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 pg. 1_C

HILLSBORO

THE SHAME OF OHIO

By JEAN TUSSEY

Ohionas are justifiably indignant at the brazen whitewash of a couple of vicious murderers of a Chicago Negro youth in Mississippi last week. But how many of them know that an ugly cancer spot of the same white supremacist disease exists right here in our own "enlightened" state? And what are they going to do about it?

In Hillsboro, Ohio forty colored children have been told by the local school board that they will either go to a jim crow public school or no public school this year. For 33 of these youngsters this will be the second year of no public school education. But their parents are determined to settle the question once for all—Are local bigots going to be permitted to segregate little children in this state or not?

In taking their stand—boycotting the jim crow Lincoln elemen-

tary school—the courageous Hillsboro parents last year, and again this year, were prepared to go to jail if necessary to win equal opportunities and treatment for their children.

Hard on Children

From a short-sighted point of view, they were taking a chance that their children, by being kept out of school, might fall behind in their studies and develop additional handicaps—and that worried them.

But at the same time this small, isolated group of mothers and fathers was taking its place in history with the real Negro leaders who have struggled for generations to abolish racial discrimination in Ohio.

Before 1848 public schools were provided only for white children in this state, but on February 24 of that year for the first time, the

Ohio legislature took note of the fact that Negroes also wanted an education. Provision was made for colored schools to be supported by taxation of colored people.

An act of March 14, 1853 required boards of education to organize schools for colored children to be supported from the common fund.

Optional Jim-Crow

Segregation was made optional on May 11, 1873 by an act conferring discretion on school boards to organize separate schools "when in the judgment of the board, it will be for the advantage of the district to do so." This became section 4008 of the Revised Code of 1880, and was known as part of the so-called "Black Laws."

Jim Crow schools were made illegal in Ohio on Feb. 22, 1887, with passage of House Bill No. 71 "To repeal sections 4008, 6987 and 6988 of the Revised Statutes". Unlike the conciliatory U. S. Supreme court school decision of 1955, the Ohio Act of 1887 left no room for stalling. Section 2 of the Act said it would "take effect and be in force from and after its passage."

A forerunner of the Hillsboro parents of today put the law to a test immediately. Perry Gibson of the Village of Oxford, went to court when his children continued to be segregated by the local school board in September of that year. He sought, and won, a writ of mandamus from the First Circuit Court, Butler County. In his opinion, Judge C. J. Smith ruled:

"Since the passage of the act of February 22, 1887, (84 Ohio L. 34) repealing sec. 4008, Rev. Stats., a board of education of this State no longer has the right to organize separate schools for colored children and legally require such children, who are entitled to the benefits of the public schools of a district, and who desire to avail themselves of such right, to do so, only in a school, organized, maintained or set apart by such board solely for the education of the colored children of such district".

Board Appeals

The school board appealed this decision, but the Ohio Supreme Court, on Feb. 28, 1880, unanimously upheld the Circuit Court ruling. In its decision the Supreme Court specifically barred such dodges as the "assignment of pupils" measures some of the Southern states are using today. The Court said:

"The power to establish and maintain separate schools for colored children was conferred on boards of education by section 4008, and not by section 4013 of the Revised Statutes.

Whilst, under the latter section, power is conferred on boards of education to make such assignments of youth of their respective districts, to the schools established by them, as will, in their opinion, best promote the interest of education in their districts, such power cannot be exercised with reference to the race or color of the youth; and section 4008 having been repealed by the act of the

general assembly passed Feb. 22, 1887 (84 Ohio L. 34), separate schools for colored children have been abolished, and no regulation can be made under section 4013 that does not apply to all children irrespective of race or color".

Forty years later, on Feb. 16, 1926, the Supreme Court, by unanimous decision, again upheld the granting of a writ of mandamus for admission of colored children in schools on equal terms with white children.

This time, the determined colored father was a Mr. Reese in the City of Dayton. The judgment of the Court of Appeals of Montgomery County was affirmed on the authority of the original Oxford case.

Uses Old Dodges

Today, almost 70 years after Ohio abolished segregated schools, the Hillsboro board of education is using all the old dodges, plus a few new rationalizations, to bar the complete and immediate integration of the grade schools of the community.

Following the U. S. Supreme Court ruling of May, 1954 that separate schools are unconstitutional parents of the children in the jim-crow Lincoln schools, requested integration. They were tired of seeing their youngsters relegated to handicaps and developing complexes in their formative years that put them at a disadvantage by the time they entered the town's integrated high school.

The school board responded by securing a new zoning of school districts aimed at keeping the children segregated. The board also claimed that its intentions were honorable—the grade schools would be integrated as soon as two new buildings were built to

Continued on PAGE TWO-C

Shame of Ohio

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(Continued from Page ONE-C)

relieve "overcrowding."

No Excuse

Actually, there is absolutely no excuse but the rankest kind of race prejudice for stalling on integration. If the Lincoln school is fit for use at all, the "overcrowding" in the "white" schools could be relieved to some extent by assigning some of the white children who live in the neighborhood to the Lincoln school.

Seventy years of litigation in Ohio have taught the Hillsboro school board nothing. Reason can not make them see the light; they must be compelled to integrate the schools.