



Equal Justice: The Law, Lawyers, and Civil Rights Resource Guide¹



Guide Includes:
Biographies, Identifications, South Carolina Events, Court Case,
For Further Study, and Bibliography

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South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice

¹ This resource guide was created to accompany the Equal Justice: The Law, Lawyers, and Civil Rights video to be used by teachers.

Biographies

Note to Teachers:

Biographies of the following South Carolinians discussed in this tape are provided for your use.

Boulware, Harold R.

The late Hon. Boulware was born in Irmo, SC on March 13, 1913. He graduated from the Harbison Institute, in Irmo SC in 1931, Johnson C. Smith University in 1935 and Howard School of Law in 1938. He entered private practice and soon after became involved in numerous legal efforts to end discrimination and segregation in public schools, public accommodations, transportation and other publicly owned facilities which were then segregated by law.

Judge Boulware would become mostly noted for his leadership and counsel in the Clarendon County desegregation case of **Briggs vs Elliott** which was later consolidated into the landmark case of **Brown vs Board of Education of Topeka**, et.al. He was appointed as associate municipal court judge and in 1974 elected a family court judge for the Fifth Judicial Circuit of South Carolina. Judge Boulware retired from the bench in 1982. He was active in many professional and civic organizations including the American Legion, NAACP and Omega Psi Phi Fraternity. Boulware served in the Air Force during World War II. He died in 1983.

Fields, Richard E.

The Hon. Fields was born in Charleston, SC on October 1, 1920. He graduated from West Virginia State in 1944 and Howard University of Law in 1947. Judge Fields entered private practice and in 1969 was elected to his first position as municipal court judge for the City of Charleston and became the first black municipal court judge in the Southeast. He was later elected family court judge in 1974 holding that post until 1980 when he became the circuit court judge for the Ninth Circuit. He retired from the bench in 1990. While in public office, Judge Fields became active in many professional and civic organizations including the American Bar Association, NAACP and Alpha Phi Alpha Fraternity. Among his accomplishments, Judge Fields joined the Charleston Chamber of Commerce during the 1950's, which was an unusual status for blacks at that time.

Finney, Jr., Ernest A

Retired Chief Justice. Finney was born in Smithfield, VA, on March 23, 1931. He graduated from Claflin College in 1952 and South Carolina State University School of Law in 1954. Justice Finney served in the South Carolina House of Representatives from 1973-1976 and was Chairman of the Legislative Black Caucus from 1973-1975. He was elected a judge of the Third Circuit in 1976, serving until 1985 when he was elected an

associate justice of the South Carolina Supreme Court. In 1994 Justice Finney was elected Chief Justice of the Supreme Court, becoming the first black American to hold the position. The distinguished Finney retired as Chief Justice of the South Carolina Supreme Court in 2000. In 2002 he was appointed President of South Carolina State University.

He is the recipient of many awards, including seven honorary doctorates. Justice Finney is active in numerous professional and civic organizations, including the NAACP, Alpha Phi Fraternity and the American Judges Association.

Gantt, Harvey.

Mr. Gantt was born January 13, 1943 in Charleston, SC. He graduated second in his class from Burke High School and attended Iowa State University but really wanted to attend Clemson. Mr. Gantt filed a lawsuit against Clemson, which he won, and was granted admission to Clemson in 1963 as the first black American to attend the school. He graduated with honors from Clemson University in 1965, going on to earn a Masters degree in city planning from Massachusetts Institute of Technology in 1970. Gantt then joined the architectural firm of A.G. O'Dell and Associates in Charlotte, N.C. in 1965. In 1971 he co-founded Gantt Huberman Architects. In 1974 Gantt was appointed to the Charlotte City Council, serving until 1979. He ran for mayor in 1979 but lost and returned to the city council in 1981 serving as mayor Pro Tem until 1993. Gantt was elected the mayor of Charlotte in 1983 and re-elected 1985. He was the first black Democratic nominee for the U.S. Senate in North Carolina. He ran against Jesse Helms in 1990 and 1996 but lost both closely contested races. He is active in numerous organizations including the National Urban League, NAACP, Chamber of Commerce and the Democratic Party. Gantt was named a Fellow for the American Institute of Architects in 1986. He lives in Charlotte.

Pearson, Levi.

Mr. Pearson was thrust into the national spotlight and civil rights arena in 1974. As a parent of three children attending school in Clarendon County, he brought suit against Clarendon County to provide bus transportation for his children to Scott's Branch School in Summerton. The case was subsequently dismissed because Pearson lived in Sumter County. Pearson suffered the wrath of white business leaders because he stood up for his rights. Bankers retaliated by refusing to loan him the money for fertilizer when planting time arrived in the spring of 1948. No store would extend him credit and although friends provided the money for the fertilizer, when harvest time arrived none of the white citizens who owned harvesting equipment for wheat, cotton and corn would harvest his crops. He was told that if he would drop the lawsuit everything would be taken care of, but Pearson refused to drop his suit and most of his crops rotted in the field that year.

Perry, Matthew J.

The late Hon. Perry was born in Columbia, SC on August 3, 1921. He served in the U.S. military from 1942-1946. After the military, Judge Perry attended South Carolina State University and graduated in 1948. He graduated from South Carolina State University's School of Law in 1951. He served as judge on the U.S. Court of Military Appeals from 1975-1979 and was appointed the first black person to the U.S. District Court of South Carolina in 1979. Judge Perry is the recipient of numerous awards including six honorary doctorates, the Spirit of Excellence Award from the American Bar Association, Order of the palmetto, Distinguished Alumni Award from South Carolina State College in 1972 and 1980, South Carolina of the Year by Cosmos Broadcasting Co. in 1977 and the William R. Ming Advocacy Award and Distinguished Native Son from the NAACP. He achieved senior judge status in 1995. He died in 2011.

Waring, Julius Waites.

The late Hon. Waring was born in Charleston, SC on July 27, 1880. He attended the University School and graduated from the College of Charleston. He read law in the offices of John Pendleton Kennedy Bryan. Judge Waring was elected Assistant District Attorney for the Eastern District of South Carolina from 1914-1921. He was in private practice in the firm of Waring and Brockington from 1921-1932 and served as corporate counsel for the City of Charleston from 1932-1942. He later served as U.S. District Court Judge from 1942-1952. Waring suggested to Thurgood Marshall that segregation should be attacked as unconstitutional stating, that "segregation is *per se* inequality." Judge Waring retired from the bench after becoming unpopular because of several rulings he made in civil rights cases. One particular ruling that caused him to fall out of favor was the one declaring that black teachers should be paid the same salary as white teachers. He also said that white-only primaries were unconstitutional. Judge Waring moved to New York, where he died in 1968.

Identifications

Note to Teachers:

The following topics are mentioned in the videotape or are relative to the study of civil rights in South Carolina and the United States. Because they are discussed or covered in almost any textbook dealing with United States History, they are listed only. You are encouraged to have your students look up the terms themselves and then be able to discuss the terms in class.

Thurgood Marshall

Sit-ins

Jim Crow Laws

Montgomery Bus Boycott

“separate but equal”

“Little Rock Nine”

Plessy vs. Ferguson (1896)

“I Have a Dream” speech

NAACP

CORE

Southern Christian Leadership Conference

Student Nonviolent Coordinating Committee (SNCC)

Martin Luther king, Jr.

Rosa Parks

14th Amendment

National Urban League

Civil Rights Act of 1964

Voting Rights Act of 1965

Brown vs. Board of Education (1954)

Busing

“all deliberate speed”

South Carolina Events

Note to Teachers:

The following two South Carolina events were discussed or depicted in the videotape. Included here are short descriptions of those events.

Martin Luther King, Jr., visit to Kingstree – On Sunday, May 8, 1966, the Reverend Martin Luther King, Jr. visited Kingstree, the county seat for Williamsburg County. The purpose of the visit was a “get out the vote” rally and promotion of black candidates running for office. Between four and five thousand people attended the rally and the local paper reported that “a handful of whites was seen in the gathering.” King spoke briefly that afternoon and among the individuals on the stage with him that day were James McCain of CORE from Sumter, Ben Mack of the SCLC of South Carolina, Matthew Perry, Alice Spearman from South Carolina Council on Human Relations and Richard Miles of the Voter Education Project. Joining them on stage were several blacks running for offices in Williamsburg County that year. King made numerous appearances that year to support voter registration drives for blacks and to support black candidates running for office.

Orangeburg Massacre – Many desegregation issues faced South Carolina in the 1960s. Many of the early lawsuits filed and decided dealt solely with public buildings and schools that were segregated by law. Private establishments were addressed in later lawsuits and activities, such as the sit-ins and protest rallies. One establishment that continued to refuse to serve blacks in the late 1960s was the bowling alley in Orangeburg. Students at the nearby South Carolina State University and Claflin College organized a protest. Gov. Robert McNair called out the National Guard to keep peace. However, on February 8, 1968, three blacks were killed by white highway patrolmen outside the bowling alley and another 34 were injured. The event has been called the “**Orangeburg Massacre**” and labeled the worst violence to hit the state of South Carolina during the civil rights era.

Court Case

Note to Teachers:

The following court case is discussed during the videotape. A sort description of the case is provided here.

Briggs vs Elliott — *Briggs vs Elliott* grew out of the case file by Levi Pearson in 1947 asking for bus transportation for his children to the school in Clarendon County. After Pearson's case was ruled moot because he lived in a different county than he tried to sue, other residents of South Carolina decided to pursue equality in education for their children. Scott's Branch School in Summerton had only two outhouses for 11 grades of children and all of the faculty. Drinking water was provided only from several spigots in the school courtyard. There were not enough classrooms in the school courtyard. There were not enough classrooms and no county-provided transportation.

With this information in hand, a lawsuit was filed in 1949 on behalf of 46 minor school children by 20 parents and guardians. The suit was filed under the name Harry Briggs (alphabetically he was the first plaintiff). The suit was filed against the Board of Trustees for Clarendon County School District 22 and other defendants. As chairman of the Board of Trustees, R.W. Elliott was used as the defendant in the suit. The case asked for "separate but equal" schools, and after Judge Waites Waring read the case, he suggested the case be withdrawn, for the plaintiffs already has "separate but equal" schools. The case was re-filed and the new case challenged the constitutionality of the concept of "separate but equal."

A panel of three federal judges heard the case in South Carolina, one of them Judge Waring, the other judges John J. Parker and George Bell Timmerman. A 2-1 decision in favor of the defendants was based on the 1896 Supreme Court case of *Plessy vs. Ferguson*. Judge Waring wrote a dissenting opinion. Though the case was decided in favor of "separate but equal," the judges did find that Clarendon County had failed to provide equal educational opportunities for blacks and thus had violated their rights. This portion of the decision had affected all public schools in South Carolina, and over the next several years, the state spent money making "separate but equal" more of a reality.

Since the case was a Constitutional challenge, it was appealed to the Supreme Court. The case was in the discovery phase when the Court sent it back to the district court for a report on the progress towards equalizing educational facilities and opportunities in South Carolina. When the case returned to the Supreme Court docket in late 1952, there were four similar cases waiting to be heard. The Court combined the five into one case, and since *Brown vs. Board of Education of Topeka* was the first of the cases on the docket, it was the case under which the decision on segregation was made in 1954.

For Further Study

Note to Teachers:

Below are a list of topics from South Carolina history and civil rights era that can be researched as part of the instruction related to this video.

Modjeska Simkins

Rev. I. DeQuincy Newman

Robert McNair

Ernest F. "Fritz" Hollings

Donald S. Russell

Henri Monteith

James L. Soloman

James N. Hinton

Levi S. Byrd

I.S. Leevy Johnson

Joseph A. DeLaine

Smith vs. Allwright (1944)

Henderson vs. United States (1950)

Sipuel vs. Board of Regents (1948)

Sweatt vs. Painter (1950)

McLaurin vs Oklahoma State Regents (1950)

Boiling vs. Sharpe (1954)

Bibliography

Note to Teachers:

Below is a limited bibliography of materials available to begin research on any of the above topics or other related topics. Biographies of individuals are omitted from this short list as there are many on numerous civil rights figures. Students should be encouraged to use the Internet as resources, local newspapers and oral histories from people who participated in the civil rights movement. Each of the following works also contains a bibliography and/or footnotes that will give additional sources.

Bass, Jack. *Orangeburg Massacre*. Macon, GA: Mercer University Press, 1984.

Botsch, Carol S, et.Al. *African-Americans and the Palmetto State*. Columbia: State Department of Education, 1994, reprinted 2000.

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Hornsby Jr., Ben R. *Stepping Stone to the Supreme Court*. Columbia: South Carolina Department of Archives and History, 1992.

Kluger, Richard. *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality*. New York: Knopf, 1975.

Newby, I.A. *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*. Columbia: University of South Carolina Press, 1973.

Rogers Jr., George C. *Generations of Lawyers: A History of the South Carolina Bar*. Columbia: South Carolina Bar Foundation, 1992.

Roland, Charles P. *The Improbable Era: The South Since World War II*. Lexington: University Press of Kentucky, 1976.

Yarborough, Tinsely. *A Passion for Justice: J. Waites Waring and Civil Rights*. New York: Oxford, 1987.

Edgar, Walter B. *South Carolina: A History*. USC Press, 1998.