Topics in African American History 1

STEPPING STONE TO THE SUPREME COURT

Clarendon County South Carolina

Benjamin F. Hornsby, Jr.
South Carolina Department of Archives & History

Cover: Liberty Hill African Methodist Episcopal Church (Courtesy South Carolina State Museum).

Meetings held in this church in the 1940s and 1950s led to local court cases, which helped bring about the U. S. Supreme Court's 1954 ruling desegregating public schools. Members of the local community and this congregation were plaintiffs in the case of *Harry Briggs, Jr., v. R. W. Elliott,* which eventually made its way to the Supreme Court where it was consolidated with four other cases and argued as *Brown v. Board of Education Topeka.* The plaintiffs were: Harry Briggs, Anne Gibson, Mose Oliver, Bennie Parson, Edward Ragin, William Ragin, Luchrisher Richardson, Lee Richardson, James H. Bennett, Mary Oliver, Willie M. Stukes, G. H. Henry, Robert Georgia, Rebecca Richburg, Gabrial Tyndal, Susan Lawson, Frederick Oliver, Onetha Bennett, Hazel Ragin, and Henry Scott.

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Clarendon County

Benjamin F. Hornsby, Jr.

CONTENTS

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Preface

> *"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought, are by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."* Mr. Chief Justice Warren delivering the 1954 opinion of the Supreme Court in the case of *Brown v. Board of Education of Topeka.*

In the fall of 1952, the United States Supreme Court had on its docket five cases that questioned the constitutionality of segregation. Four came from the states of Kansas, South Carolina, Virginia, and Delaware, and one came from the District of Columbia. Nearly sixty years earlier, the Court had handed down the "separate but equal" doctrine in *Plessy v. Ferguson.* Now it had before it cases that brought that ruling into question. The Court would have to deliberate on whether to affirm or reverse that decision.

The Court consolidated the five cases as *Brown v. Board of Education of Topeka,* and attorneys for both sides presented their final arguments in December 1953. The country waited tensely for the Court's ruling. On 17 May 1954, Chief Justice Earl Warren delivered it. In a unanimous decision of profound social and ideological significance, the justices had reversed the 1896 doctrine of "separate but equal."

Looking back—a chronological scrapbook

In South Carolina, it was action and litigation by individuals and groups who questioned the status quo that led to the state's role in *Brown v. Board of Education of Topeka.* The assault began in 1947.

▪ ▪ ▪ 1947—Clarendon County, South Carolina

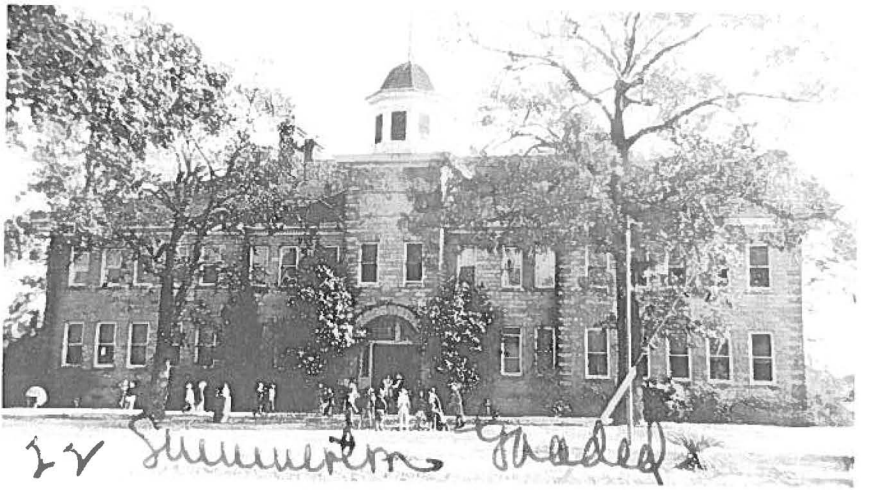
African Americans lack opportunities and suffer from educational disadvantages. The Reverend Mr. James M. Hinton, a successful businessman and president of the state chapter of the National Association for the Advancement of Colored People (NAACP) speaks about the social inequities to an audience of students attending the summer session at Allen University in Columbia. To rise in life, he says, African Americans must obtain an education. But that was difficult because their schools are dilapidated, their teachers few, their classes overcrowded—and they have to walk to school. "No teacher or preacher in South Carolina," he laments, has had "the courage to find a plaintiff to test the legality of the discriminatory bus-transportation practices." In the audience, the Reverend Mr. Joseph Albert DeLaine, a prominent Clarendon County schoolteacher, hears those words and is moved to action.

First, DeLaine approaches officials in Clarendon County, but after several failed attempts to obtain a bus to transport children to Scotts Branch High School where he teaches, he turns to L. B. McCord, a fellow minister and superintendent of the county schools. Superintendent McCord demurs—since the African American community does not pay much in taxes, he says, it would be unfair to expect the white citizens to bear the extra burden of providing transportation for African American children. DeLaine sends letters to the state superintendent of education in Columbia and to the Attorney General of the United States, but they help little, for they draw replies that turn the matter back to local officials. Frustrated by the impasse, the African American parents take up a collection and purchase a second-hand bus to take their children to school. The bus is a great expense, however, and frequently out of order.

What J. A. DeLaine needs is someone with courage whose children attend Scotts Branch school to launch a court case against the bus policy of the Clarendon County schools. Levi Pearson, an old friend,

Levi Pearson agreed to act as the plaintiff in a case J. A. DeLaine launched against Clarendon County's school bus policy (Courtesy J. A. DeLaine, Jr.)

has three children attending the school—a long nine miles from his farm; he agrees to be plaintiff. Harold R. Boulware, a well-trained Howard University-educated African American civil rights lawyer in Columbia, draws up a two-page petition. Dated 28 July, it says that Pearson is the father of three children and asks that "school bus transportation be furnished, maintained, and operated out of public funds in School District Number 26 of Clarendon County, South Carolina, for use of the said children of your Petitioner and other Negro school children similarly situated." DeLaine submits this petition to Superintendent McCord, to the chairman of the District No. 26 school board, and to the secretary of the State Board of Education. He gets no response.

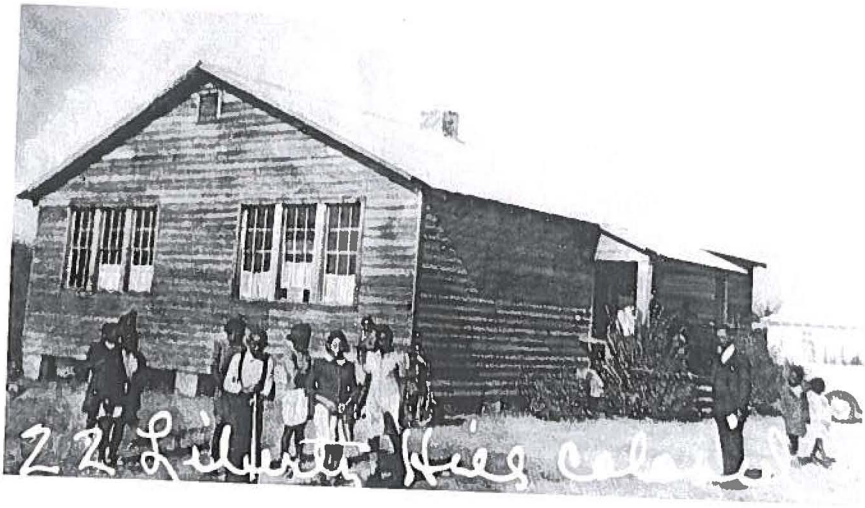


Summerton graded school for white children (State Budget and Control Board, Sinking Fund Commission, Insurance File photographs, 1948–1951, South Carolina Department of Archives and History, SCDAH)

▪ ▪ ▪ 1948

On 16 March after eight months of silence, Pearson's attorneys—Harold Boulware of Columbia and Thurgood Marshall, the NAACP's top lawyer in New York—file a brief in the United States District Court in Florence County, S. C. The brief says that Levi Pearson's children are suffering "irreparable damage" from being denied the free bus service that the Clarendon County Board of Education is providing for white schoolchildren, and it asks the court to prohibit the defendants "from making a distinction on account of race or color."

The case of *Levi Pearson v. County Board of Education* is dismissed. A careful search of Pearson's tax records reveals that his farm almost straddles the line between School District 5—where he pays his taxes—and School Districts 22 and 26—where his children go to school. The court rules that Pearson has no legal standing. Pearson's courage makes him a hero among his people, who elect him acting president

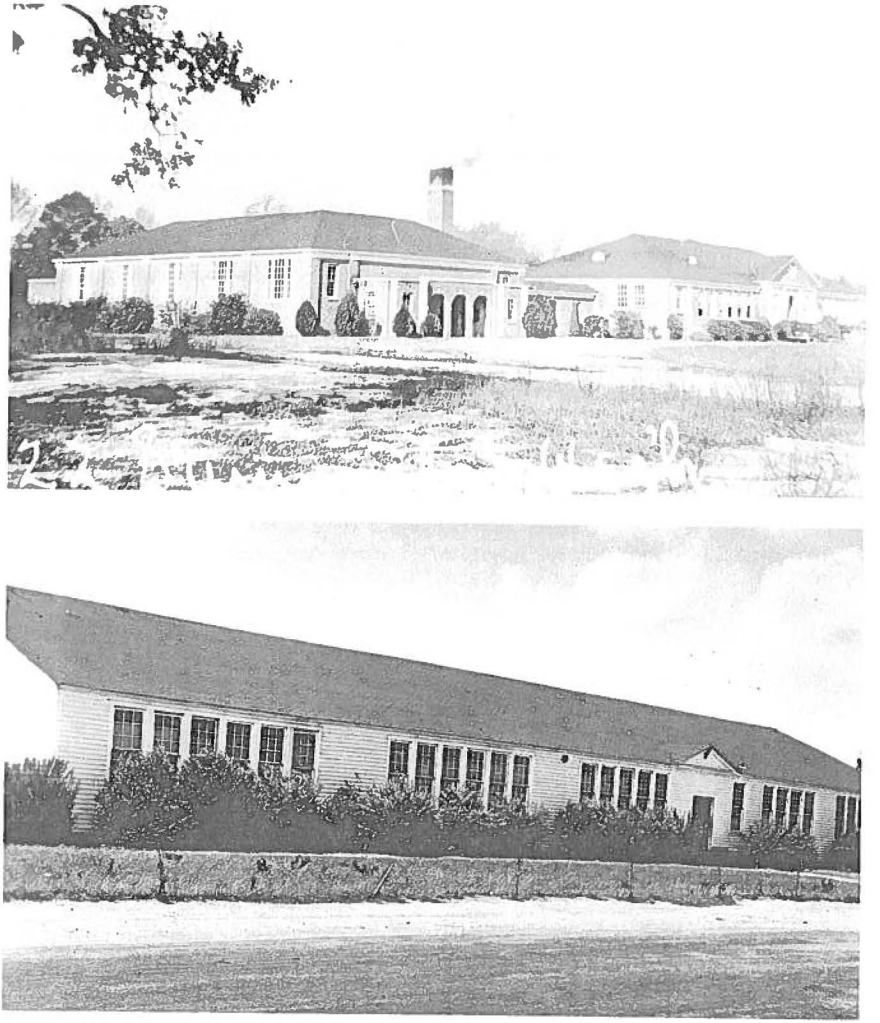


Liberty Hill school for African American children (State Budget and Control Board, Sinking Fund Commission, Insurance File Photographs, 1948–1951, SCDAH)

of the new chapter of the NAACP, but it brings him pain as well, for the white community cuts off the credit he needs for supplies and will not buy the timber he cuts to raise money.

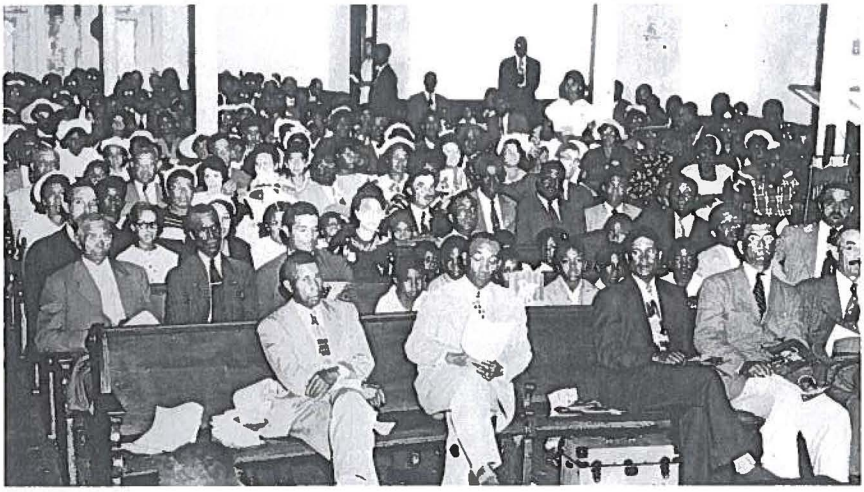
▪ ▪ ▪ 1949

Distressed by the abysmal condition of Clarendon County's African American schools, DeLaine and others, including Modjeska Monteith Simkins, South Carolina's matriarch of civil rights activists, meet in Columbia in March with state and national leaders of the NAACP. The national office of the NAACP agrees to sponsor a test case that would give Clarendon's African Americans not just buses but educational equality as well. They need at least twenty plaintiffs. DeLaine and his branch of the NAACP hold organizational meetings throughout the county to gather names; Simkins crafts the petition. On 11 November, the NAACP files the petition with the county asking for equal educational opportunities and warning that an unfavorable reception will



Top: Summerton High School for white children (State Budget and Control Board, Sinking Fund Commission, Insurance File Photographs, 1948–1951, SCDAH); Scotts Branch High School for African American children (Courtesy J. A. DeLaine, Jr.)

provoke court action. Attorneys for the petitioners, who number more than one hundred, are Harold R. Boulware, Thurgood Marshall, and Robert L. Carter. The school board refuses to act.



Meeting at Liberty Hill A.M.E. Church for the selection of petitioners in the complaint that would become *Briggs v. Elliott* (Courtesy J. A. DeLaine, Jr.)

The name Harry Briggs heads the list of petitioners. It belongs to a service station attendant in Summerton, who, like many of the other petitioners, is a solid citizen, not a community leader. Their involvement puts them at risk, and they suffer the consequences. Briggs is fired from his job on Christmas Eve, Annie Gibson loses her job as a maid at a local motel, and DeLaine is released from his position as principal of Scotts Branch school. The name Briggs, however, goes down in history, for in a suit with many plaintiffs, the case is called after the name that appears first on the complaint.

▪ ▪ ▪ 1950

On 17 May, the Clarendon County branch of the NAACP files *Briggs v. Elliott* in federal district court in Charleston. The petition, which is from the parents of School District 22's African American children, asks for equal educational opportunities. The trustees of Clarendon School District No. 22 answer the suit in June 1950 and maintain that public school facilities for the two races are substantially equal. They ask the court to dismiss the complaint because the plaintiffs have not exhausted their "administrative remedies."

BRIGGS, HARRY

Born: August 22, 1913 Age: 71

Education: 5th Grade Scott's Branch Elem.

Occupation: Early Years: Service Station Attendant
Presently: Retired

Statement

My troubles began in 1949, when I signed a petition with about 120 other black citizens of Summerton. The petition was addressed to the Board of Trustees of the School Board of School District #22, of Clarendon County, South Carolina. It asked that the town's black children be given educational rights and facilities equal to those enjoyed by Summerton's white students. Such a protest by black people was unprecedented in South Carolina, and Summerton's white citizens were outraged.

They were outraged that I was one of the petitioners and so I was fired from my job working as a Service Station Attendant where I came in contact with the white's each day.

When I signed the petition, I was thirty-two (32) years old with a wife and four (4) children. So after being fired, I was forced to leave home to make a living for my family.

Respectfully submitted,

Harry Briggs

Harry Briggs

Phoenicia B. Flowers

Witness

November 13, 1984

Date

Roosevelt Mowzo

Witness

Affidavit of Harry Briggs describing his misfortunes after signing the 1949 petition (Historical Marker Files, Public Programs Division, SCDAH)

GIBSON , ANNIE

Born: June 16, 1911 Age: 73

Education: High School Education Scott's Branch High

Occupation: Early years: Maid at local Motel and Dietitian in School System

Presently: Retired

Statement

About 120 or more blacks signed the petition "Separate but Equal" in the home of Harry and Eliza Briggs of Summerton, South Carolina. After much pressure from the white citizens and blacks of the county, many blacks had their names removed from the petition leaving only the twenty earlier signee. However, more names were gotten at meeting held at Liberty Hill A.M.E. Church on Jack Creek, Summerton.

I was fired from my job as a maid at one of the local motels of Summerton and later had to move from the house that I was renting with my family. These were hard years, but as I look back over them -- they served a good purpose and I'm glad.

Respectfully submitted,

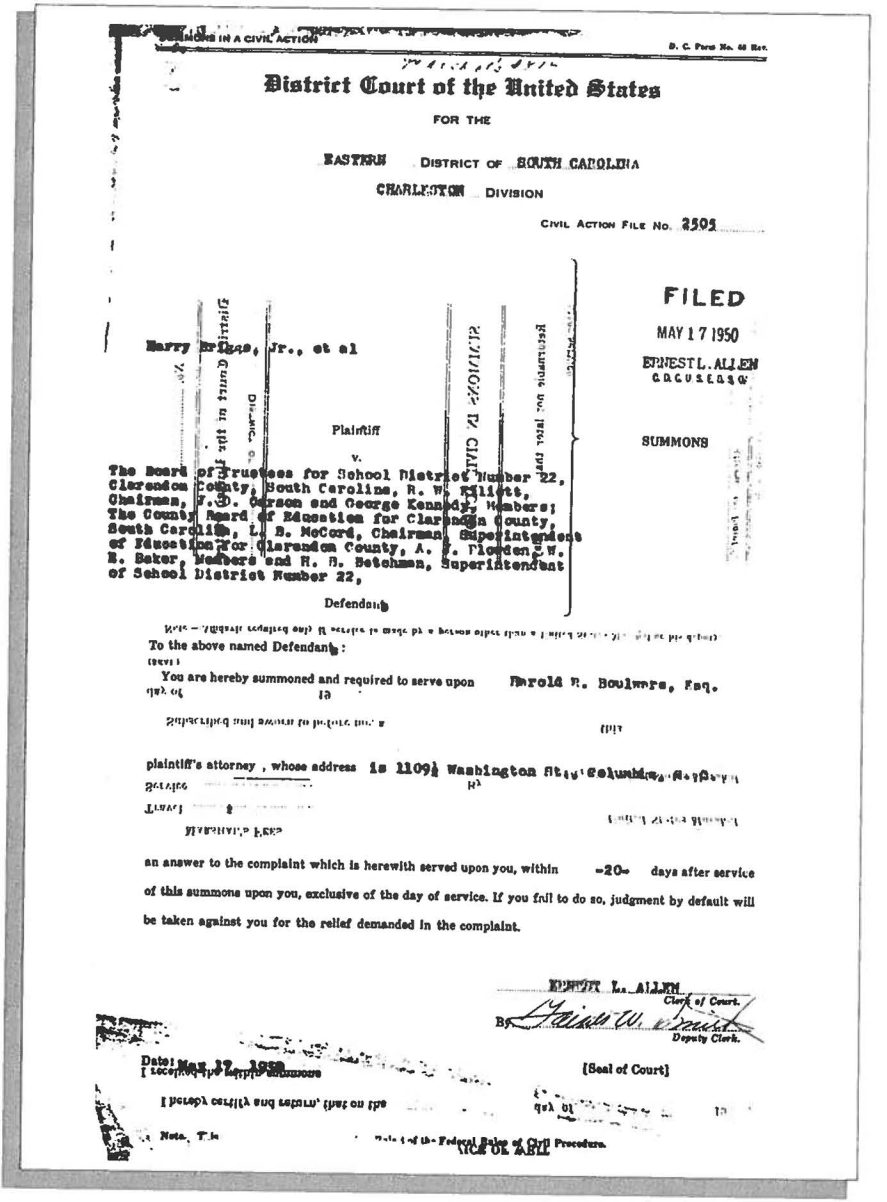
Annie Gibson

Phoenicia B. Flowers
Witness

November 13, 1984
Date

Roosevelt Mouzon
Witness

Affidavit of Annie Gibson describing her misfortunes after signing the 1949 petition (Historical Marker Files, Public Programs Division, SCDAH)



...MONS IN A CIVIL ACTION

D. C. Form No. 66 Rev.

District Court of the United States

FOR THE

EASTERN DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

CIVIL ACTION FILE NO. 2509

FILED

MAY 17 1950

ERNEST L. ALLEN
CLERK, U.S. D.C.

Harry Briggs, Jr., et al

Plaintiff

v.

SUMMONS

The Board of Trustees for School District Number 22, Clarendon County, South Carolina, R. W. Elliott, Chairman, W. D. Carson and George Kennedy, Members; The County Board of Education for Clarendon County, South Carolina, L. B. McCord, Chairman, Superintendent of Education for Clarendon County, A. J. Plowden, W. B. Baker, Members and R. B. Betchman, Superintendent of School District Number 22,

Defendants

To the above named Defendants:

You are hereby summoned and required to serve upon Harold R. Boulware, Esq.

plaintiff's attorney, whose address is 1109½ Washington St., Columbia, S. C.

an answer to the complaint which is herewith served upon you, within -20- days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

ERNEST L. ALLEN
Clerk of Court.

By Hazel W. Hall
Deputy Clerk.

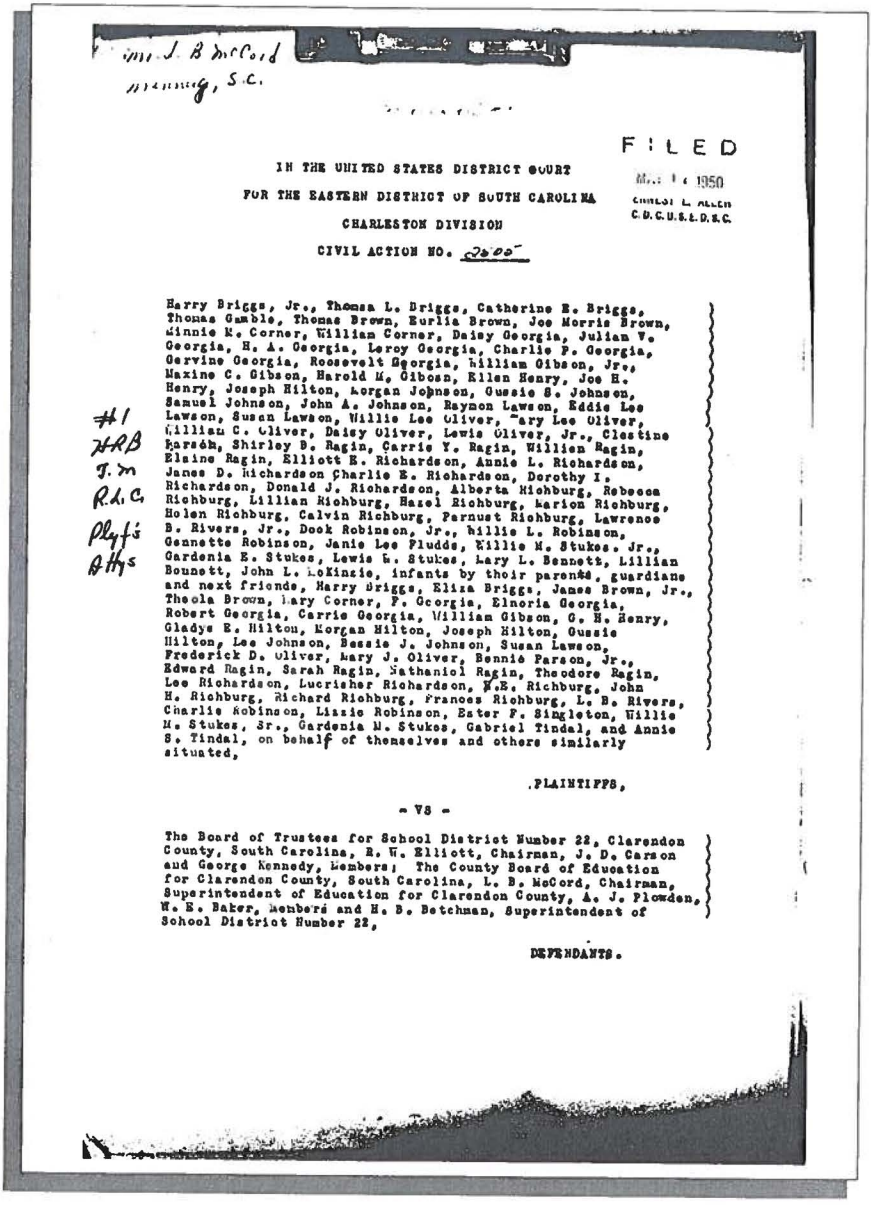
Date: May 17, 1950

[Seal of Court]

Note: ... of the Federal Rules of Civil Procedure.

(CAPTION ABBR.)

Summons, *Briggs v. Elliott*, 17 May 1950 (Records of Clarendon County Board of Education, Jeanes Teachers' Records, Negro Rural School Fund, Inc., 1949–1950, SCDAH)



Wm. J. B McCord
Manning, S.C.

FILED

MAY 1 1950

CHARLES L. ALLEN
C.D.C.U.S.A.D.S.C.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

CIVIL ACTION NO. 2800

#1
HRB
J.M
R.L.C.
Pltf's
Attys

Harry Briggs, Jr., Thomas L. Briggs, Catherine E. Briggs, Thomas Gamble, Thomas Brown, Eurlia Brown, Joe Morris Brown, Minnie M. Corner, William Corner, Daisy Georgia, Julian V. Georgia, H. A. Georgia, Leroy Georgia, Charlie P. Georgia, Gervine Georgia, Roosevelt Georgia, William Gibson, Jr., Maxine C. Gibson, Harold M. Gibson, Ellen Henry, Joe H. Henry, Joseph Hilton, Morgan Johnson, Gussie S. Johnson, Samuel Johnson, John A. Johnson, Raymon Lawson, Eddie Lee Lawson, Susan Lawson, Willie Lee Oliver, Mary Lee Oliver, William C. Oliver, Daisy Oliver, Lewis Oliver, Jr., Clestine Parsón, Shirley B. Ragin, Carrie Y. Ragin, Willien Ragin, Elaine Ragin, Elliott E. Richardson, Annie L. Richardson, James D. Richardson Charlie E. Richardson, Dorothy I. Richardson, Donald J. Richardson, Alberta Richburg, Rebecca Richburg, Lillian Richburg, Hazel Richburg, Marion Richburg, Holen Richburg, Calvin Richburg, Parnuet Richburg, Lawrence B. Rivers, Jr., Dock Robinson, Jr., Willie L. Robinson, Gennette Robinson, Janie Lee Pludds, Willie M. Stukes, Jr., Gardenia E. Stukes, Lewis H. Stukes, Mary L. Bennett, Lillian Bounett, John L. McKinzie, infants by their parents, guardians and next friends, Harry Briggs, Eliza Briggs, James Brown, Jr., Theola Brown, Mary Corner, P. Georgia, Elnoria Georgia, Robert Georgia, Carrie Georgia, William Gibson, C. H. Henry, Gladys E. Hilton, Morgan Hilton, Joseph Hilton, Gussie Hilton, Lee Johnson, Bessie J. Johnson, Susan Lawson, Frederick D. Oliver, Mary J. Oliver, Bennie Parson, Jr., Edward Ragin, Sarah Ragin, Nathaniel Ragin, Theodore Ragin, Lee Richardson, Lucrisher Richardson, M.E. Richburg, John H. Richburg, Richard Richburg, Frances Richburg, L. B. Rivers, Charlie Robinson, Lizzie Robinson, Ester F. Singleton, Willie M. Stukes, Sr., Gardenia M. Stukes, Gabriel Tindal, and Annie S. Tindal, on behalf of themselves and others similarly situated,

PLAINTIFFS,

- VS -

The Board of Trustees for School District Number 22, Clarendon County, South Carolina, R. W. Elliott, Chairman, J. D. Carson and George Kennedy, Members; The County Board of Education for Clarendon County, South Carolina, L. B. McCord, Chairman, Superintendent of Education for Clarendon County, A. J. Plowden, W. E. Baker, Members and H. B. Betchman, Superintendent of School District Number 22,

DEFENDANTS.

Summons, *Briggs v. Elliott*, 17 May 1950 (Records of Clarendon County Board of Education, Jeanes Teachers' Records, Negro Rural School Fund, Inc., 1949–1950, SCDAH)

In July, NAACP lawyers boldly decide to change tactics. They will ask for the desegregation of the schools in the education cases they argue in the future. The Clarendon case is one, and it is important because it comes from the Deep South and points up the gross inequities of the "separate but equal" doctrine. After some calculated maneuvering at a pre-trial hearing in November, Thurgood Marshall, the NAACP's counsel for the parents, tells Judge J. Waties Waring that the objective of the suit has been changed from the equalization of Clarendon County's separate schools to the abolition of segregation in South Carolina's public schools. Marshall's action brings *Briggs v. Elliott* before a three-judge federal district court; a defeat in this court can be appealed directly to the Supreme Court.

■ ■ ■ 1951

In February, the state of South Carolina enters litigation in behalf of Clarendon County. Counsels for the plaintiffs and defense argue the case in a two-day trial on 28 and 29 May before Judges John J. Parker, J. Waties Waring, and George Bell Timmerman in Charleston. The NAACP's legal staff of Thurgood Marshall and Robert Carter represent the plaintiffs, and they bring with them Kenneth B. Clark, a social psychologist, who testifies that discrimination, prejudice, and segregation inflict severe psychological damage on African American children. The opposition team numbers one—Charleston attorney Robert McCormick Figg, Jr., who is thought the best in the state. Figg deflects argument on the issue of segregation by focusing on the issue of equality. He admits that the African American schools in Clarendon County are unequal.

South Carolina's ex-Governor Strom Thurmond, Governor James F. Byrnes—who has worked quickly on taking office in January to improve the educational opportunities for African Americans—and other members of the state's power structure are anxious. George Bell Timmerman, an advocate of white supremacy, can be counted on to rule against the plaintiffs; the somewhat liberal Parker can probably be counted on as well because he thinks change should come slowly;

The S.C. Executive Committee of the NAACP presents awards for the mass petition signed on 11 November 1949. Chairman S. J. McDonald hands Harry Briggs his citation. Modjeska Simkins, NAACP state secretary, stands second from the left, and J. A. DeLaine stands behind McDonald and Briggs (Courtesy J. A. DeLaine, Jr.)

Waring, however, will surely rule for them. Waring, a Charleston-born aristocrat, and his wife, Elizabeth, entertain African Americans in their home, and Elizabeth has addressed the all-African American Coming Street Young Women's Christian Association—an action that drew a scurrilous resolution from the South Carolina House of Representatives and prompted many letters of complaint to the state's newspapers.

Two weeks after the trial ends, the court rules against the petitioners by denying their plea for the desegregation of the schools. It addresses the issue of inequality, however, by directing the defendants to give the African American children equal educational facilities and requiring a progress report on the matter within six months.

In a lengthy dissent, Judge J. Waties Waring writes that the only issue before the court is the question of whether or not there is a rational basis for segregation. "[S]egregation in education can never produce

Calendar No. H. 2177

Introduced by MR. GARRETT

Printer's No. 206—H. Read the first time February 14, 1950.

A Joint Resolution

To Appropriate Necessary Funds to Purchase Two One-Way Tickets for Federal Judge J. Waites Waring and his Socialite Wife to any Point of their Choice Provided they never Return to the State of South Carolina; and Further to Deduct from the $800,000.00 Allocation for an Animal Science Building at Clemson College, the Necessary Funds to Erect a Suitable Plaque to Federal Judge and Mrs. Waring in the Mule Barn at said College.

Whereas, Federal Judge J. Waites Waring and his socialite wife, Mrs. J. Waites Waring of Charleston, S. C. have conspired to make public statements that they live in a state that is made up predominately of "southerners that are morally weak and low, full of pride and complacency", and

Whereas, the socialite Mrs. J. Waites Waring has labeled the government of the great State of South Carolina as a "replica of Russia", *Now Therefore*

Be it resolved by the General Assembly of the State of South Carolina:

SECTION 1. That the necessary funds be allocated to purchase a one-way ticket to any point in the United States of America or preferably a foreign country for Federal Judge J. Waites Waring and his socialite wife, Mrs. J. Waites Waring. Such tickets are to be given to these individuals with the sole provision they leave the State of South Carolina and never again set foot on her soil. The tickets are to be given with a sincere hope that Federal Judge Waring and his wife find a social environment that meets their approval.

SEC. 2. All necessary funds needed to purchase the two tickets shall be deducted from the $800,000 allocation for an animal science building at Clemson College. To offset this slight deduction in the appropriation for the animal science building it is suggested that a stall in the mule barn of Clemson College be dedicated to Federal Judge and Mrs. Waring and that an appropriate plaque be erected thereon.

SEC. 3. All acts or parts of acts inconsistent with this act are repealed.

SEC. 4. This act shall take effect upon its approval by the Governor.

——XX——

Joint resolution castigating the Warings, passed by the House but not the Senate (Records of the General Assembly, House Bills, Part 2, Calendar 2177, SCDAH)

Participants in *Briggs v. Elliott* (Courtesy J. A. DeLaine, Jr.)

equality and . . . is an evil that must be eradicated. This case presents the matter clearly for adjudication, and I am of the opinion that all of the legal guideposts, expert testimony, common sense and reason point unerringly to the conclusion that the system of segregation in education adopted and practiced in the state of South Carolina must go and must go now. *Segregation is per se inequality.*" Waring's nephew, Tom Waring, editor of the *News and Courier*, labels his uncle's dissent not a genuine "legal pronouncement" but "a treatise on race relations" that raises the specter of "the exterminat[ion] of the white race." Soon after writing this opinion, Judge Waring leaves his native state and moves to New York. He will die there in 1968.

The plaintiffs appeal the federal court's decision to the Supreme Court in July. On 20 December on schedule, Clarendon County school officials submit their six-month progress report to the court—they have accepted a bid for a new $261,000 African American high school in Summerton; they are planning to construct two new African American grade schools; they have equalized salaries, equipment, and

curricula; and they are providing buses for the children to go to and from school.

▪ ▪ ▪ 1952

The district court, trying to shift the burden of disposition onto the Supreme Court where the appeal has been lodged, sends the Clarendon County report on to it. On 28 January, the Supreme Court dodges the move by returning the case to the district court for a second hearing.

On 3 March, the three-judge district court assembles in Charleston with Judge Parker presiding to rule on *Briggs v. Elliott.* Robert Figg, for the defendants, argues that the state and Clarendon County have complied with the first ruling by making improvements to equalize the African American schools. Thurgood Marshall, for the plaintiffs, agrees, but only up to a point—the schools are still unequal because they are still segregated. He suggests shifting children among districts to achieve racial balance. Judge Parker, who believes the issue is equality, not segregation, disagrees.

On 13 March, the district court rules. Although African American schools are not yet equalized, it has no doubt that "the educational facilities and opportunities afforded Negroes within the district will, by the beginning of the next school year beginning in September 1952, be made equal to those afforded white persons."

The NAACP's lawyers appeal this ruling to the Supreme Court. Their brief of 10 May focuses on segregation, not equality. It argues vigorously that segregation on the basis of skin color alone has irreparably damaged the children of the plaintiffs, and it supports the argument by saying that expert testimony has described the depth of the humiliation and self-hatred that the practice has caused. In their statement opposing the appeal, lawyers for the state say they have failed to discover any law that could cast doubt on the state's right to segregate its public schools.

The Supreme Court, aware it can no longer postpone its consideration of cases concerning desegregation, places *Briggs v. Elliott* and *Brown v. Board of Education of Topeka* on its docket for October. On 8 October just two days before oral arguments are to begin, the Supreme Court postpones them and adds Brown and Briggs to the December docket along with Virginia's *Davis v. County School Board of Prince Edward County.* By the time the court convenes in December, it has added *Bolling v. Sharpe,* from the District of Columbia and *Belton v. Gebhart* from Delaware to its roster.

The Supreme Court convenes on 9 December to hear arguments in the five school desegregation cases. John W. Davis, the nation's most highly-regarded appellate lawyer, represents South Carolina. He argues that South Carolina's efforts to equalize its schools have rendered the NAACP's case moot, and he uses legal precedents, primarily *Plessy v. Ferguson,* to defend his position. Thurgood Marshall counters by saying that the significance of his opponent's argument lies in the fact that it takes "... Negroes ... out of the mainstream of American life in these states. There is nothing involved in this case other than race and color, and I do not need to go to the background of the statutes or anything else. I just read the statutes and they say 'white' or 'colored.'" The Constitution, he adds, does not relegate the individual rights of the minority to the mercies of the majority.

In the audience, the Reverend Mr. Joseph DeLaine of Clarendon County follows the arguments with intense interest and concern. They come to a close on 11 December, and as he files out of court, DeLaine wonders if the social revolution he started in 1947 will end in triumph or in vain. The end is not yet in sight, however, for the Court is divided on the way it should rule.

■ ■ ■1953

On 8 June, the Supreme Court places the five cases on its fall docket for reargument, issues a list of questions it wants the arguments to answer, and asks for instruction on two main points—is there any

evidence to show what the framers of the Fourteenth Amendment would have intended regarding racial segregation in the public schools? And if racial segregation does violate the Fourteenth Amendment, what sort of a decree should the Court issue to end segregation?

On 7 December, the Court convenes to hear the reargruments in the case of *Brown v. Board of Education of Topeka.* The Reverend Mr. DeLaine again sits in the audience. "There were times when I thought I would go out of my mind because of this case," he tells a reporter for the *Afro,* but "if I had to do it again, I would. I feel that it was worth it. I have a feeling that the Supreme Court is going to end segregation."

The arguments last for three days. On 12 December at a morning conference, the Court's latest nominee, Earl Warren, who has said very little during the proceedings, speaks up. To him the case seems simple. The Court can uphold segregation only if it believes that the black race is inferior to the white.

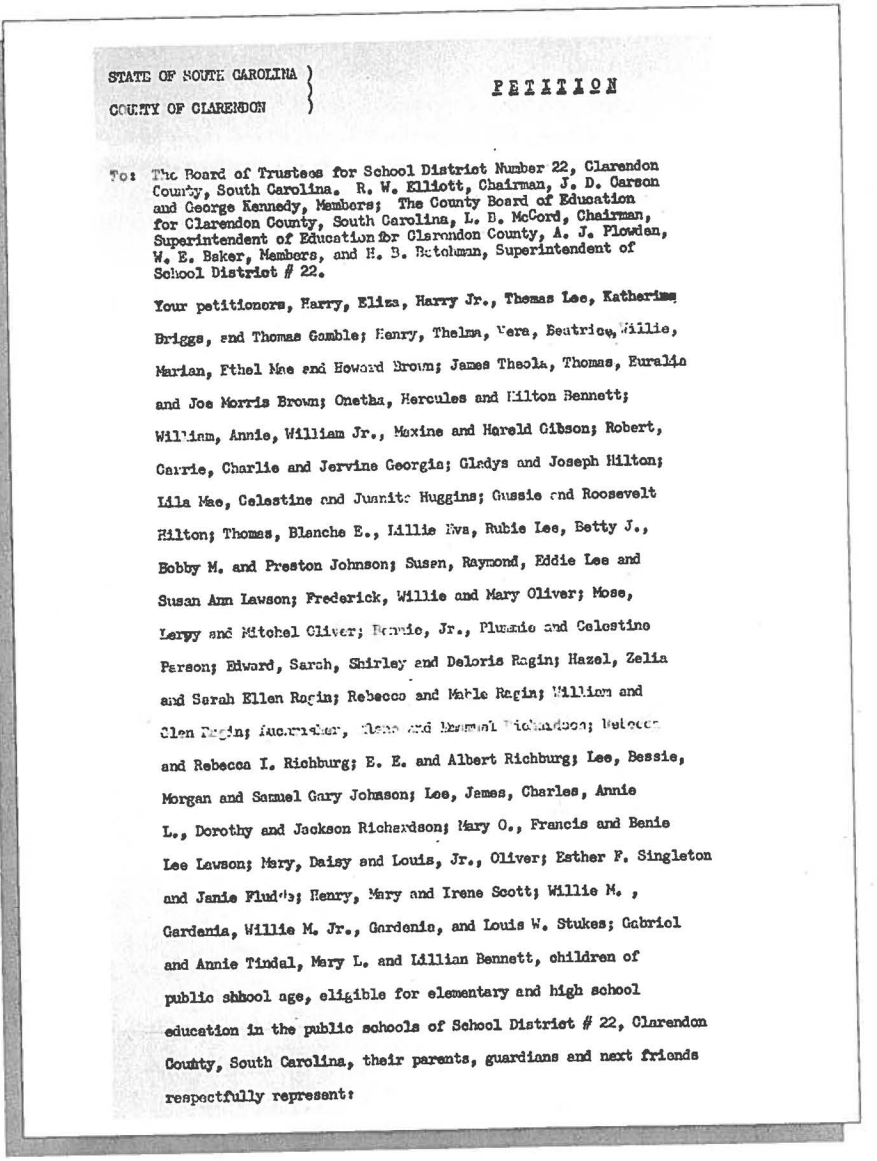
■ ■ ■ 1954

The Justices vote on the case in the spring. The first vote is probably eight to strike down segregation and one to uphold it. But on a matter of such grave importance, the Chief Justice hopes for one opinion only. The justices work toward this end, and on 15 May, they approve the opinion that Justice Warren has written.

At 12:52 p.m. on 17 May, the Chief Justice announces the long-awaited decision. Although the cases that had been consolidated into *Brown v. Board of Education of Topeka* had reached the Court by different routes, he says, all had concerned African American children who wanted to be admitted to public schools that were closed to them under the "separate but equal" doctrine of *Plessy v. Ferguson.* The court has reversed that doctrine by ruling unanimously that segregated schools are unconstitutional.

Afterthought

DeLaine had been right when he told the reporter on 7 December 1953 that he had a feeling the Court was going to end segregation. For him and for the other Clarendon County African Americans who had questioned the status quo in 1947, their assault had paid off. The case ended in triumph. ■



STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)

PETITION

To: The Board of Trustees for School District Number 22, Clarendon County, South Carolina. R. W. Elliott, Chairman, J. D. Carson and George Kennedy, Members; The County Board of Education for Clarendon County, South Carolina, L. B. McCord, Chairman, Superintendent of Education for Clarendon County, A. J. Plowden, W. E. Baker, Members, and H. B. Betelman, Superintendent of School District # 22.

Your petitioners, Harry, Eliza, Harry Jr., Thomas Lee, Katherine Briggs, and Thomas Gamble; Henry, Thelma, Vera, Beatrice, Willie, Marian, Ethel Mae and Howard Brown; James Theola, Thomas, Euralia and Joe Morris Brown; Onetha, Hercules and Hilton Bennett; William, Annie, William Jr., Maxine and Harold Gibson; Robert, Carrie, Charlie and Jervine Georgia; Gladys and Joseph Hilton; Lila Mae, Celestine and Juanita Huggins; Gussie and Roosevelt Hilton; Thomas, Blanche E., Lillie Eva, Rubie Lee, Betty J., Bobby M. and Preston Johnson; Susan, Raymond, Eddie Lee and Susan Ann Lawson; Frederick, Willie and Mary Oliver; Mose, Leryy and Mitchel Oliver; Bennie, Jr., Plummie and Celestine Parson; Edward, Sarah, Shirley and Deloris Ragin; Hazel, Zelia and Sarah Ellen Ragin; Rebecca and Mable Ragin; William and Glen Ragin; Jacqueline, Glenn and Reginal Richardson; Rebecca and Rebecca I. Richburg; E. E. and Albert Richburg; Lee, Bessie, Morgan and Samuel Gary Johnson; Lee, James, Charles, Annie L., Dorothy and Jackson Richardson; Mary O., Francis and Benie Lee Lawson; Mary, Daisy and Louis, Jr., Oliver; Esther F. Singleton and Janie Fludde; Henry, Mary and Irene Scott; Willie M. , Gardenia, Willie M. Jr., Gardenia, and Louis W. Stukes; Gabriel and Annie Tindal, Mary L. and Lillian Bennett, children of public school age, eligible for elementary and high school education in the public schools of School District # 22, Clarendon County, South Carolina, their parents, guardians and next friends respectfully represent:

Petition of Harry Briggs, et al., to the Board of Trustees for School District No. 22, 11 November 1949 (Records of Clarendon County, Board of Education, Jeanes Teachers' Records, Negro Rural School Fund, Inc., 1949–1950, SCDAH.)

1. That they are citizens of the United States and of the State of South Carolina and reside in School District #22 in Clarendon County and State of South Carolina.

2. That the individual petitioners are Negro children of public school age who reside in said county and school district and now attend the public schools in School District #22, in Clarendon County, South Carolina, and their parents and guardians.

3. That the public school system in School District #22, Clarendon County, South Carolina, is maintained on a seperate, segregated basis, with white children attending the Summerton High School and the Summerton Elementary School, and Negro children forced to attend the Scott Branch High School, the Liberty Hill Elementary School or Rambay Elementary School solely because of their race and color.

4. That the Scott's Branch High School is a combination of an elementary and high school, and the Liberty Hill and Rambay Elementary Schools are elementary schools solely.

5. That the facilities, physical condition, sanitation and protection from the elements in the Scott's Branch High School, the Liberty Hill Elementary School and Rambay Elementary School, the only three schools to which Negro pupils are permitted to attend, are inadequate and unhealthy, the buildings and schools are old and overcrowded and in a dilapidated condition; the facilities, physical condition, sanitation and protection from the elements in the Summerton High in the Summerton Elementary Schools in school district number twenty-two are modern, safe, sanitary, well equipped, lighted and healthy and the buildings and schools are new, modern, uncrowded and maintained in first class condition.

6. That the said schools attended by Negro pupils have an insufficient number of teachers and insufficient class room space, whereas the white schools have an adequate complement of teachers and adequate class room space for the students.

7. That the said Scott's Branch High School is wholly deficient and totally lacking in adequate facilities for teaching courses in General Science, Physics and Chemistry, Industrial Arts and Trades, and has no adequate library and no adequate accommodations for the comfort and convenience of the students.

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8. That there is in said elementary and high schools maintained for Negroes no appropriate and necessary central heating system, running water or adequate lights.

9. That the Summerton High School and Summerton Elementary School, maintained for the sole use, comfort and convenience of the white children of said district and county, are modern and accredited schools with central heating, running water, adequate electric lights, library and up to date equipment.

10. That Scott's Branch High School is without services of a janitor or janitors, while at the same time janitorial services are provided for the high school maintained for white children.

11. That Negro children of public school age are not provided any bus transportation to carry them to and from school while sufficient bus transportation is provided white chilren traveling to and from schools which are maintained for them.

12. That said schools for Negroes are in an extremely dilapidated condition, without heat of any kind other than old stoves in each room, that said children must provide their own fuel for said stoves in order to have heat in the rooms, and that they are deprived of equal educational advantages with respect to those available to white children of public school age of the same district and county.

13. That the Negro children of public school age in School District #22 and in Clarendon County are being discriminated against solely because of their race and color in violation of their rights to equal protection of the laws provided by the 14th amendment to the Constitution of the United States.

14. That without the immediate and active intervention of this Board of Trustees and County Board of Education, the Negro children of public school age of aforesaid district and county will continue to be deprived of their constitutional rights to equal protection of the laws and to freedom from discrimination because of race or color in the educational facilities and advantages which the said District #22 and Clarendon County are under a duty to afford and make available to children of school age within their jurisdiction.

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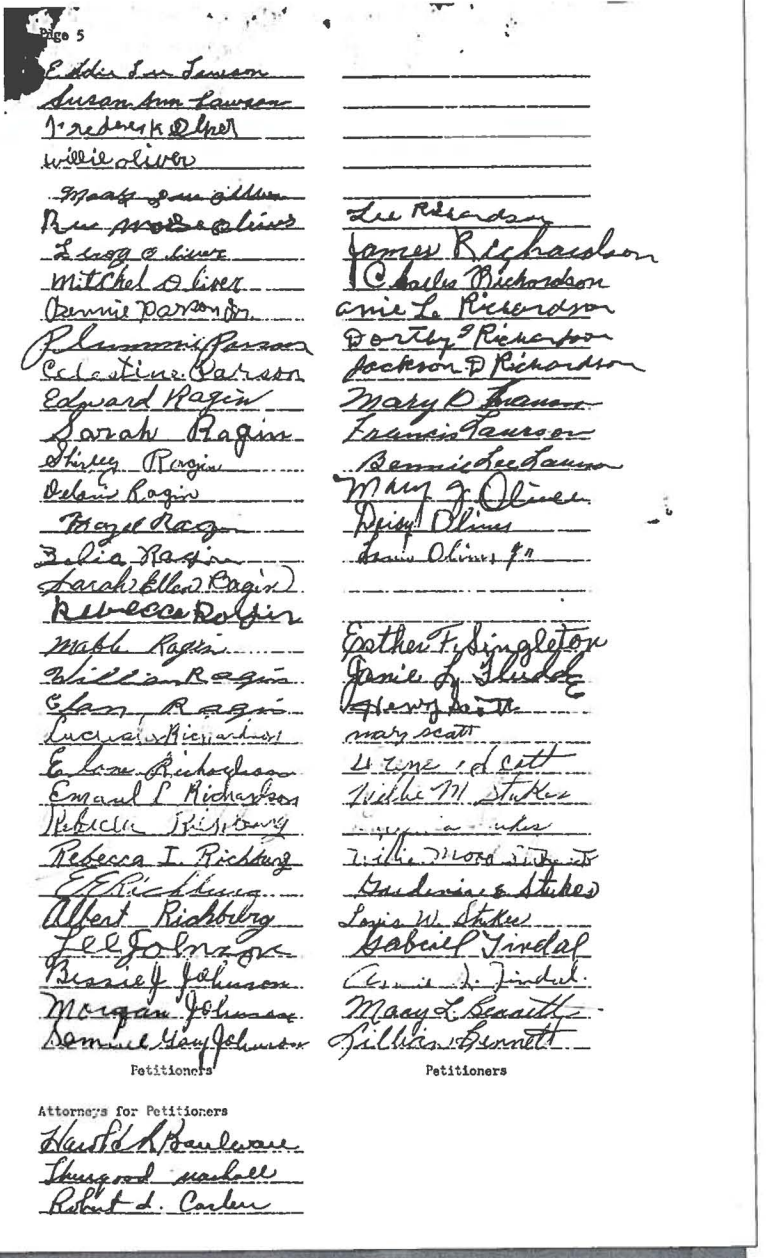
WHEREFORE, Your petitioners request that: (1) the Board of Trustees of School District Number twenty-two, the County Board of Education of Clarendon County and the Superintendent of School District # 22 immediately cease discriminating against Negro children of public school age in said district and county and immediately make available to your petitioners and all other Negro children of public school age similarly situated educational advantages and facilities equal in all respects to that which is being provided for whites; (2) That they be permitted to appear before the Board of Trustees of District # 22 and before the County Board of Education of Clarendon, by their attorneys, to present their complaint; (3) Immediate action on this request.

Dated 11 November 1949

Harry Briggs	Maxine Gibson
Eliza Briggs	Harold Gibson
Harry Briggs Jr	
Thomas Lee Briggs	Robert Young
Katherine Elaine Briggs	Carrie Georgia
Thomas Gardner	Charlie Georgia
Harvey Gibson Jr	Hannah Georgia
Julius Brown	
	Gladys E. Hilton
Beatrice Brown	Joseph Gibson
Willie H. Brown	Henrietta Huggins
Marian Brown	Lila Mae Briggs
	Celestine Gardner
Howard Brown	Juanita Briggins
Jarnet Brown	Gussie Hilton
Johnnie Brown	Roosevelt Hilton
Thomas Brown	Thomas Johnson
Eurabia Brown	Blynch E. Johnson
Joe Morris Brown	Lillie Eva Johnson
Martha Bennett	Rubie Lee Johnson
Henrietta Bennett	Betty J. Johnson
Hilton C. Bennett	Bobby M. Johnson
William Gibson	Pearlie Johnson
Annie Gibson	Susan Lawson
William Gibson Jr	Raymon Lawson



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Eddie Lee Lawson
Susan Ann Lawson
Frederick D Lee
willie oliver
Mary Lee Gillem
Rev Andrew Oliver
Lucy A Oliver
Mitchel Oliver
Bennie Parson Jr.
Plummie Parson
Celestine Parson
Edward Ragin
Sarah Ragin
Shirley Ragin
Debra Ragin
Royal Ragin
Julia Ragin
Sarah Ellen Ragin
Rebecca Ragin
Mable Ragin
William Ragin
Ethan Ragin
Lucy A Richardson
E Lee Richardson
Emanuel L Richardson
Rebecca Richberg
Rebecca I. Richberg
E Richberg
Albert Richberg
Lee Johnson
Bessie J Johnson
Morgan Johnson
Samuel Ray Johnson

Petitioners

James R Richardson
Charles Richardson
Annie L Richardson
Dorthy J Richardson
Jackson D Richardson
Mary O Lawson
Francis Lawson
Bennie Lee Lawson
Mary J Oliver
Percy Oliver
Lessie Oliver Sr
Esther F Singleton
Janie L Stubbs
Henry Smith
mary scott
Ulysses L Scott
Willie M Stokes
Willie Mae Stokes
Gardenia S Stokes
Louis W Stokes
Gabriel Tindal
Annie D Tindal
Mary L Beasley
Lillian Bennett

Petitioners

Attorneys for Petitioners
Hazel R Rawlerson
Thurgood Marshall
Robert L. Carter

CLARENDON COUNTY

SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORY
P.O. Box 11,669, Capitol Station 29211
Columbia, South Carolina

PIONEERS IN SCHOOL DESEGREGATION

The following citizens of Clarendon County were plaintiffs in the case of Harry Briggs, Jr. v. R.W. Elliott, heard 1952 in the United States District Court at Charleston which refused an injunction to abolish racial discrimination in S.C. schools: Harry Briggs, Anne Gibson, Mose Oliver, Bennie Parson, Edward Ragin, William Ragin, Luchrisher Richardson, Lee Richardson, James H. Bennett, Mary Oliver, Willie M. Stukes, G.H. Henry, Robert Georgia, Rebecca Richburg, Gabrial Tyndal, Susan Lawson, Frederick Oliver, Onetha Bennett, Hazel Ragin, and Henry Scott. The case, consolidated with similar cases and appealed to the United States Supreme Court, became known as Brown v. Board of Education of Topeka, Kansas. The Court's ruling desegregated all public schools in the United States in 1954.

Erected by
Clarendon County Council
1980

Approved: South Carolina Department of Archives and History

By: Charles E. Lee, Director

Date: April 2, 1980

Historical Marker erected by Clarendon County Council in 1980 to honor the plaintiffs in the case of *Briggs v. Elliott* (Historical Marker Files, Public Programs Division, SCDAH)

Bibliography

Cousins, Ralph E., et al. *Carolinians Speak: A Moderate Approach to Race Relations.* [Dillon, S. C.?, 1957.]

Cushman, Robert E. and Robert F. Cushman. *Cases in Constitutional Law.* New York: Meridith Publishing Company, 1965.

Edgar, Walter B. *South Carolina in the Modern Age.* Columbia: University of South Carolina Press, 1992.

Fraser, J. Walter Jr. *Charleston! Charleston! The History of a Southern City.* Columbia: University of South Carolina Press, 1989.

Hine, Darlene. *Black Women in United States History.* Brooklyn: Carlson Publishing, Inc., 1990.

Johnson, Thomas L. "James McBride Dabbs: A Life Story." Ph.D. diss., University of South Carolina, 1980.

Kluger, Richard. *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality.* New York: Alfred A. Knopf, 1976.

McNeill, Paul Wesley. "School Desegregation in South Carolina." PhD. diss., University of Kentucky, 1979.

Telephone conversation with Mrs. Billy Fleming of Manning, S.C.

Telephone conversation with J. A. DeLaine, Jr., of Charlotte, N.C.

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