

Court Fight Looms Over Indian School

A legal battle between Brookhaven Township and the State to determine the legality of the Poosepatuck Indian Reservation near Mastic Beach loomed today when a plea was to be made before the Brookhaven Town Board for an attorney to combat the ruling by the State that the one-room schoolhouse on the reservation would no longer be a direct State charge.

In view of the ruling, which was made more than a month ago, the voters of the Moriches school district, which adjoins the reservation, voted at the recent annual district meeting to discontinue the Poosepatuck school at the end of this month and admit nine pupils of the school into the Moriches schoolhouse beginning in September.

The Rev. Ernest E. Eells, pastor of the First Presbyterian Church of East Hampton, who has waged a relentless fight in favor of the reservation school, was to make the plea before the Brookhaven board. He contends that there exists proof that the reservation has been legalized, saying that it is a matter of record that the 50-acre Poosepatuck tract was recognized as an organized reservation by the Province of New York, before the Revolutionary War, and by the Town of Brookhaven.

The State ruling, according to the Rev. Mr. Eells, was issued by Charles A. Brind Jr., director and attorney of the law division of the State Education Department at Albany. The ruling states that because the Poosepatuck reservation "is not a regularly organized reservation, it is the function of the local school district and not of the Department of Education to maintain the school."

The Poosepatuck school was built by the State 60 years ago, according to records quoted by the Rev. Mr. Eells. Apparently proceeding on the theory that Poosepatuck was a recognized reservation, according to other records quoted, the State, by direct appropriation, has since financed the maintenance and operating costs of the school.

At present, there are 12 families living on the reservation, the majority of whom are depending on relief. The change from State to local district support, would bring the nine children within the district supervised by Roscoe V. Craft of Port Jefferson, who does not favor the change.

"In my opinion," declared Mr. Craft today, "the children should remain on the reservation for their schooling, mainly for social reasons."

The opinion of Benjamin G. Herrley, president of the Moriches school district, was in direct contrast to that of Mr. Craft. According to Mr. Herrley, the local school district, with the aid of the Suffolk County Bureau of Child Welfare, would tend to effect a change in the living standards among the families on the reservation. Mr. Herrley said that the Moriches school district is preparing to take in the Poosepatuck children in September.

"As far as our district is concerned, we are all set to extend the facilities of our school to the Poosepatuck children beginning with the next school term. Before our annual district meeting in May," he said, "the State offered us the alternative of undertaking the operation of the Poosepatuck school or to take the children under our wing."

The capacity of the Moriches school, according to Mr. Herrley, is slightly less than 100, while there are 87 students enrolled at present.

Under the planned arrangement, bus transportation will be provided over a two-mile route from the edge of the Poosepatuck reservation to the Moriches school on Montauk Highway. The bus route is within three-fifths of a mile of the Poosepatuck schoolhouse.