



S.C Hall of Fame Transcript

Judge Ernest A. Finney Jr.

"An ordinary brown corduroy boy / from folk who never had it made / but still managed to make / whatever they were to be from scratch," his poet-daughter Nikky Finney wrote.

Retired Chief Justice Ernest A. Finney Jr., of Counsel Ernest A. Finney Jr. was born on March 23, 1931, in Smithfield, Virginia. His mother died when he was ten days old, so he was raised by his father, Dr. Ernest A. Finney, Sr, a dedicated educator who instilled in his young son an understanding of the importance of a good education. The family moved to Washington, DC, where the elder Finney worked as a civil training officer for the War Department. During this time, young Ernest observed that black lawyers were respected citizens who influenced the lives of many people. He decided to pursue a legal career.

When he was 12 his family moved to Orangeburg and his father became dean of Claflin College.

Finney earned a Bachelor of Arts degree from Claflin College in 1952. In 1954, Judge Finney graduated from The South Carolina State University School of Law with a Juris Doctoral Degree, the same year of the Brown decision. After graduating, he taught school in the public schools of Conway for five years. In the beginning, he was unable to find work as a lawyer, so he followed in his father's footsteps and worked as a teacher and waiting tables at the Ocean Forest Hotel in Myrtle Beach, serving white lawyers his age. It was as a waiter he attended his first meeting of the State Bar, which was segregated at that time. Finney graduated from S.C. State College law school in 1954, the same year as the Brown v Board of Education ruling. The law school was established because the University of South Carolina would not admit blacks. Finney passed the bar exam in 1955.

In 1960, he and his family moved to Sumter, where he began his law practice, specializing in civil rights advocacy and defense

He gained a reputation as an outstanding defense lawyer and civil rights advocate. He defended more than 6,000 clients who had been arrested for taking part in sit-ins, freedom rides and demonstrations. Because the legal system in South Carolina protected segregation, he lost



almost every case that went to trial, but won all but two on appeal to higher courts. "I have never known abject poverty, but I have known segregation in its worst form," said Finney. "I therefore believe the law is absolutely necessary to protect the rights of all citizens."

Finney: "Of course, there was always this struggle between the people who were in power and the people who were representing the denied people. Everybody wanted – not everybody. One side wanted everything done right then, and the other side wanted to say, "Let's wait and see."

In 1961, Finney represented the Friendship 9, a group of black junior college students arrested and charged when trying to desegregate McCrory's lunch counter in Rock Hill, South Carolina. He was never one to run from a challenge. He represented the Friendship Nine in early 1961 when the students spent a month in a Rock Hill jail after protesting lunch-counter segregation. Many participated in the sit-ins, but nine from Friendship College refused an offer of bail from the NAACP. They did not want to contribute to the coffers of segregationists. Henceforth, "Jail, No Bail" became a rallying cry of the civil rights movement.

"They had made up their mind, and I was not going to stand in their way," he said.

The episode had a lasting impact on the freedom movement, influencing many activists, especially those involved with the Student Nonviolent Coordinating Committee.

Finney [30:00] "Well, if you were going to be a lawyer and if you were going to articulate the concerns of the black community, you had to be everywhere at every – all times involved. And, uh, we were a cadre of good lawyers. Um, interestingly enough, most of whom graduated from South Carolina State's law school. But they were hell-bent, bound and determined to make the American Dream a reality in our lifetime. Now, we didn't succeed in all of that, but, of course, we diligently tried."

"I was always concerned about these young people," Ernest Finney said, never abandoning his faith in the system. "I always had a desire to be a politician. I wanted to be part of the structure that made the decisions."

Finney also opened a law office in Sumter, the seat of South Carolina's White Citizens Council, and quickly indicated his willingness to collaborate with others.



Throughout his career he endured overt racism, trusting that the legal system ultimately would work, that the courts were an appropriate place to take the fight for enfranchisement.

Teaming with Matthew J. Perry, Finney became one of the premier civil rights lawyers in the state. While his criminal defenses seldom succeeded at trial, he won nearly all of his appeals on behalf of civil rights demonstrators.

In 1972 he was elected to the S.C. House and served on the Judiciary Committee. Four years later he was elected the first black Circuit Court judge. In 1985 he was elected to the South Carolina Supreme Court and served as an associate justice, until he was elected Chief Justice on May 11, 1994, making him the first African-American Chief Justice of South Carolina since Reconstruction. While he was the author of numerous opinions as a member of the state supreme court, his most important and memorable decision was *Abbeville School District, et al v. South Carolina*, which declared that the state constitution required the state to provide students with adequate and safe facilities in which they must have an opportunity to learn to read and write to speak English, to acquire a knowledge of mathematics, physical science, economics, political science, history, and government.

We were disappointed that we did not make more progress. And particularly were we disappointed in the fact that, uh, much of the progress we apparently were making did not benefit the most needy of the black community. You know, we – and that’s not an ancient story we’re talking about. That’s a current, uh, scenario that, uh, is still an issue. Uh, we have – I think, uh, I’ve probably cited it a couple of time. You come out of Spartanburg and you look at the schools in Spartanburg County, and you come down to some of the less fortunate counties, and you look at the conditions of our schools, and everybody’s talking about the “Corridor of Shame” and various and sundry other aspects of our development. But we still need to spend more time, more energy on developing a school system that provides an opportunity for our children, in particularly the less fortunate communities, to get the quality of education which will prepare them for, uh, living in the next century.

In 1963, he served as chairman of the South Carolina Commission on Civil Rights. Finney was elected to the South Carolina House of Representatives in 1972. He was subsequently appointed a member of the House Judiciary Committee, making him the first African-American to serve on that key committee in modern times. Finney was one of the founders of the Legislative Black Caucus and served as charter Chairperson from 1973 to 1975. In 1976, he won



an election to become South Carolina's first black circuit judge. He has been on the state Supreme Court since 1985.

Finney retired from the state Supreme Court in 2000 and was named interim president of South Carolina State University in 2002.