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The Reverend J. A. DeLaine

An Early Leader and Major Contributor to the Modern Civil Rights Movement

By

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The 1954 ruling of the U. S. Supreme Court in *Brown v. Board of Education* is well-known and can be thought of as the beginning of the modern Civil Rights Movement in the United States. It marked the start of events that would end segregation publicly and legally. In addition, the American Civil Rights Movement established that discrimination was unjust and would no longer be tolerated in our country and served as an example for oppressed people everywhere.

Although *Brown v. Board of Education* is known as the leading national case that launched the movement, *Briggs v. Elliott*, a regional Deep South issue in the community of Clarendon County, South Carolina led by Rev. J. A. DeLaine gave it its fuel. *Briggs v. Elliott* was the first of five cases that were merged and became *Brown v Board of Education*. Rev. DeLaine and his followers risked all they had to challenge the injustice that plagued the African American citizens of Clarendon County. The brave actions of Rev. DeLaine predate those of popular Civil Rights activists, such as Rosa Parks, Rev. Martin Luther King Jr., and Malcolm X, just to name a few. Unfortunately, history gives little credit or recognition to the contributions of the reverend who set out in his own small way to make a big change in a minor rural area. The purpose of this paper is to increase the understanding of the contribution of the Rev. J.A. DeLaine to the Civil Rights Movement.

This paper will show how the fight to end segregation in public schools that marked the beginning of the modern civil rights movement had its roots in the small Clarendon County town of Summerton, South Carolina, and was spearheaded by the courageous efforts of the Reverend Joseph Armstrong (J. A.) DeLaine (see picture #1). It argues that the movement does not date from 1954 when the U. S. Supreme Court ruled

that separate was not equal in the *Brown v. Board of Education* case but dates from 1947 when African-American parents in Clarendon County, South Carolina, asked for a school bus to transport their children to and from school (see Table 1).

The paper is organized in three parts. The first part of the paper provides an historical background of the educational opportunities afforded African-Americans, especially those living in the former Deep South slave states. The historical background discusses why and how African-Americans were educationally segregated. It will detail how African-Americans, simply because of the color of their skin, were not afforded the same educational benefits as whites. In addition, historical evidence will show that education, or more specifically the lack of an equal education for African-Americans in the United States, began during slavery and continued from the time of the emancipation of African-American slaves in 1863 to the 1954 U. S. Supreme Court decision that ended segregation in public education. The historical evidence will also discuss important events and struggles that lead the Rev. J. A. DeLaine to take a stand for humanity not just in Clarendon County, South Carolina, but for humanity everywhere.

The second part of the paper details the leadership role played by the Rev. J. A. DeLaine in events that led to the end of segregation in public schools in America. Information about DeLaine's family background and up-bringing are provided to give evidence to explain his dedication to the area and people he served. The central portion of the paper also explains what it was like to live in the poor Jim Crow-ruled South of the time period and serves to explain why DeLaine stood as a leader in the local fight for the betterment of his fellow African-Americans. The second part of the paper will specifically argue that the courageous leadership and actions of the Reverend J. A.

DeLaine inspired and motivated African-Americans in Clarendon County, South Carolina to put their lives on the line in order to take a stand against white supremacy and the oppressive Jim Crow system that had long been governing their lives. In addition, it will show how Reverend DeLaine and his mostly poor, rural, and uneducated African-American followers from the Deep South community of Summerton, South Carolina, laid the legal foundation that led to the official end of segregation in America's public schools and marked the beginnings of the modern civil rights movement (see map).

The second part of this study will also explain how *Brown v. Board of Education* evolved from five individual cases from across the country. It will detail how the Clarendon County case, filed on May 16, 1950, that eventually became *Briggs v. Elliott* was the first of these cases and the only one from the Deep South.<sup>1</sup> In addition, this account will show that *Briggs v. Elliott* and the other Clarendon County cases that preceded it were a result of the valiant efforts of one man--the Reverend J. A. DeLaine.

Part three of the paper includes documents in support of events discussed in the first two parts of the paper. These documents include a timeline of important events, a map of the area, and a financial summary provided to the public schools in Clarendon County, South Carolina, for the years 1948-49 and 1951-52. Also included is a copy of the petition filed by Harry Briggs and his co-defendants against R. W. Elliott and the Clarendon County School Board on November 11, 1948.

## Historical Background

Historically, the segregation of whites and African-Americans dates from the time the first Africans were brought to America in chains in the late 1600s and early 1700s to

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<sup>1</sup> Julie Magruder Lochbaum. *The Word Made Flesh: The Desegregation Leadership of the Rev. J. A. Delaine*. PhD Thesis, University of South Carolina. (1999).

be bought and sold as chattel <sup>2</sup> (see Table 1). Black or slave codes were instituted in order to define Africans as “things” and property to be bought, sold, and used. These laws saw slaves as property but at the same time saw them as moral beings capable of knowing right from wrong. <sup>3</sup> At the time, Americans often justified slavery because the slave and his master were physically different. Their physical differences caused the slave to be set apart. In the white man’s eye, the black slave simply because of his skin color was viewed as inferior and unequal to the white man. Because of these differences, education for African-Americans in the United States has had an interesting and frightening history.

The American South’s very existence was based on a severe system of enslavement. Black Africans, captured or purchased in their homeland, were brought to America against their will to work the newly settled land that would become the southern plantations. Most blacks entered the Deep South by land or water through domestic or international slave trade. Those that survived the dehumanizing journey by slave ship arrived in their foreign new land exhausted, ragged, hungry, and often sick and near death. It was in this setting that the majority of Africans would exist for more than two centuries. <sup>4</sup>

Slaves were property and as such were afforded the barest of life’s necessities. By the time the American Constitution was being written, approximately 675,000 slaves were living in the thirteen states with ninety-three percent of them living in the five states of Maryland, Virginia, North Carolina, South Carolina, and Georgia. When the framers

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<sup>2</sup> James Clyburn & Jennifer Revels, *Uncommon Courage: The Story of Briggs v. Elliott, South Carolina’s Unsung Civil Rights Battle* (Spartanburg: The Palmetto Conservation Press, 2004) 11.

<sup>3</sup> Joe William Trotter, *The African American Experience* (Boston: Houghton Mifflin Company, 2001) 55 & 78.

<sup>4</sup> Richard Kluger, *Simple Justice: The History of Brown V. Board of Education and Black America’s Struggle for Equality* (New York: Vintage Books) 27. See also Trotter, 160-161.

of the Constitution wrote ‘We the People,’ they were not referring to slaves. The writers felt that “[T]he slave was simply not equipped to function as a free and responsible member of society.”<sup>5</sup> As slaves, the Africans had no legal standing. They were not allowed to be a party to a lawsuit. In addition, a slave needed his master’s permission to preach to other slaves and could only do so in the presence of a white person.<sup>6</sup>

Slave holders worked their slaves to the point of exhaustion each day. The goal of the slaveholders was to leave their slaves physically and emotionally drained with no time to think. The slaveholders feared that thinking would lead to rebellion and other acts of defiance. The slaves’ mind was left to waste away. Slaves were denied access to art and culture, and the black codes barred slaves from being taught to read or write. These laws even prohibited slaves from having a Bible. “So apprehensive were members of the slavocracy about the great mischief that literacy might stir that in many states it was illegal to teach free as well as enslaved blacks.”<sup>7</sup>

As the new nation grew, the number of slave states also grew. This growth required ever-growing numbers of slaves to work on the southern plantations. By 1800, there were eight free and eight slave states.<sup>8</sup> For the first half of the 1800s, the question of the legal issue of slavery was heated as new states were added to the Union. It was beginning to look as if free and slave states could not coexist.

In both North and South, slaves and freedmen alike were perceived as less than human and subjected to continual debasement. Most northerners felt that former slaves

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<sup>5</sup> Kluger, 30.

<sup>6</sup> Kluger, 26.

<sup>7</sup> Kluger, 27.

<sup>8</sup> Trotter.

would be unable to merge “politically, socially, or economically” with the white society.<sup>9</sup> Freedmen were viewed as job rivals willing to work for a lower wage. They were for the most part denied political as well as social equality.<sup>10</sup>

The legal issue of slavery came before the Supreme Court in 1857 in the *Dred Scott v. Sandford* case (see Table 1). The Court ruled that the Missouri Compromise of 1820, which banned slavery north of 36° 30' north latitude, was invalid. By doing so, the U. S. Supreme Court denied Congress the power to exclude slavery from any part of the unorganized western territories.<sup>11</sup> Chief Justice Roger Brooke Taney followed the basic southern position that “a slave was undeniably property” and based his ruling on the Fifth Amendment which guaranteed that “no citizen could be deprived of his property without due process of law.”<sup>12</sup> In his opinion, Chief Justice Taney said that “blacks were beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect.”<sup>13</sup>

Free blacks throughout the South were excluded from public education. In the North, segregated public schools were established for free black children.<sup>14</sup> In addition, many northern communities restricted African-Americans, whether freedman or slave, from having access to public schools, or limited their access to public schools. By the eve of the Civil War, life for African Americans, whether free or slave, was harsh (see Table 1). Among the many other injustices, laws [in the South] forbade the teaching of

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<sup>9</sup> Kluger, 37.

<sup>10</sup> Kluger, 34-37.

<sup>11</sup> Trotter, 181. See also J. John Harris III, “Education, Society, and the Brown Decision: Historical Principles Versus Legal Mandates,” *Journal of Black Studies*, 13, no. 2, (Dec. 1982), pp. 141-154, <http://www.jstor.org/stable/2784093> (accessed Sept. 19, 2008).

<sup>12</sup> Kluger 38.

<sup>13</sup> Kluger, 38.

<sup>14</sup> Trotter, 220.

slaves.<sup>15</sup> When war came, the causes were economic, political, social, and moral—but its underlying cause was slavery. “The system of labor that ambitious settlers had hit upon two centuries earlier when it was clear that their own limbs would not suffice to wrench wealth speedily enough from the new land” had divided the nation.<sup>16</sup> Abraham Lincoln knew that “the black man was the issue,” and “he would have to be freed if a war of this magnitude were to be morally justified.”<sup>17</sup> Lincoln used his war-emergency power on January 1, 1863 to issue the Emancipation Proclamation as a means of justifying the war<sup>18</sup> (see Table 1). Even though President Lincoln’s Emancipation Proclamation of 1863 was the beginning of a series of policies that would in time undermine slavery everywhere, it did little to change the status of African Americans outside of the war zone because the proclamation applied to slaves in rebel states not already under Union control.<sup>19</sup>

On January 31, 1865, the U. S. Congress proposed the Thirteenth Amendment to the U. S. Constitution by resolution, officially abolishing slavery and involuntary servitude (see Table 1). After a two-year long debate, Congress finally settled on the wording of Thirteenth Amendment to the U. S. Constitution that would free the slaves forever:

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime where of the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

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<sup>15</sup> Harris III, 141-154.

<sup>16</sup> Kluger, 40.

<sup>17</sup> Kluger, 41.

<sup>18</sup> Kluger, 41-42.

<sup>19</sup> Kluger, 42.

Section 2. Congress shall have power to enforce this article by appropriate legislation.<sup>20</sup>

The wording of the Thirteenth Amendment made it clear that African American men and white men would be governed by the same set of rules.<sup>21</sup> Southern whites however continued their beliefs and practices of white supremacy. As Sonny DuBose noted in his work *The Road to Brown*, the southern majority's belief in 1866 was best explained by a Yazoo Delta planter, who said: "I think God intended the niggers to be slaves. Now, since man has deranged God's plan, I think the best we can do is keep 'em well, clothe 'em well, and then, if they don't work...whip 'em well."<sup>22</sup> Dubose further explained the scope of the South's hostility towards African-Americans after the Civil War by quoting Whitelaw Reid of the *New York Tribune*, who wrote, "However these men (referring to southern whites) regarded the Negro slave, they hated the Negro freeman. However these men regarded the Negro property, they were virulently vindictive against a property that had escaped their control."<sup>23</sup>

After the Thirteenth Amendment was passed, Congress created the Freedmen's Bureau (see Table 1). One of the many chores of the Bureau was to establish schools for the purpose of teaching basic literacy skills to the former slaves as quickly as possible. The Freedmen's Bureau was given one year and very little funding to accomplish its goal of establishing schools. Nearly 4,000 schools were opened and operated by the

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<sup>20</sup> United States Constitution, 13<sup>th</sup> Amendment to U. S. Constitution: Abolition to Slavery, sections 1 & 2, The National Archives, [www.archives.gov](http://www.archives.gov), (accessed on April 23, 2010).

<sup>21</sup> Kluger 46.

<sup>22</sup> Sonny DuBose, *The Leadership of A soldier of the Cross Reverend J. A. DeLaine*, 2 (Orangeburg, S. C: Williams Publishing, 2002).

<sup>23</sup> DuBose, 2.

Freedmen's Bureau across the South to teach reading, writing, and arithmetic to former slaves. During the five years that the Freedmen schools operated nearly 250,000 people attended them.<sup>24</sup>

Four weeks after the Freedmen's Bureau was created the Civil War ended and by the end of the following week, Abraham Lincoln had been assassinated<sup>25</sup> (see Table 1). Lincoln's death put the fate of America's former slaves and the former Confederacy in the hands of the new President, Andrew Johnson, who handled neither group very well (see Table 1). By the end of 1865, Johnson reported to Congress that his plan for reconstruction was complete. This was hardly the case. Although the former Confederate states one by one abolished slavery, no other provisions were freely offered the now free African Americans.

None of the states reconstructed under the Johnson plan gave the freedman the vote or any other form of participation in the civic life of his state. Nor did any of the state governments make provisions for the education of the freedman. The prevailing view was that a little learning would spoil a black man for hard work, and if he were not available to till the fields, it was not readily apparent who would be.<sup>26</sup>

Johnson had stated during the early Reconstruction years that "this is a country for white men, and by God, so long as I am president, it shall be government for white men."<sup>27</sup>

The problems created by Johnson's Reconstruction plan led Congress in 1866 to propose the Fourteenth Amendment to the Constitution. Like the Thirteenth Amendment,

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<sup>24</sup> Kluger, 50

<sup>25</sup> Kluger, 42.

<sup>26</sup> Kluger, 44.

<sup>27</sup> Trotter, 271.

it would guarantee African Americans the same rights as everyone else but this time it would use much more explicit language and provide laws to enforce the rights. The Amendment also allowed Congress to take power away from the states and transfer it to the federal government. The Fourteenth Amendment put the full weight of defeat squarely upon the South <sup>28</sup> (see Table 1).

Under the enforcement provision of the Fourteenth Amendment, Congress passed the Civil Rights Act of 1875 (see Table 1). The new act “asserted that all people regardless of race or color were guaranteed the full and equal enjoyment of the accommodations . . . of inns, public conveyances on land or water, theaters and other places of public amusement and that no one was to be disqualified for jury service because of race, color, or previous condition of servitude.”<sup>29</sup> The act did not guarantee the right to have unsegregated schools. “According to most radicals, the government had a responsibility to ensure blacks equal political and civil rights, but not social rights.”<sup>30</sup> “Negro equality . . . does not mean that a negro shall sit on the same seat or eat at the same table with a white man.” <sup>31</sup>

Even though the schools established by the Freedman’s Bureau had inspired southern legislatures under the Reconstruction governments to provide public education programs there was little local or state money to fund them. Southern white property owners were not inclined to be taxed to provide organized learning for former slaves who they felt were neither capable of learning nor had a need for formal knowledge.<sup>32</sup>

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<sup>28</sup> Kluger, 46.

<sup>29</sup> Kluger, 49.

<sup>30</sup> Trotter, 281.

<sup>31</sup> Trotter, 281.

<sup>32</sup> Kluger, 50.

The civil rights of African Americans, including their right to an education, began to disappear almost as soon as they got them. It fell to the United States Court System to ensure that African Americans' constitutional commitments were upheld. The nation looked to the Court to serve as care-taker of the African American's newly awarded rights.<sup>33</sup> In 1848 the *Roberts v. City of Boston* case challenged segregation in public education (see Table 1). The Massachusetts Supreme Court was the first case to use the "separate but equal" doctrine and ruled that equality before the law required similar rather than the same facilities. The court also stated that the law was not seen as an instrument of social change. The Court further stated that, "[S]ocial equality can not be enforced by law."<sup>34</sup>

The 1896 *Plessy v. Ferguson* case brought the social equality issue before the U. S. Supreme Court (see Table 1). Plessy, who was being tried for violating Louisiana's segregation statute that required separation of the races on railway cars, argued that his Thirteenth and Fourteenth Amendment rights had been violated. The Louisiana Supreme Court cited fifteen cases that upheld segregation practices and used the "separate but equal" argument to uphold Plessy's conviction. By upholding his conviction, the Court demonstrated that segregation indeed had been established as a precedent in this country. The U. S. Supreme Court also upheld Plessy's conviction and by doing so, the highest court in the land had for the first time provided legal sanction to segregation.<sup>35</sup>

The U. S. Supreme Court in the *Plessy v. Ferguson* case ruled that equality in public accommodations under the Federal Constitution meant 'similar' and not 'same'

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<sup>33</sup> Kluger, 54.

<sup>34</sup> Douglas J. Ficker, "From Roberts to Plessy: Educational Segregation and the "Separate but Equal" Doctrine," *The Journal of Negro History*, 84, no. 4 (Autumn, 1999) <http://www.jstor.org/stable/2649034> (accessed April 11, 2008).

<sup>35</sup> Ficker, 310.

facilities. For nearly seventy years, the Court’s ruling regarding equal rights and educational segregation, based on the *Plessy* “separate but equal” doctrine, legalized widespread separation of the races. Under the doctrine, there is equal treatment when the races are provided substantially equal facilities.<sup>36</sup> The Court’s decision allowed “separate but equal” to stand as law until 1954 when the U. S. Supreme Court ruled in *Brown v. Board of Education* that separate was not equal (see Table 1).<sup>37</sup>

### The Leadership of the Reverend J. A. Delaine

The modern civil rights movement dates from 1954 when the U. S. Supreme Court ruled that separate was not equal, but before there was a *Brown v. Board of Education* case, the Reverend Joseph Armstrong [Albert] DeLaine took a stand for humanity everywhere. He rose out of the Clarendon County, South Carolina swamps to take on the southern way of life that was marked by segregation, discrimination, and inequality. DeLaine risked his life and the lives of those he represented when he started the wheels of civil rights turning by asking for bus transportation for African-American school children in Clarendon County, South Carolina.<sup>38</sup>

J. A. DeLaine, born July 2, 1898, was one of Henry Charles and Tisbia Gamble DeLaine’s fourteen children (see Table 1). J. A., along with his siblings, was raised on the 250 acre family-owned farm near Manning, South Carolina, which was the county seat of Clarendon County. Henry DeLaine, in addition to being a large landholder, was a

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<sup>36</sup> Harris III, 141-154.

<sup>37</sup> Ficker, 312.

<sup>38</sup> Peter F. Lau, *Democracy Rising: South Carolina and the Fight for Black Equality Since 1865* (Lexington: The University Press of Kentucky, 2006) 193-196. See also Kluger, 3.

Note: sources differ on middle name.

minister and funeral director. The elder DeLaine was a thrifty and hard-working taskmaster who pushed his children hard and instilled in them the value of education.<sup>39</sup>

When J. A. was fourteen years old, he learned a difficult lesson about what it was like to be a Negro in the Deep South in the early 1900s. After witnessing two white boys harass his younger sister, DeLaine came to her rescue and pushed one of the boys to the ground. For his actions, he was to be subjected to a public punishment of twenty-five lashes. He refused to be subjected to the harsh punishment. Instead, he left his home and family to find work first in Atlanta and then Baltimore (see Table 1). For four years, DeLaine toiled at sweatshop types of labor in Georgia and Maryland before returning to his family home near Manning, South Carolina.<sup>40</sup>

J. A. DeLaine wanted to follow in his father's footsteps. Setting his goal at earning a Bachelor of Theology degree and becoming a minister, the younger DeLaine only stayed home for a short time before relocating to Columbia, South Carolina and enrolling in high school at Allen University, which was affiliated with the African Methodist Episcopal (AME) church<sup>41</sup> (see Table 1). J. A. DeLaine, who went on to graduate from Allen University and would continue his affiliation with the AME church throughout his lifetime, was born two years after the *Plessy v. Ferguson* case (see Table 1). The historic case that provided the legal standing for 'separate but equal' was the law of the land for over a half-century.

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<sup>39</sup> Peter F. Lau, *Freedom Road Territory: The Politics of Civil Rights Struggle in South Carolina During the Jim Crow Era* (New Brunswick, New Jersey, January 2002) 311. See also Peter F. Lau, ed., *From the Grassroots to the Supreme Court: Brown V. Board of Education and American Democracy* (Durham and London, Duke University Press, 2004)108.

<sup>40</sup> Lau, ed., *From the Grassroots to the Supreme Court*, 108.

<sup>41</sup> Kluger, 10.

DeLaine spent most of his life in the economically depressed Deep South of Clarendon County where 'separate' was the way of life.<sup>42</sup> By the late 1940s, Clarendon County was rural and poor; it was a place where life for African-Americans had changed little since the end of slavery.<sup>43</sup> A large number of whites and most African-Americans were uneducated and lived in poverty.<sup>44</sup> Life was hard for whites but even harder for African-Americans.

Racism and prejudice were openly practiced in South Carolina at the time, and African-Americans suffered widespread discrimination. World War II had shown African-American men that the value of human life was colorblind and that the time for change had come. Returning African-American World War II veterans like Jesse Pearson, whose father Levi would, in 1947, sue the Clarendon County school board for bus transportation, found it difficult to return home to Clarendon County to the old ways. These returning heroes wanted their full GI Bill of Rights as American citizens<sup>45</sup> (see Table 1). They saw the GI Bill of Rights as a means to a better life for themselves and their children because it promised educational and vocational training for qualifying veterans. For the most part, South Carolina African-American veterans living in rural areas could not benefit from these classes because most were held at the local white high school and black veterans were not allowed.<sup>46</sup>

Most African-Americans in Clarendon County (including those who had served in the segregated armed forces of World War II) were landless tenant farmers, sharecroppers, or domestic servants whose income was most often seasonal. Because

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<sup>42</sup> Lau, *Freedom Road Territory*, 311.

<sup>43</sup> Lau, *Freedom Road Territory*, 308.

<sup>44</sup> Kluger.

<sup>45</sup> Sonny DuBose, xi.

<sup>46</sup> Clybrun & Revels, 19.

most sharecroppers could neither read nor do simple figures they were often in debt to the white landowners. “Education was held in high regard by sharecroppers, who saw immediate gain in the ability to do figures and challenge fraudulent debts.”<sup>47</sup>

In addition to being poor and illiterate, South Carolina African-Americans were destined to live in the oppressed system ruled by Jim Crow, which was more than just anti-black laws and codes. It was a way of life that existed in the South as well as other parts of the United States from 1877 to the mid-1960s and relegated African-Americans to the status of second-class citizens.<sup>48</sup> Life in South Carolina was almost totally segregated. In addition to the legal restrictions that were imposed upon African-Americans, there were implied threats that restricted their everyday lives.<sup>49</sup> Although Jim Crow laws differed from state to state, their aims were the same—to legally or otherwise control the public and often the private life of African Americans. The actions of Reverend DeLaine and his fellow Clarendon County citizens would result in a direct attack on Jim Crow and ultimately lead to the legal end of the Jim Crow system.<sup>50</sup>

Like his neighbors, DeLaine was poor, but unlike the majority of his neighbors, he had been taught the value of education by his parents. In addition to attending and graduating from Allen University, he studied for the ministry at Dickerson Seminary, where he earned a theology degree in 1931. At the age of thirty-three, DeLaine began his teaching career in Orangeburg County, South Carolina where he took a job as teacher and

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<sup>47</sup> Darryl L. Wellington, “Ambiguous Legacy: Summerton, South Carolina, and *Briggs v Elliott*,” *Dissent*, (Summer 2004), <http://www.dissentmagazine.org/article/?article=343> (accessed October 23, 2008).

<sup>48</sup> David Pilgrim, Professor of Sociology, What is Jim Crow? (Ferris State University Sept., 2000), <http://www.ferris.edu/news/jimcrow/what.htm> (accessed October 24, 2008).

<sup>49</sup> Robert E. Botsch, “The Story of the Briggs Case: *Briggs v. Elliott* (1954),” *Southern Education Foundation*, <http://www.southerneducation.org>. (accessed April 14, 2009).

<sup>50</sup> Lau, *Democracy Rising*, 207.

principal at a school in Jamison (see Table 1). It was there that he met and married fellow teacher Mattie Belton<sup>51</sup> (see Table 1).

After refusing to fire his wife and replace her with a single teacher, the young minister and his wife returned to Clarendon County where they both took teaching jobs near Davis Station<sup>52</sup> (see Table 1). DeLaine, who was also preaching in the nearby Spring Hill church, soon showed himself as an advocate for equal rights on the local level.<sup>53</sup> He was committed to Clarendon County and the citizens he served there. “The effort to improve education was central to DeLaine’s mission to minister to the whole life of his congregation.”<sup>54</sup> He often incorporated current events into his sermons, providing the only ongoing form of education for many of his parishioners.<sup>55</sup> Reverend DeLaine also became one of the most well-known and respected black ministers in the area, and by taking on the role of leader, he put himself on a collision course with the white power structure of Clarendon County.<sup>56</sup>

DeLaine knew that for African-Americans to engage in a fight to receive their constitutionally guaranteed civil right to an equal public education it would take courage, strength, and faith, but he also knew that the time for change was ripe. According to Richard Kluger in his book *Simple Justice*, “J. A. DeLaine came to the pulpit in a new and changing world that at last began to present black America with a chance to get out of the cellar.”<sup>57</sup> DeLaine’s grassroots actions on behalf of fellow African-Americans made their way to the U. S. Supreme Court and helped to motivate African-American

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<sup>51</sup> Kluger, 10-11. See also, Clyburn & Revels, 26.

<sup>52</sup> Kluger, 10-11.

<sup>53</sup> Clyburn & Revels 26.

<sup>54</sup> Lochbaum, 43.

<sup>55</sup> Kluger, 12.

<sup>56</sup> Kluger, 11-14.

<sup>57</sup> Kluger, 12.

citizens from all economic levels to join a process that would generate widespread and lasting changes in civil rights for all Americans.<sup>58</sup>

J. A. DeLaine was a well-known local leader and social activist involved in the lives of all the people he served. Area African-Americans knew that if they had a problem Reverend DeLaine was the person to take it to because the good Reverend believed that it was his Christian duty to lead his congregation from both within the church and outside the church.<sup>59</sup> DeLaine wrote, “It is the duty of those whose province is to Rule the Church of God to be foremost in every good work.”<sup>60</sup> He also wrote: “In things that become the Christian the minister must become the example... in acts of love to the sick and aged and young and tender; in kindness to all; in public spirit and regards to the general welfare; in honor, truth and prudence and self-command.”<sup>61</sup> His sermons often expressed his concerns for those he served.<sup>62</sup>

By 1947, it was obvious that there was a growing concern about educating African-American children in the Summerton, South Carolina area. Parents knew that without an education, their children were destined to continue the cycle of living hand to mouth in the white man’s world. Education held the key to a better way of life, and local African-American parents wanted that better life for their children.<sup>63</sup>

In the United States, one of the primary functions of government was and is the education of its citizens. This function has been left to individual states to carry out by establishing and maintaining public educational facilities and requiring all citizens of a

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<sup>58</sup> Paul A. Winters, ed., *The Civil Rights Movement* (San Diego: Greenhaven Press, Inc., 2000) 12.

<sup>59</sup> Lau, *Democracy Rising*, 195.

<sup>60</sup> Lau, *Freedom Road Territory*, 312.

<sup>61</sup> Lau, *Freedom Road Territory*, 312.

<sup>62</sup> Lau, *Freedom Road Territory*, 312.

<sup>63</sup> Beryl Dakers. 1992 (video). *Quest for equality: The Clarendon County story*. Columbia, South Carolina: South Carolina ETV.

certain age group to either attend the public schools or obtain an education privately. For most African-Americans in the South, a private education was financially out of the question. Due to compulsory school attendance laws, they were forced to attend segregated schools.<sup>64</sup> South Carolina's Constitution provided that, "Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race."<sup>65</sup>

In Clarendon County, a public education was hard to acquire for African-Americans. Most schools for African-American children were overcrowded make-shift wooden structures with no indoor plumbing or heat (see picture #2). What little warmth they had was provided by the firewood that was gathered by the students' parents.<sup>66</sup> These structures were most often named for the church that they sprang up beside and they operated seasonally. The farming economy of Clarendon County required that children attend school only when they were not needed in the field.<sup>67</sup>

There were vast educational inequities between the black and white races. Educationally, African-Americans attending public education facilities out-numbered whites three to one, but they only received one-third of the education budget, and no funds were provided for transportation<sup>68</sup> (see Table 2 for additional statistics).

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<sup>64</sup> Harry Briggs, Jr., et al v R. W. Elliott, Chairman, et al, *The Journal of Negro Education*, (Winter 1952) pp. 97-115, <http://www.jstor.org/stable/2965924> (accessed January 9, 2008). See also Martine Courant Rife, J. D. Scholarly research as an agent of change; An historical perspective on Briggs v. Elliott. 2007, <http://ssrn.com/abstract=1005751>. (accessed April 16, 2010).

<sup>65</sup> Rife, 3.

<sup>66</sup> Blackside, Inc. Interview with Harry Briggs Sr. and Eliza Briggs, conducted on October 25, 1985 for *Eye on the Prize: America's Civil Rights Years* (1954-1965). Washington University Libraries Film and Media Archive, Henry Hampton Collection. <http://www.teachersdomain.org/9-12/soc/ush/civil/briggs/index.html> (accessed April 15, 2010).

<sup>67</sup> Lau, *Freedom Ride Territory*, 310.

<sup>68</sup> Kluger, 3.

White children rode one of the thirty school buses provided for them by Clarendon County.<sup>69</sup> African-American children had to walk up to 15 miles to attend “for colored” schools. Often, as they walked the dusty unpaved country roads, white children on school buses would ride by the African-Americans on foot as the whites headed for their nice modern school building.<sup>70</sup>

In the summer of 1947 when he was almost fifty years old, J. A. DeLaine served as both teacher and principal at Liberty Hill School in Summerton, South Carolina. Even though he knew that he would be risking his job as well as his health if he angered white authorities, he joined with several other African-American citizens to ask the local school board for a bus to transport their children to and from school<sup>71</sup> (see Table 1). No school buses were provided for African-American children.<sup>72</sup> The reply by school board chairman R. W. Elliott was, “We ain’t got no money to buy a bus for your nigger children.”<sup>73</sup> DeLaine and his group also asked the county superintendent but he believed that African-Americans did not pay enough taxes so it would be unfair to ask white taxpayers to provide the funds so that colored children could ride to school. Next, DeLaine and his group wrote to the state superintendent of education who told them that it was a local issue. When the group appealed to the U. S. Attorney General, he turned a

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<sup>69</sup> Kluger, 3.

<sup>70</sup> Glenn Cook. (April 2004) From First to Footnote (pp.22-28). *American School Board Journal*. See also, David W. Southern, (Autumn, 1981). Beyond Jim Crow Liberalism: Judge Waring’s Fight Against Segregation in South Carolina 1942-52. *The Journal of Negro History*, (66) pp. 209-227 <http://www.jstor.org/stable/2716916> (accessed January 9, 2008).

<sup>71</sup> Cook, 24. See also John Egerton, *Speak Now Against the Day: The Generation Before the Civil Rights Movement in the South* (Chapel Hill: the University of North Carolina Press, 1994) 590.

<sup>72</sup> Ellis Cose, (2004), *A Dream Deferred*, [www.firelightmedia.org](http://www.firelightmedia.org) (accessed October 23, 2008).

<sup>73</sup> Egerton, 590.

deaf ear since it was a local matter. Thus their brave actions did not secure a bus for their children.<sup>74</sup>

Since no official action was taken, area parents took matters into their own hands and secured a secondhand bus to provide transportation to and from school for their children. The bus, however, was in poor shape. It was often broken down and in need of repairs. The local school board would not help with repairs nor would it assist with funding to pay for gas. As a result, the majority of Clarendon County's African-American school children still walked the long and often flooded distances to school.<sup>75</sup>

DeLaine believed that in order for children to be well-educated, they should take pride in themselves and their school. He felt that children should be able to arrive at school warm and dry. DeLaine shared that as an educator "I have had children come to me wet from the rain and from the white school bus slashing mud and water on them when I did not have a stick of wood or other fuel to make a fire and warm their little bodies with."<sup>76</sup>

For children at the Bob Johnson School, the walk to school was particularly difficult. In 1938 the state of South Carolina began planning the building of dikes and dams along the Santee River in Clarendon County so that huge hydroelectric plants could be built<sup>77</sup> (see Table 1). The dam was built in the early 1940s to bring electricity to the state's rural inhabitants along the Santee River near Davis Station. To get to school,

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<sup>74</sup> Egerton, 590. See also Melissa Lindsley, Rev. J. Armstrong DeLaine: School principal who recruited parent plaintiffs in *Briggs v. Elliot*. Brown v. Board of Education Profiles, 2004, [http://www.ku.edu/~ojclass/brown/profiles/profile\\_delaine.html](http://www.ku.edu/~ojclass/brown/profiles/profile_delaine.html) (accessed August 14, 2006).

<sup>75</sup> Egerton, 590. See also, Clyburn & Revels, 27.

<sup>76</sup> Lochbaum, 62.

<sup>77</sup> Marguirite DeLaine, F. S. Corbett, & Cecil J. Williams, *Clarendon County* (Charleston, S. C: Arcadia Publishing, 2002) 8.

some children had to walk added miles around the water or try to boat across the lake.<sup>78</sup> Governor Robert McNair recalled that, “Santee-Cooper (dam) was built to provide power to rural South Carolina” and that “It brought electric lights and all the other conveniences.”<sup>79</sup> The dam, designed to bring progress to the state, caused flooding along the local roads of rural Clarendon County, preventing access to education for many African-American children.<sup>80</sup>

It was time to take legal action in behalf of the area African-American school children. J. A. DeLaine was inspired by the South Carolina president of the NAACP, James M. Hinton, who had spoken in Columbia about finding someone to take a stand against racial discrimination in the public schools (see Table 1). Hinton, who was looking for a brave soul to challenge the white ruling class to bring about educational equality, had promised financial support from the NAACP if such a person could be found. DeLaine had the courage to take Hinton’s challenge and “to find a plaintiff to test the legality of the discriminatory bus-transportation practices in this state.”<sup>81</sup> DeLaine knew just the right person to take on the state. He approached Levi Pearson (see picture #3), a Clarendon County farmer who owned a large tract of land but had never learned to read or write. Pearson agreed to be the plaintiff, and in 1947, he sued the Clarendon County school board for school bus transportation<sup>82</sup> (see Table 1).

On July 28, 1947, *Pearson v. County Board of Education* was filed by Columbia Attorney Harold Boulware and Thurgood Marshall (see picture # 4), a young attorney

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<sup>78</sup> DuBose, 81.

<sup>79</sup> Philip G. Grose, *South Carolina at the Brink: Robert McNair and the Politics of Civil Rights* (Columbia: The University of South Carolina Press, 2006), 40.

<sup>80</sup> Clyburn & Revels, 27.

<sup>81</sup> Kluger, 14.

<sup>82</sup> Grose, 15 & 67. See also, Wellington.

with the NAACP Legal Defense Fund, on behalf of Pearson's children. The case asked that "school bus transportation be furnished, maintained and operated out of the public funds in School District Number 26 of Clarendon County, South Carolina, for use of the said children of your Petitioner and other Negro school children similarly situated."<sup>83</sup> The suit challenged "the immense discrepancy between white and black funding for transportation."<sup>84</sup>

The *Pearson v. County Board of Education* case was dismissed on a technicality. Pearson's property was divided by two school districts and the court ruled that he had no rights in the district where he had filed suit.<sup>85</sup> Levi Pearson was told that he did not pay property taxes in the school district in which his children attended school.<sup>86</sup>

Even though the case went nowhere, it did make it very clear to the whites who ruled in Clarendon County just who was stirring up all the trouble in the African-American community. It was also clear that these people causing all the fuss would have to pay for their actions.<sup>87</sup>

DeLaine and Pearson did not give up. In the spring of 1949, they met with NAACP officials in Columbia. With the officials was Thurgood Marshall, who told them that they had a good case but one that would be difficult because of the entrenched segregation that existed in the South. Marshall agreed to take the case if DeLaine and Pearson could secure the signature of 100 plaintiffs on a petition. The two set out to furnish the names.<sup>88</sup>

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<sup>83</sup> Kluger, 15.

<sup>84</sup> Wellington.

<sup>85</sup> Wellington.

<sup>86</sup> Kluger, 15.

<sup>87</sup> Lau, *Freedom Ride Territory*, 318.

<sup>88</sup> Grose, 67. See also Cook, 24.

African-Americans from every economic status, including sharecroppers and domestic workers, as well as a small group of African-American landowners, teachers, and ministers of Clarendon County, gathered and by the fall of 1949, 107 signatures filled the pages of the petition.<sup>89</sup> Some of those who had originally signed the petition removed their names because of the harsh treatment and threats inflicted upon them by the white citizens of Clarendon County. Although area whites could not intimidate all of the signers, they had made the signers realize that if the local African American parents continued, they would have a long and difficult fight on their hands.<sup>90</sup> The local African-American parents knew that their actions would come with a price.

For J. A. DeLaine and his followers, the price they would pay was high and came swiftly. DeLaine, as well as those he had convinced to take part in the lawsuits, became the targets of racists and the victims of harassment and threats. DeLaine and most of his followers who took part in the law suit were threatened with losing their jobs and their access to credit. Some actually lost their jobs. In addition, many lost their homes and sharecropper land.<sup>91</sup> African-American World War II veterans were denied entry to GI classes. Harry Briggs and his wife Eliza (see picture # 5), as well as others whose names appeared on the petition, lost their jobs.

In 1992, Eliza Briggs remembered,

I was working at a Summerton motel when some people from the White

Citizens Council came down and told my boss that if he didn't fire the

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<sup>89</sup> Lau, *Freedom Ride Territory*, 200.

<sup>90</sup> Clyburn & Revels, 38.

<sup>91</sup> Alan Richard, "The heat of Summerton: racial tensions still simmer in the rural county where Brown was born, *The Nation*, (May, 2004). p.32, <http://find.galegroup.com/itx/retrieve.do?subjectParam=&sort=DateDescend&tabID=T003...> (accessed April 7, 2008).

people who signed the petition they would close down his business.

So he called us in and asked that we take our names off the petition.

I told him I didn't want to do that because we would be hurting our children, and I'd rather give up my job than remove our names. Two weeks later I was fired.<sup>92</sup>

Many of them, including Harry Briggs, had to leave the state to find work.<sup>93</sup>

Harry Briggs finally relocated to Florida where he worked for ten years to support his family.<sup>94</sup> It had become impossible for these citizens to make a living in South Carolina.

Many of those who had signed even feared for their lives.<sup>95</sup>

Levi Pearson (see picture #3), a farmer whose name was on the suit, could not get a line of credit from white-owned stores and banks or sell his newly-cut timber. When it was time to gin his cotton, white gin owners refused him service. He also had to watch as his crops rotted in the field because he could not find a white farmer who owned a harvester who would agree to bring in his crops.<sup>96</sup> After the Brown decision, Pearson's lumber business was boycotted by whites and by 1965 he was nearly ruined.<sup>97</sup> Pearson lost his means of caring for his family simply because he wanted transportation for his children so that they could attend school. In 2004, his son, Ferdinand Pearson, said of him, "Levi Pearson had many stones and many bricks thrown at him but, in my book, he

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<sup>92</sup> Cecil Williams, *Freedom & Justice: Four Decades of the Civil Rights Struggle as Seen by a Black Photographer of the Deep South* (Mercer University Press, 1995), 42.

<sup>93</sup> Kluger, p. 20-23.

<sup>94</sup> Clyburn, 46.

<sup>95</sup> Lau, ed. 119.

<sup>96</sup> Lau, *Freedom Ride Territory*, 318.

<sup>97</sup> Wellington.

was a hero because he gathered those stones and bricks and laid a solid foundation for others to build on.”<sup>98</sup>

Perhaps J. A. DeLaine and his family suffered the most for his actions. Two days after the Clarendon County school board was notified of the parents’ grievances, DeLaine was terminated from his job of ten years as principal. His wife later also lost her teaching position. Two of his sisters and a niece were fired from their jobs. DeLaine and his family were threatened with violence by the Ku Klux Klan, and he was told to keep his mouth shut. His home in Summerton was burned to the ground as the local fire department watched (see Table 1 & picture # 6). His Lake City, South Carolina, church was also destroyed by fire. Night riders shot at him and his family as they sat in their Lake City home. When he fired back, a warrant was issued for his arrest.<sup>99</sup>

Fearful of a court system that did not view African-Americans as equal, DeLaine and his family fled the state in fear for their lives (see Table 1). DeLaine gathered his family and fled in the dark of night to New York and away from the warrant that had been issued for his arrest in South Carolina. Even though DeLaine eventually settled in Charlotte, North Carolina he did not publically return to his home in neighboring South Carolina. He feared arrest by a state that he still felt would not guarantee equal and fair treatment to an African-American.<sup>100</sup>

The African-American citizens of Clarendon County were paying a high cost for their actions, and the NAACP and Thurgood Marshall were ready to throw in the towel

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<sup>98</sup> Ester Iverem, Congressional Medal Honors ‘Pioneers and Petitioners,’ (2004) Voices of Civil Rights, [http://www.voicesofcivilrights.org/jproject2\\_briggs.html](http://www.voicesofcivilrights.org/jproject2_briggs.html). (accessed October 23, 2008).

<sup>99</sup> DuBose.

<sup>100</sup> Wellington. See also, DeLaine Papers (Government Document # 4).

and move on to other cases.<sup>101</sup> Marshall told the Clarendon County representatives that for his legal team to continue its involvement in the Clarendon County case “the case would need to proceed as an effort to win Equal Educational Opportunities and Facilities for Negro Children [capitalizations in the original].”<sup>102</sup> In addition, “Marshall threatened to pull out of Clarendon County unless he could secure the support of at least twenty plaintiffs willing to lend their names to the lawsuit.”<sup>103</sup>

Even though the NAACP and Thurgood Marshall knew that the price would be high for the Reverend DeLaine and his loyal followers, they asked DeLaine to gather a unified group of twenty plaintiffs who were strong and dedicated and who would not back down. Instead of one man suing for bus transportation, the twenty plaintiffs would sue for equal treatment.<sup>104</sup> It wasn’t easy to find twenty local African-Americans willing to take a stand against the Southern white supremacists of Clarendon County but on November 11, 1949, twenty African-American parents filed a formal petition against the Clarendon County school board<sup>105</sup> (see Table 3). The petition demanded equal education opportunities for area African-American students. The petitioners asked that the Board of Trustees of School District 22, the County Board of Education of Clarendon County, and the Superintendent of School District 22

Immediately cease discriminating against Negro children of public school age in said district and county and immediately make available to your petitioners and all other Negro children of public school age similarly situated educational advantages and facilities equal in all respects to that

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<sup>101</sup> Lau, *Freedom Road Territory*.

<sup>102</sup> Lau, *Democracy Rising*, 200.

<sup>103</sup> Lau, *Freedom Road Territory*.

<sup>104</sup> Kluger, 18.

<sup>105</sup> Lochbaum, 76.

which is being provided for whites.<sup>106</sup>

It also warned that if the school board failed to act, the petitioners would proceed with a formal court action. The Clarendon School District trustees did not respond to the complaint.<sup>107</sup> On May 17, 1950, the *Briggs v. Elliott* case, named for the Navy veteran and filling-station attendant Harry Briggs (because his name came first alphabetically) and that of the Clarendon County school board chairman R. W. Elliott was filed with the U. S. District Court for the Eastern District of South Carolina (see Table 1). The suit asked for equal educational opportunities. It did not seek to end segregation<sup>108</sup> (see picture # 7).

A preliminary hearing was scheduled before the native Charlestonian, Judge J. Waties Waring (see picture #8) on November 17, 1950<sup>109</sup> (see Table 1). Waring was sympathetic to racial issues, having already ruled for the equalization of black and white teacher's salaries. He had also abolished South Carolina's white primary system.<sup>110</sup> By the late 1940s "He had decided that the root of the disease of the South was segregation, and he believed it had to be eliminated completely."<sup>111</sup>

The pre-trial hearing that challenged the inequitable practice of Jim Crow was short.<sup>112</sup> Thurgood Marshall, the attorney for the plaintiff, planned to follow the old strategy of forcing the transgressors to pay the price of making separate equal or desegregate.<sup>113</sup> Judge Waring had other ideas, however. Waring, wanting to squash the

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<sup>106</sup> Lochbaum, 76.

<sup>107</sup> Clyburn & Revels. 32-33.

<sup>108</sup> Peter B. Levy, *The Civil Rights Movement* (Westport: Greenwood Press Guides to Historic Events of the Twentieth Century, Randall M. Miller, Series Editor, 1998) p. 87.

<sup>109</sup> Egerton, 591.

<sup>110</sup> Lau, Freedom Road Territory, 326.

<sup>111</sup> Southern, 218.

<sup>112</sup> Southern.

<sup>113</sup> Egerton, 591.

principle of “separate but equal,” was pushing Marshall to launch a direct attack against Jim Crow.<sup>114</sup> He felt that Marshall should take a bolder stand and impatiently suggested that Marshall launch a direct attack on South Carolina’s segregation laws. Judge Waring suggested that Marshall ask for “the case to be dismissed without prejudice” and that Marshall file a new case that would directly challenge the state’s segregation laws by charging that they are unconstitutional.<sup>115</sup> “The new case would clarify the issue for all time as to whether a state can segregate by race in the schools.”<sup>116</sup> After Marshall agreed to do what the Judge had suggested, Judge Waring said, “I’ll sign an order dismissing without prejudice, and I’ll expect you to file a suit bringing that issue clearly before the court.”<sup>117</sup> The case was dismissed, and a new suit was filed asking for the complete desegregation of public schools in South Carolina.<sup>118</sup>

The grassroots actions begun by the Reverend J. A. Delaine had become a direct assault on the legal foundations of racial segregation and would take on a broad significance. Although Rev. Delaine and the other Clarendon County residents involved faced severe retribution, they were ready to launch the direct attack on Jim Crow as the next step in their quest for a better education for their children.<sup>119</sup> DeLaine knew that African-Americans had stayed quiet for long enough and that it was time to take action. Thurgood Marshall, the NAACP and even Judge Waring all knew that it was time to attack segregation head-on and that the time was ripe to take a stand to end the legal doctrine of “separate but equal.”<sup>120</sup>

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<sup>114</sup> Southern, 219.

<sup>115</sup> Southern, 219.

<sup>116</sup> Southern, 219. See also Kluger, 304.

<sup>117</sup> Kluger, 304.

<sup>118</sup> Clyburn & Revels, 33.

<sup>119</sup> Lau, *Democracy Rising*, 205.

<sup>120</sup> Lau, *Democracy Rising*, 206.

The new case was filed in U. S. District Court and would be heard before a three-judge court in Charleston, South Carolina on May 28, 1951<sup>121</sup> (see Table 1). The sitting judges were J. Waties Waring, George Bell Timmerman, and John J. Parker. The lawyers for the plaintiff were Thurgood Marshall and the NAACP Legal Defense Fund. For the State, the lawyers were Charleston attorney Robert McCormick Figg, Jr. and S. Emory Rogers, a Clarendon County native.<sup>122</sup>

To prove his case, it was important for Thurgood Marshall to provide testimony “to show the unreasonableness of segregation and impossibility of equality of Jim Crow education” and “to show that segregation on the elementary and high school levels was unequal.”<sup>123</sup> According to Thurgood Marshall, “overwhelming proof was sorely needed to demonstrate that equal educational opportunities for Negroes could not be provided in a segregated system.”<sup>124</sup> During the trial, Marshall produced testimony from nine expert witnesses to show that permanent injury was done to African-American children who attended the segregated schools in Clarendon County. Marshall also produced evidence to show that by simply attending a segregated school, African-American children would not obtain an equal education.<sup>125</sup> He also showed that “there was no reasonable basis for racial segregation in public education.”<sup>126</sup>

South Carolina’s governor, James Byrnes, had warned that South Carolina would “abandon the public school system” before the state would desegregate its public

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<sup>121</sup> Southern, 220.

<sup>122</sup> Egerton, 594.

<sup>123</sup> Thurgood Marshall, “An Evaluation of Recent Efforts to Achieve Racial Integration in Education Through Resort to the Courts,” *The Journal of Negro Education*, 323 (Summer, 1952), 316-327, <http://www.jstor.org/stable/2293371> (accessed September 19, 2009).

<sup>124</sup> Herbert Garfinkel, “Social Science Evidence and the School Segregation Cases,” *The Journal of Politics*, 43 (Feb. 1959), 37-59, <http://www.jstor.org/stable/2126643> (accessed January 9, 2008).

<sup>125</sup> Garfinkel, 323.

<sup>126</sup> Garfinkel, 323.

schools.<sup>127</sup> According to James Clyburn and Jennifer Revels in their book *Uncommon Courage*, “Byrnes played a key role in South Carolina politics during the struggle for educational equality.”<sup>128</sup> Clyburn and Revels further state that, “After Byrnes won the governor’s seat by a landslide, he quickly set out to ensure that South Carolina’s education system would remain segregated.”<sup>129</sup>

Byrnes’ chief financial officer of the State Department of Education, Patrick C. “Pat” Smith, also recalled, “separate was not equal [and] what had to be done was simply to ...rebuild the school system for blacks.”<sup>130</sup> The property value of South Carolina schools for black children was \$19,725,688. The property value for the white children’s schools was \$89,989,241.<sup>131</sup> South Carolina intended to maintain a dual educational system and although objections were raised by the plaintiffs, “the defendants introduced testimony that a three per cent sales tax and authorization of a \$75,000,000 bond issue for improvement of schools had recently been adopted by the State of South Carolina.”<sup>132</sup> The defense conceded inequalities in the state’s dual education system, and asked the court for time to equalize facilities and resources for African-American students. The revenue from the newly enacted three percent sales tax was to be used to equalize public educational facilities.<sup>133</sup> The defense did not say “never” to segregation but asked that the court agree to “not now.”<sup>134</sup>

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<sup>127</sup> Egerton, 304.

<sup>128</sup> Clyburn & Revels, 23.

<sup>129</sup> Clyburn & Revels, 23.

<sup>130</sup> Grose, 124.

<sup>131</sup> W. E. Solomon, “The Desegregation Decision—One Year Afterward,” *The Journal of Negro Education*, 327 (Summer, 1955), 327-332, <http://www.jstor.org/stable/2293462> (accessed April 26, 2008).

<sup>132</sup> (1952) “Harry Briggs Jr.,” 98.

<sup>133</sup> Wellington.

<sup>134</sup> Egerton, 596.

The three-man court, with Judge Waring dissenting, upheld the principle of segregation. By a vote of 2 to 1, the Judges, despite the testimony, ruled to uphold the ‘separate but equal’ doctrine.<sup>135</sup> Judge Parker issued the written opinion, “If conditions have changed so that segregation is no longer wise, this is a matter for the legislatures and not the courts.”<sup>136</sup> Parker ordered the defendants to “equalize educational facilities in Clarendon County promptly.”<sup>137</sup> The following projects were planned in Clarendon County to equalize the dual education systems:

1. Alcolu area, new Negro elementary school with 12 rooms,  
\$124,322
2. Paxville area, new Negro elementary school with 10 rooms,  
\$109,532.
3. Manning District 2, Jordan area, new Negro elementary  
school with 12 rooms, \$124, 322.
4. Manning area, new white primary school with 12 rooms  
and cafeteria, \$170,382.<sup>138</sup>

The actions of Governor Byrnes and the state of South Carolina to equalize educational facilities was however deemed “too little, too late.”<sup>139</sup>

In his twenty-page dissent, Judge Waring made a legal and sociological case for desegregation and said, “If the courts of this land are to render justice...the time to do it is now and the place is elementary schools where our future citizens learn their first

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<sup>135</sup> Marshall, 323.

<sup>136</sup> Southern, 220-221.

<sup>137</sup> Southern, 220-221. See also, Egerton, 596.

<sup>138</sup> Robert E. Moran, “Education for Negroes in South Carolina.” *The Journal of Negro Education* 23, no. 1 (Winter 1954), 82, <http://www.jstor.org/stable229358> (accessed January 9, 2008).

<sup>139</sup> Clyburn & Revels, 23.

lesson to respect the dignity of the individual in a democracy.”<sup>140</sup> However, “The judgment in this case, one judge [Waring] dissenting, stated that neither the constitutional nor statutory provisions requiring segregation in public schools were in violation of the Fourteenth Amendment and that plaintiffs were not entitled to an injunction against the enforcement of these provisions by these defendants.”<sup>141</sup> The judgment also stated that “the educational facilities offered infant plaintiffs were unequal to those offered to white pupils” and ordered the defendants “to furnish to plaintiffs and other Negro pupils of said district educational facilities, equipment, curricula and opportunities equal to those furnished white pupils.”<sup>142</sup> Judge Waring stated in his dissenting opinion that “Segregation is *per se* inequality” and further stated that, “the whole thing is unreasonable, unscientific, and based upon unadulterated prejudice.”<sup>143</sup>

The ruling in the *Briggs* case was appealed to the Supreme Court, which sent the case back down to the U. S. District Court for rehearing in March 1952. This time, all three of the Southern judges, which did not include Judge Waring (who had retired), sided with the defendants. Thurgood Marshall and the NAACP legal defense fund once again made appeal to the U. S. Supreme Court to hear the Clarendon County case. According to historian Barbara A. Woods, “Clarendon County had become a cause of special significance to national NAACP officials because it came out of the Deep South, and because it was an extreme example of separate and unequal.”<sup>144</sup>

In the fall of 1952, the Supreme Court announced that it would hear the appeal which would be combined with four other cases that would become known collectively

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<sup>140</sup> Southern, 220-221. See also, Egerton, 596.

<sup>141</sup> (1952) “Harry Briggs Jr”, 98.

<sup>142</sup> (1952) “Harry Briggs Jr”, 98.

<sup>143</sup> Moran, 84.

<sup>144</sup> Grose, 16.

as *Brown v. Board of Education of Topeka*.<sup>145</sup> In trying the case before the U.S. Supreme Court, Thurgood Marshall explained, “Acceptance of the segregation under the ‘separate but equal’ doctrine has become so ingrained that overwhelming proof was sorely needed to demonstrate that equal educational opportunities for Negroes could not be provided in a segregated system.”<sup>146</sup> During the course of the trial, Marshall produced expert testimony “to show in detail the injury to the Negro pupil attending the segregated schools in Clarendon County and to show that this injury was a permanent and continuing one which prevented the Negro child from obtaining an education equal to that obtained by other students.”<sup>147</sup>

The *Brown* decision, striking down segregation in public schools, marked the beginning of the modern American civil rights movement, and J. A. DeLaine is most responsible for bringing the first of the five cases and the only case from the Deep South into court<sup>148</sup> (see Table 1). DeLaine led because the African-American citizens of rural Clarendon County, South Carolina needed a leader. He led because it was his Christian duty to do so. He led because it was time to change a way of life that had existed since the founding of America. He did not lead for the perceived glory to be gained but because his people needed someone in whom they could trust, believe, and follow.

Because they believed in him, DeLaine’s brave actions as an early civil rights pioneer led to the desegregation of America’s public schools. His actions were also the beginnings of a process that led to “the [breaking] down of the wall of physical and psychological isolation between the races” and “opened the doors for the elimination of

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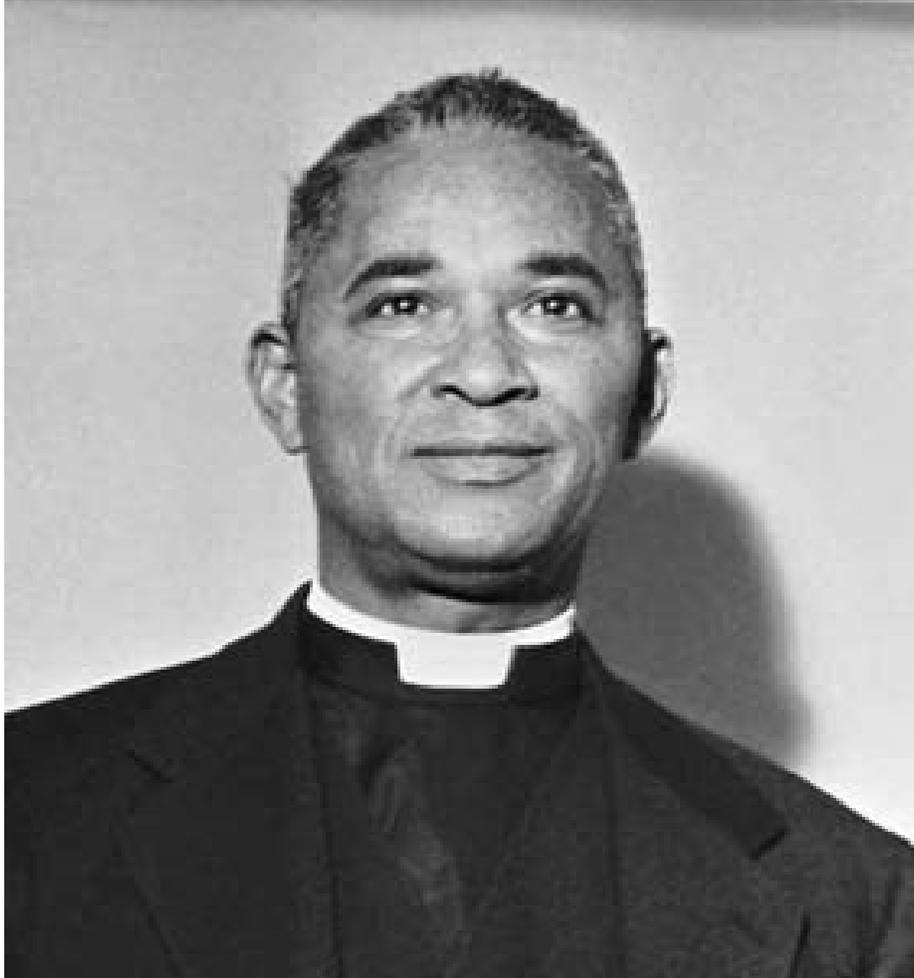
<sup>145</sup> Egerton, 597-601.

<sup>146</sup> Garfinkel, 43.

<sup>147</sup> Garfinkel, 44.

<sup>148</sup> Winters, 12. See also, Egerton, 597. See also, Lau ed. 105. See also, Grose, 15.

racial barriers in other areas of public life.<sup>149</sup> Perhaps most of all, DeLaine's actions "provided hope for a new way of life in this nation."<sup>150</sup>



**Picture #1: Rev. J. A. DeLaine**  
**1898-1974<sup>151</sup>**

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<sup>149</sup> J. John Harris III, 141-154

<sup>150</sup> J. John Harris III, 141-154.

<sup>151</sup> DeLaine, Joseph A., DeLaine Papers, (Image # 294). University of South Carolina Caroliniana Library, <http://www.sc.edu/library/digital/collections/delaine.html> (accessed April 15, 2010).

Table 1: Timeline of Important Events

<b><u>Late 1600s</u></b>	First Africans brought to America in bondage <sup>152</sup>
<b><u>1848</u></b>	<i>Roberts v. City of Boston</i> challenges segregation in public education <sup>153</sup>
<b><u>March 6, 1857</u></b>	<i>Dred Scott v. Sanford</i> made slavery legal in all territories <sup>154</sup>
<b><u>April 12, 1861</u></b>	Civil War begins <sup>155</sup>
<b><u>Jan. 1, 1863</u></b>	Emancipation Proclamation frees slaves except those in loyal territory <sup>156</sup>
<b><u>Jan. 31, 1865</u></b>	The Thirteenth Amendment proposed by joint resolution making slavery unconstitutional <sup>157</sup>
<b><u>March 3, 1865</u></b>	Freedmen's Bureau established <sup>158</sup>
<b><u>April 9, 1865</u></b>	Civil War ends <sup>159</sup>
<b><u>April 14, 1865</u></b>	Abraham Lincoln assassinated <sup>160</sup>
<b><u>April 15, 1865</u></b>	Andrew Johnson sworn in as President <sup>161</sup>
<b><u>July 9, 1868</u></b>	Fourteenth Amendment provides African-Americans full citizenship rights <sup>162</sup>
<b><u>March 1, 1875</u></b>	Civil Rights Act of 1875 signed into law <sup>163</sup>
<b><u>May 28, 1896</u></b>	<i>Plessy v. Ferguson</i> upholds segregation of public accommodations <sup>164</sup>

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<sup>152</sup> Trotter.

<sup>153</sup> Ficker.

<sup>154</sup> Trotter.

<sup>155</sup> Harris III.

<sup>156</sup> Kluger.

<sup>157</sup> Trotter.

<sup>158</sup> Kluger.

<sup>159</sup> Trotter.

<sup>160</sup> Trotter.

<sup>161</sup> Trotter.

<sup>162</sup> Trotter.

<sup>163</sup> Kluger.

<sup>164</sup> Ficker.

- July 2, 1898** Joseph Armstrong DeLaine was born near Manning, South Carolina<sup>165</sup>
- 1912** DeLaine left home after refusing public punishment after an altercation with white boys<sup>166</sup>
- 1916** DeLaine returned home and enrolled in high school at Allen University in Columbia, South Carolina<sup>167</sup>
- 1931** DeLaine earned an A. B. degree from Allen and a Bachelor of Theology degree from Dickerson Seminary<sup>168</sup>
- Summer 1931** DeLaine began his teaching career in Orangeburg, South Carolina<sup>169</sup>
- Nov. 12, 1931** J. A. Delaine marries Mattie Belton<sup>170</sup>
- 1932** DeLaine returned to Clarendon County, South Carolina to teach and preach<sup>171</sup>
- 1938** Plans began for building a hydroelectric plant along the Santee River in Clarendon County, South Carolina<sup>172</sup>
- June 22, 1944** G I Bill of Rights signed into law by President Roosevelt<sup>173</sup>
- Sept. 2, 1945** World War II ends<sup>174</sup>
- June 1947** Rev. James M. Hinton, South Carolina state president of the NAACP, speaks in Columbia<sup>175</sup>
- July 28, 1947** Clarendon County school board petitioned on behalf of Levi Pearson asking for school bus transportation<sup>176</sup>
- Nov. 11, 1949** *Briggs v. Elliott* case filed in Clarendon County challenging segregated school system<sup>177</sup>

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<sup>165</sup> Lau, *Freedom Road Territory*. See also Lau, ed.

<sup>166</sup> Lau, *Freedom Road Territory*. See also Lau, ed.

<sup>167</sup> Kluger.

<sup>168</sup> Kluger.

<sup>169</sup> Kluger.

<sup>170</sup> Kluger. See also, Clyburn & Revels. See also, Lochbaum.

<sup>171</sup> Kluger.

<sup>172</sup> Marguirite DeLaine. See also, Grose. See also, Clyburn & Revels.

<sup>173</sup> DuBose.

<sup>174</sup> DuBose. See also, Trotter.

<sup>175</sup> Kluger.

<sup>176</sup> Grose. See also, Wellington.

<sup>177</sup> Lochbaum.

- May 17, 1950** Revised *Briggs v. Elliott* case filed in Federal Court<sup>178</sup>
- Nov. 17, 1950** Preliminary hearing of *Briggs* case scheduled before Judge J. Waties Waring<sup>179</sup>
- May 28, 1951** New *Briggs v. Elliott* case set to be heard before a three-judge court<sup>180</sup>
- Oct. 1951** The DeLaines' Summerton home destroyed by a fire of mysterious origin<sup>181</sup>
- May 17, 1954** U. S. Supreme Court rules 'separate but equal' in public education unconstitutional<sup>182</sup>

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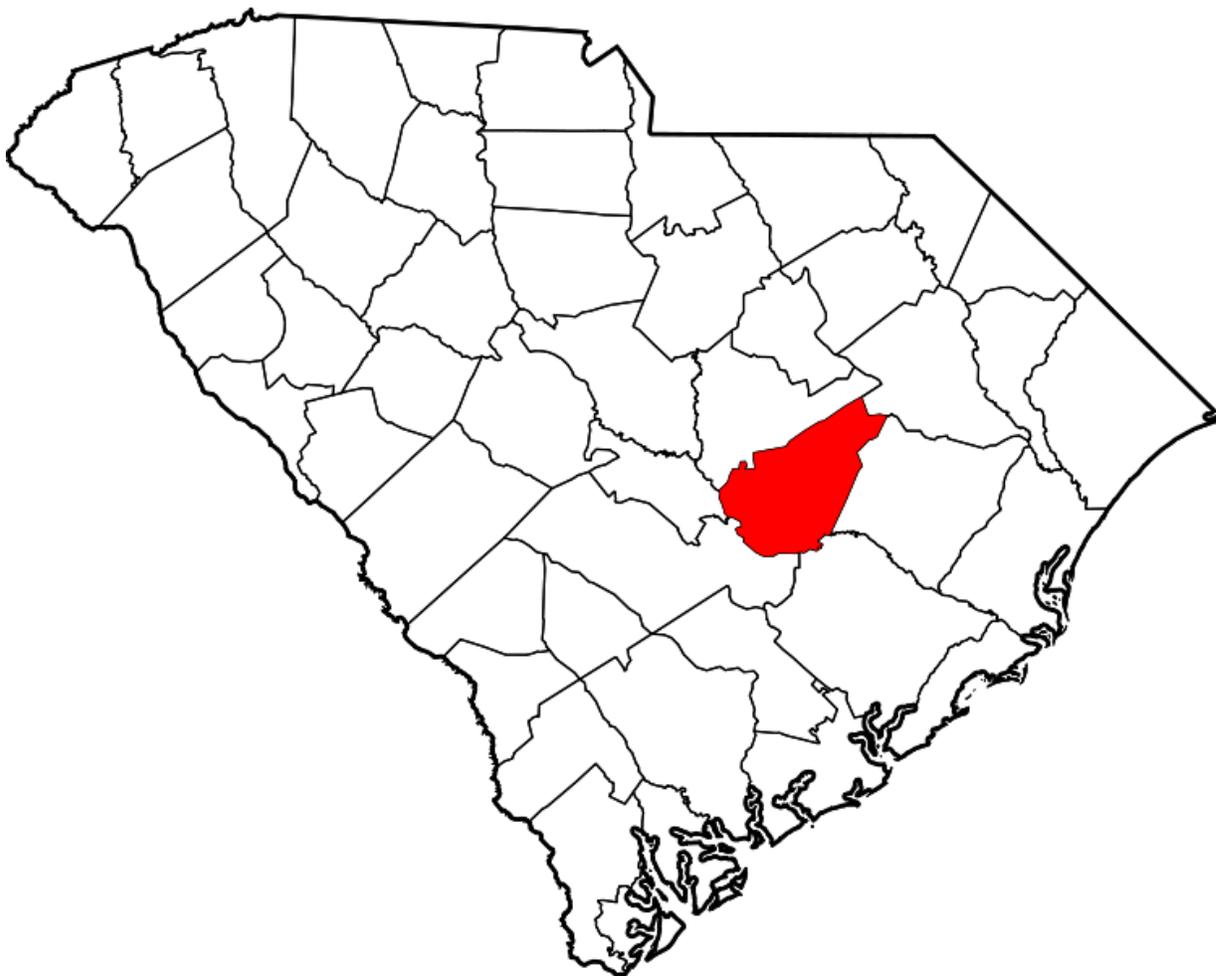
<sup>178</sup> Levy.

<sup>179</sup> Egerton.

<sup>180</sup> Southern.

<sup>181</sup> DuBose.

<sup>182</sup> Egerton. See also, Ficker. See also, Trotter. See also, Kluger.



**Map of South Carolina with Clarendon County in red**<sup>183</sup>

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<sup>183</sup> Benbennick, David, File: Map\_of\_South Carolina\_highlighting \_Clarendon County.svg, Wikimedia, (12 February 2006), <http://commons.wikimedia.org/wiki> (accessed March 6,2010).



**Picture # 2: African American school in Clarendon County c. 1938 depicting the overcrowded and poor conditions.<sup>184</sup>**

<sup>184</sup> DeLaine, Joseph A., DeLaine Papers, (Image # 241). University of South Carolina Caroliniana Library, <http://www.sc.edu/library/digital/collections/delaine.html> (accessed April 15, 2010).

**Table 2:**

TABLE I\*  
 STATISTICAL SUMMARY OF THE PUBLIC SCHOOLS OF SOUTH CAROLINA

	1948-49		1951-52	
	White	Negro	White	Negro
Enrollment				
Elementary	185,174	183,743	198,167	187,975
High	77,370	31,816	86,374	39,683
Expenditures per pupil				
Elementary	\$91	\$44	\$117	\$69
High	\$159	\$84	\$201	\$126
Teachers				
Elementary	6,258	5,512	6,526	5,700
High	3,440	1,132	3,819	1,434
Average salary	\$2057	\$1,414	\$2,643	\$1,985
Value of school property	\$68,431,070	\$12,862,462	\$96,812,026	\$23,045,557
Value of buildings erected during year	\$3,152,237	\$1,434,788	\$5,380,778	\$2,083,350
Amount spent on supplies				
Elementary	\$218,119	\$44,442	\$385,051	\$142,300
High	262,461	43,171	535,953	120,188
Number of students transported by bus	103,519	12,764	124,638	76,644
Elem. Schools running 8 mos. or less	12	1,271	0	385
School Libraries				
Elementary	540	506	547	459††
High	215	97	216	104
Volumes				
Elementary	269,487	72,408	304,566	80,949††
High	410,949	85,870	433,950	107,649
School districts		1,559		103

\*From 81st and 84th Annual Report of the State Supt. of Education of the State of S. C.  
 ††1950-51 figures.

<sup>185</sup> Robert E. Moran, "Education for Negroes in South Carolina, *The Journal of Negro Education*, 23, no. 1 (Winter, 1954), <http://www.jstor.org/stable/2293258> (accessed January 9, 2008).



**Picture # 3:** Levi Pearson [Photo courtesy of B. B. DeLaine]<sup>186</sup>

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<sup>186</sup> Lochbaum, 161.



**Picture # 4: Thurgood Marshall** <sup>187</sup>

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<sup>187</sup> Library of Congress, Photograph of Thurgood Marshall taken between 1940 &1960  
<http://www.loc.gov/pictures/item/2002706868/?sid=39d6dfbfe0d07c2cec85d0285a42fa14> (accessed April 23, 2010).



**Picture # 5:** Mr. Harry Briggs, Sr. and his wife Mrs. Eliza Briggs<sup>188</sup>

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<sup>188</sup> Smithsonian National Museum of American History, *Separate is Not Equal: Briggs v. Elliott*, Photograph of Harry & Eliza Briggs courtesy of Nathaniel Briggs, <http://americanhistory.si.edu/brown/history/4-five/detail/harry-briggs.html> (accessed April 23, 2010).



**Picture # 6:** The J. A. DeLaine family stands in front of their destroyed Summerton home.<sup>189</sup>

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<sup>189</sup> DeLaine, Joseph A., DeLaine Papers, (Image # 272). University of South Carolina Caroliniana Library, <http://www.sc.edu/library/digital/collections/delaine.html> (accessed April 23, 2010).

**Table # 3: Transcript of Petition Filed by Harry Briggs**

## PETITION

STATE OF SOUTH CAROLINA,  
County of Clarendon:

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

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

1. That they are citizens of the United States and of the State of South Carolina and reside in School District #22 in Clarendon County and State of South Carolina.
2. That the individual petitioners are Negro children of public school age who reside in said county and school district and now attend the public schools in School District #22, in Clarendon County, South Carolina, and their parents and guardians.
3. That the public school system in School District #22, Clarendon County, South Carolina, is maintained on a separate, segregated basis, with white children attending the Summerton High School and the Summerton Elementary School, and Negro children forced to attend the Scott Branch High School, the Liberty Hill Elementary School or Rambay Elementary School solely because of their race and color.

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

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

6. That the said schools attended by Negro pupils have an insufficient number of teachers and insufficient class room space, whereas the white schools have an adequate complement of teachers and adequate class room space for the students. 7. That the said Scott's Branch High School is wholly deficient and totally lacking in adequate facilities for teaching courses in General Science, Physics and Chemistry, Industrial Arts and Trades, and has no adequate library and no adequate accommodations [sic] for the comfort and convenience of the students. 8. That there is in said elementary and high schools maintained for Negroes no appropriate and necessary central heating system, running water or adequate lights. 9. That the Summerton High and Summerton Elementary School, maintained for the sole use, comfort and convenience of the white children of said district and county, are modern and accredited schools with central heating, running water, adequate electric lights, library and up to date equipment. 10. That Scott's Branch High School is without services of a janitor or janitors, while at the same time janitorial services are provided for the high school maintained for white children. 11. That Negro children of public school age are not provided any bus transportation to carry them to and from school while sufficient bus transportation is provided to white children traveling to and from schools which are maintained for them. 12. That said schools for Negroes are in an extremely dilapidated condition, without heat of any kind other than old stoves in each room, that said children must provide their own fuel for stoves in order to have heat in the rooms, and that they are deprived of equal educational advantages with respect to those available to white children of public school age of the same [sic] district and country. 13. That the Negro children of the public school age in School District #22 and in Clarendon County are being discriminated against solely because of their race and color in violation of their rights to equal protection of the laws provided by the 14<sup>th</sup> amendment to the Constitution of the United States. 14. That without the immediate and active intervention of this Board of Trustees and County Board of Education, the Negro children of public school age of aforesaid district and county will continue to be deprived of their constitutional rights to equal protection of the laws and to freedom from discrimination because of race or color in the educational facilities and advantages which the said District #22 and Clarendon County are under a

duty to afford and make available to children of school age within their jurisdiction.

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

Dated 11 November 1949

(Signed) Harry Briggs (Signed) Maxine Gibson  
 (Signed) Eliza Briggs (Signed) Harold Gibson  
 (Signed) Harry Briggs, Jr., (Signed) Robert Georgia  
 (Signed) Thomas Lee Briggs (Signed) Carrie Georgia  
 (Signed) Katherine Eliza Briggs (Signed) Charlie Georgia  
 (Signed) Thomas Gamble (Signed) Jervine Georgia  
 (Signed) Henry Brown (Signed) Gladys E. Hilton  
 (Signed) Thelma Brown (Signed) Joseph Hilton  
 (Signed) Vera Brown (Signed) Henrietta Huggins  
 (Signed) Beatrice Brown (Signed) Lila Mae Huggins  
 (Signed) Willie H. Brown (Signed) Celestine Huggins  
 (Signed) Marion Brown (Signed) Juanita Huggins  
 (Signed) Ethel Mae Brown (Signed) Gussie Hilton  
 (Signed) Howard Brown (Signed) Roosevelt Hilton  
 (Signed) James Brown (Signed) Thomas Johnson  
 (Signed) Theola Brown (Signed) Blanch E. Johnson  
 (Signed) Thomas Brown (Signed) Lillie Eva Johnson  
 (Signed) Euralia Brown (Signed) Rubie Lee Johnson  
 (Signed) Joe Morris Brown (Signed) Betty J. Johnson  
 (Signed) Onetha Bennett (Signed) Lee Johnson  
 (Signed) Hercules Bennett (Signed) Bessie Johnson  
 (Signed) Hilton C. Bennett (Signed) Morgan Johnson  
 (Signed) William Gibson (Signed) Samuel Gary Johnson  
 (Signed) Annie Gibson (Signed) Bobby M. Johnson  
 (Signed) William Gibson, Jr. (Signed) Preston Johnson, Jr.  
 (Signed) Eddie Lee Lawson (Signed) Susan Lawson  
 (Signed) Susan Ann Lawson (Signed) Raymon Lawson  
 (Signed) Frederick Oliver (Signed) Lee Richardson  
 (Signed) Willie Oliver (Signed) James Richardson  
 (Signed) Mary Oliver (Signed) Charles Richardson  
 (Signed) R. M. Mose Oliver (Signed) Annie L. Richardson  
 (Signed) Leroy Oliver (Signed) Dorothy I. Richardson

(Signed) Mitchel Oliver (Signed) Jackson Richardson  
 (Signed) Bennie Parson, Jr. (Signed) Mary O. Lawson  
 (Signed) Plummie Parson  
 (Signed) Celestine Parson (Signed) Francis Lawson  
 (Signed) Edward Ragin (Signed) Bennie Lee Lawson  
 (Signed) Sarah Ragin (Signed) Mary J. Oliver  
 (Signed) Shirley Ragin (Signed) Daisy D. Oliver  
 (Signed) Deloris Ragin (Signed) Louis Oliver, Jr.  
 (Signed) Hazel Ragin (Signed) Esther F. Singleton  
 (Signed) Zelia Ragin (Signed) Janie L. Fludde  
 (Signed) Sarah Ellen Ragin (Signed) Henry Scott  
 (Signed) Rebecca Ragin (Signed) Mary Scott  
 (Signed) Mable Rabin (Signed) Irene Scott  
 (Signed) William Ragin (Signed) Willie M. Stukes  
 (Signed) Ellen Ragin (Signed) Gardenia Stukes  
 (Signed) Luchriser Richardson (Signed) Willie Modd Stukes, Jr. (Signed)  
 Elane Richardson (Signed) Gardenia E. Stukes  
 (Signed) Emanuel L. Richardson (Signed) Louis W. Stukes  
 (Signed) Rebecca Richburg (Signed) Mary L. Bennett  
 (Signed) Rebecca I. Richburg (Signed) Lillian Bennett  
 (Signed) E. E. Richburg  
 (Signed) Albert Richburg  
 (Signed) Gabriel Tindal  
 (Signed) Annie S. Tindal  
 Attorneys for Petitioners:  
 (Signed) Harold R. Boulware  
 (Signed) Thurgood Marshall  
 (Signed) Robert L. Carter

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<sup>190</sup> Southern Education Foundation, transcript of the original petition filed by Harry Briggs, <http://www.sefatl.org/showBVB.asp?sid=8&cat=Historical&title=Historical%20Documents> (accessed April 23, 2010).



**Picture # 7:** The brave Clarendon County plaintiffs who took a stand that would bring down “separate but equal”<sup>191</sup>

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<sup>191</sup> DeLaine, Joseph A., DeLaine Papers, (Image # 105). University of South Carolina Caroliniana Library, <http://www.sc.edu/library/digital/collections/delaine.html> (accessed April 23, 2010).



**Picture # 8: Judge J. Waties Waring <sup>192</sup>**

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<sup>192</sup> Delaine Papers, Photograph of J. Waties Waring taken by Fabian Bachrach (1900s). (Image # 318 ), <http://www.sc.edu/library/digital/collections/delaine.html> (accessed April 15, 2010).

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