

State Governors Consider School Problems

EDUCATION in the several states was a topic of interest at the Annual Governors' Conference, which was held in Seattle, Washington, last August.

Financial support of public education has become an increasingly critical problem in all the states. Some governors felt that there were extreme pressures from lay as well as from professional education groups demanding more adequate provision for the schools.

All Chief State Executives were concerned about the need for greater and greater funds to take care of the rapidly growing school enrollments. Some faced the situation with pride in the accomplishments of their schools and courage in seeking means to better meet the state's responsibility to its children. Other governors were fearful of the increased need for money and of the activities of school lobbies.

A topic of concern was the extent or range of public education which the state should help provide. Education has gradually expanded over a long period of time to include kindergarten, community colleges, adult education and a number of special services. The governors raised the issue as to whether this trend should be stemmed or perhaps reversed.

Governor John Lodge of Connecticut summed up the earnest desire of many to give leadership in strengthening public education.

"Effectiveness of our system of education involves our very survival as a free people. . . . Let us see that our

children emerge from our centers of public education as well equipped as are the modern buildings in which they are taught."¹

School Finance

Financing the schools was a topic of major interest. How large a share of the state's tax resource should go into education? What additional sources of funds are to be found? Proposals for assuming responsibility for providing financial support ranged from extremes of self-support by local school districts to comprehensive state-financed programs. Governor Fine of Pennsylvania claimed that a tremendous sum of money could be saved if the entire cost of public school education were borne by the state.

Finding a means of combating inequalities in assessments of property valuation was considered a great need in most states. If property could be assessed on equal terms the result would be an increase in revenue without a change in rate.

The governors expressed a concern for ways of knowing whether the states were getting their money's worth in the tax dollars spent for educational purposes. Concern was expressed over the expenditures wasted because of the number of extremely small school districts. In many states, particularly in the Midwest, reorganization has moved slowly. Education programs in very

¹ *Seattle Post Intelligencer*, August 6, 1953.

small districts are costly and often are poor in quality.

Methods of dealing with the teacher shortage, especially in the elementary field, were discussed. The governors recognized the need for salaries in line with living costs, for adequate facilities and equipment and for an attitude of respect in the community.

The fact that the Chief Executives of the states spent an entire half-day in a spirited discussion of school problems

is heartening in itself. As would be expected, there were divergent views.

It is evident that there is always a continuing need in each state for efforts to secure the understanding and cooperation of all citizens in preserving and developing a system of education commensurate with the demands of this dynamic, democratic society.

—JOYCE COOPER, assistant superintendent in charge of instruction, State of Washington, Olympia.

Who Legally Is a "Colored" Pupil?

THE EYES of the nation have been on the United States Supreme Court and will continue to be in the months directly ahead. The reason is that the Supreme Court has become the focal point of a struggle in many of the states against the changing of long-established racial traditions. The issue which has been forced to the front is the constitutionality of state laws requiring or permitting the segregation of the races in the public schools.

Regardless of the outcome of the five cases pending now, boards of education will continue to be plagued with a related problem: what is the status of a pupil with regard to his color? In the event of a "separate but equal" decision, the question remains. If segregation, per se, is declared to violate the rights of individuals, attendant difficulties loom. During any so-called "transition period" and in those areas where local zoning regulations determine where whites and Negroes can attend school, issues will harass those faced with making decisions.

¹A substantial number of the references made in this paper to court decisions are taken from Fred Edwin Brooks, "The Legal Status of the Pupil in the American Public Schools: A Study of Common-Law Principles." Unpublished Doctor's dissertation, University of Chicago, 1948.

Cases have come to the courts in substantial numbers in which the problem was that of determining the status of the pupil with regard to his color.¹ The Supreme Court of Louisiana gave this definition of a colored person:

"The word 'colored' when used to designate the race of a person is unmistakable, at least in the United States. It means a person of Negro blood, pure or mixed; and the term applies no matter what may be the proportions of the admixture so long as the Negro blood is traceable."²

In Kentucky the court upheld the trustees of a school district in excluding from school for white children, children who were fair complexioned and had no Negro characteristics but who had at least one-sixteenth Negro blood.³ A child whose mother's grandmother was a slave (and approximately one-fourth Negro) was held by the court to be colored and therefore not entitled to attend the school for the white pupils.⁴

²*State v. Treadway*, 126 La. 300, 52 So. 500 (1910).

³*Mullins v. Belcher*, 142 Ky. 673, 134 S.W. 1151 (1911).

⁴*Asher v. Hoffman*, 295 Ky. 312, 174 S.W. (2d) 424 (1944).

In Arkansas the court held that any trace of Negro blood was sufficient reason to classify a pupil as colored.⁵ This same principle of "any trace" was supported in Arkansas by a subsequent case.⁶

Virginia has provided in its code the following guide to boards of education in determining the status of children with mixed blood: "Every person having one-fourth or more Negro blood shall be deemed a colored person." As a result, a parent residing in the state petitioned the court for a writ of mandamus to compel the board of education to admit his two children to a school for white children only. One of the questions before the court was whether the board of education had the discretionary power to decide whether the children had more than the "legal amount" of Negro blood. The court held that the board did have such power and held further that it should not interfere with the power or attempt to control it.⁷

In the State of Mississippi the Supreme Court held that any one who had Negro blood belonged to the colored race.⁸ It was not so liberal as the Virginia court which gave the school board judicial power in making the decision. In Mississippi a child born of Chinese parents was excluded from the schools for white children on the ground that she was a colored child.⁹ This clearly seems to be an exception to the common understanding of "colored persons" which refers

⁵ *State v. Board of Directors*, 154 Ark. 176, 242 S.W. 545 (1922).

⁶ *Black v. Lenderman*, 156 Ark. 476, 246 S.W. 876 (1923).

⁷ *Eubank v. Boughton*, 98 Va. 499, 36 S.E. 529 (1900).

⁸ *Moreau v. Grandich*, 114 Miss. 560, 75 So. 434 (1917).

⁹ *Gong Lum v. Rice*, 275 U.S. 78, 48 S.Ct. 91 (1927).

Freedom to Enjoy Music

A music classroom's accent should be on freedom and enjoyment. When it is, the learning of music becomes one of the great experiences of life.

This vital atmosphere does not "just happen." It is the result of the right conditions for learning, conditions that encourage pupils to reach out and explore for themselves the friendly world of music. The classroom environment, teacher-pupil relationships, and the instructional materials all contribute to an atmosphere free from the restraints of meaningless routine.

NEW MUSIC HORIZONS and other school music materials published by *Silver Burdett Company* give pupils many opportunities for self-expression. The variety of songs and activities provides for their individual needs and interests at each grade level. Such materials help to create freedom for pupils to know the joy of music.

SILVER BURDETT COMPANY

45 East 17th St., New York 3, N. Y.
Chicago • Dallas • San Francisco

to persons of the Negro race or with some admixture of Negro blood. The courts have held that any appreciable admixture of Negro blood constitutes a person as "colored" within the meaning of the law governing school attendance.¹⁰

In the District of Columbia, under an act of Congress providing for separate schools for white and colored children, a child whose physical appearance in no way indicated that she had Negro blood was excluded from the District schools for white children. The facts disclosed that she possessed from one-eighth to one-sixteenth Negro blood. In deciding that the child should be classed as colored, the court said:

"Persons of whatever complexion, who bear Negro blood in whatever degree, and who abide in the racial status of the Negro, are colored in the common estimation of the people."¹¹

As a general rule, the admixture of blood remains the test of whether a person is colored and the physical appearance of the individual is immaterial.¹² In Oklahoma this general rule was in evidence. In determining

whether a child belonged to the white or the colored race, the nature and extent of his association with others of the two races may be used as evidence, declared the court. However, it continued, it will not be acceptable as conclusive. Evidence is also competent to show that the child is generally reputed to be a Negro or white in the community in which he lives.¹³

Arizona and California have had decisions involving pupils of Mexican descent. In Arizona the court stated that determination of segregation must be based on factors other than his "ethnic traits or ancestry."¹⁴ In California the law requires segregation of children of American Indian and certain named Asiatic parentage.

With a re-examination of the question of the constitutionality of segregated schools, will the Supreme Court in effect say that the Fourteenth Amendment refers to the rights of individuals? If the Court does abandon earlier thinking that the rights guaranteed are "group" rights, state statutes fixing standards of "color" for enrollment in public schools will demand review.

—WARREN E. GAUERKE, associate professor of education, Emory University, Georgia.

¹⁰ *Wall v. Oyster*, 36 App. Cas. (D.C.) 50, 31 L.R.A. (N.S.) 180 (1910).

Moreaux v. Grandich, 114 Miss. 560, 75 So. 434 (1917);

State v. Board of Directors of School District No. 16, 154 Ark. 176, 242 S.W. 545 (1922);

Van Camp v. Board of Education, 9 Ohio St. 407 (1859);

Johnson v. Board of Education, 166 N.C. 468, 82 S.E. 832 (1914);

State v. Treadway, 126 La. 300, 52 So. 500 (1910);

Mullins v. Belcher, 142 Ky. 673, 134 S.W. 1151 (1911).

¹¹ *Wall v. Oyster*, 36 App. Cas. (D.C.) 50, 41 L.R.A. (N.S.) 180 (1910).

¹² *State v. Board of Directors of School District No. 16*, 154 Ark. 176, 242 S.W. 545 (1922);

Wall v. Oyster, 36 App. Cas. (D.C.) 50, 31 L.R.A. (N.S.) 180 (1910).

¹³ *Cole v. District Board of School District No. 29*, 32 Okla. 692, 123 Pac. 426 (1912).

¹⁴ *Gonzales v. Sheely*, 96 Fed. Supp. 1004 (Ariz., 1951);

Westminister School District of Orange v. Mendez, 161 F. (2nd) 774 (1947).

Copyright © 1954 by the Association for Supervision and Curriculum Development. All rights reserved.