

Attorneys James McGee, Constance Baker Motely and Russell Carter appeared in court with the marching mothers. The case was filed as Clemons et al v. Hillsboro School District. Judge Druffel refused to rule on the case, calling it "premature."

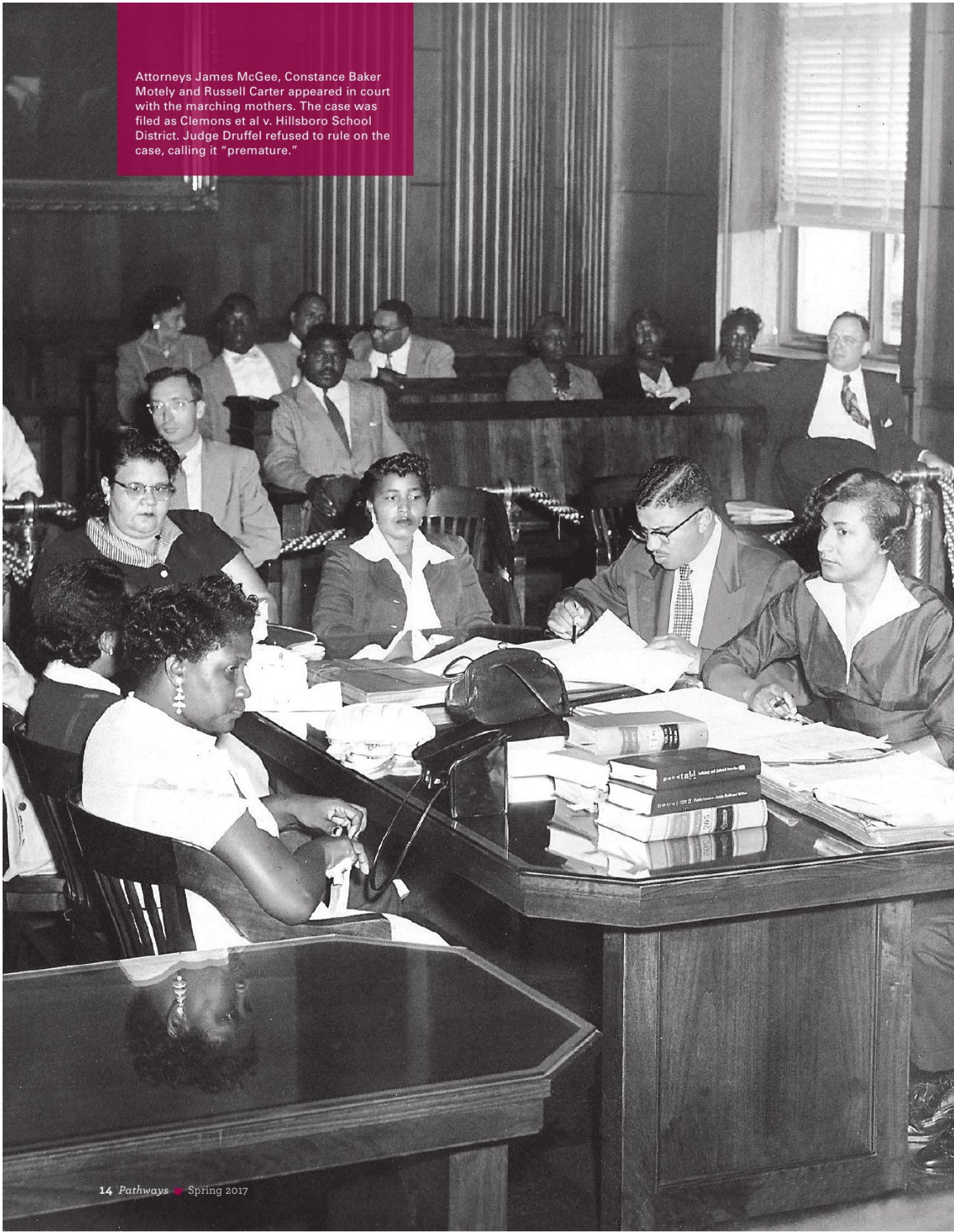




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# FIRE OF JUSTICE:

## The Battle for School Desegregation in Hillsboro

An Ohio town became the setting for the first Northern desegregation case testing the ruling delivered by the Supreme Court

By Pat Williamsen

**H**ILLSBORO IS A PRETTY LITTLE TOWN, perched on the rolling hills of Highland County. Surrounded by fertile land, the town has served as a focal point for the farming community with merchants and factories supporting an agricultural economy. Part of the Virginia Military District land grant, it was settled starting in 1806 by Revolutionary War veterans. Civic leaders demonstrated progressive values: many sheltered runaways escaping slavery south of the Ohio River, while others developed successful

strategies for the Temperance Movement.

In 1954, two events converged to shake the quiet of the little town.

Many miles away in the nation's capital, on May 17, the Supreme Court issued a ruling in a case docketed as *Brown v. Board of Education of Topeka, Kansas*. Less than two months later, Lincoln School, the Hillsboro elementary school for black children, caught fire.

These events — one of national import, the other thought to be merely a local matter — would shake Hillsboro to its foundations, bringing attention to the town in ways that no one could have predicted at the time. Certainly, only a few townspeople welcomed the attention.

### AN UNLIKELY CRUSADER

Early in the morning of Sunday, July 7, a fire broke out at Lincoln School. Although the Hillsboro Fire Department was able to extinguish the blaze, a downstairs classroom was severely damaged. An electrical storm had passed through the area that night and officials blamed the fire on a lightning strike. The police and firefighters finished their work and gave no further thought to the fire or the damaged building.

It came as a surprise, then, when Phillip Partridge arrived at police headquarters to confess that he had set the fire.

Serving as the County Engineer since 1950, Partridge was 43 years old, and the father of two children. Police Chief William Woolard described him as a “mild-mannered individual who would not attempt to harm anyone.”

A devout man, Partridge believed that he had been called to do something to right the injustices suffered by Hillsboro’s black families. Choosing a time when no one would be hurt, he pried open the lock on the school house door and splashed the classroom walls with gasoline. Then he lit a match and dropped it in a puddle of fuel.

That anyone would do such a thing confounded Hillsboro police. Partridge, who was white, was efficient at his job and generally liked about town. In his confession, Partridge told authorities that he had torched the school to force school administrators to finally integrate the Hillsboro elementary schools.

Co-workers branded him a Communist for inciting unrest in the black community. The Cleveland *Call and Post* declared him a hero with a story headlined “County Engineer Sets Fire to Jim Crow School.” The headline turned a national spotlight on Hillsboro.

### CIVILLY DISOBEDIENT — THE MARCHING MOTHERS

The fire at Lincoln School galvanized a discontent that had been stirring for some time. While most Hillsboro residents didn’t give much thought to the ruling in



*Brown v. Board of Education*, black residents were aware that the Supreme Court was hearing arguments in the case. Although the Hillsboro *Newspaper-Herald*, the weekly newspaper, didn’t report on the Supreme Court decision, news filtered in through newsletters published by the National Association for the Advancement of Colored People (NAACP), the *Call and Post* and *Jet Magazine*.

Hillsboro’s black families knew what that Supreme Court ruling

meant for their children — and they were ready to press the case.

As Hillsboro families prepared for the start of classes in September, the school board held a public meeting to discuss plans for the school year, including classroom assignments, hiring teachers to fill vacancies and plans to rebuild or remodel two of its three

elementary schools. The cost to do so would be more than \$600,000. During a period for public comment, a woman rose to ask “What are your plans for Lincoln School?”

Superintendent Paul Upp responded that the school board planned to repair Lincoln School, at a cost of about \$5,000. He also reminded the audience that the school board had recently adopted a pledge to enroll black students in Webster and Washington elementary schools when renovations were completed.

By the first day of school a *Call and Post* writer had viewed the repairs at Lincoln School. “A visit to the burned all-Negro school showed that the building had been newly decorated with modern desks, new heating system, and a new floor and walls.”

Despite the new floors and new desks, many black mothers believed that Lincoln School had been structurally damaged by the fire and was unsafe for their children. They began to devise plans to enroll their children in the white elementary schools. On the first day of classes, 50 black students arrived at Webster and Washington elementary schools. The children’s names were entered in the enrollment rosters and they were assigned seats. But within two weeks, while both schools were closed for the county fair, the school board drew up districts, ostensibly to alleviate over-crowding in the elementary classrooms. The districts were designed to accommodate children living closest to each school building. Yet the lines were gerrymandered — black children living in neighborhoods on the north and south sides of town were all assigned to Lincoln School. The board reiterated it planned to integrate the black children when construction was completed on the Webster Elementary School in 1957.

Whether by intention, oversight or ignorance, nothing had changed. Lincoln School was boycotted. Every weekday, a group of women including Gertrude and Roxie Clemons, Zella Cumberland, Elsie Steward Young and Norma Rollins dressed their children for school and marched to Webster Elementary School to demand admission.

### SEPARATE BUT EQUAL

Although the Ohio General Assembly outlawed segregation in 1887, schools in Ohio were predominately segregated. In spite of being formed as a free state, Ohio has a complicated history with its black residents. After all, the state was settled by many individuals who migrated from states where slavery was practiced. During its Constitutional Convention in 1802 and 1803, the provision that Ohio would be formed as a free state gained a majority with only one vote. At one point, Ohio law stipulated that no public funds could be used to finance schools “for Negro or mulatto children.” Despite the 1887 prohibition, and although racial discrimination and segregation were considered a “Southern problem,” north of the Ohio River, tradition prevailed.

In 1892, New Orleans resident Homer Plessy filed suit against the East Louisiana Railroad Company for denying him passage in a whites-only railcar. In 1896,



the Supreme Court ruled in the matter, and *Plessy v. Ferguson* became the law of the land. The *Plessy* ruling allowed a “separate but equal” doctrine — separate accommodations had to be made for people of color in an equal manner or of equal value as those provided to white people. But it allowed continued segregation of public spaces and services. Enforcement of the law was left up to each state.

In Hillsboro, separate but equal was interpreted as providing a four-room building, two teachers for up to 100 students, and hand-me-down textbooks for the children attending Lincoln School. Students in grades one through six were taught together in the two classrooms. Once a week, art and music instruction was provided by teachers from the white schools. One Lincoln student remembers that the textbooks were often damaged, with pages torn out. Passing by the white schools, many black children had to walk more than a mile to attend classes. By comparison, in Webster and Washington Elementary Schools, each grade was taught by a single teacher. The children attending those schools lived nearby, and they



(TOP) The boycott of Lincoln School continued through the school year, every day rain or shine. The marching mothers and children carried signs asking “Our children play together, why can’t they learn together?” (ABOVE) Lincoln School as it appeared in the 1950s.

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AND HIGHLAND COUNTY HISTORICAL SOCIETY



Meant to intimidate the marchers, unknown individuals burned a cross on Walnut Street, along the route walked every day by the black families protesting Hillsboro's school segregation.

benefited from new books, playgrounds and a selection of musical instruments and art supplies.

*Brown v. Board of Education* ruled that separate was not equal and thus invalidated the *Plessy* ruling. School systems were instructed to desegregate schools “with all deliberate speed.” To the administrators in Hillsboro, that meant 1957 would be speedy enough. It wasn’t fast enough for the black mothers of Hillsboro.

### NOT STRICTLY LOCAL

The boycott of Lincoln School continued through the school year, every day rain or shine. The marching mothers and children carried signs asking “Our children play together, why can’t they learn together?” The Hillsboro *News-Herald* published an editorial urging calm and patience. “If the problem is strictly local, then we can see no reason why it cannot be settled amicably.”

While the daily demonstrations were peaceful, the atmosphere in Hillsboro was not calm. Each day, walking back and forth near the entrance to Webster Elementary School, the marchers suffered as racial slurs were shouted at them by those watching from inside the school.

Seven years before the Supreme Court ruling in *Brown v. Board of Education*, the NAACP had pledged that it would “devote significant resources to fighting segregation in Northern schools.” Argued by NAACP attorney Thurgood Marshall with assistance from Constance Motely Baker, the decision in *Brown v. Board of Education* was a landmark achievement. However, overcoming the barriers of interpretation and traditional practices would require additional court action on a state-by-state basis. The NAACP needed opportunities to test the validity of *Brown v. Board of Education* and to demonstrate that pernicious segregation was widespread, particularly in the North. The Hillsboro situation presented a compelling case with active plaintiffs providing daily drama.

As the senior attorney for the NAACP, Marshall assigned Constance Baker Motely from the New York

office to assist with filing an injunction against the Hillsboro School district. On September 22, *Clemons et al v. Hillsboro School District* was filed by Dayton attorney Russell Carter for action in the Southern District of the U.S. Federal Court in Cincinnati. The lawsuit charged the Hillsboro school board with racial discrimination and segregation. It requested temporary and immediate injunctions against the board’s actions. The relief sought was enrollment for black children in Webster and Washington Elementary Schools.

The *Clemons* case was assigned to Judge John H. Druffel and it was fast-tracked through the legal system. The case hinged on the notion that Lincoln School was not equal accommodation and that the Hillsboro school board had practiced *de facto* segregation when it had created school districts earlier that month. Expert witnesses from the State Board of Education and Ohio State University were brought in, and the school superintendent was called to testify.

In his testimony regarding the newly drafted school zones, Superintendent Upp stated that the zones were designed to send children to the school nearest their homes. When asked why a white child living within a few yards of Lincoln School was assigned to attend Webster and not to Lincoln, Upp could not provide a logical explanation.

Judge Druffel refused to issue the requested injunction, calling the lawsuit “premature.” In his ruling, he pointed out that the Supreme Court had not issued guidance as to *how* local school boards were to implement the ruling in *Brown v. Board of Education*. Furthermore, he reiterated that Hillsboro school officials had pledged to integrate the schools after renovations were completed on Webster and Washington elementary schools. Until such time that the Supreme Court issued its guidance, Druffel saw no reason to issue a desegregation order.

The *News-Herald* lauded Druffel’s decision, writing that it showed a thoughtful consideration of the Hillsboro situation. The *News-Herald* editors lamented that “a wedge has been driven between the colored people and the whites that never will be removed....If outside interests had not taken Hillsboro as a test plot in the segregation problem, we would have gone along smoothly and very little would have been said.”

### AS GOOD AMERICAN CITIZENS

Speaking for the black families of Hillsboro, the “outside interests” were not satisfied with Judge Druffel’s ruling. The NAACP attorneys presented the case to the Appellate Court. A panel of three judges reviewed the case and remanded it back to Druffel’s court room. Citing Ohio’s 1887 law protecting against racial discrimination, the Appeals Court ruled that although Hillsboro Schools were partially desegregated, the school zoning was “a subterfuge to permit the continuance of Lincoln School for Negro children exclusively.” Assigning black children to