325.00(151)

The Richmond Teacher's Association voted to reject the Binford plan on the grounds that eight or nine years constituted too long a period for black teachers to wait for parity in pay.(152) The teachers then submitted a new plan to the School Board that would have salaries equalized in five years. The School Board rejected the teachers' plan and put into effect Binford's 15-year plan. One member of the Richmond School Board "hinted that many teachers would lose their jobs if they continued to agitate

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151"Richmond teachers to Receive Pay Increase," Norfolk Journal And Guide, 6 September 1941.

152"Richmond Teachers Formally Reject 15-Year Salary Plan," Norfolk Journal and Guide, 20 September 1941.

for equal pay."(153) The Richmond teachers, at that point, made two decisions; (1) to file a law suit in court over salaries, and (2) to call in the N.A.A.C.P. for help.(154)

Once the teachers decided to file the law suit, they needed someone who would be willing to be the test case. Antoinette Bowler volunteered to be the plaintiff in the case and Thurgood Marshall was brought in as the attorney for the N.A.A.C.P. Because the Richmond teachers had been negotiating independently with the School Board, Marshall felt that he was at a disadvantage in bringing the case to court. The case was filed in Federal District court on December 24, and two days later the School Board decided to adopt the 5-year plan plan that had previously been proposed by the teachers. The teachers, however, found this unacceptable, stating that they now wanted immediate equalization."(155)

Marshall found himself in a legal dilemma at this point because on the one hand he opposed the 5-year plan,

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153"Teachers' Pay Fight Renewed," Norfolk Journal and Guide, 15 November 1941.

154Ibid.

155"Richmond Teachers to Stand Pat After Filing Salary Suit," Norfolk Journal and Guide, 3 January 1942.



but on the other he felt the teachers were obligated to accept it. In a memorandum to White and Wilkins he explained the situation from his point of view.

Hill and I held a conference with the City Attorney, and we agreed to present the resolution of the School Board to the teachers for their consideration. At the meeting with the Teachers' Association I explained to them that the ultimate decision was in their hands, but I was perfectly willing to give my views on the matter. I explained to them that there was no doubt in my mind that we could win the case if it ever came to trial. We guaranteed them complete equalization immediately upon the signing of the decree after the case was tried, if the teachers so desired. I advised them, however, to accept the 5-year plan because the teachers themselves had requested the 5-year plan in August and that now the School Board had accepted their offer. To now reject the acceptance of this offer would appear to be unreasonable under the circumstances in the particular case, and that for this reason and for this reason only we advised them to accept the 5-year plan. I told them that they should have put up their arguments against the 5-year plan last August instead of now, and that I was not consulted on the 5-year plan in August, and if I had been consulted I would have opposed it. I was therefore placed in the strange position of still being opposed to the 5-year plan, and yet, under the circumstances, advising the acceptance of the plan. I explained to them that lawyers are always bound by the facts as they find them, and that when I was called into the case the facts as to the 5-year plan were set. There was nothing I could do about that. (156)

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<sup>156</sup>Memorandum, Mr. Marshall to Messrs. White and Wilkins, 17 February 1942, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

Marshall went on to say that the lesson learned from this experience was to refuse to go into any case where prior agreements were made by the teachers before calling in the N.A.A.C.P. His main concern was that the N.A.A.C.P. would receive the "blame for a situation in which it had no part." (157) Marshall was certainly correct in anticipating a negative response from some people concerning his advice on the acceptance of the 5-year plan.

Antoinette Bowler was the most critical in her personal attack against the way in which Marshall handled the situation in Richmond. She wrote an extremely critical letter to Walter White, Executive Secretary of the N.A.A.C.P., complaining about the way in which the Richmond teachers were treated, in her opinion, by Marshall. In part she stated, "I waited this length of time before writing because I wanted to feel that I had weighed the matter carefully, but the longer I wait the more disgusted I have become, with Attorney Thurgood Marshall." (158) Bowler's basic complaint was not that Marshall advised the Richmond

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157 Ibid.

158 Antoinette E. Bowler to Walter White, 20 February 1942, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

teachers to accept the 5-year plan, but the reasons that he gave, according to Bowler, for accepting the plan. Bowler summarized Marshall's reasons as being:

- (1) The white papers would not support us in our actions.
- (2) It would create bad race relations.
- (3) The Five Year plan was proposed when we called him on the case.(159)

Bowler concluded that she was "hurt and disgusted" with the workings of the N.A.A.C.P. legal staff and that unless something was done "the N.A.A.C.P. is doomed in Richmond."(160)

It would seem doubtful that Marshall would have made either of the first two statements. Nothing that he had done in the past indicates a concern on his part for whether or not support from the "white" papers was a priority. Nor had he ever backed off from a confrontation for the sake of preserving race relations. He was, admittedly, upset that the Richmond teachers were wanting to reject a plan that they themselves had proposed and that he did not support.

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159Ibid.

160Ibid., p. 2.

Walter White received another letter that made basically the same complaint against Marshall as in the Bowler letter. Again, Leon A. Ransom (N.A.A.C.P. Attorney) and Marshall were accused of reversing their position by advising the Richmond teachers to accept the 5-year plan. The letter explained that the teachers felt "that in light of this fence straddling attitude that they were left holding the bag and could do nothing more than follow the lawyers weak recommendation to accept the Five Year Plan."(161)

Marshall's final response to these criticisms came in a memorandum that he wrote to Walter White. Marshall once again explained his position.

The only reason that I suggested that the teachers accept the five-year plan is that they themselves had previously proposed the five-year plan. I was not consulted either prior to this proposal of the five-year plan or immediately thereafter. The only position I take is that I cannot advise anyone to go back on their word.(162)

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<sup>161</sup>Milton L. Randolph to Walter White, 23 February 1942, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

<sup>162</sup>Memorandum, Mr. Marshall to Mr. White, 13 May 1942, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

The way that Marshall presented the situation, it seemed as though it was the teachers who changed positions by rejecting a plan that they themselves had originally proposed. The teachers should have seen that it was Marshall's integrity that led him to advise them to accept a plan that he personally opposed rather than to view him as abandoning them for acting independently in their fight for equalization. The main problem for Marshall was that he was confident of winning a judgment against the Richmond School Board which would have resulted in immediate equalization for the Richmond teachers.(163) This would have been a great victory in helping to spread the equalization movement to the other states. The five-year plan, however, was much more of a compromise than the N.A.A.C.P. had wanted to make.

Since the Richmond teachers did in fact vote in favor of the five-year plan, the Federal District Court was able to issue a decree without further proceedings. On May 5, 1942, the Court simply entered into the record a copy of

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<sup>163</sup>Memorandum, Mr. Marshall to Messrs. White and Wilkins, 17 February 1942, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

the agreement reached between the Richmond School Board and the Richmond teachers. It stated that the differential salary scales that were based solely on race or color were "unlawful and unconstitutional, and are in violation of the equal protection clause of the Fourteenth Amendment of the Constitution of the United States and of Sections 41 and 43 of Title 8 of the United States Code."(164)

The plan called for yearly increases of at least one fourth of the difference between the minimum on the scale and the salary that they (the black teachers) would be receiving under the equalized scale.

Specifically, the agreement required:

That the defendants remove all differentials in salaries, solely because of race or color between white and Negro teachers, principals and special teachers, including nurses and supervisors on the following basis: that all Negro teachers...who prior to September, 1941 received an annual salary less than the minimum salary on the salary schedule established by the School Board in August, 1941 shall be raised to this minimum for the school year 1941-42 and each of the next four years thereafter shall receive an annual increase of not less than 1/4 of the difference between the said minimum salary and the salary they should receive on said

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<sup>164</sup>Final Judgment, U.S. District Court, May 1942, Part 3. The Campaign for Educational Equality: Legal Department and Central Office Records, 1913-1950, Papers of the N.A.A.C.P., (Frederick, Maryland: University Publications of America, 1986) Microfilm.

salary schedule at their proper levels starting September, 1946 . . . .

That starting September, 1946, salaries will be completely equalized and thereafter no distinction in the fixing of salaries will be made solely on the basis of race or color. (165)

Thus ended the N.A.A.C.P.'s fight for equalized salaries in Virginia. Even though it was a disappointing victory for Marshall because there was not going to be immediate equalization, it still represented a success for the teachers. With the victories in Richmond and Norfolk, the N.A.A.C.P. must have felt that further court actions would not be necessary. They undoubtedly believed that the other school districts in the State would follow the examples set by Richmond and Norfolk. However, very little else towards equalizing the schools in Virginia occurred after this. There was an abrupt end to the movement to equalize. One possible explanation for this change in attitude was that much of the peoples' attention was focused on the war effort. Between 1934 and 1941, the Supervisor of Negro Education for the state of Virginia made many recommendations for things such as higher salaries, better equipped schools, consolidation of schools, compulsory attendance laws to be enforced, transportation, and others. But, beginning in 1942, many

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<sup>165</sup>Ibid., p. 2.

of these desired recommendations were not mentioned. Higher salaries, for example, was not a recommendation in 1942. Instead, the State Supervisor recommended "that Negro schools participate fully in the war effort." (166) A similar change took place in the white schools, too. Between 1942 and 1945, the Supervisor of Secondary Education for the white students stressed the need for developing programs focusing on the war effort. He did not, however, recommend an increase in salaries for white teachers. (167)

Whether the N.A.A.C.P. believed that the other school districts in Virginia would naturally follow the agreements reached in Norfolk and Richmond, it is hard to say. It was expected that by the end of 1945, salaries would be

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<sup>166</sup>Bulletin-State Board of Education, Annual Report, 25 (September 1942): 29.

<sup>167</sup>Ibid. Marshall (currently an Associate Justice on the United States Supreme Court) was asked to comment on why the N.A.A.C.P. did not pursue further cases in Virginia since not all local school districts seemed willing to negotiate for equalized salaries. Also, there does not appear to have been any follow up on the provisions previously agreed to by the teachers and the School Boards. Nor was there any indication that the N.A.A.C.P. checked to see whether other school districts within the state were changing their salary schedules to meet the equalization standards. Justice Marshall chose not to make any comments on this, stating that all his papers had been left with the N.A.A.C.P. It does seem strange, however, that so much effort had been spent by the N.A.A.C.P. up through 1942, and then very little happened after that. (See Appendices 18 and 19).



equalized. This did not happen, but in many school districts salaries were in the process of being equalized by 1945.

V. AN ANALYSIS OF DATA TO COMPARE WHITE AND BLACK SCHOOLS  
IN VIRGINIA, 1940-1945

With the Virginia teachers "winning" their battle for equal salaries in the federal courts it appeared that they were on their way to winning more of the equalization battles started in the mid 1930's. This section will assess the data reported to the State Superintendent of Public Instruction for the years 1940-1945 to determine the success of the equalization movement during that period.

A. Salaries:

Since the federal courts supported the teachers' demands for equalized salaries in Virginia, and with actual plans for equalization in place, one would assume that by 1945 salaries would have come close to that goal. Substantial increases were made in all categories of salaries, but in comparing these categories it becomes clear that for many teachers equalization had not become a reality. It does become more difficult to make actual comparisons of salaries because of the way local school districts reported information to the State Superintendent beginning in 1940. It appears that once the court cases

began to favor the teachers, the local school districts stopped reporting minimum and maximum salaries and started reporting the "average teachers' salary". The fact that the local school districts were still reporting salaries according to sex, race, and grade level indicates that differentials still existed. The following charts are used to show the changes that occurred between 1940 and 1945.

CHESTERFIELD SALARY SCALES  
FEMALE ELEMENTARY TEACHERS, 1940-1945

YEAR	RACE	#POSITIONS	AVERAGE SALARY	% CHANGE
1940	black	*	\$506.00	-5.95
	white	*	910.00	0.00
1941	black	*	557.00	10.08
	white	*	952.00	4.62
1942	black	39	685.00	22.98
	white	92	1,012.00	6.30
1943	black	24	763.00	11.39
	white	91	1,053.00	4.05
1944	black	24	955.00	25.00
	white	92	1,330.00	26.31
1945	black	24	1,164.00	21.88
	white	92	1,408.00	5.86(168)

\* Information not available

This shows that between 1940 and 1945 Chesterfield County made very significant increases in salaries for the black teachers in particular. In 1940 black teachers were earning on the average 55.6% of what the white teachers were earning. By 1945 this situation had improved to the point that the black teachers were earning 82.67% of the average white salary. This is a great improvement considering the fact that just ten years earlier black teachers were earning only one half of what white teachers earned. As far as male elementary teachers are concerned, no comparison can be made since Chesterfield County did not report any black or white teachers in those positions from 1940 through 1945.

Chesterfield did pay its black female teachers better than the state average. For example, in 1941 the average for all counties was \$518.00 compared with \$557.00 in Chesterfield. This continued through 1945 when the average for all counties reached \$1,022.00 and Chesterfield was paying an average of \$1,164.00. Proportionately, the average salaries for all counties rose at about the same rate as in Chesterfield. In 1941, the black female teachers in the counties throughout the state were earning on an average 69% of what white teachers were being paid. Then by 1945 the rate of increase had brought the average

black teachers' salary up to 88.56% of the white teachers' salary for all counties in the state.(169)

The same basic trends existed in the Richmond schools for elementary female teachers, as demonstrated in the following chart.

RICHMOND SALARY SCALES  
FEMALE ELEMENTARY TEACHERS, 1940-1945

YEAR	RACE	#POSITIONS	AVERAGE SALARY	% CHANGE
1940	black	*	\$1,017.00	-1.74
	white	*	1,705.00	1.31
1941	black	*	1,030.00	1.28
	white	*	1,713.00	0.47
1942	black	218	1,235.00	19.90
	white	385	1,732.00	1.11
1943	black	225	1,413.00	14.41
	white	390	1,835.00	5.95
1944	black	231	1,607.00	13.73
	white	380	1,960.00	6.81
1945	black	242	1,816.00	13.01
	white	390	2,018.00	2.96(170)

\* Information not available

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<sup>169</sup>See Appendix 1.

<sup>170</sup>Bulletin-State Board of Education, 23-28  
(September 1940-1945), Tables, Salaries of Teachers.

The city of Richmond took tremendous steps towards equalizing salaries for female elementary teachers between 1940 and 1945. As the data shows, black teachers received very large increases while the white teachers received only minimal increases. By 1945 the average salary for blacks was 89.99% of that paid to whites.(171)

On the secondary level, neither Chesterfield nor Richmond did as well at equalizing the salaries as they had for the elementary teachers. Between 1940 and 1945 black female secondary teachers' average salaries in Chesterfield County increased from \$635.00 to \$1,337.00. While, at the same time, white female secondary teachers' average salaries increased from \$961.00 to \$1,489.00.(172) Thus the average salary for a black female was 66.08% of a white female in 1940 and 89.79% in 1945.(173)

Black male secondary teachers in Chesterfield County did not do as well, however. The average salary for a black male in 1940 was \$635.00, and for a white male the

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<sup>171</sup>See Appendix 3.

<sup>172</sup>See Appendix 4.

<sup>173</sup>Bulletin-State Board of Education, 23-28 (September 1943-1945), Tables, Salaries of Teachers.

average salary was \$1,033.00. For the black male this meant that he was earning 61.47% of the white salary. By 1945, the average salary for black males had increased to \$1,286.00, and for white males the average was \$1,680.00. The differential had narrowed to the point where the black male was earning 76.55% of the average white salary.(174) However, this rate of growth was less than the rate for elementary teachers.(175) The following chart gives the complete data for salaries of male teachers in the secondary schools of Chesterfield County.(176)

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174See Appendix 5.

175Bulletin-State Board of Education, 23-28 (September 1943-1945), Tables, Salaries of Teachers.

176Ibid.

CHESTERFIELD SALARY SCALES  
MALE SECONDARY TEACHERS, 1940-1945

YEAR	RACE	#POSITIONS	AVERAGE SALARY	% CHANGE
1940	black	*	\$635.00	0.79
	white	*	1,033.00	1.08
1941	black	*	685.00	7.87
	white	*	1,132.00	9.58
1942	black	4	785.00	14.60
	white	7	1,260.00	11.31
1943	black	1	905.00	15.29
	white	4	1,225.00	-2.78
1944	black	1	1,125.00	24.31
	white	3	1,458.00	19.02
1945	black	1	1,286.00	14.31
	white	1	1,680.00	15.23 (177)

Even though the black teachers were receiving substantial increases in their average salaries, there was no way that equalization could take place when white teachers were receiving comparable increases at the same time. In 1940 black teachers were earning only 61.47% of white salaries and by 1945 this had improved to only 76.55%.

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<sup>177</sup>Bulletin-State Board of Education, 23-28  
(September 1940-1945), Tables, Salaries of Teachers.



These figures hold true for the average salaries in all counties within the state as well. The average salary in 1941 for black male secondary teachers in all counties was \$843.00 compared with \$1,256.00 for white male teachers. By 1945 the average salary for black teachers increased to \$1,231.00 and for white teachers it had reached \$1,620.00. This meant that in 1940, blacks were earning 67.12% of white salaries which increased to only 75.99% by 1945. The rural areas of the state appeared to be making slower progress towards equalization than in the urban areas. (178)

The differential between black and white male teachers in Richmond's secondary schools changed at about the same rate as in Chesterfield. In 1940, the average salary for a black male was \$1,407.00 compared with \$2,057.00 for white males. This meant that the average salary for black males was 68.40% of white males. With annual increases through 1945, the average black salary reached \$2,209.00, and the average white salary was \$2,783.00. (179) The increase in

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<sup>178</sup>Bulletin-State Board of Education, 23-28  
(September 1940-1945), Tables, Salaries of Teachers.

<sup>179</sup>See Appendix 7.

black salaries, however, only reached to 79.37% of white salaries by 1945.(180)

The graphs found in Appendices 1-7 show that the differentials between black and white salaries did appear to be getting less. The evidence indicates that full equalization of salaries was not being achieved however. One way that equalization could have been achieved by 1945 was to accelerate the rate of increase for blacks and stop all increase for whites during that time. Any suggestion to lower white salaries to achieve equalization was met by opposition from both black and white teachers.

#### B. Per Capita Cost of Instruction: 1940-1945

Overall, the differential that existed in the per capita cost of instruction did not improve significantly during the period from 1940 through 1945. The average per capita cost of instruction for all counties on the elementary level in Virginia was \$17.68 in 1940 for black students and \$27.11 for white students. On an average,

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180Ibid.

black students were receiving 65.21% of the amount being spent on white students. By 1945 the average spent by all counties had increased to \$35.72 for blacks and \$44.36 for whites. Thus the percentage being spent on black students had increased to 80.52% The graph in appendix 9 shows that the rate of increase for both black and white per capita cost of instruction was about the same. At this rate, equalization would be impossible since there was an increase in per capita spending on white students that matched every increase in per capita spending for black students.(181)

Chesterfield County closely followed the same trend as the other counties. In 1940 the per capita cost of instruction on the elementary level for black students was \$18.44 and \$34.09 for white students. In 1944 the rate had changed to \$33.65 for blacks and \$49.30 for whites. Appendix 8 demonstrates the rate of increases in per capita cost of instruction for both black and white students. This, too, shows that equalization was not being achieved. There was a large increase in per capita

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<sup>181</sup>Bulletin-State Board of Education, 23-28  
(September 1940-1945), Tables, Per Capita Cost of  
Instruction and Per Capita Cost of Education Per Pupil in  
A.D.A.

spending for black students in 1945 that would indicate that equalization had been achieved, however an investigation of the annual reports submitted for the years after that indicated that the previous trend that had been established continued for many more years. No simple explanation can be given as to why the figures for 1945 showed such a large increase for black students.(182)

The same holds true for the average for all cities on the elementary level in the state. The average spent by all cities in 1940 was \$25.86 for blacks and \$42.33 for whites. By 1945 the increase for blacks had reached \$47.92 and for whites it was \$66.42. Even though there were significant increases made for blacks during this period, the same increases were given to whites at the same time, thus not allowing for equalization.(183)

The city of Richmond had the widest differential of those discussed here for elementary per capita cost of instruction.(184) The data reported from Richmond indicated that in 1940 the city only spent \$49.88 per black

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182Ibid., See also vols. 29-33.

183Ibid., See, also, Appendix 11.

184See Appendix 10.

student while at the same time they spent \$93.55 for each white student. By 1945 this had improved some, but there was still a large differential between the two. Spending had reached \$58.90 for blacks and had decreased to \$81.67 for whites.(185)

The average for the state showed that between 1940 and 1945 there was a consistent differential of almost \$10.00 between black and white per capita cost of instruction on the elementary level.(186) The average for the state in 1940 for blacks was \$19.28 and for whites it was \$29.58. In 1945 it was \$37.93 for blacks and \$47.34 for whites.(187)

The data for the secondary schools in Virginia reveals virtually the same results.(188) None of the gains made towards equalizing salaries in Virginia were reflected in

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<sup>185</sup>Bulletin-State Board of Education, 23-29 (September 1940-1945), Tables, Per Capita Cost of Instruction and Per Capita Cost of Education Per Pupil in A.D.A.

<sup>186</sup>See Appendix 12.

<sup>187</sup>Bulletin-State Board of Education, 23-28 (September 1940-1945) Tables, Per Capita Cost of Instruction and Per Capita Cost of Education Per Pupil in A.D.A.

<sup>188</sup>See Appendix 17.

the local school districts' per capita costs of instruction. Both the city systems and the county systems kept a differential between the black and white schools that remained consistent from 1940 through 1945. Richmond and Chesterfield, both, continued to have higher per cost of instruction for whites than for blacks, although the differential in Chesterfield was less than in Richmond. (189)

Of all the areas that needed to be equalized, per capita student expenditure was the one that needed it the most. By increasing the per capita expenditure for instruction for blacks, it is reasonable to assume that the quality of education could have been increased dramatically. And, in fact, per capita costs of instruction for blacks was increased which allowed for improvements, but never to the level of white students. Throughout the state of Virginia, black students were constantly given inferior and/or used equipment and materials while white students were receiving new and better equipment.

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<sup>189</sup>See Appendices 13, 14, 15, and 16.

The amount spent by local school districts on per capita cost of instruction was probably easier to hide from the public than any of the other areas under study. Teachers' salaries were public knowledge. Expenditures for school busses, buildings and equipment could be seen and evaluated by everyone. The length of school term was obviously equal or not. But the per capita cost of instruction was something of which few people probably had any knowledge, except for those directly associated with the school administrations. That is one possible reason why this was one of the least equalized categories under consideration.

(C) Value of School Property

There was relatively little change in the value of school property in either the Chesterfield or Richmond schools during the period from 1940 through 1945. The following chart illustrates that point.

CHESTERFIELD COUNTY				
YEAR	RACE	VALUE OF BUILDINGS	VALUE OF EQUIPMENT	NUMBER OF SCHOOLS
1940	black	\$ 87,940	\$ 9,190	*
	white	832,435	89,495	*
1941	black	87,940	9,190	*
	white	832,435	89,495	*
1942	black	87,940	9,190	17
	white	1,094,051	106,693	15
1943	black	88,000	9,190	15
	white	1,098,043	109,087	15
1944	black	88,000	9,100	15
	white	1,098,043	109,087	15
1945	black	88,000	9,100	*
	white	1,098,000	110,000	* (190)
* Information not available				

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<sup>190</sup>Bulletin-State Board of Education, 23-28  
(September 1940-1945), Tables, Value of School Property.



It is incredible to see that the value of school buildings for blacks increased by only \$60.00 between 1940 and 1945. It is even more incredible that the value of furniture and equipment for blacks did not increase at all during that period. White schools, however, increased in value by more than two hundred and sixty thousand dollars.

The Supervisor of Negro Education for the state of Virginia continuously called for the consolidation of black schools, where possible, as well as for new and properly constructed school buildings where needed. One major concern was that many schools lacked an adequate supply of safe water on the school grounds.<sup>(191)</sup> Another concern was that many of the black schools throughout the state were unsafe. Many of the schools still lacked proper heat, water, and electricity. One room schools were still common in many areas. Judging from the information provided, Chesterfield County needed to consolidate many of its black schools and equip them with more and better equipment.<sup>(192)</sup>

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<sup>191</sup>Bulletin-State Board of Education, 28 (September 1945) : 28.

<sup>192</sup>Ibid.

The city of Richmond did not start to report the value of its school property until 1941. The only significant change that occurred was in 1944 when the city shifted one million dollars from the value of black schools to the value of white schools. No information could be found to explain why this change in the value of buildings occurred.

## CITY OF RICHMOND

YEAR	RACE	VALUE OF BUILDINGS	VALUE OF EQUIPMENT	NUMBER OF SCHOOLS
1940	black	\$ *	\$ *	*
	white	*	*	*
1941	black	1,638,469	236,905	*
	white	6,003,862	869,410	*
1942	black	1,652,419	248,883	18
	white	6,325,512	961,146	37
1943	black	1,652,419	248,544	17
	white	6,446,521	1,088,547	36
1944	black	679,419	239,107	17
	white	7,425,851	1,101,727	36
1945	black	679,420	248,875	*
	white	7,425,851	1,166 425	*(193)

\* Information not available

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193Bulletin-State Board of Education, 23-28  
(September 1943-1945), Tables, Value of School Property.

Even though there were only half as many black schools in the city of Richmond as white schools, the value of the properties seems to be very disproportionate, as does the value of furniture and equipment. This judgement is based on the fact that there was very little change in the value of property and equipment (with the exception on the one million dollar shift mentioned above) for either black or white schools from 1940 through 1945. Therefore it can be concluded that no equalization of school property occurred in Richmond.

(D) Census, Attendance, and Enrollment, 1940-1945

As previously mentioned, the school term for all students in the state was increased in 1939 to a full nine months. This was one area that was a clear victory in the equalization movement. The Supervisor of Negro Education did, however, continue to call for the enrollment of all black students and the enforcement of all state compulsory attendance laws.(194)

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<sup>194</sup>Bulletin-State Board of Education, 23-28  
(September 1940-1945), Tables, School Census, Number of Pupils Enrolled, Average Daily Attendance.

Even though the census figures for children of school age increased between 1934 and 1944, the enrollment and attendance of students decreased in all categories. The census figures for 1945 exhibited a decrease as did the enrollment and attendance for that year.<sup>(195)</sup> The following chart illustrates this point.

CHESTERFIELD COUNTY

<u>YEAR</u>	<u>RACE</u>	<u>CENSUS</u>	<u>ENROLLMENT</u>	<u>ATTENDANCE</u>
1940	black	2,023	1,639	1,504
	white	5,992	4,272	3,940
1942	black	2,023	1,560	1,436
	white	5,992	3,812	3,511
1943	black	2,023	1,443	1,328
	white	5,992	3,567	3,239
1944	black	2,023	1,466	1,331
	white	5,992	3,681	3,313
1945	black	1,738	1,281	1,275
	white	5,230	3,702	3,363(196)

World War II was probably a contributing factor in the decreased enrollment for both black and white students from

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<sup>195</sup>Ibid.

<sup>196</sup>Bulletin-State Board of Education, 23-28 (September 1940-1945), Tables, School Census, Number of Pupils Enrolled, Average Daily Attendance.

1940-1945. When comparing the number of students actually in attendance with the school census in Chesterfield County, the black students had a slightly higher percentage. For example, in 1940, the per cent of black students in attendance to census was 74.35% while the figure for white students was 65.75%. This trend was consistent up through 1945. The data for that year shows that 67.61% of black students were in attendance (compared to census) and 64.30% of white students were in attendance. This low enrollment and attendance was a problem both races needed to deal with.

This problem did not lend itself just to the rural areas of the state. The city of Richmond experienced the same phenomenon.

## CITY OF RICHMOND

<u>YEAR</u>	<u>RACE</u>	<u>CENSUS</u>	<u>ENROLLMENT</u>	<u>ATTENDANCE</u>
1940	black	14,501	10,958	10,101
	white	25,718	19,598	18,241
1942	black	14,501	11,168	10,334
	white	25,718	19,316	18,071
1943	black	14,501	10,784	9,917
	white	25,718	18,952	17,313
1944	black	14,501	10,627	9,686
	white	25,718	17,902	17,446
1945	black	13,883	10,820	9,969
	white	24,170	17,721	16,387(197)

As can be seen from the chart above, the per cent of black students in attendance in 1940 was 69.66% and for white students it was 70.93%. By 1944, the number of black students in attendance had decreased to 66.80% and white students decreased to 67.84%. Even when the census figures were lowered in 1945 the enrollment and attendance did not improve, both continued to decrease.

The Supervisor of Negro Education was correct in calling for the increased enrollment and attendance of

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<sup>197</sup>Bulletin-State Board of Education, 23-28  
(September 1940-1945), Tables, School Census, Number of Pupils Enrolled, Average Daily Attendance.

black students throughout the state, but this was not necessarily an equalization issue. In many instances, the percentage of black students in attendance was higher than that of whites, while in other areas, such as in Richmond, they were virtually equal. It was reported in 1943 that the effect of the war had manifested itself in many ways. Specifically it stated that, "There have been reductions in enrollment and in attendance. Work opportunities for boys and girls, both part-time and full-time; employment of both parents outside the home; and the induction and enlistment of older boys in the armed forces are factors."(198) This was particularly true for white students.

The last section to be compared was transportation, which was closely associated with the enrollment and attendance issue.

(E) Transportation

From 1940 through 1945, transportation was an area of expenditure that if it could be increased could help to increase the enrollment and attendance of both black and white students in Virginia. The war, once again, was a

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<sup>198</sup>Bulletin-State Board of Education, 26 (September 1943) 18.

factor in the lack of transportation that was provided in the state. Busses were on the government's restricted list, so even if local school districts wanted to buy more busses, they would not have been able to.

TRANSPORTATION IN CHESTERFIELD

<u>YEAR</u>	<u>RACE</u>	<u># STUDENTS</u>	<u># BUSES</u>	<u>VALUE OF BUSES</u>
1940	white	2,230	25	\$12,500.00
	black	535	11	2,500.00
1941	white	2,342	26	14,113.00
	black	665	11	4,000.00
1942	white	2,342	26	18,964.00
	black	665	11	4,225.00
1943	white	2,330	25	18,964.00
	black	665	11	4,225.00
1944	white	2,310	25	18,946.00
	black	690	12	4,225.00
1945	white	2,012	25	18,900.00
	black	703	12	4,000.00(199)

There was very little change in the number of students transported, the number of vehicles owned, or the value of the vehicles from 1940-1945. One observation made, however, is that the number of white students transported

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<sup>199</sup>Bulletin-State Board Of Education, 23-28 (September 1940-1945), Tables, Transportation of School Children.



decreased during those years while the number of black students transported increased.

As previously discussed, the state laws only required enrollment and attendance of students when public transportation was provided within certain prescribed limits. Thus, between 1940 and 1945 there appears to be very little gain made in increasing transportation for black or white students. One further comment on transportation comes from the Norfolk Journal and Guide which reported in 1942 that 26% of the state's population was comprised of blacks but they received only 6.2% of the public funds for bus transportation.(200) The reports to the Superintendent of Public Instruction for 1942 indicated, however, that black students received 13% of the amount spent on transportation of all students in the state.(201) This disproportionate differential continued through 1945.

The amount of transportation provided by the City of Richmond was negligible, however, in those few instances

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200"School Bus Expenditures," Norfolk Journal and Guide, 26 September 1942, 10.

201Bulletin-State Board of Education, 25 (September 1942), Table, Transportation of Students.

where transportation was provided, it was given only to white elementary students.(202)

One other area that received some criticism was a charge made by Omer Carmichael in Lynchburg that in many areas of the state money provided by the state for use by black students was being diverted to white students.(203) He claimed that this was accomplished by overloading the black student to teacher ratio. He cited one example of a black Norfolk teacher with 121 students when the state had recommended a load for teachers at twenty seven to thirty five students. This black teacher was therefore carrying four average loads, but being counted as one teaching unit. The other three units were being diverted to white schools.(204)

Richmond and Chesterfield were engaged in this type of activity, although not to the degree that was alleged to exist in other parts of the state. Richmond and

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<sup>202</sup>Bulletin-State Board of Education, 23-28 (September 1940-1945), Tables, Transportation of School Children.

<sup>203</sup>"Funds For Race Schools Used For Other Purposes," Norfolk Journal and Guide, 23 March 1940, 1.

<sup>204</sup>Ibid.

Chesterfield did have higher student to teacher ratios for blacks than they did for whites, but they both generally fell within the state guidelines as far as their average daily attendance was concerned.

For the years 1940 through 1945, Richmond averaged 31.5 black students in attendance per teacher and 23.1 white students in attendance per teacher. The highest the ratio reached in Richmond was in 1940 when the ratio was 33.4 black students per teacher.(205)

In Chesterfield County the average ratio for the years 1940 through 1945 was higher. The average for black students to teacher based on an average daily attendance for those years was 35.98 and for white students it was 26.95. It should be pointed out that in 1944 and 1945 Chesterfield did exceed the recommended ratio for black students. In 1944 the ratio was 45.9 to 1 and in 1945 it was 40.5 to one. If the student/teacher ratio had been based on the number of students enrolled, then the ratios would have been even higher. This does mean that money was

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<sup>205</sup>The student/teacher ratios cited in this section were calculated by dividing the number of students enrolled by the number of teachers employed in the localities discussed.

being diverted to white schools. The ratio for white students increased in 1945 as well, but didn't reach that for blacks. In that year the average ratio for whites increased to 29.2 to one, the highest for any year between 1940 through 1945 for white students.(206) Once again, the effects of World War II contributed, in part, to the increased student/teacher ratio for both blacks and whites. In 1943, the Supervisor of Secondary Education stated that, "There is an actual reduction of 243 full-time teachers. In addition to this, it has been necessary to place in teaching positions more than five hundred teachers that do not meet the requirements for high school teachers."(207)

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206Ibid.

207Bulletin-State Board of Education, 26 (September 1943) : 24.

## VI. Conclusion

The equalization movement in Virginia during the period from 1934 through 1945 would have to be judged a failure. Of all the areas that were targeted for equalization only the length of school term was actually equalized. By 1945 almost all of the school districts in Virginia were requiring that all students attend school for nine months.

Enrollment and attendance, as has been discussed, was not just a black problem. Particularly during the war years, enrollment and attendance of black and white students dropped from previous years. Closely associated with this problem was the lack of transportation for all students. It was a fact that more bus transportation was provided to white students than to black students. But, the data reveals that the disproportionate percentage of money spent on transportation of white students did not increase the attendance of white students by the same degree.

Virtually no improvements were made towards equalizing the facilities of black and white students. Black schools continued to be inferior to white schools in construction and equipment. The data from Chesterfield and Richmond

reveals that the value of black schools was grossly below that of white schools, and had not significantly improved by 1945.

Per capita cost of instruction failed to be equalized by 1945. Much more money was spent in 1945 on black students than was spent in 1934. However, the increases for white students progressed at virtually the same rate during the same period of time. As the graphs for per capita cost of instruction showed the differentials between blacks and whites remained almost parallel from 1934 through 1945. No real improvements were achieved in this area.

One of the first areas to be targeted for equalization was in graduate and professional training for black students in Virginia. Facing the threat of court action, the state did pass a law which provided money to send black students to out of state institutions of higher learning when they were denied admission to one of Virginia's colleges or universities. Whether this meets the standards for equalization or not is debatable. I think not. Comparing what Virginia was willing to offer and what was achieved in Missouri in the Gaines case, it seemed that black students in Virginia were not being treated equally because they still were not able to attend the "white"

colleges and universities within the state. In Missouri, the state had been ordered by the courts to admit Gaines to the University of Missouri after he had refused the state's offer of being sent to another university out of state. As discussed earlier, the University of Missouri did refuse to obey the court order and Gaines disappeared before a further challenge could be made. This case pointed out, however, that there is a quality factor or prestige associated with certain colleges or universities that can not be transferred. By denying blacks the opportunity to receive their education and training in Virginia's colleges and universities the state was denying them the future recognition associated with those institutions. Therefore, equality in this area failed.

The equality of pay for all teachers was the hardest fought battle in the equalization movement. The federal courts finally supported the cause of the black teachers in Virginia and ordered the differential pay scales to be discontinued. As previously discussed in Chapter IV, this decision affected just one school district in the state, however, the Attorney General issued an opinion stating that all school districts in the state should follow the guidelines established by this case. As was shown, however, the differentials in pay continued in many areas of the state through 1945. Salaries for black teachers

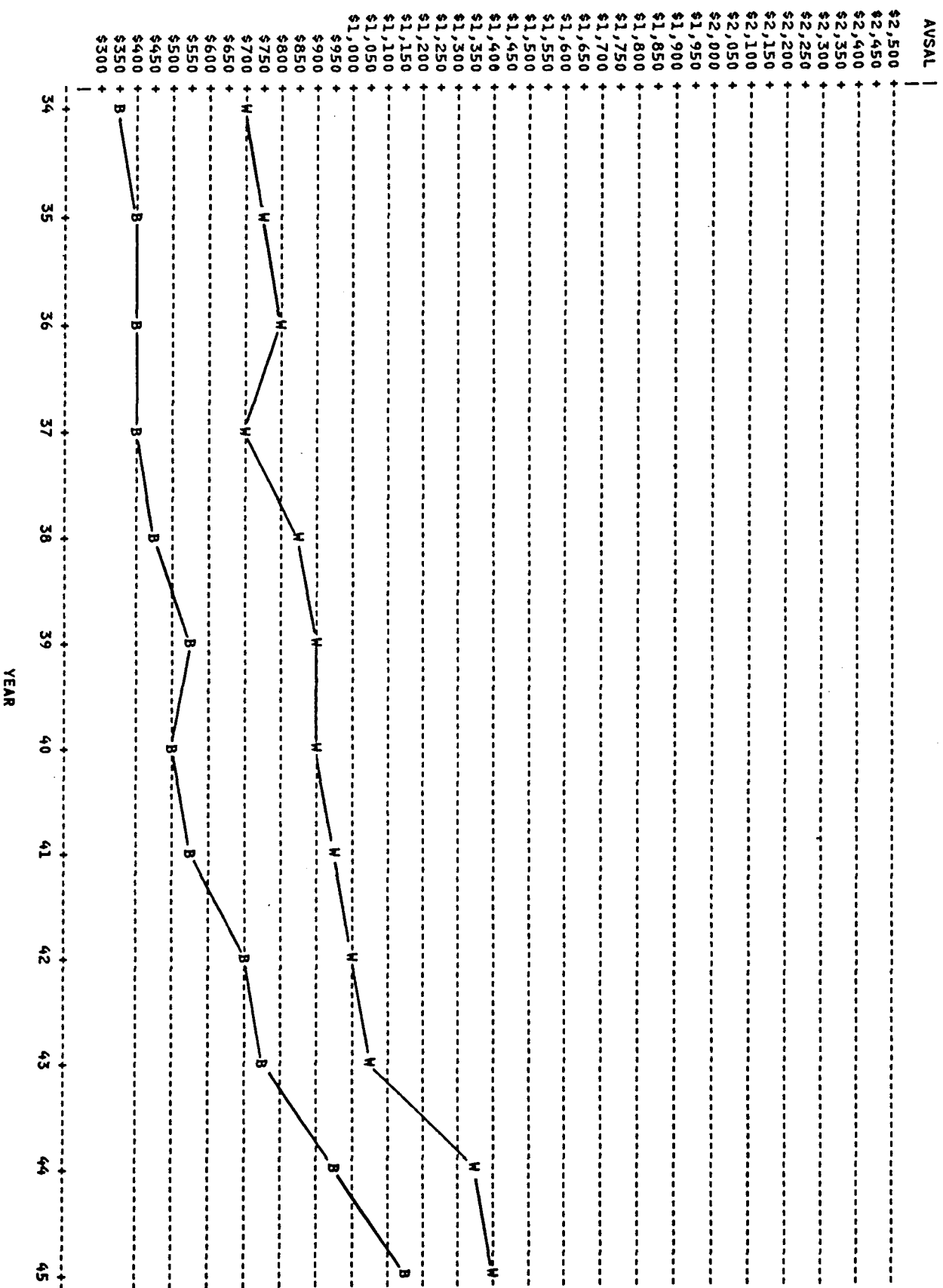
were increased dramatically from 1934 through 1945, but they were never equalized with those of white teachers. The fact that the local school districts still reported the salaries of black and white separately in 1945 was an indication that they were treated differently by the School Boards.

Thus, the equalization movement in Virginia failed, but it did establish the groundwork for future attempts to achieve full equalization. One of the greatest accomplishments of the movement has to be the fact that the courts were willing to take a stand in favor of the right of blacks to expect and receive equality under the law.



SALARY SCALES  
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 PLOT OF AVSAL\*YEAR      SYMBOL IS VALUE OF RACE

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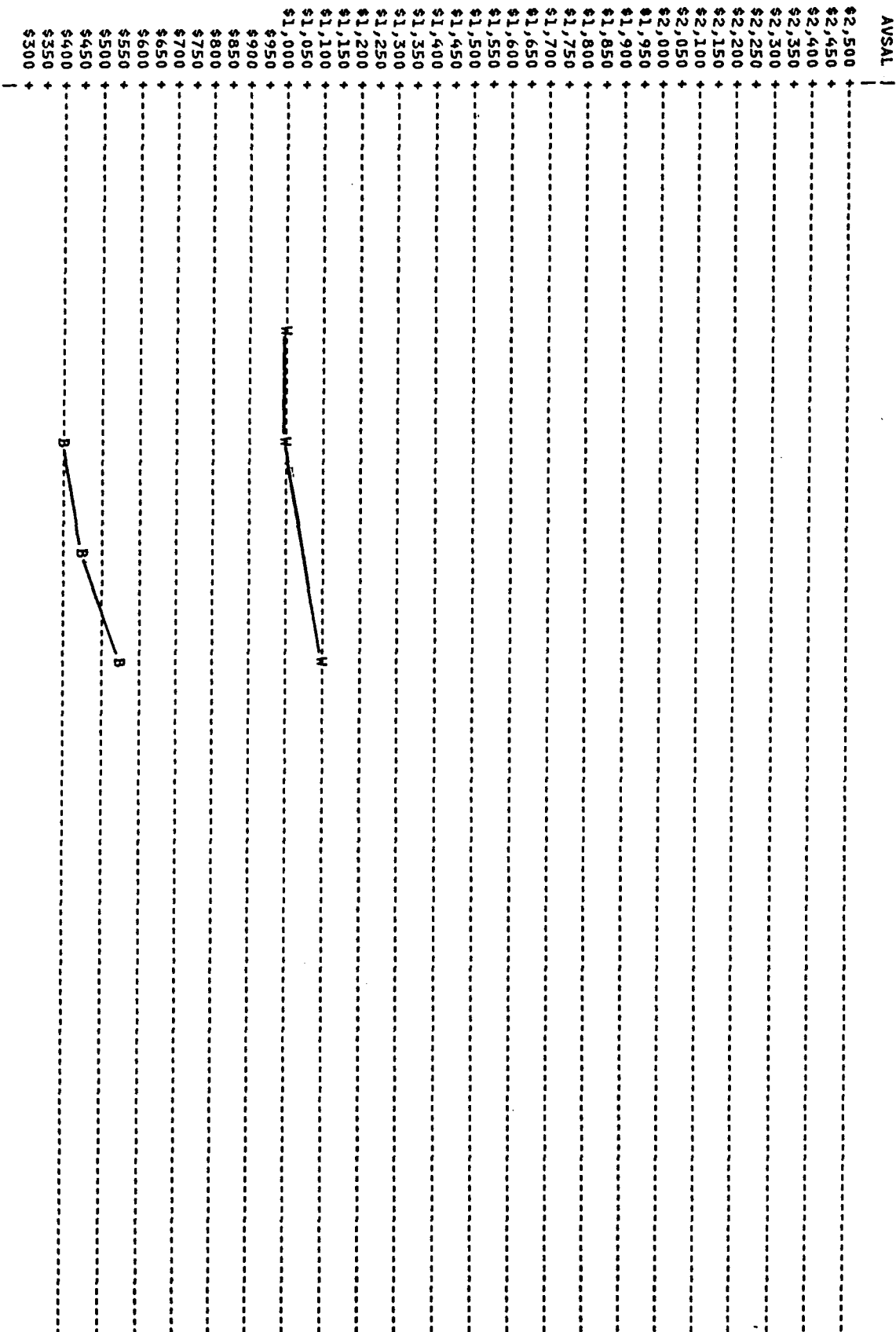


SALARY SCALES

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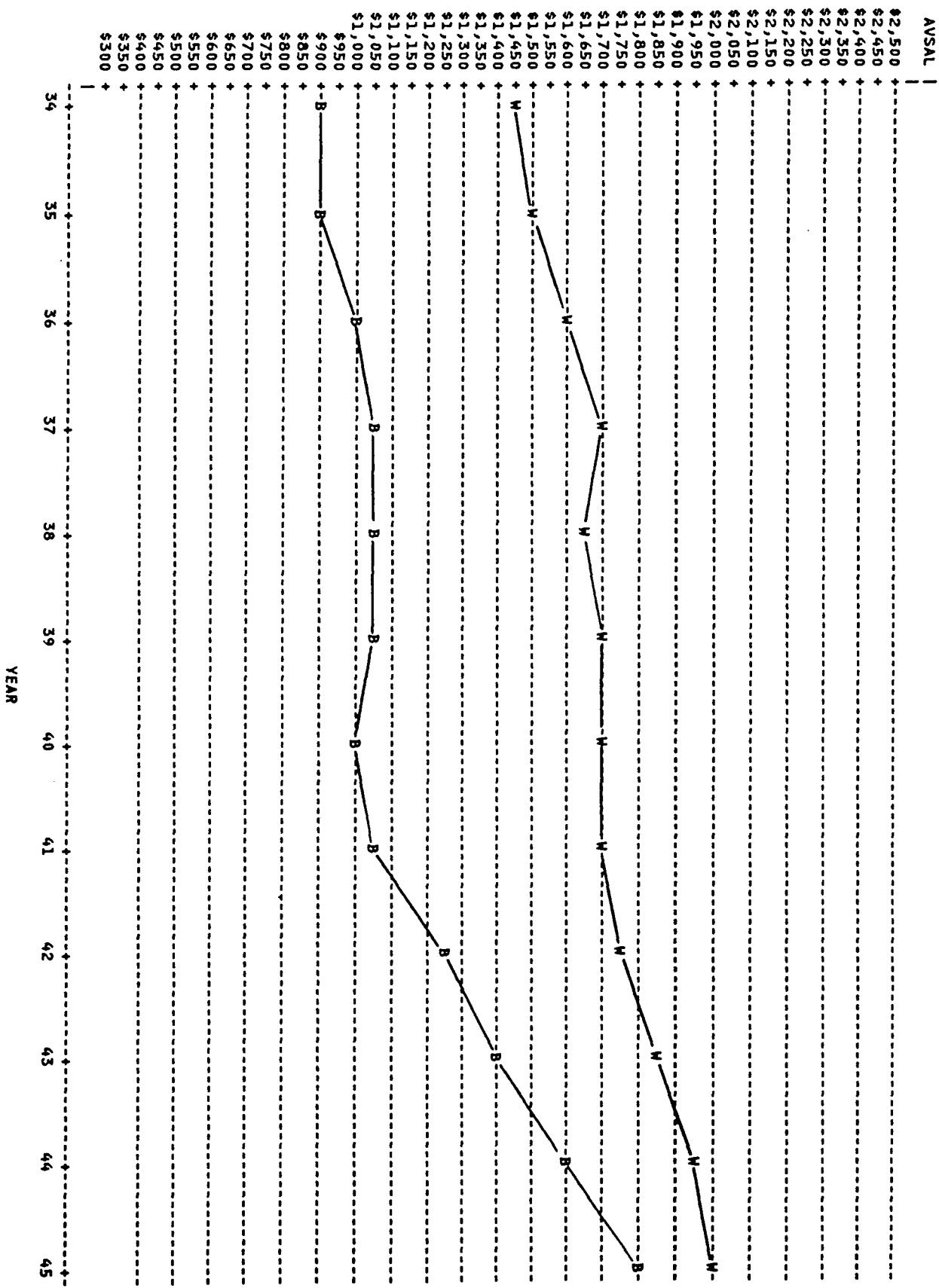
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NOTE: 18 OBS HAD MISSING VALUES OR WERE OUT OF RANGE

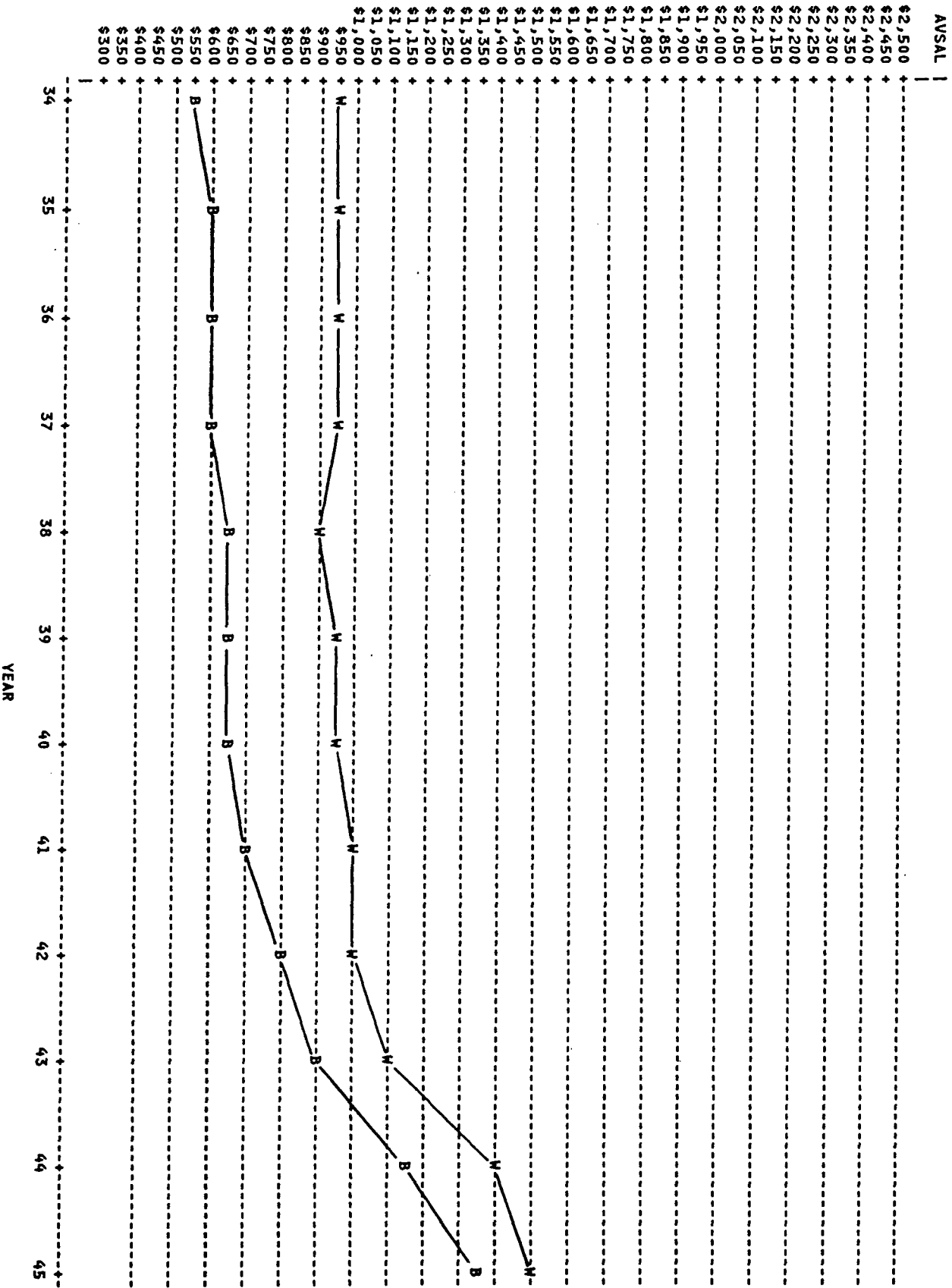
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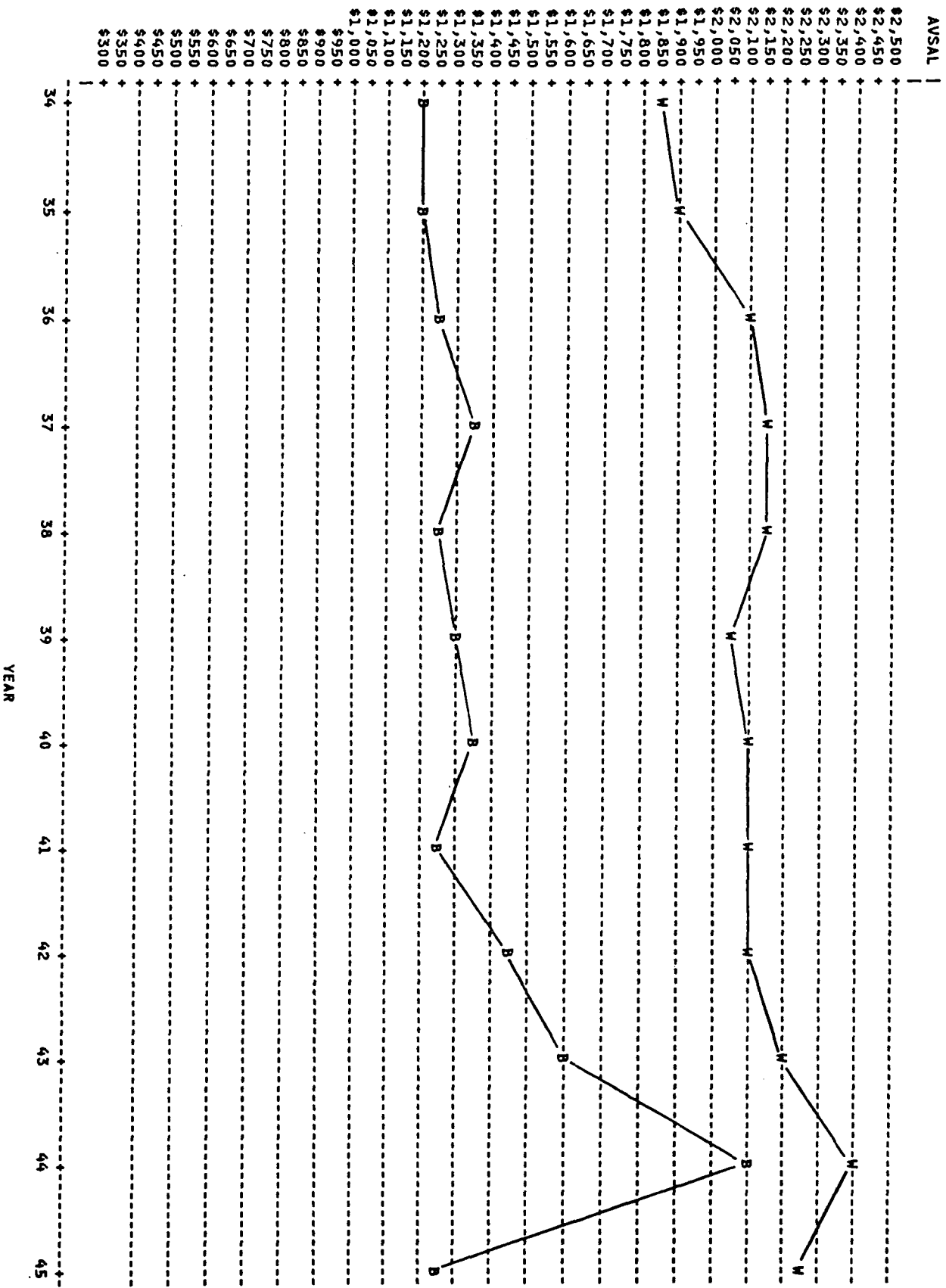
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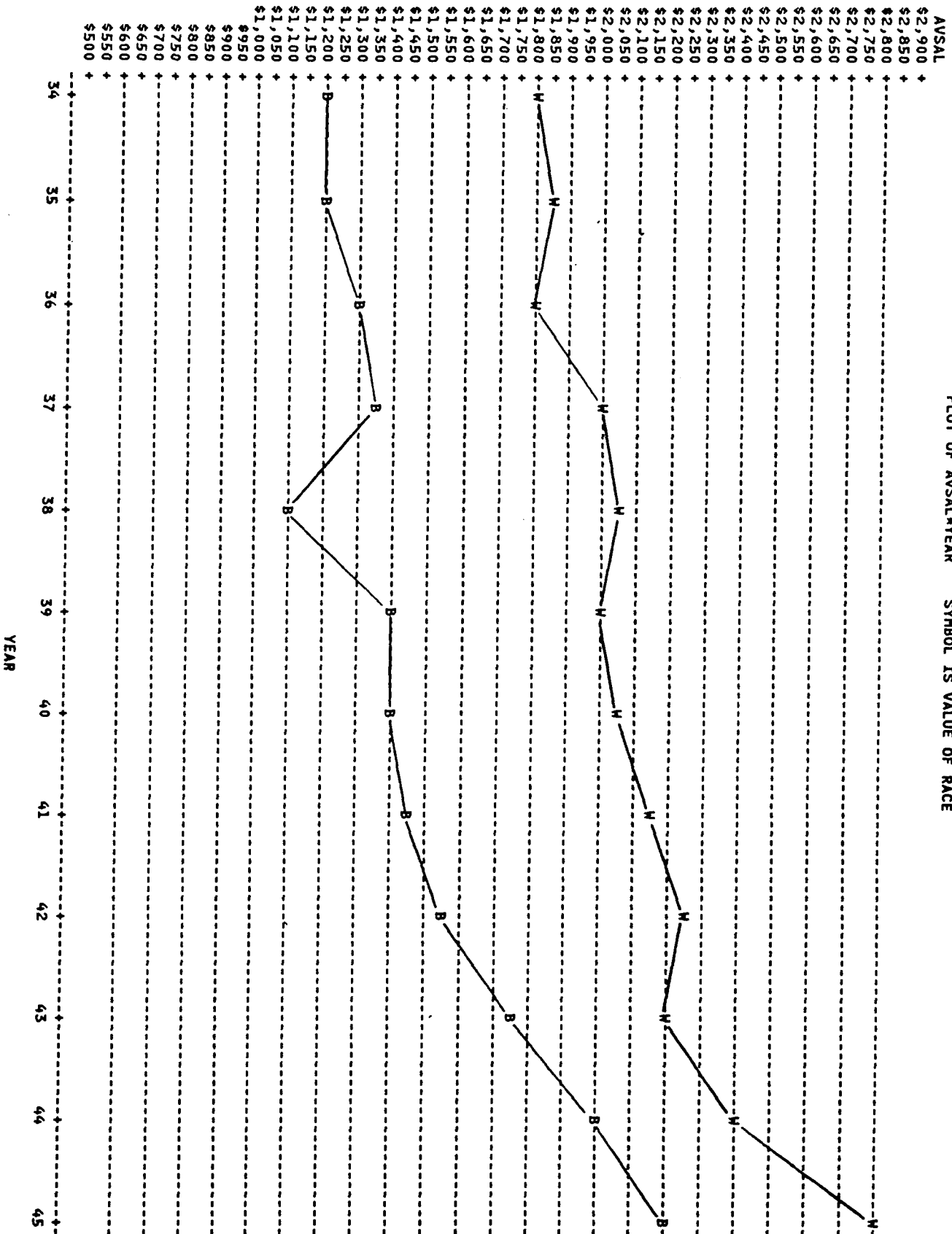


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PLOT OF AVSAL\*YEAR SYMBOL IS VALUE OF RACE

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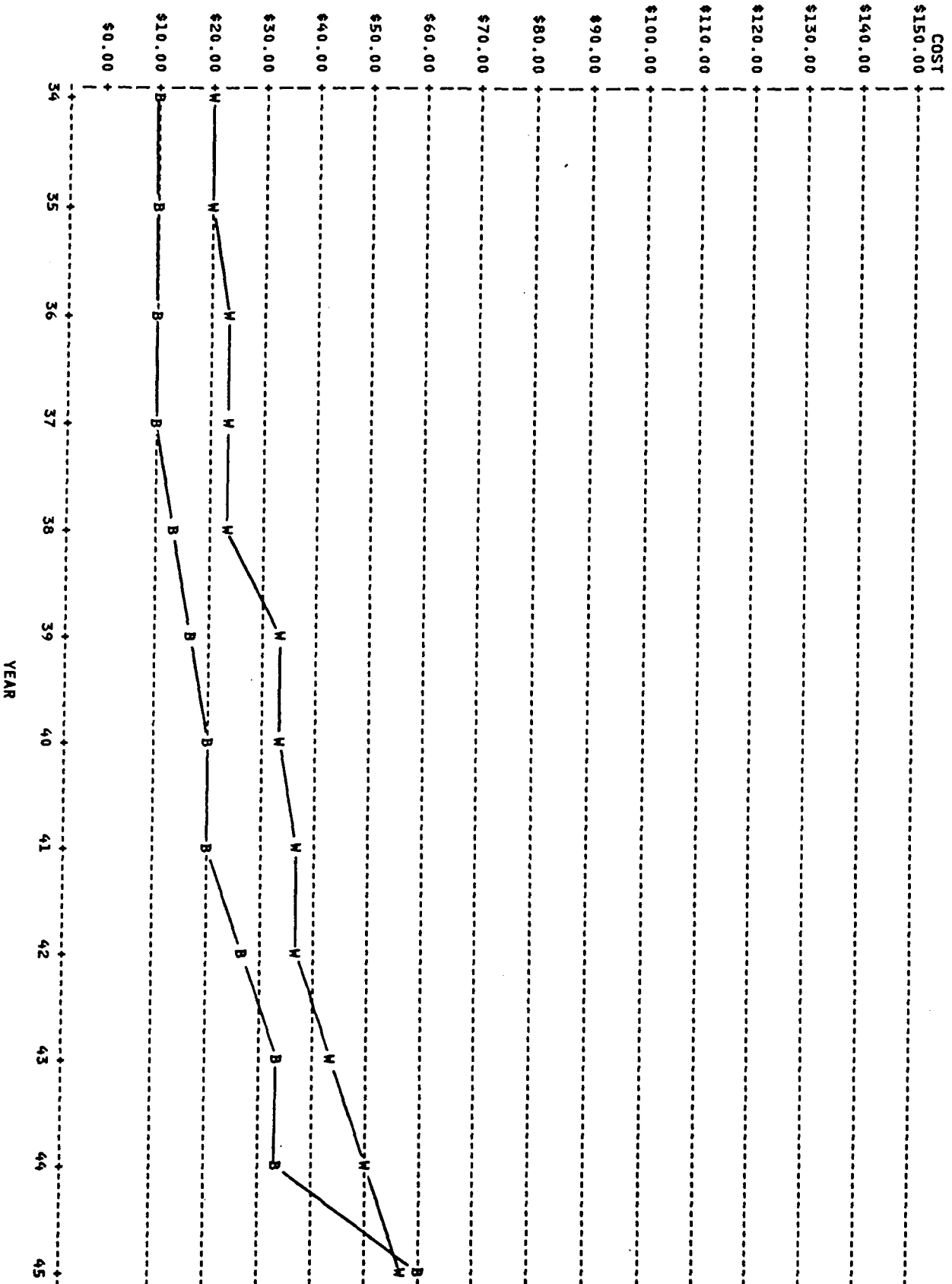


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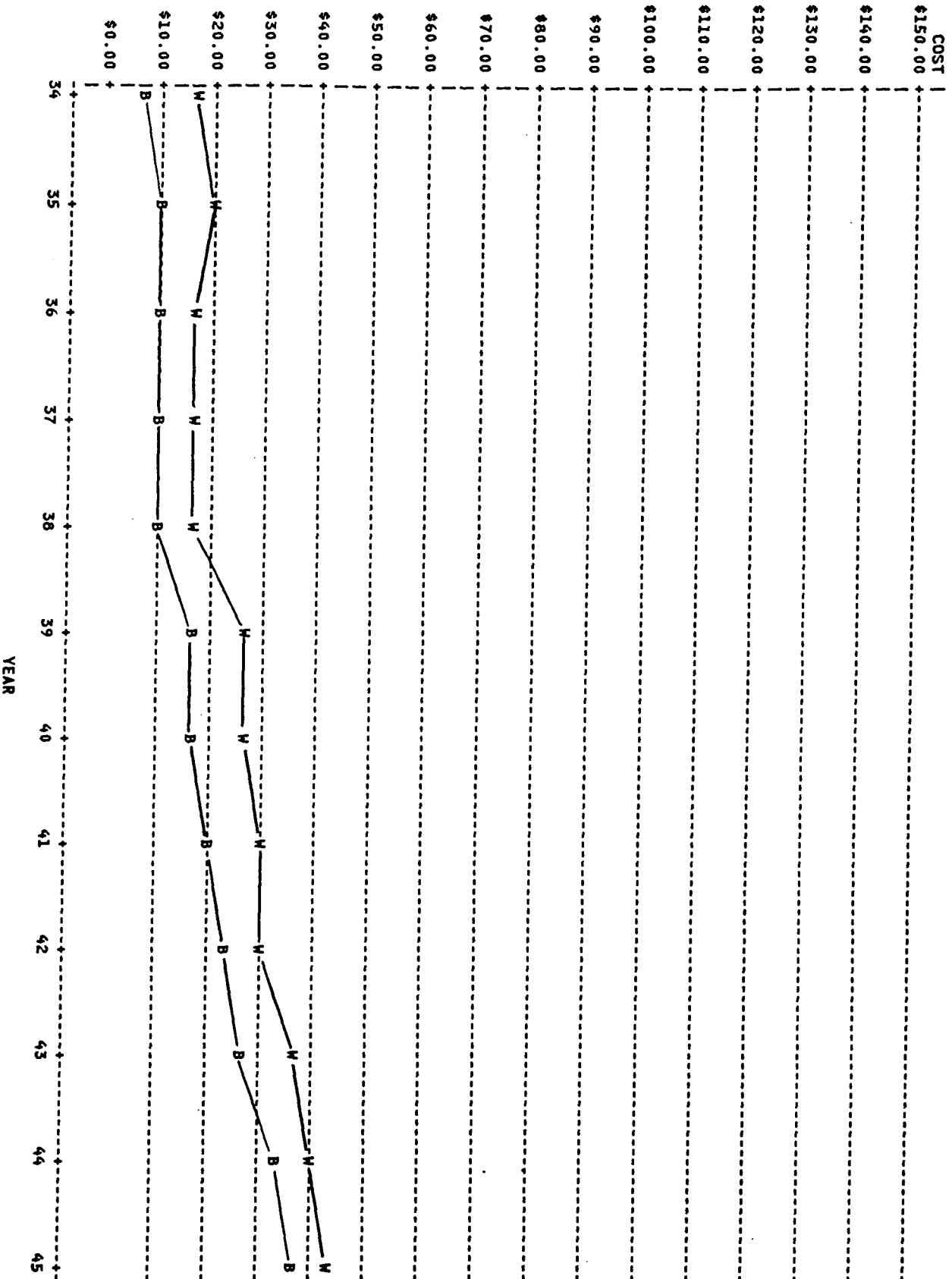


PER CAPITA COST OF INSTRUCTION  
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 PLOT OF COST\*YEAR SYMBOL IS VALUE OF RACE

11:37 MONDAY, JULY 9, 1990 1



PER CAPITA COST OF INSTRUCTION  
 GRADE=ELEMENTARY LOC=ALL COUNTIES  
 PLOT OF COST\*YEAR SYMBOL IS VALUE OF RACE

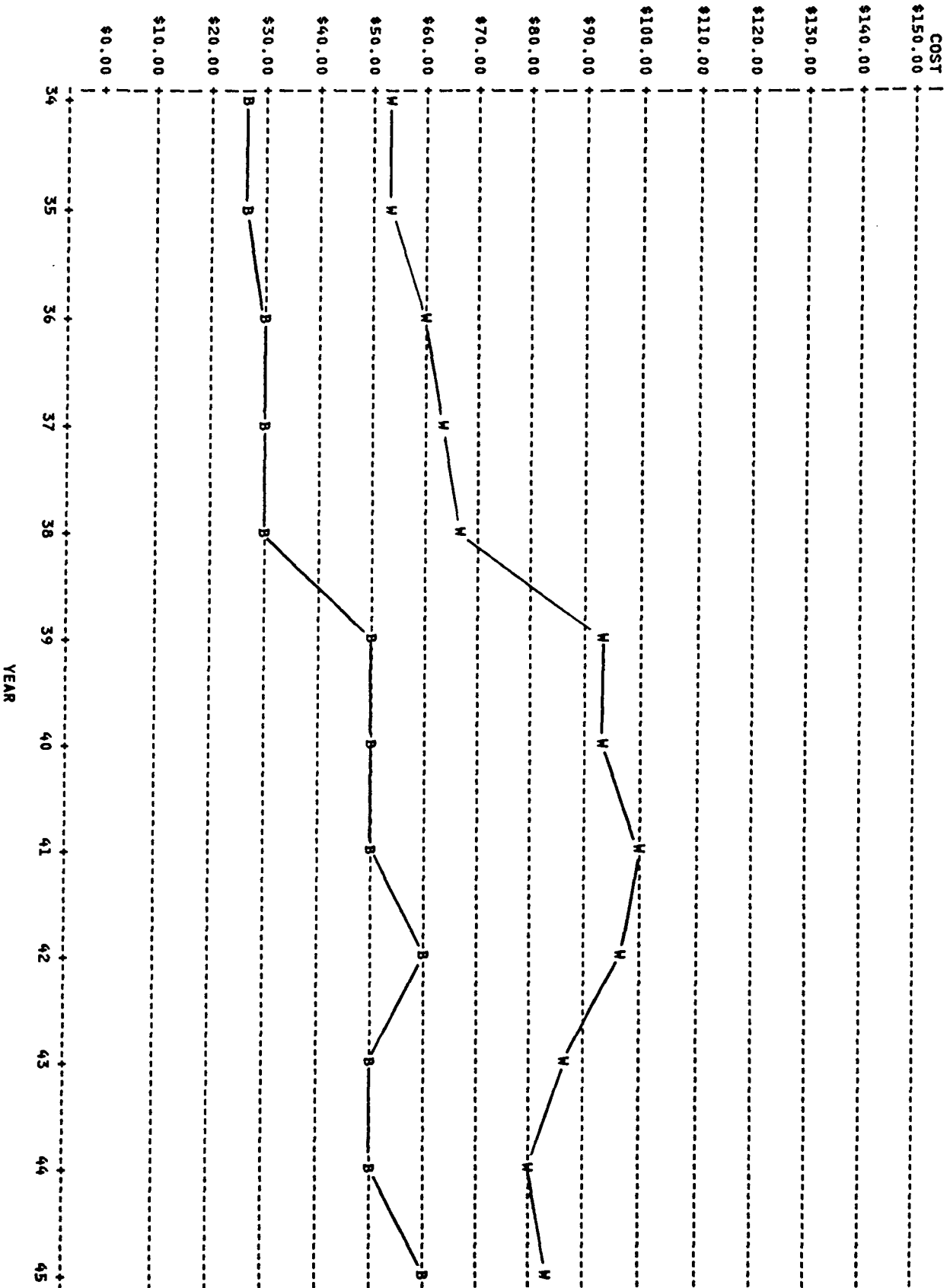




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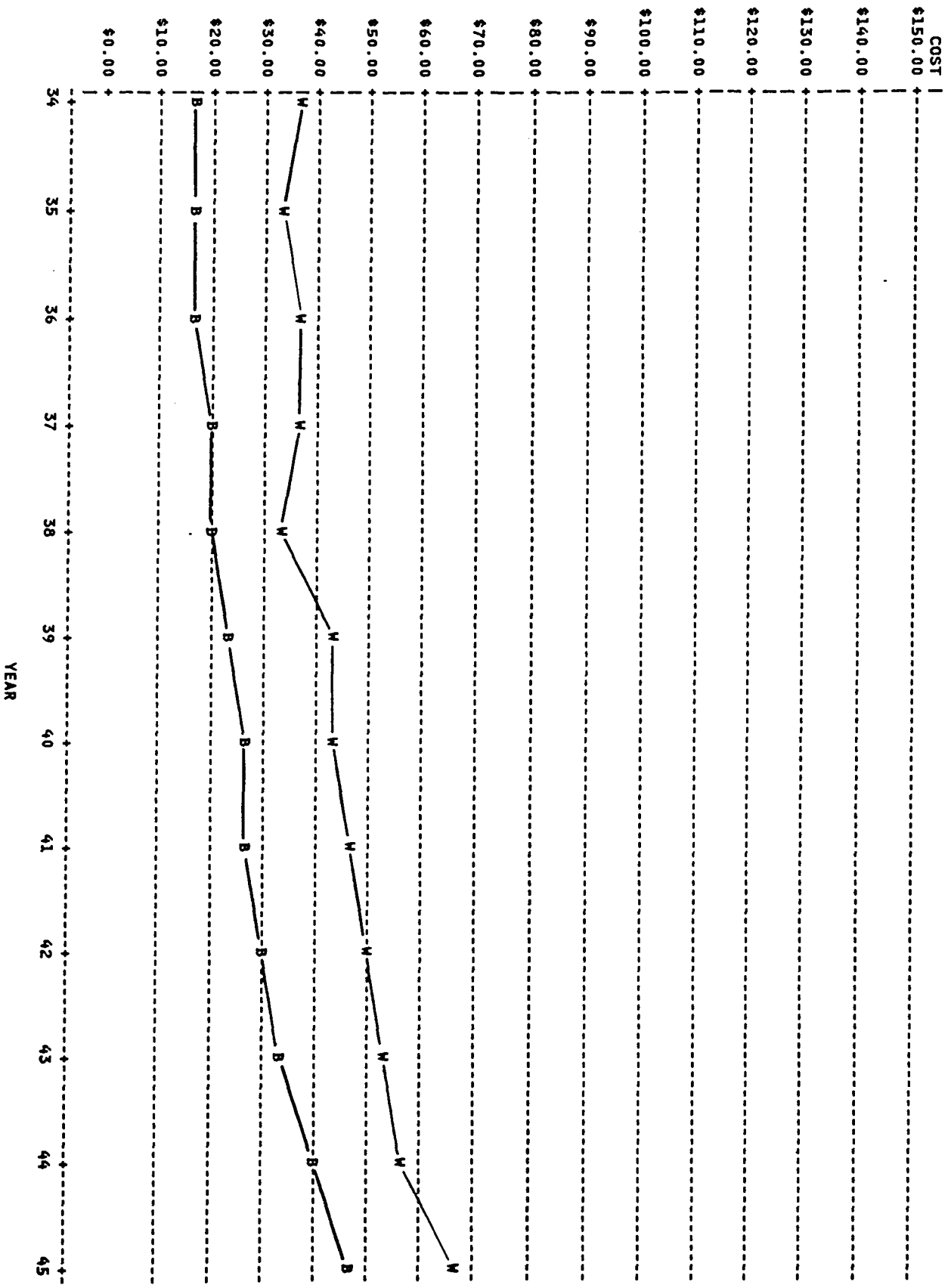
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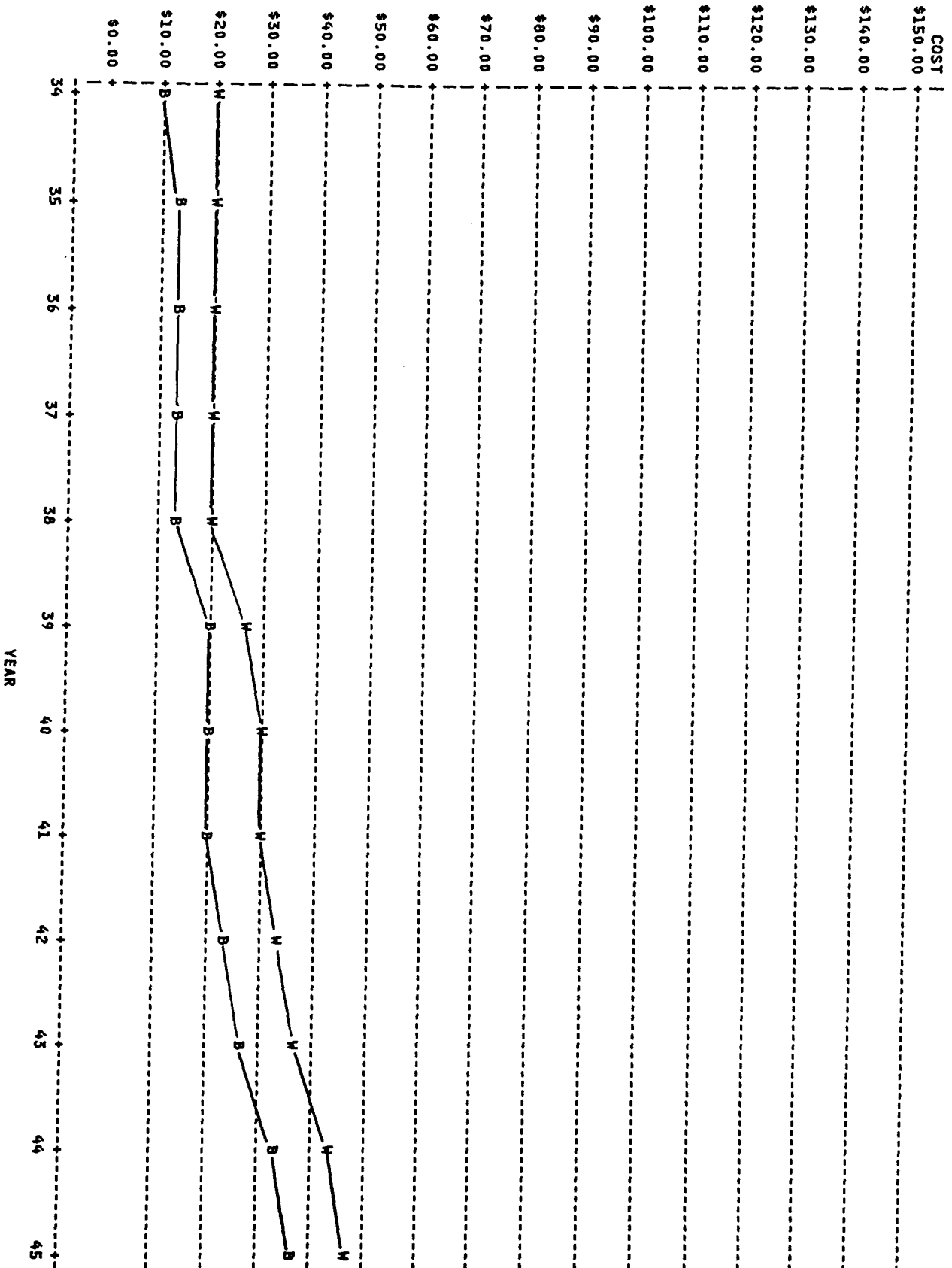
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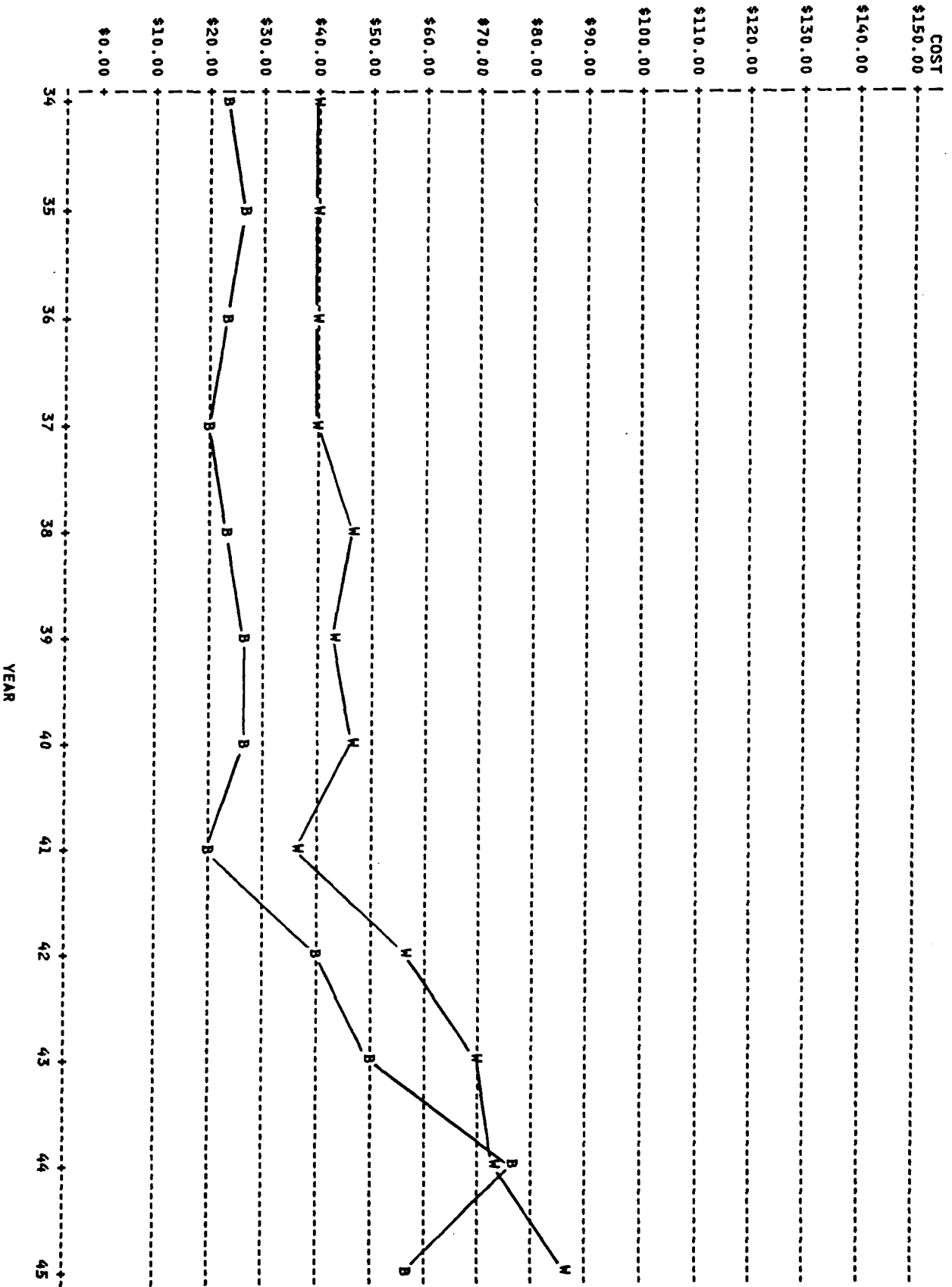
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 PLOT OF COST\*YEAR SYMBOL IS VALUE OF RACE

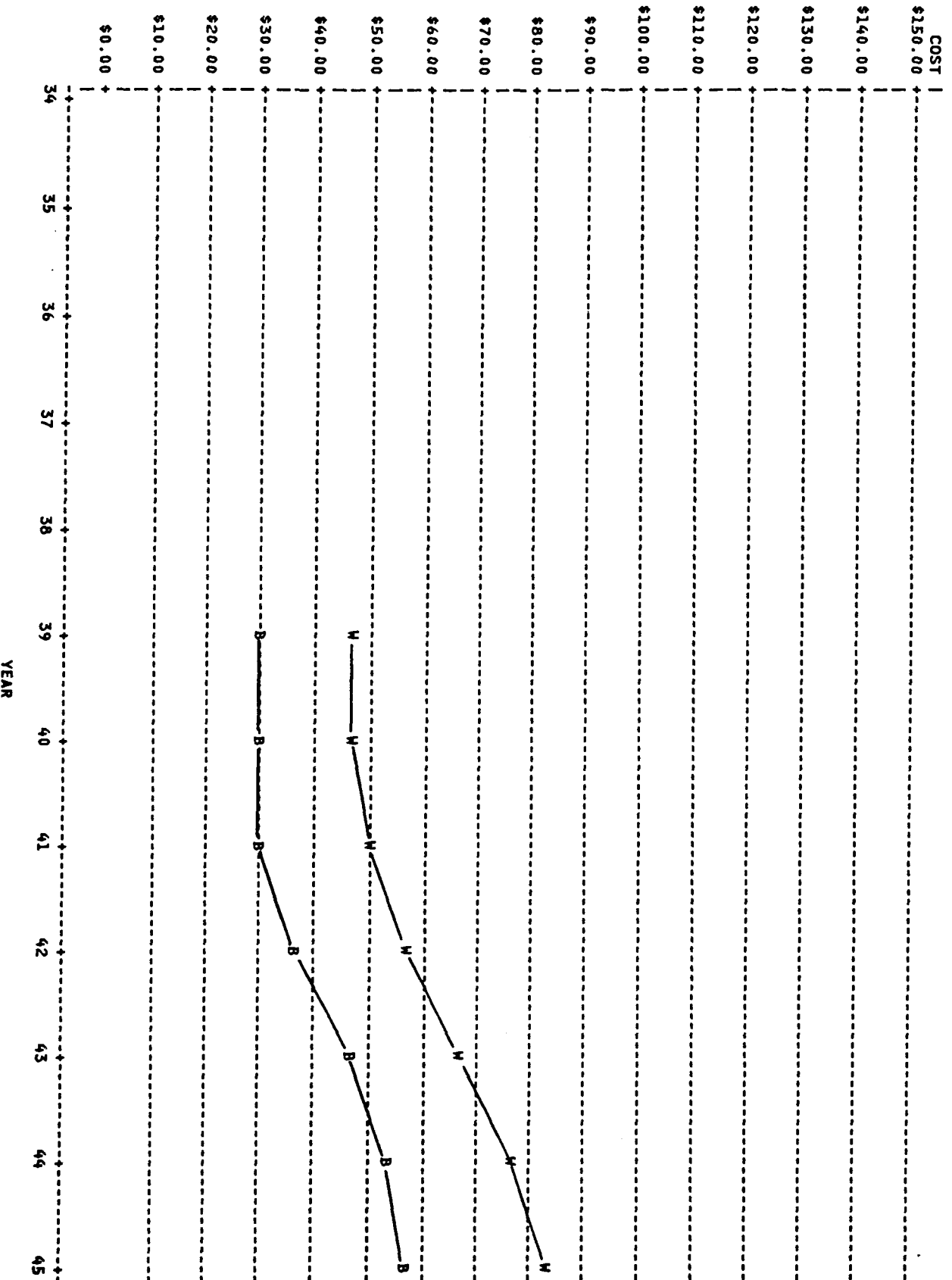
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PLOT OF COST\*YEAR SYMBOL IS VALUE OF RACE

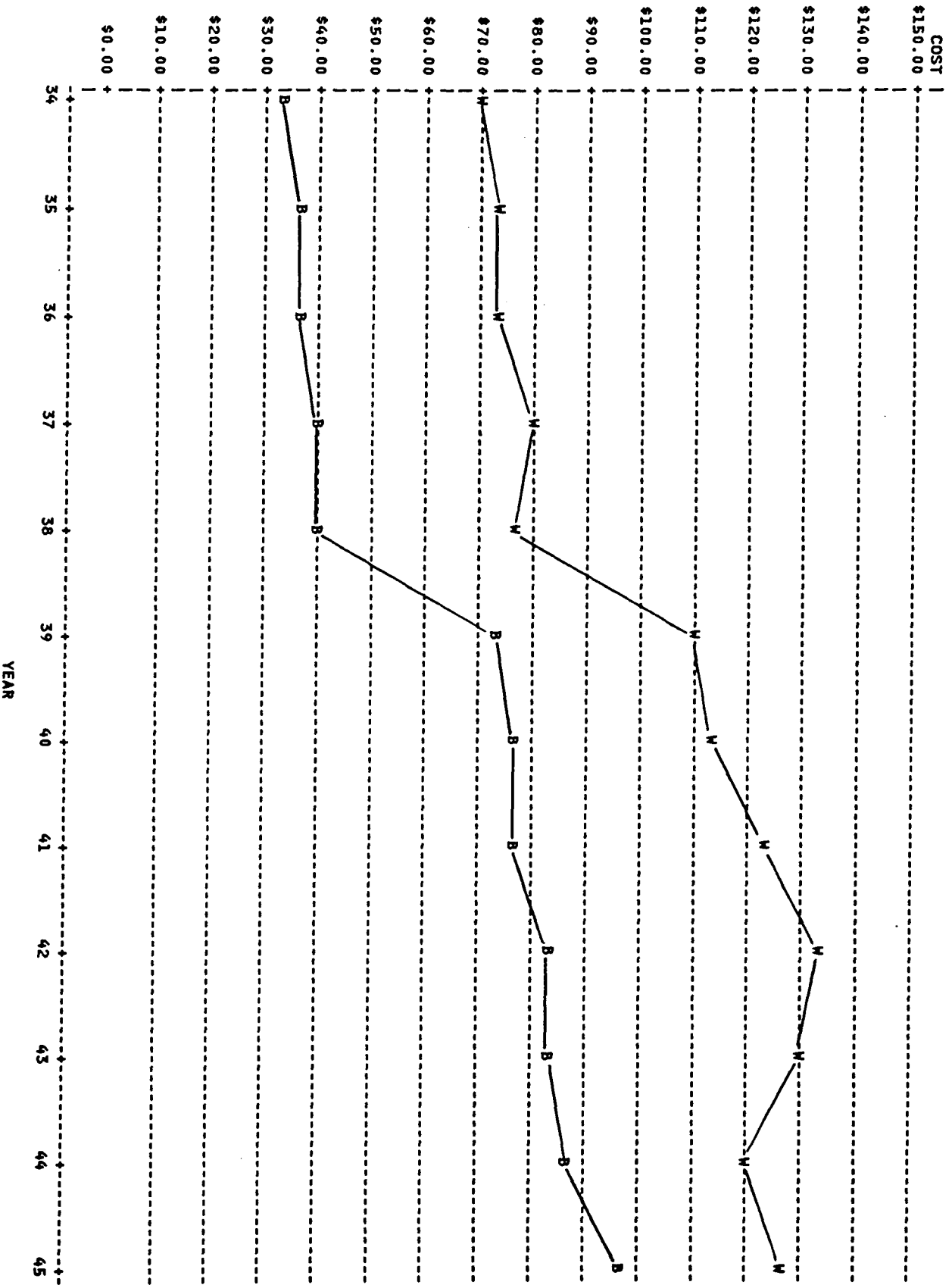


NOTE: 10 OBS HAD MISSING VALUES OR WERE OUT OF RANGE

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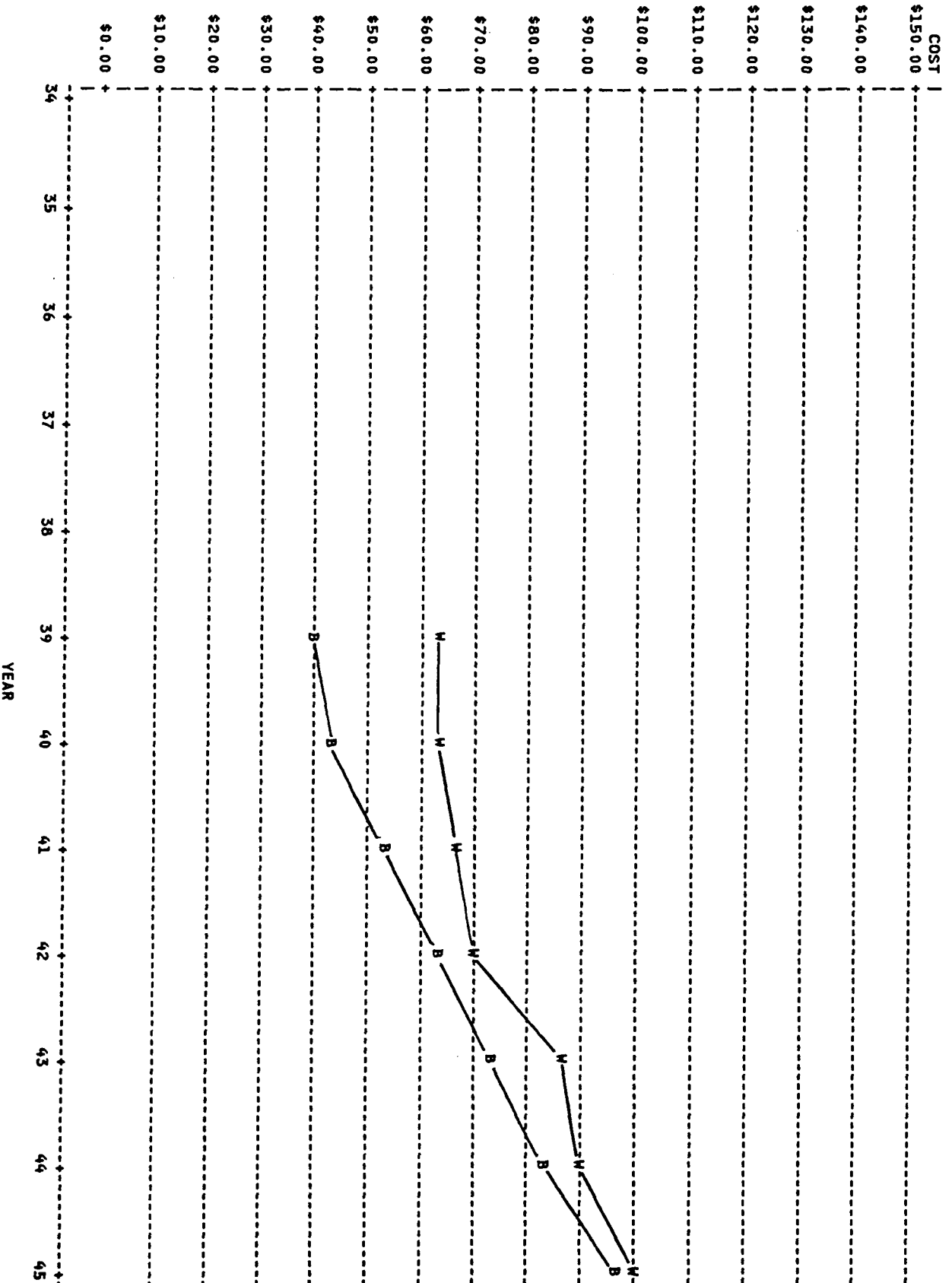


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7

PLOT OF COST\*YEAR SYMBOL IS VALUE OF RACE

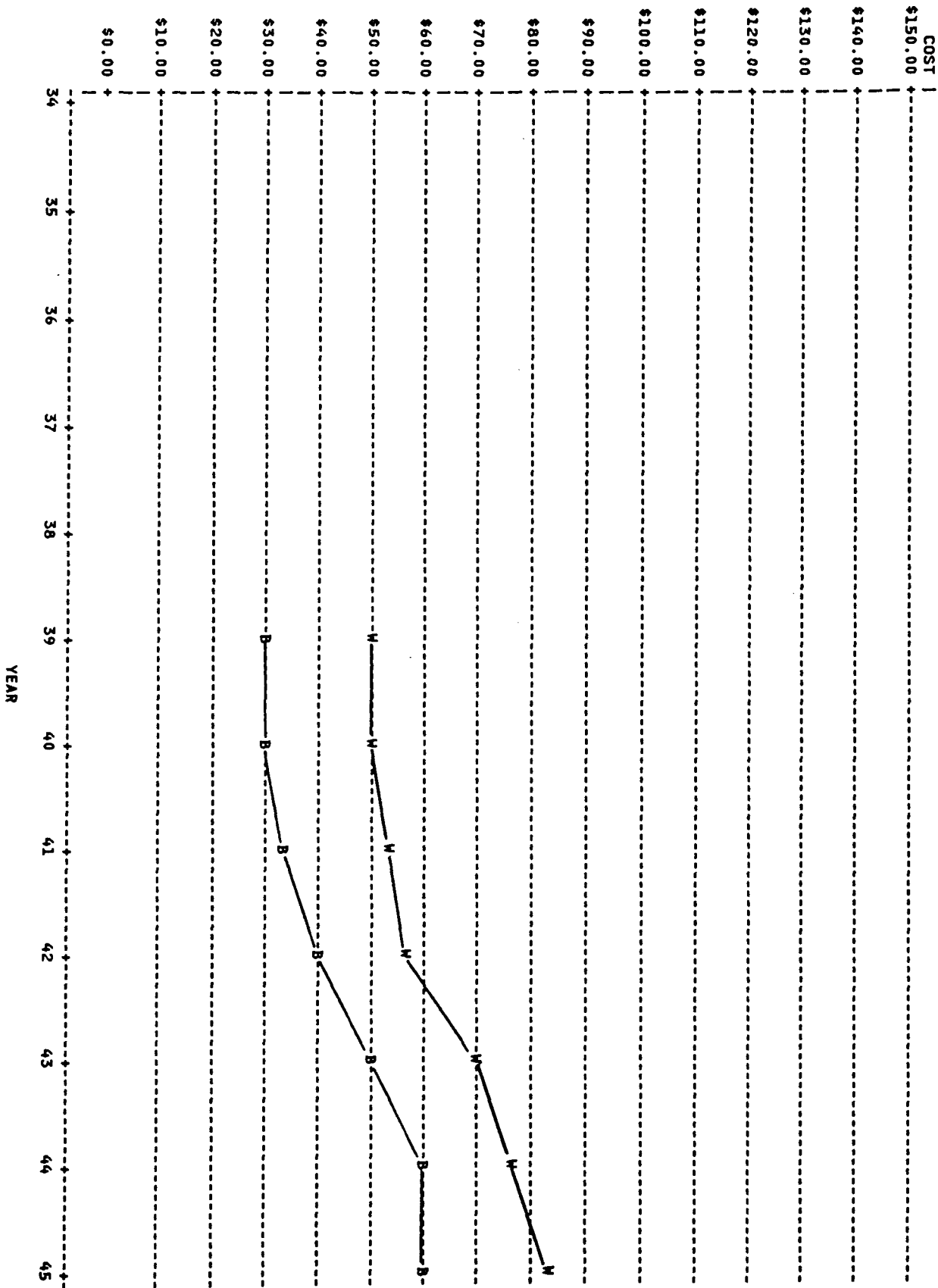


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11:37 MONDAY, JULY 9, 1990 10

PLOT OF COST\*YEAR SYMBOL IS VALUE OF RACE



NOTE: 10 OBS HAD MISSING VALUES OR WERE OUT OF RANGE



7102 Winding Creek Lane  
Chesterfield, Virginia 23832

March 9, 1990

Thurgood Marshall  
Associate Justice  
United States Supreme Court Building  
1 First Street, N. E.  
Washington, D. C. 20543

Dear Mr. Justice:

I am a graduate student at the University of Richmond working on my thesis, which involves the movement to equalize salaries in Virginia's schools between 1934 and 1945. My research has led me to a 1939 case in which you, as acting attorney for the NAACP, represented Melvin O. Alston in his suit against the Norfolk, Virginia school system. Alston's case had a significant impact on school systems throughout the state of Virginia. Many of the improvements in salaries and working conditions for black teachers can be attributed to this case.

One of the questions that I have concerning this case is why it was successful, when a suit filed by Elizabeth Black the year before against the same school system was rejected by the courts.

My research indicates that after the Alston Decision, the State Attorney General wrote in an opinion that all school systems in Virginia should discontinue the use of differential pay scales. Teacher salaries for blacks did increase significantly, but "equalization" was not achieved during the years under study. However, I have not found that the NAACP went back to court to pursue this further. Was there anything that caused the movement to lose momentum?

I would be grateful for any comments that you have concerning these cases. Also, if you could suggest other sources that might help in my research, I would greatly appreciate that too.

Respectfully,

Michael S. Irby

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

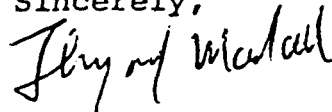
March 23, 1990

Dear Mr. Irby:

I have your letter of March 9, and your questions concerning the teacher salary cases in Norfolk, Virginia, in the year of 1934.

I have no records on that case because I left all of the records with the NAACP. I am sorry I can't answer your question.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thurgood Marshall".

Mr. Michael S. Irby  
7102 Winding Creek Lane  
Chesterfield, Virginia 23832

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## VITA

Michael Stephen Irby was born in Lynchburg, Virginia on May 21, 1954. He attended public schools in Chesterfield County, graduating in 1972. He graduated from North Carolina Wesleyan College in 1976, with a B.A. degree in Political Studies. He has been teaching Social Studies in Chesterfield County, Virginia public schools since 1980. He was married in 1978 and he and his wife have two daughters.