PREFACE

This booklet was prepared by descendants of a few determined black people who lived in Clarendon County, South Carolina, during the 1940s. Their parents' actions in a quest for equality, in efforts to get a piece of the "American Dream," changed the course of United States history.

The series of events that our foreparents started became the legal case of *Briggs et al. v. Elliott et al. Briggs* was the first lawsuit challenging the constitutionality of segregated educational facilities to reach the United States Supreme Court. Ultimately, *Briggs* became one of the five cases now collectively known as *Brown v. Board of Education*.

Briggs is of particular historical importance because it was the case that caused the NAACP to redirect its approach from suing for "separate but equal" facilities to challenging segregation as a violation of rights guaranteed under the U.S. Constitution.

The Supreme Court decision in favor of the plaintiffs in the five cases marked the beginning of a new era of civil rights and social awareness in the United States. It set the stage for the practice of equal opportunities for all persons—whether racial or ethnic minorities, women, disabled persons, senior citizens, or disease victims. Yet few people are aware of the significance of *Briggs*.

This booklet's purpose is to help readers: (a) better understand how a few people from Clarendon County made it possible for all Americans to expect equal civil rights and (b) appreciate the roles of the U.S. Constitution, of individual action and of due process of law in maintaining the United States' democratic society. We hope that, as a result of reading this booklet, the user will appreciate this critical chapter in American history and the courage of our heroic ancestors.

PREFACE to Second Edition

This second edition has a number of editorial changes. We hope they enhance the booklet's readability. There are also two clarifications regarding the number of *Briggs* petitioners.

Ophelia De Laine Gona
Joseph A. De Laine, Jr.
Brumit B. De Laine

ACKNOWLEDGMENTS

It is impossible to mention the names of everyone whose help made this booklet possible. However, their help and cooperation are gratefully acknowledged. Foremost among the people whose contributions must be individually acknowledged is Joseph A. De Laine, Jr., eldest son of Rev. J.A. De Laine. His ideas and knowledge inspired the inception of the booklet and his information and resources drove it to completion. The work and assistance of the other people whose names follow were critical to the project. Suzanne De Laine Carothers, Ph.D., and her colleagues in the Steinhart School of Education, New York University, reviewed an early draft and made many helpful suggestions. Barbara Jenkins, Ph.D., retired librarian, South Carolina State College, meticulously reviewed and critiqued a later draft. Thomas Rivers, Dean of Academics at C.A. Johnson Preparatory Academy, Columbia, SC. (and formerly of the Office of Curriculum and Standards, South Carolina State Department of Education), generously assisted in regard to South Carolina Department of Education's Social Studies Standards. Lurena Richardson Cochran, one of the 46 minors represented by *Briggs v. Elliott* plaintiffs and a retired South Carolina public school teacher of Social Studies, developed many questions for the Suggested Tests of Knowledge and assisted in developing the Student Activities. Marguirite L. De Laine, retired South Carolina Public School teacher of English, also assisted in developing Student Activities and was the primary editor for language and grammar. The handbook was compiled and written by two children of Rev. J.A. De Laine: Brumit B. De Laine, retired North Carolina Public School Administrator, and Ophelia De Laine Gona, Ph.D., Associate Professor of Surgery and Director of *The SMART Initiative*, UMDNJ–New Jersey Medical School. The booklet was designed and published by Ophelia De Laine Gona, Ph.D. The descendants of the heroes responsible for *Briggs v. Elliott* are indebted to the South Carolina Humanities Council for generously funding this project.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

— Section 1 of The Fourteenth Amendment
to The Constitution of the United States of America (1868)

No person shall be … deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

— Excerpt from The Fifth Amendment
to The Constitution of the United States of America
— Bill of Rights (1787)

CONTENTS

PART I

BACKGROUND

On May 17, 1954, the United States Supreme Court ruled that segregation in public schools violated the Fourteenth Amendment of the United States Constitution. This decision directly affected schools in seventeen states. All of those states had laws that permitted, or even required, racially separate schools. Since 1954, this decision has affected almost every aspect of American society.

After the Civil War, many people did not think former slaves should have equal rights and protection. So discriminatory laws called "black codes" were enacted. To protect former slaves and their descendants from the "black codes," amendments were made to the Constitution. Politicians in the southern states wanted to keep segregation. Therefore, they passed laws that permitted or required "separate but equal" facilities for Americans of different races.

The belief that schools could be "separate but equal" was legally supported as far back as 1849. In that year, five-year old Sarah Roberts' father sued the city of Boston because she had to walk past five white elementary schools to reach the school to which she was assigned. The judge who heard the case ruled against Roberts. He said the segregation law was founded "on reason." Even though the *Roberts* case happened long before the three "equal rights" amendments were made to the Constitution, it set a precedent to justify the later "separate but equal" laws. In 1896, the *Plessy v. Ferguson* case legitimized the "separate but equal" concept. With *Plessy*, a lawsuit about segregated railroad facilities, the Supreme Court decided "separate but equal" was legal.

After *Plessy*, "separate but equal" became accepted as a basis for law. Almost every aspect of life was legally separated in the American South. School segregation only came to an end after the Supreme Court's decision in 1954. That decision, generally known as *Brown v. Board of Education*, was actually based on five cases argued before the Supreme Court December 9-11, 1952. *Briggs et al. v. Elliott et al.* was the first of these cases to come before the Supreme Court. Arguing infringement of rights

guaranteed under the Fourteenth Amendment, it—along with *Brown* and two other cases—challenged the constitutionality of "separate but equal" schools. A fifth case, *Bolling v. Sharpe*, made the challenge under the Fifth Amendment.

PART II

ORIGINS OF *BRIGGS V. ELLIOTT*

A. Life in Clarendon County around the End of WW II

The first lawsuit to reach the United States Supreme Court challenging the constitutionality of school segregation originated in Clarendon County, South Carolina. Through a quirk of history, a case from Kansas (*Brown v. Board of Education*) is generally thought to have played this role. However, *Briggs et al. v. Elliott et al.* from Clarendon County initiated the challenge that resulted in the 1954 verdict for *Brown*. *Briggs* also provided the basis for most evidence and arguments used in the Supreme Court trial. If it had not been for some poor people in Clarendon County, racial segregation in the United States may have continued for longer period of time.

In the 1940s, the majority of people in Clarendon County were black. This had been true for perhaps 200 years, ever since boatloads of slaves had been brought from Africa to work on plantation fields. Although more than 70 years had passed since the slaves were freed, the black people in Clarendon County continued to be poor and uneducated. Few of the adults had even finished fifth grade.

Over the years, many black people continued to work on other people's farms or as household help. A few fortunate black people were landowners and some had even acquired very large farms, but most were sharecroppers. They lived and worked on farms owned by other people. Instead of paying rent, they shared the money they got from selling crops with the farm's owner. Since many sharecroppers were illiterate, landowners could easily cheat them. Furthermore, if the owner of the farm was not happy with the sharecropper, the sharecropper could be thrown off the property at time with no place to go.

It was a hard life for farmers. They worked from sunup to well past sundown, scraping out a meager living. In 1945, they

had no tractors, no washing machines and even no electricity. Probably none of the black people in Clarendon County even knew that a thing called television had been invented. On Saturdays, a family usually piled themselves in their horse-drawn wagon (or truck, if they had one) to ride into town to buy supplies and see other people. On Sundays, everybody went to church, the closest thing they had to a community center.

Things were somewhat better for black people who lived in the small towns. The women were maids, housekeepers and laundresses. They toiled long hours doing housework for someone else, then went home to take care of their own families and do their own housework, often by lamplight. The men worked in low-paying positions at service stations, stores, cotton gins and tobacco warehouses. They came home at night to their rented houses, worn out from heavy lifting and backbreaking work.

Life was far from easy for black people—whether they lived in town or on a farm. Although some whites treated blacks well and with respect, social customs demanded that blacks always treat whites with deference. Black people always had to be alert, to know their place and to stay in it. The consequences of doing the wrong thing could be severe.

Clarendon County black people were poor and inadequately educated. But they were not dumb. They totally understood that they were not treated right and were constantly trying to find ways to improve themselves. The women who cleaned kitchens for white people, or washed their clothes, didn't work just to earn a living for themselves. They were quick to say that they also worked so their children could get an education and not have to suffer the same indignities.

In 1945, World War II came to an end. Like other soldiers from all over the United States, black men from Clarendon County were coming home after fighting for freedom and democracy on foreign soil. The black veterans had a new awareness of the kinds of things they should be able to enjoy. But they came home to the same segregated place they had left. Home to stores they could not enter, to toilets they were not allowed to use, to state parks that were off limits to them, to water fountains marked "whites only" or "colored." Home to a place where the incomes of blacks ranked among the lowest in the United States. Home to a place where it was still hard for a black person to get an education.

B. Clarendon County's Schools in 1945

In the early part of the twentieth century, it was very difficult for any children who lived on farms to get to school. In the 1920s, and before, all elementary children went to small one, two or three room schools that were scattered around their county. Even though there were many schools, some children still lived a long distance from the nearest school. Clarendon County solved part of this problem by consolidating some schools. Instead of having several small schools all over the county, consolidated schools—with better facilities and more resources—were built in a few locations. But they were only for white children.

This building housed the Spring Hill School. It stood next to Spring Hill A.M.E. Church where Rev. J.A. De Laine was pastor at one time. The school building was maintained solely by members of the church. The building was not demolished until 1951 – just before the May 28 meeting of the U.S. District Court where *Briggs v. Elliott* was heard. The two teachers and the school children are shown. Photograph was taken *circa* 1939.

South Carolina state law made it a crime for black and white children to go to the same schools. At the end of the Second World War, the quality of all schools, black and white, varied greatly. But everywhere the schools for black children were the worse. Their school buildings were shabbier. They had fewer educational resources. And, frequently, their school year was shorter. Some rural schools were in session for only 3-5 months a year. That was in the winter when children didn't have to work in the fields. However, even when black children could go to school, transportation to and from school was often a limiting factor for their education.

The many ramshackle elementary schools for black children remained divided into more than 40 different, loosely organized,

districts. Only a few of these schools had been built with public funds. Most were started in the nineteen twenties and thirties by churches, fraternal organizations or philanthropic foundations. By the early nineteen forties, however, most were considered to be part of Clarendon County's public school system. Nevertheless, public funds sometimes supplied nothing more than teachers' salaries and a few old textbooks. Maintenance and upkeep—buying coal, lighting fires in the stoves that heated the rooms, patching the tin roofs and fixing the wooden steps—were left up to the teachers, the students and their parents. And, before 1948, even the salaries of black teachers were lower than those of white teachers.

After the white schools were consolidated, black children continued to go to small, broken down schools. No school buses picked them up on cold, wet mornings. If they went to school at all, they walked over the unpaved roads—muddy or dusty, depending on the weather. Their socks had holes in the heels, their shoes had holes in the soles and their coats were thin and threadbare. They arrived at classrooms heated by the firewood they collected or by the coal their parents or their teachers bought. There were no janitors and no one was paid to light the fires for heat, to sweep the rooms, to wash the chalkboards, to patch the roofs or to fix the steps. All of these things had to be done by the teachers, the students and their parents.

In spite of all of this, black parents wanted their children to go to school to get an education. But for many students, the obstacles were formidable and it was easy to be discouraged. Classrooms were overcrowded, materials were in short supply and the daily round trip to a high school could mean many miles of walking.

C. School Bus Transportation

In 1945, school buses took Clarendon County white children from rural areas to the county's centralized white schools. No bus service was available for black children, a number of whom lived more than ten miles away from their assigned school. The situation left four options available for these black students: (a) They could walk to school, arriving tired, cold and dirty. (b) They could, if they were among a very 'lucky' few, occasionally get a ride to school on somebody's truck or mule and wagon. (c) They could board in town with relatives or friends. (d) They could drop out of school.

To keep their children from dropping out of school, a group of black parents who lived in the Davis Station area decided to buy a bus in 1945. The bus was supposed to take the children to schools as far as away as Summerton (a little more than 10 miles). The bus cost $400.00.[1] It had been junked by the white school system. Before the black parents bought it, it was being used for hay storage. But the parents probably thought that anything was better than nothing. By 1946, the old bus was in such bad shape that it could no longer be used. The hopeful parents bought a second bus for $700.00.

Rev. Joseph A. De Laine was the church pastor who took the leadership and organized Clarendon County black people to start their quest for equality. Photograph taken *circa* 1948.

The Reverend Joseph Armstrong (J.A.) De Laine was a long-time friend of two of those Davis Station parents—Hammett Pearson and his brother, Levi. De Laine, a Clarendon County pastor, was a college graduate who had taught the Pearson's children. He was also a landowner. Over a number of years, De Laine's activities had inspired the kind of leadership many of the people appreciated. They had confidence in him. He became a spokesperson for the black people around Davis Station. This was partly because of his education and religious status, but also because of his willingness to take risks and to provide sustained leadership throughout stressful situations. Furthermore, he was somewhat less dependent on whites for his livelihood than were most black people in Clarendon County.

Around the time the Pearsons and other Davis Station parents were trying to find a dependable way to get their children to school, a child drowned near Society Hill A.M.E. Church, just seven or eight miles away. He was in a boat, trying to cross an arm of the newly formed Lake Marion where the bridge had been washed out. The accident happened on a Sunday and the child was not going to school. However, the same boat was used regularly by black children to get and from school. De Laine was the pastor of Society Hill A.M.E. Church and some of his church members also used the boat to get to church. A church

committee was appointed (Appendix A) to ask for a bridge to be built across the flooded area. [2] The church members looked to De Laine to lead in this effort. Unfortunately, De Laine was transferred to another church shortly afterwards and the committee ceased to function for lack of leadership.

But the drowning had upset black parents for miles around. They could imagine something bad happening to their own children while trying to get to school. The Davis Station parents were determined to have bus transportation for their children.

There are dreams. And there is reality. No matter how great the desire, people like the Davis Station parents could not afford to keep buying gas and paying for expensive bus repairs. It had been hard enough to get enough money to buy the buses. The parents were confident that their present situation did not have to be continue in the future. They were sure someone could be convinced to help them maintain the bus. De Laine was delegated to ask the County School Superintendent for help.

The request was denied and new plans had to be made.

D. *Pearson v. Clarendon County*

During the month of June 1947, while enrolled in the Benedict College-Allen University Summer School (in Columbia, S.C.), De Laine heard Mr. J. M. Hinton, chairman of the South Carolina Conference of the NAACP, speak at a university general assembly. Hinton challenged the audience by saying, "No teacher or preacher in South Carolina has the courage to get a plaintiff to test the school bus transportation practices of discrimination against Negro children." [1]

De Laine took the challenge as a personal one. He saw this as a chance to turn the parents' dreams into reality!

He returned to Davis Station and made a proposal to the parents. In response, the Pearson brothers and several other families decided to stop trying to get action on a local level and to turn their request into a court challenge.

The idea of a court challenge seemed promising in light of two recent District Court decisions. The first of these decisions ruled that black people had the right to register in the Democratic Party. (Since South Carolina had only political party, a person had to be a registered Democrat in order to vote.) The second ruling was that the state must begin to pay its teachers, black

and white, equally for equal qualifications.

A group of black Clarendon County residents approached leaders of the South Carolina Conference of the NAACP. They made the request that a lawsuit, with Levi Pearson as plaintiff, be filed against Clarendon County for school bus transportation for black students. The state NAACP officials agreed for their legal counsel to represent the parents. However, the Clarendon County parents were advised that the NAACP could not finance the case. The state conference had spent all of its money on the lawsuits for voting rights and teachers' pay.

Mr. Levi Pearson, a resident of the Davis Station area, brought a bus transportation lawsuit against officials in the school system of Clarendon County. Photograph taken in the 1940s.

The Palmetto State Teachers Association, the state's black teacher organization, volunteered to finance the lawsuit. It is not known whether the Association was asked to do so by the NAACP or whether its members knew the NAACP needed funds and wanted to see the case go forward. In any case, with the teachers' financial backing, legal actions were set in motion. On March 16, 1948, the case (*Levi Pearson v. Clarendon County and School District No. 26*) was filed in the U.S. District Court, on behalf of one of Pearson's sons who attended high school in Summerton.

The legal journey that became *Briggs et al. v. Elliott et al.*—and ended with segregation being declared illegal by the U.S. Supreme Court—had begun.

The objective of *Pearson* was to have the court "force" the school board to provide school transportation for the county's black children. The case was scheduled to be heard on June 7, 1948. However, during the discovery phase it was found that, although Pearson's house literally straddled the lines of two black school districts, he paid taxes in a different district from the one he was trying to sue.

The case had to be withdrawn.

Despite the setback caused by *Pearson* being withdrawn, the parents were by no means ready to give up. According to Mr. James L. Miller, a pact had been made among several men (Appendix B) involved in the purchase of the Davis Station school bus. He said they vowed they would not withdraw their support from the quest for better facilities even under the threat of death. [3] They agreed that, even if one of them were to be killed or forced to withdraw, others of the group would continue the struggle.

E. TRANSITION FROM *PEARSON* TO *BRIGGS*

In January 1949, De Laine and Levi Pearson conferred with NAACP Attorney Harold Boulware concerning how to proceed. Less than three months later, on March 12, 1949, Mr. Thurgood Marshall, a lawyer for the national NAACP's Legal Defense Fund, met with a group from Clarendon County (Appendix C). Marshall told the group that the NAACP had decided it would no longer argue cases whose only goal was to obtain bus transportation.

The Clarendon County group was not willing to let the matter drop. Too many things were wrong with their children's schools. For example, Scott's Branch School in Summerton had two outhouse toilets to serve twelve grades of students and their teachers. Drinking water was obtained from a row of faucets in the schoolyard. There were not even enough classrooms for the students. After being urged to reconsider by De Laine and the six other representatives from Clarendon County, Marshall finally proposed an alternate action plan. The NAACP would back "a group of parents who wanted to sue for Equal Educational Opportunities and Facilities for Negro Children" —if they could find such a group in Clarendon County.

The Clarendon County group returned home, wanting to waste no time before starting legal action. With the NAACP's assistance, four strategic meetings were scheduled at different churches (Appendix D). As a result, over two hundred persons expressed interest in becoming plaintiffs.

In May 1949, the NAACP staff set forth the following conditions that had to be satisfied if it were to accept the Clarendon County case and to proceed with it:

- Only one school district could be involved and it had to be possible to directly compare that district's white and black high schools.

- The list of plaintiffs had to be limited to families living in that school district. Rural families whose children attended the school were not acceptable unless they were actually residents of the district.[4]

In this way District 22, the Summerton District, was selected and Scott's Branch School became the focal point of the effort to obtain better educational facilities for blacks.

This action marked the transition of efforts from *Pearson* and school bus transportation to what would become *Briggs et al. v. Elliott et al.* and finally a part of *Brown et al. v. Board of Education et al.*

Briggs was first filed in U.S. District Court in 1949 as a lawsuit asking for equal educational opportunities for black children. The petition had over one hundred names of adults and children. The defendants were various officials in Clarendon County educational system. The surname of the first plaintiff was Briggs and Elliott was the surname of the first defendant listed, the chairman of School District 22 Board of Education.

At the November 1949 pre-trial hearing, presiding District Court Judge J. Waties Waring questioned why the plaintiffs were suing for "separate but equal" schools. He reminded the lawyers that South Carolina law already made such provisions. Waring suggested the plaintiffs rethink what they should be suing for.

With that one action, a white southern judge changed the NAACP's approach to rectifying inequities between black and white citizens of the United States. The NAACP's legal staff took heed and withdrew the case.

The case was re-filed in U.S. District Court (in 1950) with 20 adult petitioners (Appendix E). This second *Briggs* case challenged the constitutionality of "separate but equal" practices. When *Briggs* was filed, the Clarendon County group became the first people to challenge public school segregation in federal courts. The case become the spearhead for wide-reaching change. In its new form, *Briggs* threatened "the long established…way of life [that] South Carolina [had] adopted and practiced and lived since…the institution of human slavery." [5]

Almost all of the plaintiffs directly depended on white citizens

Pictured here are many plaintiffs of the second *Briggs v. Elliott*, along with workers for the cause, members of the Parent Organization, and NAACP officials.

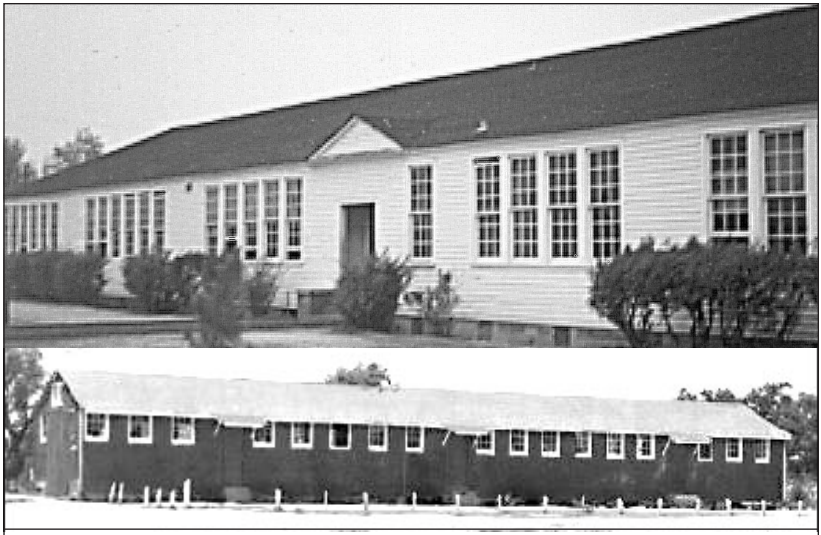
Photograph taken in Liberty Hill A.M.E. Church, 17 June 1951.

in Clarendon County for their livelihoods. An effort had been made to avoid letting the most vulnerable people (*i.e.*, the sharecroppers) be plaintiffs. The male plaintiffs were mostly land-owing farmers or workers in town while the female plaintiffs were cooks, maids or childcare providers.

Before they signed the petition, the plaintiffs were warned of the possibility of severe and perhaps dangerous repercussions. However, it was (and still is) inconceivable to imagine the extent to which the black people of Clarendon County would be made to suffer because they sued for rights guaranteed by the Constitution. Over the course of the next five years, they lost jobs, homes, opportunities for higher education and even lives. They were refused service in stores, credit for farm essentials and rental of farm equipment. They were hounded and harassed. In short, they paid dearly for the privileges now enjoyed and taken for granted by every American.

In May of 1951, the case was heard. Since it was asking the court to issue a judgment against state laws, the case had to be heard by a panel of three federal judges. The judges were Circuit Court Judge John J. Parker, District Court Judge George B. Timmerman and District Court Judge J. Waties Waring. In June, they rendered a split decision that supported the constitutionality of the "separate but equal" doctrine. Waring, however, wrote a remarkable dissenting opinion. As part of its decision, the court did find that Clarendon County had failed to provide equal educational opportunities for its Negro students and was thus violating their rights. This decision forced the entire state to improve its black schools.

Because *Briggs* was a constitutional challenge, the NAACP was



The old Scott's Branch School is shown in the top photograph. After the 1951 District Court ruling that facilities were not equal, the school was said to be 'equalized' by the addition of the classrooms shown in the lower photograph.

able to appeal directly to the U.S. Supreme Court, bypassing the Court of Appeals.

At the Supreme Court, *Briggs* went as far as the Discovery Proceedings (see page 34). Then, on January 28, 1952, the Supreme Court returned it to District Court for a report on progress made toward equalizing educational facilities and opportunities in response to the 1951 District Court ruling.

By the time *Briggs* returned to the Supreme Court, three other cases (all claiming that public school segregation violated rights guaranteed by the Fourteenth Amendment) had also reached that level. They, along with *Briggs*, were argued concurrently on December 9–10, 1952. For some reason, perhaps to show that the segregation issue did not apply to only the Deep South, the cases were put forth under the title *Brown et al. v. Board of Education of Topeka, Shawnee County, KS, et al.* A fifth case (claiming public school segregation violated the Fifth Amendment) was argued on December 11, 1952. The Supreme Court's verdict applied to all five cases.

PART III

SUMMARIES OF LEGAL ARGUMENTS AND SUPREME COURT DECISIONS

A. Oral Arguments — 1952

Opening Arguments on Behalf of Appellants

When *Briggs v. Elliott* came before the Supreme Court (Appendix F) in 1952 as part of *Brown v. Board* (Appendix G), the NAACP attorney, Thurgood Marshall, argued for the appellants (*i.e.*, plaintiffs). His opening statements are given immediately below.

> "May it please the Court, this case is here on direct appeal from the United States District Court for the Eastern District of South Carolina. The issue raised in this case was clearly raised in the pleadings, and was clearly raised throughout the first hearing. After the first hearing, on appeal to this Court, it was raised prior to the second hearing. It was raised on motion for judgment, and there can be no question that from the beginning of this case, the filing of the initial complaint, up until the present time, the appellants have raised and have preserved their attack on the validity of the provision of the South Carolina Constitution and the South Carolina statute.
>
> "The specific provision of the South Carolina Code is set forth in our brief at page 10, and it appears in appellees' brief at page 14, and reads as follows:
> *It shall be unlawful for pupils of one race to attend the schools provided by boards of trustees for persons of another race.*
> That is the Code provision.
> The constitutional provision is, again, on page 10 of our brief, and is:
> *Separate schools shall be provided for children of the white races –*
> This is the significant language–
> *And no child of either race shall ever be permitted to attend a school provided for children of the other race.*" [6]

Marshall cited written testimony, used in the *Sweatt v. Painter* case, from expert witness Dr. Robert Redfield, that there was no basic difference between white and Negro children in the capacity to learn. Marshall then argued that the defendants had to show: (i) that there was a difference in learning capacities of the two races, and (ii) that, if there were a difference, it had a significant bearing with the issue being legislated. He further contended that the defendants had made no effort to show a basis for the classification other than that any other course would be unwise.

Previously, in the District Court hearing, other expert witnesses had testified that segregation: (i) interfered with personality development of black children, (ii) deprived the students of equal status in the school community, (iii) destroyed the self-respect of children, (iv) denied children full opportunity for democratic social development and (v) stamped black children with a badge of inferiority. It was argued that black children had roadblocks put in their minds as a result of segregation, so that the amount of education they gain is much less than other students in similar circumstances.

> (NOTE: An additional expert witness, Dr. Kenneth Clark, a psychologist, had completed an experimental study on the impact of segregation on Negro children. During the course of the *Brown* trial before the Supreme Court, his evidence that the appellants were indeed injured as a result of segregation was presented.)

Marshall argued that the testimony clearly demonstrated South Carolina laws which authored and required separation of students by race were in violation of the Fourteenth Amendment. He held that planned improvements of the schools had no bearing on whether or not the State of South Carolina was violating the constitutional rights of some of its citizens at the time the case was being argued.

Opening Arguments on Behalf of Appellees

Mr. John W. Davis, an accomplished lawyer from Virginia, argued on behalf of the appellees (*i.e.*, defendants). He opened with the statement:

> "May it please the Court, I think if the appellants'

> construction of the Fourteenth Amendment should prevail here, there is no doubt in my mind that it would catch the Indian within its grasp just as much as the Negro. If it should prevail, I am unable to see why a state would have any further right to segregate its pupils on the ground of sex or on the ground of age or on the ground of mental capacity. If it may classify it for one purpose on the basis of admitted facts, it may, according to my contention, classify it for other." [6]

Davis based his argument on three propositions. The first of these dealt with the mandate of the District Court that "required the defendants to proceed at once to furnish plaintiffs and other Negro pupils of said district educational facilities, equipment, curricula, and opportunities equal to those furnished white pupils." He argued that the defendants had complied fully with the decree of the District Court in that the State of South Carolina had authorized up to $75,000,000 in bonds to make its colored schools equal to its white schools. This included improvements in facilities, curriculum, equipment and opportunities.

> (NOTE: In conjunction with the legislation for improvement of school facilities, Clarendon County's black school districts had been consolidated to form three districts. Summerton became Clarendon District One.)

Davis' second proposition dealt with Article XIV, Section 7 of the Constitution of South Carolina, and Section 5377 of the State's Code of Law, both of which made the separation of schools between white and colored mandatory. According to his argument, neither of these pieces of legislation offended the Fourteenth Amendment to the Constitution of the United States or denied equal protection to any citizens of the United States.

Davis stated that, as of March 2, 1952, Clarendon School District One had 2,799 registered Negro students and 295 registered white students, approximately a 10 to 1 ratio. He argued, "And whether discrimination is to be abolished by introducing 2,800 Negro students in the schools now occupied by the whites, or conversely introducing 295 whites into the schools now occupied by 2,800 Negroes, the result in either event is one which one cannot contemplate with entire equanimity." [6]

His third proposition dealt with the evidence presented by the appellants (*i.e.,* plaintiffs). In Davis' opinion, the evidence presented dealt entirely with legislative policy and not with constitutional right. [6]

Rebuttal by Appellants' Attorney

In Thurgood Marshall's rebuttal, he emphasized the Court's responsibility for insuring that individual rights guaranteed under the Constitution are protected. He said that, if the opinion of the masses violates the rights of an individual, the individual has a right to ask the court for relief. He also emphasized that the Supreme Court had always taken the position that race could not be used for deciding classification. What was being argued, Marshall contended, was not what was reasonable according to the decision of the South Carolina Legislature but rather what was reasonable under the Fourteenth Amendment of the United States Constitution as decided in the United States Supreme Court.

B. Intermediate Order of the Supreme Court — 1953

After deliberating on the arguments presented in 1952, the Supreme Court judges wanted additional evidence. An intermediate order applying to all five cases was therefore given on June 8, 1953. It stated:

> Each of these cases is ordered restored to the docket and is assigned for reargument on Monday, October 12, next. In their briefs and on oral argument counsel are requested to discuss particularly the following questions insofar as they are relevant to the respective cases:
>
> 1. What evidence is there that the Congress which submitted and the State legislatures and conventions which ratified the Fourteenth Amendment contemplated or did not contemplate, understood or did not understand, that it would abolish segregation in public schools?
>
> 2. If neither the Congress in submitting nor the States in ratifying the Fourteenth Amendment understood that compliance with it would require the immediate abolition of segregation in public schools, was it nevertheless the understanding of the framers of the Amendment
>
>   (a) that future Congresses might, in the exercise of their power under sections 5 of the Amendment, abolish such segregation, or

(b) that it would be within the judicial power, in light of future conditions, to construe the Amendment as abolishing such segregation of its own force?

3. On the assumption that the answers to Questions 2 (a) and (b) do not dispose of the issue, is it within the judicial power, in construing the Amendment, to abolish segregation in public schools?
4. Assuming it is decided that segregation in public schools violates the Fourteenth Amendment
   (a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or
   (b) may the Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?
5. On the assumption on which Questions 4 (a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in Question 4 (b),
   (a) should this Court formulate detailed decrees in these cases:
   (b) if so, what specific issues should the decrees reach;
   (c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;
   (d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?

The Attorney General of the United States is invited to take part in the oral argument and to file an additional brief, if he so desires. [7]

C. Re-argument — 1953

Opening Arguments on Behalf of Appellants

When the Supreme Court reconvened to hear the cases, Mr. Spottswood W. Robinson III and Thurgood Marshall argued the case for the appellants (*i.e.*, plaintiffs).

Robinson opened the arguments. He argued, "When the 39th Congress, which formulated the Fourteenth Amendment, convened in December of 1865, it was cognizant of, and it was confronted with, the so-called Black Codes which had been enacted throughout the southern states." These laws (*i.e.*, the Black Codes) were intended to keep the Negro in an inferior position similar to that occupied during slavery. They required segregation on public carriers and in public places and even, as in South Carolina, prohibited Negroes from attending public educational institutions provided for white children. Robinson pointed out that Black Codes followed a pattern similar to the old slave codes. He further stated that these laws were restrictive to black people by limiting pay and mobility, and that they also prohibited a Negro from offering testimony in court against a white person.

> [The Civil Rights Act of 1866 was passed to help protect Freedmen and to keep them from being left to the mercy of unjust laws of individual states. Soon thereafter, the Fourteenth Amendment was passed (1866) and ratified (1868), mainly because it was feared the Civil Rights Act might be declared unconstitutional. The Fourteenth Amendment allowed Congress to correct the unjust state laws that operated unequally on different groups of people.]

In his argument, Robinson contended that the framers of the Fourteenth Amendment deliberately made the amendment's scope broader than that of the Civil Rights Act in order to eliminate all forms of class, or caste, based on previous servitude. He referred to a statement by Congressman Stevens of Pennsylvania to the effect that, although the Constitution limited the actions of Congress upon the States, it had failed to limit the states in this area. Robinson also referred to a statement made in 1866 during House deliberations by Representative Bingham of Ohio that the Fourteenth Amendment did not take away any rights reserved for states because no state had the right to deny any Freedmen the equal protection of the law or to abridge the privileges or immunities of any citizen of the Republic.

In response to Question 1 posed by the Supreme Court, Robinson cited statements by several Senators and Representatives, *circa* 1866, showing they understood that the scope of the Fourteenth Amendment was intended to eliminate the classification of people because of race or previous servitude, thereby outlawing segregated schools. He specifically cited Representative Andrew Rogers of New Jersey who stated:

> "In the State of Pennsylvania there are laws which make a distinction with regard to the schooling of white children and the schooling of black children. It is provided that certain schools shall be designated and set apart for white children, and certain other schools designation and set apart for black children.
>
> "Under this amendment Congress would have the power to compel the state to provide for white children and black children to attend the same school upon the principle that all the people shall have equal protection and all the rights of life, liberty and property and all the privileges and immunities of citizens of the several States." [7]

In answer to Question 2, Robinson cited other Legislators on both sides of the issue in the 1800s who indicated their belief that ratification of the Fourteenth Amendment would eliminate school segregation. He also cited Senator Lyman Trumbull (Illinois) who said that, in his opinion, any statute based on race, was not equal to all persons, or which deprived any citizen of civil rights secured to other citizens, is in fact a badge of servitude prohibited by the Constitution. [7]

Additional Arguments on Behalf of Appellants

Thurgood Marshall continued on behalf of the appellants. He argued that the Congress intended, and the states understood, that the Fourteenth Amendment would eliminate school segregation. His opinion was based on Congressional debates and on Supreme Court decisions that had always limited the use of race to classify people when race had no other useful purpose for the classification. He argued that "separate but equal" was not the issue. The issue was whether or not segregation violated the constitutional rights of Negro students. His contention was that the concept of "separate but equal" classifies solely on the basis of race and thereby is a violation of the Fourteenth Amendment.

Arguments on Behalf of Appellees

John W. Davis, on behalf of the appellees, argued the State of South Carolina had acted in good faith to eliminate the inequalities between white and black schools. He contended the framers of the Fourteenth Amendment did not contemplate, and the states did not understand, that the Fourteenth Amendment would eliminate segregated schools. He indicated the radical Republicans who were in power in 1868 did not have as much popular support as has been indicated. He also reminded the

Court that the 39th Congress passed the first supplemental bill for The Freedmen's Bureau (which gave former slaves the power to buy sites, buildings and schools). The Bureau proceeded to set up separate schools throughout the South. Subsequently, bills that would have required mixed schools in the District of Columbia were defeated in both the 41st and the 42nd Congresses. Furthermore, Davis pointed out, The Civil Rights Act of 1875 was passed only after all references to schools, churches, cemeteries and juries were taken out. Congress also passed bills for donations to be given to fund separate schools for Negroes in the District of Columbia and the practice had continued since 1862.

Davis discussed the actions of states with regard to segregated schools after the Fourteenth Amendment was ratified. He related that five states, previously practicing segregation, had contemporaneously discontinued the practice. Three of these five, including South Carolina, subsequently returned to segregation. Furthermore, nine northern states became segregated after the Fourteenth Amendment was passed.

He opined that, "As to the question of the right of the Court to postpone the remedy, we think that adheres in every court of equity, and there has been no question about it as to power.

> … [As to] the fifth question, whether the Court should formulate a decree, we find nothing here on which this Court could formulate a decree, nor do we think the Court below has any power to formulate a decree, reciting in what manner these schools are to be alternative at all, and what course the State of South Carolina shall take concerning it." [7]

Davis went on to say that if inequality should be found, the Court could enjoin its continuance. But, he argued, neither the Court nor the lower court could sit in the chairs of the legislature of South Carolina and mold its educational system. The State of South Carolina must do that.

Rebuttal by Appellants' Attorney

During Marshall's rebuttal, he argued that no more than one year should be allowed for the remedy for the injustices of segregated schools to be implemented. He said it was understood that time would be needed for administrative preparations, but one year was sufficient.

Although the appellees denied prejudice, Marshall stated that

throughout their argument they not only recognized it as the problem, but emphasized that prejudice was the whole problem. He stated that The Fourteenth Amendment took away from the states the power to use race for the purposes of classification. He also stated that Fourteenth Amendment was intended to deprive the states of the power to enforce Black Codes or anything else like them. He then emphasized the duty of the states to follow the Fourteenth Amendment and the duty of the Court to enforce it.

Argument on Behalf of the Justice Department

Arguing on behalf of the United States Justice Department at the invitation of the Court, Assistant Attorney General J. Lee Rankin stated that the Congressional record was indecisive on the question of school segregation. He argued that there was nothing in the debates of the time to indicate that segregation was permitted under the Fourteenth Amendment. Many of the debates were so involved with addressing the illiterate state of black people that no one mentioned the effect of the Fourteenth Amendment. When questioned on the relationship to *Plessy v. Ferguson*, Rankin indicated that by choosing to provide and pay for public education, the state could not then make a distinction among citizens. Although *Plessy* dealt with a public utility, the service was not provided by the state. According to Rankin, it was the view of the Justice Department that segregation could not be permitted under the Fourteenth Amendment. On behalf of the Justice Department, he argued that the Supreme Court should remand the matter to the lower court for a determination of the proper action.

D. Supreme Court Decision - May 17, 1954

On May 17, 1954, the Supreme Court issued the historic decision that stated:

> ***"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. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment."*** [8]

The Court then ordered the five cases restored to the Court's docket for further argument on Questions 4 and 5 (previously specified for the reargument during the 1953 term). The Attorney General for the United States and the Attorney Generals from the states requiring or permitting segregation in public education would also be permitted to present briefs and oral arguments.

E. Reargument of Questions 4 and 5 — 1955

Arguments

Spottswood Robinson and Thurgood Marshall presented for the plaintiffs. They contended the 1955 arguments on behalf of the *Briggs* plaintiffs were essentially that a firm hand of government was needed and that, while citizens might not like the Supreme Court's decision, they were basically law abiding people and would obey the Court. Kansas was used as an example that desegregation could be achieved because, after the 1954 decision, Kansas immediately moved to integrate its schools. If the district courts were left with no safeguards, Marshall argued, Negroes would not be any better off, and perhaps worse off, than they were with a "separate but equal" policy.

Mr. S. Emory Rogers and Mr. Robert McC. Figg, Jr. argued for the defendants. The major points raised by Rogers were: (i) The district had been biracial for more than two centuries and the social clock could not be turned back nor could it be abruptly turned forward. (ii) The district needed to develop a plan acceptable to the people. Progress had been made but more work was needed if attitudes were going to change to a point that a plan for racial mixing in the schools would be workable. (iii) The prevailing attitude was that white parents were not going to send their children to school with Negro children.

Figg continued the defense by presenting arguments that the Court had equity power to permit gradual desegregation in order to avoid many problems. He pointed out that one of the problems faced was the amount of time allowed for the legislature to rescind segregation laws and to formulate mechanisms to provide funding for integrated schools. (For example, since state legislation used language that separately addressed rates of pay for black and white teachers and since there were far more black teachers than white, the state could encounter a problem in financing teachers' salaries.) He also pointed out that taxes would need to be raised and that legislators were mindful of the relationship between taxation and the democratic process

of voting. Furthermore, although whites were in the minority in District One, they paid most of the taxes. They also had the means to educate their children in other ways if the district were forced to desegregate. Figg told the Court that, unless the district were given the time to gain acceptance of the idea of integration and given a chance to present counter-arguments in District Court, without limitation of the traditional equitable jurisdiction, it could prove impossible to integrate the district in the reasonably foreseeable future.

F. Supreme Court Decision — May 31, 1955

The Supreme Court met and issued the following decision on May 31, 1955:

> ***"The judgments below (district court) are accordingly reversed and the cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."***[9]

PART IV

NOTES ON SUPPORT GIVEN PETITIONERS

A. NEED FOR SUPPORT

From the very beginning, the people involved in this quest for equality had to be supported in several ways. Indeed, without support and cooperation of many others, there could not have been any action or change. The aggrieved people were impoverished farmers and menial workers whose financial resources were extremely limited. They needed places to air their discontent and to share their views. There had to be ways for others to learn of their quest. They needed minds knowledgeable about the educational and legal systems to provide advice and direction. And, by themselves, they could not have possibly raised the money to pay for the necessary legal maneuvers.

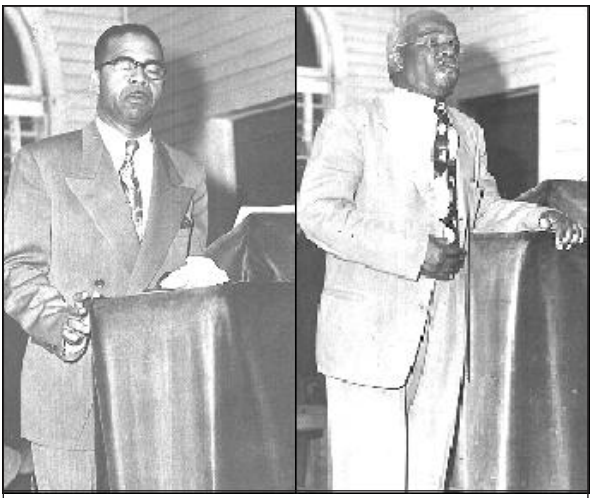
Furthermore, after *Briggs et al. v. Elliott et al.* was filed, terrible economic pressures were exerted indiscriminately on black citizens throughout Clarendon County. Cotton gin owners refused to buy and bale cotton from black farmers. Merchants refused to extend credit to the farmers. Some shopkeepers refused to sell their goods to blacks. Some people lost their jobs and others were forced to move out of their homes. (Incredibly, one family was told to move on Christmas Eve and the road was then blocked to hamper the move.)

There were even people who lost their lives because of the legal action. Mr. James McKnight, who was not a plaintiff, was murdered on the roadside between Summerton and Manning in view of his family. In what is said to have been a case of mistaken identity, his death was apparently supposed to be a warning that social justice efforts by black people would not be tolerated. Mr. William "Bo" Stukes, a *Briggs* plaintiff and a World War II veteran, was fired from his job as an auto repair mechanic. Although he did not have proper equipment, Stukes tried to continue working as a mechanic in a home-based repair shop. He died when a poorly secured car he was working on fell on him.

The support that enabled the black people of Clarendon County came in many ways and from many sources.

B. Church and Community

One of the most important sources of support was the black church. Black churches have always played a vital role in civil rights movements, particularly in the rural south where churches were centers of community activity. The churches provided meeting sites as well as major forums for dissemination of information. Opinions of pastors, often a community's most educated blacks, were vital in shaping attitudes and responses to social conditions. The church helped to provide spiritual and emotional direction for the daily activities of its parishioners. Furthermore, black churches were relatively free from the influence of individuals and organizations opposed to progress toward racial equality. As spiritual leaders and church pastors, Rev. J.A. De Laine and the three other pastors who followed his lead (Appendix H), were well positioned to champion the Clarendon County quest for equality.



Rev. E. E. Richburg and Rev. J. W. Seals, along with Rev. Edward Frazier, were pastors who supported Rev. J.A. De Laine by also taking leadership roles in the quest for equality.

C. The Palmetto Teachers Association

The Palmetto Teachers Association was the professional organization for black teachers in South Carolina. As such, it had the human resources and knowledge to make valuable suggestions and to help direct De Laine, who was a member, in appropriate ways. Having recently won a lawsuit for equal pay, the teachers were sympathetic to the plight of the Clarendon County parents. They were also painfully aware of the difficulties

some students had in getting to school. Thus, the Association provided the first source of funds in the Clarendon County quest for equality. Its money supported the ill-fated *Pearson* case (which would have been argued by the attorney for the South Carolina Branches of the NAACP).

D. News Media

The mainstream media were not available as avenues for blacks to use for finding support during their quest for equality. On the other hand, the small black-oriented press effectively disseminated news of the effort both statewide and nationally. A black weekly newspaper from Columbia, *The Lighthouse and Informer*, routinely reported Clarendon County activities whenever information reached its newsroom. *Lighthouse* reports were quickly picked up and printed by black newspapers in other parts of the country. In this way, news of events in Clarendon County reached subscribers throughout the nation. Without the black media, the Clarendon County Case probably would not have attracted attention from the mainstream media as early as it did. Additionally, when Clarendon County blacks could no longer obtain vital supplies locally, the black press relayed appeals for them to its subscribers.

E. National Association for the Advancement of Colored People (NAACP)

Both the national and state NAACP organizations played important roles in *Briggs*. They provided the legal staff and the necessary funding. Although the South Carolina Conference of the NAACP was about nine years old at the time of the *Pearson* case, in that year of 1947, it had no active branch in Clarendon County. Some South Carolina black people (and even some in Clarendon County) were NAACP members despite the law that prohibited state employees from belonging to this organization. Whenever it became known that a person belonged to the NAACP, local white businesses took reprisals. White employers fired NAACP members. Merchants refused to give credit, or often even to sell, to NAACP members. Nevertheless, under the leadership and guidance of De Laine, the Clarendon County NAACP branch was ultimately activated.

In the 1940s, black people in Clarendon County had very few choices for getting legal help. Turning to the NAACP was their only sensible option in the quest for equality. Without the sponsorship of the NAACP, the petitioners could never have

afforded to sue.

Furthermore, they would not have been able to find a lawyer good enough and independent enough to challenge the long-standing social custom of segregation. The Legal Defense Fund of the NAACP was charged with raising money for legal challenges, developing cases and arguing the resulting lawsuits. It had the means to obtain the necessary funds, the interest in obtaining equality for blacks and the expertise to pursue court action in civil rights complaints. Thurgood Marshall was the Legal Defense Fund's lead counsel and personally argued the *Briggs* case before the Supreme Court. Marshall ultimately became a Supreme Court Judge himself and the Legal Defense Fund is now a separate entity from the NAACP.

F. Relatives and Well Wishers

When the petitioners and other black residents of Clarendon County were the victims of retaliation, a variety of well-wishers helped them weather the storm. Individuals and groups ranging from nearby relatives to unknown strangers in northern cities answered the calls for assistance. Local sympathetic whites covertly and overtly helped. When jobs were lost, the support network provided food, medicine, and household goods. People who lost their homes or were evicted moved in with relatives and friends or, in one case, were provided with a new place to live by a sympathetic white family. When merchants refused to sell to blacks, people from outside the county sent or brought boxes of food and other basic items. (The local blacks could, and did, make the boycott two-way by refusing to buy from the merchants.) When farm loans were called due, the black-owned Victory Savings Bank in Columbia came to the rescue with new loans. Among themselves, local black people cooperated, doing such things as carpooling when they went to places as far away as Atlanta to shop.

G. Judge J. Waties Waring

Judge J. Waties Waring was a believer in the Constitution of the United States, in the equality of humans and in the even application of the law. His observation to the NAACP counsel was the key factor that moved *Briggs et al. v. Elliott et al.* from being just another "separate but equal" request to being a constitutional challenge under the Fourteenth Amendment.

Waring had a long history of handing down decisions that

supported equal treatment and equal protection of all people as set forth by the constitution. Even before *Briggs*, he did not hesitate to make decisions that opposed prevailing social customs. This made him very unpopular with many southern whites.

Judge J. Waties Waring was the District Court judge who, in essence, counseled NAACP lawyer Thurgood Marshall that there is no such thing as "separate, but equal." He was also one of three judges who tried the *Briggs v. Elliott* desegregation case. He used his office to do that which was morally right. Because of his legal decisions concerning racial equality, Waring was ostracized by the white community and he suffered the stigma of being a social outcast among his own people.

In taking the actions that he felt were right and just, the former Charleston aristocrat became a social outcast.

In his dissenting opinion for *Briggs*, he stated, "We [the District Court judges] should be unwilling to straddle or avoid this issue [of blacks being denied rights under the Constitution], and *if the suggestion made by these defendants is to be adopted as the type of justice meted out by this Court, then I want no part of it.*"

It is noteworthy that this great man to whom America, and particularly black America, owes so much, humbled his own contribution to Clarendon County's quest for equality by praising another man who also sacrificed much of his life to the quest. He said, "It is because of … one man's tenacity" that the segregation cases arrived at the Supreme Court. [1] The "one man" to whom The Honorable Judge Waring gave that credit was the Reverend Joseph Armstrong De Laine of Summerton, Clarendon County, SC.

PART V

APPENDICES AND REFERENCES

A. APPENDICES

Appendix A

Members of the committee appointed to seek replacement of the flooded bridge near Society Hill Church. [2]

Peter Mack	Joe Bennett
Brad Mack	Rev. J.A. De Laine

Appendix B

Names of men who were involved in the transportation efforts and who were said to have made a solidarity pact. [3]

Ravenell Felder	James L. Miller
James House	Hammett Pearson
Joseph House	Jessie Pearson
Joseph Lemon	Levi Pearson
Preston Lemon	

Appendix C

Attendees at the first meeting of Clarendon County representatives with the Legal Staff of the NAACP. [4]

Representatives from Summerton

Ravenell Felder	Levi Pearson
Mrs. Charlotte Pearson	Jessie Pearson
Hammett Pearson	Rev. J. W. Seals
Rev. J.A. De Laine	

NAACP Officials

Attorney Thurgood Marshall	J. W. Hinton
Attorney Harold Boulware	Mrs. Modjeska Simkins
Eugene A. R. Montgomery	J. S. Boyd

Appendix D

Schedule of church meetings held to alert the black community of plans and to recruit petitioners. [4]

Mt. Zion A. M. E. Church	March 30, 1949
Union Cypress A. M. E. Church	March 31, 1949

St. Marks A. M. E, Church	April 19, 1949
Ebenezer Baptist Church	April 20, 1949

Appendix E

Names of the 20 adult plaintiffs in *Briggs v. Elliott* (filed in 1950). The numbers of children on whose behalf each plaintiff signed are shown in parentheses. [4]

Harry Briggs (5)	Annie Gibson (4)
Mose Oliver (2)	Bennie Parson (1)
Edward Ragin (2)	William Ragin (1)
Lucrisher Richardson (4)	Lee Richardson (4)
James Bennett (3)	Mary Oliver (1)
William Stukes (3)	G. H. Henry (4)
Robert Georgia (2)	Rebecca Richburg (1)
Gabriel Tindal (3)	Susan Lawson (2)
Frederick Oliver (2)	Onetha Bennett (4)
Hazel Ragin (2)	Henry Scott (1)

Appendix F

Names of Supreme Court Justices hearing *Briggs v. Elliott*. [6, 7, 8, 9]

Chief Justice Fred Vinson (1890-1953)
(Participated only in 1952 argument)
Chief Justice Earl Warren (1891-1974)
(Participated only in 1953 and 1955 arguments)
Justice Hugo L. Black (1886-1971)
Justice Stanley F. Reed (1884-1980)
Justice Felix Frankfurter (1882-1965)
Justice William O. Douglas (1898-1980)
Justice Robert H. Jackson (1892-1954)
(Participated in 1952 and 1953 arguments)
Justice Harold H. Burton (1888-1964)
Justice Tom C. Clark (1899-1977)
Justice Sherman Minton (1890-1965)
Justice John Marshall Harlan (1899-1971)

Appendix G

The five legal cases collectively known as *Brown v. Board*. [6, 7]

- *Gebhart et al. v. Belton et al.* (Delaware) — on appeal from the Supreme Court of Delaware.
- *Briggs et al. v. Elliott et al.* (South Carolina) — on appeal from the United States District Court for the Eastern District of South Carolina.

- *Bolling et al. v. Sharpe et al.* (Washington, D.C.) — on appeal from the United States Court of Appeals for the District of Columbia Circuit.
- *Brown et al. v. Board of Education of Topeka et al. (*Kansas) — on appeal from the United States District Court for the District of Kansas.
- *Davis et al. v. County School Board of Prince Edward County et al.* (Virginia) — on appeal from the United States District Court for the Eastern District of Virginia.

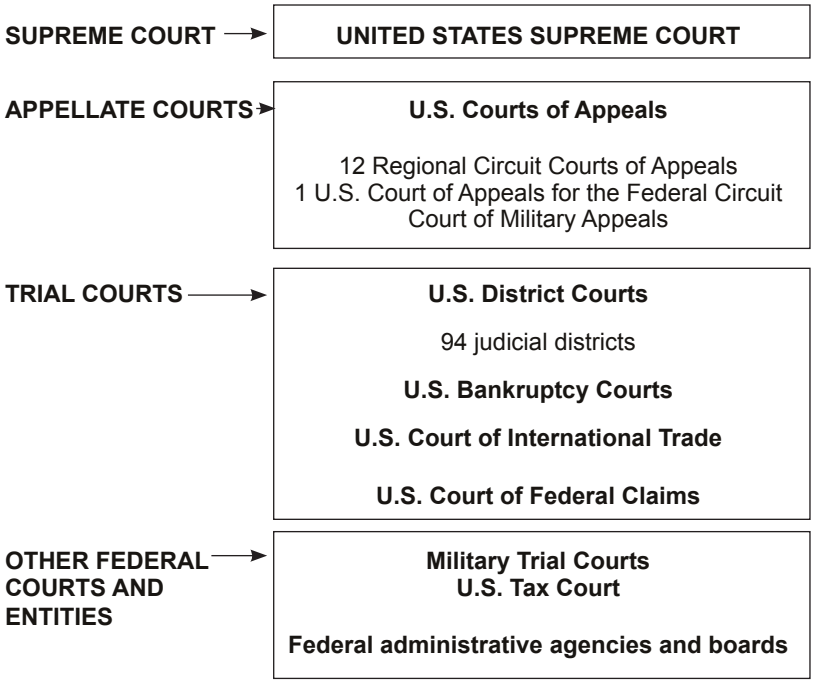
Appendix H

Names of church pastors (and churches they pastored that were involved in the quest for equality) who provided leadership in Clarendon County's quest for equality. [4]

- Rev. J.A. De Laine, pastor of Spring Hill Circuit (including St. Matthews A.M.E. Church and/or Friendship A.M.E. Church 1934-1940) and the Pine Grove Circuit (including Society Hill A.M.E. Church 1940-1948). A native and resident of Clarendon County, he continued his leadership role even after being transferred to a church outside of the county.
- Rev. Edward Frazier, pastor of St. Mark A.M.E. Church until 1948. He continued to provide a leadership role after his transfer out of the county.
- Rev. Edward E. Richburg, pastor of Liberty Hill A.M.E. Church and resident of the county beginning 1948. A native of Clarendon County, he became involved in the leadership of the civil rights effort upon his return.
- Rev. J. W. Seals, pastor of St. Mark A.M.E. Church beginning in 1948. A native and lifelong resident of the county, he was involved in a leadership role from the beginning of the civil rights efforts.

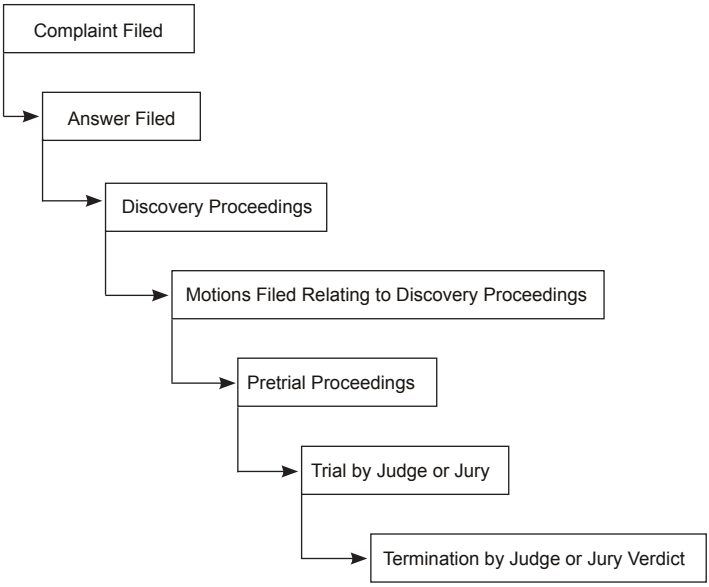
B. About The Courts

United States Federal Courts



The U.S. Supreme Court reviews cases appealed from lower courts. Usually, an appeal will go to an Appellate Court before being accepted by the Supreme Court. Exceptions to this rule include appeals from Military Courts and appeals that the Supreme Court decides are of national significance (such as constitutional challenges). Only a small number of cases are accepted each term.

Trial Progression of a Civil Lawsuit through a Court



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