

By Travis E. Jackson, Ed.D.

### **MR. MARSHALL COMES TO HILLBURN**

The decade between 1940-1950 was dominated by the Second World War and the uneasy peace that followed. When the Japanese launched their surprise attack on Pearl Harbor in December of 1941, they were already in control of much of the Pacific region. Their major ally, the Germans had experienced a relatively easy time in its military undertakings and was quite firmly entrenched in a good deal of Europe and in parts of North Africa. Now, Germany was ready to advance next into the Middle East and planned to meet up with the Japanese in India. They were on their way towards the conquest of what has been referred to as “The World Island”, the continents of Europe, Africa, and Asia. The rest of the world would fall into their hands in due time. During the first few months after the United States entered the war, it was perfectly clear to every U.S. citizen that America would win. They never doubted it. They had battle-proven allies in England, France, and Russia. The early months at home were characterized by a unity never before felt in the history of the nation. After ten years of a crippling depression, the enormous resources and the capacity for industry were more than ready to spring into action.

The most astonishing aspect of the war was that the United States could engage in a total war abroad without submitting to the discipline of a total war at home. Certainly there were hardships, but most Americans took the war in stride, and their lives went on

as before, except that black Americans were more likely to demand equal treatment in all phases of their lives in America. Equal opportunity was uppermost in the minds of the nation's black citizens and beginning to work its way into the minds of whites as well.

So, now, thirteen years after Hillburn became a union free school district and the Board of Education was able to keep the separate, unequal, segregated schools, and eleven years before the 1954 United States Supreme Court decision in *Brown v. Board Of Education*, the parents and grandparents of color in the Village of Hillburn in Rockland County, New York knew instinctively that “the segregation of white and colored children in public schools has a detrimental effect upon the colored children” and that “the impact is greater when it has the sanction of the law.” In 1943, the law in much of the nation still subscribed to the *Plessy v. Ferguson*'s separate but equal doctrine, but in 1938 in New York State, the Legislature had repealed that section of education law that allowed segregation. Even though the facilities at Brook School for “colored” students and Main School for whites were vastly unequal, the issue became more of one about desegregation rather than one about equalization. Separate had never been equal here and elsewhere.

In Hillburn, Brook School and Brook Presbyterian Church were a part of what was identified as Brook Community. The name had come from a small brook that began with the reservoir overflow and then sort of wandered through the rocks down a mountain northwest of the village and ran roughly parallel to Route 17, passing by both the church and the school before finally emptying into the Ramapo River. By the early nineteen forties the school had been expanded to four rooms with two grades in each room. The Kindergarten class met in the church annex. The school was a wooden structure with a

small rocky playground in front. It had no library and no indoor bathroom facilities until the summer of 1943. A hot water heater had been installed just that summer as well.

Most people of color lived on this side of Route 17.

Main School and the Hillburn Presbyterian Church were located on the other side of town where most of Hillburn's white families lived. Main School had eight rooms and was constructed of concrete. It had a library, a playground large enough for a good softball game, and there were indoor bathrooms. With the opening of a new junior-senior high school in September, 1943, grades 7 and 8 were transferred there, leaving enough space at Main School for all the children of Hillburn. A few years earlier, like many other villages across New York State and the nation, Hillburn had decided that centralization offered the possibility of a better education for its children. Hillburn Union Free District # 15 joined with four other villages (Airmont, Sloatsburg, Suffern, and Tallman), all within the western portion of the Town of Ramapo, in the formation of Ramapo Central School District # 1. During the next few years, little time would be spent with curriculum and reorganization; the new Ramapo Board of Education was busy building and opening a brand new state-of-the-art junior-senior high school and one new elementary school. In November of 1941, a board member asked the administration for a report on the Hillburn schools. There was no follow up discussion reported in the minutes, possibly because of the attack on Pearl Harbor within the next month. Despite the war effort and the shortage of materials, the new schools opened in September of 1943.

Historically, the population of the village had not changed a great deal. The 1940 census showed a total population of 1161. Of these, 678 or 58.5% were white and 483 or 41.5% were people of color. Interestingly enough a World War II Honor Roll listing

the young men and women from Hillburn who served in the armed forces showed that of the 182 total, 102 or 56% were white, and 80 or 44 % were young people of color. There is no question that service in the war against fascism was on the minds and in the hearts of the parents and grandparents of color in September of 1943. Some historians believe the modern day civil rights movement began at this point rather than in the fifties. At a time like this, it was believed, children of color should not be going to a segregated school. Mrs. Reginald Van Dunk reported that she was deeply moved by the help which had come from all quarters, both white and colored. "People passing on the highway (Route 17) would stop in and give us donations. One white soldier stationed down in Pennsylvania sent us \$8, and another white soldier, a Suffern boy, now stationed in North Carolina wrote us that if Brook School wasn't closed he never wanted to come back to Suffern. For years, young people of all backgrounds from the entire area had been going to school and playing sports together.

Hillburn's adult whites were no different from most other whites in America in 1943. They were a part of a nation-wide system that was based on black political, economic, and educational subordination. Racial segregation was totally acceptable in this system and in the armed forces that were at war supposedly protecting our democratic way of life. Racial segregation was based on the idea that there were superior and inferior races – a belief that was held by government officials, still supported by scientific study, and reinforced from the pulpits of the nation. But things were changing.

In September 1943, with the help of Thurgood Marshall, parents of color attempted to register their children at Main School on the opening day of the fall term. Their request was refused and they were told to return to Brook School in spite of a

message that would be read at the Wednesday, September 8th Ramapo Board of Education meeting. The telegram was from a Dr. Charles A. Brind., Counsel, State Education Department. It read as follows:

“Provision for maintenance of separate school for colored children repealed by Chapter 134 Laws of 1938. Necessary for your Board to arrange school facilities for both white and colored children without segregation.”

The minutes of the September 8th meeting go on to say, “In reference to the Hillburn situation the Board felt there had been no segregation and, to clarify the issue, established the following geographical lines;

All pupils living east and north of Route 17 and on Route 17 east of the western property line of Mrs. Zenda Sterling will attend the Main School. This will include children bussed from Ramapo and from the New Jersey Line.

All pupils living west and south of Route 17 between the western property line of Mrs. Zenda Sterling and the intersection of Lake Avenue with Route 17 at the northerly end of the village will attend the Brook School.

Both the Brook and the Main Schools will remain closed until Monday, September 13, when all pupils will be expected to go to the schools in accordance with the established geographical outline.

Motion made, seconded, and carried.

All children will be expected to attend their respective schools on Monday. Both schools to remain closed Thursday and Friday of this week in order to check the registration.”

The school attendance lines established by the Ramapo Board of Education allowed a handful of children of color to attend Main School, but no white children were reassigned to Brook School. Marshall and the Brook parents saw this as gerrymandering and as strengthening their claim of segregation. On Tuesday, September 14 at a regular Board Meeting at the new Suffern Junior-Senior High School,

“The Board received representatives of parents of children of Brook School. The delegation consisted of Mrs. Van Dunk (Marion), Mr. Marshall and Mr. Creightmeyer. Mr. Marshall introduced Mrs. Van Dunk as chairman of the Parents Group and explained

that he had been retained as counsel to represent them. Others in the delegation were seated in a classroom adjoining the Board room. Mr. Marshall explained at some length the purpose of their visit, to protest the setting of a boundry(sic) line excluding some colored children from the Main School. He agreed that 'as a matter of law the Board had the right to establish boundary line,' but contended that the line as drawn was 'segregation.'

Mr. Davidson stated that the Board was complying with the law and that he (Mr. Marshall) should follow the proper procedure and appeal to the Commissioner if he was not satisfied. Mr. Marshall then requested an answer to his petition in writing. This, Mr. Davidson assured him would be done. Mr. Davidson also urged Mr. Marshall to influence his clinets (sic) to send their children to Brook School until the case was decided by the Commissioner. Mr. Van Cott stated that the Board would cooperate so that the case would reach the proper authorities as soon as possible. Mr. Marshall then stated that he was not sure that he would take the case to the Commissioner before taking it to court. Three members of the New York City press were admitted to the Board room after Mr. Marshall and his party had left, and were given a prepared statement."

Following this meeting, in spite of the threat of a fine or even a jail sentence, Brook Parents continued to keep their children away from Brook School. They were quoted in various New York City newspapers as saying, "We'll go to jail if we must, but we will not send our children back to Brook School. Brook School must not be reopened." Most children continued to attend classes taught at Brook Church.

On Monday, September 20, at a special meeting, the Board chose to deal with the question of truancy:

"Mr. Maxfield (Board Counsel) stated that it was permissible to bring truancy cases in County court (sic) and recommended the Board have the District Attendance Supervisor enter a complaint in the Court against the parents of truant children from Brook School.

Mr. Van Cott moved the Board's attorney proceed with appropriate charges of truancy against parents of children who have failed to attend Brook School in accordance with attendance supervisors (sic) report." (This statement is followed by a list of names of children who were certified as having been truant from Brook School.)

On Wednesday, September 29, the children and parents, accompanied by Mr. Marshall appeared in Rockland County Court where each family was fined \$10.00 by County Court Judge John A. McKenna who also suspended the sentence on the condition

that the children returned to Brook school. They did not, but on October 12, at a regular Board Meeting, the clerk reported that he had been handed a copy of the Commissioner's decision in the Hillburn matter by Mr. Banker on Tuesday, October 12<sup>th</sup> at 4 p.m. (In response to Marshall's petition, Commissioner George Stoddard had sent the directors of the Legal Section and of Buildings and Grounds to Hillburn and had asked that they report back to him with their findings.) The decision was read to all members.

“Case No 4915

(October 11, 1943

Donald Crichton, attorney for appellant; Thurgood Marshall, Counsel.

Maxfield and Miele, attorneys for respondent

STODDARD, commissioner.- Since 1889 the former Union Free School district No. 15 of the town of Ramapo, Rockland county, has maintained two elementary schools, one known as the 'Brook School'. The Negro children in the district have been assigned to the Brook School and the white children to the Main School. During the most of this period the statute specifically authorized boards of education to establish and maintain separate schools for Negroes and whites. (Education Law, section 921.) In 1938 the Legislature repealed this section. Nevertheless, the schools referred to above were continued as formerly until this September, when representatives of the Negroes petitioned the board of education to discontinue the segregation. The board had the legal choice of closing one school and assigning all the pupils to the other or of maintaining both schools and zoning the areas involved. It elected to do the latter.

This appeal was thereupon taken to the Commissioner of Education, it being alleged that the Main School is sufficiently large enough to accommodate all the pupils and further that the line drawn zoning the two schools continues the segregation and contravenes the law.

In order to become familiar with the facilities offered in both schools and with any other matters considered germane, either factual or legal, the director of the School Buildings and Grounds Division and the director of the Law Division were assigned by me to investigate personally the conditions alleged in the petition. That investigation has been made and a report has been rendered.

The Legislature settled the law on the question of segregation in 1938 when it repealed the statute authorizing separate schools. Since that date it became illegal for a board of education to maintain separate schools for Negro children.

All the children in the seventh grade or above attend the high school maintained by the central school district at Suffern. Also the board of education has been maintaining several six-grade schools, in addition to the two under consideration, and

these schools, like the high school, are open to all residents of the district irrespective of race.

As to the two schools here involved, in the Main School thirty-three out of approximately 100 children registered are Negroes. In Brook School it appears that all the children of school age residing in the zoned area are Negroes.

It is well established that it lies within the power of a board of education, when it has more than one school, to establish zones determining the school which a child shall attend. This zoning must be legal and reasonable and if unreasonable is subject to readjustment upon appeal to the Commissioner of Education, but a board of education may not set up a line or a zone which has for its purpose racial segregation. If the lines are reasonably drawn the fact that most or all the school children are of one race or another race does not render the zoning illegal.

It appears that the effect of the present line drawn by the board of education between the Brook School zone and the Main School zone is to maintain the Brook School entirely for Negro children. A slight revision of this dividing line, through the utilization of State Highway No 17 as a boundary for the full length of the district, would remove the issue of segregation in so far as it is contained within the matter of zoning.

We are, however, in the present case confronted with an additional problem.

This year the children of the seventh and eighth graders were removed from both the Main School and the Brook School and assigned to the high school. This depleted materially the number in both these schools. The Main School has eight classrooms. The Brook School has four classrooms, and its appointments are inferior and inadequate. The building is not worth repairing. It is consequently uneconomical for the district to provide two schools with the extra costs of heating, lighting, cleaning service and supervision. At present the supervisors of music and art, nurse and dental hygienist must travel from one school to the other in order to give service,

Under the circumstances it is contrary to the educational interests of children to be required to attend the Brook School. There being ample room in the Main School, the proper legal and educational solution is for the board of education to maintain that school only.

The appeal is sustained.

It is ordered that the board of education provide educational facilities for all the children in this area at the Main School.”

The issue was settled. Mr. Marshall’s petition had been upheld. In Nyack, at the other end of Rockland County, the first lady of American Theater, Helen Hayes had this to say.

“I look forward with hope and prayer to developments in Hillburn. It seems to me that with all the children now in Hillburn Main School, the people of Hillburn have the opportunity for a wonderful and exciting experiment in democracy which might very well serve as a guide and a beacon to the whole country. I am sure that the white people in Hillburn will have faith in democracy and in the race to meet the situation with tolerance and understanding. Their Audience today is as wide as the world.”

Any celebration turned quickly to a major disappointment. When the children of color entered their new school on Monday, October 18, 1943, only one white child, a sixth grade girl, stayed on. The October 21<sup>st</sup>, the Rockland Leader reported that:

“Seven of the sixty-eight absent white pupils, it was learned, have been transferred to Sacred Heart Parochial School in Suffern. A few others were sent to the public school at Tuxedo, which will cost the parents money, since Tuxedo is outside Ramapo Central School District No.1.

The rest of the white pupils attended the Suffern Boys’ School, a private institution, under the direction of Rev. Robert S. Jones, pastor of the Hillburn Presbyterian Church, which was moved recently from the Fox property near Suffern to the Snow property in Hillburn. The school is accredited by the State Department of Education. Hillburn parents, therefore, are within their rights in sending their children to a private school if they choose to pay the tuition.

White parents were told, in a house to house canvass if they were unable to afford the tuition at the Suffern School, fees would be taken care of. Reporters who showed up at the Suffern School were met by one parent who told them he had been appointed chairman of a new white parents committee.

“We’ll call it the Association for the Advancement of White People,” he said. “The Negroes have their association. We are forced to have ours.

Later he went on to say. “Hillburn is financially white. The Negroes don’t pay enough taxes to support even one teacher. I have nothing against the colored people. Many are my fine friends. But you know what Negroes do to the value of real estate in a community. It’s my opinion that the Negroes didn’t leave Brook school because they wanted a better school. They wanted closed association with white people

Missing were the tolerance and understanding that Helen Hayes had hoped for. Despite ill feelings and some harsh words on both sides, there was no violence - somewhat of a surprise given the fact that like many parts of the nation, the Ku Klux Klan had been activated in Hillburn a little more than a decade and a half earlier.

For the next year or so, a few white parents sought support in closing Main School and sending all of the Hillburn children to other elementary schools in the district.

Three of the young men of color, who were in sixth grade during the fall of 1943, lost their lives in Korea. (Thirty of the 48 young men from the village who served in Korea from 1950-1953 were young men of color – a phenomenon that would ring true nationwide twenty years later in Vietnam.) Junior and senior high school students rode to the new high school on separate buses well into the nineteen-sixties. The buses were referred to as the “early” and “late” buses by the school administration, but were popularly called the “white” and “colored” buses by everyone else. But slowly the white children returned. There also began almost an immediate healing that has continued to the present as young and old alike found that it was possible to live, work, and play together. There continued to be some unhappy memories on both sides. One does not go through something this traumatic and remain unscarred. It is also fair to say that some of the bitterness on both sides was passed along to children and grandchildren; yet in many ways, the village is now a model of working diversity and in its standing far above other communities in terms of race relations. This started when Mr. Marshall came to Hillburn. He would have been happy to see the results.

Mr. Marshall, of course, went on to accomplish great things. He won 29 of the 32 cases he argued before the United States Supreme Court including the landmark *Brown V. Board of Education*; later, as a justice of that same court, he never wavered in his attempts to provide equality and just treatment for all Americans. What he did in Hillburn was a small part of his life’s work and is seldom mentioned by his biographers. Still, Hillburn is proud of a man who committed himself to attaining equal opportunities for every American in his work as an attorney and as a justice of the Court. He spent

sixty years of his life removing barriers and fighting to ensure that all Americans enjoy the liberties upon which our nation was founded.

“I do not believe that the meaning of the Constitution was forever ‘fixed’ at the Philadelphia Convention. Nor do I find the wisdom, foresight and sense of justice exhibited by the framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war and momentous social transformations to attain a system of constitutional government, and its respect for individual freedoms and human rights we hold as fundamental today.”

**Thurgood Marshall**

Similar to Mr. Marshall’s belief that America “didn’t get right in the beginning,” neither did Hillburn. More years would pass and many more issues resolved before the village evolved into what it has become today.