

THE DESEGREGATION OF THE PLAINFIELD,
NEW JERSEY PUBLIC SCHOOLS, 1962-1972:
A CASE STUDY

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CHAPTER VI

LEGAL ACTION - THE BOOKER CASE

The Appeal to the Commissioner

During the summer of 1962, the local NAACP, under the leadership of its president, Reverend Frank Allen, was persistent in its attempts to force the Board to adopt a feasible school desegregation plan. In May, the NAACP had begun picketing the downtown shopping area on Thursday nights in an attempt to stall downtown traffic with motocades. This was done with the hope of pressuring the Board into acting. The NAACP's first Thursday night motorcade had proven to be successful in tying up traffic as forty to fifty cars drove through the center of town carrying signs with slogans such as: "Goodbye Uncle Tom," "Don't be a free rider," and "Protect your civil rights."

The picketing of the downtown shopping area was only one of the numerous efforts made in an attempt to place pressure on the Board of Education to adopt a school desegregation plan similar to one of the Wolff plans rather than the Optional Registration Plan. In August, fire chief Florence F. Donovan was requested to

inspect the Bryant School after Frank Allen had described the school as a "fire trap." Allen claimed the school was kept open only to keep black students from attending the Cook School. The latest Middle States School Evaluation had expressed some doubts about the safety of the Bryant School. It was believed by the local NAACP that if the Board could be pressured to close the school, it would also be forced to devise an alternative school zoning plan. Donovan, however, was satisfied with the building's safety, and the school remained open.

By mid-August, it was known throughout the city that the Plainfield NAACP was planning to petition the Commissioner of Education for assistance in achieving a better racial balance in the Plainfield schools. Reverend Allen announced that picketing of the schools would hinge on possible action of Commissioner Raubinger and the "reactions of the community at large" (Courier-News, 23 August 1962). On the day before the petition of appeal was drafted, Allen announced his reasons for an appeal, saying: "We do not feel the optional enrollment plan satisfies the existing conditions. We do feel compelled to take such actions as will result in some rule by the school board which will satisfy our requests" (Courier-News, 29 August 1962).

Commissioner of Education Raubinger received the

appeal on September 6. The petition requested the Commissioner to "order the Board of Education to take immediate steps to eliminate all aspects of segregation in the Plainfield public school system" (Booker et al., Petition of Appeal, 4 September 1962, p. 5). This appeal to the Commissioner, the first phase of Booker v. Plainfield Board of Education, was made by twenty-eight parents and guardians on behalf of all the children attending the Plainfield schools. Attorneys for the parents were William Wright, Jr., Herbert Tate, Robert L. Carter and Barbara A. Morris.

The document also asked the Commissioner for a "prompt and early hearing" (p. 4) to the appeal, "by children attending and enrolled in the public schools of Plainfield, New Jersey, through their parents, guardians and next of kin, protesting the maintenance of racially segregated public schools by the respondent Board of Education. . ." (p. 2). In conclusion, it reviewed the enrollment figures in the elementary schools and presented a brief summary of previous attempts to reach a solution to the problem made by the Lay Advisory Committee and Dr. Wolff. In the brief the appellants also stated their dissatisfaction with the Optional Pupil Registration Plan because it did not "satisfactorily meet the issue of the existence of segregation" (p. 4), and if adopted,

presently existing conditions would become worse in the future. More specifically the Booker petition accused the Board of:

refusal to put into operation plans, rules, regulations, practices and procedures which would eliminate the presently existing and entrenched patterns on racial segregation in the public schools and the denial of equal educational opportunity to appellants and others. . . (p. 2)

Attorneys for the petitioners cited the powers of the Commissioner and the State Board of Education, Title 42 of the United States Code, Section 1981 and the Fourteenth Amendment of the United States Constitution as the legal basis for the plea. Also cited was Article I, section 5 of the New Jersey State Constitution:

No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color ancestry or national origin.

and New Jersey Statute 18:11-1:

Each school district shall provide suitable school facilities and accommodations for all children who reside in the district and desire to attend the public schools therein. Such facilities and accommodations shall include proper school buildings, together with furniture and equipment, convenience of access thereto, and courses of study suited to the ages and attainments of all pupils between the ages of five and twenty years. . .

the Plainfield Board. Victor E. D. King, the son, began working with the Board while still in law school in 1965. It was not until 1966 that he began to practice in earnest with his father. Victor E. D. King states:

The Booker Case. . . was significant because it forced the Board of Education to adopt a plan. . . The petitioners in the case wanted the Board to approve a specific plan and the Commissioner said that he didn't have the authority to order the Board to adopt a specific plan. . . (King Interview)

The Booker v. Board of Education of Plainfield case has an importance which transcends that above as expressed by Victor E. D. King; King was commenting on its importance as it directly affected the Plainfield community in 1963. The proceedings of the Booker Case influenced communities throughout New Jersey. The Booker Case was the first of its kind to reach the Supreme Court of the State of New Jersey. After the Court's 1965 decision in the Booker Case, the area of school desegregation was governed to a great extent by precedent established by the Supreme Court of the State of New Jersey in its decision. Beginning in 1965, therefore, New Jersey judge-made law and public policy advanced desegregation far beyond the requirements of the Federal Constitution, which had applied only to state-enforced segregation of public schools.

associated equally with both blacks and whites in the Ardena schools, in which they were a minority, moved to the Freehold schools and were called "Uncle Tom" and "whitie's boy" by fellow black students. Reverend Kelley stated that many of these black students who tried to associate with white students were beaten up by their black peers. In the Freehold schools there is a significantly higher percentage of black students, high enough to permit the existence of dual cultures where black youngsters openly reject the behavioral and cultural values held by middle-class white students. Moreover, there is hostility towards those who appear to adopt what are believed to be white values. The black separatists have only hindered the progress of desegregation.

In 1962, when the Booker petition was first filed, blacks were not strangers to Plainfield. While not necessarily frequent or intense, black-white interaction occurred openly and freely in Plainfield in most situations. It would appear on the surface that if true integration were to have been successful anywhere, it would have been in Plainfield. Blacks were not new to Plainfield and presented no threat in terms of competition for jobs or housing. One would have expected a greater number of the middle and upper-class whites either to have been actively supportive of school integration or at the very least more open to the

early attempts. Such parents could have sent their children to school confident that they would be successful; because of this, one might expect these Plainfielders to have been at least as open to school desegregation as the Watchung community was towards school regionalization.

However, there did exist a number of deeply-rooted methods of racial discrimination and racism in Plainfield which were not part of the history of Watchung. In the movie theaters of Plainfield, for instance, blacks had earlier been seated either in a designated area or the balcony, while restaurants had refused to seat blacks, and black youngsters were welcome at the skating rink only one night of the week. The city governmental structure as well highlighted the differences between the ethnic groups of Plainfield.

Divided into four Wards, the Second Ward was heavily populated by Jews, the First Ward by Italians, and the Fourth Ward by blacks. Long before the black student population increased to a significant size, the Italian children were directed towards the vocational curriculum of the high school. A number of these children later became administrators in the public schools and believe that Plainfield had attempted to track their educational paths. According to one school administrator, the Italian youth were simply displaced at the lower levels of a tracking

system by black youths.

When Mr. Booker first approached the Board of Education it was to express interest in a special reading program offered at the Evergreen School and to request that his son be given permission to transfer. It was only after he had received what he felt was improper treatment by the Board that Mr. Booker was approached by the local NAACP and enlisted to initiate his petition to the New Jersey Commissioner of Education. Had the Board initially been more responsive and the atmosphere more conducive, perhaps an easier solution to the problem and an atmosphere more like that of Montclair or Morristown could have resulted.

Had the controlling powers of Plainfield initially been more responsible to the black residents, the level of hostility probably would not have been able to build to the height it did. The Board of Education made, from the start of the Booker case, only the minimal amount of effort needed to comply with the letter of the law, and the spirit of the law was clearly absent. Plainfield had great pride in its schools, which had been ranked among the nation's best. Many resisted change because the schools had in the past been proven to be successful. In the final analysis, the resistance to change and the conflict with those demanding change presented an increasing number of problems for the schools which they were incapable of effectively dealing

with and which, in the end, left Plainfield in a cycle of administrative turnover and a decline in the quality of the educational experience offered to Plainfield's youth.

- 1954 The United States Supreme Court declares de jure segregation in the public schools unconstitutional
- 1962 The Board receives a report from its Lay Advisory Committee that recommends Dr. Max Wolff be retained to study the Plainfield schools.
- April 1962 The Board and Dr. Wolff sign an agreement.
- June 1962 Wolff report submitted.
Lay Advisory Committee submits majority and minority reports of its own.
Wolff plans:
1. Rezoning North-South
2. Princeton Plan
- July 1962 The Board declines to adopt either plan.
- September 1962 Booker et al file a petition with the Commissioner of Education protesting failure of the Board to adopt either of Wolff's plans.
- September 1962 The Board files a response.
- June 1963 Stipulation of Issues and Facts is agreed to by parties to the Booker petition.
- June 1963 The Board offers the Sixth Grade Plan to go into effect September, 1963. Requests the Commissioner to approve.
- June 26, 1963 The Commissioner renders a decision directing the Board to put into effect any one of the three plans.
- September 1963 Sixth Grade plan is implemented.
- Fall 1963 Appeal to the State Board.
- February 1964 State Board Affirms.

- Spring
1964 Appeal to the New Jersey Superior Court.
- June 28,
1965 The New Jersey Supreme Court renders a decision remanding the Booker case to the commissioner of Education arguing the commissioner's view of his powers and his position in the case too restrictive.
- July 22,
1965 Conference between parties in Trenton called by the Commissioner of Education.
- The Board agrees to institute a Fifth/Sixth Grade Plan, September 1965.
- August 24,
1965 The Commissioner approves the proposal in theory awaiting completion of public hearings on the Fifth/Sixth Grade Plan.
- September 30
& October 5,
1965 Public hearings.
- May 2,
1966 The Commissioner renders a decision on remand approving the Fifth/Sixth Grade Plan.
- April 30,
1968 The Board writes to the Commissioner requesting assistance to solve growing resegregation. No answer was ever received.
- November 5,
1969 The State Board adopts a formal policy concerning correction of racial imbalance in New Jersey's schools; creates the Office of Equal Education Opportunity with the Department of Education.
- 1970-
1971 The Board and City officials meet informally with the Commissioner of Education's staff to discuss growing segregation.
- November 8,
1971 The Board mails a formal resolution to the Commissioner requesting aid in achieving

racial balance and offsetting costs of education.

- December 2,
1971 The Board receives a letter from the Commissioner of Education denying all relief and ignoring requests for assistance.
- December 7,
1971 The Board files a formal petition with the Commissioner of Education; naming all surrounding school districts as per instructions contained in the above letter.
- December 1971 -
March 1972 The Commissioner grants extensions of time for other school districts, refuses all preliminary relief requested by Plainfield, refuses to order pre-hearing conferences in compliance with his own rules and declines to order other school districts to file answers.
- May 12,
1972 The Commissioner's decision denying motions to dismiss; Plainfield is ordered to amend its original petition.
- June 9,
1972 Plainfield appeals the Commissioner's decision.
- June 10,
1972 Respondents file cross appeals.
- June 23,
1972 Plainfield files an amended Petition and requests a stay of Plainfield's appeal and the eight cross appeals of the respondents.
- July 1-31,
1972 All eight respondents file motions to dismiss.
- August 4,
1972 The Commissioner grants a forty-five day filing answers to amend the petition setting a new filing date of September 11.

September
1972

Approved desegregation plan was implemented.