

863
DONALD G. MURRAY
1522 McCulloh Street
Baltimore, Maryland,

vs

RAYMOND A. PEARSON, President
W. M. HILLEGEIST, Registrar,
and
GEORGE M. SHRIVER
JOHN M. DENNIS
WILLIAM P. COLE
HENRY HOLZAPFEL
JOHN E. RAINE
DR. W. W. SKINNER
MRS. JOHN L. WHITEHURST, and
J. MILTON PATTERSON
Members of the Board of Regents
of the University of Maryland.

IN THE

BALTIMORE CITY COURT

PETITION FOR A WRIT OF HABEAS

1 To the Honorable, the Judge of said Court:

2 The petition of Donald G. Murray respectfully shows:

3 First: Donald G. Murray is twenty-one years of age, a citizen of
4 the United States and the State of Maryland and resides
5 Baltimore City. He has applied for admission as a first
6 year student in the Day school of the School of Law of the
7 University of Maryland, for the academic year beginning
8 September 25, 1935.

9 Second: Raymond A. Pearson is the President and Executive Head of
10 the University of Maryland. W.M. Hillegeist is the Regis-
11 trar of the Baltimore Schools of the said University of
12 Maryland, which include the School of Law. George M.
13 Shriver, John M. Dennis, William P. Cole, Henry Holzappel,
14 John E. Raine, Dr. W. W. Skinner, Clinton L. Riggs, Mrs.
15 John L. Whitehurst and J. Milton Patterson constitute the
16 Board of Regents of the University of Maryland.

17 Third: The University of Maryland is an administrative department
18 of the State of Maryland. It is a State institution per-
19 forming an essential governmental function. The funds for
20 its support and maintenance are principally derived from
21 the general Treasury of the State, out of funds procured
22 by taxes collected from the citizens of Maryland. The

23 appropriations for it are made by the legislature of the
24 State of Maryland as part of the public school system.

25 Fourth: The charter of the University of Maryland as enacted from
26 time to time by the Legislature of the State of Maryland
27 provides:

28 "That the said University shall be founded and main-
29 tained upon the most liberal plan, for the benefit of
30 students of every country and every foreign denomination,
31 who shall be freely admitted to equal privileges and ad-
32 vantages of education, and to all the honors of the Uni-
33 versity, according to their merit, without requiring or
34 enforcing any religious or civil test, upon any particular
35 plan of religious worship or service."

36 Fifth: Under the Acts of the Legislature of the State of Maryland
37 which form the charter of the University of Maryland, as
38 now constituted, the Board of Regents, who are appointed
39 by the Governor, by and with the consent of the Senate, are
40 vested with the powers of governing the University. The
41 President of the University of Maryland and the Registrar
42 of the Baltimore Schools aforesaid function as their agents
43 under their supervision and control.

44 Sixth: Under the charter of the University of Maryland the Faculty
45 of Law is expressly established and the Faculty of Law con-
46 ducts a School of Law of the University of Maryland as an
47 integral component part of the University subject to the
48 laws and regulations governing the same. The aforesaid
49 School of Law is the only State institution which affords
50 a legal education and is the only law school in Maryland
51 approved by the American Bar Association and a member of
52 the Association of American Law Schools, which gives it and
53 its graduates high standing among the legal profession.

54 Seventh: The Faculty of Law offers two courses in said School of Law:
55 a day course of three years, denominated a Day School, and
56 an evening course of four years, denominated an Evening
57 School, each leading to the degree of Bachelor of Laws. The
58 requirements for admission to either course are:

59 "The requirements for admission are those of the Asso-
60 ciation of American Law Schools. Applicants for admission

56 as candidates for a degree are required to produce evi-
 57 dence of the completion of at least one-half of the work
 58 acceptable for a Bachelor's degree granted on the basis
 59 of a four-year period of study by the University of Mary-
 60 land or a principal college or university in this State.
 61 To meet this requirement a candidate for admission must
 62 present at least sixty semester hours (or their equivalent)
 63 of college work taken in an institution approved by stand-
 64 ard accrediting agencies and exclusive of credit earned
 65 in non-theory courses in military science, hygiene, domes-
 66 tic arts, physical education, vocal or instrumental music,
 67 or other courses without intellectual content of substan-
 68 tial value. Such pre-legal work must be done in residence
 69 and no credit is allowed for work done in correspondence
 70 or extension courses."

64 Eighth: Application blanks for admission to the School of Law are
 65 furnished to prospective applicants by the Board of Regents
 66 acting by and through the defendant W. M. Hillegeist, Regis-
 67 trar. Said applications are filled out by the prospec-
 68 tive candidates and by regulation of the Board of Regents
 69 and the Faculty of Law returned to the said Registrar to-
 70 gether with an invest i ation fee of two dollars.

71 Ninth: The academic year 1935-1936 for the Day School of the
 72 School of Law of the University of Maryland begins
 73 September 25, 1935, according to the official announcement
 74 of the said School of Law as issued by the University of
 75 Maryland.

76 Tenth: The Petitioner, Donald G. Murray, is a candidate for ad-
 77 mission as a first year student in the Day School of the
 78 School of Law of the University of Maryland, and is fully
 79 qualified in all lawful and proper respects for admission
 80 thereto. He is a resident of the State of Maryland,
 81 twenty-one years of age, and a graduate of Amherst College
 82 with the degree of Bachelor of Arts conferred in 1934.
 83 Amherst College is an institution approved by standard
 84 accrediting agencies having regional jurisdiction in the
 85 premises, and Petitioner's Bachelor's degree was awarded
 86 upon successful completion of a four-year residence course
 87 of more than sixty hours of resident college work exclu-
 88 sive of credit earned in non-theory courses in military
 89 science, hygiene, domestic arts, physical education, vocal

90 or instrumental music, or other courses without intellectual
91 content of substantial value.

92 Eleventh: The Petitioner on or about January 24, 1935, pursuant to and
93 in accordance with the aforesaid rules and regulations, same
94 being the rules and regulations of the Faculty of Law and
95 the Board of Regents, made and filed in proper form with
96 the respondent W.M. Hillegeist, Registrar aforesaid, an ap-
97 plication on a blank provided by the Respondents, copy of
98 which is attached hereto as Exhibit "A" and prayed to be
99 read in full as a part hereof. With said application Peti-
100 tioner also forwarded to said Registrar the prescribed Two
101 Dollars for investigation fee, by United States Post Office
102 money order, which is attached hereto as Exhibit "B" and
103 prayed to be read in full as a part hereof.

104 Twelfth: The Respondents however wrongfully and arbitrarily refused
105 to receive said application and said investigation fee, and
106 by letter dated February 9, 1935, the Respondents Pearson and
107 Hillegeist returned said application and investigation fee
108 to Petitioner, and refused to consider his application and/
109 or investigate Petitioner's qualifications. Thereupon the
110 Petitioner, by registered letter forwarded the same applica-
111 tion blank and investigation fee to the Respondents, the
112 Board of Regents (except the Respondent J. Milton Patterson
113 who was then not a member of said Board), and appealed to
114 said Board of Regents to accept and consider his application.
115 Nevertheless, the Respondent Pearson, before the Board of
116 Regents next had a meeting, wrongfully and arbitrarily re-
117 turned the said investigation fee, although he retained
118 Petitioner's said application blank, and again notified
119 Petitioner that his application would not be considered as
220 received and that his qualifications would not be investi-
121 gated.

122 Thirteenth: The Board of Regents aforesaid has had ample time and ade-

123 quate opportunity to consider and act upon Petitioner's ap-
 124 peal aforesaid; but Petitioner is informed and believes,
 125 and therefore avers, that said appeal has been ignored and
 126 that the Board of Regents has not and does not intend to
 127 act thereon.

128 Four- The Petitioner is ready, willing and able to perform any
 129 teenth: lawful requirements and pay all proper fees and provide
 130 himself with all the necessary facilities for admission as
 131 a first year student of the Day School of the School of
 132 Law of the University of Maryland. Petitioner hereby
 133 again tenders his application and investigation fee to
 134 the Respondents, and is ready, willing and able to do so
 135 in open Court.

136 Fif- The actions of the Respondents in refusing to accept and
 137 teenth: consider the application of the Petitioner and said inves-
 138 tigation fee were unauthorized by any act of the Legisla-
 139 ture of the State of Maryland, or other law in force there-
 140 in, and were wrong, unlawful and arbitrary.

141 Six- The said actions of the Respondents violated the Fourteenth
 142 teenth: Amendment to the Constitution of the United States, in that
 143 they amounted to a denial to Petitioner, a citizen of the
 144 United States and of the State of Maryland, by the State of
 145 Maryland or an administrative department thereof, of the
 146 equal protection and benefit of the laws, as secured to
 147 him by the said Fourteenth Amendment and the law of the
 148 land; and in that such acts were unequal, oppressive and
 149 discriminatory and deprived the said Donald G. Murray,
 150 Petitioner, of his liberty and property without due process
 151 of law as guaranteed him by the Fourteenth Amendment and
 152 the law of the land aforesaid.

153 Seven- Unless this Honorable Court by a writ of mandamus, shall
 154 teenth: secure, preserve and enforce the rights of the said Donald
 155 G. Murray, Petitioner, he will suffer irreparable injury

156 and will be without adequate redress or remedy in the
157 premises.
158 WHEREFORE: Your Petitioner prays this Honorable Court to issue a
159 writ of mandamus directed to the Respondents, Raymond A. Pearson,
160 President and Executive Head of the University of Maryland, W. M.
161 Hillegeist, Registrar of the Baltimore Schools of the University
162 of Maryland, one of which is the School of Law in question, and
163 George M. Shriver, John M. Dennis, William P. Cole, Henry Holzappel,
164 John E. Raine, Dr. W. W. Skinner, Clinto L. Riggs, Mrs. John L.
165 Whitehurst and J. Milton Patterson, constituting and being the
166 Board of Regents of the University of Maryland, at their office
167 815 Fidelity Building, Baltimore City, requiring the said Respond-
168 dents, by and through their agent the said W.M. Hillegeist, Regis-
169 trar as aforesaid, to accept said application of Petitioner and
170 said investigation fee, and to consider the same and to investigate
171 his qualifications in the regular manner as an applicant for ad-
172 mission as a first year student in the Day School of the School of
173 Law of the University of Maryland for the academic year 1935-1936,
174 and further ordering and requiring such other and further relief
175 and protection to your petitioner and his rights as aforesaid as may
be proper and necessary in the premises.

(Signed) Donald G. Murray
Petitioner

Signed:
Charles H. Houston

Thurgood Marshall

William R. Germeli
Counsel for Petitioner.