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archives

Breaking
Ground

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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 fanatical, 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,



Lincoln School

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."

The NAACP opposed the Lincoln School Referendum.

NEW ROCHELLE PUBLIC LIBRARY ARCHIVE

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

New Rochelle Branch 354 North Avenue

June 6, 1960

Dear Friend:

The majority of the Negro people of New Rochelle voted against the Lincoln School Referendum! This is a victory for all of us despite the overwhelming vote of the rest of the community to contain 400 little Negro children in a new segregated school surrounded by two highways. This city has seen the emergence of a new Negro who rejects second-best. The new segregated school that may be erected is contrary to the will of our people.

Our people stood up against a campaign waged by a powerful machine that resorted to all the old tricks of the trade to get us to agree that we desired the replacement of Lincoln School and accepted segregation for our children. However, we held fast for our rights just as our young people in the South and Negroes all over the world are doing.

The NAACP is continuing this fight in New Rochelle for full equality in education. Plans are in the making for accomplishing this end. Among other things our children will have to remain in that dilapidated building for another year or two and this is of grave concern to us. We have been short-changed all around. We do not have to take this!

We, the Negro people, have found new unity. We need each other. If we have the full support of our people, we can gain equality in housing and job opportunities as well as in education. But we, the Negroes must take the leadership. Freedom is not easily won. We have to fight hard for it.

Let us reinforce our new unity by getting together on Sunday, June 12th at the Remington Boys Club, at Oulton and Remington Place at 4 PM. We will have a fine program. Judge Hubert Delany, a member of our National Executive Board, Defense Attorney for Rev. Martin Luther King and an eminent and nationally known civil rights leader will be our guest speaker.

We thank each of you for the help you gave during the Lincoln School referendum campaign. We need our combined strength now, more than ever. The fight is by no means over!

Let us all get together on Sunday, June 12th.

Sincerely,

Rev. M. DeWitt Bullock, Pres.

Joseph T. Jackson, 1st Vice Pres.

Leona Farrington, 2nd Vice Pres.

P. S. Some of our young New Rochelle students who have just returned from the Southern colleges and have participated in the sit-ins are also expected to be present.



Attorney Paul Zuber being interviewed with parents and schoolchildren standing nearby at the Roosevelt School.



Dr. Barbara Mason, the district's only Black principal, who defended the zoning of the neighborhood schools at trial.

NEW ROCHELLE PUBLIC
LIBRARY ARCHIVE

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.

After a while, though, the protests sputtered, and Zuber had little choice but to litigate.

“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

“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

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.” He filed suit in federal court on October 20, 1960.

Zuber wanted a judge 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. She explained how, years earlier, the board had gerrymandered Lincoln's zone to recapture some Black residents who had moved away. At the same time,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



LESLIE TAYLOR, et al,

Plaintiffs,

- against -

60 CIVIL 4098

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF
NEW ROCHELLE, et al,

Defendants.

Comes now the Board of Education of the City School District of the City of New Rochelle, through its attorneys, and submits the following plan in response to the direction contained in the decision of this Court dated January 24, 1961.

P R E A M B L E

The decision calls for "a plan for desegregation". The Board respectfully submits that since the school system of New Rochelle is not operated on a "segregated" basis it is impossible to submit a plan which will put an end to segregation. The Lincoln School is admittedly a bi-racial school. The command to alter the "racial imbalance" is too vague a standard and leaves the Board perplexed as to what racial mix meets the requirements of the Fourteenth Amendment.

The Board has taken cognizance of the plans approved in the true desegregation cases. In Brown v. Board of Education, 347 U.S. 483, affecting the City of Topeka,

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THE PLAN

Any pupil attending the Lincoln Elementary School, without regard to race, creed, color or national origin, shall be permitted to register and enroll in any elementary school in the New Rochelle Public School System, under the following conditions:

(1) There shall be available a seat to accommodate the child in the grade to which he seeks admission.

(2) Admission of out-of-district pupils shall be made only in conformity with the Board of Education's class size policy.

(3) Any pupil for whom such transfer is sought shall be recommended by his classroom teacher and principal as being able to perform in academically satisfactory fashion on the grade level to which he is assigned, with the recommendation and request being subject to the approval of the Superintendent of Schools.

(4) Permission granted for such transfer shall be on a year to year basis, with children actually living within the confines of the receiving school district having priority in admission to a given school and seats within the classrooms.

(5) Any parent requesting such a transfer shall give a written statement expressing his willingness to provide transportation at his own expense.

(6) The Board of Education reserves the

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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

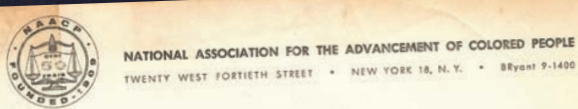
offered no real explanation for how or when anything might change. Couldn't the board do anything to "bring about a better balance," Kaufman asked one witness. Treating students differently based on race—that is, allowing Black students alone to circumvent the uniform neighborhood school policy and transfer 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

The New Rochelle Board of Education appealed Kaufman's decision.



Rev. M. DeWitt Bullock, President
New Rochelle Branch NAACP
15 French Ridge
New Rochelle, New York

Dear Reverend Bullock:

All of us in NAACP are, as you know, profoundly gratified by Judge Kaufman's landmark decision in the Lincoln School case. The decision is good law, good morals and will prove over the years to have been good pedagogy as well. Sharing the credit for this genuine advance in the fight for equality are the parents whose courageous decision was the necessary point of departure, and much praise is also due the attorneys who plead their cause. Our special congratulations go herewith to the members of the New Rochelle Branch of NAACP and to the other organizations and individuals throughout the community who lent vital backing.

Important as it is, however, Judge Kaufman's decision will have only symbolic value unless it is implemented in good faith by the New Rochelle Board of Education. We would hope that the Board will move promptly and in full accord with the spirit of the decision to see that the evil effects of the policies of the past are swiftly and effectively counteracted.

In this, the Board will find invaluable the constructive support and cooperation of all the parents, Negro and white, whose children make up the present Lincoln School population. Ill-will and recrimination have marked this controversy at numerous points of its development, but the time has come to lay these aside for all time and to move ahead together with the interest of all our children as the paramount concern.

New Rochelle, long a model for progress in so many areas of community life, now has a golden opportunity to turn a hitherto divisive issue into a source of unity. May God grant its citizens and their leaders the wisdom and the strength to attain this new and broader horizon.

Very sincerely yours,

Ray Wilkins
BOY WILKINS
Executive Secretary

RW:erb



Kaufman's ruling brought jubilation to many, including the NAACP.

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.



NEW ROCHELLE PUBLIC LIBRARY ARCHIVE

The Taylors (left)
with Paul Zuber

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.

Others were prodded by lawsuits that resulted in busing, permissive transfers, open enrollment, new district lines, plans for merging elementary schools, and other changes. Gradually, the numbers of students learning with children of other races grew significantly compared to the days before *Brown* and *Taylor*.

For Kaufman, the decision was one of the first marking his slow transformation from the “hanging judge” of the Rosenberg episode to one of his generation’s leading progressives. He was promoted to the Court of Appeals soon after his decision in *Taylor*, and his appellate opinions liberalized the insanity defense, reformed Attica-era prisons, articulated a constitutional right to equal funding for rich and poor school districts, spared John Lennon from politically motivated deportation,

greatly expanded free speech, brought foreign torturers to justice in US courts, and much more. Kaufman’s tumultuous career, more than most, illustrates how law and the people who make it can change over time.

In New Rochelle, the public schools are considerably more diverse than they were in 1960, and none of its six elementary schools is majority white. Still, some are badly imbalanced, just as before. Three have nonwhite student bodies over 80 percent, though the largest minority group at these schools is now non-white Latino. And one is only 3 percent white and 95 percent non-white Latino and Black—numbers disturbingly reminiscent of Lincoln six decades earlier and part of the larger resegregation of America’s schools due to white flight and other factors. ■

THE ARCHIVES CONNECTION

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.

Further information about the case appears in extensive contemporaneous press coverage in *The New York Times*, the *New York Herald Tribune*, and New York City’s leading Black newspaper at the time, the *Amsterdam News*. A 1966 article in *Life* also chronicles the case at length. (Keith Wheeler, “Ordeal by Integration,” *Life*, May 6, 1966, 96).

For classroom activities related to this article, see our **Educator Guide** at <https://considerthesourcenry.org/magazine-educator-guides>

For more on school desegregation in New York, see:

- “Menace to the Community” by Jasmine Bumpers in this issue.
- “School Integration in New York: High Ideals, Political Realities” by Jesse Brown, Winter 2010.