

JULY · 1898

reversing this will greatly benefit us as a race. We have spent about \$600.00 in the two cases already heard and feel the need of financial aid to carry the case further. We need about a \$1000.00 to take the case up. We appeal to you personally to assist us and also to use your influence with friends to do the same. Does this course of ours meet your approval. If so we would like to have a letter of commendation from you.

Awaiting an early reply we are yours respectfully in this for justice.

J C Ladevize

HLS Con. 142 BTW Papers DLC. Docketed in Scott's hand: "Thoroughly approve of intentions etc. In Fall."

¹ *Cumming v. Richmond County Board of Education*, 175 U.S. 528. Three black parents of Augusta, including the sender of this letter, countered the closing of the black high school by seeking an injunction to close the white high school until the black high school was reopened. There had been a black high school until 1897, when the school board closed it, alleging "purely economic reasons." Instead of housing 60 high school students, the building was used for 300 elementary pupils. The lower court granted an injunction forbidding the school board from operating the white high school until there was an equal black facility. The Georgia Supreme Court (103 Ga. 641) reversed the lower court decision.

Associate Justice John Marshall Harlan on Dec. 18, 1899, read the unanimous U.S. Supreme Court decision that the issues in the case showed no abridgment of the equal protection clause of the Fourteenth Amendment. The case as presented did not challenge the doctrine of separate but equal, and Harlan argued that the court was forced to rule on the issue presented. "If, in some appropriate proceeding instituted directly for that purpose," he observed, "the plaintiffs had sought to compel the board of education, out of the funds in its hands or under its control, to establish and maintain a high school for colored children, and if it appeared that the board's refusal to maintain such a school was in fact an abuse of its discretion and in hostility to the colored population because of their race, different questions might have arisen in the state court." The question at issue, the allocation of funds by the school board, was regarded as a state issue, "and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land." Because the decision sanctioned separate and even inferior black schools, it supported the *Plessy v. Ferguson* doctrine and extended it to include education.

From John F. Patty¹

Jesuit Bend, La. July 4th/98

Dear Sir: I am in receipt of your valuable favor dated the 20th of June. The contents of which have been duly considered. In reply, I