



DEPARTMENT OF LAW

CITY OF NORFOLK, VIRGINIA

ANDERSON
ATTORNEY
N. W. OLD, JR.
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ATTORNEYS

December 12, 1940

file

Mr. O. L. Emerick
Division Superintendent
County School Board
Leesburg, Virginia

Dear Sir:

Pursuant to Supt. Mason's letter of the 10th to you relative to the adjustment of negro teachers' salaries, briefly stated, the situation to date is as follows:

1. The second and last suit was brought in the local U. S. District Court. This Court held the contracts between the School Board and the teachers to be valid and dismissed the suit.

2. The teachers appealed to the U. S. Circuit Court which reversed the District Court and remanded the case to be tried on its merits.

3. On behalf of the City and the School Board we petitioned the Supreme Court of the United States for a writ of certiorari, but this was refused.

The effect of the Appellate Court ruling was that different salaries can be paid to white teachers from those paid negro teachers, provided it is not based "solely on race or color".

The Superintendent, Chairman and members of the School Board stated that they could give no evidence that the salaries were not based solely on race or color, and that a trial on its merits could not be won. Negotiations for settlement therefore began and it has been agreed with the teachers by the Council and the School Board that they will adjust the differences based solely on race and color over a period of three years beginning with January, 1941. To illustrate: The Chairman of the School Board stated it would require \$130,000.00. The agreement was that \$30,000.00 would be paid in 1941, \$50,000.00 in 1942, or more if it could be done without raising the tax rate, and the balance would be provided in 1943, and that in the future differences would not be made in salaries where "based solely on race or color".