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Oral History Interview on Connecticut Civil Rights (with video)

Simon Bernstein

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Location: His home in Westbrook, CT

Recording format: digital video

File name: BernsteinSimon_medium20110801.m4v

Length: 1:19:21

Transcribed by: Katie Campbell

Additional files: BernsteinSimon_photoCampellKatie20110801.JPG with additional citations mentioned in the transcript.

Abstract: Simon Bernstein (born 1913) primarily describes his role regarding two Connecticut civil rights issues: restrictive covenants and public education equality. As a lawyer and Hartford alderman in 1947, he publicly challenged racially restrictive covenants in property deeds. In 1950, he and his family moved to suburban Bloomfield, CT, where he served on the local board of education. In 1965, as a delegate to the Connecticut Constitutional Convention, he authored an amendment that guaranteed a free public education to every child, which laid the legal foundation for the 1970s Horton v. Meskill school finance cases, the 1989 Sheff v O'Neill school desegregation lawsuit, and the Connecticut Coalition for Justice in Education Funding, Inc. v Rell ruling in 2010. In addition, he discusses his relationships with Democratic Party chairman John Bailey, Governor Abraham Ribicoff, Hartford Mayor Thomas Spellacy, and his later role as a judge. Finally, he recalls memories of growing up as a Jewish boy in Hartford's Frog Hollow neighborhood and attending nearby Trinity College, where he graduated with the Class of 1933.

Additional comments: Submitted as part of the [OnTheLine web-book](http://OnTheLine.trincoll.edu) by Jack Dougherty and colleagues (<http://OnTheLine.trincoll.edu>).

See also: Bernstein, Simon. Oral history interview, Greater Hartford Jewish Historical Society, December 22, 1971.

Speaker key:

KC: Katie Campbell

SB: Simon Bernstein

JD: Jack Dougherty

[all comments by transcriber in brackets]

KC: This one has my signature on it that I'm going to the transcript and everything for you.

SB: Oh I don't need to know what...

JD: We'll just leave a copy here.

SB: Whatever you are going to ask me... You want to ask me about Trinity in 1930 [laughs]
[00:00:14]

JD: Put that in the back there. And you are all set to go Katie.

KC: Alright.

SB: My tuition my first year at Trinity was 250 dollars and I had to scramble to find the money for it.

KC: I'm jealous. 53,000 dollars a year. Alright, so we'd first like to start with your time with the restrictive covenants in the 1940s. We saw your name as someone who spoke out against restrictive covenants in the 1947 issue of the Hartford Courant. ["Bernstein Seeks End of Restrictive Clauses," *The Hartford Courant*, March 28, 1947; "State Law Sought Against Racial Ban in Realty Deals," *The Hartford Courant*, April 2, 1947.]

SB: You sent me a copy, so I saw that. I have it, thank you.

KC: What can you tell us about this period?

SB: Well, in the first place, I was... I'm a lawyer and I had a case in which there was a restrictive covenant and I brought it to court to get... to get rid of the restrictive covenant. I don't know if you are interested in the case, or you can eliminate what you don't need. This black lady was the maid of the owner of an immense part of Avon Mountain, of the [West] Hartford side, which, in the '40s, was still undeveloped and when she died she left her maid one percent. Now in the '40s, there was no development as yet, when she agreed to do that. On her death, the attorney for her estate or whatever you call it wanted to clear the title because apparently they had a customer to buy the estate to develop, so it came to this lady's attention that she was entitled to one percent of this old Yankee estate there and I looked it over, she came to me, and I saw this restriction and I immediately brought some sort of action. I don't remember just what it was at this time. But anyway, we got it in court and it came before Judge, I think its William Shea [spelling?]. There are a number of Sheas on the Supreme Court, but this was, I think, in the Court of Common Pleas in those days. We don't have that court anymore, it has all been absorbed into one system. Every judge today is a superior court judge. And in the course of it he called us in chambers and asked if we could settle it nice and I said "I'm primarily interested in removing any kind of restriction." So he said "Well, let me think about it and then come back next week," or whatever. And when we came back he had apparently talked to the attorney for this old Yankee family and he said "Would you be satisfied if he eliminated that paragraph that's in there and forget about her interest," you know, her financial interest. Well, I said "I'm primarily in this case to eliminate the restriction, so I think my client would accept that." I'm not sure now whether that was true, I think she wanted the money. But anyway, I accepted the deal so the attorney for the old family erased that section, and I released our objection, and that's all there was to the case, but I thought a lot about it at that time. I don't know if I still on the Town Council in Hartford. I was elected...

We had a Board of Aldermen to run the city in those days, and the mayor. And I was elected the previous year to the Board of Aldermen, so I brought this up in the Board of Aldermen, but in those we had no connection with the state. We had our local problems, as you can imagine. And so I issued that statement. "I'm going to ask the judiciary committee to propose a bill. And frankly, that's all I really remember about it. Now you say it was 1947? In 1947, politically the Democratic party was in a state of uproar and I was involved in the local politics so I was deeply involved. I didn't mean to be, but it turned out that I was. If I go into that, you'll be here until tomorrow. [laughs] But at any rate, that's all I know. I don't know what happened, whether the legislature did anything, but all I know, as far as I know, there were no cases ever in the superior court after that. It got a little display in the paper and I think that end all of these restrictions in Connecticut. I may be putting a little too much emphasis on it but... Now, I've got to ask... interrupt to ask you a question. Do you know what Connecticut did about this besides the one case of mine? Did the... Wasn't there a case in the Supreme Court of the state in which they ruled that all of those covenants were illegal? [00:06:48]

JD: Well, that's the U.S. Supreme Court.

SB: The U.S. Supreme Court. I think that what I...

JD: Yes. In '48.

SB: Yeah, so Connecticut dilly-dallied with it, or did nothing and [unclear name??] forgot I even said that. It was one day's notice in the newspaper. But yes, the U.S. Supreme Court said that all over the country it was illegal. So as far as I know, I had the only case that went to court. If there were other cases, there had to be a lot of covenants all over the place. As far as I know, that stopped any new ones. So I'm sure that lawyers read the Courant in those days. Today I'm not so sure anybody reads the Courant. [laughs] [00:07:40]

JD: Why don't you show him what we found and see if it rings any bells?

KC: Oh, sure. Well, first, what kinds of restrictions were these? Were they...

SB: Well, as you said in one of those articles, it was restricted to a... to all non... you have it there. [00:08:07]

KC: Well, we have an example of one we found in West Hartford.

SB: The one that was in the newspaper. I think you mentioned it. [00:08:16]

KC: Oh, the article.

SB: One of them mentions it. It says what the restriction was.

JD: Mr. Bernstein...

KC: [reading from article] ["Bernstein Seeks End of Restrictive Clauses", Hartford Courant,

March 28, 1947, p. 21] "Mr. Bernstein said he recently was interested in a case in which a deed limited sale of a property to 'non-Semitic persons of the Caucasian Race'." Is that what you are talking about?

SB: That's it. Yeah. It was a general restriction, it didn't mention specific races or color, but obviously that's what it was. Judge Shea was an interesting judge. And I presume, looking back, that he was Catholic. I don't know where he personally stood on this, but I was a young lawyer and I was scared to death of him. [laughs] I went along with... When I say he's interesting, he tried the criminal case as a result of the Hartford Circus fire. Are you familiar with that? And he really let the president of the ownership of the circus, he let them have it. He blamed the circus. Nobody knew what caused it, but he sent him to prison and then about a year or so later, they got some information about this hobo who set it up, the fire. And Shea went personally, went to the state's prison where the head of the circus, Barnum and Bailey circus, and apologized profusely. But he based it on what he knew. At that time, everybody was mad at the circus. I thought it was an unusual point. It has nothing to do with this. [00:10:11]

KC: It's okay.

SB: I'm going to wander if I... you stop me if I wander on. [00:10:17]

KC: So this is an example of a racial restrictive covenant that we found in West Hartford, and the text is a little bit small, but this is a map that has a bigger version. [Screenshot and sample document from "Race Restrictive Covenants in Property Deeds, Hartford area, 1940s," interactive map from UConn MAGIC, http://magic.lib.uconn.edu/otl/doclink_covenant.html]

SB: Is this another one? [00:10:30]

KC: That's the map for it. But the bubble has the race restrictive piece in it.

SB: Well this, this restriction just restricts it to white men. It doesn't say they can't own it here. [Reading from the document] "No persons of any race except the white race shall use or occupy any building or lot except that this covenant shall not prevent occupancy by domestic servants," I see, "of a different race." Well, that's not a very strong... That's not really a full covenant. It's a restrictive covenant, but by no means as comprehensive as what I was talking about. [00:11:22]

KC: Is this sort of typical... So this isn't very typical... you saw different language than this?

SB: Well, the language is always as important. [00:11:32]

JD: What do you recall about the language you saw for the case that you were mentioning? How was it different?

SB: Well, I think it's the language that... I quoted in that... or you quoted me in that article that no one except the white Caucasian...[00:11:54]

KC: 'the Non-Semitic persons of the Caucasian race'?

SB: You mention in there. That's what I said at that time. But you know, you're telling me that that's what I said ... [laughs] I had in mind a much more general... This is saying they could live there. They can't live there as a... on their own, but they could work there. [00:12:19]

JD: Correct.

SB: Well, that'd be terrible. Why do you pick these out? Any special reason for you having these? [00:12:29]

KC: Well, we found five different ones in West Hartford so far, and that was just an example of one.

SB: Well, I don't think this is exclusive. [00:12:41]

JD: Tell us why.

SB: Because this doesn't say you can't own property. [reading again] "No persons of any race except the white race shall use or occupy a building..." [00:12:57]

JD: I see what you are saying. So, it's possible that an African American could own the home, it's just that they could occupy it under that clause.

SB: It probably would be a rare thing. [00:13:06]

JD: Agreed.

SB: But it leads to other things. [reads again] "...but it shall not prevent... domestic servants" Oh, occupying. Well, I would never write anything like that. [laughs] Unless my client said that's what he wanted or she wanted and, you know, I was just being a lawyer. But to me that's half the question. [00:13:40]

KC: Well, do you know...

SB: And that just restricts blacks, which, you know, in the early days, there were a lot of deeds excluding Catholics. And the way Connecticut developed, it became a Catholic state, really, politically. I would think that people who were really prejudice would want to be more than involved with domestic servants. So, it's a restrictive covenant, but in my opinion, quickly, it's not good enough, that wouldn't have solved the problem. What I suggested was just eliminate any reference to any race or color and not talk... excuse me... whether you are white or black. But it wasn't necessary. The Supreme Court handled it. The U.S. Supreme... I just wondered if the Connecticut Supreme Court did anything or whether the... I don't think the legislature did anything, but I don't think I had the authority to tell the legislature what to do. [laughs] So that was the end... as I say, I got involved in the political situation in Hartford, and from my point of view, that's all. I was not speaking for any organization, I was not a member of any special civil rights organization, I was on my own. That's why I did it.[00:15:20]

KC: So who wrote these restrictive covenants do you think? Were they typically written by individual owners or..?

SB: In the case I was... It probably was an old Yankee law firm, one of the old established firms. In those days they still were the prominent lawyers in Hartford. It just sat there. It didn't come into operation until the old lady died. So, I can't tell you... I can't even remember the name of the lawyer. I didn't like him [laughs]. I mean, I had a lot of friends who were in some of the old established law firms who were nice decent people, he wasn't one of them. That's an aside, of course. [00:16:24]

JD: Mr. Bernstein, I missed where the case... where was the property for this case?

SB: The property as I recall, was on the West Hartford side of Avon Mountain. It was the whole area. Apparently, that family had... was an old family that stole it from the Indians or something. It went back quite a ways. Since we never did go to trial or do anything other than settle it in chambers, there was no need to examine the deed any further. [00:17:02]

KC: So, did you see others of these?

SB: Did I what?

KC: Did you see other restrictive covenants?

SB: No, as I said, as far as I know, that's the only reference I ever saw anywhere in the court system, which surprises me because ever town had, was loaded with them. There are other kinds of restrictions that don't refer to such inviting reaction. I mean, a developer can develop an area, say, that all shall be one story houses and all shall have a slate roof or something. And all shall be colored either red or blue. And that kind of thing raises a different question. It doesn't affect any group of people and it promotes the sale of a development. You either like the idea, or you would never live there because of it. That kind of restrictive covenant I don't think has ever been ruled illegal. There have been questions about... I had another... I did have another case in which, in court, the lawyer for the other side, he said to me, "Mr. Bernstein are you saying that my client can't use a green paint," or something, I don't know, and I said... and I answered, I said "I have no objections to that kind of a..." Why that came up in a case... we were both in agreement, both lawyers, I mean, this was a passing. He was having fun with me, you know. But, listen, I can't see anything wrong with that. The developer, you know, if he said this should be a one-way street, he'll develop it with a one way street or something, there could be some objection to that, but I don't know what legal objection there would be, so when we talk about restrictive covenants, we're really talking about race and nationality and color. [00:19:43]

KC: Okay, so this it...

SB: So I'm not opposed to the whole idea of it. I think it can be a useful weapon for a developer to make his place a little differently than the others. Okay, that's an aside. [00:20:02]

KC: Okay, so this is a map of five racial covenants that we located in West Hartford.

SB: Race restriction... Oh yes, you found a lot of them.

KC: We found four developments and then one that was just a single home.

SB: In West Hartford, mhm. [00:20:24]

KC: What do you see in this map?

SB: Let's see, I know West Hartford very well. What part of West Hartford is this? Upper Albany. Well, these are race restrictive covenants. Mhm. [00:21:01]

KC: So those are just the race ones. We found a lot of what you were sort of talking about, the value restrictions that, you know, had to be a single family home or...

SB: I would say that a lot more than show on that map. First place, they go from generation to generation and what somebody's grandfather or grandmother thought he or she was protecting her property for the value of it, may not be the feeling of the present owner and there's... he or she would never use a restriction, just ignore it. No, I don't think everybody ran down to City Hall and changed deeds, none of them did that. [laughs] So if that's the law, that's the law. We won't disobey the law. And so it was a very silent revolution. Okay. [00:22:06]

KC: Do you have any suggestions for where we should look, either in the city of Hartford or in any suburbs to find others of these?

SB: Well, you know, today with computers, you can find most anything, and I would think if you look up... I don't know if Google is enough, but let's say you looked in the Google and wrote down "restrictive covenants, state of Connecticut," or "Connecticut case law" something, if you move onto something like that, or "West Hartford". With a little luck, you may find yourself inundated with examples. You may have done all of that already, I don't know. [00:22:54]

JD: We've tried things like that and a lot of the property deeds aren't in the computers from that time period, but maybe you have ideas of other people we should talk with or places we should look especially, certain towns in the area, or certain people.

SB: I see. Well, if there are towns or cities with the Town Clerk who has been in office for 50 years, which wouldn't surprise me, that person may have some recollections. I don't know. That's a long shot. Or someone retired as a Town Clerk. I knew... when I practiced, I had business in all the different cities around. I recorded deeds. The Town Clerk was always somebody who had been Town Clerk forever, it seemed to me. Okay, I didn't help you much there. [laughs] How else to look for... Well, there's an awful lot of stuff on racial problems in the cities here and perhaps somebody will recall something that his mother or father or grandmother or... had to put up with. [00:24:17]

KC: Okay.

SB: I had one other case as a lawyer but we did nothing. State of Connecticut was building a highway through a section of Bloomfield. And they were taking my client's property. He had a nice, clean, well-kept house and he was black. And this was just a hearing on the... how much the state should pay for the thing. And the judge was until the lawyer for the state told the judge that, "Did he know that my client was black?" and immediately the judge did an about-face and he granted us a very small amount. He granted us about half of what I thought he should grant us for the taking. You know, that's constitutional law, if you take property, you've got to reimburse the people. So that was not really a case, it just... I was very bitter about that judge for years. I got to know him later too when I went on the bench. I never mentioned it but I never forgot it. So any lawyer, run through his mind and find something like what I am telling you. [00:26:01]

JD: We'll do that. Yeah.

SB: Go ahead.

KC: Who joined you in challenging restrictive covenants?

SB: Excuse me, in what?

KC: Who joined you in challenging restrictive covenants?

SB: No one.

KC: No one?

SB: As I said, I had no backing, I was... It was just a thought of my own that this was terrible. Look, the Town Clerks were telling people that this was all right, you know, accepting deeds with... It was like on the Board of Education. Nobody... I didn't represent the Board of Education and put into law the fact that Connecticut did not have anything in its constitution about public education. I did that on my own. I was in a different position. [00:26:51]

JD: Let's skip down to right here then?

KC: Okay, so we'd like to move on to your time when you moved to Bloomfield. So we read that you left Hartford in 1950 and moved to Bloomfield.

SB: Was it... excuse me... Was it 19... it was 1950. Okay.[00:27:15]

KC: Can you tell us more about why you and your family moved?

SB: Yes. Well, I had a couple children by that time. I had to get out of living in an apartment in the city, and I had a choice of moving to Hartford... to West Hartford or Bloomfield and I moved to Bloomfield. In Bloomfield, after I was there a while, I was elected to the Board of Education. So in Hartford, as an Alderman, I was on the committee, which was the Finance Committee of the city in those days. We prepared the budget, and did the whole works, with the aide. We had

a... someone in the city who was employed to do it, but our committee made all the budgets so I'd been on the side in Hartford where you can't give the Board of Education any money because the tax rate will go up. So, absolutely [unclear??] that we ... had to have a frozen look at the Board of Education in Hartford. This is in the '40s. Then I come to Bloomfield where I'm on the Board of Education, I'm sitting in just the opposite chair. So I felt I knew a lot about this. You know, when you're young enough to feel you know what... more than anyone else. I was guided by my experience. I was not speaking for the Board of Education or teachers, though I was friendly with a lot of them. And they didn't give a damn anyway, I mean, they just wanted a paycheck, you know. In those days, we discussed other kinds of problems like should a female teacher receive as much pay as a male teacher who was married and had children and so forth. So we dealt with different subjects on the Board of Education when Bloomfield was a growing suburban community then, so we had to build schools, we had to go to the Town Council and convince these staid old guys [laughs] and nice ladies that we couldn't afford to pay for what we needed. We persuaded them, we did. So I've been on all sides of the question of what's fair for education. And we succeeded in Bloomfield. We built a lot of new school in the few years that I was on the Board. The first thing that we did was to hire a new superintendent. Get rid of this guy... He was at a stage in his life where he was sick. He couldn't perform and I wasn't about... I came to Bloomfield, I wanted a good school system for my kids too. So we got rid of him and got a good superintendent, and we did a lot of building. So I know what the problem was on both sides, more taxes or more schools. And how do you do both. In 1960's the Supreme Court of the United States passed what's known as a one man, one vote law. And what that said was you had to redistrict your congressional districts so that they had approximately equal number of voters in all congressional districts. Then along came the U.S. Supreme Court, and followed up and said, "Yes, this applies to states as well." Whereupon Connecticut was in a terrible mess. Under the system in Connecticut from the very beginning, from 1818 when the Connecticut Constitution was perpetrated, I guess [laughs], one house... Every town had two representatives to one house in Connecticut. And then the Senate was more by distribution of population. But the little cities, some of the very smallest cities, had populations of 1,200 to 2,000. They had two representatives, and they had different concepts of what the state should do for its citizens and they really could never get too much passed [unclear??]. But obviously Connecticut was way out of whack as far as the Supreme Court of the U.S. was concerned. And so, each state it got said to went about trying to set up a system of redistricting and immediately, both parties objected. You know, when you redraw lines... if you are in office, if you represent that district, you don't want your district changed, you're happy with the distribution the way it is, especially if it's a big margin... where a nomination is election. And this was true in both parties. Well, most of the small towns were old Republican towns. Still, there were a number of newer cities and towns where there were Democratic representative and they didn't want to lose their... you know, they didn't want anything chopped out of their area or put into another district. So Connecticut was at an impasse and someone brought a case in court to follow up the federal case in Connecticut and finally the federal judge said, "If the two parties can't get together within... by the end of the year, he would personally appoint somebody from Yale," I think, at the time. Not Trinity, Yale. He would accept whatever they recommended. Well, neither party wanted that to happen, they weren't that enamored of Yale. The only other way out, the Judge said, if you left it to the people, and how to do that? Well he said, "You can always have a constitutional convention." In Connecticut's history, after the 1818 convention, there had been two, perhaps three, but I think two times in its history... we are talking 1965, up to then... where a constitutional convention had

been held, and in both cases it adjourned without doing anything. There were so many splits. They split on other things beside distribution of land. There were religious things and so forth. So in 1965, a committee was set up to draw the rules for how the convention was to be selected and how it was to operate. In due course of time, the convention met. Now, I'm going to wander a minute. The... in selecting delegates, at that time, Connecticut had seven congressional districts, it now has six. We've been losing population, as you know. So that way they set up this constitution was the seven districts that existed, each party would have, I think, 14 delegates. I think... we had 84 delegates to this convention, and it really was a blue ribbon convention, for the most part, but there were people like me in it [laughs]. It had a couple of justices of the Supreme Court were elected. We had previous Governors elected. A Congresswoman was elected. The top leaders of each party were elected, and then the rest of us were just to fill in the spaces. My district of the 14 that was allowed to Connecticut was... I think each party was allowed seven to get the 14. 14 delegates times seven is 84, I think... 78, 80... anyway, my district consisted of Windsor and Bloomfield, was entitled to one delegate to the convention and my Town Chairman agreed to let me run for it and I got elected on the democratic ticket. And how I got to be the delegate was a mystery to everyone. Windsor was larger than Bloomfield, so you would think if there's only going to be one delegate, Windsor would naturally... the guy from Windsor would get... no, but he wasn't and I was selected. But that's a long story. [00:38:34]

KC: So that was what we were going to move on to next, actually, was your time at the Connecticut Constitutional Convention. We were going to ask you why you were chosen as a delegate.

SB: Have I gone too far?

KC: No, this is perfect.

JD: No, this is exactly what we want. Why were you chosen?

SB: You know, when I'm wandering around here... Well, anyway, I became a delegate to the convention and took my seat, and it really was a very important and everybody was aware that the courts were in suspension if we didn't do anything by the end of the year, we wasted our time because the court was going to turn it over to a some guy or other, some professor. So the main purpose of the convention, the sole purpose of the convention was to determine a proper distribution of districts for voting purposes. But I was enough of a history student of law, a lawyer, to know that once a convention is called for the state or national, nothing is irrelevant, you can bring up anything you want. These are the people now, supposedly we're the people. So in the system we set up for the delegates, we filed pretty much what the legislature did, we submitted a bill. Just like you did if you were now a representative to the legislature. I thought about it... "Well, I know the leaders of the party who want to get on with the business of redistricting," and I knew that wasn't going to be settled by us. They were going to reach an agreement; we were going to vote yes or no. So I thought "Well, what bothers me? Do I just sit here or do I do something?" And I did. There was nothing in our constitution that dealt with public education. I felt it should. We were the only state in the country with no reference to public education in our constitution. It wasn't the problem of 1818. The problem of 1818 was what are you going to do about the hole on the government that the Congregationalist leaders had

the antidisestablishmentarianism, you remember that business? So what they did was really to take control away from the one group of Protestants and give every other Protestant a chance to run the government too. But that was the big issue. The old gang versus the new gang, and the Jeffersonians were one group and the Hamiltonians, of course, the other nationally. But they were reflected in the little... the prominent local people. And so they worked out the constitution along the lines they wanted and then as the years went on, other big issues developed. There were... a couple constitutions were... excuse me... were called. But what happened was, other people, I suppose like I was in this one introduced other subject with the result that party discipline disappeared. People on either party, some were for, some were against these other issue that came up. They could never get... the convention erupted in disarray and finally adjourned, in two of the... all of the earlier conventions. So here we are sitting in 1965, that's a long time ago. Excuse me. [00:43:00]

KC: It's okay.

SB: Anyway, I introduced the resolution and it came up in the course of time at the convention and the committee that it went to brought in an unfavorable report. They didn't want anything to interfere with getting the districts properly set up. So they weren't going to make the same mistake all the other conventions had in the past. So I spoke up again, and sent it back for re-discussion and that's where it stood. And finally, on the last day of the convention, I said to John Bailey, or I said to enough people for him to hear it "I am very upset that we are ignoring this." And at the last minute, I got a message from his runner saying if I could write this thing up and present it to the convention in 5 minutes, 10 minutes, he said, we'll pass it, because at that point, they had reached an agreement on the representation so I dashed off in five minutes what turns out to be the whole section, all it says "There shall always be free public education..."[00:44:40]

KC: That one? [Shows excerpt from Christopher Collier, *Connecticut's public schools: a history, 1650-2000*. Orange CT: Clearwater Press, 2009, p. 593]

SB: Mhm.

JD: Would you read it for us?

SB: [reading] This says, "The state shall always maintain free public schools..." This is the way it was passed. "...free public schools through a..." Oh, that's not... that's my handwriting, but you can see, I was trying to write it up as simply as possible then I finally said, "To hell with it, I'll just say that there will be free education and let it go at that." And that's what happened. [00:45:17]

KC: So that's... so talking about getting the amendment passed, the book said that you said to them that you would go to the TV... to the TV stations if...

SB: I said I was so upset, I'm tempted to go to the press and tell them that... just saying that we are letting a convention go... an opportunity go by. And apparently that's what John Bailey and [his counterparts] the leaders of the Republican Party, or whoever they were, thought well, "There's no harm in it now. We've reached an agreement on the voting part." So I dashed off this

thing and I called [unclear name??] and I presented it to the convention and it was voted. And that's how we have something in our constitution, but I introduced it and when they turned it down, I sent it back. I managed to give a speech that got them to agree to send it back for reconsideration, so it was sitting there doing nothing, it wasn't in the can, it wasn't thrown out this time, but just sitting there, and that's how it went through. [00:46:31]

KC: Looking back, what has been the long term impact of the amendment that you made?

SB: What?

KC: This amendment. What has been the long term impact of it, do you think?

SB: Almost from the time that it was passed, there have been cases on education sitting in the Connecticut Supreme Court. There is one right now. One of the issues is, "What did I mean when I said this?" and so forth. The Hartford cases mainly, but there are also cases that arise out of the idea of it. For example, someone brought a case in, I think, Bridgeport in which they likened what we did in education... that we should have something in the constitution on welfare. It didn't go anywhere. The Supreme Court found a reason for not...[00:47:54]

JD: This is on welfare, you said?

SB: I think it was welfare. [00:47:58]

JD: Okay, just checking to make sure I heard the word.

SB: Anyway, that went nowhere, but it's a whole idea of unintended consequences of anything you ever... especially, I wrote such a simple thing. Now I had studied... I had written a lot of constitutions for clubs and societies and things, and I backed the theory that a constitution should not be specific, it should be the general idea and the general feeling. And then you pass laws to accomplish what the constitution says. For example, today in the federal government what constitutes free speech? Everybody says, "We've got free speech." We don't have free speech, and we don't want free speech. There are things we don't want from it. There are things being said today by our kids, we blame the kids for everything, but... adults too. We don't think there ought to be free speech. And is burning a flag speech? Just an expression. So a court has to interpret what it means. And I felt, excuse me... I felt the same way about education. All I had to say was that there should be good education and then it's up to the legislature to put up the money or whatever else it has to do. And that's where the problem is in every case since: is the legislature doing its duty? Is it supplying sufficient funds? I appeared at the Supreme Court two years ago when it came up there because there was a big question "What did I mean by free public education?" And I told the reporters "It's not what I mean, I'm not... I didn't write it as an expert in education." What it is is a concept to live up to, to try to strive to reach. Well, the judges had written long opinions in these things about what it means and what it should mean, or what... it's a lot of nonsense frankly [laughs]. I think to say that legislature only has to do a minimum amount to prove that it's not opposed to education is ridiculous, because law cases tend to get, be tried on legal basis, and that's generally true, but this is... You know, these...this sort of thing is different. In the second of the big Hartford cases, I can't think of the name, it's a well-

known name. . .

JD: Well there's Horton v. Meskill, there's Sheff v. O'Neill...

SB: Sheff.

JD: The Sheff case, okay.

SB: Yeah. The state's position was that they did respond, they did increase payment, but the results were terrible. It didn't accomplish anything. I just read in the paper, I think, the other day that 60 percent of the kids who enter high school don't graduate, or some such figure. So the position of the Attorney General representing the state and the legislature is that they have done more than the minimum necessary to prove that they were not being unconstitutional, and that's all you could expect. If they could do more, they would, but they're not legally bound to do more, and that's where that case sits. The one that's in the court now... if you agree with the position of the association of teachers and Boards of Education, and so forth, who are presenting this case that what they want is the equipment, the surroundings, the buildings and the teachers and the books to do the job they need, won't be met by the kind of money that the state thinks is adequate. That's the simple issue. So they reduce it to a pretty simple issue which... and it leaves out of it that kids are not being educated, that's what's terrible. [00:53:11]

KC: Alright so we'll just do sort of our wind down questions. Just some biological... biographical question for you, sorry. What year were you born?

SB: 1913. In case you can't count very well, I'm 98. [00:53:30]

KC: 1913, okay. And where were you born?

SB: Hartford.

KC: In Hartford?

SB: I was born in Hartford.[00:53:35]

KC: Okay, and what schools did you attend?

SB: I went to Hartford Public High School, Trinity College, Yale... I mean, Harvard Law School. [00:53:46]

KC: Okay, so there are several aspects... Oh, sorry.

JD: Just back up a second. The earlier schools, what neighborhoods did you live in when you were growing up in Hartford? What neighborhoods did you live in and what grammar schools...?

SB: I lived until I was 12 in Frog Hollow. [00:54:01]

JD: Really? What street?

SB: York Street. That's where the gang lives today, that's where the chief lives. [laughs] York Street is a little bit of a street off Zion. [00:54:13]

JD: Off Zion, yep.

KC: So right near Trinity?

SB: What did you say?

KC: Right near Trinity.

SB: Well, it's near Park Street. It's the first street... what is that? Whatever direction that is, north, east south or west, I'm not sure. South probably. South of Park Street. And it runs from Zion Street to Pope Park, and there was nothing I learned on York Street that has anything to do with this [laughs]. But I knew Trinity long before I went to college. [00:54:54]

KC: So you were a member of the Class 1933, right, at Trinity?

SB: Yes.

JD: Sorry, you were saying before you went to Trinity though, what did you know about Trinity before you went to Trinity?

SB: Well, in 1922 or 3, whatever, Trinity had some kind of a centennial or... When did Trinity start?

KC: 1823.

JD: Yeah, so, 100 years.

SB: May have been '26. Yeah, they had some kind of centennial and they had a football game that day or something. And the movie star of those days by the name of Richard Barthelmess was a Trinity student who left Trinity or got kicked out, I don't know which. [laughs] He was a drunk. Anyway...[00:55:53]

JD: What was his name again?

SB: Richard Barthelmess. [00:55:56]

JD: Barthelmess, okay.

SB: And he was a member of Psi U, that's the building right next to the... what was then the entrance to the football field on Vernon Street. [00:56:09]

KC: Still is, yep.

JD: Yep.

SB: And he was there for the Reunion, the... and they were very proud of him. He was walking around with a fur coat down to his ankles. I remember as a kid I just... You know, I went up Zion Street to see the game as a kid. I remember one year when Trinity rented out the ball park to Barnum and Bailey Circus, so we had to find a way to sneak into the circus when we were kids. So I, you know, I was always near... Frog Hollow really ended at Summit Street, where Summit ran down to the park. The rest of that we called Behind The Rocks. So Frog Hollow teams would play teams Behind The Rocks, baseball games, but not on Trinity park, down below. So I spent, you know, like any kid in the neighborhood, wandered around those areas. So, what else can I tell you about those early days? Well, that's enough of that stuff. [00:57:28]

JD: Why did you choose to go to Trinity College?

SB: It was the only place I could afford to go. I told you what it required. You need 250 dollars to go. It was a different school. There was plenty of restrictions at Trinity. [00:57:52]

JD: Like what?

SB: High school kids from Hartford who couldn't afford to go to Yale or Amherst or whatnot, went to Trinity. And for some reason there were... a lot of them wanted to be doctors. And while there was no quota at Trinity as such, it was clear they could never get into a med school. A lot of these Jewish kids in the North End who went to Trinity were very bright kids, but they couldn't get into med school. Junior Smith, who became the class secretary for the Class of '32, he went to dental school, he became a dentist. So there was... some got into med school, some got into dental school, a few did get into med school. The same with law school. I happened to have a good relationship with the President of Trinity. I didn't know it at the time, but I found out later that he promoted me to Harvard. Trinity, in those days, somebody by the name of Mather, M-a-t-h-e-r, contributed a fortune to build the chapel and they built it without any modern equipment, no nails, but it was all the way the old churches in Europe were built. And the plumbing was done by Bernard Lyons and Company [spelling??], and I knew him. I knew him because I was a caddy when I was a kid and I used to carry... He took a shine to me and he told... When he heard that I was accepted at Trinity, apparently at some of these reunions, they had... He told Remsen B. Ogilby, the President, that I was at school. Well when it came to going to law school, I applied to Harvard and I was admitted in March or April, and so I said, "I'm not opening any books anymore. I've had enough of college. [laughs] I'm sick of college." And we had a history professor by the name of Humphrey [spelling??] and I went up to him the day of the final and I said, "Professor, I just want you to know, I'm not taking the exam." He said, "Why?" "I don't feel like it." He said, "What do you mean you don't feel like it?" I said, "I'm sick of exams and worrying about all this stuff. I don't care." So he said, "Well, is somebody in your family ill? Is there a problem?" I said, "No, I just don't want to take the exam." He said, "Well, you'll flunk the course." I was like, "I'm sorry, I just don't want to." So finally he said to me, "Next week, there's going to be a very famous person speaking at the Bushnell Memorial. If you go to his lecture and send me a report on what he talked about, I'll grade you on that report. You don't have to take the exam." I said, "No, thank you. I'm sick of it. I don't want any part of it." So

he said, "Well, it's your choice." Well, I left, well, I felt pretty bad about it because I was thinking my parents didn't know I was doing this [laughs]. What will they think after all they scrounged around to get me through college? And I thought, "Oh boy. Will Harvard take back its admission if I don't have a degree?" So I said, "I can't worry about it. I don't want any part of it. I'm sick of these exams." And I didn't take the exam and he gave me a grade, I can't remember what he gave me. And I went off to law school, and in law school, I did not like Harvard Law School. I just... it wasn't for me. I would have been better off in a small school where you talk to your professors, where you talk in class. Well in my first year of common subject, like criminal law and civil procedure, 1,000 people in a class, in a great big amphitheater and I am saying to myself, "What am I doing here? I don't belong here." Well, I did and I made it through. Across the street from Harvard Law School is the Commons, and one day as I walked along the path of that to cross the street to go over to the Law school, there was a big granite stone with a brass thing printed in it and I stopped to read it while the traffic cleared. I couldn't believe what I read. Now this is 1936, I'm now graduating. And I read this brass thing and what it said was, "Along this way in 1636 went the Reverend Thomas Hooker and his congregation on their way to Hartford in Connecticut." This is 300 years later, and I wasn't going to Washington to work for the government, I was coming back to Hartford. I couldn't believe it. [01:04:36]

JD: That's a great story.

SB: It's one of those things. So in spite of my almost ruining my career, if I had one, and diddling in Cambridge for three years without really studying, I made it back to Hartford and took the exam, and passed the exam and I was a lawyer, and I didn't know anything. So it isn't the usual story of success [laughs]. Is there anything else? [01:05:16]

KC: Well, is there anything else you want to tell us?

SB: Well, I don't know if I've covered everything. Let's see, did I cover everything we need to know... excuse me... on the education? [01:05:27]

KC: We know we didn't ask you about your time as a superior court judge or anything like that.

SB: My retirement what? [01:05:32]

KC: Your time as a Superior Court judge or anything like that.

SB: Oh yes. Well, I started off as a lawyer. I was active politically. Then I became a judge. When I moved to Bloomfield I became the town judge of Bloomfield. When Ribicoff became Governor, he eliminated all these minor courts, we just have one court now. But they created a series of courts at the beginning, of the minor cases they created a court.... I am trying to think of the name of it... which I was appointed to by Ribicoff. Then that was merged into the Court of Common Pleas, so I became a Common Pleas judge. And then that was... All courts were merged into the Superior Court which we have today, so I became a Superior Court judge. So that's how I moved up the ladder. I was not interested in being in Appellate Court. I think I could have been if I had asked. See I did have something to do with John Bailey become State Chairman, and that's a whole story I left out here. I said I was very busy in '47 with politics.

[01:06:58]

JD: Yeah.

SB: There was a change over in the whole Democratic Party. Thomas Spellacy was the Mayor of Hartford, he was a nice man, but he was lined up over all these years with all sorts of people. And the young guys came along and they wanted to run things. I helped Bailey become the Town Chairman from which he became the State Chairman. And I never asked anything of him. I never called him and said, "Would you give my friend so-and-so a job," or did I ask for anything myself. But looking back he saw to it that I moved along and I worked with him on a lot of campaigns. I ran the Speaker's Bureau at the State Headquarters in the state elections. I can tell you an interesting story about that. [01:07:57]

JD: Sure.

SB: Bowles, Chester Bowles was a candidate, I think, for Governor and he was anxious to have... at this point the blacks were just beginning to vote, be interested... He wanted to make sure that they showed up and voted... excuse me... and the most prominent black person in the country was a congressman from Chicago, naturally. And what is his name? [Note: William L. Dawson] Anyways, Bowles called him up and asked him if he would come to Hartford and speak, come to Connecticut and speak. It came to my desk to set it up. This fellow... The Congressman said, finally said, "I'll come the week of October 15." So then I... my job was to set up the place where he'd speak and where... Well, I inherited a mess. I met with the leaders of the black communities and every city wanted to make sure that this Congressman stopped and stayed over. New Haven, New Britain, Danbury, Norwalk, every... Middletown, they all had big congregations of blacks, and they thought it would be terrific. So the week of the 15th I started to set it down. He'll come to Hartford on the train. There were no planes, this is in the '40s. He'll stay at the Governor's mansion with the Governor and the next day we'll drive to New Britain, he'll speak at noontime, when they are all at lunch. And the next day, we'll go to Bristol, or the same day, we'll be at Bristol at the Labor Union at 4 o'clock and so forth. And so I mapped out this whole thing and I had to leave out a lot of cities. Torrington. Well, I said "Torrington, you can go to the New Britain thing." "No, we want our own..." You know, I spent a terrible two weeks trying to set this up. Finally I had it all set up, I'd made up the schedule and I sent it down to this Congressman. The next day I get a note from Bailey and Ribicoff: "What in the hell are you doing?" I said "What's a matter?" They said, "Well, Congressman whatever-his-name-is, when he said he'd be here the week of October... pick a date, he meant one date." He says "You got to throw all that stuff out." I said "How can I do that? I don't know these guys. I'm just doing my job." He said "Well that's your problem. We don't want any problem. He'll come one day, and don't screw it up we don't want him to say he's too busy now." So anyway, I had to tell all these other guys from all these other cities "I'm sorry, but you can come to Hartford and attend his speech." Well, we did manage to run him in a limo to New Britain to say hello, and he said hello all the way down to Stamford, you know. But that's all he could give them. At least the leaders of the black community could say they met with a Congressman. He wasn't too anxious to do all that. He said "Bowles, I am doing you a favor, but I don't... I can't give up my own life for you." So that's how I... The week of October 15th was handled. [laughs] I wouldn't have been surprised if they had said, "You're through with this job, son. Go back to your office." But that's what can happen in a

campaign. [Note: see the week-long schedule announced in "Dawson to Campaign for State Democrats," *The Hartford Courant*, October 3, 1950.] So as I say, I had some direct connection with the top leaders and when Ribicoff ran for Congress, he asked me to run his headquarters. He had never run for a serious office before, and he asked me if I'd run his headquarters, so I did. So I, you know, I had a direct line, sort of, but I never hung around with these guys really. I was there, they knew where I was. So, Bailey had some idea that I wouldn't be just a "yes" vote. What's his name? Kit Collier said to me, "How did you have the nerve to oppose Bailey?" And I said, "I didn't oppose him, I just put in what I wanted to put in, that's all." And that's how it happened. And someone else should have been the delegate from Windsor. And it [the educational clause] never would have been in the... Life works funny ways. [01:13:39]

JD: It certainly does, it certainly does. Mr. Bernstein, I am extremely impressed with your memory. I've met several people who are your age and I think you have the sharpest memory of all of them that I've met, so congratulations on your 98th again.

SB: It's my legs. [laughs] I don't have any balance, but as far as my mind, I'm in good shape. In Florida, where I live, at the adult place we have what we call a "think tank" in which we don't do too much thinking. They call on me whenever there's a history or political thing or a court judicial thing. So I'm forever giving talks on very difficult subjects. It's not easy to separate any of these serious subjects without being partial to one side or the other. And that's about the most serious thing I do today. I can't tell you how many different subjects I've discussed. [01:14:52]

JD: Can I ask just one other question? I... It's a personal question about your disability. I didn't...

SB: When I was two years old I escaped from my sister's grasp and dashed across the street into a trolley car. That's what happened. [01:15:14]

JD: That's what happened. And even more impressive that you had such a luminous career...

SB: I never thought I had much of a career. [01:15:26]

JD: Well, you certainly brought us here today to hear a lot about it so we appreciate that very much. Would it be possible just to get a picture of you and Katie together? I think we've wound down the interview. If you don't mind, we'd just like to get you together.

KC: I can come to you.

SB: I glad you're here [referring to his spouse, in the back of the room]. When you see this picture you'll know we're not screwing around. Well, shouldn't you be sitting?

KC: Oh no, not at all.

JD: Just hold it right there. And we appreciate your time today. I am going to switch it over from video here. [skip] You applied in knickers, we hear.

SB: Well, are we on? I... Hartford High got rid of me when I was fifteen, close to sixteen. So I

applied to Trinity. When I went up for an appointment and the President and the Dean all were in one little complex at the, I guess that would be north end of the... right at the corner. [01:16:40]

JD: Williams Memorial area?

SB: Yeah, where... Well, it's the beginning or the end of the oldest dorm building... [01:16:51]

JD: Yeah, Seabury? Jarvis?

SB: Just across... So I went up there and the President came out, call my name and I stepped up. I was fifteen, I was wearing knickers. That was the way I dressed, I was fifteen, that was what I could afford. And he said, "Why are you here?" I said, "Well, to go to college." So he said to me, "You're too young. Come back another year." So I went back to high school and took a post-graduate, so-called... Course, I horsed around for a year, and I went back the next year. I was still only sixteen when I went to Trinity. So that was my first introduction to Remsen B. Ogilby. And what I remember most about him... He smoked a pipe a lot in those days. And he would walk... he would pace the campus he would walk up that walk and back and I always see him. And always his trousers were too high, they were always about the ankle. And he'd walk along with this trousers... It may have been a style or something, but it looked so ridiculous. But I remember him walking up and down with his legs flying. But yes, my first appearance at Trinity was in knickers and I had just... I think I had just turned... Let's see, I was born in January. I'm not sure just when that... what time of the year that was. Whether I had turned to sixteen, thereabouts. But I was very young and I really wasn't ready for college. I don't think I ever was ready for college. And I've had all these funny experiences that turned out very well for me. And that's it, I'm very lucky. I live on a nice pension with a nice wife and we keep busy. [01:19:21]



Caption: Trinity College student researcher Katie Campbell '11 with Simon Bernstein '33.