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Mr. O.L. Emerick, 16 March 1940 p.3

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