



HOCKESSIN SCHOOL #107C

THE STORY *of* HC #107

The small, redbrick schoolhouse on Mill Creek Road
in Hockessin looms large in Delaware and American history.

A question that Delaware has to face is
what is the building's future?

BY JOHN SWEENEY



“Considering that Hockessin Colored School 107 provided the factual foundation for the lawsuit *Beulah vs. Gebhart*, a key part of the landmark *Brown vs. Board of Education* Supreme Court Case, this building has national significance,” former Superior Court Judge Joshua Martin said.

“If public school education is to advance in our state and the country,” he added, “we need reminders that ‘separate but equal’ was a failed strategy.”

“I think the school building needs to be restored and refurbished as a museum, with an addition created to provide a venue for community events in Hockessin,” Martin said. “Sitting in proximity to historic Chippey Chapel provides a wonderful opportunity and venue for historical research, tourism and community pride.”

Dick Christopher, former CEO of Patterson-Schwartz & Associates, played an important part in preserving the building.

“My involvement in the Colored School came from an article in *The News Journal* that talked about it going to sheriff sale,” Christopher said. “I had just recently returned from a trip to Normandy and was very impressed with how much the local people in Normandy and the surrounding area had preserved the history of World War II. I related the school’s history to that experience.”

“I know the scale is so much different,” Christopher said, “but there were lessons learned that necessitated the building of that school that should not be forgotten by our or future generations.”

“The school should stand in some form as an example to help remind us of how basic rights were denied and alert us to the danger of doing that to our fellow man in anyway in the future,” he added. “By remembering, we should be alerted to be inclusive rather than exclusive.”

Christopher is looking for more, though.

“The balance of the building and property could be used for programs which would serve the community,” he said. “The \$64,000 question is, ‘What programs?’ That’s the key answer that we have to find, to keep the building used in a productive way to serve the community and its people.”

“I don’t believe that [it being a historical site] is enough of a reminder to future generations of why the building was built,” Christopher said. “I believe the lesson will be lost to future generations.”

Martin agrees the interest is there.

“With the recent success of the Mitchell Center at the Delaware History Museum and other initiatives, there is growing interest in the community in capturing significant events in our past,” he said. “This schoolhouse is a key part of Delaware history. Also, I know that the dedicated members of the nonprofit, Friends of Hockessin Colored School 107, have generated a number of useful ideas to move things forward.”

David Wilk, chairman of the Friends, has developed a host of ideas that would bring people to the school. Wilk is a professor of real estate at both Temple and Johns Hopkins universities. His suggestions include walking paths on the sites, proposals for classes offered by the universities, community meetings and other activities.

“We have been given the responsibility of stewardship for this piece of history,” he said. “And we plan to make the most of it.”

“We have an opportunity here that we should not let evaporate.”



C.J. Seitz Jr.’s father Collins J. Seitz was the judge who ended legal segregation in the state. The younger Seitz now is a justice on Delaware’s Supreme Court. He sees the state’s colored schools as reminders of Delaware’s past, but also as symbols of a greater educational future.

“These sites are such an important part of Delaware that we are neglecting our duty to history if these places torn down,” he said. “We should find ways to put history on display for all to see, but also find ways of repurposing the buildings to serve the community.”

He thinks the New Castle Senior Center is a perfect example. It once was a colored school but now it is a museum, a health center and activity hall for that community’s senior citizens.”



“I’ve always felt it was bigger than Delaware,” said Tony Allen, a board member of Friends of Hockessin Colored School #107, in a 2014 interview with *The News Journal*. “It was not just a significant Delaware moment, it was a significant national moment. It deserves our attention, our support, our praise, and it is our responsibility to pass the story along to our children.”

More than Bricks & Mortar

The Historical Significance of HC #107

AS SUMMER WANED and her daughter prepared to enter third grade, a question nagged at Sarah Bulah. Why couldn't little Shirley ride the school bus?

The bus drove by their house twice a day along a quiet rural road. It went directly by Shirley's school. Seats were plentiful. So why did Sarah Bulah have to drive Shirley every day to and from the school?

Some of her friends and her minister discouraged her from asking that question. Do not make trouble, she was warned. But her husband, Fred, agreed with her and encouraged her to get an answer. Mrs. Bulah began writing letters under her husband's name, asking first local school officials and then state educators to let her daughter on the bus.

She even offered a compromise. The bus could pick up Shirley at her house and drop her off at the post office two blocks from her school. Shirley could walk the rest of the way. "To take my child to school would not reroute the bus at all," Mrs. Bulah wrote in one letter. "Put her off at the post office and pick her up at the post office and bring her right back to my door. The bus is not full. So that isn't an excuse."

Still, the school officials rebuffed her.

It would be against the law, they said. They were right.

The answer angered Sarah Bulah. Again, some of her friends cautioned her to drop the matter.

But Sarah Bulah would not be quiet. She was determined to do something.

She did not know it, but her next step would help change a nation and make Colored School No. 107 an important part of history.

"SEPARATE BUT EQUAL"

The year was 1950. The place was Hockessin, Delaware. The bus carried only white children. Shirley Bulah was black. In that time and place, black and white children could not go to school together. The Delaware Constitution spelled it out clearly. Shirley had no choice. She could only go to Colored School No. 107. State law said so.

Under Delaware's law, the white children that passed her house in that bus every day went to School No. 29. Shirley Bulah, on the other hand, went to Colored School No. 107. Supposedly, Delaware's schools followed the old U.S. Supreme Court decree that schools and other public accommodations were "separate but equal."

They were not. Delaware was not a leader in education, even for white children. But where white schools were modern and attractive, teachers had

"HCS #107 is where the Delaware cases leading to Brown vs. Board of Education began. It stands as a reminder that access to quality public education is not something simply to be hoped for. Rather, it must be demanded, and that demand is as important today as it was 60 years ago. We could no more let HCS #107 be torn down or lost to commercial development than we could allow another promising student of color drop out of high school based on some artificial barrier of geography, income or perceived cultural deficiency." — Judge Lenny Williams

better educations and received higher salaries, and textbooks were new and ample, the colored schools lacked supplies, buildings were run down and the education they offered was not only inadequate, it was geared to a 19th century farm economy.

But times were changing.

READY TO FIGHT

Mrs. Bulah was advised to see a Wilmington lawyer. A black lawyer. In fact, the only one in the state.

People who knew him described Louis Redding as formal, even distant, but he was dedicated to overturning the hundreds of "Jim Crow" laws and regulations that restricted where and how black Americans went to school, did business, and picked a place to live. For more than half a century, black Delawareans had no stronger warrior in the fight against discrimination. Redding's father was a Wilmington letter carrier who believed deeply in education for his children. When his son Louis graduated at the top of his class at Harvard Law School, his father insisted he practice his profession in Delaware, so the state had at least one black lawyer. Redding became the state's first black lawyer in 1929. Twenty-one years later, he was still the only one.

Redding listened to Sarah Bulah's complaint. Then, as Mrs. Bulah told historian Richard Kluger, "He said he wouldn't help me get a Jim Crow bus to take my girl to any Jim Crow school, but if I was interested in sending her to an integrated school, why, then maybe he'd help. Well, I thanked God right then and there." Redding explained to the Bulahs the risks they were taking. He could not guarantee the reactions of both white and black neighbors. The Bulahs understood — they were ready to fight.

He had the Bulahs write to the head of the local school board, the language direct and pointed, requesting that Shirley be admitted to the white school.

The local school board turned the request over to the state Department of Public Instruction. As expected, the state said no. Delaware law said the races had to be separate. Shirley must go to an all-black school.

The Bulahs sued.

BULAH V. GEBHART

Their case became *Bulah v. Gebhart*, named after Francis B. Gebhart, the first person listed alphabetically on the Delaware State Board of Education. It would soon be combined with another Redding case, *Belton v. Gebhart*, which involved a group of Claymont students who also wanted admission to an all-white school.

Louis Redding knew what he was doing. He was one of a handful of black and white lawyers across the nation who were challenging Jim Crow and segregation laws, not by demanding "equal" under the "separate but equal" doctrine, but by directly challenging the very concept of "separate." The legal arm of the NAACP shaped the national strategy after years of trial and error. Eventually, the Delaware cases would be joined with similar suits from four other jurisdictions. In turn, the five cases would make up the monumental

U.S Supreme Court decision *Brown v. Board of Education* in 1954.

Yet the Delaware cases would stand out for two reasons. First was Redding's bold and imaginative challenge. The second was the groundbreaking decision by Delaware Chancellor Collins J. Seitz. Seitz's decision carefully navigated the legal minefields of segregation and still managed to sound a clear call for justice. Both Redding's argument and Seitz's decision would greatly influence the Brown decision.

SLOW TO CHANGE

Delawareans tried to sit out the Civil War. Logically it was best to stay put, being flanked by big Yankee states Pennsylvania and New Jersey. Maryland, like Delaware, a slave and border state, saw large federal armies crisscrossing its fields and roads. Emotionally, however, Delaware's sentiments felt the call of Dixie. As one of four Border States, sympathy for the Confederacy ran high, especially in Kent and Sussex counties. The slave population was small, but agricultural and pro-slavery forces dominated the legislature. Northern Delaware, with the industrializing city of Wilmington and a growing immigrant population, favored the Union cause.

Abraham Lincoln offered Delaware a chance to get ahead of history and free its slaves. A solidly Democrat state had little truck with Lincoln in the 1860 presidential election. Instead, its Electoral College votes went to the southern Democrat John C. Breckinridge. Despite this, Lincoln saw Delaware with its small slave population as a possible laboratory for freedom. He angled for the state's sole member of the U.S. House of Representatives to run a message to the General Assembly: Lincoln proposed floating bonds to buy the slaves from their owners and then freeing them. If it worked, the federal government would move on to other slave states. Delaware balked. Few assembly members trusted Lincoln. They claimed that in the end, they would have to pay the bill. The proposal lost by one vote in the State Senate. It never got to a vote in the House.

Lincoln turned to direct action by issuing the Emancipation Proclamation, freeing slaves in the rebellious states. The Border States were left alone — for the time being. Eventually Maryland and Missouri freed slaves but Delaware and Kentucky refused.

As the war ended, Congress sent the states three amendments to the Constitution. The 13th Amendment freed all slaves. The 14th Amendment guaranteed equal legal protection to all citizens. The 15th Amendment guaranteed all citizens the right to vote.

Delaware rejected all three amendments, upholding states' rights over federal interference.

Slaves in the First Sates did not win their freedom until the Civil War was over and 27 other states ratified the 13th Amendment. By that time, all slaves were free except in Kentucky and Delaware.

THE FIGHT CONTINUES

Emancipation and the war's end brought a flurry of civil rights legislation. Blacks were not only free, but they could own property, vote and hold

elective office. Then the North tired of Reconstruction and slowly white southerners moved to undo the progress passing "Black Codes" and enforcing Jim Crow laws. Delaware, still dominated by pro-Confederacy Democrats, joined in. Civil rights for black Delawareans disappeared.

In 1896, the U.S. Supreme Court issued the famous *Plessy v. Ferguson* decision, a ruling that essentially stopped the 14th Amendment from extending the rights of citizenship to all the states. The most infamous doctrine arising from *Plessy* was the idea of "separate but equal." Forget the 14th Amendments promise of "equal protection" under the law. That promise now officially did not apply to black people.

Delaware endorsed the concept. The state constitution of 1897 specifically barred black children from going to school with white children. Legislators even devised separate tax systems for black and white schools. White people would not have to support black schools.

The odds against progress were high. But that did not stop right thinking people of all races from fighting back. The struggle began slowly at first, but as the country moved into the 20th Century, more Americans grew ashamed of the sham "separate but equal" doctrine. Or, at least, they were embarrassed by it.

Organizations like the NAACP pressed the fight. Charles Hamilton Houston became the organization's special counsel. Houston, a brilliant student at Harvard Law School, would become dean of Howard University's law school. There he would train young black lawyers to fight for the rights of all people. Howard Law under Houston would become the "West Point" in the battle for civil rights.

Soon Houston and protégé Thurgood Marshall developed a legal strategy that would skip the phony "equalization" maneuvers by segregated institutions and attack the "separate" doctrine as fundamentally unconstitutional.

Graduate schools proved a fertile field. Often the discrimination was obvious. The University of Texas had a law school for whites, but not for blacks. An attempt to quickly build a "black" law school proved to be inadequate and embarrassing. Graduate schools offered another advantage. They were relatively elite. They lacked the emotional attachments of neighborhood schools. They were politically less dangerous in a time when the idea of integration was radical among most whites.

In 1949, a group of Delaware State College students asked Louis Redding for help. Their college lacked the range of courses offered by the segregated University of Delaware. Redding had them apply for admission to the university and when UD turned them down, Redding and the students filed suit.

With help from Jack Greenberg, a New York lawyer who was part of the NAACP's national team, Redding argued equalization was impossible. The students had a right to attend the University of Delaware.



PARKER V. UD

Parker v. University of Delaware came before Vice Chancellor Collins J. Seitz. Chance played a part. Seitz, the first Catholic to sit as a Delaware judge, heard the case only because the man who held the top position in the Chancery sat on the university's board of trustees and was therefore ineligible.

Seitz already had a reputation for thoroughness and proved it in the Parker case. He listened to all sides and visited both schools, examining class offerings, facilities and faculty. His decision startled many in sleepy Delaware. The students must be accepted, he ruled. The schools were not equal, and the separation of races was wrong. The university immediately appealed the ruling. However, the

Delaware Supreme Court upheld Seitz's decision. The university declined further appeals. Seitz ordered the University of Delaware to accept black students.

Redding and the students won. Greenberg, who would go on to fight other segregation cases, would later recall with some pride, "We won the first case ever to integrate a college."

The battle was not finished.

BELTON V. GEBHART

It was after this that Mr. and Mrs. Bulah came to visit him and Redding filed a suit on Shirley Bulah's behalf. About the same time, a group of black parents also asked for his help. They lived in Claymont, but because they were black they had to attend Howard High School in Wilmington. They wanted to attend Claymont High School, which was not only in their own neighborhood, but had a larger and better-educated faculty and more modern facilities. Soon Ethel Louise Belton and six other parents filed suit on behalf of their children. The case, *Belton v. Gebhart*, was soon combined with the Bulah case.

Redding and Greenberg wanted the case tried in federal court, but the state attorney general successfully argued a Delaware judge should hear it.

Belton was sent to Chancery Court where it was heard by the new chancellor, Collins J. Seitz.

Seitz's elevation to the top spot on the Chancery Court almost did not happen. Seitz's decision against the University of Delaware offended many legislators who opposed integration. The debate in the Assembly was heated, but eventually the pro-Seitz forces won out. He was named Chancellor.

In the fall of 1951, Redding and Greenberg presented a meticulous case. The parents testified about the toll on their children. One innovation was the testimony of several sociologists on the effect of segregation on the children. Crucial testimony came from New York psychiatrist Frederick Wertham from the LaFargue Clinic in Harlem. Redding and Greenberg sent a randomly selected group of black and white students from Delaware to the Harlem clinic. The clinic administered standardized tests to the students.

Wertham's findings were startling in 1951. From the responses of the children, he found the effects of segregation to be oppressive to the black children. The very fact that segregation was the policy of the children's own government added to their distress.

The findings of other evaluators showed similar results.

Attorney General H. Albert Young disputed the claim the schools were fundamentally unequal. What few inequalities that were found, he said, "were of little consequence and could be immediately remedied," in the words of one historian.

He told Seitz, "We cannot by judicial fiat impose upon people against their will what they have accepted by heritage, tradition and governmental sanction as reflected in our Constitution and in the statute books for so many years."

When Redding questioned George R. Miller Jr. on the stand, he got the superintendent of the board of education to admit books, college-prep courses and other offerings really were unequal. Redding also damaged Miller's testimony by quoting from the educator's doctoral thesis that said separate schools for blacks and whites led to discrimination.

STILL NOT EQUAL

On April 1, 1952, Chancellor Seitz handed down his ruling. The facilities and programs at the all-black schools were not equal. Again, Seitz visited all the schools in question and saw for himself the differences. He rejected arguments the state was not ready for integration. The system, as it was, hurt the children who were segregated. Therefore, Delaware must allow the black children to enroll in the all-white schools.

Seitz avoided ruling on the "separate but equal" argument. That, he said, should be left to the U.S. Supreme Court. His ruling — carefully, but forcefully worded — would play a large part in the eventual U.S. Supreme Court decision.

Attorney General Young chose to appeal it to the state supreme court. He would be disappointed.

The Delaware Supreme Court affirmed Seitz's ruling. It ordered an end to the separate school system.

Young was not satisfied. He appealed the Belton case to the nation's top court.

Unlike the other four cases that Belton was compiled with in the Brown decision, Delaware's was the only where local courts had actually ruled in favor of the black children. Redding and Goldberg, with just two weeks to prepare, were put in the odd position of defending a winning case.

A VICTORY

In 1954, the U.S. Supreme Court ruled in *Brown v. Board of Education* that "separate but equal" was unconstitutional in a unanimous decision.

Plessy v. Ferguson was finally dead. Chief Justice Earl Warren's opinion for the court used many of the ideas and even the language of Chancellor Collins Seitz's Belton ruling.

Thurgood Marshall said of the Delaware victory, "It was our first real victory in our campaign to destroy segregation of American pupils in elementary and high schools." He called it a true boost for the cause.

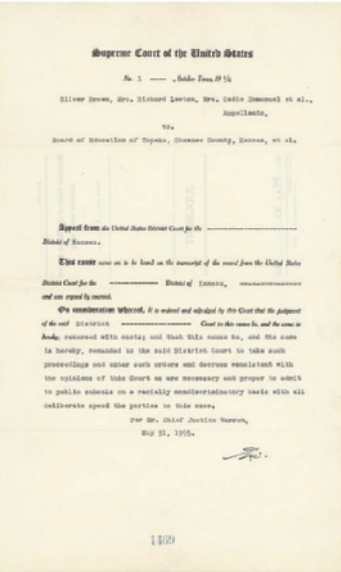
The Brown decision destroyed more than a half century of officially sanctioned discrimination. Desegregation in Delaware would have its victories and defeats. A few years after the decision white parents in Milford would protest and boycott local schools. Later bussing in northern New Castle County would lead to protests and lawsuits. Equality of education is still being debated.

But Sarah Bulah would see her fight as worth it. She felt pushback for taking her stand. She lost all but one of her white customers from her egg business. Many of her black friends would avoid her.

As she told *The News Journal* in a 1980 interview, it was

worth it for her daughter Shirley.

In 2003, shortly before her death, the Rev. Shirley Bulah Stamps agreed. For her, going to a new school was good. The white students readily accepted her. She became part of the class. Yet even as a child, she told a reporter, she had an idea of what her mother had to go through. Later, she said she came to fully appreciate her mother's courage and the role she played in ending the segregation of Colored School 107.



US Supreme Court Calvin Ballantine at German Wikipedia [Public domain]



Friends Bill and Kim Allen with Cynthia and Joshua Martin at the 182nd Annual Dinner where the Martins received the Marvel Cup. The Allens and the Martins are closely involved with HC #107 restoration efforts. © Dick Dubroff/Final Focus Photography

"Some may wonder why we want to save an old building. But HC #107 is so much more. We believe that this about saving a community and the value of its history."

— Bill Allen, Delaware Community Foundation board member



Courtesy of Delaware Public Archives

HISTORICAL FIGURES

Meet the two Delawareans who played a major role in changing the nation

LOUIS L. REDDING

What does it take to break from the ordinary and go on to alter history? Is it talent, drive and character? Or, do time and place force an individual to go beyond the ordinary and make history?

In the case of Louis Lorenzo Redding, the answer is both – character combined with circumstances led him to topple Delaware's slave-era laws.

Redding was Delaware's premier civil rights lawyer. His legal strategies, courtroom techniques and courageous perseverance integrated the University of Delaware and played an important part in ending the racist "separate but equal" legal doctrine across America in *Brown v. Education*.

Redding would continue broadening the "equal protection clause" of the 14th Amendment in many court cases, including the little known *Burton v. Wilmington Parking Authority*, which Redding ultimately won, ending segregated business practices.

Louis Redding was born in Virginia in 1901. He grew up on Wilmington's East Side and attended Howard High School, the only high school in Delaware for black students. Redding graduated from Brown University and later from Harvard University with a law degree and distinctions.

He returned to Delaware and became the first black lawyer in the state.

He said in a 1974 speech at the University of Notre Dame, "I am not an expert in constitutional law nor am I an expert in that narrower division of constitutional law which might be called civil rights and civil liberties.

"I am just a pedestrian, journeyman lawyer who happens to have been practicing in a state where the necessities of the situation made me participate in civil rights activities."

His many admirers disagree.

Former judge Joshua W. Martin III said Redding was much more than that. Martin once wrote Redding "fought for equal justice and equal access for all people, whether it be education, voting rights, housing, employment, the use of facilities or public accommodations," adding, "The effect of his life's work is felt and heralded not only in Delaware but throughout this nation."

Louis Redding died in 1998.

COLLINS J. SEITZ

In 1951, Chancellor Collins J. Seitz said something highly unusual for a white official in segregated Delaware.

"Many of us would become fighting mad were we told that we did not really believe in the great principles of the Declaration of Independence and the Constitution of the United States.

"How can we say that we deeply revere the principles of our Declaration and our Constitution and yet refuse to recognize those principles when they are to be applied to the American Negro in a down-to-earth fashion?"

The answer seems obvious now. But the questions was near revolutionary when Seitz asked it. Harry Truman was president, schools were segregated and, in Delaware, many Africans Americans were legally barred from being in "white" establishments.

Yet the words, spoken in Seitz's calm and well-mannered style, were typical of the chancellor. So was his willingness to pose the question. Seitz by that time had already ordered University of Delaware to end its segregation policies, the first successful desegregation of an American college.

Seitz then played a role in Delaware and American history by ordering Delaware's public schools be integrated in one of the most important judicial decisions in American history, *Brown v. Board of Education*.

To call others to join him in confronting the outcome of sound reasoning as well as to act on moral principles took courage. So did writing the desegregation decisions.

Collins Seitz, a University of Delaware graduate, was born in Wilmington in 1914. He fell in love with the law and earned his degree from the University of Virginia. He joined the Chancery Court in 1946 and served as Chancellor from 1951 to 1966. He served the U.S. Court of Appeals for the Third Circuit from 1961 to 1984. He died in Wilmington in 1998.

Today he best known for the desegregation cases. But his work on the bench, both Chancery and the U.S. Court, went far beyond that.

Former Chancellor William T. Allen put it simply. "Collins Seitz was born to be a judge"

Allen wrote in *Delaware Lawyer* shortly before Seitz's death, "He is a hero to Delaware lawyers in an age in which the pressure of the business of law have forced professional heroes to the margins of our attention. To Delaware lawyers and judges, however, Judge Seitz has presented a remarkable model of effort, selflessness, and professional accomplishments for the public good."



C.J. Seitz, Jr., holds a photo of his father, Collins J. Seitz. © Nick Wallace Photography



John Sweeney is a Delaware writer and editor.

SOURCES: Among the sources consulted for this article were: *Simple Justice* by Richard Kluger; *History of Delaware* by John A. Munroe; *The Philadelawarians* by John A. Munroe; *Slavery and Freedom in Delaware 1639-1865* by William H. Williams; *Lincoln's Emancipation Proclamation: The End of Slavery in America* by Allen C. Guelzo; *Pivotal Policies in Delaware: From Desegregation to Deregulation* by William W. Boyer and Edward C. Ratledge; *Brown v. Board of Education: Caste, Culture, and the Constitution* by Robert J. Cottrol, Raymond T. Diamond, and Leland B. Ware; "He Said He Wouldn't Help Me Get a Jim Crow Bus," by Brett Gadsden, *The Journal of African American History*; "The Brown Strategists" by Clinton L. Burch, *The Black Law Journal*; "A Proud Moment for Delaware: Louis L. Redding, Esq., and the Hon. Collins J. Seitz, and Their Contributions to the Brown v. Board of Education Decision" by the Delaware Heritage Commission; *The Delaware Lawyer*; *The Delaware History Journal*; *The Washington Post*; *The New York Times*; and *The News-Journal* papers.