

The Aged, the Young, the Poor: Oliver White Hill Foundation Seeks Justice Through Law

by Clarence M. Dunnville Jr.

OLIVER WHITE HILL, who died last year at age one hundred, grew up in a society in which racial segregation was required by law. He determined at an early age to become a lawyer and dedicate his life to ending that pernicious law.

In his autobiography, *The Big Bang: Brown v. Board of Education and Beyond*¹, Hill relates that when he was in his sophomore year of college, his stepfather's brother — a lawyer in Washington, D.C. — died, and the widow gave Hill his law books. Upon reading the annotated United States Constitution and cases cited, he determined that the Supreme Court had taken away the civil rights of Negroes in the case of *Plessy v. Ferguson*², decided a decade before he was born.

Hill states:

I saw no hope of regaining [Negro rights] through the political process prevailing in the late 1920s. At that time, it was not even possible to get Congress to enact legislation to make lynching or murdering Negroes a crime. Therefore, I determined to go to law school, become trained as a lawyer, and endeavor to get the Court to reverse its previous error in *Plessy*.³



Clarence Dunnville and Oliver W. Hill in front of Mr. Hill's boyhood home at 401 Gilmer Avenue, Roanoke, Virginia.

Hill was admitted to the Virginia bar — sworn in first by a Roanoke court — in 1934.⁴ Shortly after, he began challenging required segregation based on race. He participated in most of the important civil rights cases that struck down segregation and ultimately did indeed reverse the Jim Crow doctrine mandated by *Plessy*. He and his law partner, Spottswood W. Robinson III,

Editor's Note:

In 1913, six-year-old Oliver White Hill moved to Roanoke, eventually settling at 401 Gilmer Avenue Northwest. His mother and stepfather worked in the hotel industry in Hot Springs. Oliver stayed in Roanoke, where the schools were better, in the care of family friends Bradford and Lelia Pentecost.

Oliver lived most of his childhood in that home. He heard the stories of the Norfolk & Western Railroad men who worked with Mr. Pentecost. Oliver took odd jobs — he worked in an ice cream store, where he was paid in ice cream. He sold the *New York Examiner* on street corners, shouting, "Extra, extra, read all about it!" if the news was really big. He delivered ice. He served meals to strike breakers during the Great Railroad Strike of 1922. He shined shoes.

Sometimes, Oliver would get together with other poor Negro children — that was the term used then — and engage in rock fights against poor white boys. "I guess the rock-throwing battle was more of a game," Hill mused in his autobiography. "Perhaps because segregation prevented us from competing in baseball or softball games against the white children, the only games that we felt that we could participate in was something combative like rock battles."

Once, Oliver was trying to make some money by collecting empty whiskey bottles and redeeming them for change at a distillery when some white men threatened and chased him. He called the experience "scary and unforgettable." "While my childhood was pleasant for the most part, like Langston Hughes said, 'Life for me ain't been no crystal stair,'" he recounted.

Back at 401 Gilmer Avenue, Mrs. Pentecost prodded Oliver toward tending to his schoolwork. Sometimes she would send him on contrived errands to the attic, where he would have to walk through pitch darkness to twist the light bulb in the center. "Later I learned that the real purpose of the search was to teach me not to be fearful of the dark," he recalled. "I was delighted because it benefitted me."

After Hill earned his law degree, he returned to live in that house as he began practicing law. His career soon would take him to Richmond and cases that forever changed the social landscape of the United States.

Oliver White Hill died in August 2007, as his Roanoke boyhood home was being restored so it could be a site of service and justice for the poor. This article by Hill's friend Clarence M. Dunnville Jr. describes the foundation that made that restoration possible and the dreams that Hill's friends have for his legacy.

represented the plaintiffs in *Davis v. School Board of Prince Edward County* — one of the five cases consolidated by the U.S. Supreme Court under the name *Brown v. Board of Education of Topeka*.⁵ Of Hill's cases, the *Brown* decision had perhaps the most profound effect upon the nation.

In the one hundredth birthday edition of Hill's autobiography, he states:

I played a small part in alleviating the evils of segregation and related conditions. Through the Rule of Law, these changes have occurred during my lifetime. Much work

remains to be done. ... I believe that human earthlings can meet the challenge and do great things.⁶

In 2000, I co-founded the Oliver White Hill Foundation (the Foundation) as a vehicle to continue some of the unfinished work of Hill and his associates. Hill served as chair of the Foundation board from its inception until his death. He attended every board meeting, and his vision and guidance at his advanced age were both inspiring and challenging.

The Foundation seeks to engage in programs that will carry on the legacy of Hill and his associates in the areas of access to justice, legal education, civil rights, and public service. It also will work to improve the judicial system.

Mission

The Foundation's mission includes the following goals:

- Provide access to justice for minority, poor, elderly, mentally disabled, and other persons.
- Develop a new generation of lawyers dedicated to civil rights, civil liberties, and public service.
- Encourage students from elementary through high school to pursue careers in law and public service.
- Work with law schools, bar associations, and others to make the judicial system more just.
- Alleviate inequities in the treatment of persons caught "in the criminal justice web."
- Support other organizations and programs dedicated to civil rights and liberties.
- Mentor minority persons who are interested in entering the legal profession, and help develop leadership skills.

The Foundation has established partnerships with the Washington and Lee University School of Law (W&L), the City of Roanoke, the Virginia Law Foundation, the Blue Ridge Legal Services Corporation, Total Action Against Poverty of Roanoke, the Virginia Department for the Aging, and the Roanoke Bar Association (RBA). Former RBA president George A. "Al" McLean Jr. performed the closing on the purchase of Hill's boyhood home, and the RBA was the first substantial contributor to the purchase of the home, starting about five years ago.

The Foundation plans to increase the number of partnerships, and establish a nationwide reach. At this point, it has undertaken the following projects:

Law Student Internships

The Foundation has sponsored law students each summer since 2001, to serve as interns with the Lawyers' Committee for Civil

Rights Under Law and the National Association for the Advancement of Colored People Legal Defense and Educational Fund. The program is partially funded by the Virginia Law Foundation on an ongoing basis. Participants have been selected from the law schools at W&L, the University of Virginia, American University, the Catholic University of America, and Howard University. The Foundation plans to expand the program to include more students and draw students from additional law schools.

The Big Bang 100th Birthday Edition

The Foundation published a second edition of Hill's autobiography and receives a portion of its sales. The book is available from the Foundation for \$35.

Hill's Early Home

The Foundation has purchased and restored the home at 401 Gilmer Avenue Northwest in Roanoke, where Oliver Hill lived as a boy and while he was establishing his first law practice. With the help of the City of Roanoke, foundations, and corporate and individual supporters, the home and restoration are fully paid for.

W&L Elder Law Project

The Washington and Lee University School of Law, in partnership with the Foundation, will use the Hill home as a center to provide pro bono legal services to benefit elderly residents of the Roanoke area. The Elder Law Outreach Project — part of W&L's new third-year clinical program for law students — will serve senior clients referred by Blue Ridge Legal Services and use volunteers from the Roanoke Bar Association to mentor students, who will conduct intake of clients and serve as case-workers. The students also will devise community lawyering strategies.

Oliver White Hill was closely associated with W&L. He received an honorary doctorate degree from the university and visited the law school on a number of occasions late in his life. It is a fitting honor to his legacy to establish the Elder Law Outreach Project and other joint projects of the Foundation and university to be based in the house.

Contemplated New Projects

The Foundation-W&L partnership also is considering developing the following projects:

- juvenile outreach in local schools through practical law and mock-trial programs;
- representation in Supplemental Security Income matters — a needed service that the local legal aid program offers on only a limited basis;

- assistance for prisoners who file pro se complaints about their conditions of imprisonment;
- children's rights and guardianships for mentally disabled or elderly persons;
- housing issues, including foreclosures;
- community development services, such as business planning and corporate and tax advice for small businesses and nonprofits.

In addition to the contemplated projects with W&L, the foundation is considering a significant number of other new projects, including:

- establishing a meaningful program in memory of Hill at Howard University School of Law – Hill's alma mater;
- developing an ongoing relationship and supporting role with the National Black Students Association, and sponsoring programs with the association on access to justice and pro bono obligations of lawyers;
- partnering with other law schools to establish projects similar to the W&L programs. The Foundation has held preliminary discussions with officials of several law schools relating to such potential programs.
- sponsoring symposia on access to legal services, civil rights, and public service;
- producing and distributing engaging educational materials relating to the Foundation's mission and the public interest;
- working to make the criminal justice system more fair and to improve access to competent legal counsel for all who become caught up in the criminal justice web. Hill continued throughout his lifetime to help persons accused of crimes or in prison. In his ninety-ninth year, he assisted in an individual's release from prison. The Foundation will work with legal scholars, law students, and concerned organizations to foster researcher projects, symposia, and program to influence decision makers to improve the administration of justice.
- mentoring young persons (particularly persons of minority groups) at the high school level and below to encourage them to pursue careers in law and public service. The Foundation hopes to expand the W&L juvenile outreach program throughout the state.

- serving as a policy development center on issues relating to the administration of justice, civil rights, and civil liberties.

It is the vision of the Foundation that it will be a vehicle to improve access to justice, help make the judicial system more just, and instill in young students the will to enter the field of law and engage in public service.

The Foundation is grateful for the inspiration of Oliver White Hill.

Endnotes:

- 1 Oliver W. Hill Sr., *The Big Bang: Brown v. Board of Education and Beyond 73* (2d ed. GrantHouse Publishers 2007).
- 2 163 U.S. 537 (1896).
- 3 *The Big Bang*, 73.
- 4 *Id.*, 92.
- 5 347 U.S. 483 (1954).
- 6 *The Big Bang*, xiii