Seeds in Unlikely Soil

The Briggs v. Elliott *School Segregation Case*

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The people and state of South Carolina have twice had a revolutionary impact on the history of the United States. In 1861 South Carolina fired the first shots in a war they hoped would preserve a society built upon the subjugation of one race by another, but which instead brought about the end of slavery. Almost ninety years later the actions of an extraordinary group of African Americans from rural South Carolina precipitated an immense growth of democracy in American society when they initiated the first in a series of lawsuits that the Supreme Court ultimately ruled as *Brown v. Board of Education.* It is arguably the most famous and important decision the Supreme Court made in the twentieth century and one that, despite its potential inadequacies, fundamentally changed the history of the United States. Little is remembered, however, of the dramatic story of how this community of African Americans risked their homes, their livelihoods, and even their lives in pursuit of the rights of their children to have a decent education. The result of their efforts would end legal segregation and the Jim Crow era in the United States. Indeed, just as South Carolina ultimately began the Civil War, it can be said that the Palmetto State began the modern civil rights movement.

The driving force of this movement was the Reverend Joseph Armstrong De Laine, who led the African American community of Clarendon County in the fight. Twenty years after the beginning of the court cases, De Laine wrote a series of articles in the *AME Christian Recorder* recounting the events. Although Clarendon County and *Briggs v. Elliott* has received more attention in the years since the fiftieth anniversary of *Brown,* "Seeds in Unlikely Soil" offers a unique perspective of events using De Laine's own words. Rather than white South Carolinians' retelling of the story, this essay uses the voice of the leader of the black community. This story deserves to be heard, for in its telling it reveals not only the depths that a people can sink in defense of a way of life that depends on the daily subjugation of a segment of society, but also the heroism of a people intent

on claiming their right and the right of their children to be treated as fully equal citizens in the eyes of the law.

Rural Clarendon County was among the poorest counties in South Carolina, which made it among the most underdeveloped in the United States. African Americans comprised roughly 70 percent of the population, and most worked on land almost 85 percent of which was owned by whites. The segregated public schools of Clarendon County had an enrollment of 6,531 African American and 2,375 white students in 1951. Yet total expenditures for white students exceeded that for blacks by $112,379—some 300 percent per pupil—leaving the African American schools in appalling conditions and lacking basic facilities. One school used "two-by-eights . . . propped up by two fifty-five gallon cans" for seating; another required that the boys be responsible for maintaining the fire that heated the school while the girls did the cleaning; yet another, serving some 600 black students, had only two outdoor toilets, and students had to carry drinking water in a bucket from a neighbor's home.[1] Delores Ragin Jones, one of the *Briggs v. Elliott* plaintiffs, later described how students at Scott's Branch High School in Summerton had overcrowded classrooms and lacked such basic facilities as a science lab and indoor gymnasium. In 1964, before the South Carolina Advisory Committee for Commission on Civil Rights, she went on to testify that students at her school lacked "sufficient background in English," while the mathematics curriculum was so inadequate that it did not include such core elements as algebra.[2] Students were not taught mathematics, and the standard of teaching other disciplines such as English remained far below the state-mandated levels of adequacy. So bad was the situation that in his history of the desegregation cases, Richard Kluger described Clarendon County as "the place in America in the year 1947 where life among black folk had changed least since the end of slavery."[3] Despite the county's poverty and outward appearances, however, the 1940s marked a decade of remarkable transition for Clarendon. This was spurred largely by the return of veterans from World War II, who joined an increasingly confident group of African American activists in demanding an end to the area's Jim Crow hierarchy.

White leaders of Clarendon County justified these inequalities by blaming the region's general poverty. The state only provided funding to pay for teachers' salaries, while the maintenance of facilities and provision of equipment was all privately funded from other sources.[4] Many also pointed to the number of African American parents who left their children in South Carolina while they lived and worked in northern cities such as Chicago and New York, arguing that South Carolinian taxpayers "have no moral responsibility to educate somebody else's children when they have left them behind" and did not pay taxes in South Carolina.[5] According to whites, therefore, African Americans could blame only themselves for any discrepancies in the segregated school system. Of course, they overlooked that two-thirds of African American households in Clarendon had

12. For blacks only: Clarendon County's Liberty Hill Elementary School, 1946. Photograph by Cecil J. Williams

an annual income of less than $1,000 and that, despite a 1940 court ruling demanding equal pay for teachers regardless of race, white teachers typically earned a salary two-thirds greater than did African Americans.[6] Nor did this argument explain why African American teachers had to teach, on average, classes with almost twenty more students in them than those of their white counterparts; nor why such substantial gaps in the curriculum at African American schools persisted. Moreover, African Americans did pay sales taxes just as whites did, and the 37 percent that owned the land they lived on paid taxes on their property, not an insignificant amount given their economic standing in the community.[7]

Most African American parents found especially distressing the county's decision to provide a total of thirty buses to transport white students to school while refusing to do likewise for all children, resulting in many African American children being forced to walk many miles each day regardless of weather conditions. Eugene A. R. Montgomery, later field secretary for the South Carolina branch of the NAACP, recounted the situation of a pair of six-year-old twins who had to walk eight miles each way to get to school: "They used to leave in the morning; in the winter, in the morning, they used to leave about sun-up to get to school on time; and when they got back, it was almost night."[8]

Furthermore, the waters behind the Santee Hydro-Electrical Dam, completed in 1941, frequently flooded the old Santee Road, cutting off children from their schools. Whereas the county provided the "two or three" white students affected by these waters with buses to transport them to their schools, African American children received no such provisions—forcing them to take a rowboat across.[9] A young man drowned while crossing the newly formed lake in the same rowboat routinely used to carry the young African American children on their way to school. The parents grew acutely aware of the dangers their children faced.[10]

Reverend De Laine, pastor of Grove Circuit, which included Society Hill AME Christian Church, wrote, "Negro children had to risk their lives crossing the water in the mornings and afternoons, while a large yellow school bus would go and take the white children to a comfortable school where they could be well trained in the principles of America and the deceased confederacy."[11] De Laine's son, Joe, later described how these white students "would throw Coke caps at black children walking or would spit."[12] A committee, which included the Reverend De Laine, formed to discuss transportation; they wrote county officials, local trustees, road supervisors, the Dam Authority, the attorney general, senators, and congressmen, but none responded to their requests for a bus. Finally the community banded together and bought an old, secondhand bus from the school district, which they themselves operated so that African American children could more easily get to school. Even with the black community running their own bus service for the schoolchildren, the school district refused to supply them with gas for the bus, even though they "paid all of the bills for the transportation of the white children."[13]

Although a self-confessed "conformist" who strove "hard to conform to the law even when it was unfair," Joseph Armstrong De Laine was in fact a lifelong activist in the fight for equal rights.[14] Born in Clarendon County in 1898, De Laine was himself the son of a minister and grew up amid the worst that Jim Crow society could offer. Nevertheless, he persevered, and through years of hard work, he found himself at the age of thirty-three principal of a school in Orangeburg County, South Carolina, where he earned a total of $60 per month. His wife, Mattie, worked as a teacher at the same school, raising their combined monthly salary to $110—not an insignificant amount for a household in the area at the time, whether white or African American, and one that provoked some resentment among the white community.[15] The young family soon returned to Clarendon County, where De Laine became pastor at Pine Grove Church and, like many other pastors, quickly became the acknowledged spokesman and leader of the African American community in the eyes of both blacks and of whites. Unlike many others in similar circumstances, however, De Laine became an active campaigner in the fight to end the inequities he encountered on a daily basis. In 1943, for example, he became a founding member of the

Clarendon branch of the National Association for the Advancement of Colored People and spearheaded local efforts in the statewide campaign to bring an end to the all-white South Carolina primary system.[16]

In 1947 De Laine attended a summer class titled Race and Culture at Allen University, an AME university in Columbia, South Carolina, where he heard Dr. James Hinton, the president of the state's branch of the NAACP, speak about the need to "test the discriminatory practices of the school bus transportation." Although the Palmetto Teachers Association had the money needed to pursue such a case, Hinton implied that South Carolina did not have a teacher or preacher with enough "Damn Guts" to find a plaintiff to file a case to challenge inequality. "These words sunk deep into my thinking," De Laine later recalled, and he realized that this was "the opportunity to extend the exhausted efforts which we had been working for in vain. This was the challenge which I was longing for, so I wasted no time." He told Dr. Hinton "to look for me to bring a client next week."[17]

Upon his return to Summerton, De Laine and his son, Joe, met with Hammitt and Levi Pearson, two brothers in the area, to discuss the idea of suing the school board to provide a bus for their children. At first the brothers hesitated, because they did not have the money to hire a lawyer, and these rural African Americans did not trust attorneys or the law. With De Laine's assurances, however, Hammitt agreed to sue for the buses. Rethinking, De Laine realized that Levi's levelheadedness might be more suitable for the struggles ahead and advised that his be the name on the suit. Levi agreed, saying, "Yes, I'll sue if you will get the money to run the case."[18] Aware that the white establishment would be sure to "play every dirty trick imaginable" in their effort to prevent the success of their suit, Pearson "grimly accepted that he would go all the way, even if it cost his life."[19]

The next week De Laine and Levi Pearson went to Columbia and met with James Hinton; A. T. Butler, the Palmetto Teachers executive secretary; and attorney Harold Boulware, the first African American lawyer in Columbia in several years, who would be taking their case.[20] Pearson's petition was filed with the board of trustees of District 26 on March 16, 1948, and declared that the school district should furnish, maintain, and operate a school transportation system for use by African American children in the district.[21] Shortly before the *Levi Pearson v. Clarendon County and School District No. 26* case commenced, however, white defendants discovered that Pearson's property straddled two districts—his children went to a school less than half a mile from his home, located in District 26, where the suit had been filed, while Pearson paid his taxes to District 5. The NAACP consequently determined that they could not pursue the case, and on June 8, 1948, Thurgood Marshall, who was assisting Boulware, requested that the court dismiss the suit. Upon learning this, the state senator from Clarendon County laughed, saying, "The n____r don't even know what district he is in."

Although the African American community of Clarendon County felt disheartened about time and money lost, they did not give up. De Laine later wrote, "I cannot account for what caused me to continue except dogged determination."[22]

The following spring, De Laine received a letter from Boulware inviting him to a meeting at the Palmetto Teachers Building in Columbia and asking him to bring people from Clarendon County. The meeting, which took place on March 12, 1949, included the NAACP legal staff, Palmetto Teachers Association officers, officers of state NAACP branches, and representatives from Clarendon County. NAACP attorney Thurgood Marshall announced that the NAACP planned on pulling out of the Clarendon case because it had only one plaintiff. The organization had invested too much money to risk when white supremacists could easily "liquidate" such a small group "in order to defeat the case of asking for 'Equal Everything.'"[23] Although De Laine pointed out to Marshall that the NAACP had originally asked for only one plaintiff and that abandoning the community would invite white retribution, Marshall was adamant: the NAACP would only continue to fight the case in Clarendon if they could secure at least twenty families to sign a petition demanding equalization.[24] Determined not to abandon their cause, De Laine and the other attendees from Clarendon hosted a number of meetings across the community to persuade people to sign the petition.[25] Eugene Montgomery and Lester Banks, executive secretary of the Virginia state branch of the NAACP, also attended the meetings, convincing De Laine that the court case should focus on Manning High School and Elementary School in District 9 or Scott's Branch combined Elementary and High School in District 22.[26] The rationale behind this change was simple: both District 26 and District 5 already had considerable support for equalization but contained no schools for white students. Both District 9 and 22, on the other hand, "had good [white] High Schools . . . and the comparison was easy." Despite enthusiastic moral support from the communities of these districts, however, the threat of losing white patronage proved too much for most to contemplate joining a lawsuit—in District 22, for example, only two people stepped forward.[27]

Although their parents hesitated because of the consequences of joining an equalization case, the 1949 Scott's Branch High School graduating class had their own concerns. That year they did not have any math. They paid rent for inadequate books. Each child had to pay for the fuel needed to heat the school. Students who lived more than three miles from the school had to pay a twenty-seven-dollar fee because they lived outside the district.[28] Parents held a fund-raiser to pay for basic school supplies, but their money was not used for the purpose for which it had been raised. According to De Laine, I. S. Benson, the newly installed African American principal of Scott's Branch, told the students that what he did with the school's money did not concern them: "If I take it and buy liquor with it, it's none of your business."[29] Mattie De Laine, the assistant principal at Scott's Branch, told her husband, "If those children had anybody to

lead them they would straighten up some of the injustices which are going on in Scott's Branch School."[30]

Led by Reverend De Laine, students from the class of 1949 wrote up their grievances and sent copies to the principal, the district superintendent of education, and the county superintendent of education.[31] They organized a meeting for the night of June 8, 1949, exactly one year to the day after the withdrawal of the original bus case, to which they invited school officials to respond to the allegations. Although neither the principal nor any white school official, invited or otherwise, attended the meeting, approximately three hundred outraged parents did.[32] As part of a deliberate attempt "to shift the site of the struggle from District 26 to District 22," the African American community's leaders had prearranged that De Laine would accept the chairmanship of a new Parent Committee on Action, but only after nominating several others from District 26. When they declined the position—usually with the sentiment that they could not talk with the white authorities—De Laine would accept.[33] In accepting the nomination, De Laine told the assembly that the path would be long and hard. The whites would make everything difficult and would ignore and decline their demands, but he would not cease. The African American community would continue appealing their case, he prophetically proclaimed, all the way to the Supreme Court if necessary. Two days later, the white school board unceremoniously fired De Laine from his position of principal of Liberty Hill Elementary School, of which he later wrote, "It was rather funny to me since it came more than a year later than I expected."[34] This meeting came to mark a turning point in the story of school desegregation, for at it the African American community of Clarendon County rallied together, determined to do whatever was necessary to ensure their children's equal treatment. The commitment of Clarendon's children, however, proved even more significant. They recognized they were being denied the same rights granted to their white counterparts and demanded that something be done about it, even though it left them vulnerable to the same reprisals that their parents faced.

At the initial hearing on June 28, with De Laine, three African American farmers, the county superintendent of education, the superintendent of Summerton High School District, an agricultural teacher, and three white trustees of the school district in attendance, whites "tried to brush us off with the old stuff of how good Negroes and whites have been getting along together," and because this was a school matter rather than a church matter, they questioned the legitimacy of De Laine's role as representative of the students and parents.[35] The NAACP legal staff, however, had coached De Laine on his rights and what he could expect to get out of the meeting. Therefore he quoted with some authority the Fourteenth Amendment to bolster his case. In response the white authorities told him that "that thing don't apply here" and that the school principal had the right to do the things he did. The trustees refused to take any action in the

matter. De Laine later wrote, "Well, I couldn't swallow that because I once had it in me that I was a first class citizen. What they were doing was reducing us to third class."[36]

Despite the refusal of the school trustees to take action, De Laine and the parents would not give any ground and determined to have meetings every other Wednesday until they got results. They appealed to the county board of education, who redirected them back to the school trustees and told them their complaints were unfounded because someone who wanted the principal's job made them. They fired any teacher they thought had sympathetic leanings to the students' grievances. Even after De Laine presented seven affidavits from seven teachers to the State Department of Education, the trustees would still not dismiss the principal. After months of petitioning for a new hearing, in mid-September the superintendent of education finally granted the request, setting a date of Saturday, October 1, 1949.[37]

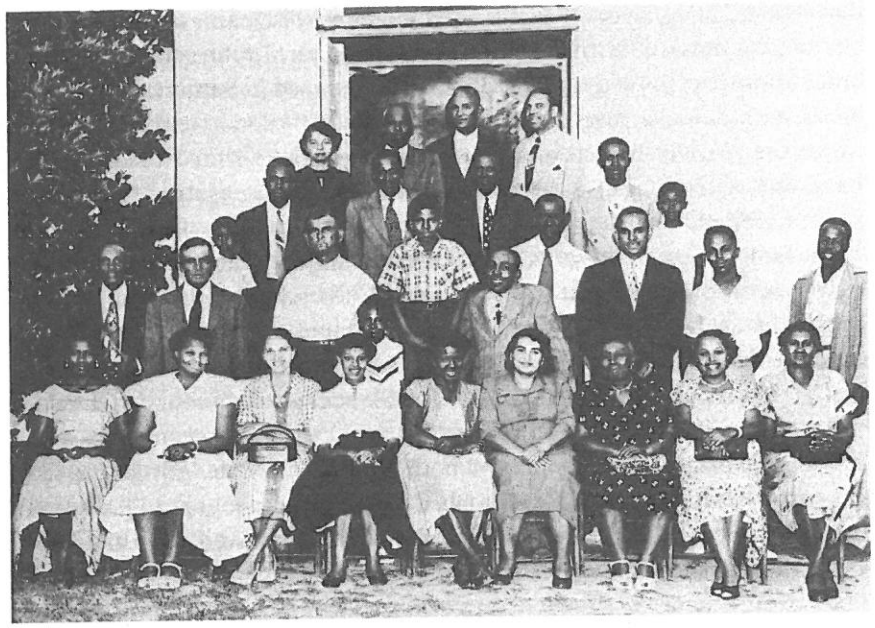
After the hearing district superintendent H. B. Betchman invited De Laine to a private meeting, at which he asked what he needed to do in order to stop the case. De Laine told him that Principal Benson must be dismissed and that the teachers that had been fired must be reinstated.[38] Betchman then offered De Laine the position of principal of Scott's Branch School, but on the condition that "he stop the fight" for improving conditions at the African American schools. De Laine declined the position, stating that he would not sell out those who looked to his leadership.[39] At the next parents' meeting he announced that Principal Benson had been fired and that, in an effort to placate the parents, Betchman had appointed De Laine's wife, Mattie, as acting principal of Scott's Branch, which satisfied many of the parents. De Laine, however, was not fooled by this tactic, pointing out that "next year Mrs. De Laine will be fired and never again will we get anything going as good as it is going now." The parents agreed and refused to give any money to the school other than book rent. Of the four fired teachers, the superintendent rehired two, and they returned to the school.[40] Although Mrs. De Laine held Scott's Branch in good hands for the moment, educational facilities in the school district remained far from equal. The parents' group decided to keep their momentum going by continuing their lawsuit against the state.

Throughout the maneuvering over Scott's Branch, the original issue of school inequality remained unresolved. The NAACP required twenty signatures on a petition before they would continue their support of an equalization lawsuit. After months of waiting, on November 11, 1949, De Laine received a large package from the NAACP, which he had to sign for at the post office, where he could not easily conceal it from the white people who hated the NAACP.[41] His lawyers had advised De Laine against having people sign the petition at a large public meeting, so he approached Harry and Eliza Briggs about having it signed at their house; they agreed, and that night became the first to put their names on

the petition. Clarendon County's African Americans finally began their lawsuit, seeking "Equal Education Opportunities and Facilities for Negro School Children" in their community. According to De Laine, that night "there were happiness and wonder mingled together. We knew that there would be much treacherous doings. We had anticipated that the cost would be great but we resolved to set in motion an 'Education Revolution.'" The signed petition was filed with the Clarendon County School Board, chaired by Roderick W. Elliott, while a copy was forwarded to the *Manning Times News,* which published it the next morning. One hundred and four names were on the petition: twenty-nine adults and seventy-five children.[42] One name conspicuously absent from the petition, however, was that of Joseph A. De Laine, whom a concerned Boulware had advised that if he signed, he would become a target, singled out and ruined, and that it would be all but impossible to find another strong leader to see the movement through to the end.[43]

The document itself articulated the grievances of the African American community: Clarendon County's public school system was "maintained on a separate, segregated basis," but was far from equal. "The facilities, physical condition, sanitation and protection from the elements . . . [of] the only schools to which Negro pupils are permitted to attend, are inadequate and unhealthy, the buildings and schools are old and over-crowded and in a dilapidated condition," all of which was in stark contrast to the "modern, safe, sanitary, well equipped, lighted and healthy" facilities provided to the district's white students. African American students were furthermore denied sufficient teachers, classroom space, teaching supplies, and "bus transportation to carry them to and from school." These inadequacies, the petition concluded, were a direct consequence of the African American children of Clarendon County "being discriminated against solely because of their race and color" and were in direct "violation of their rights to equal protection of the laws provided by the 14th amendment."[44] It is important to note that the petition did not seek to integrate Clarendon's schools, as some whites claimed—a charge that De Laine himself denounced as a "malicious lie"—instead asking only for equalization.[45]

The reaction of official white Clarendon County was initially to ignore the petition and delay for as long as possible a public acknowledgment of it in the assumption that the complaints of the African American community would eventually subside. Activists such as De Laine, however, continued to press the district for a response, which they finally received in February 1950. District 22's board of trustees admitted that their school system was "maintained on a separate and segregated basis as required by the Constitution and Laws of the State of South Carolina" but denied that African Americans were being discriminated against on the basis of their race. Indeed, the trustees claimed that any perceived inequalities were the result misinformation—the claim that whites were provided with bus transportation and blacks were not was wrong, they said, because



13. Plaintiffs in Briggs v. Elliott *at St. Mark AME Church in Summerton, 1949. Photograph by Cecil J. Williams*

the district in fact provided buses for neither group—that a "cursory inspection . . . [would] reveal that the facilities, condition, equipment, safety, and protection from the elements are accordingly better with the negro schools than the whites," and that they were making every possible effort to ensure any remaining inequalities—such as insufficient teachers—were rectified.[46] The petition consequently did little to improve the situation in Clarendon, but it did raise awareness of the state of public education in Clarendon County, and De Laine recalled that "Scott's Branch became a shrine of public interest" almost overnight and that "cars started pouring in as tourists" came to see the conditions for themselves.[47] Although some whites were sympathetic to the complaints, they feared the consequences of supporting the petitioners and did little to prevent the repercussions suffered by their African American neighbors for their temerity in challenging one of the tenets of white supremacist South Carolina.[48]

Harry Briggs, father of five children—whose profile was higher than most because he was the first to sign the petition, which was therefore named after him—was an illustrative example of the increased discrimination faced by the community, eventually being forced by "economic pressure" to stay "in Summerton by name only."[49] Briggs, who had served in the Navy during World War II, was fired from his job of fourteen years in late November 1949 and was subsequently denied the opportunity of enrolling at Scott's Branch High School as a veteran. Even so, Eliza Briggs told her husband that "if you take your name off

that Petition, I'll quit you."[50] Briggs never did remove his name from the petition but found it impossible to find employment in South Carolina and finally left in order to support his wife and children, who remained in Summerton. He lived in Miami for twelve years before moving with his wife to New York in 1961, where the NAACP helped him relocate in appreciation for "his courageous stand during the famous Clarendon County School Segregation Case against South Carolina."[51]

As leader of the petitioners, De Laine came under special pressure. Immediately following the filing of the petition with the school district, he began to receive threats from the Ku Klux Klan, warning him of dire consequences if he continued to lead the movement.[52] At a meeting on December 12, 1949, however, De Laine publicly challenged the Klan. He later wrote, "I sounded the alarm of danger to anybody walking on the side of the street, after dark, near my house. It was made plain that this applied to both colored and white. 'Any animal like a man must call his name as he approached the area of my house or I'll shoot and then ask who's that?'"[53] Whites' violence showed that they were weak and scared, De Laine told his congregation. "You empowered me to speak for all of you and I now declare there will be no retreat nor surrender."[54] He had received warnings that some whites in the community were out to harm him, De Laine continued, but "these warnings instead of frightening me, made me more determined and angry. However, I tried to let my better judgment suppress my anger."[55] De Laine's reaction to the Klan's threats showed whites that the African American community would not bow to their intimidation while simultaneously reassuring the petitioners that they could stand up against the strictures of white supremacy, but it also placed him in considerable danger. On December 15, 1949, he went to the post office around 10:30 A.M. as usual. He left his pistol in the car but had his pocketknife with him. Six white men were standing across the street, but De Laine did not think anything of it until one of the men crossed the street and said, "Me or you going to go to hell today." De Laine responded, "What do you want to go to hell for? I'm not going," and he stuck the man with his pocketknife. The white man thought he was shot and became terror-stricken. Just then, James Brown, one of the signers of the petition, drove up in a truck, blocking the view of the five remaining white men and allowing a relieved De Laine to reach his car and drive to the Brown residence.[56]

De Laine was subjected to a different form of intimidation in January 1950, when District 22's board of trustees persuaded I. S. Benson, the former principal of Scott's Branch, to sue him for $20,000 for slander on the grounds that De Laine had orchestrated the campaign to have Benson removed.[57] Although this was clearly an attempt to discredit De Laine, and by extension the equalization movement, the NAACP was reluctant to take on the case because the plaintiff was himself an African American; De Laine was therefore forced to find his own representation. To make matters worse, De Laine fell ill shortly before the case

was to be heard and went to Columbia for several weeks to recuperate. Taking advantage of his absence, whites from Summerton wrote De Laine a threatening letter that was signed by the Ku Klux Klan, which they used to inflame white sentiment against him, promising to burn him in effigy. The NAACP, however, sent copies of the letter to "every law enforcement officer [they] knew, from President Eisenhower [*sic*] on down," and so when a large crowd of whites gathered in Manning to witness the spectacle, they discovered that the area was swarming with federal officers, who held a blanket warrant to search all the houses in the vicinity.[58] At the superintendent's house the officers found the mimeograph used to reproduce the letter sent to De Laine with the original stencil still in it.[59] In the meantime, the slander case against De Laine was heard before an all-white jury, which found for the plaintiff, awarding the former principal $4,200 in damages, although the amount was later reduced to $2,700.[60]

In reaction to these continued threats, Bishop Frank M. Reid, De Laine's prelate in the South Carolina AME Church, encouraged him to move to Lake City, South Carolina, for his own sake. De Laine, however, was reluctant to leave, believing that he still had work to do in Clarendon and remembering his father's stories of Lake City's first African American postmaster, who was murdered in 1898 by Klan members after he ran from his burning home; under the justice system operating in the turn-of-the-century South, and despite national attention and a fourteen-month federal investigation, the killers, inevitably, went free. Reid, however, assured De Laine that his work at Summerton was done—the case was in the NAACP's hands and would soon be filed in federal court—and that it was God's will that he move on.[61] After consulting with several friends, all of whom feared that he would be murdered if he stayed in Summerton, De Laine was finally persuaded that his family should leave. De Laine told his wife of his decision and that the school trustees would fire her from her job the following year, anyway, as indeed they did. Mattie De Laine supported her husband's decision, declaring that "if they move you or fire me, we will make it somewhere, anyhow."[62]

In May 1950, shortly after De Laine left Clarendon, Harold Boulware and Thurgood Marshall filed *Briggs v. Elliott* in the Eastern Circuit of Federal Court in Charleston, South Carolina. The complaint was scheduled to be heard on November 17, 1950, by federal judge J. Waties Waring, a white Charlestonian who had made several important rulings challenging South Carolina's segregationist policies. In the meantime, however, the Supreme Court handed down decisions in the cases of *Sweatt v. Painter, McLaurin v. Oklahoma Board of Regents,* and *Henderson v. United States* that together challenged, without overturning, the fallacy of the "separate but equal" doctrine in public education and transportation. In the wake of these important equalization decisions, the NAACP determined that it would pursue only desegregation, and not equalization, cases. This left the future of *Briggs v. Elliott* in some doubt; considerable

time, effort, and resources had been invested in the case, but it would most likely only result in an order for District 22 to ensure the equality of their separate educational systems. In pretrial hearings, however, Judge Waring forced the NAACP's hand by living up to his reputation as a radical on racial matters and unexpectedly declaring that there had been enough cases about equalization. He instructed Marshall to challenge explicitly *Plessy v. Ferguson* and the very institution of segregation. Somewhat taken aback, Marshall agreed, and the equalization case was summarily dismissed without prejudice.[63]

On December 18, 1950, Boulware and Marshall gathered the plaintiffs together and asked them to sign a new petition, one that explicitly attacked South Carolina's 1895 constitution and by extension *Plessy v. Ferguson* with its doctrine of separate but equal. Twenty families signed (nine fewer than had signed the equalization petition), again headed by Harry Briggs, and the new petition was filed in federal court on December 22, 1950. Because the new case attacked the state constitution, however, it would be heard not before the sympathetic Waring alone, but before a three-judge panel, which in conservative South Carolina was a serious obstacle to its chances of success, and on appeal would be sent directly to the Supreme Court for a definitive ruling on the legality of segregation under the Fourteenth Amendment.[64] Up until this point whites had seen equalization as a local concern. This case, if successful, would be transformed into one of national import, heralding a fundamental shift in law affecting all seventeen states that operated segregated schools.

Briggs v. Elliott was heard on May 28, 1951, in Charleston, South Carolina, before Waring, Chief Judge John Parker, and Judge George Bell Timmerman Sr. The African American plaintiffs from Clarendon County met at the St. Mark AME Church in Summerton and rode to Charleston to attend the hearings. De Laine remarked on their enthusiasm, determination, and resilience. After all the white community had done to deter their efforts, they were finally to receive their day in court. "This was one of the most stinging back sets which the racest [*sic*] element of the white people had ever had." People from other states came as well. The courtroom was overflowing; many African Americans could not get into the room. As De Laine recalled, "Not over twelve white people were there but many Negroes were there who couldn't even look inside of the little court house door." Judge Parker was unable to get order in the courtroom and was forced to request that Marshall ask the African Americans to settle down.[65]

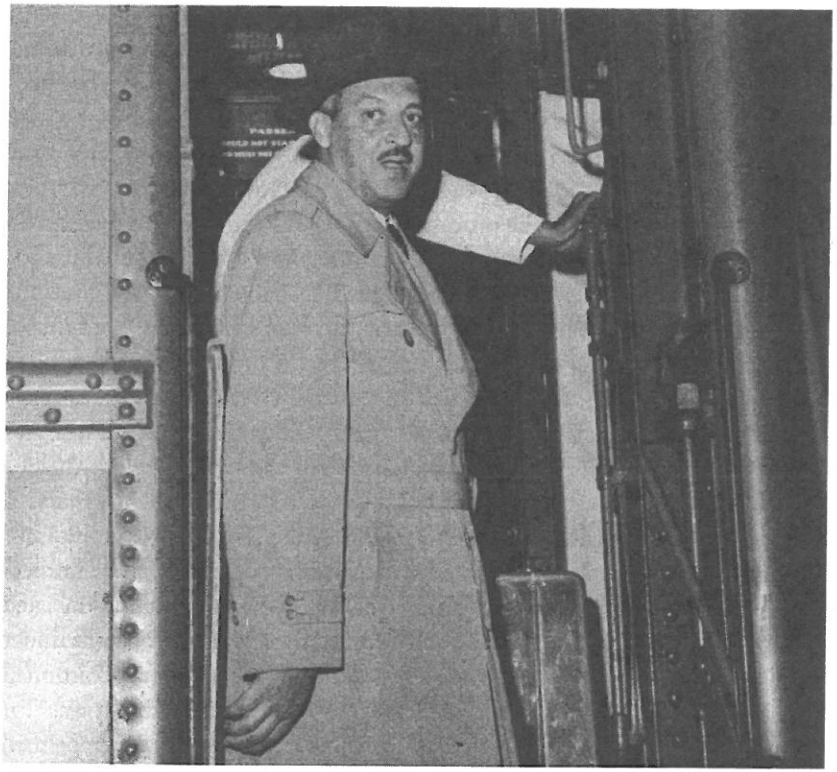
Thurgood Marshall and Harold Boulware were again counsel for the plaintiffs. Citing *Missouri ex rel. Raines v. Canada, Sweatt v. Painter, McLaurin v. Oklahoma Board of Regents,* and *Henderson v. United States* as his precedents, Marshall argued that the schools in Clarendon's District 22 were unequivocally inferior to their white counterparts. Their condition made it clear that "there is not just segregation involved; there is exclusion."[66] He continued, "You are made to go to an inferior school—not that you go to a Negro school, but Negro and

inferior. . . . Segregation means inferior."[67] Representing the defense was Robert Figg Jr., a renowned lawyer from Charleston and active fund-raiser for Strom Thurmond, and S. Emory Rogers, a local attorney from Summerton. Their tactic was startling: rather than denying that Clarendon's schools were not equal, they openly admitted as such and instead requested that the state be given time to equalize facilities—indeed, under the leadership of Governor James F. Byrnes, South Carolina was already in the process of raising $75 million with the express intent of ensuring that equal educational opportunities could be provided for members of each race. Figg furthermore argued that the courts had continuously upheld the "separate but equal" doctrine, as recently as in the decisions of *Sweatt, McLaurin,* and *Henderson,* and that if the history of segregation were examined it had existed in the North before the Civil War. He went on to claim that the protections of the Fourteenth Amendment did not apply to schools, and looked to Washington, D.C., to prove his point: "The same congress which submitted the 14th amendment to the states of the country also enacted legislations providing for separate schools for the two races in the District of Columbia."[68]

When the decision was handed down, the majority of Parker and Timmerman ruled against desegregation but ordered equalization, arguing that the cited cases involving graduate education did not apply to the lower school levels under question in this case. They furthermore stressed the Supreme Court's continued upholding of *Plessy v. Ferguson* and "separate but equal," writing that it was "for the Supreme Court, not us, to overrule its decisions."[69] Waring, however, penned a scathing dissent: "If segregation is wrong, then the place to stop it is in the first grade and not in graduate schools. . . . 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."[70] This was the first time that a federal judge had made such a ruling against segregation.

Despite this setback, whites continued to agitate against those involved in desegregation movement; in retaliation for his leadership in the case, De Laine's parsonage was burned down while he attended the AME annual conference, but the police never arrested any suspects. The fire did not surprise De Laine; he had become used to such threats. Whenever anything happened, he immediately reported it to the FBI, who ignored him, and Waring; after Waring retired, De Laine passed the information on to federal judge Ashton Williams of Lake City.[71] Members of local churches took up a collection to help De Laine rebuild his home.[72]

As anticipated, the NAACP appealed the district court's ruling to the Supreme Court, where it ultimately became one of five cases being heard by the Court that challenged segregation in public schools. These five cases combined to become *Brown v. Board of Education.* Yet it is only as a result of an



14. Thurgood Marshall arriving in Charleston for the hearing of Briggs v. Elliott *before the U.S. district court, 1951. Photograph by Cecil J. Williams*

accident of history that we know it by that name. Indeed, the reasons behind the decision to hear these cases under the banner of *Brown* rather than *Briggs,* which preceded the other cases both alphabetically and in terms of when it was initially filed with the Court, is one that remains confused. *Briggs* was the first of the cases to be filed, but only reached the discovery phase before being returned to the district court on January 28, 1952, with instructions to rule on the county's equalization report. Meanwhile the Kansas case had been appealed to the Supreme Court, and as of January 28 *Brown* was the only one of the cases pending before the Supreme Court. The others (including *Briggs* on its way back up) subsequently joined it and were placed under *Brown.* By such a quirk of fate, Linda Brown and Topeka became famous, and Harry Briggs and Clarendon, South Carolina, did not. It seems that the original suggestion to have the case be named for *Brown* rather than *Briggs* came from Associate Justice Tom Clark, "so that people would not view this as a southern issue." Still, this standard explanation ignores the substantial influence that James F. Byrnes still wielded with his former colleagues in the Supreme Court and the Senate. According to Byrnes's biographer, it was South Carolina's governor who maneuvered the court filings

in such a way as to ensure that *Brown* appeared on the court docket ahead of the one from his own state. If any man had the power to achieve this, it was the affable Jimmy Byrnes, who had himself served on the Supreme Court from 1941 to 1942; five of the nine justices from Byrnes's tenure remained in the Warren Court in 1951.[73]

After hearing arguments from Thurgood Marshall and Emory Rogers, the Supreme Court justices wanted more information, adjourning the Court until December 1953.[74] The hearing went for three days as the two sides argued their cases.[75] Finally, on May 17, 1954, word came through that the Court was ready to announce its findings. For De Laine, "The long awaited Supreme Court's Decision, which kept us in a high tension, from the eagerness for a favorable decision and the insults and reprisals which we had undergone for at least six years," was a defining moment.[76] The decision was unanimous. Chief Justice Earl Warren read, "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 here 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 Due Process Clause of the Fourteenth Amendment."[77]

Spirits were high among Clarendon County's African American community. De Laine wrote, "For the 20 family Plaintiffs and the rest of us who were envolved [*sic*] it was a victory equal to that of Ulysses Grant over General Lee's Army when they surrendered at Appomattox Court House at the end of the Civil War. We were abused, we were marked as communists, [and] we were mistreated by those who were in and also those who were not in responsible positions. Fortunately we endured hardness as good soldiers until the end came which was only the beginning of a larger struggle which would be taken up others who had either condemned us or wished us well."[78] De Laine reflected on those who had sacrificed their lives for this cause and wrote, "They did not enjoy the fruit of their labors but they had the satisfaction that their labor was not in vain."[79]

Briggs v. Elliott was duly returned to South Carolina's district court for enforcement. Thurgood Marshall, looking to Kansas's immediate desegregation as an example, argued that South Carolina should also desegregate quickly; Emory Rogers, once again arguing on behalf of the defendants, countered by pointing out that South Carolina had been segregated for two hundred years and that it would take time to develop a plan. Figg said the district had to be given time to accept the idea. On May 31, 1955, however, the Supreme Court gave South Carolina that time by issuing its second ruling in the *Brown* case, stating that desegregation must proceed "with all deliberate speed."[80]

The Supreme Court had given its decree, but court procedure required that the cases go back to their states of origin for enforcement. On July 15, 1955, the

Fourth Federal Circuit Court of Appeals met in Columbia, South Carolina, to rule on how desegregation would be achieved in the state. In a ruling that became known as the "*Briggs* dictum," Chief Justice Parker declared that although the Supreme Court had determined segregation to be unconstitutional, it did not state that the races had to mix or indeed require that children attend racially diverse schools. In fact, according to Parker's ruling, a school could be racially homogeneous, so long as the state did nothing to prevent students of any race from enrolling there. As a result of this misrepresentation of the spirit of *Brown*, desegregation was to be delayed in Summerton for a further twelve years.[81]

African Americans in South Carolina, and across the South, soon discovered that "all deliberate speed" in fact meant never, and the unfortunately vague wording of the decision soon became a de facto victory for the segregationists, as it allowed them to defy indefinitely the Supreme Court's intent. Furthermore, the end of the court case did not mean the end of the terror. "All over the South the die-harders were trying to whip in line all law abiding white or Negro Citizens."[82] De Laine remained in the public consciousness as the leader of the desegregationists, placing him in greater risk than others, yet he remained defiant; when he received a threatening letter identifying him as the leader of the desegregation case, he responded, "The above letter was a high compliment to me to know that several hundred folks recognized the power of my teaching."[83] When he was warned that he should leave town for the sake of his wife and children, he replied, "Thank God that I lived to see all my children large enough to run for themselves if necessary and I trust that my wife will be able to take care of herself."[84] On September 3, 1955, shots were fired at the Lake City parsonage. De Laine and his youngest son got the license plate number of the car, which was occupied by five young white men. When they gave the plate number to Lake City's chief of police, Maxie Hines, it was discovered that it was a dealer's number, so they could not identify the culprits. Hines told De Laine to mark the car next time so it could be identified.[85]

Bishop Reid tried his best to convince De Laine to move out of Lake City, but De Laine refused, telling him that when Reid sent him to Lake City, he had said it was God's will that De Laine be there. Now he would not leave unless he received word from God to go.[86] On October 10, 1955, a little after midnight, shots were again fired at the house from a passing car. As Hines had instructed him, De Laine fired at the automobile, which sped off, and "Marked the Car in Jesus Name."[87] De Laine waited for police to come, as they would have heard the shots at the nearby station, but no one came. Finally De Laine recalled, "In my quiet reflection, the Lord said until me, 'Its time for you to leave here.'"[88]

Realizing he would have to flee South Carolina, De Laine drove to Florence and from there flew to Washington, D.C.[89] Taking a limo from the airport, he was joined by several white men, one of whom asked another if he had heard about the African American in South Carolina who shot the white men. None of

the passengers knew the details, only that the white men had come to his house because of his role in the segregation cases. One passenger said he had every right to fire at people who came to his house after midnight to cause trouble. De Laine wrote, "While this conversation was going on I was sitting on the front seat too proud to look around. When they got out at the hotels, I said, 'Thank God.' But I did not say it where the driver could hear."[90] From Washington, D.C., De Laine went to New Jersey, where he stayed in hiding for several months, and from there he eventually relocated to New York, where the rest of his family joined him. He remained there until his retirement in 1974, when he moved to Charlotte, North Carolina, which was as close to his home state as he could get because the warrant for his arrest in South Carolina remained in effect until long after his death on August 3, 1974.[91] De Laine was not bitter, however, later commenting that "it's worth some suffering—it's even worth a man's life, if he can start something that will lead to a little more justice for people."[92]

De Laine was not the only African American in the community to suffer. When first organizing *Briggs v. Elliott*, Thurgood Marshall and De Laine did not allow the most vulnerable members of the community, such as sharecroppers, to sign the petitions, because they knew the plaintiffs would suffer. They had no idea to what extent. As the court cases progressed, the full array of Jim Crow terror and repression played out in rural Clarendon County. All forty rural, black, unacknowledged heroes of Clarendon County, having challenged the South's racial codes, suffered. Whatever elements of white paternalism or leniency had existed quickly faded. Long-standing debts, an everyday occurrence in southern agriculture economy, were called in, and whites refused to sell black plaintiffs seeds or supplies. Equipment usually loaned willingly to help African Americans with harvests or plowing was refused; crops rotted in the fields.[93]

The nephew of the white superintendent of schools owned several farms that black tenants rented; the owner made activism synonymous with economic hardship. Every black person who signed a petition to improve conditions lost a job, was denied the ability to trade for necessary agricultural goods, or was threatened with physical violence.[94] William Ragin, one of the original petitioners, stated, "In town they cut us all off from anything; a few of my good white folks [did] stand by me, but they couldn't let it be known." Ragin was a cotton farmer with approximately eighty acres of land, but after signing the petition was no longer able to buy oil in Summerton; the store refused to sell to him, even though he did not owe any money.[95] Another signer of the petition, Thelmaer Berthune, testified, "I signed the petition so that my children could get a better education than I had." She was denied loans, and whites she thought were her friends pressured her to take her name off the petition. But Berthune "told them I couldn't take it down."[96]

White employers openly bragged about what they would do to their employees, who were shocked "to learn some of the things done by persons who we had

respected so long."[97] Many of those who signed the petition lost their jobs, while others had their credit immediately withdrawn and mortgages foreclosed. William "Bo" Stukes, father of five children and a veteran of World War II, for example, was fired from his job as a mechanic in early December 1949. To supplement his income he began working on cars in his yard, but he did not have the proper equipment. A little over a year later, in January 1951, while working on a car, it fell on top of him and killed him at the age of thirty-two; although there was no evidence supporting such an assertion, many African Americans believed that it was no accident and that Stukes had been murdered.[98] Teachers suspected of being members of the NAACP were summarily fired and African American veterans refused benefits afforded to whites of the same status.[99] Some paid an even heavier price: in April 1950 James M. McKnight was murdered when he stopped his car at the side of the road in order to relieve himself. With his family waiting in their car, the white driver of a passing car stopped, turned around, and killed McKnight; an all-white coroner's jury later exonerated the murderer. That McKnight had not even signed the petition did not seem to matter to the perpetrator, who, according to private statements from the coroner, killed McKnight because of his anger over the protests and because McKnight was an African American.[100] Such measures hurt the African American community financially or worse, but they also inspired them when they met together, and those who were less dependent on whites did what they could to help those that were more dependent.[101]

Beatrice Brown Rivers, who signed the first petition in November 1949 and whose parents were named on both, was thirteen when these events began to unfold. While Clarendon was in turmoil, her parents "did everything they could to protect us from the craziness that was going on." Rivers also explained the parents' drive in bringing about *Briggs v. Elliott:* "These were basically uneducated people who knew why they were denied an education. They also knew that their parents had been denied the opportunity to get an education. Therefore, they knew that if they did not take a stand we would be relegated to an inferior education or no education at all. I thank God that our parents were our heroes who fought to make life better for us."[102]

Others took inspiration from the courage displayed in Clarendon. Rosa Parks thought of Clarendon County when she would not give up her seat on the bus, according to Billie Fleming of the Clarendon County branch of the NAACP.[103] In 1951 Modjeska Simkins, the NAACP's state conference secretary, spoke at a tribute to the parents and students involved in the court cases, telling them, "You have made Clarendon County Hallowed Ground; you have made it historic ground, for whenever the history of this country and state are written and studied, the Clarendon, South Carolina, case must be discussed. You have become a part of the great world movement of all men, especially those of color everywhere, to be free and walk with dignity."[104]

Although Africans Americans in Clarendon County won the 1954 Supreme Court decision, separate schools were maintained there until 1965, when Harvey Gantt successfully sued Clemson College and the state to grant him admission. Then the state subsequently allowed students to select the schools they would attend, and four black students enrolled in Clarendon County's white school in fall 1965. In reaction whites established a private academy, Clarendon Hall, and in 1969 only 281 white students were left in the Summerton public school system. One year later, when the schools officially desegregated, the number had fallen to 16. Summerton typifies rural "black belt" schools in that white students withdrew after desegregation.[105]

The situation has yet to improve. Although the *New York Times* reported in an article on Summerton written in 1991 that "whites and blacks coexist with an easy surface sociability that is far more amiable than can be found in many Northern cities," as recently as 2004, of the approximately 1,200 students in what is now known as Clarendon County School District 1, only about two dozen were white; of the 275 students at Clarendon Hall, 5 were African American.[106] Until as recently as December 2005, when circuit judge Thomas W. Cooper Jr. ruled that it denied students "the opportunity to receive a minimally adequate education," funding at South Carolina's schools was tied to local property taxes, an initiative that mostly affected poor rural areas with predominantly African American populations.[107] Clearly the work started by Joseph De Laine, Levi Pearson, Harry Briggs, and so many others continues today.

Judge Waties Waring once credited "one man's tenacity" with the court case's arrival to the Supreme Court: Rev. J. A. De Laine.[108] Journalist John Egerton has said, "I found myself wishing the title had been . . . *De Laine v. Clarendon County* in honor of the Rev. Joseph A. De Laine of Summerton, South Carolina, the one individual above all others most responsible for bringing this first of the five cases to court."[109] The impact that De Laine and his followers had on the history of the United States is finally being recognized not only by scholars of the civil rights movement, but also by policy-makers in Washington; in December 2003 the Reverend Joseph A. De Laine, Harry and Eliza Briggs, and Levi Pearson were awarded congressional gold medals in "recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of *Brown v. Board of Education.*"[110]

At the time this article was being written, however, there was no acknowledgment of these accomplishments in the state of their birth. The statehouse grounds in South Carolina fly the flag of the Confederacy and are adorned with statues celebrating Confederate heroes and leaders of the illegal, paramilitary overturning of Reconstruction. Public memory of the Lost Cause is held dear in South Carolina, but what of the memory of this extraordinary group of African Americans who initiated the first lawsuit that would ultimately end legal segregation and Jim Crow in the United States? There are no public memorials to the

Briggs v. Elliott plaintiffs in Clarendon County, let alone South Carolina, and no permanent exhibits or museums dedicated to the case. The Clarendon County Chamber of Commerce's Web site mentions that De Laine and Briggs were born in the region, but does so after celebrating that the 1958 winner of the Miss America pageant also hailed from Clarendon and makes no mention of why they are so important, describing them merely as "civil rights leaders."[111] The time surely has come for South Carolina to acknowledge and celebrate a revolution that benefitted not only the state, but the United States as a whole, and began in the rural county of Clarendon.

Notes

1. Eugene A. R. Montgomery and Mattie De Laine quoted in Southern Regional Council, *Will the Circle Be Unbroken: A Personal History of the Civil Rights Movement in Five Southern Communities; Episode 3: Under Color of Law,* Radio Program, 1997, transcript available online at http://unbrokencircle.org/scripts03.htm (accessed July 30, 2006); Orville Vernon Burton, "Rural Race Relations since World War II," in *The Rural South since World War II,* ed. R. Douglas Hurt (Baton Rouge: Louisiana State University Press, 1998), 30.

2. South Carolina Advisory Committee for Commission on Civil Rights, Transcript of Proceedings, Manning, South Carolina, May 22, 1964, 11.

3. Richard Kluger, *Simple Justice: The History of* Brown v. Board of Education *and Black America's Struggle for Equality* (New York: Vintage, 1977), 4.

4. Raymond Wolters, *The Burden of* Brown: *Thirty Years of School Desegregation* (Knoxville: University of Tennessee Press, 1984), 131–32.

5. South Carolina Advisory Committee for Commission on Civil Rights, Transcript of Proceedings, 105–6.

6. Kluger, *Simple Justice,* 13–14.

7. 1940 census data as given by the University of Virginia website: http://fisher.lib.virginia.edu/collections/stats/histcensus (accessed July 15, 2006).

8. South Carolina Advisory Committee for Commission on Civil Rights, Transcript of Proceedings, 7–8.

9. *AME Christian Recorder,* January 3, 1967.

10. Brumit B. De Laine and Ophelia De Laine Gona, *Briggs v. Elliott: Clarendon County's Quest for Equality, A Brief History* (Pine Brook, N.J.: O. Gona, 2002), 14.

11. *AME Christian Recorder,* January 10, 1967.

12. Joseph De Laine Jr., interviews by Orville Vernon Burton, March 5 and 6, 2003, Charleston, S.C.; April 2, 2004, Urbana, Ill.; April 22, 2004, Columbia, S.C. See also "Courage: The Carolina Story That Changed America" (exhibit at the Levine Museum of the New South, Charlotte, N.C., January 30–August 15, 2004; hereafter referred to as Levine Exhibit). Information about this exhibit is available online at http://www.museumofthenewsouth.org/exhibits/detail/?ExhibitId=9 (accessed July 31, 2006).

13. *AME Christian Recorder,* January 3, 1967.

14. *AME Christian Recorder,* August 30, 1966; probably dating back to Richard Kluger's *Simple Justice,* many accounts mistakenly refer to De Laine's middle name as "Albert," rather than "Armstrong."

15. Kluger, *Simple Justice,* 9–11.

16. Julie Magruder Lochbaum, *The Word Made Flesh: The Desegregation Leadership of the Rev. J. A. De Laine* (Pine Brook, N.J.: O. Gona, 2003), 54–56; *AME Christian Recorder,* October 11, 1966.

17. *AME Christian Recorder,* January 3, 1967; *AME Christian Recorder,* January 17, 1967.

18. *AME Christian Recorder,* January 3, 1967.

19. *AME Christian Recorder,* January 17, 1967.

20. W. Lewis Burke and William C. Hine, "The South Carolina State College Law School: Its Roots, Creation, and Legacy," in *Matthew J. Perry: The Man, His Times, and His Legacy,* ed. W. Lewis Burke and Belinda F. Gergel (Columbia: University of South Carolina Press, 2004), 29.

21. *AME Christian Recorder,* January 24, 1967; Kluger, *Simple Justice,* 16.

22. *AME Christian Recorder,* January 24, 1967.

23. Ibid.

24. The Clarendon County School Segregation Case, in the papers of Joseph A. De Laine, South Caroliniana Library, University of South Carolina, Columbia (hereafter De Laine Papers), Folder 6, 9625, 3; *AME Christian Recorder,* January 24, 1967.

25. *AME Christian Recorder,* January 31, 1967.

26. Ibid.

27. Ibid.; Clarendon County School Segregation Case, De Laine Papers.

28. The state law stated that students should attend the nearest high school to their district.

29. Report on Education, October 16, 1952, De Laine Papers, Folder 5, 9625, 3; *AME Christian Recorder,* February 7, 1967.

30. *AME Christian Recorder,* February 7, 1967.

31. Ibid.

32. Kluger, *Simple Justice,* 20.

33. Clarendon County School Segregation Case, De Laine Papers, Folder 6, 9625, 4; *AME Christian Recorder,* February 14, 1967.

34. *AME Christian Recorder,* February 21, 1967; February 28, 1967.

35. *AME Christian Recorder,* March 3, 1967.

36. *AME Christian Recorder,* March 14, 1967.

37. *AME Christian Recorder,* March 21, 1967.

38. *AME Christian Recorder,* April 11, 1967.

39. *AME Christian Recorder,* April 18, 1967.

40. *AME Christian Recorder,* April 25, 1967.

41. *AME Christian Recorder,* May 2, 1967.

42. *AME Christian Recorder,* May 9, 1967.

43. *AME Christian Recorder,* May 16, 1967.

44. Petition of Harry Briggs et al. to the Board of Trustees for School District No. 22, November 11, 1949, available online at http://www.sefatl.org/pdf/Briggs-petition.pdf (accessed January 14, 2008).

45. "An Open Letter: A Summary of Incidents in the Summerton School Affair," De Laine Papers, Folder 5, 9625, 1.

46. Decision of Board of Trustees of School District No. 22 to Harry Briggs et al., letter, February 20, 1950, available online at http://www.sefatl.org/pdf/reply%20to%20Briggs%20petition.pdf (accessed July 31, 2006).

47. *AME Christian Recorder,* May 23, 1967.

48. Harry Briggs's wife, for example, was forced out of her job because of pressure placed on her employer by the white establishment. See Kluger, *Simple Justice,* 23–24.

49. Harry Briggs's name was not, however, the first alphabetically on the petition filed in November 1949; James Hercules Bennett's was. Because Bennett did not sign the first, qualification, petition, the second, desegregation, petition retained Briggs's name as that of the first-named plaintiff.

50. *AME Christian Recorder,* June 20, 1967.

51. *AME Christian Recorder,* August 29, 1967; "Eliza and Harry Briggs Seek Refuge in N.Y. after S.C. 'Economic Pressure,'" *Afro-American,* January 13, 1962.

52. *AME Christian Recorder,* June 13, 1967.

53. *AME Christian Recorder,* June 20, 1967. De Laine's children later recalled that long before Martin Luther King and the nonviolent civil rights movement of the 1960s, their father, living in what amounted a terrorist society, strategically hid several firearms throughout town to protect himself and his family.

54. *AME Christian Recorder,* June 20, 1967.

55. *AME Christian Recorder,* June 13, 1967.

56. Brown had in fact come to tell De Laine that he and his son Thomas had just been fired from the local Esso filling station, where he had worked for nineteen years. The owner had not wanted to fire them, but a group of whites threatened to boycott the store if he did not. None of the Browns were able to find work in Clarendon County after that, and they were forced to move to Detroit, Michigan. *AME Christian Recorder,* August 1, 1967.

57. J. A. De Laine, *The Clarendon County School Segregation Case,* De Laine Papers, Folder 6, 9625, 1.

58. *AME Christian Recorder,* September 12, 1967. De Laine was, of course, mistaken in this statement, as Eisenhower was not elected until 1952; two years after the events he is describing.

59. Ibid. The Ku Klux Klan took offense at the use of their organization's name in a location that they did not have a presence and sued the town and the superintendent for $3,000.

60. *AME Christian Recorder,* September 26, 1967.

61. *AME Christian Recorder,* October 3, 1967.

62. *AME Christian Recorder,* October 10, 1967; October 17, 1967.

63. *AME Christian Recorder,* November 28, 1967.

64. Ibid.

65. *AME Christian Recorder,* December 26, 1967.

66. *AME Christian Recorder,* January 2, 1968.

67. *AME Christian Recorder,* January 9, 1968.

68. *AME Christian Recorder,* January 16, 1968.

69. *Briggs v. Elliott,* 98 F. Supp. 529 (U.S. Dist. Ct. 1951)

70. Waring's dissent, *Briggs v. Elliott,* 98 F. Supp. 529 (U.S. Dist. Ct. 1951).

71. *AME Christian Recorder,* June 25, 1968.

72. *AME Christian Recorder,* July 16, 1968.

73. David W. Robertson, *Sly and Able: A Political Biography of James F. Byrnes* (New York: Norton, 1994), 515–16. The five justices were Robert Jackson, Stanley Reed, Hugo Black (who had also served in the Senate with Byrnes before they served in the Supreme Court), and Felix Frankfurter. In addition Sherman Minton, who was appointed after Byrnes left the Supreme Court, served in the United States Senate at the same time as Byrnes.

74. *AME Christian Recorder,* September 3, 1968.

75. *AME Christian Recorder,* September 10, 1968.

76. *AME Christian Recorder,* September 17, 1968.

77. *Brown v. the Board of Education of Topeka, Kansas,* 347 U.S. 483, 495 (1954).

78. *AME Christian Recorder,* September 24, 1968.

79. *AME Christian Recorder,* October 8, 1968.

80. *Briggs v. Elliott,* 132 F. Supp. 776 (U.S. Dist. Ct. 1955).

81. *AME Christian Recorder,* December 3, 1968.

82. *AME Christian Recorder,* February 25, 1969.

83. *AME Christian Recorder,* June 10, 1969.

84. *AME Christian Recorder,* August 26, 1969.

85. *AME Christian Recorder,* January 7, 1969.

86. *AME Christian Recorder,* January 13, 1970.

87. *AME Christian Recorder,* date unknown.

88. *AME Christian Recorder,* January 20, 1970.

89. *AME Christian Recorder,* date unknown.

90. *AME Christian Recorder,* date unknown.

91. Levine Exhibit; Joe De Laine Jr., speaking at "The Civil Rights Movement in South Carolina," conference at the Citadel, Charleston, S.C., March 5, 2003. See the transcript of his remarks reprinted in this volume.

92. Charles Joyner, "One People: Creating an Integrated Culture in a Segregated Society, 1526–1990," in *The Meaning of South Carolina History: Essays in Honor of George C. Rogers, Jr,* ed. David R. Chesnutt and Clyde N. Wilson (Columbia: University of South Carolina Press, 1991), 227.

93. Orville Vernon Burton, "Rural Race Relations since World War II," 33.

94. Ibid.

95. South Carolina Advisory Committee for Commission on Civil Rights, Transcript of Proceedings, 36.

96. Ibid., 47.

97. *AME Christian Recorder,* May 23, 1967.

98. *AME Christian Recorder,* August 29, 1967; Dennis C. Dickerson, "Reverend J. A. DeLaine, Civil Rights, and African Methodism," *AME Church Review* (July–September 2003): 55. See also South Carolina's death index, available online at http://www.scdhec.gov/vr/di/asp/vrlist.asp?c=s&pagenum=191 (accessed July 31, 2006).

99. *AME Christian Recorder,* May 23, 1967; Things That Happened Since Nov. 11, 1949, De Laine Papers, Folder 5, 13439.

100. *AME Christian Recorder,* May 30, 1967. See also South Carolina's death index, available online at http://www.scdhec.gov/vr/di/asp/vrlist.asp?c=m&pagenum=102 (accessed July 31, 2006).

101. *AME Christian Recorder,* 23 May 1967.

102. Beatrice Brown Rivers, speaking at "The Civil Rights Movement in South Carolina," March 5, 2003. See the transcript of her remarks reprinted in this volume.

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