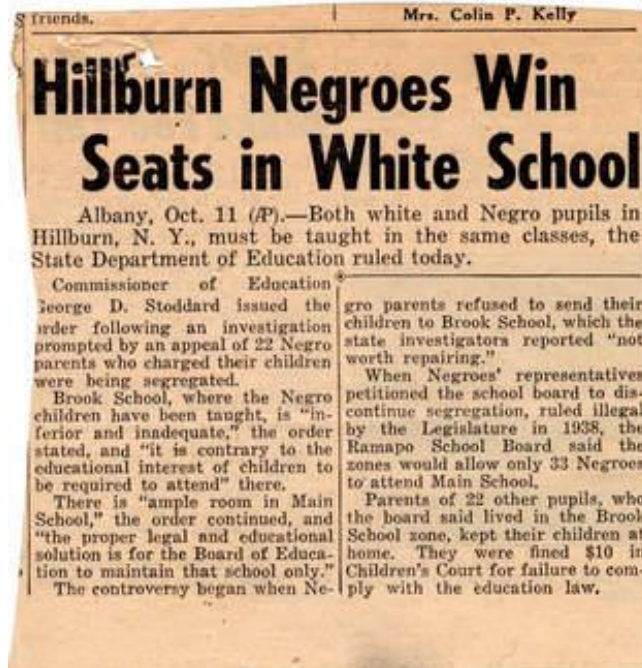


**National Council for History Education
Exercising Power: Individuals and Institutions in History**

March 15, 2019
Washington, DC

**Before *Brown v. Board of Education*:
The Power of Individuals and Institutions
in the Struggle for Equality in Education**



Courtesy: New York State Archives

Presented by

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All teaching materials and documents can be accessed on the following website.
<https://www.nysarchivestrust.org/exhibits/civil-rights/classroom-connections>

Civil Rights Inquiry Grade 8

Compelling Question

How do individuals change society?

Standards and Practices

8.9 DOMESTIC POLITICS AND REFORM: The civil rights movement and the Great Society were attempts by people and the government to address major social, legal, economic, and environmental problems. Subsequent economic recession called for a new economic program. (Standards: 1, 4, 5; Themes: TCC, SOC, CIV, ECO)

8.9a The civil rights movement began in the postwar era in response to long-standing inequalities in American society, and eventually brought about equality under the law, but slower progress on economic improvements.

A. Gathering, Interpreting and Using Evidence

3. Analyze evidence in terms of historical context, content, authorship, point of view, purpose, and format; identify bias; explain the role of bias and audience in presenting arguments or evidence.

F. Civic Participation

4. Identify, describe, and compare the role of the individual in social and political participation in, and as an agent of, historical change at various times and in various locations in colonial North America and in the early history of the United States.

6. Identify situations in which social actions are required and determine an appropriate course of action.

Staging the Question

Discuss the impact of *Brown v. Board of Education of Topeka* (1954) What was school segregation and why was a Supreme Court ruling necessary to end it?

<https://ny.pbslearningmedia.org/resource/iml04.soc.usc.civil.scschools/segregated-schooling-in-south-carolina/#.WnCYnK6nFp8>

<https://ny.pbslearningmedia.org/resource/b7bc564e-7966-4d7c-b534-de1f089e7949/civil-rights-movement-educational-equality/#.WnCZuK6nFp8>

<http://query.nytimes.com/gst/fullpage.html?res=9806E3D81F31F93BA25751C1A9639C8B63>

Supporting Question 1

What problem did the citizens of Hillburn, New York face in the fall of 1943 and how did they respond to this problem?

Featured Sources

Petition to the New York State Education Commissioner filed by the NAACP with Map of Hillburn

Formative Assessment

Identify the problem with the schools in Hillburn, NY in 1943 using evidence from the documents.

Supporting Question 2

How did New York State Commissioner of Education respond to the citizens of Hillburn?

Featured Sources

Article. Hillburn Negroes Win Seats in White School, 1943

Article. Negro School in Hillburn Closed by Order of State Education Head, 1943

Formative Assessment

Discuss the Commissioners decision and the impact the decision had on the children in Hillburn.

Supporting Question 3

How did people of New York State respond to the Commissioner's decision?

Featured Sources

Letters to the Commissioner Regarding the Hillburn Decision (9)

Formative Assessment

Create a chart of the different perspectives regarding the Commissioner's decision in the Hillburn Case.

Summative Assessment

Argument

Write an essay or participate in a Socratic Seminar discussing the influence of individuals in the Hillburn Case. Use evidence from the documents to evaluate the impact individual citizens had on decision of the Commissioner.

Extension

Compare the desegregation case in Hillburn, New York to the Brown v. Board of Education of Topeka (1954) Supreme Court case.

Taking Informed Action

Is there currently inequality in education in New York State? How can you work to bring about equality in education?

*File
ack'd
by card
sep 25 1943* **5573**

**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
LEGAL DEFENSE AND EDUCATIONAL FUND, INC.**

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Assistant Special Counsel

September 23, 1943

Commissioner of Education
University of State of New York
State Education Department
Albany, New York

Dear Mr. Commissioner:

Enclosed please find petition of several residents, taxpayers, and parents of the village of Hillburn, Rockland County, New York. This petition is in the form of an appeal from the ruling of the Board of Education, Central School District No. 1, Town of Ramapo, Rockland County, New York.

Attached to the petition is the affidavit of service upon J. Edgar Davidson, President, Board of Education, Central School District No. 1.

We are also enclosing photostatic copy of map of Hillburn, which appears to have been prepared in June, 1942, with the additional boundary lines having been added recently.

We are also enclosing certified copy of the minutes of the Board of Education of the Central School District No. 1. Both of these exhibits were obtained from the attorney for the School Board, and the originals of both are in the possession of the School Board.

Respectfully yours,

Donald Crichton

Donald Crichton

Attorney for petitioners

Thurgood Marshall

Thurgood Marshall

of counsel

Enclosures

Contributions are deductible for U. S. Income Tax Purposes

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:

NYSA

"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 boundry 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

NYSA

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 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.

NYS

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
Harley Connor
Marjorie Smith Avery
Elvis Miller
Margaret H. VanDunk
Delia Depress
Lucie Decker
Hattie Connor
Vera E. Powell
Alma Van Dunk
Samuel Peterhouse
Tracie Powell
Madge Van Dunk
Christine Van Dunk
Marguerite Paddy
Frances Duncan
Maude Caldwell
Mary LeFosse Overton
Marjorie C Van Dunk
John Marie
Gilbert E. Leroy
Mrs. Dennis

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.

William Miller
Reginald Van Dusen
George Van Dusen
Daniel Ayers
Herbert Connor
Marjorie Smith Avery
Blair Miller
Margaret A. Van Dusen
Delia DePue
Lucas De Groot
Kathie Connor
Vera L. Powell
Alma Van Dusen
Samuel Osterhout
Tracie Powell
Alfred Van Dusen
Christian Van Dusen
Marguerite Boddy
Frances Duncan
Maudie Caldwell
Mary DeFusse Oreston
Marjorie C Van Dusen

John Mann
Gilbert E. Avery
Mike Dunham

Subscribed to and sworn before me

this 22 day of September, 1943

Guadalupe Glastein
Notary Public, Rockland Co., N.Y.

NYSA

HILLBURN

SCALE' 400' = 1"

JUNE 1942

- ☐ FIRE HOUSE
- R.R. STATION
- SCHOOL

Boundaries taken from Map by Herbert B. Potter dated April 4, 1893

AREA 1413 Acres, equal to 2 2/3 sq. miles

X = Negro Pupils
X = White Pupils

Oct. 5, 1942

approximate dividing line between
Dorck and Main
Schools

NYS

What is the
Commissioner of
Education in charge of?

Define petitioner?

Define segregation:

How was segregation
being applied?

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:

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"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:

Which students attend the Main school and which students attend Brook School?

Summarize the NYS law:

Summarize the Civil Rights law:

Commissioner of Education: Person in charge of all public schools in New York State

Petitioner: A person or a group that wants to change something legally.



TO THE COMMISSIONER OF EDUCATION:

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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:

Race/color can't stop people from attending public schools

Everyone is allowed in a public place. Schools are a public place.

Hillburn Negroes Win Seats in White School

Albany, Oct. 11 (AP).—Both white and Negro pupils in Hillburn, N. Y., must be taught in the same classes, the State Department of Education ruled today.

Commissioner of Education

George D. Stoddard issued the order following an investigation prompted by an appeal of 22 Negro parents who charged their children were being segregated.

Brook School, where the Negro children have been taught, is "inferior and inadequate," the order stated, and "it is contrary to the educational interest of children to be required to attend" there.

There is "ample room in Main School," the order continued, and "the proper legal and educational solution is for the Board of Education to maintain that school only."

The controversy began when Ne-

gro parents refused to send their children to Brook School, which the state investigators reported "not worth repairing."

When Negroes' representatives petitioned the school board to discontinue segregation, ruled illegal by the Legislature in 1938, the Ramapo School Board said the zones would allow only 33 Negroes to attend Main School.

Parents of 22 other pupils, who the board said lived in the Brook School zone, kept their children at home. They were fined \$10 in Children's Court for failure to comply with the education law.

CLASS OF SERVICE

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1201

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DR GEORGE D STODDARD=

COMR OF EDUCATION=

BY YOUR DECISION IN THE HILBURN SCHOOL CASE YOU HAVE UPHELD
THE BASIC PRECEPT OF OUR DEMOCRACY AND HAVE GIVEN COURAGE
AND DETERMINATION TO THE STRUGGLE OF OUR NATION AGAINST
DISCRIMINATION AND THEORIES OF RACE SUPREMECY WHICH ARE THE
BREEDING GROUNDS OF FASCISM ACTION SUCH AS THIS WILL HELP
UNITE THE AMERICAN PEOPLE IN THIS PEOPLES WAR=

COMMUNIST PARTY CAPITOL DISTRICT ARTHUR BARY ORGANIZER.

BARY.

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

NYS4

In a Democracy the will of the majority governs. A lot of negro riff-raff is flooding our northern cities and with pressure tactics is driving out our white population under the aid of governmental officials. The white people will soon show their resentment by driving

such officers out of their positions.
If the white people don't want their children to be surrounded by negro riff-raff they are entitled to that. If the negroes don't like that let them go back to where they came from. Unless the State Education

Department is willing to protect its voting citizens it is not worthy of their confidence. There truly must be a solution to the problem. Let's all see how smart the Education Dept is to find out how to satisfy the white people of their state?

Received
Oct 15 1943
Commissioner
of Education

Document Analysis

When was this document written?

What type of document is this?

Why was this document written?

What is the overall opinion of the author?

What arguments does the author make to support their opinion?

What bias appears in this document?

What is the overall tone of this document?

Mr Bruce

RECEIVED

OCT 15 1943

COMMISSIONER
OF EDUCATION

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