

Several times we lowered the marks for colored pupils. The Board instructed us to raise the examination because the examinations were not a true measure of the students' ability. We lowered it to deal more liberally with the colored pupils. In the achievement test, we lowered the passing mark. We reduced the points from 260 to 250. In 1933 we had a resolution by the Board that the colored children had to attain the same percentage as the white children, namely 70%. When we lowered the mark in 1935, we did not put that in the minutes.

HENRY M. WARFIELD,

a witness of lawful age, having been first duly sworn, testified as follows:

"I am president of the Board of Education of Baltimore County and one of the respondents in this case. I have been president about three years, occupying such office in September, 1935. I do not recall receiving a letter personally from Thurgood Marshall requesting admission of Margaret Williams to the Catonsville High School, but I did see such a letter addressed to the Board at a Board Meeting. The minutes of the Board on page 325 which show that Attorney Thurgood Marshall appeared before the Board with a petition to establish high schools for Negroes and that the petition was rejected are correct. At that Board Meeting we stated that we would not accept the petition. I do not recall what action the Board took on the letter referring to the application for admission to the Catonsville High School on behalf of Margaret Williams. We would reject an application for admission to the Catonsville High School on behalf of Margaret Williams if such application should be tendered now because that is a white high school, and further because she did not pass her examination.

Under our rules it is impossible for any Negro child to be admitted to the Baltimore City High School, with our Board paying the tuition, without the recommendation of Mr. Herschner. I am not sure about the requirements for the admission of white students into the high

schools in Baltimore County, but I believe that they must pass an examination and receive a recommendation from their principal. I am not sure as to what the recommendation is.

While I cannot recall definitely what was done with the application of Margaret Williams, I do know that the Board did not consider and did not intend to admit her to the Catonsville High School. They refused her at that time, and speaking personally, so far as I am concerned, she is still refused.

I did not on October 8, when Mr. Marshall appeared before the Board, make the statement that I and the Board did not intend to spend one cent more on the education of Negroes in this county."

JOHN T. HERSCHNER,

a witness of lawful age, being first duly sworn, testified as follows:

"I am Assistant Superintendent of the Schools of Baltimore County; my official duties include general supervision of the colored schools, some administrative duties pertaining to repairs and some other administrative duties relating to the placement of children in some of the schools. I have been in charge of the colored schools since 1900. Superintendent Cooper and the Board are in charge of the white schools; I have nothing to do with the administration of the white schools so far as admission to class and graduation are concerned; I do not know how instruction is supervised in the white schools. There are seven supervisors for the white schools and I am the only supervisor for the colored schools. There are twenty-four schools under my charge, all of them elementary schools. I recommend the employment of teachers in the colored schools. I have visited the Cowdensville Elementary School a number of times during 1933-34-35.

There are no colored high schools in Baltimore County. The Baltimore County Board of Education provides for