

Key Points in Maryland HBCU Litigation

1. The march for justice for students at Maryland's HBCUs, as told through Maryland's own official reports, has been a long and arduous road. Maryland established its four black colleges, according to its own documents, to be "inferior in every aspect of their operation."
2. The State of Maryland has fostered white colleges since the mid-1800s for more than one hundred and fifty years. The state made its first grant to a Negro college in 1914.
3. The State of Maryland ignored the 1954 US Supreme Court ruling in *Brown v. Board of Education* that "separate but equal" is illegal under the constitution.
4. In 1969, the US Department of Education's Office of Civil Rights (OCR) approaches the State of Maryland for failure to follow the *Brown* decision, concludes that the State of Maryland continues to operate a segregated system of higher education, and threatens to withhold federal funds. Three times between 1974 and 1985 the Office of Civil Rights approached the State of Maryland about not following the Supreme Court ruling. And three times the State failed to enact the agreement with OCR. On its 2000 Agreement with the Office of Civil Rights to close the gap in unique, high demand programs between the HBCUs and TWIs, the court concluded that Maryland did not follow through.
5. In 1981, a report on enhancement of Maryland's predominantly Black collegiate institutions described "deplorable conditions of science laboratories." [The] "facilities designed and constructed primarily for teacher education, are simply not adequate or appropriate for proper instruction and research in modern techniques."
6. In 2006, a lawsuit was filed by HBCU students, alumni, and the Coalition for Equity and Excellence in Maryland Higher Education contending that Maryland did not comply with the agreement with Office of Civil Rights (OCR) and was not in compliance with Civil Rights Laws.
7. In 2013, Federal Judge Catherine C. Blake found the state liable for the 10:1 disparity in unique, high-demand programs between the states' Historically Black Colleges and Universities (HBCUs) and its traditionally white institutions (TWIs) and the unnecessary duplication of HBCU programs. "Maryland had a shameful history of *de jure* segregation throughout much of the past century. Public higher education opportunities for African Americans were either non-existent or decidedly inferior to the opportunities afforded to white citizens."
8. In 2017, Judge Catherine C. Blake ruled in favor of the Coalition and HBCU students and alums and against the State of Maryland on remedies, noting that "Maryland's distinguished [HBCUs] serve a vital mission in our system of public higher education. Yet current policies and practices traceable to the *de jure* (prior "segregation under law") system persist." Judge Blake ordered Maryland to remedy the disparity in unique, high demand academic programs that was as bad if not worse than Mississippi of the 1970s.
9. Historical documents describe the "continuous uphill battle" of the Historically Black Institutions to obtain facilities comparable to the Traditionally White Institutions. As for the historical disparity in funding, Maryland documents state: "the contrast between the amounts of money received by the two racial groups would show, if possible, of computation, an enormous differential in favor of the white race."
10. The court ordered the State to pay for new academic programs, as well as additional funding for marketing, scholarships, financial aid, summer academies, and similar initiatives. The State estimated that the remedy would cost at least a billion dollars over 10 years, for the 4 HBCUs, -- Morgan State University, Bowie State University, Coppin State University, and the University of Maryland Eastern Shore.
11. The Court rejected Maryland's argument that the HBCUs should fund the remedy themselves based on funds the State provided in the past.
12. Over 20 years ago, Mississippi paid \$516.98 million dollars, or \$791 million dollars in today's dollars, to settle its case involving 3 schools. For four schools, as exists in Maryland, the figure in 2013, would be \$1.05 billion dollars, the same as the State's own estimate of the cost of a remedy, and even greater after adjusting for 6-7 additional years of inflation.