Negro Ed.

District Court Of The United States

DISTRICT OF MARYLAND.

Civil Docket No. 170.

Filed November 22, 1939.

WALTER MILLS, PLAINTIFF,

vs.

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY, A CORPORATION, AND GEORGE FOX, AS COUNTY SUPERINTENDENT OF SCHOOLS OF ANNE ARUNDEL COUNTY, DEFENDANTS.

Thurgood Marshall, Leon A. Ransom, William H. Hastie, W. A. C. Hughes, Jr., Charles Houston and *Edward D. Lovett* for complainant.

William C. Walsh, Attorney-General of Maryland; *H. Vernon Eney*, Assistant Attorney-General of Maryland, and *Noah A. Hillman* for defendants.

Constitutional Law—Fourteenth Amendment of Constitution—Equal Protection of the Laws—Bill for Injunction Against Discrimination As to Salary of School Teachers Because of Race or Color—Injunction Granted.

CHESNUT, District Judge—

This case is a natural sequel to that of Mills vs. Lowndes et al., in this Court, 26 F. S. 792. In that case the same plaintiff, who is a colored school teacher employed by the Board of Education of Anne Arundel County, of the State of Maryland, sued the *State Board of Education* to secure an equalization of

purposes of comparison it will be sufficient to take the case of white and colored teachers respectively who have a first grade rating and nine years or more experience. In 1904 the first minimum salary act for white teachers (there being none at all for colored teachers prior to 1918) prescribed a

colored principal at $995; but in practice the County Board in many cases actually pays higher salaries to the principals of schools, in consideration of particular conditions and capacities of the respective principals. Thus the plaintiff's salary for the current year has been fixed at $1,058, or $103 more than the minimum, and in the case of three white principals, mentioned in the evidence, the salary is $1,800 per year, or $250 more than the minimum. The defendants contend that the materially higher salaries of these three white teachers of schools comparable in size to that of which the plaintiff is a principal is due to the judgment of the Board that the three white principals have superior professional attainments and efficiency to that of Mills;[4] but it is to be importantly noted that these personal qualities, while explaining greater compensation to the particular individuals than the minimum county scale for the particular position, do not account for the difference between $1,058 only received by Mills and the minimum of $1,550 which by the County scale would have to be paid to *any* white principal of a comparable school. Or, in other words, if Mills were a white principal he would necessarily receive according to the County scale not less than $1,550 as compared with his actual salary of $1,058.

The plaintiff has filed this suit not only individually but on behalf of other

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