

HOUSTON, HOUSTON & HASTIE

ATTORNEYS AT LAW

615 F STREET, NORTHWEST

WASHINGTON, D. C.

TELEPHONE NAT'L 7058

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16 March 1940

Mr. O.L. Emerick,  
District Superintendent,  
Loudoun County Public Schools,  
Leesburg, Virginia.

Dear Mr. Emerick:

Word reaches me in Washington that the Loudoun County Board of Education has recommended to the Board of Supervisors an application for a loan from the state literary fund of \$78,000.00, of which \$40,000.00 is to be allocated to building a new high school for Negroes on the site which the Negro citizens are now buying out of their own funds; but that the Board of Education made no recommendation for increased transportation for Negro children.

1. I wish to express my appreciation to the Board for its action in requesting a loan from the literary fund. But I wish on behalf of the County-Wide League and the Parent-Teachers Association to point out that we are advised that the literary loan fund income is exhausted, that no applications for loans are now being received, and that it may be a year or eighteen months before any more loans will be made. Even then there is no assurance that the Loudoun County application, if made, will be granted, because we do not know what applications are ahead of the Loudoun County application, or for how much. That puts a new high school off to 1942 at the earliest, so far as present prospects of a loan from the literary fund are concerned.

That does not obviously answer or meet the needs for better high school education now. It does not answer the risk which Negro high school students run everyday in attending school on the second floor of the Loudoun County Training School Building, where the window opening on the fire escape does not even have sash cords, and the oil soaked floor and open oil drum under the steps leading to the second floor constitute a veritable death trap in case of fire. Parents who have children attending the present high school cannot wait until 1942 to have conditions cleaned up. White parents would not tolerate such conditions --they would not have to. And I must repeat what I said to the Board of Education that Negro parents love their children just as much as white parents love theirs.

I have advised my clients that in my judgment you and the Board of Education can be enjoined from continuing to hold school in a building dangerous to life and limb, and that they are entitled to call on you and the Board of Education to see

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that a safe place for the students is provided at once, either by making the present building safe or by moving the students to other quarters. I have advised them that after notice, which I herewith give you formally on their behalf by sending this letter by registered mail, you and the Board of Education are personally liable for any harm which may befall the children from continuing to force them to go to school in a death trap. I herewith respectfully call on you and the Board of Education, and the several members thereof, to provide immediately a safe place of instruction for the Negro students now going to school in the Loudoun County Training School building.

2. On the question of instruction and courses, which is a matter under your direct and personal supervision, I call your attention again to the complete lack of equipment in the Loudoun County Training School Building for any instruction in science: chemistry, physics, zoology and botany particularly. I call your attention to the fact that the Loudoun County high school is not even an approved school according to local state standards. I am respectfully requesting that immediate steps be taken to provide the present class with equipment equal to that provided for white students.

One parent whose daughter wants to go to college has been forced to take his daughter out of Loudoun County where he resides and pays taxes, and send her at his own expense out of the county to the Manassas Training School. He states that this is a great hardship on him. I have advised him that he is entitled to bring his daughter back to Loudoun County and tender her for entrance at one of the approved high schools in the county, or the county will have to make arrangements otherwise. This matter is going to come before you officials in a very short time, so I am sending this letter ahead in case you desire to seek legal advice.

3. Another parent whose daughter has graduated from the Loudoun County Training School high school course, is still within the school age but is unable to go to college, wants a home economics course for her daughter. This is being taught in the schools for white children but not in the schools which Negro children attend. I have advised this parent that she is entitled to have her daughter receive from you and the Board of Education a home economics course equal to that given the white children. As I stated before the Board of Education Tuesday March 12, 1940, I make no suggestion how this shall be done.) It would be presumptuous on my part to attempt to usurp your function as to how such course shall be given, (so long as you accord the Negro student the equal protection of the law. This matter will also come before you officials in the near future, and I raise the point in this letter in case you should wish to confer

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with the Commonwealth Attorney or other counsel.

4. On the matter of bus transportation, I understand that you and some of the officials take the position there is no necessity of providing more transportation for Negro students when the school buildings which Negroes attend are already overcrowded. As I pointed out to the Board of Education, the right of equal protection of the laws under the Fourteenth Amendment is a personal right, and the individual Negro child denied bus transportation which is given to white children is not concerned with overcrowded schools. He is concerned with his own individual education. Overcrowded schools is no answer to the request of Negro children to be furnished bus transportation to schools on the same basis as the white children. With almost half of the Negro school population of Loudoun County out of school, the County cannot answer walk or stay home.

One parent who has no transportation for his child is paying the boy's transportation into Leesburg out of his own pocket. I understand that white buses run in routes which by transferring from one bus to another would take him all the way from his home into Leesburg. I have advised him that in my opinion after proper demand on the county officials he can sue the county for the cost of his transportation: by county I am not referring to any particular agency of the county for I shall have to study that point further. And I believe he can sue you and the board members for the damage and inconvenience and denial of his Federal right of equal protection under the Fourteenth Amendment and the United States Code, title 8, sections 41 and 43.

The actual procedure by which such parent and child can perfect his right of action is to present the child for passage on the school bus in question, let him be refused by the driver, bring the case to you and the board and then go to the courts. Perhaps as a test case you can waive the necessity of actual presentation and the administrative follow-up, and get right to the main question: the obligation of the county to furnish Negro school children bus transportation on equal terms with white children similarly circumstanced.

Another patron is being given \$2.00 per month for transportation which actually costs him \$5.00 per month for his child, and which would cost him nothing if his child were taken on the bus which white children ride. I have advised him that in my opinion he can claim reimbursement for the money spent out of his own pocket.

5. I have stated and I repeat that the citizens are anxious to cooperate with you and the Board of Education, and all county

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and state officials. They do not expect however the price of such cooperation to be the abandonment of their constitutional rights. I regret exceedingly that at the hearing before the Board of Education Tuesday, March 12, you saw fit to consider my statement that the citizens are determined to obtain their constitutional rights by all lawful means as a threat. It was not a threat, but it was a plain statement that the Negro citizens want better education and equal educational opportunity for their children who are now in school. This question of equal education is not theoretical. A solution years from now will not advantage the present Negro students. The individual Negro student now in school is not interested except generally in what may come after him. He wants his own individual chance to life and happiness, and to go forth in the community prepared to make himself a useful citizen and to meet the competition for jobs with other citizens white and black.

6. I have written you at this length because I wish to lay down our premises of action. I wish to express my understanding of the difficulties of your problem, but I do not wish to see the solution of these difficulties further saddled on the shoulders of the Negro students who have been getting the short end all these many years.

I sincerely trust the Board of Supervisors will approve the budget recommended and will send it back for further action on the question of bus transportation for Negro students. I further hope that of its own motion the Board of Education and you will either revise the budget or submit a supplementary budget providing for equal transportation of Negro students.

On the question of taxation, I repeat what I said to the Board of Education that it is cheaper in the long run to educate than to punish; to build schools rather than hospitals, insane asylums and jails; to pay teachers rather than policemen; and to educate the citizens adequately rather than to cheat on their education and swell the relief rolls.

I also say in a very sincere way that I trust the Board of Supervisors and the Board of Education will face the problem squarely that Loudoun County is going to have to spend more money on Negro education, either providing such education or fighting against providing it. You know my hope that the money will be spent on education directly, with all the benefits which will come back from a better educated citizenry. I made it clear that we do not want to take any education away from the white children. We do not want white children to have less education, but rather more education in the certain knowledge that the more education they get the more they will be tolerant and understanding with the ambition of Negroes to make themselves better citizens.

7. I trust that because I write frankly you will still believe me sincere in saying I have the utmost respect for you and

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the members of the Board of Education personally, and for all county officials. You are not responsible for the conditions as you find them, nor am I. It seems to me that the only thing to do is to look forward and not backward, and to see where we can go from here.

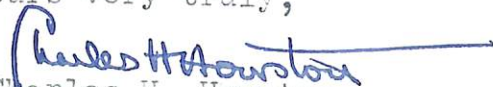
In this regard I dare hope that you will accord my clients full liberty of action within the law without thinking that they are personally antagonistic to you.

8. Since this is in essence a public document, in the sense it is a letter to a public official about the performance of a public function, I am taking the liberty of sending a copy to the Board of Education and to the Board of Supervisors. I am doing everything in my power to show all officials concerned that we have nothing concealed, nothing to hide. We seek no favors. We want simple justice, the rights which are ours according to the law of the land.

Finally I would call your attention to a significant fact. Practically all my clients themselves were born in Loudoun County. They are not floaters, although under the Fourteenth Amendment a floater temporarily in Loudoun County has the right to equal protection of the laws. Many of my clients have been paying taxes in Loudoun County all their adult life, and in quite a few cases they have property which has come down to them either immediately after or even before the Civil War. The educational opportunities I am talking about will go to Loudoun County's own native citizens: Loudoun County born and bred. Loudoun County will either reap the benefit of giving their children better education, or it will pay the cost of keeping them ignorant, dependent members of the community.

With sincere regard and respect, I remain

Yours very truly,



Charles H. Houston,  
Attorney for the County-Wide League, and  
the Parent-Teachers Association of  
Loudoun County.