

there. After I finished the seventh grade, I had to take the examination in 1934. I failed. I went to high school and had to pay my own tuition. I went to high school, the Booker T. Washington High School. When I went to the Baltimore City school, I presented my report card and was admitted. I am still in the Baltimore City school. I went into the eighth grade and I am in the Baltimore City school now. I am in the tenth grade. I took the examination prescribed by the Baltimore County Board of Education and failed.

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**MRS. CARRY FRANCES HASTY,**

a witness of lawful age, produced on behalf of the Petitioners, having been first duly sworn, was examined and testified as follows:

I live in Overlea, Baltimore County, and I have children of school age. In 1934, my boy came out of the seventh grade and I didn't know at that time how the examination was given or when it was given so I went to Mr. Hirshner and asked him about it. I took the boy's papers. He said the boy did not take the examination and he did not want to look at the papers. I told him I did not know it in time. He said nothing could be done. He said, "Send him back to the seventh grade." He later said "Send him out into the business world." I asked him what he could do with a seventh grade education in the business world and he said they were trying to discourage early graduates anyway. At the time, he said there was a little colored girl eleven years old ready for high school and that was entirely too young.

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**THOMAS G. PULLEN, JR.,**

a witness of lawful age, produced on behalf of the Petitioners, having been first duly sworn, was examined and testified as follows:

I am State High School Supervisor for the central district that includes Baltimore County. Along with Mr.

Fontaine, I prepared the standards for Baltimore County high schools in 1935. In the particular statement in these standards it encourages the admission of everybody who can profit by it. It also encourages that the schools be of such a nature that they can take care of all of the children. There have never been any recommendations since I have been in the Department to encourage the giving of examinations for the purpose of admission to high school. I can identify Petitioner's Exhibit No. 2 for identification. (Petitioners' Exhibit No. 2 for identification marked Petitioners' Exhibit No. 2.) The requirement for admission to high school is the satisfactory completion of an elementary school course. I should judge that satisfactory completion means that they have satisfied the people operating the schools that they are qualified to do high school work. We have nothing to do with the elementary promotion. When the local school authorities state that a pupil is qualified to go into high school, we accept that regardless of how they arrive at their conclusion. I presume that these recommendations were read to the State Board of Education.

#### CROSS-EXAMINATION.

The book I have here is made up of a copy of the State laws and certain by-laws of the State Board of Education and also in part of minor suggestions. These suggestions are neither laws nor by-laws. The report of 1927 contains the suggestion that the students be promoted and that they not be required to take an examination. We eliminated that particular paragraph in the report of 1935. It was only a suggestion at that time. It was not compulsory so far as I know. I have no direct knowledge of the examination given during the year 1935. I am not familiar with the results of the examination. The 1935 report states "Superintendents and principals will understand that suggestions, recommendations and standards as set forth in the earlier edition, relating particularly to the provisional functions and responsibilities of the high school principals remain in full effect," also "It is definitely understood that the revised standards as set forth herein supersede the former requirements and are to be used by Superintendents and principals as

a substitute for them." I do not think this bulletin revoked the provisions in the other one. Reading from the 1927 standards, a part of Petitioners' Exhibit No. 2, "The possession of an elementary school certificate, signifying the successful completion by the pupil of the course of study prescribed by the elementary school is sufficient to entitle the pupil to enter an approved high school without examination. This is not included in the 1935 standards. I think it was merely a suggestion even in 1927. If it is left out of the 1935 standards, I presume it was revoked. The entire section was re-written pertaining to admission. One of the requirements for high schools receiving State aid is that they follow the standards. I think you will find the requirements listed. The school must operate 180 days; that is, the white schools. They must have a minimum of two teachers. These are the major requirements. I do not know that it is the law that they should follow the rules on admission, but proper practice would demand that. We would not approve a school that was taking in everybody coming from the elementary schools. When we go into a high school, we look over the records, the elementary records of these children. They are presented by the different schools for admission to that particular high school. The School Board does not send the record to each school. They come from the different schools, that is, an elementary school sends its record to a high school. There are two cards kept in the elementary school. One is kept in the school and the other is sent to the high school denoting satisfactory completion. The County School Board has everything to do with it in its rules and regulations. The only credential we require in the high school, is a record from the elementary school showing the completion of that work. This is not directly from the School Board. The State Board of Study does not operate the schools in any county. They are all operated by the local school board. The reports showing the completion of the seventh grade, or maybe the eighth grade, makes the admission valid. It has to come from the school, but it is not necessarily signed. The principal has to tell us that he has gotten these records from the school. We do not accept the child's report card as evidence. The State Board of Education has supervisory powers over the elementary and high school systems in

the State of Maryland and under these powers, I am supervisor of the high schools. These schools, including Baltimore County, have an integrated school system. The high school is not a separate element at all. It is a part of the school system. Under this integrated system, the completion of one grade entitles admission to the next higher grade. So far as we get it, the completion of the seventh grade means the ability to go on into high school and that is indicated on the record of the local school people. If the record should say to go to the eighth grade, that would indicate that the child was ready to go on to the next grade. In Baltimore County the word "promoted" would mean that he is not entitled to admission to high school, white or colored. I do not know about the colored. I know about the white. "Promoted to high school" on a child's report would indicate that he would be admitted. The card is sent by the principal, not by the pupil. I am not sure that any other county uses that system of "promoted" and "promoted to high school." I have not seen any report cards of colored children.

#### RE-CROSS EXAMINATION.

I know in Baltimore County that kind of card would not be authorized in the colored schools. I have refused white children on the same grounds. The promotion from elementary school to high school is left entirely with the local board. We exercise no authority. When the teachers and principals determine who shall go up, they determine that under the authority of the local Board and any question of promotion or certification is a matter within the control and management of the local school board.

#### RE-DIRECT EXAMINATION.

I would turn down white report cards the same as colored ones if they did not have promoted to high school on them. This pertains only to Baltimore County. I was familiar with that system but had nothing to do with the colored. I was only talking about Baltimore County. I have been Supervisor in this section for two years and have been familiar with the educational system of Baltimore County for ten years. The system of "promoted"

and the other "promoted to high school" has been used during this time. I am pretty sure it was being used in 1926. The first time that it went into effect or that I would have used it was in June, 1927 and according to the best of my knowledge, it was used that year.

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**DR. ROBERT V. DAVIDS,**

a witness of lawful age, produced on behalf of the Petitioners, having been first duly sworn, was examined and testified as follows:

I am at present consultant for the Commission of Higher Education for Negroes in Maryland. I have attended Taylor University and Columbia University. I received my degree at Johns Hopkins. I have attended Syracuse University and Northwestern University. I hold the degree of Dr. of Philosophy from Johns Hopkins. My dissertation upon which I received my Doctors degree at Johns Hopkins was a comparative study of white and Negro education in Maryland. In making this study, I made a statistical study chiefly of the records throughout the State of Maryland. That study included Baltimore County.

(Mr. Ransom) If the Court pleases, I am tendering Dr. Davids on the subject of comparative education between the white and negro population in the State of Maryland, particularly with respect to Baltimore County.

(Mr. Rawls) I am going to object to any tender. I will object to it when it is in proper form. Put the proffer in some definite form, and I will deal with it in the proper way.

(Mr. Ransom) Does counsel admit that Dr. Davids is qualified as an expert?

(Mr. Rawls) I am not going to admit anything until I hear it asked.

(Mr. Ransom) Not even Dr. Davids' qualifications as an expert to testify?

(Mr. Rawls) No, of course not. I am not familiar with