

TO THE COMMISSIONER OF EDUCATION:

Your petitioners herein are residents of the village of Hillburn, Rockland County, New York, and citizens of the United States and of the State of New York. They are tax payers contributing to the general education fund which supports the public schools in Rockland County.

Each of the petitioners is a parent of a child or of children of public school age. There are two schools in the village of Hillburn, commonly called the Main School and the Brook School, both of which are alleged to be under the jurisdiction of the Board of Education of Central School District Number 1 of the town of Ramapo. Petitioners are all Negroes.

Over a long period of years the aforesaid Board of Education maintained the practice of placing all Negro elementary school pupils of Hillburn in the Brook School, and the white elementary school pupils of Hillburn in the Main School. Negro pupils were excluded from the Main School and white pupils were excluded from the Brook School.

This practice of segregation was in violation of section 920 of the Education Law, which provides as follows:

"No person shall be refused admission into or be excluded from any public school in the State of New York on account of race or color."

This practice was also in violation of section 40 of the Civil Rights Law, which provides:

"All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodations... A place of public accommodation...within the meaning of this article, shall be deemed to include public libraries, kindergartens, primary and secondary schools, high schools..."

On September 8, 1943 the Negro pupils in Hillburn refused to attend Brook School to which all of them had been assigned. After this became publicly known, on the evening of September 8, 1943 the aforesaid Board of Education adopted the following resolution:

"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 brought 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."

According to the aforesaid resolution fifty-six white pupils have been assigned to the Main School; thirty-two Negro pupils have been assigned to the Main School; and fifty-six Negro pupils have been assigned to the Brook School. No white pupil has been assigned to the Brook School.

The geographical division in the aforesaid resolution was contrived by the Board of Education so that the white pupils living west and south of Route 17 shall attend the Main school. Petitioners state that the property of Mrs. Zenda Sterling was chosen as the boundary line for the reason that her house is the last house occupied by a white family on the south side of Route 17. All white pupils living on that side of Route 17 have been assigned to the Main School.

Petitioners submit that the division was gerrymandered expressly for the purpose of excluding from the Brook School white pupils.

The population of the village of Hillburn is approximately 1200; more than 600 are Negroes. There are 144 children of primary school age in Hillburn, and of these 56 are white; and 88 are Negro.

The Main school is large enough to contain 180 pupils. It consists of eight rooms, six of which are used as school rooms. Brook school consists of only four rooms.

The Main school is a brick building which was constructed, we believe, approximately thirty years ago, and was recently remodeled. Brook school

is a frame building, which was built approximately seventy-five years ago, and has not been remodeled since then.

The Main School has a library, which is also used as an assembly room; it has a gymnasium; it has a clinic. It has proper toilet facilities and sanitary fountains for drinking water. It has a large and adequate playground.

Brook School has no library, no room that can be used as an auditorium; it has no gymnasium; it has no clinic. The toilets in the school are so placed that pupils need to go through school rooms in order to get to them. Its drinking fountain is placed adjacent to the wash bowl. It has a small improvised playground, which is inadequate as to space and safety, and which has very meager equipment. Brook School is a fire hazard, and the closeness of the building and of the play lot to the road creates a safety hazard.

The gerrymandered division, creating areas grotesquely irregular in shape, is unreasonable and unjust, and amounts to segregation, illegal discrimination, oppression, and wanton disregard of the rights and interests of citizens.

The Negro pupils assigned to Brook School have refused to attend and continue to refuse to attend said school and have applied for admission to the Main School, but have been refused admittance to that school. The exclusion of them from the Main School is a violation of section 920 of the Education Law, and section 40 of the Civil Rights Law. It is also a violation of section 567 of the Education Law which provides that a person over five and under twenty-one years of age is entitled to attend the public schools maintained in the district or city in which such person resides. Both Main School and Brook School are maintained in the same district; namely, Central School District Number 1, in the town of Ramapo. Their exclusion from Main School is also a violation of the Constitution of the State of New York and of the Constitution of the United States.

On September 14, 1943 representatives of petitioners appeared before the Board of Education and requested that the resolution of September 8th be repealed. The Board of Education refused to repeal the resolution.

STATE OF NEW YORK }
COUNTY OF ROCKLAND) SS

The undersigned being duly sworn depose and say that they are the petitioners in this proceeding; that they have read the annexed petition and know the contents thereof; that the same is true to the knowledge of deponents except as to matters based upon information and belief and as to those matters they believe them to be true.

<u>William Miller</u>	<u>Johnmann</u>
<u>Reginald Vandenberg</u>	<u>Gilbert E. Cery</u>
<u>George Van Dusk</u>	<u>Micho Dummer</u>
<u>Daniel Ayers</u>	
<u>Herbert Connor</u>	
<u>Marjorie Smith Avery</u>	
<u>Helen Miller</u>	
<u>Margaret A. Van Dusk</u>	
<u>Delia Verreese</u>	
<u>Sue De Groot</u>	
<u>Hattie Connor</u>	
<u>Vera S. Powell</u>	
<u>Alma Van Dusk</u>	
<u>Samuel Oosterhout</u>	
<u>Tracie Powell</u>	
<u>Blaise Van Dusk</u>	
<u>Christin Van Dusk</u>	
<u>Marguerite Boddy</u>	
<u>Frances Durcan</u>	
<u>Mande Caldwell</u>	
<u>Mary DeFreese Overton</u>	
<u>Marjorie C Van Dusk</u>	

Subscribed to and sworn before me
this 22 day of September, 1943



Geraldine Goldstein
Notary Public, Rockland Co., NY.

WHEREFORE, petitioners respectfully urge the Commissioner of Education that he set aside the aforesaid resolution of the Board of Education, and that he direct the said Board of Education to admit all Negro pupils to Main school.

Respectfully submitted,

William Miller
Reginald Vandford
George Van Dunk
Daniel Ayers
Harold Connor
Marjorie Smith Query
Elvis Miller
Margaret A. Van Dunk
Delia Depress
Susie De Groot
Hatho Connor
Vera S. Powell
Alma Van Dunk
Samuel Peterhout
Tracie Powell
Gladys Van Dunk
Christine Van Dunk
Marguerite Poddy
Frances Duncan
Maudie Caldwell
Mary de France Overton
Margorie C. Van Dunk
John Marie
Gilbert E. Leroy
Irby Dennis