ENDING DISCRIMINATION IN HIGHER EDUCATION

ENDING DISCRIMINATION IN HIGHER EDUCATION:

A REPORT FROM TEN STATES

How It Was: A Capsule History
How It Is: The *Adams* Case
Statistics and the States
Black Coalitions in the *Adams* States
The Responses from the States
The Issues Now

Southern Education Foundation
Atlanta, Georgia
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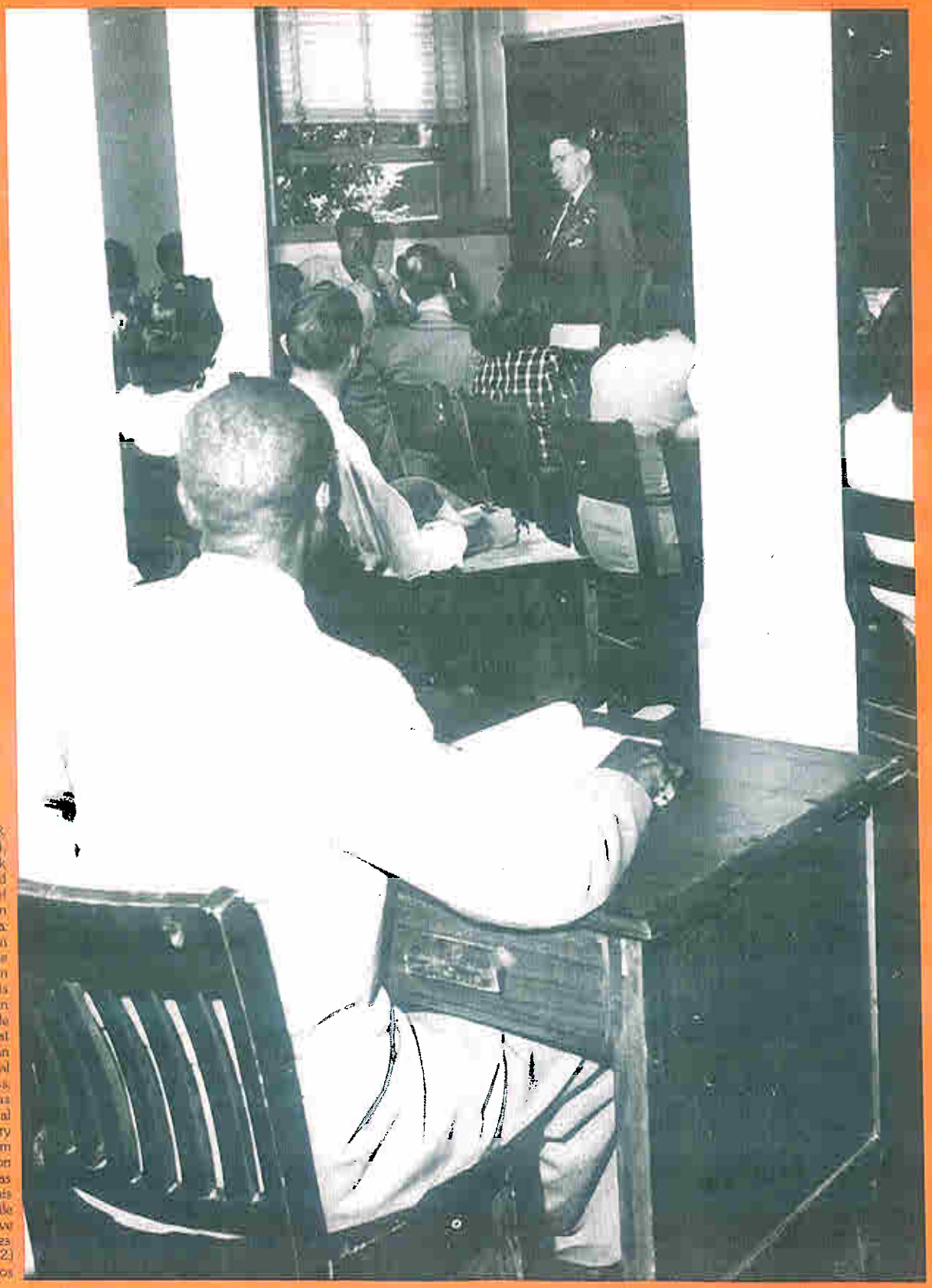
Excerpts from an address to the SEF July 11, 1974 conference on "Critical Issues Facing Blacks in Public Higher Education" by Jean Fairfax, Director of LDF's Division of Legal Information and Community Services.

HEW announced on June 21st that it had negotiated plans for the total dismantling of dual systems of public higher education in eight states. This will affect hundreds of institutions, tens of thousands of employees, faculty, administrators, hospital workers, workers in experiment stations, cafeteria employees, etc., and millions of students. . .

Perhaps more than any other case, Adams v. Richardson is not a lawyers' suit. It is a people's suit and it's the consumers of higher education who must determine the nature, the structure, the contours – the governance – of the systems of higher education.



October 14, 1948. G. W. McLaurin, 54, is the first black student to attend the University of Oklahoma in Norman, Oklahoma. Mr. McLaurin enrolled in the doctoral program in education. He is seen seated in an anteroom while Dr. Frank Balyeat instructs an educational sociology class. McLaurin was assigned a special desk in the library and a special room in the student union where he was allowed to eat his meals while attending his five classes.
(See page 2.)
Wide World Photos

INTRODUCTION

The Southern Education Foundation and the family philanthropies which preceded it have had a special and continuing interest in the education of black Americans for more than a hundred years. The Foundation has been particularly concerned with programs aimed at increasing and improving higher education opportunities for blacks in the South. A recent and important development affecting the higher education of black citizens was the ruling of U. S. District Court Judge John H. Pratt in the case of *Adams v. Richardson*. Recognizing the potentially far-reaching consequences of the *Adams* case and related developments in the achievement of equity in higher education, the directors of the Foundation have determined to concentrate a major portion of their resources in this area.

In July of 1974, SEF sponsored an Atlanta conference on "Critical Issues Facing Blacks in Public Higher Education" in order to provide an opportunity for a "new mix" of individuals to consider emerging educational issues. The participants included representatives of newly formed black higher education coalitions in several states, presidents of a number of black public institutions, foundation executives, attorneys, professors, students, and others associated with higher education agencies. Presentations were made concerning litigation in higher education, the implications of *Adams*, and the interrelationship of educational, political, and legal issues.

While it represented only a beginning, the conference

did help to raise many of the questions associated with the effort to end discrimination in higher education. The judicial imperative to replace segregation and dualism with unitary systems of public colleges and universities requires thorough consideration of such matters as admissions, testing, student retention, financial aid and other support services, employment, administration, and governance. It also necessitates reconsideration of the role and mission of all public post-secondary institutions, including junior colleges, four-year colleges, comprehensive universities, professional schools, and the traditionally black colleges and universities. These were the principal subjects discussed at the SEF conference. Several of the major papers presented there have been reprinted, and are available on request from the office of the Foundation.

Among the suggestions for follow-up activities that emerged from the July conference was one that SEF bring together and publish some of the basic information related to the *Adams* case and its consequences. This publication is a first step in that direction. The project has been coordinated by Elridge W. McMillan, Associate Director of the Foundation. Lynne Brown, assisted by Virginia Fleming, gathered data, and the report was written by John Egerton.

In continuation of its interest in this area, the Southern Education Foundation will assemble and distribute other data and materials on the progress of higher education desegregation in several states. These fact books hopefully will assist interested groups of private citizens as well as educators and public officials as they work to complete the evolution to a unitary network of public higher education in each state.

John A. Griffin, Executive Director

HOW IT WAS: A CAPSULE HISTORY

LAWSUITS ATTACKING RACIAL SEGREGATION AND DISCRIMINATION IN AMERICAN HIGHER EDUCATION HAVE HAD A LONG BUT LITTLE-KNOWN HISTORY.

More than 20 years before the U. S. Supreme Court, in 1954, declared public school segregation unconstitutional in its momentous *Brown* decision, a black plaintiff took the University of North Carolina to court for its refusal to grant him admission, and similar suits subsequently were filed in half a dozen other states. Virtually all of the litigation challenging educational segregation prior to the *Brown* case dealt not with elementary and secondary schools but with colleges and universities, and the resolution of those suits supplied the precedents upon which the *Brown* decision ultimately rested.

Nineteen states operated segregated public colleges for blacks during the first half of this century, but as late as 1930, none of those institutions offered any graduate instruction at all. A number of Southern and border states, beginning with Missouri in 1921, attempted to evade desegregation by providing out-of-state tuition grants to black students seeking to attend graduate and professional schools. The public colleges for blacks during those years were not only separate but grossly unequal: state expenditures for them were minuscule compared to expenditures for white colleges, and a 1928 survey of black land-grant colleges showed that 62.5 per cent of their students were enrolled in pre-college-level courses. Under such restrictive circumstances, the number of students graduating from the black colleges was inevitably small, and for the even smaller number who wanted to go into law or medicine, the strategy of the states was to pay tuition to Meharry or Howard or some other institution.

In 1933, Thomas R. Hocutt, a graduate of North Carolina College for Negroes at Durham, applied for admission to the University of North Carolina College of Pharmacy. His application was denied, and Hocutt asked a state court to reverse the ruling. He lost the case on technical grounds, but his action set into motion a succession of efforts to break the barrier of discrimination. Others seeking admission to all-white institutions also failed, including Alice Jackson at the University of Virginia and William B. Redmond at the University of Tennessee. Then, in 1936, an Amherst College graduate and Maryland resident named Donald Murray was admitted under a court order to the University of Maryland School of Law. Murray had declined to accept an out-of-state tuition grant, and the Maryland Court of Appeals upheld his contention that he was being denied equality of treatment because he could not study law in the state in which he intended to practice. He subsequently graduated from the law school in 1938, finishing 12th in a class of 37 students.

The Murray ruling prodded some states—Texas, Virginia and Louisiana among them—to create graduate programs in their public colleges for blacks, and in 1938, West Virginia became the first of the Southern and border states to admit black students to its graduate and professional schools voluntarily. That same year, the U. S. Supreme Court took up the issue of discrimination in higher education for the first time, and its eventual ruling established the Maryland decision concerning Donald Murray as the law of the land.

The case was called *Missouri ex rel. Gaines v. Canada*. Lloyd Gaines, a 1935 graduate of Lincoln University in Missouri, an honor graduate and president of his senior class, applied for admission to the University of Missouri Law School. He was turned down, and his attempts to gain entrance through the state courts failed. The Supreme Court, while not addressing the "separate but equal" doctrine, did find that out-of-state tuition grants for blacks were not the equivalent of in-state instruction for whites, and the court told the state that if it would not admit Gaines to the white law school, it must either discontinue legal education for all students or establish a separate law school for blacks. The state legislature quickly established such a school at Lincoln, and a few months later, in the fall of 1939, it opened with an enrollment of 30 students.

Lloyd Gaines, however, was not among them. His attorneys challenged the adequacy of the hurriedly assembled school. The Supreme Court, refusing to pass judgment on that question, sent the case back to the circuit court, and Gaines gave up in discouragement. But his efforts had moved the courts closer to a reconsideration of the segregationist doctrine, and to the eventual overturning of the laws that supported it.

For almost 10 years after the *Gaines* ruling, individual black plaintiffs in several states challenged racial discrimination in higher education, but all of them were deterred as the states tried desperately to prevent desegregation. In 1948, the governors of 14 Southern and border states formed a regional compact to establish cooperatively owned and operated higher education institutions as a means of perpetuating segregation, but a joint resolution giv-

ing the consent of the U. S. Congress to the compact was defeated. Simultaneously, the Supreme Court ruled in *Sipuel* v. *Board of Regents* that Oklahoma was duty-bound under the equal protection clause of the 14th Amendment to provide a legal education in the state to Ada Sipuel, a woman whose application to the University of Oklahoma Law School had been rejected because of her race. The state immediately announced the opening of a one-student law school, the Langston School of Law, in Oklahoma City, but Ada Sipuel (then Mrs. Fisher) refused to attend, and the Supreme Court again declined to consider whether the school was in fact an equal facility.

MRS. FISHER PERSISTED, AND IN 1949 SHE WAS FINALLY ADMITTED TO THE UNIVERSITY OF OKLAHOMA LAW SCHOOL, THANKS in large measure to the efforts of another black student, G. W. McLaurin, whose class action suit in a federal court gained him admission to the university's graduate school. McLaurin later was the central figure in another Supreme Court decision, *McLaurin* v. *Oklahoma Board of Regents*, in which the court ruled in 1950 that it was unconstitutional for the university to separate students within the institution on the basis of race. McLaurin, after entering the graduate school, had been forced to pursue his studies totally segregated from white students.

The last major higher education case decided by the Supreme Court before it re-examined the entire "separate but equal" doctrine in *Brown* was *Sweatt* v. *Painter* in 1950. In it, the court upheld the contention of Heman M. Sweatt that the state of Texas, by opening a segregated law school in an all-black college, had not fulfilled his constitutional right to a legal education equivalent to that offered white students. The law school to which Texas was willing to admit Sweatt, the court said, "excludes from its student body members of the racial groups which number 85 per cent of the population of the State"—that is, the white lawyers, witnesses, jurors, judges and other officials with whom Sweatt "will inevitably be dealing when he becomes a member of the Texas bar."

It took 12 years for the Supreme Court to get from *Gaines* to *Sweatt*, and it took the persistent determination of Donald Murray, Ada Sipuel, G. W. McLaurin and a handful of other petitioners to move the courts and the states that far. By 1954, black students in small numbers were attending previously all-white graduate and professional schools in all but five Deep South states, and it was in four of those states—Alabama, Georgia, Mississippi and South Carolina—that later efforts to desegregate undergraduate colleges met with massive and at times violent resistance.

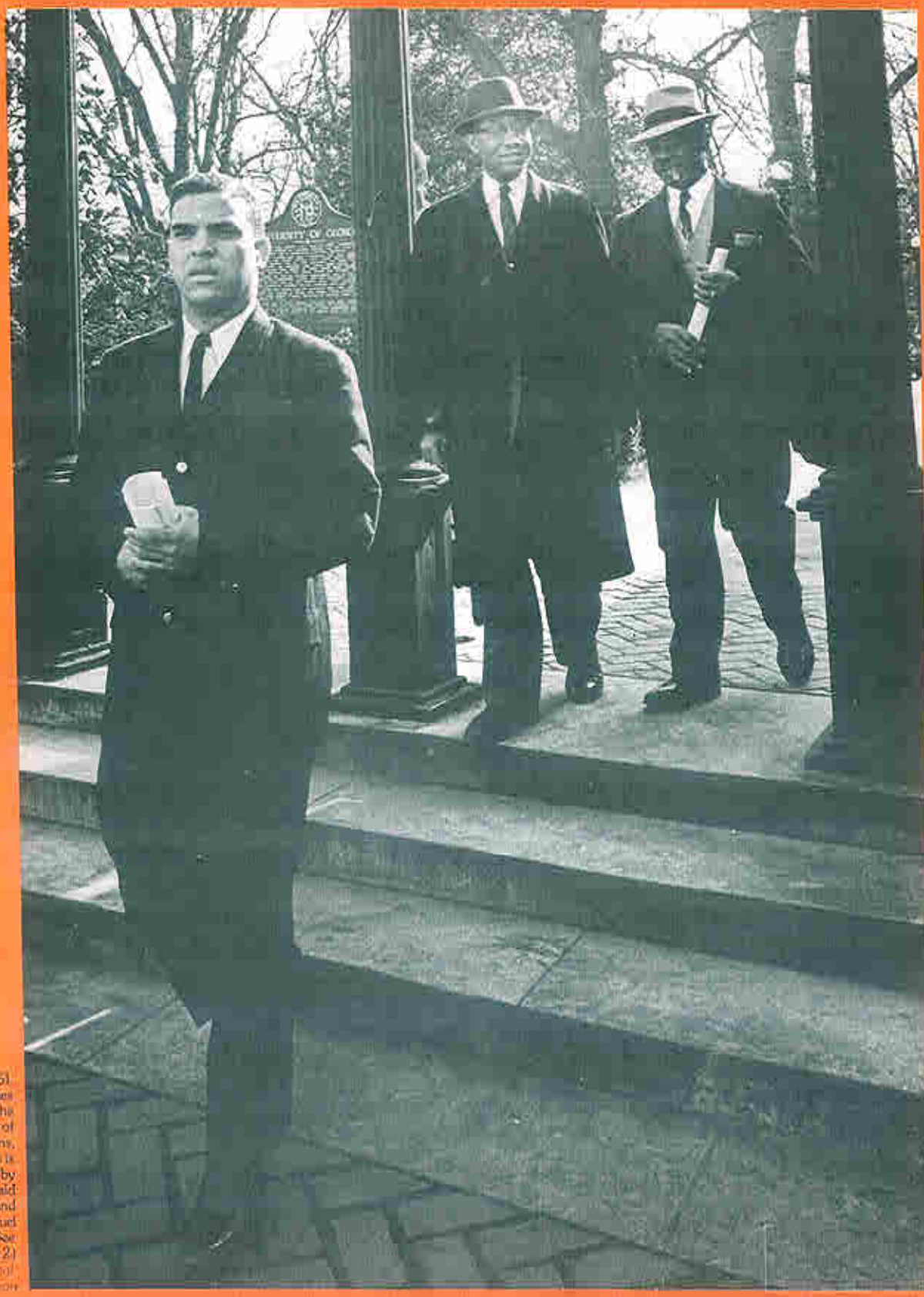
In February 1956, Autherine Lucy entered the University of Alabama under a court order and attended classes for a few days before she was driven from the campus by rioting white students and their non-student supporters. She was later expelled by the institution's trustees for publicly accusing university officials of conspiring with the mob. Five years later, in 1961, Hamilton Holmes and Charlayne Hunter were enrolled in the University of Georgia by order of a federal court, and when they were suspended following campus disorders by whites, the court ordered them reinstated.

James Meredith was next. His admission to the University of Mississippi in the fall of 1962 was greeted by white outrage that culminated in a riot in which two men were killed and over 300 were injured. President John F. Kennedy had to federalize the state's National Guard to stop the violence, and federal marshals stayed with Meredith to guarantee his safety until he graduated in the summer of 1963.

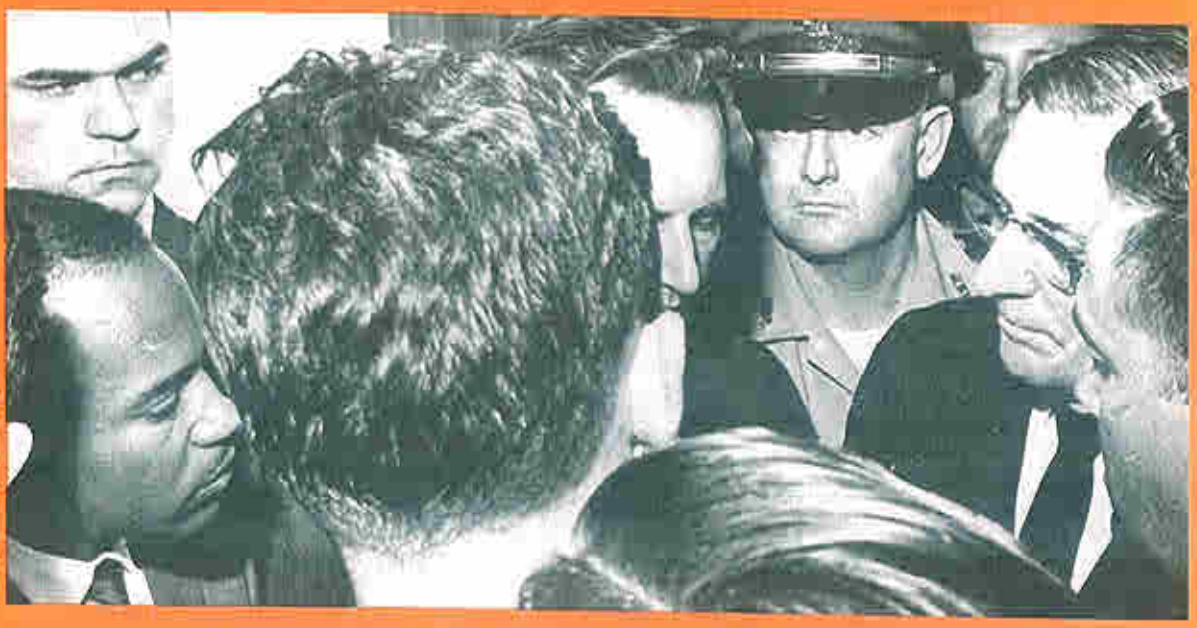
IN JANUARY OF 1963, HARVEY B. GANTT WAS ADMITTED TO CLEMSON COLLEGE IN SOUTH Carolina without an eruption of violent white resistance, but six months later President Kennedy again found it necessary to federalize a state's National Guard—Alabama's—to make Governor George Wallace step aside and allow James Hood and Vivian Malone to enroll at the University of Alabama.

The significant similarity in all of these court cases and political maneuvers, from Thomas Hocutt's original suit in North Carolina in 1933 to the University of Alabama confrontation in 1963, is that they all had to do with breaching the wall of segregation surrounding the white public colleges and universities. They established the legal principle that under the Constitution, no student can be denied admission to any public college or university on the basis of race. But by the late 1960s, segregation in public higher education was still widespread and substantial, and the public black colleges that historically had been kept separate remained unequal to their white counterparts by almost every measure. Thirty years of litigation and controversy had merely set the stage for a multitude of deeper and more complex issues. The right of access had been settled, but the responsibilities of the states to assure the highest measure of equity for minority-group citizens throughout their systems of higher education remained to be specified and enforced.

In 1968 came the first of a series of federal district court cases to address the issue of dualism in higher education. That suit, *Sanders* v. *Ellington*,



January, 1961 Hamilton Holmes leaves the University of Georgia in Athens, Georgia. He is followed by Attorney Donald Hollowell and Rev. Samuel Williams. (See page 2.)
Atlanta Journal Constitution



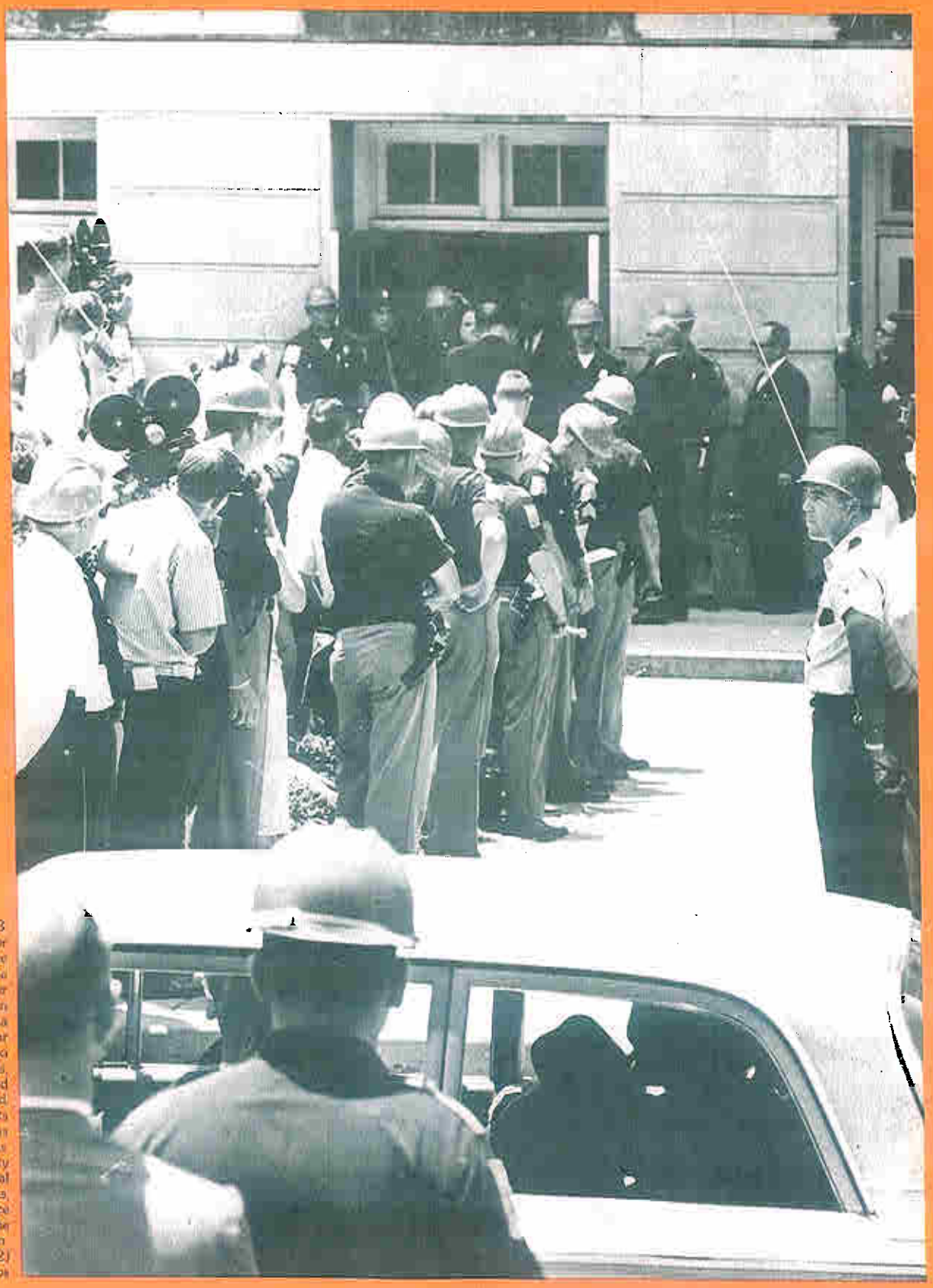
December, 1962. Governor Ross Barnett refuses to allow James Meredith to enter the University of Mississippi. (See page 2.)
Atlanta Journal-Constitution

January, 1961. Charlayne Hunter and Hamilton Holmes leave the University of Georgia by car after registering for classes at the university. They were the first black students to desegregate the institution. (See page 2.)
Atlanta Journal-Constitution

arose when the University of Tennessee in Knoxville sought to expand its night school in Nashville, where predominantly black Tennessee State University has been located since 1912. Soon afterward, a suit was filed in Alabama to prevent Auburn University from building a branch campus in Montgomery, where Alabama State University, a black institution, has existed for almost 100 years. In Virginia, the College of William and Mary was taken to court for trying to make a four-year college of its two-year campus in Petersburg, in competition with Virginia State College, a black institution. Other suits in Mississippi, Georgia, North Carolina and Arkansas also were entered, and the new round of litigation opened up a variety of questions never before addressed in the courts—questions of governance, state and federal funding, curricular content, admission standards, student retention and financial aid, employment opportunities, standardized tests, quotas, and the future of the public black colleges and universities.

The U.S. Supreme Court has spoken only twice in this second generation of higher education cases. It summarily affirmed a lower court ruling allowing Auburn University to open its branch campus in Montgomery—and it also affirmed a lower court decision prohibiting the College of William and Mary from expanding its program in Petersburg. The Tennessee case, which is similar in some respects to the ones in Virginia and Alabama, still has not been settled in the district court.

More than a quarter of a century of litigation and court rulings finally established, by the middle of the 1960s, the fundamental right of every citizen to be free of racial discrimination in the pursuit of a college education. But that long struggle now appears to have been only a prelude to broader and deeper issues. Clearly, thoroughgoing equity for blacks and other minorities in higher education has not been achieved.



June 11, 1963 Alabama Governor George Wallace stands in the doorway of Foster Auditorium in Tuscaloosa attempting to bar the entrance of two black students, Vivian Malone and James Hood. The two students sat in the car as Nicholas Katzenbach, Deputy Attorney General of the United States, listened to Wallace read the proclamation (See page 2)
Wide World Photos

HOW IT IS: THE *ADAMS* CASE

IN OCTOBER OF 1970, ATTORNEYS FOR THE NAACP LEGAL DEFENSE FUND AND THE WASHINGTON LAW FIRM OF RAUH AND SILARD FILED A CLASS ACTION SUIT IN THE U. S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CHARGING THAT THE U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE HAD DEFAULTED ON ITS OBLIGATION TO ENFORCE Title VI of the Civil Rights Act of 1964. The plaintiffs were 31 students (suing through their parents) and two "citizens and taxpayers of the United States"; the defendants were Elliot L. Richardson, secretary of HEW, and J. Stanley Pottinger, director of HEW's Office for Civil Rights. The essence of the charge brought by the plaintiffs was that HEW was continuing to provide financial assistance to a large number of public school systems and public colleges which still practiced segregation and discrimination, even though Title VI of the 1964 law specifically prohibited federal support to all such institutions. First on the alphabetical list of plaintiffs was John Quincy Adams of Brandon, Mississippi, suing in behalf of his six children. The case thus became known as *Adams* v. *Richardson.*[*]

As early as 1955, a three-judge federal district court in North Carolina had declared that the reasoning on which the Supreme Court's *Brown* decision was based "is as applicable to schools for higher education as to schools on the lower level." Notwithstanding the obvious differences between higher and lower education, the constitutional demands of equal protection of the laws in public higher education are, as the U. S. Commission on Civil Rights said in a 1960 report, "essentially the same as those that apply to elementary and secondary education." The *Adams* case was noteworthy because it was a comprehensive class action suit against the federal government, rather than a suit by individuals against a single state or school. It also attacked segregation and discrimination at all levels of public education, and it cited violations of the law in a number of states, North as well as South.

In the section of the *Adams* complaint dealing with higher education, the attorneys noted that HEW, beginning in January of 1969, had sent letters to public officials in 10 states, notifying them that a review of their colleges and universities revealed substantial and continuing segregation and discrimination, in violation of Title VI. (The 10 were not the only states known to be practicing discrimination; they were simply the ones in which federal officials had completed field investigations and site visits.) HEW had directed the states to submit outlines of higher education desegregation plans within 120 days, and final plans no more than 90 days after HEW had given its reaction to the outlines.

Some of the states ignored the HEW letter; others submitted outlines, and the remainder asked for more time to prepare a response. But in every case, HEW took no further action, prompting the *Adams* attorneys to charge that "HEW has thus knowingly failed, and continues to fail, to withhold Federal funds from public colleges and universities which segregate and discriminate on the grounds of race." In addition, the attorneys charged, nine other states which once maintained separate colleges for whites and blacks had not even been reviewed by HEW, even though there were clear indications that most of them still practiced discrimination.

The attorneys for the plaintiffs asked the court to compel HEW to enforce the law, either by obtaining acceptable desegregation plans from the states or by cutting off federal funds to the colleges and universities which failed to produce such plans. The government's response to the suit was to ask the judge to dismiss it on the grounds that the law gave HEW latitude and discretion to decide what action —if any—it should take against non-complying states. Judge John H. Pratt denied HEW's motion for dismissal in June of 1971, and throughout that summer, the plaintiffs' attorneys took depositions from J. Stanley Pottinger and other Office for Civil Rights officials in preparation for a trial. By fall, the attorneys were convinced that the accumulation of evidence overwhelmingly supported their contentions, and they filed a motion for summary judgment against the government. HEW also asked for summary judgment, precluding the necessity of a trial, and Judge Pratt began consideration of the facts in the case.

A year later, on November 16, 1972, the judge ruled in favor of the plaintiffs, upholding their findings of fact and conclusions of law. He instructed the plaintiffs' attorneys to prepare an order in consultation with the government's lawyers, and in February of 1973, that order was signed by Judge Pratt. HEW moved for a stay of the order, and when that failed, it appealed the decision, but it was compelled at the same time to reopen the discussion of

[*]Case cited as *Adams* v. *Weinberger* in Court of Appeals

desegregation plans with the 10 states named in the order. On June 12, the Court of Appeals for the District of Columbia affirmed Judge Pratt's decision, and the parties in the case subsequently agreed to a final deadline of June 1, 1974, for the 10 states to submit comprehensive plans for the desegregation of their higher education systems.

The Court of Appeals in its ruling upholding Judge Pratt noted that "we are not here discussing discriminatory admissions policies of individual institutions . . . . This controversy concerns the more complex problem of system-wide racial imbalance." The appeals court also stated that HEW "has not yet formulated guidelines for desegregating state-wide systems of higher learning," and it concluded that "The problem of integrating higher education must be dealt with on a state-wide rather than a school-by-school basis."

The federal courts, the plaintiffs, HEW, and the higher education officials and public leaders of 10 states thus were brought for the first time to a serious and comprehensive consideration of the entire range of issues affecting desegregation in tax-supported colleges and universities.

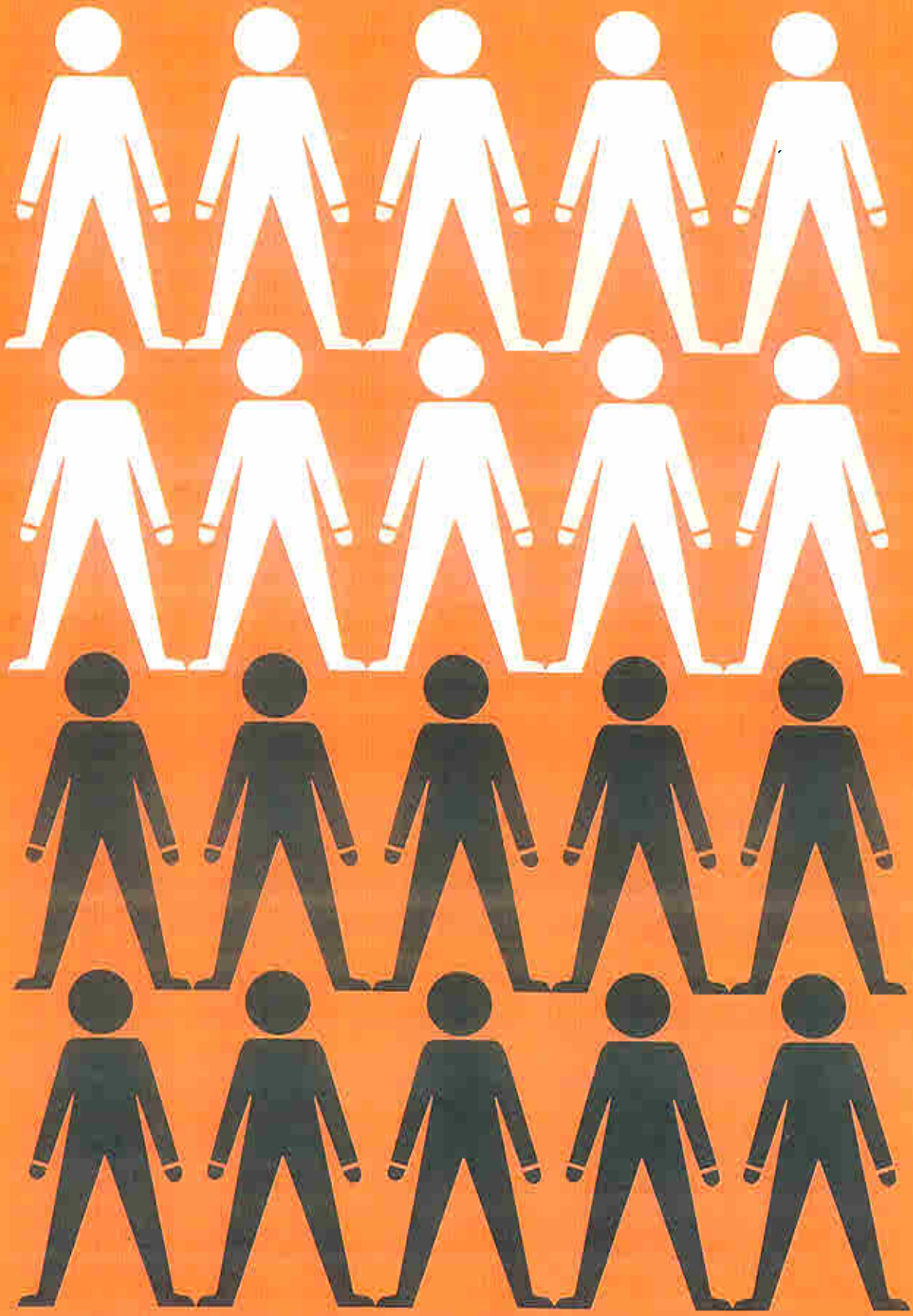
FOR A PERIOD OF 15 MONTHS PRIOR TO THE JUNE 1974 DEADLINE FOR SUBMISSION OF STATE DESEGREGATION PLANS, THE ATTENTION OF ALL INTERESTED PARTIES IN the *Adams* case was focused on a single overriding question: what constitutes an adequate remedy for segregation and discrimination in public higher education? For its part, HEW was in consultation and negotiation with nine states: Arkansas, Georgia, Florida, Maryland, Mississippi, North Carolina, Oklahoma, Pennsylvania, and Virginia. (The tenth state, Louisiana, refused to submit a desegregation plan, and was referred to the U. S. Department of Justice for prosecution.) The National Association for Equal Opportunity in Higher Education, an organization comprised of 110 presidents of public and private predominantly black colleges and universities, filed a brief with the Court of Appeals arguing that the survival of the public black colleges as well as access for black students to post-secondary education would be endangered by any effort of the states to achieve total desegregation. And the attorneys for the plaintiffs, meanwhile, assembled their own criteria for measuring the adequacy of state efforts to eliminate segregation and discrimination. In several of the affected states, coalitions of black citizens were formed to monitor the performance of HEW and state officials, and to press for equitable treatment of minorities in the plans themselves.

HEW did not devise uniform guidelines applicable to all of the states, but chose instead to deal with each state individually. In general, it required that the plans be comprehensive and state-wide, that they enhance rather than threaten the existing black colleges, and that they provide for substantial desegregation of all institutions. Beyond those points, the government's expectations and requirements were spelled out in detail in a series of written communications and face-to-face meetings with state officials.

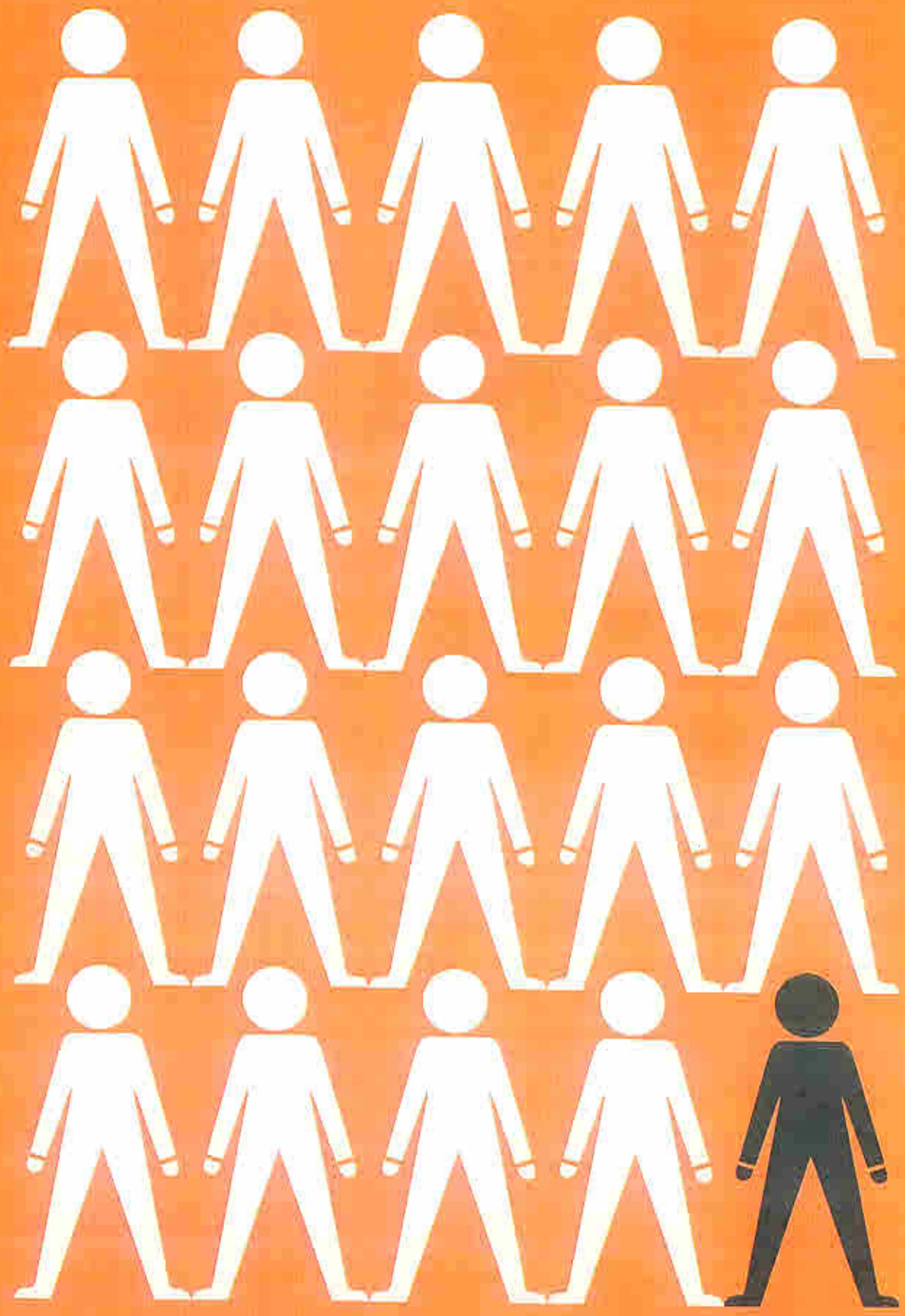
Attorneys and staff for the Legal Defense Fund and the firm of Rauh and Silard, in behalf of the plaintiffs, put together specific criteria and guiding principles which they felt should be used to measure HEW's performance and the resulting responses of the states. Those criteria concerned the comprehensiveness of the plans, the specification of goals and timetables, maximizing the black presence at every level of higher education, the role and scope of each institution, the burden of compliance, the future of the black colleges, the correction of discriminatory financial practices, the extent of black leadership and control, the development of new institutions, faculty and staff employment, the role of junior colleges, student retention, and procedures for monitoring and consultation.

On June 1, 1974, the nine states submitted their final desegregation plans to HEW, and on June 21, Peter E. Holmes, Stanley Pottinger's replacement as director of the Office for Civil Rights and the chief government negotiator of the plans, announced acceptance of eight of the nine submissions. Mississippi, he said, had submitted an acceptable plan for its four-year institutions but no plan at all for its two-year colleges, and thus would be referred to the Justice Department for legal action.

The *Adams* case had thus moved in four years from a complaint to a legal victory, and then to specific promises of corrective action. The conventional wisdom that colleges and universities were desegregated long ago was conclusively dispelled by the evidence presented in the case. Twenty years after *Brown*, and 40 years after Thomas Hocutt initiated his solitary legal complaint, the dual system was still alive in public higher education. Colleges and universities still were viewed by whites and blacks as "ours" and "theirs," and in that continuing separation, manifold inequities persisted.



PERCENT OF WHITE FACULTY IN TRADITIONALLY BLACK PUBLIC INSTITUTIONS



PERCENT OF BLACK FACULTY IN PREDOMINANTLY WHITE PUBLIC INSTITUTIONS

(See page 11.)

STATISTICS AND THE STATES

AT THE TIME OF THE SUPREME COURT'S *BROWN* DECISION IN 1954, SEGREGATION WAS THE DOMINANT AND PREVAILING PRACTICE IN PUBLIC HIGHER EDUCATION, NOT JUST IN THE SOUTH BUT IN MANY OTHER STATES AS WELL.

Nineteen states operated a total of 35 public colleges for blacks only, and their combined enrollment was approximately 50,000. Desegregation of the white institutions in those states was token at best, and at worst nonexistent; at the undergraduate level, the Southern colleges and universities had no black students at all.

Now, 20 years later, the picture has changed. The 35 formerly all-black institutions enroll more than 100,000 students, and whites make up between 5 and 10 per cent of the total. Half a dozen of the schools have become majority-white, or nearly so. And the formerly all-white public institutions in the same 19 states now enroll about 2.5 million students, 5 per cent or more of them black. Unmistakably, the era of rigid segregation has ended.

But raw statistics, like charity, can cover a multitude of sins. Close scrutiny of all the available data on desegregation in public higher education indicates that segregation still exists in many states, and discrimination in a variety of forms perpetuates the advantages enjoyed by the predominantly white institutions and by white citizens generally.

The logical starting point for any examination of race in education is the statistical base, and the inadequacy of the basic information currently available is in itself an indication that racial issues still are unresolved. In almost every state, it is difficult to obtain precise figures on the racial composition of the college-age, college-going, and college-graduating populations. It is likewise hard to make comparisons between predominantly-white and formerly all-black institutions on such matters as state and federal funding, faculty composition, and overall employment patterns. Federal laws and court rulings have required the compilation of some racial statistics, but many educators and state officials have objected to those requirements, and honored them with the barest minimum of cooperation.

Nevertheless, it is possible to glean from a multiplicity of sources enough data to outline some of the problems of continuing discrimination in higher education. First, the chart on the opposite page shows some population and headcount enrollment figures for public higher education institutions in the 19 states which once operated all-black colleges.

The disparity between the percentage of blacks in the population and the percentage enrolled in public colleges and universities is substantial in almost every state. The gap begins early (proportionately fewer blacks than whites graduate from high school) and grows progressively wider: more than 15 per cent of the 90 million people in the 19 states are black, yet public college enrollment in those states is no more than 10 per cent black, and blacks make up approximately 4 per cent of the undergraduate degree recipients, 2 per cent of the graduate and professional school enrollment, and less than 1 per cent of the doctoral degree recipients. Furthermore, a closer look at enrollment in any given state is apt to show that the largest proportions of black students are in the traditionally black institutions and the urban junior colleges, while the senior state universities which have the most prestige and the widest array of programs tend to enroll the smallest percentage of black students.

In the area of faculty employment, the inequities are even more pronounced. In a number of states —Georgia, Maryland and North Carolina, to name just three—one-fifth to one-half of the faculty members in the predominantly black colleges are white, but in the white institutions of those same states, blacks make up less than 5 per cent, and in many cases less than 2 per cent, of the teaching staff. Almost without exception, the percentage of black faculty members in a state's institutions is lower than the percentage of black students. Reginald Stuart, in a series of reports published by the John Hay Whitney Foundation in 1973, noted that all but eight of the 413 black faculty members in Mississippi are in the traditionally black institutions, and in Tennessee, Virginia and Florida, Stuart found a similarly low number and percentage of black teachers, likewise concentrated in the black colleges.

Faculty pay, rank and experience are also problem areas. To cite one example: the University of Arkansas at Pine Bluff, formerly an all-black school, pays its instructors an average of $2,000 less than instructors at the university's main campus in Fayetteville receive; UAPB assistant professors get $3,500 less, associate professors get $5,000 less, and full professors get $7,000 less. In fact, UAPB's pay scale ranks below every other public college and university in the state, and the Pine Bluff institution also has the smallest percentage of faculty with doctoral degrees and the largest percentage of instructors. Similar disparities can be found in many other states.

The governance of public higher education—not to mention its administration—is heavily concentrated in white hands. Decision-making responsibility and power are widely dispersed in some states and tightly concentrated in others, but in few states

STATE POPULATION DATA AND ENROLLMENT FOR PUBLIC COLLEGES IN 19 STATES WITH PERCENTAGES

State	Total 1970 Population	Black Population (and Percentage)	Percentage of Black Population that is College-Age (18-24)	Enrollment, Fall, 1973, Public Institutions	Public Black Enrollment (and Percentage)
ALABAMA	3,444,165	903,467(26.2)	25.4	109,379	15,300(14.0)**
*ARKANSAS	1,923,295	352,445(18.3)	17.6	42,096	5,009(11.9)
DELAWARE	548,104	78,276(14.3)	14.7	25,000	3,000(12.0)***
*FLORIDA	6,789,443	1,041,651(15.3)	16.6	225,000	20,500 (9.1)**
*GEORGIA	4,589,575	1,187,149(25.9)	25.2	108,907	12,734(11.7)
KENTUCKY	3,218,706	230,793 (7.2)	7.4	89,731	5,770 (6.4)
*LOUISIANA	3,641,306	1,086,832(29.8)	29.2	115,454	24,204(21.0)
*MARYLAND	3,922,399	699,479(17.8)	18.4	140,605	23,951(17.0)***
*MISSISSIPPI	2,216,912	815,770(36.8)	38.3	70,060	18,396(26.2)
MISSOURI	4,676,501	480,172(10.3)	10.5	137,550	8,500 (6.2)**
*NORTH CAROLINA	5,082,059	1,126,478(22.2)	22.0	149,842	26,782(17.9)
OHIO	10,652,017	970,477 (9.1)	9.3	298,098	20,000 (6.7)***
*OKLAHOMA	2,559,229	171,892 (6.7)	7.0	99,121	5,861 (5.9)
*PENNSYLVANIA	11,793,909	1,016,514 (8.6)	9.0	261,501	18,672 (7.1)
SOUTH CAROLINA	2,590,516	789,041(30.5)	28.9	66,361	9,000(13.5)**
TENNESSEE	3,923,687	621,261(15.8)	15.8	113,225	12,168(10.7)
TEXAS	11,196,730	1,399,005(12.5)	12.5	454,925	33,000 (7.2)**
*VIRGINIA	4,648,494	861,368(18.5)	17.0	149,368	20,733(13.9)
WEST VIRGINIA	1,744,237	67,342 (3.9)	3.6	58,057	1,161 (2.0)

*Adams states.

**Estimated figures; states said data not available.

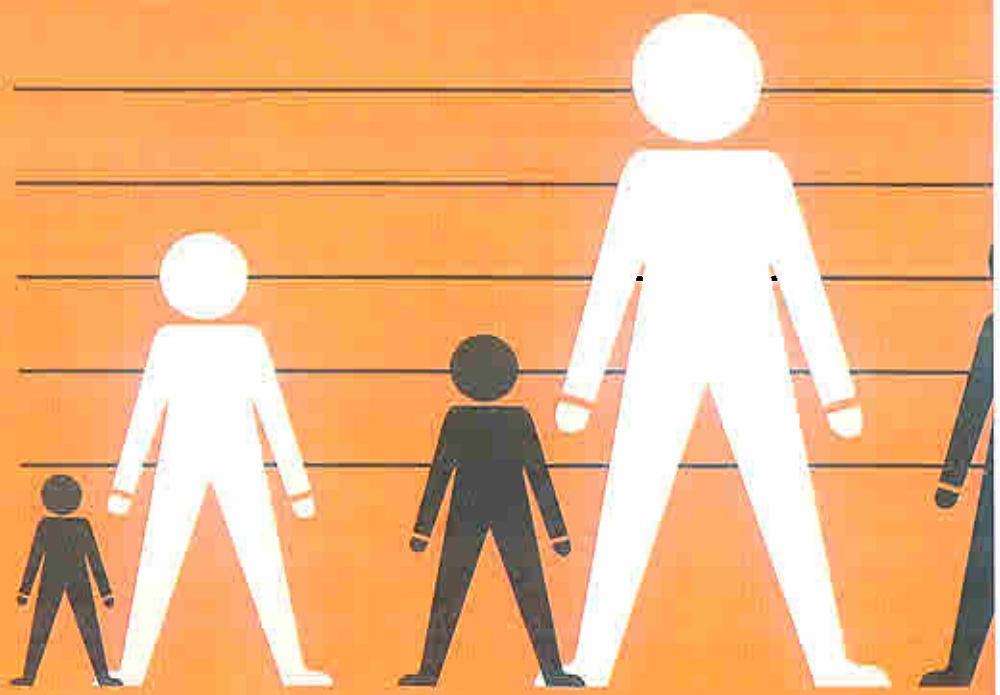
***Estimates based on partial data supplied by states.

College-Age Black Population Data (column 3): Characteristics of Population: 1970, Chapter B, Table 19.
Enrollment data (column 4) from state higher education officials.
Population figures: U. S. Census, 1970.

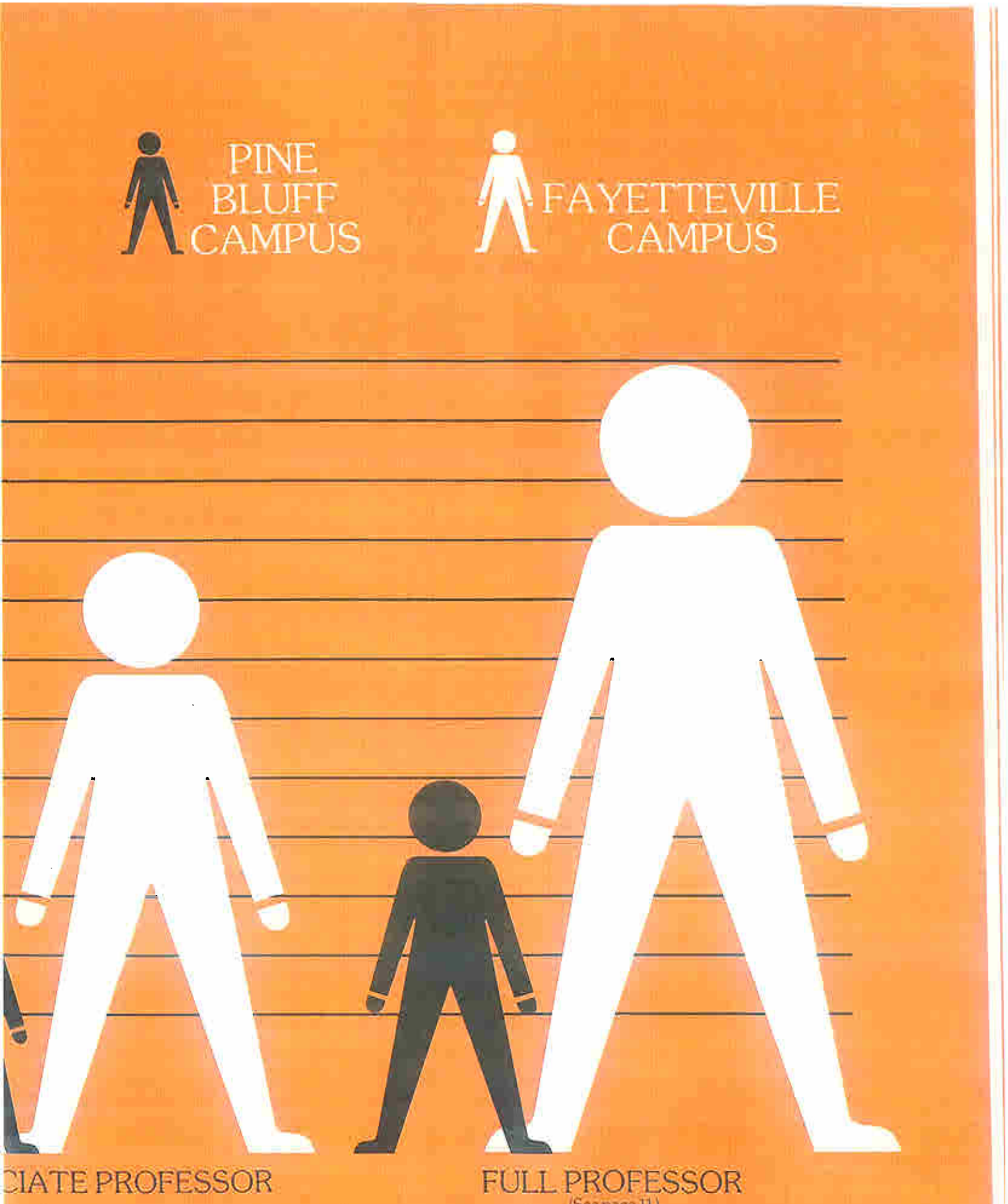
AVERAGE FACULTY PAY
UNIVERSITY OF ARKANSAS

(AS REPORTED IN THE ARKANSAS PLAN SUBMITTED TO HEW)

$19,000
$18,000
$17,000
$16,000
$15,000
$14,000
$13,000
$12,000
$11,000
$10,000
$ 9,000
$ 8,000



INSTRUCTOR ASSISTANT PROFESSOR A


PINE BLUFF CAMPUS
FAYETTEVILLE CAMPUS
CIATE PROFESSOR
FULL PROFESSOR

(See page 11.)

do blacks play more than a solitary or token role. The chart on the facing page shows the membership by race of major decision-making boards as they existed in Fall 1973 in several states.

Numerous other examples can be cited to support the charges of the plaintiffs in *Adams* v. *Richardson* that segregation and discrimination have been perpetuated in the dual systems of public higher education. A few more illustrations will suffice:

IN RECENT YEARS, the federal government and most states have raised their appropriations to the public black colleges, and some now employ "equity funding" formulas. But "equity" in this context is a misnomer, for it fails to make up for previous underfunding of the black colleges and locks them in a position of permanent disadvantage compared to the formerly all-white schools.

THE COMBINATION of low black enrollment in graduate and professional schools (under 5 per cent nationwide, and only about one-half that percentage in the South) and the lack of graduate and professional degree programs in the public black colleges (only three law schools, 17 masters degree-granting institutions, and one or two doctoral programs) keeps the available pool of black faculty members and administrators at a low level, with no immediate prospect of improvement.

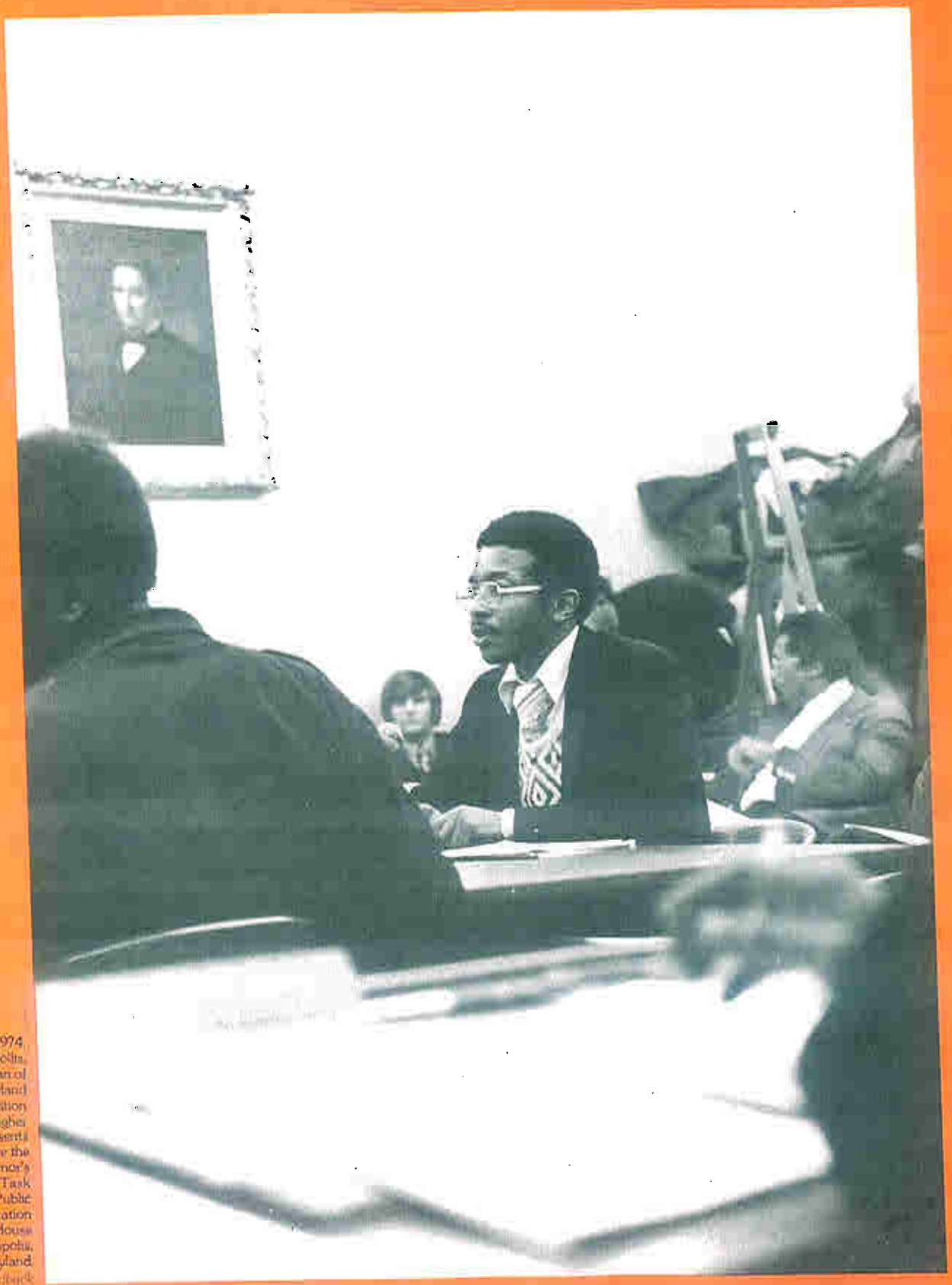
DISCRIMINATION exists in the distribution of state financial aid to students. For example, a state scholarship program in Maryland gives less than 5 per cent of its annual allocation of over $1 million to students at the four traditionally black colleges in the state, and in 1972, more of the money went to Loyola, a private college with 3,500 students, than to the four black colleges combined.

FINALLY, WHILE THE states have moved some distance beyond rigid segregation in their colleges and universities, it is still true that most of their black colleges enroll few whites, and most of their white schools enroll and employ insignificant numbers of blacks. Fewer than 1,000 of the 13,400 students in North Carolina's public black colleges are white, and on the five campuses of the University of North Carolina, less than 5 per cent of the 37,000 students are black.

Disparities such as these produced the grievances which led to the *Adams* litigation. During the long process of plan-drafting and negotiations between state and federal officials, the black coalitions in the several states served in an unofficial capacity as consumer-protection groups, to the end that they could be well informed about precisely what HEW required and did not require of the states, and fully familiar with what the states submitted in response. A look at the work of the coalitions provides a useful preface to a review of the plans themselves.

BLACK REPRESENTATION ON SELECTED BOARDS OF CONTROL

Name of Board	Membership	Blacks
University of Alabama Board of Trustees	13	0
Florida State Board of Regents	9	1
Georgia University System Board of Regents	15	1
Louisiana State University Board of Supervisors	15	0
University of Maryland Board of Regents	13	2
Mississippi Board of Trustees for Institutions of Higher Learning	12	1
University of North Carolina Board of Governors	32	6
Board of Trustees of the University of South Carolina	20	0
University of Tennessee Board of Trustees	21	0
University of Virginia Board of Visitors	15	0



January 7, 1974. Meldon Hollis, Vice Chairman of the Maryland Black Coalition for Higher Education presents testimony before the Governor's Desegregation Task Force for Public Higher Education at the State House in Annapolis, Maryland.
Diamondback

BLACK COALITIONS IN THE *ADAMS* STATES

MORE THAN A YEAR BEFORE THE *ADAMS V. RICHARDSON* LAWSUIT WAS FILED, A SMALL NUMBER OF BLACK PROFESSORS, ADMINISTRATORS AND STUDENTS IN THE UNIVERSITY of Maryland system organized themselves to investigate a wide range of issues affecting blacks. Between January 1970 and the spring of 1973, when the *Adams* case was decided in favor of the plaintiffs, the Maryland Black Coalition became an active and independent force for change. It held meetings with black legislators and professional leaders in the state, with Governor Marvin Mandel, with the state's Congressional delegation, with the University of Maryland Board of Regents, and with officials of the U. S. Department of Health, Education, and Welfare. The coalition pushed for—and got—blacks appointed to the Board of Regents, and got a commitment from the board to increase significantly the number of black students and faculty in all of its units. It investigated and exposed conditions of gross inequity at the University of Maryland-Eastern Shore, formerly an all-black campus, and held public hearings on conditions at another of Maryland's public black colleges, Coppin State. In the process, the coalition won the support and active involvement of the major civil-rights and activist organizations in the state, along with the respect of the governmental and higher educational power structure.

The work of the Maryland Black Coalition came to the attention of the Legal Defense Fund while its attorneys were engaged in the *Adams* litigation. After the issuance of Judge Pratt's order and its affirmation by the Court of Appeals, the Division of Legal Information and Community Services of LDF offered technical assistance to black groups in several states, helping them to form citizen groups such as the one in Maryland. The Southern Education Foundation and other private foundations supported these activities.

In November of 1973, representatives from nine states met with LDF officials in Baltimore to discuss ways in which they could assure equitable treatment of blacks in the state desegregation plans then being formulated, and also evaluate and monitor the plans once they were completed. The Maryland group was the host for that meeting, and the model for most of the black coalitions that subsequently were formed. By the spring of 1974, these additional groups had been organized:

THE BLACK MISSISSIPPIANS' COUNCIL ON HIGHER EDUCATION

The primary intent of this council, its organizers asserted, was to assure that the courtroom victory in *Adams* resulted in measurable and substantive gains for blacks. "We have learned," said one of them, "that while the law is a useful and essential tool, it only serves to set the stage for other forms of implementing action. Litigation must be linked with social and political action if the rights and benefits gained in law are not to be permanently evaded in fact. The council came into being to insure that the ultimate responsibility for the enforcement and monitoring of judicial relief obtained in higher education litigation in Mississippi will rest primarily with the beneficiaries of such relief."

THE ARKANSAS AD HOC STRATEGY COUNCIL ON HIGHER EDUCATION.

Drawing its membership from the leadership of state-wide black organizations, from the state's four black legislators and black higher education trustees, and from the predominantly black University of Arkansas at Pine Bluff, the Arkansas council held meetings with higher education officials and with Governor Dale Bumpers. Its primary aims have been to increase black membership on the three public higher education governing boards and to assure prompt implementation of an equitable and comprehensive state-wide desegregation plan.

THE NORTH CAROLINA ALUMNI AND FRIENDS COALITION.

Representatives of the alumni associations of North Carolina's five predominantly black public institutions formed the nucleus of that state's coalition. The group's stated purpose was to "assure that changes coming as a result of the HEW mandate and state initiatives to desegregate public higher education do not have an adverse impact on the black community." Inequalities in funding, low priority given to the development of predominantly black institutions, and the limited access to blacks to the total system of higher education were cited as problems needing high-priority attention. These concerns were presented by the coalition to the statewide higher education planning committee designated by the Governor to develop the North Carolina desegregation plan.

THE BLACK COALITION FOR EDUCATION IN THE STATE OF OKLAHOMA.

The impetus for the formation of the Oklahoma coalition came from supporters of Langston University, the state's only black public institution. Their stated purpose was to "protect and preserve" Langston, and to assure equal treatment of blacks throughout the state's system of higher education.

THE BLACK COALITION ON HIGHER EDUCATION IN GEORGIA.

Prior to the Georgia coalition, a biracial group had been investigating desegregation issues in the state's colleges for several years. The Black Coalition was formed in December 1973, and the group met with state and federal education officials during the development of the Georgia state-wide plan. It analyzed each of the subsequent plans submitted to HEW by the state University System.

THE LOUISIANA COALITION FOR DISMANTLING THE DUAL SYSTEM OF PUBLIC HIGHER EDUCATION.

Southern University and Grambling College, Louisiana's two black public institutions, and the state chapter of the NAACP provided most of the membership of the Louisiana coalition. When state officials refused to submit a desegregation plan to HEW and subsequently were sued, the black coalition became divided on what course of action it should take. One group wanted the state to develop a comprehensive desegregation plan; another preferred to concentrate on strengthening the black institutions as a first priority. The coalition was unofficially disbanded for a brief time, but in May 1974 it was reactivated to monitor proceedings in the U. S. Department of Justice suit against Louisiana.

BLACK CONCERNED CITIZENS FOR HIGHER EDUCATION IN FLORIDA.

A group of 36 black citizens from throughout Florida met in January 1974 and petitioned Governor Reubin Askew for more black participation in the initiation and development of Florida's desegregation plan. They asked for assurance that blacks be significantly involved in the implementation and evaluation of the plan should it be approved by HEW. They asserted that the efforts of state higher education officials thus far had placed the burden of the desegregation process on Florida A&M University, the only public black institution, rather than on the total state system. Governor Askew subsequently appointed a state-wide biracial committee to monitor the plan after its approval by HEW.

THE VIRGINIA BLACK HIGHER EDUCATION COALITION.

The federal court's requirement that Virginia submit a comprehensive higher education desegregation plan to HEW was the primary cause for the formation of the Virginia coalition. Since December 1973, the coalition has reviewed each of the state's submitted plans. Through press conferences and public meetings attention has been drawn to a variety of issues affecting blacks in the state system.

WITH VARYING DEGREES OF SUCCESS, THE STATE COALITIONS HAVE TRIED TO PROVIDE A VOICE FOR BLACK CITIZENS IN THE PLANNING FOR HIGHER EDUCATION DESEGREGATION. THE MEMBERSHIP AND PRIORITIES OF THE COALITIONS HAVE DIFFERED from state to state, but in general, they have all had the same objective: to erase the remaining vestiges of discrimination and inequity in public higher education. All of the groups were particularly concerned about the plans the states prepared for HEW, and one of the coalitions—the Mississippi group—drafted an alternative to the state's official plan and submitted it to HEW officials. In Maryland, the Chairman of the Maryland Black Coalition was one of 12 members appointed by the Governor to prepare the desegregation plan for the state.

But when the final plans were approved by HEW, most of the black coalitions were disappointed with the results. As the following brief summarizations suggest, the proposals from the states generally fell short of providing system-wide equity for blacks and other minorities.

June 11, 1963. Governor George Wallace continues to make his point that the University of Alabama at Tuscaloosa will not be desegregated. Deputy Attorney General Katzenbach listens.
(See page 21)
Wide World Photos

THE RESPONSES FROM THE STATES

BETWEEN THE SPRING OF 1973, WHEN JUDGE PRATT FIRST RULED AGAINST HEW, AND THE SUMMER OF 1974, WHEN THE FEDERAL AGENCY ACCEPTED DESEGREGATION PLANS FROM EIGHT STATES, THE VOLUME OF WRITTEN COMMUNICATION AMONG ALL INTERESTED parties multiplied rapidly. The final plans submitted by the states in May and June ran to hundreds—and in some cases thousands—of pages. Adequate abbreviation of such voluminous documents obviously is not possible in this brief report, but the most visible strengths and weaknesses can be cited:

ARKANSAS.

In a general way, the Arkansas plan promises several changes: desegregation of governing bodies, increased minority student access and retention, more financial support for desegregation programs, and equal employment opportunity. But particulars are scarce. No numbers are mentioned in the discussion of governing boards; a couple of institutions in the system say specifically what they hope to accomplish in minority student admissions and retention, but for the system as a whole, no projections are made; money for most of the proposed changes is dependent upon the generosity of the 1975 state legislature; and desegregation of faculties is left to individual institutions. The University of Arkansas at Pine Bluff, the only traditionally black public institution in the state, supposedly will get extra funds to modernize its physical plant and to recruit white students. But little is said about changing the role and scope of that institution, and no realignment of curriculum or degree offerings is proposed which would further desegregation. On the whole, the Arkansas plan appears to call for the addition of some whites at Pine Bluff, the addition of a smaller percentage of blacks at the other campuses, and no major changes in the programs and services of any school.

FLORIDA.

In organization and tone, the Florida plan is a sophisticated document. It responds to each HEW requirement and suggestion with a specific promise of action, and it includes some definite expenditure projections and some future research commitments. It also pledges that the plan will be monitored by a six-member biracial lay review committee. On the other hand, the plan proposes a $2 million incentive scholarship program to attract white students to Florida A&M University, the only black public institution, but no funds at all to help increase black enrollment in the white schools. It proposes to allow a 10 per cent exception to the standard university admission requirement, without questioning the adequacy of the Florida 12th Grade Placement Test upon which the requirements are based. The plan includes several proposals for the strengthening of Florida A&M, but says little about programmatic changes in the other eight universities, and deals only in a general way with the state's 28 junior colleges, which have not been especially useful to blacks in the past. Implementation of the Florida plan will rest with the State Board of Regents and the State Board of Education, and the division of responsibilities between the two is not always clear.

GEORGIA.

There is a high degree of centralized governance over Georgia's four universities, 12 senior colleges and 14 junior colleges, but only one of the 15 members of the State Board of Regents is black, and the plan includes no commitment for a more equitable representation, even though more than one-fourth of the state's citizens are black. The plan proposes increases in black students and faculty, but most of the increases apparently will take place in the junior colleges. There is considerable discussion in the plan of cooperative ventures between the three black senior colleges and nearby white institutions, but the weight of the discussion is in the direction of increasing white enrollment in the black colleges; no curricular changes are proposed to increase the pool of black students, or to expand black enrollment in the white institutions. Most of the costs of the plan apparently will be met without additional appropriations.

MARYLAND.

Aside from some centralized recruiting and reporting functions to be undertaken by the state, most of

CIVIL RIGHTS

TITLE VI—NONDISCRIMINATION IN

Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Sec. 602. . . . Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, . . . no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means . . .

ACT OF 1964
FEDERALLY ASSISTED PROGRAMS

APPROXIMATE FEDERAL FUNDS TO PUBLIC HIGHER EDUCATION SYSTEMS 1971-1972

(The following figures represent the approximate amounts of federal funds which were appropriated for support of public post-secondary institutions in the *Adams* states for 1971-72. These figures, also, indicate the estimated amount of funds which states stood to lose had HEW found them to be in non-compliance.)

ADAMS STATES	FEDERAL ALLOCATIONS
ARKANSAS	$23,327,000
FLORIDA	62,689,000
GEORGIA	36,028,000
LOUISIANA	17,919,000
MARYLAND	46,078,000
MISSISSIPPI	35,706,000
NORTH CAROLINA	79,217,000
OKLAHOMA	26,198,000
PENNSYLVANIA	79,158,000
VIRGINIA	45,487,000

Source: Financial Statistics of Institutions of Higher Education
CURRENT FUNDS REVENUES AND EXPENDITURES 1971-72
U.S. Department of Health, Education, and Welfare
Washington, D.C. 1974

the changes embodied in the Maryland plan are left up to the University of Maryland with its four campuses, the six state colleges (three of them historically black), and the 16 two-year community colleges. There is little in the plan to mitigate duplication of academic programs, particularly in the Baltimore area, where several public institutions, including two black colleges, are located. The junior colleges project a 17.5 per cent black enrollment by 1980 and the university and state colleges project a somewhat higher percentage of black students by that year. No specific funding commitments are made to cover the costs of higher education desegregation in the state.

North Carolina.

In spite of the fact that the five branches of the University of North Carolina and 11 other senior institutions (including five traditionally black ones) are governed by a single board, the North Carolina desegregation plan leaves most of the responsibility for change to the individual institutions. The 57 community colleges, which are controlled by the State Board of Education, are likewise lacking in any comprehensive strategies for desegregation. An examination of the promises made by each of the institutions suggests that black enrollment in the formerly all-white institutions will not increase significantly in the next five years, nor will the percentage of black faculty in those schools. The state promises to study further such things as duplication of curricular offerings and resource disparities between black and white schools, but no prompt correction of those problems is proposed. Financially, the state makes almost no new commitments in its plan.

Oklahoma.

Junior colleges, which are open-admission institutions, are expected to be the primary access point for minorities and educationally disadvantaged students in Oklahoma. The state's plan proposes to make Langston University, the only black institution, 20 per cent white and new curricular programs are being added there. Aside from the proposals for the junior colleges and Langston, the Oklahoma plan says little about the two major universities and the nine other senior institutions. Nothing in the plan concerns the state's sizable Indian population. The state promises to study the impact of current admissions procedures and financial aid distribution to see how they affect minorities. No goals or projections concerning student and faculty desegregation are provided. The basic position taken by the state is that it is already in compliance with federal desegregation laws.

Pennsylvania.

Neither the senior state university nor the community colleges of Pennsylvania are covered by the state's desegregation plan; it deals only with the 14 state colleges which make up a single system. One of the 14 is historically black Cheyney State College. (Ironically, HEW accepted Pennsylvania's plan without a junior college component, but rejected the plan from Mississippi because it excluded the state's two-year institutions.) An imaginative proposal to increase black enrollment in the 13 predominantly white state colleges is included, and specific programmatic changes at Cheyney are listed. But the plan says nothing about black representation on governing boards, and gives no projections for increased black faculty and staff desegregation.

Virginia.

The gist of Virginia's communication to HEW is indicated by four assertions: that the state is already in compliance with anti-discrimination laws, that the state's two public black colleges receive a fair share of the total resources, that tremendous progress has been made to increase the percentage of blacks in college, and that equal employment opportunity is a strong pledge of the state's present administration. The submission from Virginia is not a desegregation plan; it is virtually devoid of specific proposals, other than a promise to report regularly on the racial characteristics of the state system. Governance of the 15 senior colleges and universities and 23 community colleges in Virginia is primarily the responsibility of separate boards for each school. Those boards presumably will be responsible for enforcing compliance with federal law, but they neither drafted nor approved the state's final response to HEW, and nothing in the document is binding on those boards. "HEW asked for very little from Virginia," observed one closely involved federal official, "and that's exactly what it got: very little."

NOW THAT THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE'S OFFICE FOR CIVIL Rights has accepted these responses, the eight states thus favored have what constitutes an official position on the matter of desegregation of public higher education. HEW's acceptances may be challenged in the courts, but even if they are not, the issue of equity will still be unsettled. Whether the states achieve full compliance with federal law depends upon how faithfully they carry out the promises they have made. Several of the states have set up independent, biracial review boards to assess progress in the implementation of the desegregation plans. The state coalitions of black citizens interested in higher education have also begun to concentrate on monitoring and evaluating the activities of the state colleges and universities.

The evolution of the *Adams* litigation and the final responses of the states to the HEW directives bring several of the underlying issues in the long dispute into clear focus. What follows here is a delineation of those issues.

STUDENT ISSUES.

Access to higher education at all levels is of crucial importance. Under equitable circumstances, approximately the same proportion of college-age blacks and other minorities as of whites the same age should be enrolled in college, and the same proportions should be reflected in graduate and professional schools and in degree recipients. Those conditions do not prevail now, and the need, therefore, is to increase the pool of college-going minority students, rather than simply to redistribute the underrepresented proportions of blacks and others. The use of standardized tests as culling devices, the inadequacy of recruitment programs, and the lack of sufficient financial aid are all factors contributing to underrepresentation, and need critical review. Curriculum changes, student support programs, and the overall atmosphere of the campuses are three other areas where major adjustments may be needed.

EMPLOYMENT.

The number and percentage of black faculty members and administrators remains low in most predominantly white public institutions—far lower, as a rule, than the number of whites on black college faculties. One explanation for this discrepancy is the historic practice of discrimination in hiring. Another factor, less obvious but equally important, is the long-term failure of graduate schools to produce sufficient numbers of black and other minority graduates. Whatever the causes, the ranks of college teaching and administration should be thoroughly desegregated, and the development of unitary systems of higher education should result in greatly expanded opportunities for blacks and other minorities—in the top administrative positions, in the academic disciplines, in extension and auxiliary services, and in the overall job market. In awarding contracts for goods and services, colleges and universities should move aggressively to provide opportunities for minority businesses.

ACCOUNTABILITY.

The desegregation plans of the several states do not always make clear the delegation of authority and responsibility for implementation. Every state should specify the political officials, boards and administrators to be held accountable for satisfactory completion of the goals, objectives and timetables.

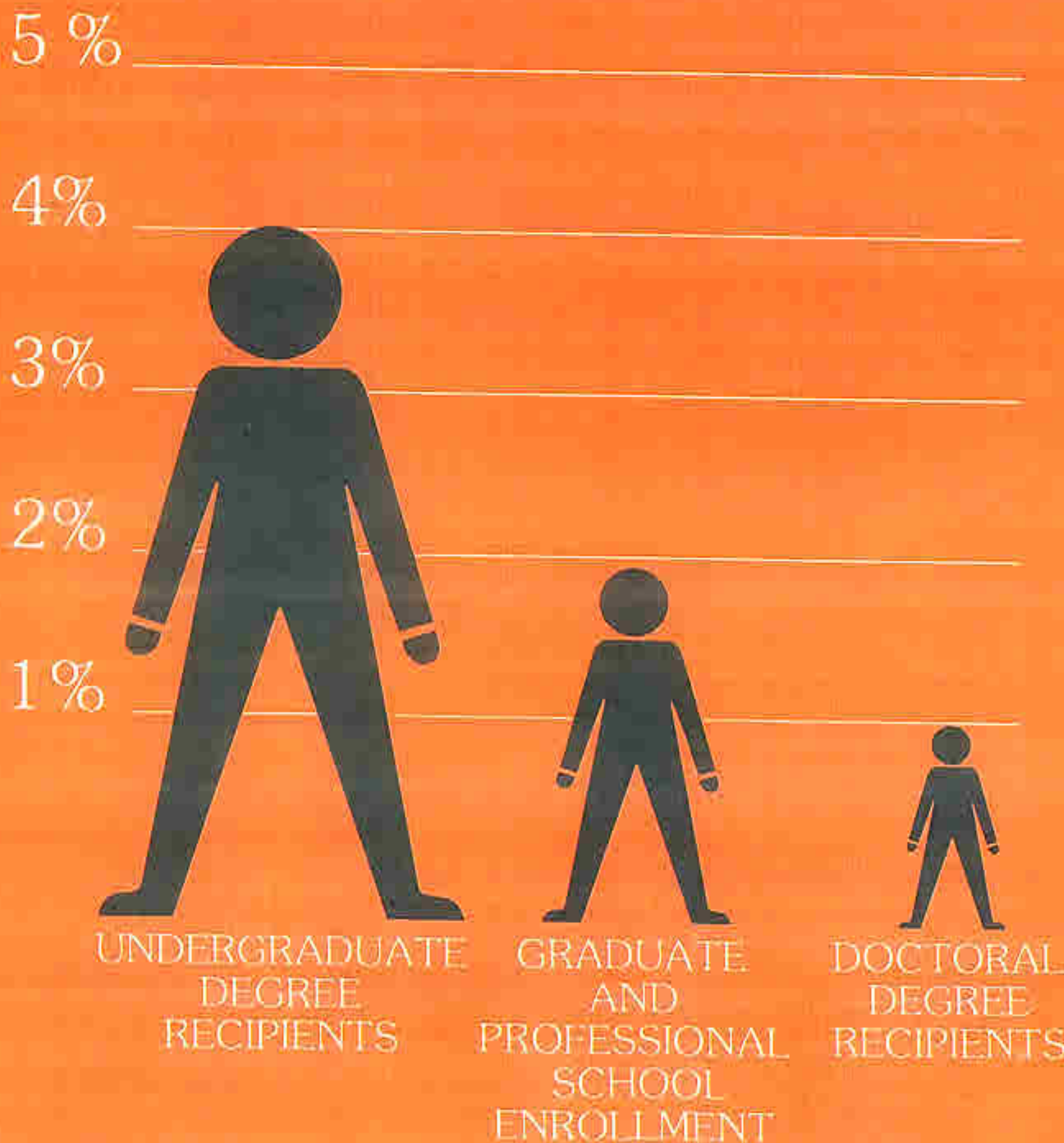
FINANCIAL SUPPORT.

The development of equitable and unitary systems of higher education can be expected to require substantial increases in funding. Few of the states submitting plans to HEW pledged themselves to make new financial commitments of any magnitude—and HEW, for its part, has said nothing at all about making federal funds available to desegregating colleges and universities. Without financial support, the correction of past and continuing inequities will be seriously hampered.

THE BLACK COLLEGES.

Finally, the issue of the future of the public black institutions must be completely and satisfactorily resolved. In the past, they were segregated by law, not by choice; to close them or downgrade their status now would be to punish the victims for the crime of segregation. Equity demands that they not be required to bear the burden of change alone. In the development of unitary systems of higher education, the states must make a concerted effort to insure that their formerly all-black colleges and uni-

BLACK STUDENT PARTICIPATION IN PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN NINETEEN STATES



(See page 11)

versities become fully equal partners in the system. Each state is different, and each institution is different; no formula for the future can be uniformly applied to all. But in the process of creating new programs, realigning curricula, and assigning personnel, it is incumbent upon the states to make certain that the traditionally black institutions—and black citizens generally—have an expanded and fully representative role to play in the development of unitary higher education systems.

THESE WILL BE THE PRINCIPAL ISSUES AND AREAS OF CONCERN IN THE COMING MONTHS and years as the *Adams* states—indeed, all states—move to eradicate discriminatory practices in their colleges and universities. It was almost coincidental that the *Adams* litigation focused on 10 states; nine other states which formerly practiced legalized segregation could have been included, and in a larger sense, every American state is still confronted with problems of racial discrimination in its colleges and universities.

As in the *Brown* case, the courtroom decision for equal rights in *Adams* signaled the beginning of justice, not the achievement of it. It will require the good will of the states and their higher education institutions, the persistence of the federal government and the courts, and the determined watchfulness of black and white Americans committed to equal justice and equal opportunity to make the promise of *Adams* v. *Richardson* a living reality.

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