Equal Rights for ALL

BY MARTIN J. SIEGEL

An order to desegregate a New Rochelle elementary school left a legacy.

A little over sixty years ago, a judge in Manhattan issued the first order from a federal court desegregating a school north of the Mason-Dixon line. The school was in New Rochelle, New York, and the judge was Irving R. Kaufman. The order didn’t make him famous—he already was.

Ten years earlier, Kaufman had made a name for himself as judge in the espionage trial of Julius and Ethel Rosenberg. Once the jury convicted, Kaufman sentenced them to die in Sing Sing’s electric chair. While pronouncing sentence, he let loose a screed bordering on the fanatic, denouncing the couple for a “diabolical conspiracy to destroy a God-fearing nation” and blaming them for nothing less than the Korean War.

If his anticommunism was deep-seated, however, so was his cosmopolitanism. As a lifelong city-dweller educated alongside every stripe of New Yorker at DeWitt Clinton High School and Fordham University, he had little patience for discrimination. In a speech drafted for Rhode Island Senator J. Howard McGrath in 1949, just before his judicial appointment, he forcefully condemned Southern bigotry, insisting that “no man should be denied equal justice because of his color.” Given the chance a decade later to act on his principles, Kaufman didn’t hesitate.

Welcoming Suburb?
Postwar New Rochelle wasn’t just prosperous, it was welcoming. Unusually for suburbia, small communities of Irish, Italian, and Jewish immigrants fleeing the crowded city flourished there, as did 16,000 Black residents.

“We had a vibrant, incredible Black community,” one resident remembered. City officials often boasted that Giants’ star Willie Mays was a New Rochellean.

Still, there were limits. Older Black residents quietly observed an unstated but well understood color line when it came to the jobs they should apply for and where to sit in restaurants and movie theaters. Residential segregation was the unofficial, unwritten rule.

New Rochelle’s high school and junior high schools educated students of all races. The schools hired Black teachers and the appointed school board usually included one Black member. The town was a national model, one other administrators toured to see how integration worked.

The picture was less rosy at the elementary school level, however. Some were diverse,
but by 1960, one was badly imbalanced. The Lincoln School had 454 Black children and only twenty-nine white children. Built in 1898, it was physically disintegrating, and many parents whose children attended under a neighborhood-based system strictly limiting students to their nearby zoned schools also thought instruction lagged. One Lincoln graduate recalled years later that his teachers had “asked only a low level of performance. They used to have us sing Old Black Joe and Swanee River at assemblies. You had to go to high school to find out how much you didn’t know.”

**NAACP Protests**

In 1957, outside experts proposed various changes that would have diversified the school, but the plan was shelved, hardening Black suspicions. Two years later, the National Association for Advancement of Colored People (NAACP) led pickets and boycotts. Lincoln’s Black parents were hardly monolithic, though. Many frowned on disrupting school to make a political point and others simply wanted a more modern facility on the same spot. Hoping to placate both sides, the board ordered a bond election for a new, smaller Lincoln. The new school would have been just as segregated, however, and civil rights groups opposed it. Yet the measure passed overwhelmingly, and even many Lincoln-area voters supported it.

Defeat at the polls left the local NAACP demoralized and ready to move on, but a few had only begun to fight. Convinced her daughter Leslie was floundering at Lincoln, Hallie Taylor telephoned a lawyer in the city, Paul Zuber. “He gave us strength and courage that we could take on anything in the world,” Taylor said years later, “and we did.”

Zuber was six foot, three inches and 230 pounds. “Meeting Mr. Zuber for the first time,” one reporter wrote, “one gets the impression of a man uneasily packed into his suit.” He was fearless, with a penetrating intelligence and a wicked sense of humor. Beatings from white boys in Harlem and the cold shoulder from fraternity brothers at Brown left him convinced racism was hardly confined to Dixie. “Down home,” the 32-year-old liked to say in an affected Southern accent, “our bigots come in white sheets. Up here, they come in Brooks Brothers suits and ties.”
A maverick used to flouting the more cautious civil rights groups, Zuber had won an early victory against shunting Black students into subpar schools in Harlem. Now, he set out to replicate that success in New Rochelle. At his behest, the Taylors and others boycotted Lincoln and started showing up at white elementary schools to register their children—demands that were politely, if nervously, refused. Once, they pulled up to a white elementary and children playing outside dropped their toys and ran inside to tell the principal “the Black kids are coming!”

At the nearly all-white Roosevelt school in the nicest part of town, Zuber and his foot soldiers encountered an unusual obstacle: Dr. Barbara Mason, the district’s only Black principal. Mason stood firm, saying she “completely believed” in the board’s neighborhood school policy. Zuber retorted that what the board really feared was Black residents moving into white neighborhoods and, with characteristic hyperbole, called Mason the “Aunt Jemima of Uncle Tom’s cabin.”

The following week, Zuber borrowed the imagery of sit-ins at Southern lunch counters and led twenty-three parents and children with folding chairs to a different all-white school, where they were ticketed for trespassing and disorderly conduct. The New York Times put the story on page one.

A lawyer instead of a demonstration, and Kaufman was the man he got. Always hyper-efficient, Kaufman swiftly pushed the case to trial. There, Zuber thoroughly out-lawyered his more seasoned opponents.

His key witness was Bertha White, a teacher and activist who had plumbed through rooms of records and unearthed board minutes going back to 1930.

“Demonstrations are for babies,” he told Life. “You can go out there and march up and down with placards and sing ‘We Shall Overcome’ till you fall down. The other side comes out and yells ‘Two, Four, Six, Eight, We don’t wanna integrate!’ … But in court only one man can talk at a time and one man in front of a judge is just as big as a whole damn school board.”

—Paul Zuber
it carved a white enclave out of the zone. White also revealed that the board had quietly let white families transfer children out of the Lincoln zone despite the supposedly ironclad neighborhood assignments rule. Zuber also got Herbert Clish, the board superintendent, to admit that achievement scores were lower at Lincoln and that the school’s single-race status might bear some blame.

On the other side, New Rochelle tried to rely on the city’s longtime reputation for inclusiveness. “We have Negroes living within the entire city of New Rochelle, and we are proud of it,” one of its lawyers argued. “This isn’t Alabama and this isn’t Arkansas, this isn’t Georgia, and your Honor knows it.”

The city’s witnesses couldn’t shake the impression that the city was stalling, however, and offered no real explanation for how or when anything might change. Couldn’t the board do anything to “bring about a better balance,” Kaufman asked one witness. Treating students differently based on race—that is, allowing Black students alone to circumvent the uniform neighborhood school policy and transfer to mostly white schools—would compromise “equal treatment for all,” the witness replied. “But by not treating some group differently, you can also violate a basic constitutional provision,” Kaufman noted.

The city’s star witness was Mason, who again defended neighborhood schools. Even she ended up bolstering Zuber’s case when she acknowledged favoring integration, testifying that rebuilding Lincoln in the same location would only perpetuate an all-Black school. She also admitted integration would never happen without discarding the existing neighborhood assignment system.

Kaufman’s ruling in early 1961 made history. He scored New Rochelle for ignoring “the racial imbalance in the Lincoln School. It has met the problem with mere words, barren of meaning, for they were never followed by deeds.” This happened despite the Supreme Court’s Brown v. Board of Education decision eight years earlier that had “heralded a new epoch in the
quest for equality of the individual, “and compliance “was not to be less forthright in the North than in the South.”

Brown required Lincoln’s integration, Kaufman wrote, because it hinged on the damage segregation did to “the educational and mental development of the minority group children,” and that was happening in New Rochelle, too. Nor were neighborhood schools automatically “sacrosanct” or permissible “as an instrument to confine Negroes” in a gerrymandered zone. Rejecting the claim that Black students shouldn’t get special treatment by being allowed to transfer out of their assigned neighborhood school, Kaufman responded that “the Constitution is not this color-blind. ... There are instances where it is not only justified, but necessary, to provide for such allegedly ‘unequal treatment’ in order to achieve the equality guaranteed by the Constitution.”

His ruling brought jubilation to Lincoln Avenue. Some burst into tears. Five of the plaintiffs met across the street from the school to celebrate, and as cars drove by drivers stuck their hands out the window and made the V sign for victory. Hallie Taylor, the mother who’d stubbornly refused to accept the bond referendum as the end of the matter, proclaimed the decision “a step forward for the whole North. I am so elated. I am so very, very happy that I don’t know what to do.” With what proved to be only modest hyperbole, Zuber told reporters his victory would have “tremendous impact on practically every Northern city where segregation is practiced on a wholesale basis by officials who mouth support for integration.”

New Rochelle’s board refused to see the light and appealed. The decisive moment came when Kaufman invited the Justice Department to weigh in, and new US Attorney General Robert Kennedy responded with a brief offering “guidelines” for desegregation, including unencumbered voluntary transfers from Lincoln and publication of the numbers of vacancies in other schools so parents could choose their destinations. This was the plan Kaufman adopted, and the appellate courts upheld his decision.

Influenced Change

The New Rochelle case touched off efforts at desegregation throughout the North and West. Some were voluntary; Kaufman’s ruling “jogged white minds all over the North,” Time reported.
The New Rochelle Public Library maintains an archive of materials, called the Desegregation Collection, which includes ample information about the Taylor desegregation lawsuit, such as news articles relating to the case from the New Rochelle Standard Star newspaper; photos of the plaintiffs, attorney Paul Zuber, and children being turned away from the Roosevelt School; eight oral history interviews of parents, school board officials, and students involved in the battle to integrate Lincoln Elementary School conducted by later New Rochelle High School students; and materials related to New Rochelle’s commemoration of the 50th anniversary of the case in 2011.

The National Archives and Records Administration maintains the federal case files of the Taylor lawsuit, including legal briefs written by the plaintiffs and the New Rochelle school board, transcripts of the trial and pre- and post-trial hearings, and the brief of the US Department of Justice urging adoption of a plan of desegregation. These may be examined at NARA’s facility in Kansas City, Missouri.


For more on school desegregation in New York, see:
• “Menace to the Community” by Jasmine Bumpers in this issue.