

Letter from E. W. Knight to U.S. Attorney General, February 7, 1882

*Helena, Montana
February 7, 1882*

Hon. Attorney General of the U.S.
Washington, D.C.

Dear Sir,

I should be obliged if not trespassing upon your time and patience too much for your views upon the Legality of our School Law. As one of the School Trustees of this District the Question is presented as to our Territorial Law coming in conflict with 14th Amendment to Constitution of US.

Our section 1120 Reads: "The Education of Children of African descent shall be provided for in Separate Schools. Upon the written application of the parents or guardians of at least Ten such children to any board of trustees, a separate school shall be established for the Education of such children, and the education of a less number may be provided for by the Trustees in

separate schools in any other manner and the same laws, rules and regulations which apply to schools for White Children shall apply to Schools for colored children."

When we had some Ten or twelve African Descent children we provided [a] separate school, but when only two such children were attending we provide[d] for a special hour in the morning and like hour in the P.M. But the question I wish to submit is if the Provision of our Terr. Law is carried out and if substantial and equal school privileges are extended under the above law, is it a question that comes in violation of 14th Amendment. . . .

*I have the honor to be Yours Respectfully
E. W. Knight
Trustee*

Source: *Edward W. Knight Letters, 1882. Small Collection 946.* Montana Historical Society Research Center. Archives. Excerpted in *Not In Precious Metals Alone: A Manuscript History of Montana* (Helena, 1976): 158.