

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

EVA ALLEN, et al.,

Plaintiffs

v.

Civil Action No. 1948

COUNTY SCHOOL BOARD OF
PRINCE EDWARD COUNTY,
VIRGINIA, et al.,

Defendants

ORDER

The order on mandate entered herein February 1, 1968 is, upon motion of the plaintiffs and after argument of counsel, amended to read as follows:

It is ADJUDGED, ORDERED AND DECREED that the defendants, the Board of Supervisors of Prince Edward County, Virginia, H. Dearing as Treasurer of Prince Edward County, the State Board of Education and Woodrow W. Wilkerson as Superintendent of Public Instruction, their successors in office, officers, agents and employees and those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, are enjoined and restrained from processing or paying tuition grants for use in any school predominantly maintained by such tuition grants, including the Prince Edward County Educational Foundation, so long as such school refuses to accept pupils on account of their race or color.

The United States Court of Appeals for the

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Fourth Circuit, in *Griffin v. Board of Supervisors of Prince Edward County*, 339 F.2d 486 (1964), among other things decreed that this Court should enter an order enjoining the defendants from processing or paying tuition grants to parents desiring to send their children to the Foundation schools as long as these schools remain segregated or to any other segregated school that is, in effect, an extension of the public school system.

A three-judge court for this District, in *Griffin v. State Board of Education*, 239 F.Supp. 586 (1965), found

"... incontestably, that the [tuition] grants are the main support of each of these [including the Prince Edward County Educational Foundation]. This contribution is of such relative magnitude that they plainly are State [Virginia] supported institutions. Thus the State is nurturing segregated schools. Hence, the defendants must be enjoined from providing money to be funnelled to the parents into these schools [Prince Edward County Educational Foundation] so long as segregation is practiced in them."

Both of the foregoing decisions clearly indicate that tuition grants are not useable in the Prince Edward County Educational Foundation schools so long as these schools refuse to accept pupils on account of their race or color. The amendment of the February 1st order as herein made should not be construed contrawise.

This cause is retained on the docket of this Court for such further proceedings as may be necessary.

The Prince Edward County Educational Foundation may advise the Court by appropriate petition that it is now accepting pupils in its schools without

regard to their race, color or creed, if it be so advised. This Court will then determine, upon further hearing, whether any of the defendants in this proceeding may process or approve applications for paying tuition grants for use in the said Foundation schools.

The Clerk will send a copy of this order to all counsel of record.

At Alexandria
December 4, 1937

/s/ OWEN R. LEWIS
United States District Judge