

# Maryland Trial Shows College Segregation

After six weeks of testimony, a major trial to determine whether Maryland's four historically Black colleges and universities (HBCUs) have been routinely denied funding and other needed resources that would have made them "comparable and competitive" with White universities in the state is expected to end this week, with a ruling expected by this summer.

The overwhelming majority of HBCUs, originally established shortly after the Civil War to prevent African-Americans from attending all-White state universities, are located in the South. The Maryland case (Coalition for Equity and Excellence in Maryland Higher Education, Inc., v. Maryland Higher Education Commission, et al.) has attracted national attention, in part, because it involves a border state that, like the South, operated a rigidly segregated school system, but unlike the South, has largely escaped intense public scrutiny.

U.S. District Judge Catherine C. Blake presided over the non-jury

## THE CURRY REPORT

George E. Curry



nity-based group comprised of alumni of public HBCUs in Maryland and other interested parties. It is seeking approximately \$2.1 billion to upgrade the four state HBCUs: Morgan State University, Bowie State University, Coppin State University and the University of Maryland-Eastern Shore.

Named as major defendants are officials of the University of Maryland Higher Education Commission, Gov. Martin O'Malley and Secretary of Higher Education James E. Lyons, Sr.

The state of Maryland's higher education system has a long history of racial segregation, according to witnesses and court documents.

lished four other White-only, public institutions of higher education: the University of Maryland, established in 1865; Towson University, established in 1866; Frostburgh State University, established in 1898; and Salisbury State University, established in 1922," the suit continued. "The state began its dual-system by assuming control of The Baltimore Normal School, an all Black teacher's school now known as Bowie State University. This was the beginning of Maryland's segregated system of higher education."

Maryland was forced to expand educational opportunities for Blacks in order to qualify for federal land-grant funds. That led to the state also acquiring what is now the University of Maryland-Eastern Shore, Morgan State University and adding Coppin State University in 1950.

In 1954, the United States Supreme Court issued its *Brown v. Board of Education* ruling, holding that segregated school systems violated the Equal Protection Clause of the 14th Amendment. "Following *Brown*, Maryland did nothing more than lift the rule excluding Black students from White schools," the lawsuit recounts.

After passage of the Civil Rights Act of 1964, the state ended de jure segregation, opening the doors for African-Americans to attend all-White public universities.

"In 1965, however, rather than encourage integration at Morgan State, Maryland established Uni-

versity of Maryland Baltimore County ("UMBC"). UMBC was a complete duplication of Morgan State's entire institution, not just its programs," the lawsuit stated.

In 1969, the Department of Education's Office of Civil Rights notified the state of Maryland that it was one of 10 states operating a racially segregated system of higher education in violation of Title VI of the Civil Rights Act of 1964.

Salisbury University was permitted to offer a computer science degree that was already being offered by University of Maryland-Eastern Shore. Especially controversial was the decision made by the state in 2005 to allow Towson University and the University of Baltimore to operate a joint Masters in Business Administration program, which had been offered by Morgan State since 1964. Overall, more than a half dozen programs at TWIs duplicated programs already in existence at Maryland's HBCUs.

Testifying as an expert witness, University of Wisconsin Education Professor Clifton F. Conrad said that the state of Maryland still operates a segregated higher education system.

"The dual education systems remain," he testified. "There continues to be substantial differences – severe differences – in terms of the number of programs and the quality of programs. Those students who enter Maryland's historically Black institutions – whether Black, White, or other races – do not have an equal educational opportunity as those students who attend the state's traditionally White institutions."

*George E. Curry, former editor-in-chief of Emerge magazine and the NNPA News Service, is a keynote speaker, moderator, and media coach.*

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Two decades later, the only two states in the group still in noncompliance were Maryland and Mississippi.

Facing the possibility of losing all federal education funds, Maryland reached agreements with the U.S. Department of Education in 1982 and again in 1985. The later called for "the enhancement of HBCUs to ensure that they are comparable and competitive with TWIs [traditionally White institutions] with respect to capital facilities, operating budgets and new academic programs."

A major component of the plan to strengthen HBCs and encourage more Whites to attend them called for the avoiding program duplication at nearby White universities.

However, Maryland allowed the creation of an engineering program at UMBC that duplicated an

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trial in Baltimore. The lead attorney for the plaintiffs was Jon Greenbaum of the Lawyers' Committee for Civil Rights Under Law. Pro bono work was provided by lawyers from Kirkland & Ellis law firm and the Howard University School of Law Civil Rights Clinic.

The suit was originally filed in 2006 by the Coalition for Equity and Excellence in Maryland Higher Education, Inc., a commu-

"Throughout its history, Maryland has systematically engaged in policies and practices that established and perpetuated a racially segregated system of higher education," the suit asserts. "Maryland first instituted its system of public higher education in 1807 by establishing the University of Maryland at Baltimore. This was a White-only institution.

"Maryland subsequently estab-

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