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# Before the Corridor of Shame: The African American Fight for Equal Education After Jim Crow

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Before the Corridor of Shame: The African American Fight for Equal Education After  
Jim Crow

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## Abstract

“Before the Corridor of Shame: The African American Fight for Equal Education After Jim Crow” analyzes how African American public school students in South Carolina used direct action protest to demand the implementation of quality, desegregated public education in the 1970s. Students built off of the legacy of the Civil Rights Act of 1964, which empowered the Department of Health, Education, and Welfare (HEW) to withhold federal funds from school districts that practiced overt segregation and became the mechanism by which the federal government could force states to desegregate. As a result, most South Carolina schools desegregated by 1970 and technically met federal civil rights standards, retaining federal school funding. In reality, many white school district officials and communities found ways to manipulate or circumvent new federal regulations while maintaining racially discriminatory policies, and federal and state authorities did not have the laws, policies, or political gumption to adequately deal with post-desegregation obstructions. This dissertation examines the problems that the first generation of black students attending totally desegregated schools faced. School districts closed majority-black schools to achieve desegregation and enrolled black students into previously all-white institutions that disrespected the history and identity of former majority-black institutions. Districts compounded black student and community frustrations when they fired and demoted many black teachers, administrators, and coaches, frequently replacing them for less qualified white candidates. Southern school districts tracked black students into lower level academic classes, which promoted

segregated classrooms and racial isolation within newly desegregated schools, and subjected black students to harsher discipline policies. Many white residents in majority-black school districts abandoned South Carolina's desegregated schools launching a prolific private school movement in the state, but simultaneously worked to control majority-black school districts, often funneling public resources into private, segregation academies. In the face of white resistance, black South Carolinians, civil rights activists, and a myriad of civil rights organizations once again inherited the burden of ensuring that their local and state governments implemented federally mandated desegregation regulations. From 1969-1979, black student protests emerged in dozens of communities across the state. Students boycotted classes, presented grievances, and petitioned state and federal authorities to demand that local school districts provide better education to black students. This dissertation asserts that black activists took advantage of growing state and federal oversight, and contributed to new desegregation regulations by providing accounts of the post- problems and discrimination they faced in their communities. By the late 1970s, South Carolina legislation regulated almost every component of education previously left to the jurisdiction of local school boards and the federal government revised many of its desegregation regulations. African American students, parents, and activists of the 1970s built on the legacy of black civil rights activism, established from the early twentieth century in South Carolina and across the South, and employed direct action protest to demand quality, integrated public education in South Carolina. Black South Carolinians achieved some successes and also witnessed many setbacks, but they continued to fight, placing quality education at the center of that struggle.

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## **Introduction:**

### **“Like a Heavy Thunderstorm in Full Force”: Collective Black Student Activism and the Battle for Quality Public Education After Jim Crow**

On April 23, 1951, black students at segregated Robert Russa Moton High School in the town of Farmville, Virginia, in Prince Edward County, walked out of school to protest the conditions of their education, placing the pursuit of quality public education at the core of their community’s civil rights movement. Using collective black student protest to pursue their aims, Moton students demanded an expanded curriculum, an end to overcrowding, and an increased local commitment to black education by the all-white school board and county council that controlled school funding. Attorneys from the National Association for the Advancement of Colored People (NAACP), impressed by student militancy at Moton and commitment to civil rights activism within the Farmville community, decided to involve the Moton students as plaintiffs in Virginia’s first suit against segregated education. Three years later, *Davis v. County School Board of Prince Edward County* became one of the five cases that culminated into *Brown v. Board of Education (1954)*, a Supreme Court case that overturned the legality of segregated education in the United States. While *Brown v. Board* and federal civil rights legislation in the 1960s eventually contributed to the dismantling of Jim Crow laws and legal segregation across the American South, racial inequality in Southern education systems continued. More than twenty years after the Moton strike, during the period of mass



desegregation in the late 1960s and 1970s, another generation of black students continued to struggle for some of the same things as the Farmville students. Although their struggles did not receive as much attention from the public at large, they anchored another era of powerful movements to protest inadequate and unequal public education systems.<sup>i</sup>

This dissertation is about the grassroots civil rights activism that emerged in communities across South Carolina that protested the lack of quality educational opportunities available for black children from 1965-1980. It examines the persistent local protest following the Civil Rights Act of 1964 and Voting Rights Act of 1965, and the importance of black activism in achieving quality public education for all students after the apex of the civil rights movement. While white resistance to desegregation in this period was less overtly violent and publicly defiant than the so-called “massive resistance” of the 1950s and early 1960s, it remained a potent force in South Carolina communities. In the face of post-Jim Crow obstructions, ordinary parents, students, and activists used shifting federal policies to assert their civil rights in the Palmetto State.

In South Carolina, boycotts emerged in dozens of counties across the state following mass desegregation. Like Moton students, black students in the post-Jim Crow Era demanded better facilities, support from majority-white school boards and county councils, and more challenging and meaningful curriculums. Supported by local chapters of the NAACP, the Southern Christian Leadership Conference (SCLC), and the American Friends Service Committee (AFSC), black student movements ensured that legal victories achieved at the apex of the Civil Rights Movement would not be meaningless in schools and local communities across the state. Their story represents an

integral but virtually unknown component to civil rights activism in the post-Jim Crow Era, one that provides a deeper understanding of the role of African American activism in achieving *Brown's* mandate.

Despite a growing literature on the history of the civil rights movement and school desegregation, little scholarship examines how communities across the South implemented school desegregation and school policy in the post-Jim Crow Era South. While most Southern school districts met federal desegregation standards following 1964, school boards and administrators manipulated federal policy, maintaining racially discriminatory policies and segregated learning in desegregated schools. Many historians have argued that after 1970, the American South's schools became the most integrated in the nation.<sup>ii</sup> But without looking into the hallways and classrooms of desegregated schools, and examining the policies of southern school boards and administrators, historians misconstrue the successes of desegregation in the South.

Recent scholarship related to school desegregation and its implementation debates the national scope and magnitude of the *Brown* decision and focuses on the role of the federal court system in making *Brown* successful, the nature of white resistance to desegregation, and controversies over mandatory school busing and urban school desegregation plans. The limited historiography on post-Jim Crow desegregation efforts focuses on busing controversies and class and ethnic tensions inherent in urban school districts. The most scholarly attention has gone to Boston and Charlotte, with Charlotte portrayed as an example of successful cross-town busing and a symbol of effective desegregation in the New South, Boston a reminder of failures and violence.<sup>iii</sup>

A broader historiographical discussion emphasizes the changing social, political, and economic dynamics of the American South after World War II. Scholars examine the role of rising conservatism in American politics as a response to the civil rights movement and a rapidly shifting Southern economy and landscape. Focusing on the complex interactions of race, class, consumerism, and the politics of metropolitan space, historians argue that suburbanization was a reaction to desegregation, driven by color-blind arguments, individualism, and free-market consumerism at the grassroots. This historiography explores the expectations and demands of the mostly white, rising middle-class suburban elite in the post-war era, and the arguments they used in struggles over school desegregation. While this work is important to understanding the trajectory of desegregation in the years following the major civil rights legislation of the 1960s, the larger discussion must involve clearer treatment of black responses to desegregation. In this way, historiography on school desegregation after 1965 remains too focused on white responses to desegregation, and the ways in which white community members defined desegregation.<sup>iv</sup>

In addition, while historians emphasize the more visible school conflicts in southern cities, it is imperative that the analysis fully consider the roles of rural communities across the South. Patterns of racism in the process of integration were often more pronounced in rural areas, where black people usually held less political power. As a result, blatant offenses to black students in the desegregation era, by all-white school boards and administrations, prompted many changes to federal and state education policy, specifically regarding school finance, discipline policy, teacher certification and qualification, and education standards. South Carolina's school policy in the late 1970s

and early 1980s aimed to create a more equal learning environment for both minority and impoverished students, in large part because of civil rights activism and black student protest.

While general studies have explained the ways that the Kennedy and Johnson administrations transformed federal education policy, serious questions remain about the changes those policies had on education at the local level, and the role of African American parents and students in that transformation. A growing historiography has also analyzed the ways in which public education shifted from 1965 through the present, but it tends to leave out local community influences on shifting national policy. An analysis of black student protest in public schools across South Carolina after 1965 shows the power of African American community activism in challenging policies regarding education funding, standardized testing, teaching and curriculum standards, and discipline.<sup>v</sup>

Black student and community movements utilized collective power in the post-Jim Crow Era to achieve a foothold in local politics, particularly in control over education. The processes whereby students embraced philosophical strands of Black Power and merged them with civil rights organizing, contributes to a growing historiography that reassesses the ways that black power, in conjunction with civil rights activism, reshaped established definitions of American citizenship, identity, and democracy. By looking at the goals, identity, and protests of black students in the post-Jim Crow South, this paper will also consider the processes whereby black power and civil rights became part of a shifting struggle to secure equality and freedom during a period in which uniform laws against racial discrimination were instituted on a national level. Importantly, this study

also pushes the timeframe into the late 1970s, an era usually marked by growing conservatism, a decline in liberal activism, and a disappearing Black Power movement.<sup>vi</sup>

A few important works examine the ways in which victories at the high tide of the civil rights movement transformed Southern communities, but not specifically on education. Lyndon Johnson's War on Poverty is used as a lens to frame and understand the challenges and opportunities black Southerners faced during this transitional time period, and how Southern communities were transformed with regard to race, class, and citizenship. Black activism did not decline during this period and African Americans continued to challenge economic and housing discrimination in post-Jim Crow communities, particularly influenced by the rise of black power movements in Southern cities like New Orleans. Contributing to this historiography, I use school desegregation efforts as a lens to frame the transitions in Southern communities and examine how African Americans continued to challenge discrimination in public education.<sup>vii</sup>

Ultimately, student activism across the state inspired direct action from parents, community leaders, and activists who embraced student struggles to challenge traditional school board electoral policies, to question the misuse of public school monies, to demand better instruction for students, and to contest unfair disciplinary measures. Black student activism formed a collective force that demanded those in power to listen. Students and parents used the federal, state, and local resources available to them, in the changing political environment of the post-Jim Crow era, to finally bring the promise of *Brown* to their communities.

What follows, is not only a testament to the successes of those movements, but also the limitations faced by them. While students embraced new possibilities, they were still

hampered by the vestiges of Jim Crow and the constraints of a society so marred by racial segregation, white supremacy, and racial exploitation. The post-desegregation system witnessed soaring black suspension and expulsion rates, record numbers of black student dropouts, and lowered expectations for black student achievement. In 1954, Supreme Court Justice Earl Warren argued in the *Brown* decision that “To separate them [black children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”<sup>viii</sup> This is the story of how those children who remained separated and excluded from quality and integrated public school systems more than twenty years after the *Brown* decision carried on the fight for equal educational access and civil rights.

## Chapter 1

### **Not Separate But Not Equal: Black South Carolinians and Their Battle for Quality Desegregated Education After Jim Crow**

In 1969, black parents, supported by the National Association for the Advancement of Colored People (NAACP), appealed a decision by the United States Circuit Court in South Carolina that allowed Darlington and Greenville school districts to implement a Freedom of Choice desegregation plan for the 1969-1970 academic year. Freedom of Choice plans allowed black students in segregated school systems an opportunity to apply for transfer to majority-white schools and satisfied federal desegregation requirements in the immediate years following the Civil Rights Act of 1964, which outlawed racial segregation in public facilities. But in practice, Freedom of Choice plans perpetuated racially dual school systems by allowing only a small number of black student transfers. The United States Supreme Court declared ineffective Freedom of Choice Plans unconstitutional in *Green v. New Kent County* in 1968, but most school districts in South Carolina continued using Freedom of Choice plans to satisfy federal desegregation requirements until 1970.

Sixteen years after the United States Supreme Court declared segregation unconstitutional in the landmark *Brown v. Board of Education* (1954) decision, five years after Title VI of the Civil Rights Act of 1964 outlawed school segregation, and a year after the United States Supreme Court declared ineffective Freedom of Choice plans unconstitutional in *Green v. New Kent County* (1968), Darlington County operated a

Freedom of Choice plan that only allowed 4 percent of its black students to attend desegregated schools; Greenville's plan allowed 7 percent.<sup>ix</sup> Merely 26 percent of black students attended desegregated schools statewide.<sup>x</sup> In response to appeals from black parents, on January 19, 1970 the United States Fourth Circuit Court of Appeals rejected the state's nominal desegregation efforts and demanded the implementation of full and immediate school desegregation in Darlington and Greenville by February 9, 1970. The Court ordered all of South Carolina's public school districts to follow by the start of the next academic year.<sup>xi</sup>

When the Fourth Circuit Court of Appeals ruled against Darlington and Greenville school districts, it required them to implement desegregation plans created by federal officials from the Department of Health, Education, and Welfare (HEW), an organization that regulated southern school desegregation following the 1964 Civil Rights Act. While some protest emerged in Greenville, which had a 20 percent black student population, Darlington County's white community violently protested HEW's desegregation plan, which assigned a 47 percent black and 53 percent white student ratio in all of the district's schools-- a percentage that accurately reflected the racial makeup of the county's student population. As the February 9 deadline for total desegregation approached, white residents in Darlington enrolled their children in private academies and staged multiple Freedom of Choice rallies, including a Mothers March for Freedom of Choice. Once schools desegregated in early February, white parents in the town of Lamar acted in the tradition of southern massive resistance campaigns established after *Brown* and boycotted Darlington County's public schools, refusing to go back until officials reinstated Freedom of Choice.<sup>xii</sup>



At the time of Darlington's desegregation order, Lieutenant Governor John West, a Democrat and racial moderate, and his Republican opponent Congressman Albert Watson, the first Republican elected to congress from South Carolina since Reconstruction, were in the heat of South Carolina's 1970 gubernatorial race. The Fourth Circuit Court's controversial desegregation order quickly engulfed the candidate's platforms, placing race and school integration as top issues in their campaigns. Watson, a staunch segregationist supported by President Richard Nixon and Strom Thurmond, a South Carolina senator who opposed civil rights legislation and left the Democratic Party after Democratic President Lyndon Johnson helped pass the 1964 Civil Rights Act, vigorously denounced federal desegregation policy and accused West of sacrificing local control and states' rights for the benefits of black bloc voting in the wake of the 1965 Voting Rights Act. West insisted that South Carolina had to follow federal law and honor federal desegregation policy, portraying himself as "a good man," and a New South Democrat who endorsed interracial cooperation, moderation, and responsibility.<sup>xiii</sup>

In late February of 1970, amidst widespread community backlash towards desegregation, Albert Watson gave a campaign speech at a "Freedom of Choice" rally in Lamar, a small agricultural community located in Darlington County. Watson called for Lamar citizens to defy court orders and fight school integration at all costs. He compared the fight of Lamar segregationists to the revolutionaries in the American Revolutionary War, and said that the nation's forbears "were men who did not give up without fighting."<sup>xiv</sup> Watson quoted the South Carolina state motto, *Dum Spiro Spero* (While I breathe I hope.), and criticized the federal government for getting involved in what he considered a states' rights issue. He assured the crowd that he was working with them to

end the federal intrusion of the South. “Every section of this state is in for it,” warned Watson, “unless you stand up and use every means at your disposal to defend against what I consider an illegal order of the Circuit Court of the United States...right is on your side.”<sup>xv</sup>

A few days later, on March 3, a mob of 200 white residents in Lamar, mostly farmers and factory workers, blocked the path of two school busses carrying 32 black elementary and high school students to the newly desegregated Lamar High School. After stopping the buses, the white mob attacked it with axe handles, chains, bricks, and sharpened screw drivers. Women in the crowd pulled wires loose from the engine while men rocked the bus and turned it over. They threw bricks through the windows, injuring several black children, and pummeled the outside of the bus with clubs. School officials worked to get all of the students off of the bus before the crowd overturned it, but several children received injuries, including bruises, cuts, and some had glass in their eyes.<sup>xvi</sup>

Several United States marshals at the scene of the riot took no action to protect the black children attacked because “they were there as observers.”<sup>xvii</sup> State police from South Carolina’s Law Enforcement Division (SLED) on the scene initially avoided involvement in the attack because they wanted to circumvent a violent confrontation with the angry mob, but eventually intervened. Tense moments passed and each side leveled guns at one another. Lamar High School’s principal said that “for about 35 minutes it was hotter out there on that school ground than in Vietnam.”<sup>xviii</sup> One white Lamar resident fired a shot, and several rioters struck South Carolina officers with rocks. SLED officers eventually used tear gas to disperse the crowd.<sup>xix</sup> Darlington school district officials cancelled Lamar’s schools for three days following the riot and Governor McNair

remarked that the incident was “unspeakable.”<sup>xx</sup> When schools reopened, state national guardsmen, helicopters, and 125 police officers with shotguns turned back another 55 white protesters marching toward the school after classes started.<sup>xxi</sup> State police arrested 15 men following the Lamar riots and a Darlington County jury eventually convicted 3 men for inciting the riot.<sup>xxii</sup>

In the aftermath of the violence in Lamar, Democratic Governor Robert McNair and Lieutenant Governor West blamed Watson, who McNair argued “helped create the type of dangerous and inflammatory public attitude which makes such an act possible.”<sup>xxiii</sup> McNair accused Thurmond and Watson, along with other newly aligned Republicans who abandoned the Democratic Party in the aftermath of the 1964 Civil Rights Act, of disrespecting law and authority and threatening the stability and progress of South Carolina. Watson rebutted by blaming the riot on the frustrations of white parents whose concerns went unheard by the McNair administration. As the gubernatorial race neared its end, the South Carolina Democrats fashioned themselves as the party who enforced federal mandates and embraced an interracial New South agenda, while the Republicans launched the last overtly segregationist campaign for the governor’s mansion in South Carolina’s history.<sup>xxiv</sup>

A majority of African Americans in South Carolina supported state Democrats as their best option for political leadership, but events during McNair’s governorship, namely the Orangeburg Massacre, indicated that racial discrimination still permeated the state’s legal and political systems. In 1968, nine South Carolina Highway Patrol officers in Orangeburg fired into a crowd of peaceful black student protesters at South Carolina State College, a historically black institution, killing three unarmed black students and

injuring twenty-eight more. After the incident, officials in the state government, including Governor McNair, denied state responsibility and promulgated false information about the massacre, insisting that black students had weapons and fired on SLED officers prompting the attack. A South Carolina federal grand jury acquitted the state troopers charged with shooting the students, and nobody ever accepted responsibility for killing three innocent black students in Orangeburg.<sup>xxv</sup> Instead, authorities charged and convicted a black South Carolina native and activist with the Student Nonviolent Coordinating Committee (SNCC), Cleveland Sellers, for inciting a riot.<sup>xxvi</sup>

As Robert McNair's governorship came to an end, South Carolinians elected Lieutenant Governor John West as his predecessor. West captured 51.7 percent of the vote statewide, but received 90 percent of votes cast by African Americans, who represented 25 percent of the total number of votes cast in the state. Albert Watson received 58 percent of the white vote but no notable African American support. West and his supporters viewed his 1970 gubernatorial victory as a repudiation of divisive, racial politics, and believed his election symbolized a turning point in South Carolina history and race relations. In his inaugural address, January 19, 1971, West declared, "—we can, and we shall, in the next four years eliminate from our government any vestige of discrimination because of race, creed, sex, religion, or any other barriers to fairness for all citizens. We pledge minority groups no special status other than full-fledged responsibility in a government that is totally color-blind."<sup>xxvii</sup> West promised that his administration would eliminate hunger, improve housing and health care for all South Carolinians, no matter their race. To help fulfill this promise he created the state's Human Affairs Commission, which sought to "to promote harmonious relationships among the

citizens of this state,” and also became the first South Carolina governor in over a century to appoint an African-American to an official state position when he named James E. Clyburn assistant to the governor for Human Resource Development.<sup>xxviii</sup>

On the surface, the 1970s held great promise for African Americans in South Carolina. For the first time in the state’s history, all of South Carolina’s public schools opened on a totally desegregated basis in the Fall of 1970. South Carolina’s governor promised to end racial discrimination in the government, and African Americans harnessed substantial voting power for the first time since Reconstruction. But South Carolina’s recent past, including The Orangeburg Massacre, the riot in Lamar, and white resistance to desegregation in every South Carolina school district in the state, indicated that deep-seated attitudes of white supremacy were so hardwired and embedded into the state’s attitudes, practices, and identity that vestiges of Jim Crow remained firmly entrenched in South Carolina’s political and social systems. While desegregation occurred across the state, racial equality would be much harder for African Americans to achieve.

John West’s victory did not signal the end of massive resistance to desegregation by white South Carolinians, but instead served as a testament to the transformative power of 1960s federal civil rights legislation, achieved at the apex of America’s civil rights movement, on communities across the South.<sup>xxix</sup> The Civil Rights Act of 1964 proved to be the most important piece of federal legislation for advancing the desegregation of public schools; Title VI of the Civil Rights Act empowered the Department of Health, Education, and Welfare (HEW) to withhold federal funds from school districts that practiced overt segregation and became the mechanism by which the federal government

could force states to desegregate. The Voting Rights Act of 1965 opened the doors for black voting and political power in the state by prohibiting racial discrimination in voting practices by the federal, state, and local governments and specifically banned the use of literacy tests and poll tax registrations. The Act also provided federal registrars in many communities across the South to enforce new federal voting rights for blacks and other minorities. In South Carolina, African American voter registration jumped 37.2 percent because of the Voting Rights Act. In 1958 South Carolina only registered 58,000 black voters, but by 1967 the state registered over 220,000.<sup>xxx</sup> Before 1965, only 37.3 percent of black citizens registered to vote, compared to 76 percent of whites, but by the 1988, 56 percent of blacks registered compared to 61 percent of whites.<sup>xxxi</sup>

The Civil Rights Act and Voting Rights Act equipped black South Carolinians with the tools needed to more effectively engage white segregationists, but by no means signaled that the battle for racial equality and access to public education was over. Desegregation in the state, particularly in public schools, did not occur easily and the state's public schools quickly emerged as a battleground in the post-Jim Crow era between white communities who worked to maintain South Carolina's dual education system, and black communities who relentlessly fought for educational access. Even though most school districts in the state met federal civil rights standards and retained federal funding, many white school district officials found ways to manipulate or circumvent new federal regulations. Federal and state authorities were not prepared to handle the many problems that emerged in South Carolina's schools following desegregation, and did not have the laws, policies, or political gumption to adequately deal with post-desegregation obstructions.

The first generation of black students attending totally desegregated schools faced numerous difficulties. Most school districts in South Carolina closed majority-black schools to achieve desegregation and enrolled black students into previously all-white institutions that disrespected the history and identity of former majority-black institutions. Desegregated schools often kept mascots and school colors of historically white institutions, which embittered many black students who felt discounted and unsupported in the desegregated system. Extra-curricular activities and student councils often excluded black students, and student homecoming courts, often appointed by school administrations after total school desegregation, were frequently all-white, even in majority-black schools. Districts compounded black student and community frustrations when they fired and demoted scores of black teachers, administrators, and coaches, replacing them for less qualified white candidates. From 1967-1969, South Carolina experienced a loss of 221 black teaches, approximately 20 percent of black teachers in the state, but gained 366 white educators.<sup>xxxii</sup> In addition, desegregated districts often had few black counselors to help black students adjust to the changes that total desegregation produced.

Southern school districts tracked black students into lower level academic classes, which promoted segregated classrooms and racial isolation within newly desegregated schools. HEW allowed racially identifiable classrooms if districts used standardized test scores to validate student placements. Edgefield County school district, home to Strom Thurmond, even tried to create an “experimental school” for students with low standardized test scores for the 1970—1971 academic year. The district, which enrolled a 65 percent black student population, assigned 1300 students to the special school, all of

which were black. When HEW rejected the plan, the school revised its design so that only 75 percent of the 1300 students assigned were black, which HEW accepted. Throughout the ordeal, black parents advised their students to refuse any standardized test given to them by the district, and despite school district claims of below average black standardized test scores, only 19 percent of black students in the district ever took the test. To prevent the implementation of the experimental school, black parents initiated a school walkout and subsequent boycott that was 100 percent effective in the black community. Only when the school district agreed to abandon plans for the remedial school did the black community end their boycott.<sup>xxxiii</sup>

Black students endured harsher discipline policies in desegregated public schools. Black suspensions and expulsions dominated post-Jim Crow school discipline procedures so much so that the South Carolina legislature had to pass the 1973 School Discipline Law to regulate this post-desegregation phenomenon. In 1973, the Children's Defense Fund, a national child advocacy organization, found that black secondary students were suspended more than three times as often as white students after desegregation, and that black females were suspended four times as often as white females. The same study found that 13 percent of black students in South Carolina were suspended at least once during the 1973-74 school year, compared to 8 percent of white students. South Carolina students lost 147,202 days of school during the 1973-1974 academic year because of suspensions and expulsions, and students affected were not allowed to makeup missed academic coursework, including exams.<sup>xxxiv</sup>

A private school movement also took root in South Carolina following desegregation. Many white students in majority-black school districts abandoned South Carolina's



desegregated schools. Before 1964, South Carolina had 15 private schools, mostly parochial, with just over 15,000 students. Between 1964 and 1974, 134 private academies opened in South Carolina, 131 of them segregated, and private enrollment jumped to over 47,000 students. In 1979, approximately 54,000 students, 8 percent of South Carolina's school aged population, attended private schools.<sup>xxxv</sup> Despite the abandonment of public schools by many white residents across the state, white school boards maintained control of the state's schools. In 1970, of the 388 members of county school boards in South Carolina, 12 were black.<sup>xxxvi</sup> White school boards often funneled public resources into newly established all-white private segregation academies and misused school resources and federal funds intended to help the desegregation process. Majority-white school boards of majority-black student districts neglected their district schools, were less likely to establish Parent Teacher Committees, enforce Compulsory Attendance Laws, provide free breakfast programs for their students, and more likely to misuse federal funds granted to impoverished districts through the Elementary and Secondary Education Act.<sup>xxxvii</sup>

These injustices signaled to many black residents that though great victories had been achieved through civil rights activism in previous decades, that the battle to achieve equal educational opportunity and civil rights for African Americans was far from over. In the face of white resistance, black South Carolinians, civil rights activists, and a myriad of civil rights organizations once again inherited the burden of ensuring that their local and state governments implemented federally mandated desegregation regulations. From 1969-1979, black student protests emerged in communities across the state, including Columbia, Charleston, Rock Hill, Fort Mill, Greenwood, Ridgeville, Calhoun, Bowman,

Laurens, Greenville, Williston, Hartsville, Florence, Marion, Union, Newberry, Sumter, and Lexington, among others. Students worked through various civil rights organizations including the National Association for the Advancement of Colored People (NAACP), the Southern Christian Leadership Conference (SCLC), and the American Friends Service Committee (AFSC) and boycotted classes for periods lasting from a few days to several months, presented grievances to their school boards, filed letters of complaint with the Office of Civil Rights and the Department of Health, Education, and Welfare, wrote letters to the Governor and South Carolina General Assembly, and used local, state, and national media outlets to demand that school boards meet their grievances.

School desegregation and continued civil rights protest in South Carolina's public schools emerged at a time when South Carolina legislators and politicians put great emphasis on improving its public schools in order to protect its economic future. But when West took office, the state had chronically high drop-out rates; on average, 50 percent of students who started school in the 1950s and 1960s never graduated high school. In 1970, over 20,000 black adults and 13,500 whites in the state over 25 had never even been to school. Twelve percent of the state's adult population in 1970 received less than five years of schooling, ranking South Carolina 48th in the nation for its educational reach.<sup>xxxviii</sup> Per pupil expenditure and teacher salaries in South Carolina ranked below most states and were 25 percent under the national average.<sup>xxxix</sup>

West worked hard to expand the state's economy, build industry, and improve public education, arguing that education reform and expansion of educational opportunity were essential steps for the South's post-civil rights growth. But white resistance to desegregation hindered West's efforts to improve the state's schools. While many white

students fled the state's schools, black dropout levels soared. In 1970 alone, the state witnessed 25,000 student dropouts, 90 percent of which were black.<sup>xi</sup> Boycotts waged by black students also took students out of classrooms, deterring their learning opportunities. As school boards around the state seemed to be falling short of their responsibilities to provide quality education to all of their students, state involvement increased as never before in local school district policy. By the late 1970s, South Carolina legislation regulated almost every component of education previously left to the jurisdiction of local school boards. The Educator Improvement Act of 1979 set new standards for teacher evaluation and certification, the Basic Skills Assessment Act of 1979 set new state curriculum standards, the Student Discipline Law of 1973 regulated school district discipline policy, and the Human Affairs Commission required those school boards whose students protested to publish their standards and policies. The Education Finance Act 1977 also transformed the state's school funding policy.<sup>xli</sup>

The Federal government's reach also expanded following the Civil Rights Act of 1964, which set new federal standards for southern school systems by outlawing racial discrimination in any activity or program that received financial support from the Federal Government. In addition, the passage of the Elementary and Secondary Education Act (ESEA), and Emergency School Aid Act (ESAA), both of which channeled large amounts of federal funds to Southern school districts to aid in the desegregation process, greatly increased the power of federal oversight in local school district policy. The federal government used federal aid funds to implement federal oversight into school policy that before 1970 had only been regulated by individual school boards.

Black community activism and local civil rights organizations took advantage of growing state and federal oversight, and contributed to new policies by providing accounts of the post-Jim Crow problems and discriminatory policies they faced on the ground. Often, black South Carolinians worked through advocacy groups, such as the American Friends Service Committee (AFSC), a Quaker organization that promoted civil rights activism and social justice, to communicate post-desegregation impediments with state and federal organizations. Federal oversight committees and organizations also evaluated desegregation policies based on the experiences of local black communities, and revised policies and procedures to ensure that local school districts met the desired intentions of those regulations. HEW altered their desegregation guidelines in response to white resistance in 1966, and Congress changed its guidelines for receiving ESEA and ESAA funds in the early 1970s after many districts received funds while manipulating federal desegregation policy. HEW's Office of Civil Rights also reconfigured policies to block federal funds from districts that used discriminatory discipline policies after the full force of black suspension and expulsion numbers came to light.

Civil rights victories secured through the passage of the Civil Rights Act and Voting Rights Act equipped African Americans with the resources to fight racial discrimination and Jim Crow, but by no means ended the struggle for civil rights and equal educational access in South Carolina. The arduous and necessary struggles of black students, parents, and community activists in the aftermath of 1960s civil rights legislation are a vital component to American and civil rights history, but in many ways, have been overshadowed by the victories achieved in the apex of America's civil rights movement. Civil rights activists transformed post-Jim Crow society in the American South,

particularly public education, by asserting pressure on local school boards, the South Carolina Department of Education and General Assembly, and federal organizations such as the Department of Health, Education, and Welfare, to not only meet federal mandates, but develop new ones to combat emerging post-desegregation discriminatory trends. African American students, parents, and activists of the 1970s built on the legacy of black civil rights activism, established from the early twentieth century in South Carolina and across the South, and employed direct action protest and organizing, waged court battles, risked their jobs, and put their academic futures on the line, all to demand quality, integrated public education in South Carolina. Black South Carolinians achieved some successes and also witnessed many setbacks, but they continued to fight, placing quality education at the center of that struggle.

## **Background**

On May 17, 1954, the U.S. Supreme Court Justice Earl Warren delivered the unanimous ruling in the landmark civil rights case *Brown v. Board of Education of Topeka Kansas*, which held that state-sanctioned segregation in public schools violated the Equal Protection Clause of the Fourteenth Amendment and declared segregated education unconstitutional. This historic decision overturned the legality of the "separate but equal" doctrine, established by the 1896 Supreme Court decision, *Plessy v. Ferguson*. The NAACP constructed *Brown* from five separate school equality cases that originated throughout the South and its bordering states, including *Briggs v. Elliot* (1952), which began in Clarendon County, South Carolina. At the time of the suit, South Carolina public schools spent three times as much on white students than on black students, and

ten of forty-six counties in South Carolina had no accredited high schools for African Americans. Three in four black South Carolinians received less than an elementary education and 62 percent of African Americans in the state were totally or functionally illiterate.<sup>xlii</sup>

Within months after the *Brown* ruling, the National Association for the Advancement of Colored People (NAACP) sponsored petitions around the South demanding that previously all-white schools admit black students. In June of 1955, NAACP leaders met in Atlanta and authorized local activists and branches to file petitions and suits against school districts that refused to enroll black students. The South Carolina NAACP and the all-black Palmetto Teachers Association mobilized to support those suits, raising money, providing legal services, and demanding that school officials initiate the process of school desegregation. South Carolina lawyers, including Matthew Perry, the NAACP's leading attorney in the state, drafted petitions throughout the state's school systems demanding that local school districts desegregate.<sup>xliii</sup>

Petitions for school desegregation evoked great hostility in white communities across the South. Many black petitioners lost jobs, saw credit vanish at local banks and lenders, and faced violence and terror. In reaction to black organizing for school desegregation and voter registration, white Southerners launched campaigns of violence and terror towards African Americans. In Mississippi, white residents killed four black men in the summer of 1955, including one in broad daylight on a courthouse lawn, with no repercussions or convictions. In August of 1955, two white men in Mississippi also brutally murdered fourteen-year old Emmett Till for allegedly whistling at a white woman. Though they admitted abducting Till, an all-white jury found them "not-guilty."

This atmosphere of violence set the stage for organized massive resistance to desegregation and growing civil rights activism across the South and fashioned a political mood ripe for the formation of White Citizens' Councils (WCC).<sup>xliv</sup>

Initially established in Mississippi in July of 1954, Citizens' Councils stormed the South in reaction to *Brown*. WCC chapters formed a loose confederation based in Mississippi called the Citizens' Councils of America (CCA), and distributed Council propaganda, produced and disseminated a radio program to stations throughout the South, and arranged for pro-segregation speakers to attend rallies in Southern communities. The Councils provided a respectable organization and framework for white protests in South Carolina, whose first branch was established in Orangeburg County in August of 1955, following a school desegregation petition launched by black parents. Councils soon spread to almost every community in the state.<sup>xlv</sup>

White Citizens' Councils received wide support from South Carolina's political elite including state politicians, Lieutenant Governor Ernest Hollings, and business leaders. A series of front page editorials in the *Charleston News and Courier*, written by Thomas R. Waring, called on all white South Carolinians to lend their support to the Citizens' Councils and engage in mass protest against forced desegregation from the federal government. Waring portrayed Council Members as respectable and prestigious citizens who endorsed law and order, unlike members of other white supremacy organizations such as the Ku Klux Klan. Despite their claims, violence towards African Americans increased in the state as WCC membership grew. In addition, the WCC applied fierce economic reprisals against anyone who supported the civil rights movement, the

NAACP, or school desegregation, particularly those who signed school desegregation petitions.<sup>xlvi</sup>

Not only did African Americans have to face white resistance to school desegregation in the form of Citizens' Councils, they also had to battle new South Carolina laws established to obstruct desegregation by its General Assembly. Reacting to *Brown*, in March of 1955, the General Assembly repealed the state's compulsory attendance law, providing white parents the authority to keep their children out of desegregated public schools. The following month, the Assembly passed a law to revoke state funding from any school that desegregated and ended the practice of automatically rehiring teachers for the next academic year. In 1956, the Assembly passed the Pupil Placement Act, giving districts the authority to assign students to their respective schools, and established a complex system of appeal procedure for anyone wishing to appeal a student's placement. Only after all procedures had been exhausted could anyone file suit against a district.<sup>xlvii</sup>

The result of newly passed South Carolina laws placed more power in the hands of local white officials and limited the effectiveness of black activism and newly interpreted federal desegregation standards. The changes in teacher employment rules gave school boards around the state more control over who taught in their districts' classrooms, and the state's threat to revoke funding ensured that whites would blame integration-minded white moderates and African Americans if their local school closed because of a lack of money. In addition, state officials and local officials targeted teachers, students, and college professors that supported desegregation.

Though *Brown* set off a chain of massive resistance to desegregation around the South, African American students, parents, and civil rights leaders continued to fight for



equal educational opportunities. In South Carolina, teachers lost their jobs when they refused to repudiate the NAACP and its desegregation efforts. In the early 1960s, NAACP activists continued to file school desegregation petitions across the state, including appeals to colleges and universities. In May 1962, black parents filed suits to desegregate Charleston and Darlington Counties, followed by one to desegregate Greenville School District in 1963.

By 1963, Charleston's desegregation suit progressed through federal courts, and Judge Robert Martin of the United States Fourth Circuit Court ordered that all eleven students whose parents filed the suit be accepted immediately for the start of the 1963-1964 academic year. On September 3, 1963, Charleston School District 20 became the first school district in the state to desegregate.<sup>xlviii</sup> The following year, Martin also ordered Greenville County to desegregate.<sup>xlix</sup> By 1965, eleven South Carolina school districts allowed token desegregation in their school districts and approximately 200 black students attended previously all-white schools. In addition, in January of 1963, the United States Fourth Circuit Court ordered Clemson College to accept Harvey Gantt, making Clemson the first segregated public college or university in the state, and federal courts ordered the University of South Carolina to admit three black students the following semester.<sup>1</sup>

In 1964, the Civil Rights Act provided great impetus to the efforts of black activists and parents working to desegregate South Carolina schools. The legislation created new federal standards for southern school systems by outlawing racial discrimination in any activity or program that received financial support from the Federal Government. Title VI of the legislation mandated that school districts eliminate discrimination from

classrooms, services to pupils, educational facilities, and the hiring and assignment of faculty. The Civil Rights Act also gave the Justice Department power to bring federal desegregation suits against school districts and empowered the Department of Health, Education, and Welfare to terminate federal funds if districts maintained segregated facilities. The latter provision gained further strength with the passage of the Elementary and Secondary Education Act, which channeled large amounts of federal funds to Southern school districts. In 1965, the federal government granted the State of South Carolina over four million dollars (\$4,003,400) to fund education programs throughout the state. By 1968, the amount had swelled to just under forty million (\$39,182,372).<sup>li</sup>

HEW worked to regulate federal desegregation policies in local Southern school districts, pressuring them to meet new federal guidelines for public education. In April 1965, HEW published its first set of desegregation guidelines for the 1965-1966 year, called the *General Statement of Policies*, which set minimum standards for desegregation plans of schools applying for federal financial aid.<sup>lii</sup>

The *General Statement of Policies* allowed three types of desegregation plans: plans providing for freedom of choice, plans creating geographic attendance areas, or plans that combined both. Freedom of Choice plans usually provided that students could choose any school within their system, while Geographic Attendance areas zoned students according to the proximity of the closest grade-appropriate school. The *General Statement* also required that school districts take steps toward the elimination of teacher and staff segregation. In addition, desegregation plans had to stop discrimination in transportation facilities, activities, and programs sponsored by affiliated school programs. HEW urged school boards to take actions to prepare teachers and students for

desegregation, and required school districts to publish desegregation plans in a conspicuous manner in local newspapers and media outlets.<sup>liii</sup>

Yet, the Office of Education, which was part of HEW at the time and not a separate Cabinet agency until 1980, was ill-equipped to oversee and enforce desegregation efforts throughout the South. In April 1965, the Office of Education had the massive task of determining whether almost five thousand school districts in the South alone, each unique, were in compliance with the standards adopted in Title VI. With only seventy-five employees, the Office of Education evaluated assurances of compliance, judged the accessibility of desegregation plans, and determined if each district was meeting its regulations. In addition, HEW had the major task of persuading many resisting districts to comply with standards. HEW preferred to achieve compliance without terminating funds. The staff of the Office of Education worked tirelessly to bring resistant districts in accordance with federal law, and as a result, by January 3, 1966, 98 percent of the 4,941 districts in the south met desegregation standards on paper. Yet, HEW accepted many orders and plans as compliant, without any field investigations, basing their conclusions solely on information provided by school boards and administrators.<sup>liv</sup>

Many Southern school districts applied Freedom of Choice plans to their districts, which automatically registered students in the schools that they attended under the segregated system. Students could choose to attend the school of their choice within their specific school district, provided that their parents specifically requested a transfer. Allowing students to attend the school of their choice created the potential for successful desegregation, but the stipulation that parents specifically request a transfer meant that

black parents once again inherited the burden of challenging a white-dominated system. In addition, many school districts made attaining transfer status difficult. Districts purposely made requesting transfer confusing and intimidating, and often did not publicize the transfer process. School districts only accepted transfers for a limited time period, and even when parents sent in requests according to regulation, they were often denied by school boards.<sup>lv</sup>

In March 1966, in response to minimally successful desegregation efforts around the South, HEW issued new desegregation regulations for Southern school districts, called the *Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964*. These regulations replaced the initial set of HEW guidelines, and federal officials hoped these revised standards would promote a more effective desegregation process. *The Revised Guidelines* stated that Freedom of Choice plans had to be meaningful and had to result in higher percentages of desegregation. In addition, desegregation in Southern school districts now required faculty desegregation, which had only been recommended in the previous guidelines. Lastly, the school district could not deny a black student transfer to a white school, unless the school faced overcrowding. If a chosen school was over capacity in enrollment, then the District was obligated to zone all students who wanted to go to the school by proximity to the school, not race.<sup>lvi</sup>

Specific federal desegregation regulations developed by HEW ensured that federal courts had precise requirements and regulations to battle school districts resistant to desegregation. In the first three years following the Civil Rights Act, the Supreme Court stayed surprisingly silent on the law's implementation, but starting in 1968, the

Supreme Court embarked on a series of decisions that extended the reach of new federal regulations and also placed more of the burden of achieving desegregation on local school boards. In 1968, the Supreme Court ruled in *Green v. School Board of New Kent County* that Freedom of Choice plans would no longer satisfy federal desegregation standards. Instead, desegregation plans would be judged by their outcome, which shifted federal compliance standards from simply providing a plan "to ensur[ing] racial balance in schools." In this way, the US Supreme Court Justices, which included chief justice Earl Warren, who presided over *Brown v. Board*, and Thurgood Marshall, who represented the NAACP in *Brown*, aligned with HEW's 1966 *Revised Guidelines*. The "Green" factors used to determine whether a desegregation plan met federal standards included the ratio of black to white students and faculty, absolute equality in facilities, transportation, and extracurricular activities. In the *Green* ruling, The Supreme Court insisted on immediately destroying segregated schools "root and branch," which also hastened the pace of change.<sup>lvii</sup>

Building off of *Green*'s momentum, in 1969, the United States Supreme Court rejected a request from the Justice Department and HEW to allow extensions for desegregation in 33 Mississippi school districts. In *Alexander v. Holmes*, Justice Hugo Black wrote that "'all deliberate speed' has turned out to be only a soft euphemism for delay." He therefore stated that "there is no longer the slightest excuse, reason, or justification for further postponement of the time when every public school system in the United States will be a unitary one, receiving and teaching students without discrimination on the basis of their race or color." This 1969 decision later buttressed the Fourth Circuit Court of Appeal's 1970 desegregation order for South Carolina.<sup>lviii</sup>

## The Private School Movement

Federally enforced desegregation in South Carolina's public schools prompted a large private school movement by white residents across the state. Between 1964 and 1972, 134 new private schools opened in South Carolina and private enrollment increased by more than 30,000 students. All but 3 of the 134 private schools that opened after 1964 only allowed white students. Urban centers like Charleston and Columbia, in addition to many rural, majority-black districts in South Carolina's cotton belt, experienced great losses in white student enrollment. Fifty percent of Charleston District 20's white student population abandoned its public schools after desegregation. Between 1965 and 1975, 10 percent of Columbia's student population left its public schools for private, and the community of Columbia opened 8 additional private schools.<sup>lix</sup> The rural Summerton School District 1, located in Clarendon County and home of the landmark *Briggs v. Elliot* (1952) suit, enrolled an 88.6 percent black student population in 1969 on the eve of desegregation. By the 1971-1972 academic year, the district was 99.6 percent black, leaving exactly one white student in the entire district. Darlington County, home to Lamar, enrolled a 47 percent black student population in 1969, but the black student population reached 54.3 percent by 1971. In Lee County, a rural county that stretched along the I-95 corridor, the black student population was 73 percent in 1969 but rose to 84 percent by 1971.<sup>lx</sup>

Students leaving the public school system in the state transferred to several different types of private academies, which varied greatly in terms of their facilities and the quality of education offered. Some prosperous post-integration private schools had

college preparatory classes and put great emphasis on small classes and individualized learning. The Wade Hampton Academy in Orangeburg, for example, received generous support from business leaders in Orangeburg and had a ten acre campus. Approximately 600 students attended Wade Hampton in 1970, enjoying a \$300,000 facility for only \$300 a year in tuition. Local churches supported many other private academies in the state. The segregated private school in Summerton 1, for example, had about 100 students who attended classes split between the education building of the First Baptist Church of Summerton, a nearby mobile home, and a private residence near the church. The school's limited budget meant that students in 12 grades had to attend classes with only 11 full time teachers.<sup>lxi</sup>

The South Carolina Department of Education had no real power to govern private school enrollment, though they argued that the General Assembly should pass a set of minimum standards for private and public schools in the state. The South Carolina Superintendent of Education during the desegregation process, Cyril Busbee, once joked, "All you have to do to open a private school in South Carolina is to have a spare stable."<sup>lxii</sup> In 1974, the state of South Carolina reinstated its Compulsory Attendance Law, which the General Assembly had revoked in 1955 to provide white parents the authority to keep their children out of desegregated public schools following the *Brown* decision. The reestablished Compulsory Attendance Law allowed the South Carolina Department of Education minimal power to determine if a child met compulsory attendance standards in private schools, but granted no regulatory power over private schools. No system of mandatory communication existed between private schools and the

state department. In fact, the state department sometimes wrote to public school district superintendents in order to get information on area private schools.<sup>lxiii</sup>

The Southern Association of Colleges and Schools (SACS), the regional accreditation agency for South Carolina's public schools, only accredited 8 private schools in South Carolina, all of which were established prior to 1964. The segregationist South Carolina Independent School Association (SCISA) quickly became the leading private school association and accreditation agency for South Carolina following desegregation, which mandated a rudimentary library program, basic math, science, an arts program, and required all teachers had to have 2 years of college experience. SCISA had its own team that traveled around the country evaluating and inspecting member schools. Founded on August 10, 1965 with 7 member academies, by 1969, SCISA had 15 accredited private schools, and by 1976, the Association had 70 member schools.<sup>lxiv</sup> Only 1 of the 8 schools accredited by SACS was a member of the SCISA. Some other smaller regulatory agencies in South Carolina included the Southern Association of Independent Schools and South Carolina Association of Christian Schools.<sup>lxv</sup>

Many private segregationist schools initially received tax-exempt or eleemosynary status, granted by the United States Internal Revenue Service. By qualifying as an eleemosynary institution, private schools paid no federal tax, and corporate and private donors of the school could contribute donations to the school on a tax-deductible status. The IRS required only a statement of non-discrimination to qualify, with no regard to the actual racial composition of the school applying. As early as 1967, the Civil Rights Commission, a bipartisan, independent commission of the U.S. federal government, argued that tax-exempt benefits to segregationist schools were a violation of



Title VI of the Civil Rights Act of 1964, and a violation of the Internal Revenue Code of 1954, which required institutions receiving tax-exempt status to be of general benefit to the public.

Despite increased pressure by civil rights advocates to better regulate federal tax-exempt benefits, the IRS rarely revoked eleemosynary status. An IRS spokesman in Atlanta admitted “The problem is in keeping track of all the tax-exempt organizations. ... We know there are schools for whites only, which still have their exemptions, but we act only when we receive a formal complaint about them.”<sup>lxvi</sup> In 1971, the Supreme Court put pressure on the IRS to more efficiently and purposely regulate segregationist institutions in *Green v Connally*, by ruling that the U.S. Internal Revenue Service code did not grant tax-exempt status or allow for tax deductible contributions to private schools that practiced racial discrimination. By 1972, the IRS issued guidelines that established record keeping requirements to determine whether or not a school operated on a segregated basis and began more seriously policing private segregationist academies.<sup>lxvii</sup>

In late 1971, the IRS launched a federal investigation into 19 SCISA schools and advised them to open up their facilities to all racial backgrounds to prevent losing their tax-exempt status. Many private segregationist academies established after 1971 in South Carolina, like Darlington and Lake Swamp Academy, declined application for tax-exempt status as a result. Many who initially applied for tax-exempt status also considered voluntarily dropping the privilege, to prevent “federal intrusion” into the regulation of their school.<sup>lxviii</sup> In 1971, private school supporters from several communities including Beaufort, Florence, and Orangeburg, and state Senator George Grice of Charleston, traveled to Washington D.C. to consult with Harry S. Dent, former

political strategist for Strom Thurmond and presidential aide to Richard Nixon. The group discussed the problem of tax-exempt status facing segregated private schools in South Carolina. Parents also met with Johnnie Walters, the Greenville native who headed the IRS, about the best strategy for private schools seeking to maintain segregated standards.<sup>lxi</sup>

Despite their lobbying efforts, the IRS pursued its investigation of SCISA schools. Senator Marion Gressette, who led the South Carolina General Assembly in its efforts to preserve segregated education in the state, chairing the state's Segregation Committee from 1951 to 1966, and president pro-tempore of the Senate, provided legal representation to the schools in a private capacity throughout the ordeal. Despite private school support from powerful members of the state and federal government, 19 schools affiliated with the SCISA lost tax-exempt status on March 1, 1972. Notwithstanding their revoked status, in 1973, almost thirty private segregationist academies in South Carolina still claimed eleemosynary status, but did not maintain full compliance with IRS standards.<sup>lxx</sup> Only 2 of the 19 schools who had their eleemosynary status revoked in 1972 closed as a result.<sup>lxxi</sup>

Most private segregationist schools received continued tax-exempt status from the state and local governments in South Carolina in the 1970s. In 1971, more than 10,000 tax exempt or eleemosynary corporations existed in South Carolina, with very little regulation by the South Carolina Tax Commission. Once organizations filed tax-exempt status, the state required no continuing documentation to maintain their status. In 1972, for example, state officials discovered a topless nightclub in Columbia, known as the Green Olive, had been operating under tax-exempt status from 1968-1971.<sup>lxxii</sup> After

growing concern that many non-profits were abusing their standing, the General Assembly passed a law in 1973 that required eleemosynary organizations to file an annual report accompanied by a \$10 licensing fee, but less than 10 percent of eleemosynary organizations complied, and the state did little to enforce the statute.<sup>lxxiii</sup>

Segregation academies also usually escaped county property taxes. According to state law, when an institution sought county tax exempt status, the state had to grant a special statute to specifically exempt the corporation in question. A handful of private schools established county tax exempt status through such statutes, but most private schools paid no property taxes at all, even when statutes had not been issued. Local tax assessors and county tax boards, responsible for enforcing local private school tax, did very little to monitor local tax regulations. Heyward Belser, tax attorney and member of the South Carolina House of Representatives, argued that South Carolina's collection of local property taxes remained the most "conspicuously underdeveloped and glaringly abused element in the South Carolina revenue system."<sup>lxxiv</sup> An AFSC investigator, for example, found that the board responsible for regulating tax-exemptions in Orangeburg existed in name only.<sup>lxxv</sup> South Carolina based local school district funds on local property tax revenue, so when county governments exempted private schools, local public school systems suffered. In some counties, the revenue missed from private academies was considerable. For instance, John Calhoun Academy in Colleton County owned and operated portions of residential subdivisions in addition to its school and neglected to pay taxes on both.<sup>lxxvi</sup>

The private school movement in South Carolina had significant support from federal legislators, politicians, and businessmen. Frederick B. Dent, Secretary of

Commerce for President Richard Nixon, served on the board of the Spartanburg Day School in Spartanburg, South Carolina. Johnnie Walters, a Greenville native, served as the Commissioner of the Internal Revenue Service and urged private school supporters in South Carolina to sign papers stating they maintained tax-exempt status, insinuating it would most likely never be checked. J. Fred Buzhardt, former aide to Senator Strom Thurmond who later served as General Counsel for the Defense Department under Nixon, served on the board of Cambridge Academy in Greenwood, and Lester Maddox, former Georgia governor, participated in the opening ceremonies at Calvary Christian School in Greer, South Carolina. He also served on the board of trustees at Bob Jones University (Academy and Elementary).<sup>lxxvii</sup>

The private school movement also had powerful protectors in South Carolina's General Assembly. In January 1963, just weeks after federal courts ordered Clemson College to desegregate by accepting Harvey Gantt, legislators presented a bill to provide tuition grants to public school students who decided to withdraw from public schools and enroll in private institutions. The bill proposed that the state give parents the amount South Carolina spent per pupil in 1963-- \$225 dollars a year for elementary school students and \$250 for high school students.<sup>lxxviii</sup> The U.S. Fourth Circuit Court of Appeals eventually found the Tuition Grants Act of 1963 illegal, but the bill emphasized the great support for private schools in the General Assembly<sup>lxxix</sup> In late 1969, the South Carolina legislature also approved a ten-mill school tax refund to residents of Calhoun County's District 2, home to Senator Marion Gressette. Proponents of the tax refund argued that since all white students had withdrawn from the district's school system, that the school needed fewer funds.<sup>lxxx</sup>

As the 1970s progressed, some members of South Carolina's House of Representatives initiated laws to protect South Carolina's public schools. Representative Harold Breazeale of Pickens County, became known as an advocate for public schools and initiated a number of bills to protect public schools and minority students, including the Student Discipline Law of 1973. Despite his efforts, the Senate Education Committee blocked or altered many of the House's education bills. In the 1970s, Senator James P. Spot Mazingo of Darlington County headed the Senate Education Committee. Darlington had more rural segregated private schools than any other county in the state, including Lamar Academy; Marion Gressette served as first vice-chairman of the Senate Education Committee. Ralph Gasque also served on the Committee, and was a large donor and contributor to the Pee Dee Academy; Gasque's law partner was President of the Pee Dee Academy, outside of Marion, South Carolina.<sup>lxxxix</sup>

In 1971, for instance, Breazeale introduced a measure that forbade the sale of public school buildings or their use by private schools for five years after their date of sale. The bill passed the House but never received final approval by the General Assembly, largely because the Senate Education Committee altered the bill to allow local Board of Trustees to sell buildings when they deemed it necessary, with no restraints. The House also proposed the Proprietary School Act in 1971, which stated that if a private school was not a parochial, non-profit, or denominational church school, that the institution would come under the control of the State Board of Education for licensing and supervision. The Senate Education Committee altered the list to include members of the South Carolina Independent Schools Association.<sup>lxxxix</sup>

Black residents watched public schools suffer following increased white private school enrollment and many worried that majority-white school boards did not have their children's best interests in mind. In many South Carolina school districts, black residents did not even have the opportunity to elect black representatives on their county's boards. South Carolina legislators often chose their district's legislative delegations, who then selected their county's school boards and controlled school district finances and millage rates. In 1973, of 38 South Carolina counties with "substantial" black populations, only 7 actually had publicly elected school boards. Even if members of legislative delegations did not have direct involvement in the private school movement, if they lived in communities with large private school support, they were subject to heavy pressures from white residents who adamantly opposed millage increases that were not spent on their children.<sup>lxxxiii</sup>

Hayes Mizell, director of the South Carolina Community Relations Program, established by the American Friends Service Committee in 1966 to advocate for minority students in the state's public schools, wrote Governor John West about his concern over majority-white school boards supporting private schools. According to South Carolina law, West technically had the last say in the appointments of county delegations and had to approve and confirm all county legislative delegations and county school board members. Mizell argued that West should remove any members participating in the private school movement, but Governor West argued he did not have the legal authority. "School board members should have no interest in any private school nor should they send their children to private schools," he told Mizell, but he had no choice but to appoint such individuals to school board posts if they were recommended by their county's

legislative delegation.<sup>lxxxiv</sup> Mizell, angered by West's response, continued to file complaints regarding unethical private school activity to the Office of Civil Rights, including the sale of public school buildings to private school boards, the use of public school resources and equipment by private schools, and the hiring of public school teachers and administrators who sent their children to private schools.<sup>lxxxv</sup>

When majority-white boards controlled majority-black public systems, theft and misuse of public facilities by private students often occurred. A number of districts reported the transfer of buildings and real-estate from public schools to private, in addition to transfers of books, audiovisual equipment, and athletic equipment. In Clarendon 1, Orangeburg 2, Sumter 2, and Dorchester 3, audiovisual aids and other instrumental devices disappeared and later turned up at their respective community's private school. A black teacher in Holy Hill reported that Holy Hill Academy used exercise mats and a number of books from the county's high school, but school authorities claimed that the materials were donated by white residents before desegregation, and therefore did not belong to the public school system. Two black janitors in Bowman delivered two trucks of equipment from the public high school to the town's private academy, though they were not told what materials the trucks contained.<sup>lxxxvi</sup>

Another post-desegregation phenomenon involved the transfer of public school buildings to private organizations, churches, and community groups who used the schools to operate private, segregated academies. Dillon 2 sold a school building to a private group to help establish a private school, and Lake Swamp Baptist Church in Darlington County purchased a public school building to operate its private school. Sumter 2 simply

gave Bethel Baptist Church sixty-five acres and a school in the late 1960s. In Bowman, South Carolina, the Southern Methodist Church purchased a two-story brick school for \$1000 from the school district while two members of the public school board also represented the private academy's board.

In addition, in the late 1950s and 1960s, a number of abandoned school buildings were sold to incorporated community groups for the purpose of establishing community centers, under a law that provided that abandoned schools could be disposed of in this manner. During the desegregation process, the Attorney General of South Carolina stated that any school building sold to community groups for this purpose, and then used to facilitate a private academy, would be reverted back to the public school, but he never enforced his statute. Community centers used old public school buildings to operate private schools across the state, including Thomas Sumter Academy, operated by Hillcrest Community Center, and Roy Hudgens Academy operated by the Sherwood Center, both located in Sumter.<sup>lxxxvii</sup>

Reports from black parents also surfaced that private schools used public facilities, often at the expense of public school students. For instance, in Dorchester 3, private academy students at Mims Academy used the high school's basketball court on Monday nights, at which time authorities did not allow black students to enter. Colleton County schools allowed private students to access their music facilities, and Charleston County schools allowed private school students to use its recreational facilities on a regular basis. Rising private school enrollment drained many teachers and administrators from the public system, and of those who remained in the public schools, many enrolled



their children in private schools, leaving many black parents to feel that their children's teachers and administrators did not have their children's best interest at heart.<sup>lxxxviii</sup>

Majority-black school districts controlled by majority-white legislative delegations and school boards who supported the private school movement also refused to raise taxes to support the needs of its public schools. Throughout the pre-desegregation period in South Carolina, white school districts generally had lower property tax rates. Predominantly black school districts, which in general had less property-wealth than white districts, exerted a higher tax rate than white districts to overcome the revenue deficiencies caused by property wealth. Community leaders taxed more heavily because funds supported the segregated system. As gradual desegregation began to occur, this relationship reversed. Beginning in 1967-1968, higher tax rates shifted to districts with higher populations of white students. Despite lower levels of property-wealth, authorities in predominantly black districts stopped exerting above-average tax rates. Instead, they kept tax rates relatively constant, while tax rates in more heavily white districts increased. After 1970, differences in tax rates between black and white districts became strikingly pronounced; rates in predominantly white districts increased by over 20 mills, while tax rates in majority black districts increased by only 7.5 mills. By 1979, majority-white districts taxed at a rate of approximately 28 mills more than majority-black districts.<sup>lxxxix</sup>

Decreased enrollment also diminished the funds available to local districts because federal and state education departments based school district funding on average daily student attendance. Many school boards in majority-black school districts, like those in Bowman, Dorchester, and Calhoun counties, often supported all-white private schools in their communities and neglected their own public schools. The loss of public

school support among affluent white residents in communities across the state proved detrimental. In 1970, the American Friends Service Committee (AFSC) completed a study that found a definitive correlation between majority-black school districts in South Carolina run by school officials supporting the private school movement and districts that scored poorly in state accreditation. These districts provided poor individually guided and special education opportunities, usually had no PTA affiliation, and failed to implement compulsory attendance laws, contributing to reductions in daily average attendance funds.<sup>xc</sup>

Black communities, angered by the establishment of South Carolina's new dual education system following 1970, and by their exclusion from public school leadership, worked to gain a larger voice in their student's schools. Protests emerged throughout the state regarding the hiring of white teachers who placed their children in private, segregated academies. In Kingstree, SC, after a successful black community protest, the school district dismissed two teachers because they enrolled their children in a local segregation academy. Black parents also pressured the school board to adopt a policy that prevented the hiring of any new teachers that enrolled their children in private schools.<sup>xci</sup> Boycotts in Bowman and Calhoun Counties produced similar results. Civil rights organizations and black communities also worked to reform how districts selected legislative delegations and county school board members. Some counties shifted to public elected county councils in the mid-1970s. These councils replaced legislative delegations and controlled the dispersal of public school funds and millage rates. Despite their efforts, black residents often remained locked out of community and school leadership. Lee County, for example, shifted to the county council system, but school administrators

complained in 1973 that their schools desperately needed millage rate increases, but the county council refused to grant the increase. Three of the seven county council members had children in private schools and two others were sympathetic to the private school movement.<sup>xcii</sup>

### **School Discipline in the Aftermath of Desegregation**

Desegregation altered perceptions of school discipline for black and white parents, and many argued that desegregation contributed to a breakdown in public school discipline. In 1975, the South Carolina Department of Education polled white and black residents about the state's schools and found that 71 percent of white South Carolinians and 53 percent of black felt that public schools were worse than they were in 1970, on the eve of desegregation.<sup>xciii</sup> A 1980 Gallup Poll on education identified discipline as the most important problem facing the nation's public schools, and most people polled identified desegregation as the point in which discipline broke down.<sup>xciv</sup> For many educators who faced this perceived crisis of turmoil in the public schools, student suspensions and expulsions became a popular method of reestablishing authority and order, particularly in the turbulent decade following federally mandated desegregation, which witnessed a growth of student protests against discriminatory school policies and Vietnam.

Before 1965, South Carolina school districts rarely assigned suspensions and expulsions, and no local, state, or national organization monitored punitive statistics in education. In the post-desegregated system, however, suspension and expulsion rates reached astronomical numbers, particularly for minority students. As early as the late 1960s, civil rights organizations began receiving reports that black and minority students

received harsher disciplinary sanctions from school administrators and teachers, often without any due process or opportunity to defend themselves. In 1971, field workers for the American Friends Service Committee in Alabama reported that “We have knowledge of suspensions and expulsions that occur almost always without due process or proper hearing.”<sup>xcv</sup>

As the phenomenon developed in school districts across the nation, the Office of Civil Rights (OCR) under HEW had no policies or regulations to adequately address the problem. Many districts that suspended and expelled black and minority students at highly disproportionate rates continued to receive federal funding and were not perceived as being out of compliance with the Civil Rights Act of 1964. Under pressure from civil rights organizations, the OCR began collecting preliminary data on suspensions and expulsions in 1972 through its Elementary and Secondary Education Act compliance forms, often known as “101” and “102” forms. The OCR continued collecting data through the 1970s, but many activists argued that districts underreported their true disciplinary statistics.<sup>xcvi</sup>

In January 1975, the AFSC published the first report of suspensions for students in South Carolina public schools following desegregation, using data from the Office of Civil Rights for the 1973-1974 academic year. The report showed that 46,000 elementary and secondary students in the state public school system missed 147,000 days of school due to suspensions, ranking South Carolina as 6<sup>th</sup> in the nation for its use of the disciplinary measure. South Carolina districts lost over \$220,000 in financial aid as a consequence.<sup>xcvii</sup> Some South Carolina counties, such as Anderson 2 and Lexington 2 suspended 27% of their black students in the 1973-1974 school year. Suspensions of

black students in high schools and middle schools across the state were actually much higher than reflected by OCR reports, because elementary school students rarely received suspensions but were considered in overall statistical reports.<sup>xcviii</sup>

In 1974, the AFSC also participated with the Children’s Defense Fund (CDF) to further investigate the problem of suspensions and expulsions across the country.

Researchers visited more than 8,000 districts in urban census tracts and parts of rural counties around the country and surveyed households, school officials, and community leaders about their schools’ disciplinary policies. The result, *Children out of School in America*, found that black secondary students were suspended more than three times as often as white students, and that black females were suspended four times as often as white females. Close to 40 percent of students who were suspended received the punishment more than once in the same academic year. Of those children suspended, 43 percent were from female headed households, 17 percent had parents with less than 6 years of education, and 26 percent had parents with only 7-9 years of education. 41 percent of suspended children had brothers or sisters who had been suspended, expelled, or dropped out of school.<sup>xcix</sup>

The CDF argued that numbers reported on suspensions and expulsions to the OCR substantially underestimated the extent to which suspensions were used, because many districts failed to maintain and report accurate suspension data. In addition, some districts used alternate names for suspensions to lower their suspension statistics. In Baltimore, Maryland, for instance, school districts did not report suspensions less than 10 days because they were called “temporary dismissals.”<sup>c</sup> Often, schools threatened a student with expulsion unless they withdrew, which also greatly reduced suspension and

expulsion numbers for school districts. One principal in Maine admitted that formal suspension and expulsions served as a black mark on the school's record, so he very seldom formally suspended a child, but often worked to push delinquent children out through the withdrawal method.<sup>ci</sup>

Prior to 1973, South Carolina had no standard discipline policy.<sup>cii</sup> Often, few standards or rules existed on the district level either. In some districts teachers assumed the right of suspension with little regulation or unified policy. Common reasons provided for suspension and expulsion included tardiness and truancy, disruptive behavior, and inappropriate dress. School boards and administrators often denied students who received suspension and expulsion any chance of due process, and many times students and parents did not even receive formal notice of their dismissal. One Sumter County 2 administrator charged and suspended a black student with the possession of a weapon because he carried a metal hair pick.<sup>ciii</sup> Once suspended, students received marks on their permanent records that followed them throughout the remainder of their elementary and secondary education.<sup>civ</sup>

Racially discriminatory discipline policies ran much deeper than just the actual use of suspensions in many South Carolina school districts. High suspension and expulsion rates served as an indicator for underlying racially discriminatory environments and policies in school communities. Not only did they reflect unfair treatment from administrators and teachers in disciplinary judgment, but hostile school environments could also contribute to perceptions of black student misbehavior. Excluding black students from extracurricular activities, racial polarization, academic tracking by race, and the dismissal of beloved black coaches, all contributed to black student misbehavior

as students worked through disillusionment brought on by racial isolation and exclusion under the desegregation process. Black students often reacted by organizing students walkouts and direct action protest, which resulted in their suspension or expulsion.

In 1971, over 200 black students in Sumter 17 initiated a protest when administrators appointed a white coach as head of the football staff, passing over a beloved black coach, Dill Gamble. Prior to the protest, four black high school coaches in Sumter presented a list of grievances to the Sumter school board, asking them to stop racial discrimination in the hiring and promotional practices of the district, but grievances went unheard. Students involved in the protest smashed over \$800 dollars in windows and contributed to other property damages. As a result of the incident, school authorities permanently suspended 22 black students from the district and suspended 110 students for the remainder of the school year.<sup>cv</sup> Similar protests emerged around the state, and many black students lost days, weeks, and even years of educational opportunities as a result.

Suspended students not only suffered because they fell behind in school work, sometimes irreparably, but also because they often developed reputations as trouble makers and deviants, which stayed with them throughout their entire school experience. The AFSC worked on transforming disciplinary approaches in public schools, particularly for black students, throughout the 1970s. Hayes Mizell, who believed suspension was “an educational cop-out,” developed a reputation in South Carolina as an advocate for black students, and parents often wrote to Mizell when they felt their children had been unfairly punished. Mizell worked with individual students across the state and retained attorney Herbert Buhl to represent students that were unfairly expelled

or suspended. Field staff for the AFSC across the South also represented students at their suspension and expulsion hearings, and worked to get students readmitted to schools.<sup>cvi</sup>

In June 1973, amidst a national movement to reduce expulsions and suspensions in public schools, and under growing protests against discriminatory discipline measures in black communities across the state, South Carolina passed its 1973 Discipline Law. Proposed by Representative Breazeale of Pickens County, the law standardized and codified discipline measures in the state's schools. While it legally gave school districts the right to suspend and expel students, which the AFSC and South Carolina chapter of the American Civil Liberties Union (ACLU) opposed, the law did outline standard rights that South Carolina school boards and administrators had to grant to parents and students when assigning suspensions. Under the new law, districts could not suspend students for more than 10 days at a time, and no student could be suspended for more than 30 days total in any given school year. The law required school districts to notify parents of student suspensions in writing, providing the reason for suspension, and also required that school districts meet with parents within three days of an assigned suspension. In addition, the law required school boards to provide parents with opportunities for hearings with counsel if they disagreed with the suspension or expulsion assigned.<sup>cvii</sup>

In the wake of the General Assembly's new discipline law, Mizell gathered information on individual school districts to ensure that districts in the state complied with the new state discipline requirements. In April 1974, Mizell found that out of 93 South Carolina school districts, only 7 school districts were in compliance with South Carolina code. In addition, even those in compliance used overly confusing and complicated language when writing their district codes, making it hard for parents and



students to fully understand discipline provisions. Mizell found that in several districts, student handbooks published by individual schools contained stipulations that were in direct conflict with South Carolina's 1973 law. Mizell published his findings in his publication, *Your Schools*, listing each individual school district and the ways in which they were out of compliance. He also listed the districts that refused to cooperate with the study.<sup>cviii</sup>

In order to educate South Carolina students about their rights under state law, Mizell worked with the South Carolina chapter of the ACLU to publish the "South Carolina Handbook of Students' Rights and Responsibilities." Published in 1972, the handbook served as the first statewide publication specifically for students, which informed them in simple language of their rights and responsibilities under South Carolina law. Many students around the state contributed to the handbook's illustrations, and the AFSC published the handbook in a comic format, using cartoons and illustrations to provide students with factual information. Mizell sent almost 20,000 copies of the guide to youth advisory councils around the state to distribute to fellow students.<sup>cix</sup>

Topics in the handbook included steps to follow "If You're Suspended or Expelled," and common sense solutions to achieve due process. The handbook informed students if they could not access a lawyer once suspended, to bring a parent, relative, or sibling to their suspension hearing with the school board, and encouraged children to defend themselves if wrongfully accused. One illustration in bold declared, "Cut this out and keep it...you may need it one day," with a comic under it explaining due process procedure. The book also informed students they could wear their hair any way they chose, had a right to view their own permanent school records, and provided local names

and numbers for students to call if they needed help in disciplinary procedures. Civil rights groups around the nation applauded the South Carolina student handbook and many asked Mizell to assist in creating handbooks in their own respective states.<sup>cx</sup>



Figure 1.1 Illustration from South Carolina Handbook of Student Rights and Responsibilities



Figure 1.2 Illustration from South Carolina Handbook of Student Rights and Responsibilities



Figure 1.3 Illustration from South Carolina Handbook of Student Rights and Responsibilities

In 1975, the United States Supreme Court for the first time considered the issues arising from student discipline procedures in public schools. In *Goss v. Lopez*, the Court ruled that the suspensions of nine black students in Columbus, Ohio, who had been suspended for 10 days from their schools in 1971, were unconstitutional because students did not receive due process. Administrators suspended students following widespread racial tension and unrest due to the cancellation of Black History Week by school administrators, but some of the suspended students maintained they were only bystanders to demonstrations, and had done nothing wrong. At the time, the state of Ohio permitted 10 day suspensions and required no hearing procedures. By a 5-4 decision, the Court ruled that students were entitled to due process rights, even in cases of short suspensions. At the very minimum, the court said, a student "must be given some kind of notice and

afforded some kind of hearing." In cases of suspensions lasting ten days or less, the student must be "given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story." Justice Byron White, Associate Justice of the Supreme Court, argued that the policy was "less than a fair-minded principal would impose upon himself in order to avoid unfair suspension."<sup>cxix</sup>

Despite the *Goss v. Lopez* decision, the federal government did little to monitor discriminatory disciplinary policies. The Office of Civil Rights under HEW proposed a regulatory discipline manual in 1975 following the *Goss* decision, but many teaching advocate organizations such as the National School Board Association, opposed federal disciplinary regulations; they viewed increased regulation from the Office of Civil Rights as an intrusion on their own rights as educators.<sup>cxii</sup> Mizell, outraged by the lack of federal involvement on discipline standards, lobbied the HEW for increased regulation and asserted continued pressure on the OCR to follow through on its policy manual, arguing that discipline regulations should be considered part of Civil Rights Act compliance. Mizell also encouraged HEW to use ESAA funds to regulate school discipline and promoted alternative methods to suspension, including in-school suspension policies.<sup>cxiii</sup> From the mid to late 1970s, Mizell worked closely with the HEW Assistant Secretary for Education, Peter Relic, even assisting OCR in the development of a suspension committee to address suspension abuse and research alternatives to out-of-school disciplinary responses.<sup>cxiv</sup>

Mizell also worked tirelessly to educate schools, teachers, and administrators on the harmful effects of suspensions and expulsions. He delivered papers for conferences

held by the Federal General Assistance Center (formerly Title VI Centers) in Virginia, South Carolina, Tennessee, Connecticut, Illinois, North Carolina, Wisconsin, and Oklahoma, and spoke to conferences and or consulted with groups of school officials in New York, Georgia, Washington, and California on designing and implementing effective in-school alternatives to suspension. Because this issue affected many minority students nationwide, in 1977, the AFSC also initiated the Ad Hoc Discipline Coalition made up of Advocates for Children of New York, Center for Law and Education, Chicano Education Project, Children’s Advocacy Center, Children’s Defense Fund, Citizen’s Council for Ohio Schools, Designs for Change, Massachusetts Advocacy Center, Parents Union for Public Schools in Philadelphia, Statewide Youth Advocacy, and the Student Advocacy Center. The group advocated for minority students in federal and state governments and encouraged the implementation of alternatives to suspension and expulsion.<sup>cxv</sup>

In South Carolina, the AFSC and Mizell also formed the Citizens for Creative Discipline in 1975 to discourage suspensions and expulsions. The group included black and white businessmen and educators and held open hearings across the state for parents, teachers, students, and administrators. The group spoke with teachers, produced television courses for state educators on topics such as “Human Relations and School Discipline,” and “What is Discipline Anyway?” and published a newspaper which spotlighted successfully implemented disciplinary alternatives to suspension used by public schools across the nation.<sup>cxvi</sup>

The Office of Civil Rights finally implemented a definitive policy on discipline in the Fall of 1979, “The Investigation Handbook for Conducting Discipline Reviews in

Elementary and Secondary Level Education Institutions,” which outlined federal discipline regulations required to maintain Title VI compliance and ESEA funds. According to the new regulations, schools could not provide unequal punishment for minority students, or adopt school rules only enforceable against students of a particular racial or national minority group. The report specifically prohibited the use of suspension and expulsion to punish students for nonattendance and argued that schools could only suspend or expel students if their behavior disrupted the school environment. New regulations required schools to supply due process procedures to all students and parents using written and oral notice, and guaranteed suspended students an opportunity for hearing before an independent hearing examiner. School districts had to inform students about right to counsel and right to summon and cross-examine witnesses, and provide parents with a written hearing decision that explained the appeals process if parents disagreed with the hearing decision. Regulations in 1979 also prohibited the use of suspension for punishable offenses that related to issues of poverty, including failure to buy workbooks, gym suits, or pay activity fees.<sup>cxvii</sup> Sixteen years after South Carolina schools started the process of school desegregation, the federal government developed the tools and resources necessary to protect black students from racially discriminatory discipline policies.

### **Title I and ESAA Federal Funds**

In the wake of the Civil Rights Act, Congress passed the Elementary and Secondary Education Act (1965) to support school districts with high levels of poverty and the Emergency School Aid Act (1970) to aid Southern school districts following desegregation. Title I of the Elementary and Secondary Education Act (ESEA) provided

financial assistance to schools with high percentages of children from low-income families and reinforced Title VI of the Civil Rights Act by providing federal funds only to school districts who met federal desegregation standards.

Federal Title I coordinators encouraged school districts from ESEA's inception to involve parents of children eligible for Title I funds in decision making processes and the implementation of Title I programs. Federal director of Title I, Richard Fairley, told districts that "both objective and subjective evidence demonstrates that parental involvement can make a difference in student achievement."<sup>cxviii</sup> Yet, few school districts in South Carolina initiated Title I Parent Advisory Councils (PAC) in the first wave of Title I grants. In August of 1967, Hayes Mizell testified before the United States Senate's Subcommittee on Education, Labor, and Public Welfare, arguing that the parents of the children who should have benefited from Title I programs had absolutely no representation or oversight of those funds. He maintained that the government should require schools to create PACs to give parents more power in their local school districts.<sup>cxix</sup>

In the fall of 1971, the federal government set new requirements for Title I and required local school districts to establish PACs. Under the 1971 guidelines, school districts should have included PACs in the planning, development, operation, and evaluation of Title 1 projects. Despite this regulation, school districts often excluded parental advisory councils. In 1972, an AFSC survey of South Carolina's school districts indicated that 98 percent of school officials felt that Title I parents should not elect their own representatives to Title I Councils. Thirty-eight South Carolina districts allowed no community input in the appointment of members for Title I PACs and nine districts



allowed input only from civic clubs. In Aiken, the district’s County Board of Education selected parents for Aiken County’s PAC and only allowed five parents to reside. The district serviced thousands of Title I students. In Calhoun County, the school board initially allowed parents to elect PAC members, but school officials later informed parents they were no longer needed. School district officials often made Title I decisions behind closed doors and failed to give parents the dates of Title I meetings.<sup>cxx</sup> South Carolina’s Title I coordinator, Jack Seurnyck, was supposed to monitor Title I funds in the state, but when asked how he determined how local Title I programs were meeting the needs of educationally disadvantaged children, he replied that “the local officials who were closest to the problems know what their students need, so their decisions concerning use of Title I funds are accepted without question.”<sup>cxxi</sup>

In Florence, the local NAACP reported misuse of Title I funds in their district to the South Carolina Title I Coordinator, Jack Seurnyck. The organization alleged that Florence County school officials used Title I funds to finance education of all students, rather than using the special funds to advance the education of disadvantaged students. The NAACP also claimed that the school district built a school planetarium with Title I funds, did not provide parents any concrete data listing how Title I teachers and assistants worked to help Title I students, and did not improve the education of disadvantaged students. NAACP officials also argued that administrators grouped Title I students in a way that created racially isolated classrooms. Seurnyck defended Florence and claimed that he found no evidence that Florence officials committed any violations in their use of Title I funds.<sup>cxxii</sup>

The Florence NAACP petitioned HEW when Seuryneck dismissed their grievances, and in a letter to Fairley asserted, “We find it appalling that neither the state Title I officials or Florence 1 officials find anything wrong with the fact that only 75 percent of our 4,892 Title I students will be reading at the 7<sup>th</sup> grade level, and doing math on the 4<sup>th</sup> grade level after twelve years of schooling.” They also complained that Seuryneck’s investigation was inadequate. Florence parents cited an ESEA audit, which stated that “Florence 1 officials do not know what Title I funds are to be used for,” and found that Florence 1 spent 166,432 dollars of Title I funds on ineligible schools in the fiscal years of 1969 and 1970. The NAACP also complained that the school allowed no meaningful parent involvement in Title I decisions.<sup>cxiii</sup>

Complaints about the misuse of Title I funds emerged across the state. Black parents in Barnwell, Calhoun, Moncks Corners, Clarendon 1, Dorchester 1, Orangeburg 3, Beaufort, Berkeley, and Jasper all filed complaints with HEW when Seuryneck ignored their claims. Other communities launched school boycotts and demanded that their school districts correctly implement Title I funds in conjunction with Title I PACs before they returned. In 1979, HEW officials placed Berkeley County on probation for misuse of Title I funds and threatened that if district officials committed any more violations of Title I funds, they would have to pay back all of the Title I funds accepted, totaling approximately \$1,532, 570.<sup>cxiv</sup>

The Emergency School Aid Act of 1970, passed under the Nixon administration, also granted large amounts of federal monies to southern school districts to aid in the implementation of desegregation. Like Title I, problems quickly emerged with the disbursement and regulation of ESAA. Before Congress constructed substantive

legislation for ESAA in 1970, Congress and the Nixon administration granted temporary ESAA funding to HEW in August of 1970, with no red tape, to provide emergency aid for the Fall of 1970. Local officials threw together plans to get ESAA funds before schools opened, and under strong White House pressure to disburse money by September, HEW allowed its staff only thirty-six hours to examine a district's application. HEW's staff approved almost all applications submitted and granted millions of dollars within just a few months of ESAA's passage. The "frenzy to send dollars South" resulted in many decisions to send money to districts implementing blatant violations of the Civil Rights Act. HEW, for instance, granted 1.3 million dollars to Jackson Mississippi, four days before it even received the city's formal application. Civil rights organizations reported that more than half the districts examined continued illegal practices of segregation. The General Accounting Office, Congress's auditing and investigatory arm, found that applications for funding did not explain how the money would be spent and did not relate the new funds to integration. Often the program became little more than a form of general aid, operating in favor of the most segregated systems in the country.<sup>cxxv</sup>

Pressures brought to bear by civil rights organizations and members of congress provoked a major reorganization of HEW's procedure in making ESAA grants. Senator Walter Mondale presided over a series of hearings that exposed problems with initial ESAA procedures and provided the basis for a newly written version of ESAA. The revised 1972 Act, clearly provided incentives for integration, reserved money for specific purposes recommended by desegregation experts and civil rights organizations, and

incorporated strict standards of eligibility. As a result, many Southern Districts stopped applying.<sup>cxxvi</sup>

Hayes Mizell worked with the AFSC to educate black parents on pressuring districts around the State to apply for ESAA after 1972. He explained to parents that ESAA funds could be used by local school districts to provide in-service training for teachers, to improve curriculums, to develop programs for underachievers, to sponsor human relations workshops, and to improve school-community relations. Mizell told parents in 1975, “Since all applications for ESAA funds must be cleared by HEW’s Office of Civil Rights, many district have been unwilling to apply for funds because they don’t want OCR to have an excuse to look into policies and practices in their respective school districts.”<sup>cxxvii</sup> Black boycotts pressured school officials into applying for ESAA funds in Bowman and Calhoun County, but many school districts lost out on federal monies to avoid compliance with the OCR.<sup>cxxviii</sup> For instance, federal officials used ESAA funds to discourage unfair discipline policies after it published its 1979 regulations. In Philadelphia, Pennsylvania, for instance, an ESAA on-site review showed that Philadelphia did not maintain any discipline records and temporarily terminated funds until data collection began. OCR also terminated ESAA funds in Baton Rouge, Louisiana after an on-site review revealed that the district suspended large proportions of its black students. In Corsicana, Texas; Jefferson Parish, Louisiana; and Waterloo, Iowa officials revoked ESAA funds for discriminatory discipline procedures, particularly suspensions and expulsions.<sup>cxxix</sup>

## Conclusion

In December of 1969, Hayes Mizell stated that “One of the quiet tragedies of Southern School desegregation has been that it has revealed another aspect of white racism. Overt brutality—the kind that produces broken heads—it is no longer the primary manifestation of racism in South Carolina. Black people are now the victims of an institutionalized system of violence which produces broken spirits and bruised pride.”<sup>CXXX</sup> His predictions all too accurately reflected the many barriers that arose for the first generations of black students who desegregated schools in South Carolina, who combatted new manifestations of old Jim Crow practices. Many black students, unprotected by inefficient federal desegregation regulations, and battered by white state and local power structures determined to maintain white authority and segregation in the state’s education system, dropped out of school or were pushed out by white administrators using unfair discipline policies. Many more black students around the state failed to receive the educational tools and curriculum they needed to successfully move on to colleges and universities, many never learning to read and write on more than an elementary level.

In spite of the barriers they faced, black students and parents, community and religious leaders, and civil rights organizations continued to assert their citizenship. Black South Carolinians in the post-Civil Rights Act generation recognized new opportunities for advancement and applied old civil rights tactics to new problems in desegregated schools. As the following chapters will show, pressures brought to bear on school administrations across the state by black student and community direct action protests, which in some cases virtually shut down South Carolina school districts, demanded the

attention of state and federal authorities who in the face of growing state and federal regulations, could no longer deny or ignore civil rights violations. These struggles signaled continued black activism and liberalism in the 1970s in communities across the South and once again placed the achievement of quality education at the center of America's civil rights movement.

## Chapter 2

### **“If You Can Keep a Man From Getting an Education: You Can Manage Him”: Victoria DeLee and Desegregating Schools for African and Native American Students in Dorchester, South Carolina**

The Four Holes School was a four-room concrete building in rural Dorchester County, South Carolina that served as the “Indian School” for all children in Dorchester’s isolated Four Holes community, named after the nearby Four Holes Swamp. On August 16, 1969, as the summer neared its end and a new school year began, 37 formally dressed children, along with their parents and local civil rights activist Victoria DeLee, crowded into several cars in the school parking lot. These children, known in Dorchester County as the “Brass Ankle” children, had descended from a diverse lineage that included Native Americans, Africans, and Europeans. Their families had lived in the remote community of Four Holes for many generations, and they considered themselves part of the Natchez-Kussoo people, although the federal government did not recognize their tribal status. On this unusually cool morning in South Carolina’s lowcountry, those parents and children left on a three-mile journey to Ridgeville, South Carolina to demand that school officials enroll their children at Ridgeville Elementary School, an all-brick, majority-white school with twenty classrooms, twenty certified teachers, and an enriched curriculum with art and music.<sup>cxxxi</sup> Their journey began a half-decade long struggle which revealed that national laws and court rulings prohibiting legal segregation did not end Jim Crow policies in communities across the South. In Dorchester County, Jim Crow legacies simply took new forms.



Figure 2.1 Four Holes School Children Gathered in the Four Holes Community,  
Courtesy of John Reynolds

When the Four Holes' residents arrived at Ridgeville Elementary on August 19, they saw Dorchester School District 3 Superintendent Richard W. DeTreville, along with several faculty members, standing in the school entranceway holding signs directing "all Indians to the gymnasium."<sup>xxxii</sup> After teachers and administrators channeled Native American parents and students to the gymnasium, DeTreville informed them that



Ridgeville Elementary School could not accept any other students due to overcrowded facilities. “The kids at Ridgeville,” he claimed, “are packed in there like sardines in a can.” Furthermore, DeTreville asserted, overcrowding a classroom “violates all the principles of good education.”<sup>cxixiii</sup> At the beginning of the 1969 school year, the Four Holes School averaged thirty-seven students per room, with three grades being taught in each room. The Ridgeville School, which had one teacher per grade, had about 27 students per classroom. After refusing their enrollment at Ridgeville, DeTreville asked the Four Holes students and parents, along with DeLee, to leave the premises immediately. As school officials escorted them out of the building, parents gathered all of the “brass ankle” children on the school house steps while DeLee led them in singing “We Shall Overcome.”<sup>cxixiv</sup> While gathered there, they vowed to fight the District until Native American students gained enrollment at Ridgeville Elementary.<sup>cxixv</sup>

Civil rights activism in Dorchester County, galvanized by the Civil Rights Act (1964) and Voting Rights Act (1965), persisted throughout the late 1960s and 1970s, as black and American Indian residents worked to bring federal civil rights standards to the rural South Carolina community, particularly to the public school system. Understanding the struggle and sacrifice of the first generation of parents and students who went through this era of robust school desegregation in the American South, is vital to understanding the full impact and trajectory of civil rights activism in American history. Many African Americans and American Indians in Dorchester protested and demonstrated, enduring physical violence, emotional abuse, and terror in order to ensure that civil rights laws and court rulings established by the federal government in mid-1960 would be recognized in rural South Carolina. Local activists demanded that the federal government, South

Carolina government, and the local white school board meet new federal civil rights standards and achieved many victories through their activism including total school desegregation and gains in voting and political power. But in many ways, the legacy of Jim Crow haunted Dorchester even after legal segregation ended. Social, economic, and political barriers remained, and many local white authorities succeeded in maintaining a system of white supremacy in the years following 1965. The failure of Dorchester activists to attain racial equality in the years following the Civil Rights Act exposed the deep roots of Jim Crow in American society and demonstrated that their battle was far from over.

Although Dorchester County's American Indian community had little experience in civil rights activism, the black community in Dorchester, under the leadership of veteran civil rights organizer Victoria DeLee, maintained a rich history of direct action protest and activism. African Americans in Dorchester County worked to claim basic civil rights through voter registration drives in the 1950s and 1960s. After the passage of the Civil Rights Act, black parents in Dorchester Districts 2 and 3, including parents from a remote area of Dorchester called Club House, launched several court battles to achieve school integration in their community. By Fall 1969, court cases launched by black parents culminated in a U.S. District Court order to end Freedom of Choice plans and implement full desegregation in all Dorchester school districts for the 1970-1971 school year. Dorchester's full desegregation order took place before the U.S. Fourth Circuit Court of Appeals ordered the immediate desegregation of Darlington and Greenville Schools, which set the precedent for total school desegregation in South Carolina.<sup>cxxxvi</sup> But, while Dorchester 3's court-ordered desegregation plan demanded that the school

district close the Four Holes School for the 1970 school year, District 3 officials zoned all Four Holes community residents to their traditional school for Fall 1969, angering many Four Holes parents and goading their 1969 protest movement.<sup>cxxxvii</sup>

Determined to secure a quality education for their children for the 1969-1970 school year, Four Holes residents and African American civil rights leaders in Dorchester launched a five-month boycott of the Four Holes School. To garner statewide support for the movement, Victoria DeLee, local civil rights activist and President of the Dorchester chapter of the National Association for the Advancement of Colored People, spoke to three different activist groups at the University of South Carolina, including Aware, The South Carolina Revolutionary Youth Movement, and the Students for a Democratic Society.<sup>cxxxviii</sup> She requested help from the national and local offices of the Southern Christian Leadership Council, and spoke to national and state media outlets including the *The Washington Post* and *The State*.<sup>cxxxix</sup> Though harassed by the Ridgeville police, American Indian and African American parents, students from the University of South Carolina, and members of the Charleston office of the SCLC launched multiple marches from the Four Holes School to Ridgeville, and rallies in front of both schools, receiving jail time for their protests.<sup>cxli</sup> Under the leadership of SCLC leader John Reynolds, protestors also initiated an economic boycott of white businesses in Ridgeville and secured favorable coverage on *NBC Nightly News*.<sup>cxlii</sup> NAACP lawyers Matthew Perry, Mordecai Johnson, and Fred Moore represented the activists, while the American Friends Service Committee provided funds to American Indians when local authorities terminated their welfare checks as a result of their activism.<sup>cxliii</sup> Because of massive resistance by white residents in Ridgeville, only fifteen Four Holes students secured enrollment at

Ridgeville Elementary in the 1969-1970 school year, but activists from SCLC and the University of South Carolina created a Freedom School for the remaining Four Holes children locked out of the mainstream public education system.<sup>cxliii</sup>

## Background

Dorchester County, South Carolina is located just north of Charleston County, South Carolina. The county seat, St. George, is about fifty miles north of the city of Charleston; Ridgeville is twenty miles closer. In 1960, around 24,000 people lived in Dorchester County with less than fifteen percent of county residents living in urban areas including the cities of St. George and Summerville. African Americans made up approximately 49 percent of the county population, but most areas were predominantly black. According to the 1960 U.S. census, white residents constituted a majority population only in the Summerville Division.<sup>cxliv</sup>

Table 2.1 Dorchester County Census Divisions in 1960

Dorchester County Census Divisions in 1960:

	Total	White	Black
Harleyville Division	4,297	1,880	2,417
Reeseville Division	2350	1029	1321
Ridgeville Division	2674	1173	1501
St. George Division	4296	1833	2463
Summerville Division	10764	6565	4190
Urban areas (1000 or over)			
St. George	1833	1149	683
Pinehurst-Sheppard Park	1708	419	1289
Summerville	3633	2466	1161

Virtually all of the American Indian population in the county, around 275 people, resided in the Ridgeville District in Four Holes. Most of the residents of the 75 acre community lived in abject poverty, and worked as tenant farmers and laborers. Though the Bureau of Indian Affairs did not recognize the Four Holes community as a tribe, the citizens of Four Holes considered themselves American Indian, and identified with the Edisto tribes of the Nattchez-Kusso Peoples. The exact heritage of the community is unknown because 19th century census data left indigenous residents off as “Indians not taxed,” and throughout the nineteenth and twentieth centuries the community became a diverse racial and cultural community. In 1965, as the Department of Health, Education, and Welfare (HEW) began to regulate racial zoning in Southern school districts under Title VI of the Civil Rights Act, Department officials designated Four Holes students as “white.”<sup>cxlv</sup> The Four Holes community, completely surrounded by woods and isolated from the rest of Dorchester County, supported the Church of God, had one small grocery store, two bars, and the last segregated American Indian school in the American South.<sup>cxlvi</sup>

Before 1963, District 2 had not allowed Four Holes students to attend public schools, yet had no educational provisions within the Four Holes Community. After community members requested admittance to District 2 schools in 1963, District 2 built the Four Holes School, a large cement building with four large rooms.<sup>cxlvii</sup> The District designed the school to teach all children through eighth grade, making no provision for education of students once they reached high school age. When District 2 constructed Four Holes in 1964, the South Carolina Department of Education passed a law allowing the District to hire teachers for Four Holes School that had not attended college.<sup>cxlviii</sup>

None of the three teachers hired at Four Holes for the 1969-1970 school year had a college degree. Most students graduating from Four Holes School could not read or even write their own names.<sup>cxlix</sup>

From the close of World War II, the rural community of Dorchester County struggled to find a place in the increasingly industrialized New South. Almost 1000 farms closed from 1950-1960, with little industrial or economic growth to offset the loss of agricultural opportunities.<sup>cl</sup> Most residents in the county earned modest incomes. While only 19 percent of families in the United States had incomes below the federal poverty level of less than \$3,000 per year in 1960, the median income in Dorchester County was around \$3,031, putting most county residents well under the national median of \$5,260 a year. By 1964, 1050 farms continued to operate in the district, most consisting of less than 10 acres. Tenant workers farmed about 13 percent of available farmland.<sup>cli</sup>

The average educational level achieved for people 25 and older in Dorchester County was eighth grade, and less than 30 percent of Dorchester's residents had completed high school or higher.<sup>clii</sup> The black population in Dorchester suffered from even greater poverty and lack of education. In 1966, 86 percent of the black community lived under the national poverty line, earning less than \$1,500 a year. Most members of the black community never received an education higher than the fifth grade.<sup>cliii</sup>

Though Dorchester school districts have since been reorganized, in the 1960s and 1970s, Dorchester operated three school districts. Those districts included St. George School District 1, which encompassed the central region of the county; Summerville School District 2, which comprised the southeastern part of the county, and Harleyville-Ridgeville School District 3, which included the northern part of the county. Prior to the

1964 Civil Rights Act, all three school districts remained completely segregated with segregated school facilities, segregated faculty, and segregated busing systems.<sup>cliv</sup> While Dorchester 1 and 2 operated a dual school system, Dorchester 3 maintained three separate school systems for its black, white, and American Indian students. Four Holes students lived close enough to their school that they required no transportation.<sup>clv</sup>

### **School Desegregation Efforts, 1964-1969**

In 1964, the Civil Rights Act set new standards for southern school systems by outlawing racial discrimination in any activity or program that received financial support from the federal government. Revised federal regulations following the Civil Rights Act did not root out racial segregation and discrimination on the local level, but new policies did create space for minorities to fight for educational access in their communities. The battle waged between 1965 and 1969 in Dorchester set the stage for the Four Holes School Boycott and continued civil rights activism because it divulged the extent to which the white school board and Dorchester school administration would manipulate federal standards to maintain racially exclusionary policies in Dorchester's schools. Black and American Indian residents quickly realized that their children would only have a chance at quality education if they appealed to an authority outside of the Dorchester community through continued civil rights protest.

In order to meet desegregation compliance under the Civil Rights Act, many Southern school boards applied Freedom of Choice policies to their districts, including all 3 Dorchester school districts, which automatically registered students in the schools that they attended under the segregated system. Students could choose to attend the school of

their choice within the specific school district, provided that their parents specifically requested a transfer. Allowing students to attend the school of their choice created the potential for successful desegregation, but the stipulation that parents specifically request a transfer meant that black parents once again inherited the burden of challenging a white dominated system. In addition, many school districts made attaining transfer status difficult. Districts purposely made requesting transfer confusing and intimidating, and often did not publicize the transfer process. School districts only accepted transfers for a limited time period, and even when parents sent in requests according to regulation, they could still be, and often were, denied by school boards.<sup>clvi</sup>

Of the 3 Dorchester School Districts, District 1, on the surface, complied most willingly to federal desegregation regulations in the mid-1960s. During the 1965-1966 school year, District 1 accepted about 9 percent of its black students into previously all-white schools through a Freedom of Choice plan.<sup>clvii</sup> But soon after the year began, black students complained of harassment, intimidation, and unfair treatment.<sup>clviii</sup> Many white teachers insisted on maintaining segregation in the desegregated classroom, separating white and black students. In some cases, teachers forced black students to sit with their backs turned away from the class and refused to help them. Black students complained that they were cursed, called names, pushed into the corridors at school, tripped, and spit on. Students cited teachers for calling them “niggers,” only allowing white students to answer questions, standing with their backs to black students during instruction, and making black students sit where they could not see the blackboard. District 1 faculty and administration excluded black students from some sports. In fact, the town of St. George



transformed some school sports into community sports, which excluded all black students.<sup>clix</sup>

In the Spring of 1966 after the Office of Education, under HEW, received complaints of racial discrimination, they launched an investigation of Dorchester District 1. As a result, Gordon Rubin, representative of the Office of Education, feared that black students in the previously all-white schools, with little support from teachers, students, or administrators, would fail academically. He also worried that black students would no longer apply for transfer under Freedom of Choice because students, teachers, and administrators treated them so poorly. Yet, District 1 technically met all federal standards mandated by HEW guidelines and the Office of Education had no grounds for official charges against the District.<sup>clx</sup> Local civil rights advocacy organizations, like the American Friends Service Committee, organized to provide black students tutoring and emotional support, but black students still endured harsh conditions throughout the desegregation process.<sup>clxi</sup>

In 1965, neighboring Dorchester School District 2 and 3 officials resisted HEW regulations much more overtly. After HEW threatened to stop federal funds to both districts in 1965, the school boards submitted Freedom of Choice plans that provided assurances of desegregation. Yet, while legally meeting federal desegregation standards, both districts worked to maintain their dual school systems. During the 1965-1966 school year, HEW determined that 4,611 students attended schools in District 2: 2,936 white and 1,675 black. Only 3 black students transferred to its all-white schools, yet the District retained its federal funding and technically met desegregation regulations set by HEW.<sup>clxii</sup> District 3 accepted 29 black students, only 3 percent of the black student population, into

previously all-white schools. During this year, no faculty desegregation occurred in any Dorchester school district.<sup>clxiii</sup>

As a result of the manipulation by Southern school districts in Fall 1965, HEW officials revised many of its desegregation rules and regulations to promote a more effective desegregation process. The Office of Education, under HEW, announced forthcoming changes in February 1966 and published the *Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964* in March 1966. Stanley Kruger, of the Office of Education, toured the country in the wake of the *Revised Guidelines*, launching conferences with educators, school boards, and administrators, and holding meetings with parents, in order to explain the implications of the new regulations.<sup>clxiv</sup>

On March 4, 1966 the Department of Health, Education, and Welfare mailed a memorandum outlining major changes to all 3 Dorchester County school districts, enclosing copies of the *Revised Guidelines*. It stated that Freedom of Choice plans had to be meaningful and had to result in true desegregation. In other words, a substantial percentage of desegregation had to follow implemented plans. In addition, desegregation now required faculty desegregation, which had only been recommended in the previous guidelines. Lastly, the school district could not deny a black student transfer to a white school, unless the school faced overcrowding. If a chosen school was over capacity in enrollment, then the District was obligated to zone all students who wanted to go to the school by proximity to the school, not race. The Office of Education automatically updated all southern school district plans from the 1965-66 school year to meet new regulations for the 1966-1967 year.<sup>clxv</sup>

On April 15, 1966, Dorchester School District 2 agreed to HEW's new desegregation policies by submitting the proper paperwork. A few weeks earlier, however, on April 2, 1966, Durleen Gun, Earnest Geddis, and Wilhelmina Smalls, three African American residents of Dorchester District 2 attended a meeting in Columbia, South Carolina, presented by Stanley Kruger of the federal Office of Education, on new school desegregation regulations for the upcoming 1966-1967 school year. The meeting encouraged African American parents to educate themselves about new federal standards in the wake of the 1964 Civil Rights Act and *Revised Guidelines*, and explained effective ways to organize communities in demand of school desegregation. Gun, Geddis, and Smalls came home determined to encourage people in their own community to take advantage of the new opportunities to attend previously all-white schools. They particularly took to heart the words of Kruger, when he encouraged black residents to file a complaint with HEW and other local civil rights organizations if they found their school district was not in compliance with the 1966 guidelines set by the Department of Health, Education, and Welfare.<sup>clxvi</sup>

Gun, Geddis, and Smalls came from a very rural part of Dorchester County known as Club House, an unincorporated area, home to approximately 1000 black people. Located at the junction of county Highways 63 and 84, Club House was one of many isolated, rural black communities spread throughout the county. No paved roads led to Club House, only dirt roads, and within Dorchester County, it was one of the poorest and most disenfranchised. The community had no plumbing, telephone lines, or electricity. State Senator H. H. Jessen of Dorchester County reportedly said of the area

“We ought to dig a canal across those roads and leave those Club House Niggers back there to die.”<sup>clxvii</sup>

The citizens of Club House, after hearing about changing federal policy on school desegregation standards, formed a school desegregation committee, held a mass meeting, and individually encouraged members of their community to transfer their children to white schools. The people of the area filled out their choice forms for their preferred schools, requested that their children be sent to Summerville Elementary School and Summerville High School, the all-white schools in the district, and then gave the choice forms in sealed envelopes to members of the Club House Parents Committee, led by Earnest Geddis, to return to Superintendent T.C. Bristow, Superintendent of Dorchester School District 2.<sup>clxviii</sup>

In 1966, Thomas Bristow was in his twelfth year as superintendent. He was a graduate of the Citadel, and held a Masters of Arts Degree in Education from the University of South Carolina. Bristow considered himself close friends with the Associate Superintendent of South Carolina Schools, Dr. Harris A. Marshall, visiting him at his home in Columbia often. In July of 1967, when Marshall lost his father, Bristow sent the Assistant State Superintendent a personal note over the loss, including heartfelt condolences, and reminded Marshall to remember that “God Knows Best, and sorry we missed you when we stopped by last week. Come to See Us. Tom.”<sup>clxix</sup> Because of his close ties with the South Carolina Department of Education, and his upstanding status in the community, Bristow had little fear of the authority of HEW and the regulations set by the Office of Education.

Club House residents soon tested his confidence. On Friday, April 22, 1965, determined to apply their newly won civil rights to their own community, and to gain access to quality education for their children, Gun, Geddis, and Smalls collected around seventy choice forms and traveled to Summerville to submit those forms to Superintendent Bristow. All parents requested transfer to previously all-white schools, mainly Summerville Elementary and Summerville High School. When Bristow received the forms, he opened them immediately in front of the 3 community leaders, and saw that the majority of Club House parents wanted to transfer the students to the all-white schools in Summerville. He immediately told Gun, Geddis, and Smalls “that it looks like there has been a force” from the outside that had intimidated the parents into putting their children in white schools.<sup>clxx</sup> He told the parents they had misunderstood the Freedom of Choice guidelines and that transfers only applied to residents who lived in city limits, not to rural communities and residents. Besides, he added in an argument similar to one used in the famous Clarendon County desegregation case that anchored the 1954 *Brown* decision, the district budget had no money to transport black, rural students all the way to Summerville Elementary. District 2 used segregated bus systems until the 1967-1968 school year. Club House leaders later remarked that white students who lived further out were bused past Club House every day, to Summerville schools.<sup>clxxi</sup>

After explaining why their children would not be transferred to Summerville Elementary and Summerville High School, Bristow told parents that black children who lived in rural areas would have to go to Canaan Elementary, one of the district’s all-black elementary schools. According to Bristow, this information was supposed to be included in the letters to parents about the District’s Freedom of Choice policy, but district

employees inadvertently left it out. After explaining this information to parents, he asked them to leave. On their way out, however, Bristow wanted each of them to write down their full name and address. County welfare workers later harassed the three activists.<sup>clxxii</sup>

After being denied transfer, Club House community members called Victoria DeLee, a known civil rights activist in Dorchester County. DeLee, born and raised in Ridgeville, was at the forefront of civil rights activism not only in Dorchester, but also in South Carolina. She was the president of the local chapter of the NAACP, and would be the first black female to run for Congress in the State of South Carolina under the United Citizens Party. Though skilled in public speaking and campaign organizing, DeLee never had access to a public education herself, and as a result, made education central to her own activism. She believed education was a necessary component to achieving and protecting civil rights for all people, particularly black Southerners.<sup>clxxiii</sup>

DeLee knew the battles faced by the Club House parents because she fought similar ones in her own children's school district, Dorchester District 3. DeLee, born in Ridgeville on April 8, 1925, spent her childhood assisting her mother and grandmother as tenant farm workers, a time DeLee often described as a period of continued slavery for black people in her community. DeLee and her family worked long hours in cotton fields, and other forms of agricultural labor to earn what she remembered was 25 cents a day.<sup>clxxiv</sup>

During the time that DeLee labored as a field hand, white land owners physically beat her regularly and exposed her to violence and racial terror, acts that bolstered her resolve to fight against oppression. One lynching in Ridgeville particularly haunted DeLee, and she spoke of it often. Bob Cummings, a local white farmer, openly bragged

to DeLee and her family about his participation in torturing and lynching a local black man. “And they said they castrated him and stuffed them in his mouth while they shoot him,” DeLee remembered. “And they shoot him piece by piece... That thing stick[s] in my mind. Here this man being killed, and I overheard. He (Bob Cummings) didn’t care. He talked right there in front of us.”<sup>clxxv</sup> Angered by the powerlessness of blacks against white violence and racial oppression, DeLee determined as a young girl that she would fight back.<sup>clxxvi</sup>

In 1947, at the age of 22, DeLee successfully registered to vote by threatening a local voting registrar and celebrated her achievement throughout the local black community. Soon after, with support from the local NAACP under I. DeQuincy Newman, DeLee began encouraging black people to vote. She drove local blacks to voting polls to obtain voter registration and traveled around Dorchester on Sundays, seeking permission from black pastors to make appeals to their congregants. In 1960, DeLee formed the Dorchester Voting League and headed voter registration drives throughout the 1960s. Black registrants faced constant abuses from white registration officials, who often forced them to read aloud the U.S. Constitution in order to qualify for a registration certificate. In response, DeLee set up Citizenship Schools in the county to teach unlettered blacks how to pass the registration tests.<sup>clxxvii</sup>

While DeLee saw voting rights as a key element to justice and civil rights for black residents of Dorchester, she also viewed quality education an essential piece to attaining civil rights. Never having had access to education herself, she fought to ensure it for the next generation of black children, including her own. In 1948, DeLee led a protest against the county school board to prevent the firing of a teacher whom she valued as a

strong black teacher who cared for “all the children.” JohnEtta Grant, who began her career in Ridgeville, commuted twenty-six miles by car from Charleston to teach in Ridgeville. When other teachers who lived out of town began to commute with Grant, instead of living in Ridgeville, the resident with whom teachers traditionally boarded complained. As a result, authorities told Grant she had to live in Dorchester County or lose her job. DeLee organized black parents to take a train ride to the county school board meeting in St. George. According to DeLee, this was the first time that black parents had ever stood up to the all-white school board. The school board allowed Grant to continue her employment, marking a pivotal victory for a young DeLee.<sup>clxxviii</sup>

Throughout the 1960s DeLee tried to register her own children in the all-white schools in Dorchester County with little success. Following the Civil Rights Act, District 3 accepted DeLee’s children for 1965-66 school year, but they received continued harassment. DeLee’s daughter often came home beaten, bloody, and even stripped of her clothing. School administrators targeted DeLee’s son, Elijah, and suspended him in January of 1966 until DeLee signed a paper agreeing that if he caused any more trouble at school, he would be permanently expelled. DeLee refused.<sup>clxxix</sup> During this time, white members of the community constantly harassed DeLee. They shot into her home on several occasions and in 1965 set fire to her home while her family slept. Her husband and children all survived, but her house burned to the ground. Local authorities never investigated or charged anyone for the destruction of DeLee’s home.<sup>clxxx</sup>

To assist Club House residents, DeLee arranged for representatives of the American Friends Service Committee to come to Club House, and she personally drove the AFSC group down what they described as “dirt roads in poor condition” until



reaching “the sparsely settled area” of Club House. As a result of their visit, representatives of AFSC wrote letters seeking assistance for the community from HEW and the Office of Civil Rights.<sup>clxxxii</sup> AFSC also supported the Club House parents and Victoria DeLee in launching suits against Dorchester Districts 2 and 3, demanding the districts stop operating a dual system. NAACP lawyers Matthew Perry and Fred Moore represented the parents, who filed suit on July 25, 1966, shortly after transfer requests had been denied.<sup>clxxxiii</sup> Perry, who worked as chairman of the South Carolina NAACP Legal Committee from 1957, was an integral leader in filing and pushing South Carolina desegregation suits after *Brown*. Fred Moore, also an active civil rights and NAACP attorney, had previously served as Student Council President at South Carolina State College and organized a boycott of white businesses supplying food to South Carolina State and Claflin College. It included hunger-strikes in the school dining halls, mass meetings, and freedom marches. Because of his participation, administrators expelled Moore from school just two weeks from graduation.<sup>clxxxiii</sup>

Despite their suits, DeLee, Club House residents, and their children remained locked out of the white school systems of Dorchester throughout the 1966-1967 school year because U.S. Circuit Court Judge Hemphill did not hear the cases until March of 1967. By this time the school year was almost over. As a result, parents chose to focus on the following school year, demanding a complete plan of desegregation for the 1967-1968 academic year.<sup>clxxxiv</sup> But after hearing the case, Hemphill found that Dorchester 2 and 3 met all federal desegregation requirements.<sup>clxxxv</sup>

In the meantime, HEW officials compiled their own suits against Dorchester 2 and 3. Judge Marker Dern, federal hearing examiner for HEW, heard the cases after

Hemphill issued his decisions. Because Hemphill, a federal district court judge, had already ruled on Dorchester's compliance for the 1967-1968 year, Dern could only hear the cases on the current 1966-1967 academic year. Dern ruled that District 2 and 3 failed to follow their compliance agreements and terminated their federal funds.<sup>clxxxvi</sup> However, since the year only had a couple of months remaining, HEW ultimately concluded that no use could come from termination of federal funds for the remainder of the year.<sup>clxxxvii</sup> Because HEW's case took so long to process, Dorchester School Districts continued segregation and maintained federal funding.

Over the next few years, Dorchester school districts made few meaningful strides towards desegregation. At the start of the 1968 academic school year, Dorchester Districts still operated dual, segregated educational systems, along with many other school districts across South Carolina and other southern states. Only in 1968, with the Supreme Court ruled that Freedom of Choice plans no longer met federal desegregation standards in *Green v. School Board of New Kent County*, did total desegregation become a reality in the South. *Green* aligned the Supreme Court with HEW's *Revised Guidelines* arguing that Freedom of Choice could only be considered desegregation if the results created racially balanced schools. The "Green" factors used to determine whether a desegregation plan was acceptable included the ratio of black to white students and faculty, and absolute equality in facilities, transportation, and extracurricular activities. In the *Green* ruling, the Supreme Court also insisted on immediately destroying segregated schools "root and branch," which also hastened the pace of change.<sup>clxxxviii</sup>

Bolstered by the Supreme Court's 1968 ruling, in March 1969, the Department of Health, Education, and Welfare named all 3 Dorchester school districts and 19 other

South Carolina school districts, for violating HEW's *Revised Guidelines* through their Freedom of Choice policies. In reviewing those districts, federal District Court ruled *en banc*, with all judges of the court present, that all three Dorchester Districts had thirty days to come up with acceptable desegregation plans in conjunction with HEW, effective for the 1969-1970 school year.<sup>clxxxix</sup>

When all three Dorchester school districts refused all HEW suggestions, and were unable to come up with satisfactory desegregation plants, the U.S. District Court in Charleston, under Judge Robert Hemphill, ordered that HEW's suggested desegregation plans, which created racial balance throughout the schools, be the new standards for all three Dorchester Districts. HEW provided Dorchester schools with the option to use 1969-1970 for "orientation and preparation."<sup>cx</sup> As a result 1969-1970 became a transition year for all Dorchester schools and the Dorchester community to ready itself for total desegregation in 1970. From 1969 through 1970, HEW required Dorchester districts to host teacher in-services on "racial understanding, human relations, and communication."<sup>cxci</sup> Faculties of the black and white schools met for common planning by subject matter, and were supposed to establish bi-racial advisory committees to help with the transition that would occur the following year, under total desegregation.<sup>cxcii</sup> Though HEW ordered the Four Holes School closed under the 1970 total desegregation plan, the district left the school open in 1969, greatly upsetting many residents in the Four Holes community.<sup>cxci</sup>

## **Four Holes School Boycott Takes Root**

Although several black students attained transfer to majority-white schools in Dorchester District 2 by the 1969 school year, the District denied all transfers from Four Holes, for the 1969-1970 school year.<sup>cxciiv</sup> Four Holes parents tried to gain transfer for their children to other county schools in 1966, after the publication of HEW's *Revised Guidelines*. Like many black student transfer requests in 1966, administrators denied all American Indian requests due to overcrowding. (The same year, District 3 officials provided a trailer at Four Holes School for an extra classroom because so many students attended in the four rooms.) When District 3 officials again denied all American Indian students transfer for the 1968-1969 school year, members of the Four Holes community approached the black community, particularly Victoria DeLee, for help. Four Holes parents and DeLee formed a partnership in protesting the public school system, and worked to get all minority students in the community access to the majority-white schools in the District.<sup>cxcv</sup>

Throughout the Freedom of Choice process in School District 3, administrators claimed that they evaluated all transfer requests on a first come first serve basis, and inevitably had to deny some applicants due to overcrowding. For the 1969-1970 year, under DeLee's encouragement, black residents decided that they would not fill out their freedom of choice forms until the Four Holes community submitted and filed all of their children's forms. Two weeks before the start of school, District 3 notified parents concerning the school assignments of their children: District 3 honored the majority of black transfer requests, but accepted no transfer students from the Four Holes community. Many local black activists and Four Holes leaders agreed that they needed to

apply civil rights protest to demand transfer and planned to assemble at Four Holes on August 19, the first day of school.<sup>cxvii</sup> As parents and students made their way to Ridgeville Elementary that day, they only asked that newly won civil rights legislation be applied to their own community. Only about two-thirds of the Four Holes students requested transfer: the other students continued to attend the Four Holes School.<sup>cxviii</sup>

In 1969, Four Holes parents and community members had no formal tribal organization or leadership and no experience in organized protest. Yet, parents who had been shaped by the changing economy of Dorchester, and could no longer find agricultural jobs in the county, wanted their children to be able to compete for jobs outside of Dorchester. Parents in Four Holes realized that public education was one of the few avenues they had to provide their children with something more. One grandparent in the community, Georgia Davidson, remarked that she knew it was too late for her, and even her children, but that she wanted something better for her grandchildren, and would do everything she could to achieve that.<sup>cxix</sup> This hope for something better provided courage to parents and students who drove to the Ridgeville schoolhouse in August 1969.

After Superintendent DeTreville and Ridgeville Elementary teachers rejected the Four Holes group, DeLee secured the assistance of NAACP lawyers Fred Henderson Moore, Mordecai C. Johnson, and Matthew Perry. They filed suit against District 3 in the U.S. District Court for violating the court ordered desegregation plan handed down earlier that year.<sup>cxix</sup> Perry and Moore represented African Americans in Dorchester County in the previous desegregation suits in both Dorchester 2 and 3 and continued to be at the forefront of litigation in South Carolina.

In the meantime, residents of Four Holes decided to launch a school boycott of the Four Holes School and picketed Ridgeville Elementary. Students arrived at the Ridgeville every morning, attempted to enroll, and then marched in front of both the Four Holes and Ridgeville Elementary Schools when denied. Protesting proved more effective at the Ridgeville School because it was located in the middle of the town of Ridgeville and interrupted the daily schedules of many members of the community. Throughout the protest, DeLee told reporters that Four Holes students had not been given a decent education, had no adequate materials or books, and that “these kids are not going to attend at Four Holes School again this year, no matter what happens.”<sup>cc</sup>

On August 26, 1969 the group returned to register at Ridgeville and was met by Superintendent DeTreville. DeTreville reiterated that students could not enter because the school was overcrowded. After arguing the point for several minutes, DeTreville allowed two American Indian parents to tour the school to make a room-by-room count in order to determine if the school was, in fact, overcrowded. Parents found a total of 194 children in the school, which had a capacity for 210. At that, Four Holes parents argued that even if the District admitted all of the children who wished to attend, the school would only be over capacity by 20 students. They suggested that a mobile unit from the Four Holes School be moved to provide an extra classroom.<sup>cci</sup> DeTreville refused and students continued their protest. As a result, DeTreville ordered the school closed until the case could be heard by Judge Robert Hemphill, who set a hearing for September 4, 1969 in Charleston.<sup>ccii</sup>

On that morning, many parents and students of the Four Holes community drove to Charleston to attend the hearing and support the request for their children to attend

Ridgeville Elementary. Community members arrived in full traditional dress. Some children even painted their faces with tribal patterns, but Hemphill insisted that everyone remove the paint before reentering. Four Holes community members listened quietly and patiently as Hemphill heard the case.<sup>cciii</sup>

Superintendent DeTreville argued that Ridgeville Elementary suffered from overcrowding and could not accept any more students. Parents from Four Holes argued that District 3 had violated their children's rights under the Civil Rights Act, not only because their transfer had been denied under Freedom of Choice, but also because the Four Holes School was inferior to the other district schools. One problematic issue for Four Holes residents was that HEW classified all children from Four Holes as white. As a result, District Three used HEW to support their denial of the American Indian students. Ernest Bunch, an HEW official, testified that school officials were following regulations set by governmental authorities and were following sound educational practices. When cross-examined by Matthew Perry, Bunch admitted that HEW had called for the closing of the Four Holes School for the 1970 school year, in the District's total desegregation plan.<sup>cciv</sup>

Throughout the trial, Four Holes leaders and their lawyers felt Hemphill, appointed to South Carolina's Fifth Circuit by Lyndon Johnson, treated them with disrespect. Hemphill took a hard line against Four Holes' protests and demonstrations. When School District 3 lawyers interrogated one Four Holes parent, Georgia Davis, for her participation in the protest, Mordecai Johnson objected that the demonstrations should not affect the judge's decision regarding whether or not students had the constitutional right to attend Ridgeville Elementary. When he objected, Hemphill

snapped at Johnson “to sit down or he would be held in contempt of court.”<sup>ccv</sup> Johnson, highly offended, later wrote Hemphill, “I have been laboring under the impression that members of the federal judiciary refrained from discourteous and disrespectful treatment of members of the court’s bar who appeared before them. Or am I too unfamiliar with courtroom procedure to think that any attorney has the right to raise an objection to the line of questioning of his opponent.”<sup>ccvi</sup>

At the close of the trial, Hemphill analyzed school enrollment at Ridgeville and demanded that District 3 enroll 15 American Indian students from Four Holes. The remaining students were to stay at Four Holes School for one more year until the school was scheduled to close permanently. Hemphill broke the acceptance of students down by grade level: four second grade students, one third grade student, six fourth grade, one fifth grade, and three sixth grade students would be allowed transfer. At the close of his decision, Hemphill warned parents that if they continued protest at the schools in any way, that they would be held in contempt of court. Hemphill stated, “We are not going to have people running around like animals disrupting school. I don’t care if they are white, black, red, or mixed.”<sup>ccvii</sup>

The decision did not stifle the determination of the Four Holes community. Angered at the result, many stated their intent of appealing Hemphill’s decision at the U.S. Court of Appeals. “I’ve made up my mind. One parent said. I’m tired of my children going to Four Holes School. I told the Sherriff he can cut my throat, but they’re not going to that school”<sup>ccviii</sup> Parents said they would set up a private tutorial service at their homes as an alternative. Parents did send 15 of the 75 students to Ridgeville on Monday, September 8<sup>th</sup>. When DeLee arrived at the school to help enroll the students, officials



arrested her on contempt charges. Upon her release, DeLee contacted Ralph Abernathy, the director of the Southern Christian Leadership Conference (SCLC) who agreed that his organization's Charleston office should help and soon set up a three-man office in Ridgeville led by John Reynolds and field workers James Orange and Allen Smith.<sup>ccix</sup> Reynolds lived with Victoria DeLee and her family throughout his stay in Ridgeville, while Orange and Smith boarded with families in Four Holes.<sup>ccx</sup>

Reynolds, who joined SCLC in 1965, got involved in the civil rights movement while working with the Summer Community Organization and Political Education (SCOPE) project, a voter registration project launched by Martin Luther King Jr., in 1965. After the SCOPE project, Reynolds went to SCLC's Citizen Education School in South Carolina, directed by Dorothy Cotton and Septima Clark, who recommended him to become a part of the SCLC national staff. Reynolds worked on projects with communities across Alabama organizing voter registration and direct action protest, including demonstrations and boycotts. Reynolds coordinated the Poor People's Campaign in New England and continued his work on the Campaign in Resurrection City in Washington D.C. in 1968. He also supported South Carolina activists in the 1969 hospital workers' strike in Charleston, South Carolina before coming to Ridgeville.<sup>ccxi</sup>

Though Hemphill ordered that Ridgeville Elementary and Four Holes resume regular school activities on Monday, September 8, Four Holes residents called for a continued boycott of the Four Holes School. SCLC representatives also helped organize a boycott of local businesses, hoping to assert pressure within the broader Ridgeville community. Four Holes and black community members picketed and boycotted white businesses daily and also protested at the St. George courthouse, the county seat. After

about a week of renewed protest, DeLee and Reynolds called a meeting with local business owners, who then met with the Dorchester School District 3 school board on Friday, September 19th. At the end of the meeting, the school board voted three to two to admit all Four Holes students who had been denied transfers under the Freedom of Choice policy. School board officials enrolled students, gave them their new school books, and told students to report on the following Monday, September 22.<sup>ccxii</sup> The Four Holes Students finally had access to the county's public school system.

While the Four Holes Community celebrated the news, many white community members in Ridgeville, horrified by the school board's decision, launched their own protest. Superintendent DeTreville announced his immediate resignation, unless the school board overturned their decision to allow Four Holes students at Ridgeville Elementary. He argued that the school board overruled his decision and said he would not preside as Superintendent of a school district that allowed overcrowding. By Saturday, September 20, around 100 white parents had formed a committee which sought to bar all of the admitted Native American students, even those that Judge Hemphill ordered enrolled earlier in the month. The group, which named itself The Concerned Parents of White Children, called for the immediate resignation of all three school board members who voted for the American Indian's children's enrollment. The Committee ordered all classes suspended on Monday September 22, and resolved to meet with Judge Hemphill regarding his September decision. Taking a cue from DeTreville's threat of resignation, following the announced resignation if the board accepted Four Holes students, Dorchester County Superintendent, John Bell, who worked with all three Dorchester school districts, announced he would not run for reelection if the school board's decision

was upheld. Hundreds of teachers rushed to sign a petition in support of DeTreville. The principals of Harleyville-Ridgeville High School and Ridgeville Elementary, along with many other teachers, announced their resignations if the decision was not overturned.<sup>ccxiii</sup>

Kermit Kizer, chairman of the Dorchester 3 school board, and one of the three members who voted to enroll American Indian students, argued that the board did not intend to overrule anybody's decision, and that he had arranged for portables buildings to be installed at Ridgeville to help with overcrowding. But, white outrage in the community gained strength. On Monday, September 22, the School Board held an emergency meeting at Harleyville-Ridgeville High School. Over 300 angry white parents attended. Kizer, retreating from his initial decision, argued he only made the decision to quell the civil rights protest that was plaguing the community and to prevent a violent outbreak, which he claimed civil rights workers had threatened. During the meeting, he said, "it looks like we made a mistake, and I hope to correct it."<sup>ccxiv</sup>

Under pressure from The Concerned Parents of White Children, the School Board voided their previous decision, then voted unanimously to deny enrollment of Four Holes at Ridgeville Elementary. Following the vote, parents demanded the resignations of Kizer and the other two members who supported the earlier enrollment decision. The men agreed, and the community appointed three new members to replace them. Four Holes parents were informed that their students would no longer be welcome at Ridgeville Elementary.<sup>ccxv</sup>

Despite the reversal, 11 Four Holes parents attempted to enroll their children when schools reopened on Tuesday September 23. When they arrived, local police arrested and charged parents with interference of the operation of District 3 schools and

locked them up in the county jail. Those arrested included Gertie Creel, Rosa Lee Hales, Ben Scott, Lillie Ruth Davidson, Ruth Scott, Alice Green, Eunice Russell Johnson, Ruby Russell, Leon Russell, Albert Lee Scott, and Lorene Muckelvaney, Their children were placed under the care of the Dorchester Welfare Department. Many of them, including some infants, allegedly received no food or drink during the entire day. Authorities eventually released all parents later that day on \$100 bonds, paid by a St. George Methodist minister.<sup>ccxvi</sup>

A few days later, on Thursday, September 25, police arrested another group of parents protesting at the Four Holes School. The federal Bureau of Indian Affairs, though they did not recognize the Four Holes community as a tribe, agreed to pay the bail of those arrested when contacted by SCLC leader John Reynolds. While in jail, local authorities threatened parents, arguing that if they protested again, they would be held for 30 days in violation of Judge Hemphill's court order on September 4, which declared that anyone who disrupted Dorchester schools would be held in contempt of court. Authorities, in fact, held three protesters, arrested at both schools, for 30 days. Fred Moore represented all protestors and attempted to get all charges against them dropped.<sup>ccxvii</sup>

During the continued protest and the boycott of Four Holes School, John Reynolds, Victoria DeLee, and parents in the Four Holes community, wanted to help students continue with their education and reached out to students at the University of South Carolina. DeLee spoke to three different University activist groups including Aware, the South Carolina Revolutionary Youth Movement, and the Students for a Democratic Society.<sup>ccxviii</sup> The University of South Carolina prevented DeLee from

speaking on campus, claiming she was not a registered speaker, so she arranged to speak at the UFO coffee house, a “favorite hangout for students, servicemen, and hippies.”<sup>ccxix</sup> More than 400 people attended. Jack Malloy, a 23-year old education student at the University who later took a leave of absence from the University and moved to the Four Holes community remembered, “We saw the need for a school, and the need for a sort of academic atmosphere in the midst of the community.”<sup>ccxx</sup> Many other volunteers came forward and started a Freedom School in the Four Holes community.

Malloy joined with USC education and psychology majors Ralph Courtney, 19 and Jeanie Hardie, 21, along with one high school graduate of the Four Holes Community, Joyce Bradley, to open the new Freedom School. With the assistance of the SCLC, these USC students found a house to rent and worked to get support from a variety of groups, including the USC Young Democrats and the North Trenholm Baptist Church in Columbia. The American Friends Service Committee supplied monetary support both to the school and to local families who local social workers had cut off from welfare because of their participation in the school boycott. The National Council of Churches also offered support and sent truckloads of supplies to the community. Four Holes residents donated food for lunches at the Freedom School. Women in the community sent homemade jelly and other foods. Ralph Courtney told one reporter, “When we have money, we have bologna or peanut butter and jelly sandwiches for lunch. Some days we have jelly sandwiches.” USC volunteers slept on mattresses in the back of the school and in other houses in Four Holes.<sup>ccxxi</sup>

The school operated Monday through Friday, from 9:00 a.m. until 2:00 p.m. The school taught math, reading, history, spelling, and social studies. Teachers also tried to

incorporate information about the Edisto culture and American Indian heritage.

Additional USC volunteers drove to Four Holes on weekends to help with basic tutoring of the children in the community. The school started with an enrollment of twenty students and mounted steadily. Soon, almost all of the Four Holes students attended, even those who had not been involved in the initial boycott. Teachers also offered night classes on nutrition and hygiene for adults. Volunteers cleared a playing field on weekends so that children would have a recreational outlet.<sup>ccxxii</sup>

Many parents in the community provided testimony to the effectiveness of the school within the first few weeks of its opening. “My boy is going there and he has already learned how to write his name,” remarked one mother to a reporter for *The State*. Teachers divided the school into four sections, with two grades per classroom, except first grade, which was private. Discussing the teaching strategy of the school, Courtney replied “If we expect them to learn anything, we almost have to teach them individually.” Some of the children cannot read at all, and they are in the fourth grade.<sup>ccxxiii</sup> Protest signs decorated the school’s classrooms, one read “We want to be Free”, another “We are being denied our learning.”<sup>ccxxiv</sup>

USC volunteers also hoped to educate students about the role of government and teach children about their own civil rights. Malloy took students to Columbia where they “dropped in” on Governor Robert McNair. McNair expressed concern about the students’ situation and said he had heard rumors that Four Holes students would soon be admitted to Ridgeville.<sup>ccxxv</sup> During the tenure of the Freedom School, education students from the University of Massachusetts also volunteered in fulfillment of their degree program and

field experience. Volunteer students from the University of South Carolina also provided medical and dental care to many of the malnourished children. <sup>ccxxvi</sup>



Figure 2.2 Four Holes Students Gathered at Freedom School



Figure 2.3 Students Learn at Four Holes Freedom School



Figure 2.4 Young Four Holes Students at Freedom School



Figure 2.5 Four Holes Freedom School





Figure 2.6 Four Holes Children Swim in Nearby Four Holes Lake



Figure 2.7 Four Holes Student Play Basketball in Four Holes Community



Figure 2.8 Meeting of parents and community leaders in Four Holes.

By the beginning of October, protestors in Ridgeville, which now included many USC students and South Carolina activists, frustrated with the lack of progress for Four Holes students, decided to take a more direct approach. Activists began gathering at the Four Holes School and then marching the three miles to Ridgeville Elementary School. After the third march on the school, sheriff's deputies stopped protestors almost as soon as they started, keeping them from entering Ridgeville. In early October, protestors decided they needed to take more vigorous action, and marched on the streets, entering school and city property. Authorities arrested all protestors. Coincidentally, NBC news reporters, who were in town to do a story on the Ridgeville boycott, caught the protest and arrest on camera. Reporters interviewed Reynolds and the story aired on the Huntley-Brinkley nightly news on October 3.<sup>ccxxvii</sup> Most of the arrested activists refused to pay their bail and spent several nights in jail.<sup>ccxxviii</sup>

Local authorities continued to crack down on Four Holes' protestors. On October 20, federal marshals, sent by Judge Robert Hemphill to enforce his no-protest order,

arrested Victoria DeLee while driving by Ridgeville Elementary School. Hemphill held DeLee for contempt of court on a \$10,000 bond. NAACP lawyer Matthew Perry assembled a group of several lawyers to come to her aid. Throughout the next few months, lawyers made continued motions for Judge Hemphill to disqualify himself because he had interacted with the United States Marshals, who had spoken directly with him concerning Mrs. DeLee's involvement.<sup>ccxxix</sup> Hemphill, who at first denied wrongdoing and refused to disqualify himself, eventually dropped the charges and brought an end to the proceedings.<sup>ccxxx</sup>

In the meantime, black students at Harleyville-Ridgeville High School faced several problems in conjunction with the boycott. On October 30, administrators suspended Victoria DeLee's daughter, Doreatha. Black students believed that administrators unduly targeted Doreatha, and they demanded that administrators lift the suspension. When administrators did not, 26 black students staged a protest on school campus. Local police cited students for contempt of court, also using Judge Hemphill's ruling, and arrested all protestors including DeLee's daughter. Sherriff Carl Knight testified that students began "clapping and screaming and disturbing students in classrooms." In addition, administrators suspended all the protesting students for three days. Deputies turned students over to federal marshals who took them to Charleston. They were later released with bonds and returned to school on November 4.<sup>ccxxxi</sup><sup>ccxxxii</sup>

A few weeks later, on November 15, administrators removed six black students from Harleyville-Ridgeville High School for wearing black arm bands on "Moratorium Day," a statewide protest of the Vietnam War held throughout high schools and colleges across South Carolina. Fred Moore defended students who took matters to the U.S.

District Court as a violation of the Court’s desegregation order. Hemphill ruled that District 3 violated the constitutional rights of the students suspended.<sup>ccxxxiii</sup> Prior to the ruling, the Supreme Court had recently ruled in *Tinker v. Des Moines Independent Community School District*, that suspending students for wearing black armbands in protest of Vietnam violated their constitutional rights. Hemphill reinstated all students and demanded that the suspensions be expunged from their records.<sup>ccxxxiv</sup> In addition, Hemphill ordered that Harleyville-Ridgeville High provide a black advisor to the 35 black students at the school among the 304 total students. The school’s only advisor, who was white, worked with all students. DeTreville told Hemphill he would “take the advice under consideration.” Hemphill also ordered the formation of a bi-racial committee, per his court order earlier in the year.<sup>ccxxxv</sup> The District failed to establish that committee.

Throughout November and December, some protests for Four Holes students continued, but most protests ceased. Despite their commitment, few gains had been made for the Four Holes students. Many protestors served jail time, faced charges from the U.S. District Court of South Carolina, and put their jobs and education on the line to help Four Holes’ students. As federal marshals continued to arrest any protestor at Dorchester Three schools, and as DeLee faced continued court hearings to get her contempt of court charge dropped, demonstrations for the community waned. USC students operated the Freedom School until Christmas, and then made plans to go back to school for the Spring semester. Despite the failures of the movement, Four Holes’ activism created a continued legacy of social awareness and education. Four Holes organized a formal tribal council in 1970, garnered interest in the community’s history from South Carolina historians, and are currently working to gain recognition from the Bureau of Indian Affairs.<sup>ccxxxvi</sup>

## **Dorchester County After Total Desegregation**

By August of 1970, the Four Holes School closed, and all Districts in the County implemented full desegregation plans for their white, black, and American Indian students. Yet, even after Dorchester County school districts implemented unitary school systems, black and American Indian residents continued protest tactics initiated in the Four Holes school boycott to redress problems within the desegregated system, including unfair discipline policies, physical violence against black students, academic tracking, and inequitable treatment of black faculty and staff. Multiple black student and community protests launched from 1970-1973 demonstrated continued resolve to secure safe and equitable education for all students in Dorchester County, in accordance with the 1964 Civil Rights Act. Subsequent federal legislation and financial support for Southern schools exerted continued pressure on Dorchester school districts to implement and maintain standards of racial equality and provided the black community with the necessary tools to fight for civil rights within the desegregated system.

Although the Four Holes School boycott ended, tensions between the black and white communities in Dorchester, particularly in the public schools, remained high. Many other communities across the state faced similar circumstances. More than fifteen years after *Brown*, school desegregation remained an explosive issue. White residents in South Carolina protested desegregation, even committing violent acts against black children. Black community activism and protest surged in response to white protest and violence. In addition, many black activists protested the closing of all-black schools that had been sources of community culture, pride, and history.

In Lexington, South Carolina, for instance, fifty black high school students protested the playing of “Dixie” at a pep rally in October of 1969; authorities arrested and suspended all fifty students. When officials disregarded black parents’ demands that the suspensions be dropped, demonstrations in downtown Lexington resulted. Black community members subsequently boycotted white businesses and delivered a list of grievances regarding the treatment of black students to the school board. In Florence, Newberry, and Easley, South Carolina, black students boycotted the public schools in opposition to the closing of the previously all-black schools in their communities throughout November and December 1969. In March 1970, approximately 200 white parents overturned two buses carrying black elementary school students at newly integrated Lamar School in Lamar, South Carolina. Unrest in elementary and secondary schools came on the heel of protest and violence at black colleges across the State including the Orangeburg Massacre in 1968 and student demonstrations at Voorhees College in 1969.<sup>ccxxxvii</sup>

Like many other South Carolina communities, violence erupted in Dorchester, when white students targeted the few black students who attended Harleyville-Ridgeville High School in the last year before total desegregation. On February 27, 1970, over 100 white students attacked nineteen black students, including several black females. The fight erupted at about 10:00 a.m., just after a bell signaled the first class change of the day. Black students maintained that they were victims of a planned attack by a mob of white males, who initially targeted Elijah DeLee. Students heard rumors before the attack that white students were going to try to attack Victoria’s son. One black student overheard a white student say, “My father told me don’t come home if you don’t get

Elijah today.”<sup>ccxxxviii</sup> When the fight broke out, about fifteen white males reportedly jumped on top of Elijah, beating and kicking him. Teachers did not interfere to help the black victims. In fact, some teachers allegedly encouraged the white attackers.<sup>ccxxxix</sup>

As a result of the assault, three black females received such severe beatings that they had to be hospitalized. Black students claimed shouts of “Kill the Niggers” could be heard throughout the attack. Superintendent DeTreville suspended three black students for the attack, including two of Victoria DeLee’s children, Elijah and Doreatha. No white students received any punishment. The principal of the school, William Reeves, and Superintendent DeTreville, denied any fault on the part of white students and claimed it resulted from a spontaneous clash between one white and one black student.<sup>ccxli</sup>

In the aftermath of the attack, the approximately 30 black students at Harleyville-Ridgeville High refused to go school. Represented by Fred Moore, their parents filed suit with Judge Hemphill and asked for federal marshals to be assigned to the schools for their children’s protection. On March 4, students initiated an official boycott of schools, including all ninety black students who attended predominantly white schools throughout the District. “The children have decided they can’t take it any longer,” Victoria DeLee told a *Washington Post* reporter. “They have been beaten three to four times a year since 1965 and every time a white child does something to a black child, the black child gets suspended.”<sup>ccxli</sup> On the same day that *The Washington Post* published DeLee’s statement, Victoria DeLee and her family received threats from the Dorchester County Ku Klux Klan, which warned DeLee to get out of town or “face booby traps in your home and your car.” A letter to her said compatriots were in Charleston buying “hand grenades, dynamite caps, dynamite, and other destructive articles.”<sup>ccxlii</sup>



On March 27, Judge Hemphill heard the student case and worked to secure an agreement between the school board and black parents. Hemphill wanted each side to agree that they would retain mutual respect for the other. Hemphill ruled that all three suspended students must be reinstated.<sup>ccxliii</sup> Throughout the proceedings, Superintendent DeTreville blamed DeLee for the racial tensions in Dorchester and argued that her behavior was singlehandedly destroying the public school system. DeTreville claimed that a lot of “good black students” would like to be in school but could not go because they feared DeLee, who was only holding out until her children were reinstated.<sup>ccxliv</sup> DeTreville argued that white students felt no animosity towards black children, and that all the racial problems at Harleyville-Ridgeville High were initiated and perpetuated by DeLee’s son and daughter. Black students returned to school on April 1, each side promising Hemphill to respect the other.<sup>ccxlv</sup>

Throughout the late 1960s, many white community members, increasingly frustrated with desegregation, did in fact abandon the public schools in Dorchester. In 1968, black students made up about 60 percent of Dorchester 3 schools. By 1970, black students comprised 68 percent of the student body as white students enrolled in private school. Many former teachers and school board members opened a segregated private school in District 3 in 1968: Mims Academy, which maintained close to 300 students. An AFSC investigator found that Mims “acted as a parasite to the public schools.”<sup>ccxlvii</sup> The Mims school board took bleachers from a Dorchester 3 middle school for private use and allegedly took other books and supplies. Mims also used the Harleyville-Ridgeville High School gym for their school games and did not allow black people or students in the gym during that time. Chairman of Dorchester’s County School Board, Joe Pendarvais,

enrolled his children at Mims, along with the District Secretary. County Attorney James Bell (previously County Superintendent during the Four Holes boycott) served as a board member of Mims, along with Chester Kizer, the brother of city Council Chairman and former Dorchester 3 chairman of the Board, Kermit Kizer. Neil Infinger, a relative of police chief Carl Knight, also served. Because the Board was closely tied with the Dorchester County power structure, it acted as a drain to the public school system.<sup>ccxlvii</sup>

### **Total Desegregation in Dorchester**

The Fall of 1970 marked the first year of total desegregation in Dorchester 3 under the US District Court's desegregation order. Many black schools closed, along with Four Holes. DeLee, who wanted to reach out to poor and disadvantaged children, asked District 3 to use the old Four Holes Building for a Day Care Center that would service poor and minority children within the District. The school board allowed DeLee to use the building, but provided no funds. DeLee aimed to educate young black and American Indian children and started with approximately 70 children. The staff included four volunteer teachers, two volunteer cooks, and staff assistants including several Neighborhood Youth Corps workers and some volunteers. The Director of the Center was Mrs. J.W. Robinson, the wife of a local minister, who also served as the newly appointed advisor to the black children Harleyville-Ridgeville High School. The South Carolina Commission of Human Relations (SCCHR) supported the Day Care Center with individual member donations. DeLee worked to provide balanced and wholesome meals for the children who attended. The Center struggled to provide the proper educational materials, costs for utilities and transportation, and also staff. DeLee used her own money

at times to float the Center. Throughout 1970, DeLee worked to secure the needed funds. Despite impoverished conditions, DeLee told Paul Matthias of the South Carolina Commission of Human Relations, on which DeLee also served, “I have faith. If I can just get some of these folks to come down here and look these kids in the eyes and see how much just the little bit we are doing here means.”<sup>ccxlviii</sup> The first few years were difficult, but DeLee, with the help of Strom Thurmond and other South Carolina representatives, later secured federal funds from the Office of Economic Opportunity to operate the school.<sup>ccxlix</sup>

DeLee also worked to reconstruct local, state, and national political processes and power throughout the late 1960s and early 1970s. DeLee and other members of the Dorchester NAACP began entering Democratic Party precinct activity and black residents began running for offices in every voting precinct in Dorchester County. In early efforts, Dorchester blacks were actually relatively successful in gaining power in the local precincts because of poor attendance by local white residents at precinct meetings. One year, African Americans actually won the majority of major county Democratic precinct offices.<sup>cc1</sup> White backlash soon followed, however, and whites then began to work to prevent black participation. White Democrats would postpone precinct meetings until more whites could arrive and use other methods of blocking black political power. DeLee protested illegal action of white Democrats to the County Convention and Democratic Executive Committee, but her protests were ignored.<sup>cc1i</sup>

White Democrats routinely suppressed black political participation in the Democratic Party throughout South Carolina and many other states in the South. In 1969, citing abuses and repression by the State Democratic Party and calling for action to

ensure enfranchisement for black people, black leaders and progressive whites across South Carolina decided to form a third political party. DeLee attended the organizational meeting for the United Citizens Party of South Carolina and was elected vice-president. Like the Mississippi Freedom Democratic Party, which preceded it by four years, the UCP sought to “speak for the silent majority of blacks and poor whites who are vitally concerned with issues of survival.”<sup>ccli</sup>

By November 1970, the United Citizens Party fielded candidates for governor and lieutenant governor. After the death of South Carolina’s First Congressional District representative, Mendel Rivers, in 1971, the UCP entered its second statewide race, unanimously nominating DeLee as its candidate. DeLee campaigned on a progressive platform that emphasized economic and social justice for the “red, white, and black man.”<sup>ccliii</sup> Even though she lost the race, she did win in some precincts, and upset the balance of power between Democrats and Republicans in three counties in the District. Her success eventually encouraged the Democratic Party to be more inclusive of African American voters.<sup>ccliv</sup>

In the meantime, racial tensions remained high at Harleyville-Ridgeville High School during the first full year of desegregation. Black parents and students argued that the new school principal, Lucius Brown, and other teachers and administrators, used harsh and unfair discipline policies on black students, particularly suspensions and expulsions. These measures had grave effects on black student academic success because teachers did not allow expelled and suspended students to make up missed assignments. Many black parents around the State and throughout the South felt black students received unreasonably harsh punishments after desegregation, which undermined their

ability to succeed under the desegregated system. The issue became explosive, and was a leading cause of black protest following school desegregation.

On February 1971, Lucius Brown expelled seven black students and one white student for the remainder of the year for fighting. Because of the expulsions, black student unrest erupted and parents appealed the decision to U.S. District Judge Hemphill. Students also created a list of grievances for the school administration. They argued that teachers and administrators favored white students. Students complained that the homecoming queen, nominated by the faculty after full integration, was white. Students also accused the administration of suspending black children and not suspending white children.<sup>cclv</sup>

DeTreville and Brown claimed that all allegations were untrue and that “white students were tolerant and long-suffering” in their response to black students. In a private letter, Brown argued that “white students took it as long as they could, that is the kicks, jostles, and pushes in the hall.”<sup>cclvi</sup> Lawyers representing the expelled black students argued that black students had done nothing wrong, and in no way deserved school expulsion. DeLee also sponsored a boycott of white merchants during the standoff. On May 17, 1971, Hemphill finally heard the case and ordered that all black students be readmitted to school.<sup>cclvii</sup>

Meanwhile, under the encouragement of Governor John West, a racial moderate who became South Carolina governor in 1970, the General Assembly of South Carolina addressed some disparities in the state. In 1972, The General Assembly created the Human Affairs Commission, which had the power to “encourage fair treatment for, and to eliminate and prevent discrimination against, any member of a group protected by this

act, and to foster mutual understanding and respect for people across this state.<sup>»cclviii</sup>

George Hamilton, an ordained minister with the A.M.E. church, secured the role as the executive director and became the first black person in South Carolina to head a major state agency. Though largely focused on creating economic justice for black South Carolinians, the Commission quickly became entangled with various black protest movements in public schools across the State, including Dorchester County.

By the start of the year in 1973, black students and teachers in Dorchester still faced obstacles in the public school system. School administrators, particularly at the high school level, assigned students and teachers to classes by race. In addition, principals and superintendents systematically overlooked black teachers for positions of leadership. For instance, black community members argued that at Ridgeville Elementary School, black teachers with higher academic qualifications taught lower level classes while white teachers with lower academic qualifications taught higher level classes at the same grade level. The black community also argued that administrators used discriminatory employment in the kitchen staffs of the county schools, hiring all white cooks and all black dishwashers.<sup>cclix</sup>

Administrators overlooked individual black teachers and coaches at Harleyville-Ridgeville for promotion, angering black residents. One instance came when administrators overlooked Samuel Hart, an experienced black coach at Harleyville-Ridgeville High, for athletic director. Hart, who had a master's degree in physical education, an A certificate on the NTE, and many years of outstanding service as a coach, served as an interim athletic director for Harleyville-Ridgeville High School when his immediate supervisor, a white coach with lower qualifications and receiving a higher

salary, left the school. Hart served in this capacity with no increase in salary for one school term, before being replaced by a white athletic director from outside the district who received a salary substantially higher than Hart, and an option of bringing an assistant coach with him, demoting Hart to the third ranking coach.<sup>cclx</sup>

Parents also complained that school board officials maintained their children in private schools while neglecting public school facilities. Schools had malfunctioning bathroom facilities, inefficient gym equipment, and bare wire hanging from ceilings. Classrooms were overcrowded and some classes did not have the adequate number of textbooks. Black residents also complained of nepotistic hiring practices within the District. They claimed that many wives, sisters, and friends of the DeTreville and many principals in the district worked in positions that they were not qualified to do. They argued that nepotistic practices discouraged qualified blacks in the system, particularly in instances that whites hired were less qualified academically than potential black employees. They also cited three white teachers in the system with only high school degrees and no college experience.<sup>cclxi</sup>

On January 22, 1973, DeLee sent letters listing these and other grievances to the South Carolina Human Affairs Commission, County and District 3 school board members, and the office of Governor John West. DeLee, who also served as chairman of the Parent's Committee of Dorchester County, demanded that the school board hold a special meeting to discuss the Parent's Committee's grievances by January 25. When board members refused to meet with them, DeLee called for a black boycott of all Dorchester District 3 schools, including students, teachers, and bus drivers. Superintendent DeTreville closed district schools on Friday, January 26, to avoid

confrontation. District Three Schools reopened on Monday, January 29, with only about fifty percent of students in attendance.<sup>cclxii</sup>

George Hamilton and the Commission on Human Affairs, traveled to Dorchester to help mediate the conflict. Hamilton called and presided over a meeting held on Tuesday, January 30, at the Superintendent's office, located at Harleyville-Ridgeville High School. Some faculty members attended, along with the Parent's Committee, Superintendent DeTreville, and three members on the Human Affairs Commission. Isaac Williams, who served as field secretary for the South Carolina NAACP attended, along with the President of the South Carolina NAACP Matthew McCollum. Fred Moore also attended. During the meeting, DeLee and other parents reiterated the community's grievances and stated that Superintendent DeTreville perpetuated segregationist practices, and in effect, operated a dual school system.<sup>cclxiii</sup>

At the end of the almost three-hour meeting, DeLee called for the resignation of Richard DeTreville and Joseph Pendarvais, the current chairman of the District 3 school board. Pendarvais admitted that some of the accusations made by the Parent's Committee were well founded, and he agreed to consider the grievances and formally respond in writing to the South Carolina Commission on Human Affairs. DeTreville acknowledged that he had passed up Hart for athletic director. He followed by saying, "The mess this school district is in...I wouldn't come myself." At this DeLee said "We don't want you; you don't even like the school system."<sup>cclxiv</sup> Both of DeTreville's children attended private school.

Meanwhile, Judge Hemphill ordered an end to the boycott and issued a federal restraining order against anyone interfering with the operation of Dorchester



schools. The demanded that Victoria DeLee specifically, and anyone else generally, who disrupted the operation of schools be charged. Dorchester County Attorney James A. Bell (the former superintendent who threatened resignation when Four Holes students were allowed at Ridgeville Elementary) secured the restraint.<sup>cclxv</sup>

Black students decided to resume school attendance on January 31. The Human Affairs Commission asked that the school board consider student grievances and respond by February 9<sup>th</sup>. But problems continued throughout the District. Tensions remained very high at Harleyville-Ridgeville School and several fights between white and black students took place. And though the District 3 boycott ended, another protest began in Dorchester District 2 on the same day District 3 students returned to school. Students at Summerville High School led a walkout and subsequent protest, refusing to leave the school campus until the administration met their demands. Police arrested all students who participated and took three busloads of protesting black students at Summerville High to St. George for processing. Police eventually released students on \$100 bonds.<sup>cclxvi</sup> District 2's boycott lasted two weeks, and ended on February 15. When black students returned to school in District 2, the administration immediately suspended them for their participation in the boycott.

Throughout both Dorchester school boycotts, the Dorchester County School Board, the Ku Klux Klan, and other white terror organizations harassed DeLee and made many obscene and threatening phone calls directed at her and the Day Care Center she started in Ridgeville, which by 1973 had more than one-hundred and twenty-five students.<sup>cclxvii</sup> The Office of Economic Opportunity granted the Center 75,000 dollars to teach preschool children basic educational skills, hygiene, and nutrition. DeLee also ran

night classes out of the center for adults in the community. Governor John West attended the Day Care Center in 1971, and after his visit, he introduced a plan to launch public daycare centers throughout South Carolina. West stated that his visit “strengthened his conviction that daycare centers are a necessity.”<sup>cclxviii</sup> But local whites in Dorchester County resented the Center. During the 1973 high school boycotts, the Dorchester County school board told DeLee she could no longer use the facility after June 1.<sup>cclxix</sup> The Ku Klux Klan threatened DeLee multiple times. One letter threatened, “We’ll get you and your family—your family is in danger.”<sup>cclxx</sup> Another threat read, “We’re going to burn your little baby—your Day Care Center down.”<sup>cclxxi</sup>

Earnest Geddis, a resident of the Club House community who was on the board at the Day Care Center, and had been a plaintiff in the desegregation suit against Dorchester 2, found a white man spying during a black community meeting during the Dorchester 2 school boycott. Geddis and the man fought, and the white man fled the meeting. A few days later, on February 10, Geddis went to a white-owned store and bought kerosene to help build a fire in his home. When he returned home, he poured the newly purchased kerosene onto his fire. It immediately exploded, killing his mother and burning down his home. The fire also injured two of his children who received severe burns. Geddis claimed he was given gasoline instead of kerosene.<sup>cclxxii</sup>

Then, on February 20, just days after after the District 2 boycott ended, one of the Day Care Center buses wrecked while carrying almost thirty children to school. The van, driven by Victoria DeLee’s son, Elijah, spun out of control, crossed into the opposite lane on a highway, and ran into a ditch, sideswiping several trees. The accident killed three small children, a six year old, a four year old, and three year old. Elijah, only 23 years old

himself, was also severely injured and hospitalized for several weeks. Victoria DeLee immediately suspected that foul play was involved. The day before, incidents occurred involving two other Day Care Center cars. One Day Care Center bus had a steering wheel fall off and a Center car also lost a wheel when an employee drove it. Despite DeLee's claims, authorities tried Elijah for involuntary manslaughter as a result of the incident.<sup>cclxxiii</sup> He was convicted of negligence in May of 1974 and sentenced to three years in federal prison.<sup>cclxxiv</sup>

After Elijah's arrest, Victoria DeLee and her family faced continued legal problems. Elijah, who was on the payroll of the Day Care Center from the time of his accident, received payments of \$240 dollars a month from the Center, even after he went to prison. The Governor's office and Senator Ernest F. Hollings noticed the irregularity after a series of articles in the Dorchester newspaper, *The Summerville Scene*, reported fraud at the Center and accused the board of hiring many of DeLee's children and school aged grandchildren. In addition, the local school system claimed it never approved DeLee's use of the former Four Holes School and planned to appeal it. As a result, all funding to the Center was stopped. In July of 1975, HEW audited the Center's finances at the request of Hollings. Victoria DeLee justified continued payments to Elijah on the grounds that he was working for the Center and was injured when the wreck occurred.<sup>cclxxv</sup>

Even though Victoria DeLee started the Day Care Center, she was not the project's executive director. J.C. McTeer, a local Dorchester minister, served as the director and hired Elijah. McTeer died on August 27, 1973 and left her to serve as the project's interim executive director. After his death, DeLee claimed that McTeer wrote a

\$3000 check to buy a new Cadillac, drawn from the OEO account funds granted to the Center. This sparked separate federal investigations, however, because DeLee had cosigned the check.<sup>cclxxvi</sup> Before the investigation launched by HEW, DeLee had also taken funds from various federal agencies for multiple antipoverty programs as the executive director of the Dorchester County Educational Project. Those agencies included the Department of Agriculture, and the Community Service Administration, (the former Office of Educational Opportunity). When those federal organizations launched investigations they also found DeLee guilty of “embezzling, willfully misapplying, stealing and obtaining by fraud, monies, funds, and other assets of the federal government.”<sup>cclxxvii</sup>

Federal agents indicted DeLee with 48 counts of embezzling 60,000 dollars from the federal government between 1972 and 1975, largely by entering the names of fictitious or ineligible persons on the payroll at the Day Care Center and other anti-poverty programs. DeLee, represented by Fred Moore, initially denied all wrong doing, but in December of 1976 eventually pleaded guilty of conspiracy to defraud the government in order to get a lesser charge. As a result, DeLee received three years in prison. The investigation also implicated several of DeLee’s children including Verbenia DeLee Jefferson and husband Harold Jefferson, along with Doreatha DeLee Neat and son Elijah DeLee. Elijah received a three-year sentence. DeLee’s daughters Verbenia Jefferson and Doreatha Neat were sentenced for three and four years respectively. Harold Jefferson, husband of Verbenia Jefferson, received six months.<sup>cclxxviii</sup>

Victoria DeLee served her sentence in a federal prison in Lexington, Kentucky. Because of failing health, she served less than a year. Authorities released DeLee in

September 1977 to serve several more months in a halfway house before being released back to Ridgeville. After prison, DeLee wholly retreated from civil rights activism. Toward the end of her life, she did sit for a few personal oral histories and participated in a few commemorative events.<sup>cclxxix</sup> In an oral history done by Cleveland Sellers in 2006, DeLee reflected that her civil rights activism took a large toll on her relationship with her husband and children. She reminisced that her activism had consumed her, and felt that in many ways she sacrificed her family in her struggle for their civil rights. DeLee also discussed the financial burden her activism placed on her family. She recalled that some days her children could not eat because she used all of their money to bail out an activist or to pay for gas to drive them to the voting polls. DeLee passed away on June 14, 2010 from complications with brain surgery.<sup>cclxxx</sup>

While rural Dorchester County has not taken a central focus in the memory and history of America's civil rights movement, Dorchester's local history and civil rights struggles, particularly after 1964, expose the burden that changing federal civil rights legislation placed on black Americans. While the Civil Rights Act and Voting Rights Act laid the groundwork for the implementation of federally guaranteed civil rights and desegregation, black communities and activists across the South inherited the ongoing responsibility of ensuring that those rights would be meaningfully applied in their own communities, schools, and lives. But while local black activists worked to fulfill those rights, local white residents also worked to influence the trajectory and outcome of desegregation. Using positions of political, economic, and social power, white politicians, law enforcement agencies, and school administrators manipulated federal and state law, in addition to school policy, to maintain white supremacy after desegregation. The push

and pull between white and black community members not only affected the ways in which desegregation manifested in their own communities, but also influenced the ways in which federal policymakers perceived their own duties to uphold federally guaranteed civil rights across the country. As these battles ensued in communities across the South, HEW, federal courts, and U.S. lawmakers all revised their own approaches and understanding of the federal government's role in ensuring civil rights for all Americans.

In the aftermath of the Civil Rights Act in Dorchester County, the black community achieved many victories. But, they also experienced many defeats. Victoria DeLee dedicated her life to ensure that future generations of black Americans would not endure the repression she experienced as a child, but in the process of fighting for racial justice, DeLee and her family members endured great pain and sacrifice. While Dorchester County eventually underwent full desegregation in its school system, it came at a cost to many community activists, parents, teachers, and children. Twenty years after *Brown*, and ten years after the Civil Rights Act, many black children in Dorchester never received quality education, were unprotected from discriminatory disciplinary measures, tracked to lower academic classes, and had access to less qualified public school teachers and resources. W.E.B. DuBois once said, "The cost of liberty is less than the cost of repression."<sup>ccclxxxi</sup> While black activists, parents, and children in Dorchester must have wholeheartedly agreed with DuBois when they waged their campaign for better education and political rights, the failure of Dorchester County to achieve the promise of the 1964 Civil Rights Act in the years after its passage, kept the cost of attaining liberty for many black Americans especially great.

### Chapter 3

#### High School Students, The Catholic, and the Struggle for Integrated Education in Rock Hill, South Carolina 1970-1972

On January 26, 1972, 200 black students walked out of Rock Hill High School. Students, already angered by the firing and demotion of their favorite black coaches after desegregation, racially discriminatory discipline policies, and the lack of classes on black studies at Rock Hill High, decided to launch a walk-out after the Rock Hill High band director forced black students to play “Dixie.”<sup>cclxxxii</sup> Students walked for several miles towards Rock Hill’s downtown district, passing the infamous McCrory’s Drug Store, where ten years earlier local authorities arrested nine local Rock Hill college students and sentenced them to hard labor on a prison chain gang for simply sitting down at an all-white lunch counter.<sup>cclxxxiii</sup> A few blocks later, the students reached their final destination, the former all-black Emmett Scott Senior High. As they walked, they began singing the Scott-ite alma mater, which they all knew by heart. *Dear Emmett Scott to thee lead us we pray. Open our eyes that we might see the dawn of day. The Gold, The Blue, we with glory cry, Ever we sing they praise Dear Old Scott High.* As students approached the once lively school that had been the center of their community for 50 years, however, all they found was a closed-up, deserted building.<sup>cclxxxiv</sup>

After students reached Emmett Scott, they decided to approach Brother David Boone, who worked at Rock Hill’s all-black St. Mary’s Catholic Church and Rock Hill

Oratory, a local Catholic mission located nearby the Emmett Scott building. The Oratory had provided and sustained student protest in Rock Hill for over two decades, including the Friendship Nine sit-ins of 1960 and 1961, voter registration drives in partnership with the American Friends Service Committee in 1963, and community activism in conjunction with the Congress of Racial Equality throughout the 1960s.<sup>cclxxxv</sup>

“BroDavid,” as the kids affectionately called him, knew all the families in the community, not only through his church service, but through his participation in the all-black city recreational sports leagues. Boone and the Oratory also facilitated the all-black Young Men’s and Young Women’s Clubs of Rock Hill in which many of the students were active members.<sup>cclxxxvi</sup> After talking with the students, Boone called Superintendent Jeff Savage of Rock Hill Schools, and Principal Calvin Burleson of Rock Hill High, but they refused to assist him or talk to the students. In response, students worked in conjunction with the Oratory and effectively organized a two month-long school boycott of Rock Hill High that demanded a bi-racial student council instead of the white only student council that existed, recognition of black student achievement by school administrators and teachers, and new school colors, mascots, and school alma mater that reflected the history of Emmett Scott. They also demanded a black studies program and more equitable disciplinary policy for black and white students.<sup>cclxxxvii</sup>

In the Spring of 1970, the Fourth Circuit Court of Appeals ordered all South Carolina school districts to end their dual systems of public education, and Rock Hill school district, located in York County approximately 30 miles south of Charlotte, North Carolina, had to hurriedly implement total desegregation in the Fall of 1970.<sup>cclxxxviii</sup> Rock Hill’s school board, whose African American student population composed



approximately 40 percent of the total population in the district, proved ill-equipped to facilitate such a drastic physical and emotional transition.<sup>ccclxxxix</sup> The district closed all of its black elementary schools, with some of those schools undergoing renovations and reopening the following year under different names.<sup>ccxc</sup> The most intense controversy erupted over the school board's decision to close Emmett Scott High School, the former all-black school in Rock Hill.

Named after Emmett J. Scott, who served as Booker T. Washington's chief aide, the school opened in the 1920s and functioned as a facility that not only educated students in academics, but also served as a vital center of community life. Its students, teachers, parents, and administrators went to church together, participated in community events with one another, and lived in the same neighborhoods. Intertwined with Emmett Scott was the city's all-black recreational sports league and the Young Men's and Women's Clubs that facilitated social events, student activism, and student leadership. Boone and other church members hosted recreational activities and Club activities at St. Mary's Church, which the kids called "The Catholic," just a short walk from Emmett Scott Senior High. Together, Emmett Scott and The Catholic formed the center of social, academic, political, and financial activity within the community, launching voter registration drives, sit-ins, and educational programs for the black community of Rock Hill.<sup>ccxcii</sup> Instead of rezoning half of the white students from Rock Hill High School to the Emmett Scott Senior High, and vice-versa, school district administrators decided to shut down Emmett Scott completely, forcing all the high school students from the district, both black and white, into what became an overcrowded Rock Hill High School.<sup>ccxcii</sup>

Unlike some South Carolina school districts, like Bowman and Calhoun discussed in later dissertation chapters, Rock Hill School District had a minority African American population and did not experience major private school movement activity in the community.<sup>ccxciii</sup> But the all-white school board and majority-white school administration still operated within a community whose history remained firmly entrenched in racial segregation. When the federal government forced the community to desegregate, Rock Hill High School's administration worked within the parameters of newly established federal desegregation guidelines, using discriminatory discipline measures, academic tracking by race, and black exclusion from extra-curricular activities and the school community, to maintain segregated learning and white supremacy in the desegregated system. Post-desegregation discrimination affected students' personal and social identities, academic success, and perceptions about the larger society of which they were a part, and black student struggles unearth the ways in which desegregation shaped the lives and futures of black students in the post-Jim Crow era.

Ultimately, black students wanted to be a part of the unitary school system, not separated from it, but demanded full inclusion. In order to challenge new forms of Jim Crow practices in the 1970s, black students in Rock Hill risked expulsion and suspension and put their academic futures on the line to reform their school system. Rock Hill student activism spread to the neighboring community of Fort Mill, also part of York County, whose high school students launched a walkout in support of Rock Hill students and to demonstrate against racial discriminatory policies and practices in Fort Mill.<sup>ccxciv</sup> At the close of the student boycotts, student efforts fell short of achieving equal educational status for black students, but their endeavors were an integral part of the

struggle by African Americans to attain equal participation and citizenship, and continued to lay the groundwork for collective responses to everyday injustices.

Rock Hill's superintendent, Jeff Savage, claimed "civility and elegance" defined Rock Hill's initial integration attempts in Fall 1970.<sup>ccxcv</sup> Savage, who came to Rock Hill School District in 1968 from neighboring North Carolina, assured the citizens of Rock Hill that he was "there to follow the law," and would make integration "successful at all costs."<sup>ccxcvi</sup> Yet, while newspapers and school boards celebrated the smooth start of the year, black students faced many hindrances to quality education. Overcrowding exaggerated physical tensions and agitated all students as they adjusted to their new school environments. White teachers and counselors assigned many black students to remediated academic classes because they assumed black students could not perform on the same level as white students, which contributed to segregated learning inside desegregated schools.<sup>ccxcvii</sup> Desegregation also transformed school discipline policies; in 1973, black students at Rock Hill High received expulsions and suspensions 3 times as often as white students.<sup>ccxcviii</sup>

During the 1970 school year, the school board planned to build a new high school to open in the fall of 1971, but until then, students had very little room to negotiate their new school identities and changing social space. Rock Hill High School held twice its capacity, leading to graduating classes of 1971 and 1972 of over 700 students. During class changes, the mobs of students in the hallways were four and five deep on each side. Students navigating these crowded halls often inadvertently came into physical contact with others; knocking into other students and stepping on feet. Fights and outbreaks became commonplace, particularly between white and black students. The situation

became so volatile that several students resorted to keeping weapons such as baseball bats and knives in their lockers.<sup>ccxcix</sup>

The Rock Hill School Board assigned Sam Foster, the last principal of Emmett Scott, to Sullivan Junior- Senior High School as principal during the fall of 1970. Because of Rock Hill High School's overcrowding, the school district forced half of the tenth grade students that should have been at Rock Hill High to stay at Sullivan Junior High until the new high school was complete. This policy overinflated the student rolls at Sullivan causing many seventh graders to stay at elementary schools, and many ninth graders, mostly black ninth graders, to spend their year at an old Rock Hill High facility. Much of the difficulty in maintaining a safe and peaceful school environment for Sam Foster resulted from the lack of space in stairwells, bus lots, and classrooms. At Sullivan, students were literally packed in shoulder to shoulder during class changes. Administrators found fighting and bullying impossible to fully monitor.<sup>ccc</sup>

Because of tense race relations, discipline issues became much more complex. Before 1970, parents trusted and expected teachers to implement strict discipline policies. But after desegregation, black parents mistrusted unfamiliar white teachers disciplining their children. Wade Witherspoon, whose father was a former principal at Emmett Scott, was transferred from Emmett Scott to Rock Hill High in 1970, and vividly remembered the controversy caused by white teachers paddling black students.<sup>ccci</sup> Suspension and expulsion rates soared in the district for all students; Sullivan Middle School suspended or expelled 50 percent of its black students in 1973, compared to 23 percent of its white students, while students at Rock Hill High were suspended more than 3 times as often as white students.<sup>ccci</sup> In 1973, South Carolina implemented a Student Discipline Law,

defining minimum procedures and causes for student suspensions and expulsions and setting new state regulations for implementing out-of-school punishment measures. But before 1973, school districts could administer this form of punishment at their own discretion with little accountability and no communication or notification to parents. Even after 1973, Rock Hill school district failed to implement many required discipline policies and procedures required by the state discipline law.<sup>ccci</sup> Discriminatory policies and the breakdown in parent-teacher cooperation ultimately undermined the success of many students in the post-desegregation generation.

Age-old myths held by white Southerners regarding the need to protect white femininity against black men also plagued desegregated schools, not only among students, but among teachers and administrators. Black male administrators and teachers had to be extremely cautious when dealing with white female students whose dress was not in line with the school dress code. On one occasion, Foster instructed a female guidance counselor to talk with a white female student about what was considered inappropriate skirt length. Upon finding out about the situation, the student's parents arrived angrily at the school accusing Foster of deviant behavior for noticing her short skirt length.<sup>ccci</sup> Conflicts among white female and black male students also surfaced. On one occasion at Sullivan, a white female student accused a black male student of pulling her hair repeatedly in class in a flirtatious manner. The female's father demanded the black student be physically punished in his presence and petitioned the matter to the school board when school administrators refused to do so.<sup>cccv</sup>

White teachers often used lower academic standards for black students and often tracked them into lower level classes. Claudia Brown, a white middle school teacher in

1970 in Rock Hill, remembered the academic tracking that black students experienced. “At that time,” she recollected, “they were doing what they called, they had five groups. Levels one, two, three, four, and five. I had some level two’s, and I didn’t have any black students in the two’s. I had some five’s and I would say that group was half [white] and half [black].”<sup>cccvi</sup> Nathaniel Barber, a sophomore at Rock Hill High in 1970, was one of few black students who made it into advanced, college preparatory classes. While his friends were in the building, he hardly spoke to them once he entered the school building because few other black students shared his schedule. He was only able to interact with other black students at lunch. When asked about the isolation he felt during those years, Barber quietly responded, “You don’t ever want to know what that is like.”<sup>cccvii</sup>

In addition, teachers were ill-equipped to handle teaching in racially diverse atmospheres. The school district provided no teacher training during the desegregation process. Dill Gamble, a black school principal in the early 1970s in Spartanburg, South Carolina, whose dismissal as a coach in Sumter had sparked a student walkout in 1971, walked around classrooms to see white teachers who simply let black students sleep or goof off. Whereas black teachers would not have let their students behave that way at Emmett Scott, white teachers did, and in doing so, did not demand the best from their students. Certain white teachers at Rock Hill High also developed reputations for never passing black students. Calvin Burlison, principal at Rock Hill High, avoided assigning black students to certain white teachers because he knew that “a black kid couldn’t survive in that teacher’s class.”<sup>cccviii</sup> On one occasion, Sam Foster had to go to court with several student witnesses to defend a black student against false accusations by a white teacher of attacking a white female. The black male student interceded in a fight between

two females, one black and one white, and the teacher who witnessed the event told parents that the black male student had attacked the white female. Luckily, enough white and black student witnesses were able to come to the defense of the accused student, and authorities dropped the criminal charges brought against him.<sup>cccix</sup>

The University of South Carolina established the State Desegregation Center to help with post-desegregation problems and worked to bring communities together, help teachers cooperate with one another, and also to teach teachers and students ways to cope as desegregation took place. Based out of the University of South Carolina, many graduate students, teachers, counselors, and administrators traveled throughout the state and worked one-on-one with schools, encouraging conversations and strategies to promote effective and peaceful integration. Paul Beazley worked for the Center as a graduate student. Beazley and others from the Desegregation Center held discussions to help promote understanding between white and black residents. Beazley explained, “We would go into a school and work with the teachers trying to help them to understand that black parents loved their children just as much as white parents do. That black children were not deficient intellectually. And we would try to instill in them some kind of appreciation for the problems they were facing for dealing with what would ultimately become a unified education.”<sup>cccx</sup> However, in order for the State Desegregation Center to help South Carolina school districts, those districts had to request assistance from the Center. Rock Hill’s superintendent never asked for help.<sup>cccxi</sup>

The second year of desegregation in Rock Hill yielded little improvement for black students at Rock Hill High. Rock Hill did open a second high school, Northwestern High School, in the academic year of 1971-1972, giving the faculty, staff, and students,

much more room to operate. The school board appointed Sam Foster, the former principal of Emmett Scott, as the new administrator of Northwestern. In preparation for his school opening in Fall 1971, he met with teachers, organized athletic assignments, allowed students to pick school colors (which incorporated gold from Emmett Scott's colors of blue and gold), and mascots, and met with students over the summer, to ensure a smooth start for the year. Because Northwestern was a new school, in many ways, it represented a fresh start for black and white students, a place where all students could form a community together, with more space and less tension. While Foster had to defuse many tense situations such as racial fighting and defilement of his school building with racist graffiti after its opening, he believed that the year showed much promise of what an integrated school could achieve. But at Rock Hill High, the tensions only mounted, and the feelings of exclusion grew among the black student body.

As the 1971-1972 school year progressed, black students at Rock Hill High continued to feel discounted. School colors and mascots had been left to reflect Rock Hill High's history and all-white student body. Students were excluded from the all-white school government system and several athletic teams. Students felt that they had no avenue to express their grievances and resented the all-white Rock Hill School Board, which the community elected at-large. Black students at Rock Hill High wanted an integrated school community, one in which their achievements would be recognized and counted. They did not, however, want to be marginalized students in an all-white school that ignored their voice, undermined their intellectual and athletic abilities, and disregarded their leadership.



On Friday January 21st, 1972, Rock Hill High School hosted a conference on “black personalities” which black students found offensive and protested by walking out. Principal Burleson punished all students for cutting class and gave them no chance to explain the reasons for which they left the assembly.<sup>cccxi</sup> Tensions mounted. On Tuesday January 25, seven students at a basketball game refused to stand for the national anthem and the playing of the Rock Hill High alma mater as a silent protest of their treatment at Rock Hill High. The black student body supported the protest of the students, but the following day, the school administration indefinitely expelled all 7 of the students who refused to stand.<sup>cccxi</sup> Because they refused to sing the Rock Hill alma mater and national anthem, they lost their right to public education.

Making matters worse, on January 26, the same day that Burleson expelled the seven black protesters, band director Robert Williams made students, including eight black students, rehearse “Dixie” in band practice. One of those students refused to play the song and Williams sent him to Principal Calvin Burleson’s office. On her way out, five other black students joined her in protest. When other students began to follow, the band director told all band students that if they did not like playing the song, “they could get the Hell out.”<sup>cccxi</sup> Word began to spread among black students, and their anger grew. That afternoon, over 200 African American students walked out of Rock Hill High School, walked to their old Emmett Scott School, and later turned to Brother David Boone for help.

Brother David Boone began working in Rock Hill in 1951 after being recruited from his seminary home in Kentucky by the Oratory, a residential community initiated in the 1930s for Catholic clergyman who wanted to devote themselves to community and

church service. The mission of Oratory members was to establish and entrench themselves in Rock Hill's community, particularly to advocate for the poor and unfortunate. Rock Hill's all-white Catholic Parish, St. Anne's, was established in the 1920s, but members of the Oratory felt that the black community would benefit from a recreational facility and set out to build a church that could meet those needs. Oratory members led by Brother Joseph Wahl raised the necessary money and constructed St. Mary's Catholic Church, which opened its doors in 1946, just a few blocks from Emmett Scott. At the time of its opening only a handful of black Catholics lived in Rock Hill. Equipped with sports and recreational facilities for the black youth, "The Catholic" was soon a huge social and political force in the community.<sup>cccxv</sup>

The unique nature of the Catholic community in Rock Hill provided a bridge for interracial communication within the broader community. In 1949, for instance, St. Anne's and St. Mary's started the Catholic Interracial Council. Members gathered together for breakfast, discussed community matters, and got to know one another on a more intimate level. In addition, the priests and administrators at both Catholic churches all lived together at The Oratory, which also facilitated communication between the two churches and therefore the white and black communities. After *Brown* declared segregated schools unconstitutional in 1954, Brother Boone decided the Catholic parochial schools should set the example for the rest of the community and integrate, which he believed was not only legally required, but morally necessary. So in the fall of 1954, St. Anne's Catholic School integrated and remained the only desegregated school in South Carolina until 1963, when Charleston School District integrated under federal court order.<sup>cccxvi</sup>

By 1959, large numbers of black youth participated in St. Anne's recreational sports programs, including basketball and softball. Through the sports leagues, "The Catholic" initiated the Young Men's and Young Women's Club in Rock Hill. The Clubs organized social events, discussed current events, and carried out community service projects. Students ran clubs independently and elected their own president, secretary, and treasurer. The Clubs had four established purposes: club members vowed to be better Christians regardless of their church affiliation. They also vowed to be better students, better citizens, and to take part in their community. Through this forum, many young men and young women received leadership and organizational training. The adult sponsors of the Clubs brought in politicians, writers, and activists to work with the students, and meetings often served as a forum for discussions of black activism and civil rights. A Club entry written on February 20, 1969 by the secretary of the Young Women's Club stated, "Current events [were] brought up. The topic of negroes playing "Dixie" brought about an interesting discussion. Brother [David] mentioned the Human Relations Committee would meet here Monday and all Club members were encouraged to come. Brother would bring articles concerning Afro-styles and using 'black' instead of 'negroes' to the next meeting." Another entry by the Young Men's Club secretary in 1969 stated "An article was also read concerning the Clemson walkout. The Human Relations meeting with the black students at Rock Hill High was discussed. Discussed Vietnam, the Kenneth Minor case, L.S.D., and diet foods as a cause of cancer."<sup>cccxvii</sup> In this manner, Club members discussed issues national in scope and applied those issues to their own personal lives. Skills learned in the Clubs provided students with leadership

tools essential to the struggles they encountered in the transformative years of community desegregation.

Through the Clubs and recreational events, Brother David worked with parents and the larger community, often in conjunction with representatives from activist groups such as the Congress of Racial Equality (CORE), the National Association for the Advancement of Colored People (NAACP), and the American Friends Service Committee. In 1960, Boone worked with Guilford College and the American Friends Service Committee to start the first large scale voter registration drive in Rock Hill. Later on, in 1961, Boone worked with CORE and the local NAACP to support the Friendship Nine, the eight local college students from Friendship College and the CORE field representative who led the sit in movement in Rock Hill. Coining the term “Jail No Bail,” the Friendship Nine served thirty days hard labor in prison rather than paying their bail for sitting it at an all-white lunch counter. All eight of the local Friendship Nine students had been active participants in the Young Men’s Club.<sup>ccccviii</sup>

Since St. Mary’s was essentially in the backyard of Emmett Scott School, the programs initiated by Boone and The Oratory had a particularly profound impact, and through his services, Boone, though white, became a respected member of the black community. Nathaniel Barber, who served as secretary and president of the Young Men’s Club remembered, “BroDavid used to do a lot of stuff. He ran...The Catholic was the center of activity in the community. You had the black high school right next door. Then you had St. Mary’s Catholic Church. We used to have dances there. We used to play basketball out there. He had a league put together. We had The Young Men’s, The Young Women’s Club. So this was a very active part of the community. Everybody knew

BroDavid. Everybody. Men, women, young, old, black, white...everyone knew him. So when he said something, it mattered what he said.<sup>cccxi</sup> So when Rock Hill High students went to find Brother David on that January day in 1972, they were pulling from a long heritage of black activism in Rock Hill and embracing their community's broader struggle to tear down racial barriers and reshape the post-Jim Crow South.

After Brother David Boone calmed the students and spoke with Jeff Savage and Calvin Burleson on January 26, 1972, he called Wesley Boone (no relation), a trusted member of the school board. He also called Willie T. (Dub) Massey, who had been involved in the Young Men's Club, was one of the Friendship Nine, and carried respect among the black community. After receiving Brother Boone's call, Wesley Boone agreed to meet with students on the evening of Wednesday, January 26. He instructed the students to write down their specific grievances and be ready to present them to the School Board. Dub Massey and Brother Boone worked late into the night at Bannon Hall with students and encouraged them to stay calm and refine their list of almost 100 grievances down to a list of 20.<sup>cccxx</sup> In the meantime Wes Boone approached the chairman of the school board, Frank Kizer, about the situation, and suggested that he create an ad hoc committee to help resolve the growing unrest of the black students. Frank Kizer agreed, and appointed Wesley Boone as head of the ad hoc committee to resolve the tensions mounting at Rock Hill High School.<sup>cccxxi</sup>

The next morning, the majority of the black students involved in the walkout boarded the school bus as usual. Because Rock Hill's neighborhoods were still largely segregated, most of the students rode to school on segregated buses and used their rides to and from school as an avenue for planning and communication. On their ride, students

grew distressed as they replayed the events from the previous day and decided to confront Burleson immediately about the injustices they faced. Upon their arrival on the morning of January 27, over 200 angry students surrounded Principal Burleson and demanded they speak with him. Burleson, in a panic, told students to go to the auditorium so that he could work things out with them in an orderly manner. As soon as they were in the auditorium, Burleson called state and city law enforcement officers and informed them a riot was about to occur. Officers quickly arrived in full riot control gear, and State Patrol cars lined the streets of Eden Terrace Road, where Rock Hill High School was located, ready to get involved if necessary. At 10:30 a.m. Burleson dismissed the entire student body and refused to speak with students about any concerns, largely under pressure from Superintendent Jeff Savage. In the process, Burleson slammed the door of his office in the face of several black students, and allegedly verbally abused several students. The students walked out again, passed the officers in their riot control gear, and headed for Bannon Hall. In the meantime, Burleson and Savage suspended all students involved in the walkout for 3 days.<sup>cccxxii</sup>

That evening, 150 students gathered at Bannon Hall to discuss the boycott, clarify their list of grievances, and elect a Student Advisory Committee to lead the group. The students elected ten representatives: Leroy Ervin, Faye Smith, Bernard David, Nathaniel Barber, Jerome Anderson, Karen Brice, Jackie Chisolm, Ordell Griffin, Willie Hope, and Jerome Glover. Students also refined their 20 grievances into 7 major complaints. Those 7 objections addressed lack of leadership positions for black students, presented the need for courses in Black Studies, called for a more just system to deal with punishment for black students, demanded the inclusion of Emmett Scott colors and mascots in Rock Hill

High's colors, and demanded that the Rock Hill school board include black members. In the meantime, Wes Boone told the students that the special advisory committee, the ad hoc committee created by Frank Kizer, to address their grievances, would meet with them tentatively on Friday, January 28. The district closed schools again on that day because administrators feared violence and left police on alert.<sup>cccxxiii</sup>

On Friday, January 28, as promised, students presented their 7 grievances to the Advisory Committee of the School Board and to Wes Boone. But the following day, before the committee announced any decisions, the *Evening Herald*, Rock Hill's newspaper, published a release by Superintendent Jeff Savage that claimed that the Advisory Committee of the School Board no longer existed and that if students wanted to submit a list of grievances, they were to do it through the regular (all-white) student body on Friday, February 4. Savage argued that the committee was not authorized to handle any district problems and declared that school would open on Monday as usual. He warned that any protesting students would be permanently expelled.<sup>cccxxiv</sup> Black students continued to protest. They rode to school on the bus, but before entering the building, they assembled a group and then marched to Bannon Hall. Students reasoned that if they did not step into the school building, they could not technically be expelled. Police continued to monitor the situation at school, wearing riot control gear and guarding the streets of Eden Terrace, sometimes even following the students as they protested.<sup>cccxxv</sup>

On February 3, Superintendent Savage sent a memo to all teachers in the district, encouraging them to talk with parents of students who were involved in the walkouts. He also asked teachers to talk with students and tell them that "demonstrations and violence" would solve nothing. Savage instructed teachers to encourage parents to pull their

students out of the walkout and directed teachers that students would only be able to speak with the board as a last resort. He encouraged teachers to handle problems with individual students at the school level. Savage also claimed that student walkouts were not necessary in multiple articles in the paper and promised the Rock Hill community that he would handle the situation. But the walkouts continued. The students refused to give up until the school board heard their demands.<sup>cccxxvi</sup>

As protest continued, community members became concerned about the increasing chaos linked to the student unrest. Store merchants worried that businesses suffered because black students walked through Rock Hill's downtown every day on their way to Bannon Hall, and white parents were upset about school turmoil and school being canceled so often. Students continued to block traffic on Eden Terrace as students walked in protest every day. Increasingly, the community pressured Jeff Savage to resolve the conflict. He finally agreed to meet with students on Friday, February 5, but after meeting with students, he promptly dismissed their grievances and did not overturn the expulsions of the 7 students who had refused to stand during the alma mater in late January.<sup>cccxxvii</sup>

The Student Advisory Committee did not give up. On February 7, the students wrote a letter to Frank Kizer, Chairman of the Board, again insisting that the students should have an opportunity to be heard. In the meantime, Leroy Ervin, president of the Student Advisory Committee, also wrote a letter to the United States Department of Health, Education, and Welfare (HEW) in Atlanta about the happenings in Rock Hill and continually tried to build support of the student movement growing in Rock Hill.<sup>cccxxviii</sup> On February 10, Jeff Savage responded to the letter sent by the Student Advisory Committee to Frank Kizer and once again agreed to meet with students on February 12.



Savage requested that only two student leaders be present, each with an adult in accompaniment. The school board asked students to keep their presentation under 30 minutes. The Student Advisory Committee wrote back and insisted that it was important that all members be in attendance and insisted they attend on their own, without parent accompaniment.<sup>cccxxix</sup>

On the morning of Friday, February 12, 1972, the members of the Student Advisory Committee readied themselves to present their grievances to the School Board. As they began, they reminded school board members that they aimed to tear down the racial barriers that prevented Rock Hill High from becoming truly integrated. Jackie Chisolm was the first student to speak. She declared, “Our procedure will be a simple one. We shall state each grievance. We shall give each an explanation. Whatever time remains we would be pleased to spend in discussion or in answering your questions.” Next, Karen Brice approached the podium and described the first grievance, saying that “a school committee with student representation is needed to deal with school problems.” “Why?” she asked, “The student Council has not, in our opinion, been truly representative of all students nor has it been functional.” When she was done, Bernard Davis spoke up. “Black students should be amply represented on such a committee because black students represent an ample percentage of the student enrollment.” Next was Willie Hope, who insisted that “blacks are not given proper recognition for their achievement.” He went on to pronounce that “Recognition is a very human need. Black people have had to struggle for their rights and acceptance. We feel blacks are generally not recognized for their achievements. There seems to be a lack of sensitivity to their human needs which we share as brothers and sisters.”<sup>cccxxx</sup>

The board continued to listen as the fourth student, Thomas Gilmore, declared, “There is need for reform of school identity, symbols, school mascots, etc. We desire to be proud of our identity. The identity of Emmett Scott High School is gone and along with it our black community’s identification with past achievements. Could not, for example, Scott’s colors be added to Rock Hill High’s as a gracious sign of acceptance of former Scott students?” Eddie Caldwell then proclaimed, “There is need for a Black Studies program. Blacks have made many contributions. These should be recognized to complete the education of students.” Jerome Glover insisted, “There is need for black representation on the Rock Hill School Board. We recognize election is the way to gain seats. However, lacking the ward system or any other system which would make the election of black people possible, we have lacked the voice of anyone who lives as a black person lives.” Lastly, Jerome Anderson insisted “that no disciplinary action be taken against those students who in conscience do not feel compelled to stand during the playing of the national anthem or the alma mater. We do not wish to be unpatriotic. We do not wish to offend our fellow Americans. While each person must speak for himself, the grievance here is directed at the alma mater song, for it too falls into the same category as our grievances over the school colors and mascot. We ask only that some of our past loyalties are permitted to be carried over to our new integrated situation. Garnet and black need not be changed, but could not blue and gold be added?” Leroy Ervin closed up the session with a reminder that the goal was to create an equal learning environment that insured the inclusion of black students in the classrooms, athletic departments, student councils, and community of Rock Hill High. He then opened up the floor for questions.<sup>cccxxxi</sup>

Over the next few weeks, board members deliberated. Students returned to school on a normal basis and anxiously awaited the decision of the board. In the last days of February, the Board announced their decision. They overturned the expulsions given to the 7 students on January 27. The Board decided not to include Emmett Scott's colors officially in Rock Hill High's school colors but to add "some gold" over the next two years to represent Emmett Scott. They did so by putting a gold stripe down the side of the sleeves of the school's uniforms. The Board ignored the remainder of student requests.<sup>cccxxxii</sup>

Insulted by the Board's decision, black students once again spoke out. On Friday, March 2, when the homeroom bell rang, 180 students walked out of Rock Hill High. This time they marched directly to Superintendent Jeff Savage's office. Lacking the restraint of the previous walkouts, many students broke out business windows and street lights. They once again demanded that the school board officially change Rock Hill High's school colors along with the alma mater. Despite their march, the School Board refused to meet any demands. After an hour and a half, administrators convinced the students to leave the superintendent's office in school buses provided by the district. When asked about the walkout by a reporter, Brother Boone responded, "The board members missed the point of the issue." He went on to say that the students marched down to the office "to explain how deep the feeling is about Emmett Scott of those in all the black community."<sup>cccxxxiii</sup>

As a result of the protest, all schools in the district closed early that day, and over the weekend, Superintendent Savage declared that all 180 students who protested in his office would be suspended for three days. In anticipation of the black students' reaction

to this move, schools opened the following Monday only for the tenth grade; the school board scheduled eleventh and twelfth grade students to attend separately on each of the following two days. When schools opened, 20 black female students rode the bus to Rock Hill High, led a protest in the hallway, and then left for home. Savage requested that Rock Hill principal Cal Burleson identify as many of the student participants as possible. Burleson suspended them indefinitely, and later recommended them for expulsion.<sup>cccxxxiv</sup>

Meanwhile, black students in Fort Mill, in support of students in Rock Hill, also staged a sit in on Feb. 29<sup>th</sup>, 1972. Black students, who also endured the closing of their all-black school in Fort Mill, George Fish Elementary and High School, presented Fort Mill High School with a list of grievances, and “sat in” at their school. When they refused to leave or go back to class, the school administration called police who violently escorted them to jail, using tear-gas on students. Black student grievances demanded that the district add black teaching staff, coaches and principals, and demanded a more equal discipline code for black and white students. Protestors also requested that the Board of Trustees add a black member, wanted an equal number of black and white cheerleaders, more athletic activities for girls, and an alma mater that incorporated the Alma Mater of George Fish. They also objected to school teachers and administrators referring to them as “Negroes.”<sup>cccxxxv</sup> The local paper, *The Fort Mill Times* published student grievances. Listed under each grievance, however, was the Fort Mill School Board’s response to each grievance, explaining why the School Board could not meet the demand. In the aftermath of the protest, the Fort Mill School Board did create a bi-racial committee to meet regularly in order to circumvent future problem, but made no other changes. Over the next few weeks, black students slowly returned to school.<sup>cccxxxvi</sup>

On March 14, 1972, concerned black parents and community members from Rock Hill carried their children's fight forward. Parents took their grievances to the York County Legislative Delegation, appointed by the South Carolina General Assembly and South Carolina Governor, which appointed the county school board and presided over school and community affairs. Parents declared:

As we are all aware, recent events in our school district have brought our community to the brink of open confrontation. As individuals we may or may not agree with the arguments expressed or the actions taken in recent weeks. But as responsible community members, the worst thing we could do is pass off these events as unimportant or unworthy of our attention.

We have come here today as representatives of the black community to seek the ways to avoid imminent, or future confrontations, and to express some of the underlying problems in our schools. However, the problems do not affect the black community alone, they affect the entire city of Rock Hill and all of School District Three. The request to meet with the County Delegation has come after attempts to solve the problem through other channels have failed.<sup>cccxxxvii</sup>

After speaking out about what they considered "surface issues" such as school colors and mascots, parents complained that larger issues were involved. They stated:

The surface issues about school colors, administrative rules, and representation are not new. The kids have been talking about it for two years. The black community has watched white children bussed pass Fairfax and Hillcrest Schools (both of which were black schools) and into white schools. We have subsequently seen Fairfax closed to avoid sending a white child into a school that was previously all black. And Hillcrest closed, then one year later it opened as Leslie School Two, why?" West End Elementary School was closed rather than integrated, and finally closure was invoked on an educational landmark, in, and for, the black community, Emmett Scott Senior High. No thought was, or has been given the colors, mascot, or any other symbols to which the black community has identified with for over fifty years. You can give all the arguments about Federal Laws and Court Decisions as justification for the form that changes took,

but when it comes down to local decisions not prescribed by the federal law, the black community always loses.<sup>cccxxxviii</sup>

Black community leaders requested that the Delegation expand the school board to 9 members from 7, adding 2 African American members. They also wanted to create an expulsion review committee so that administrators could no longer expel students so easily. The York County Delegation refused to meet any of their demands.<sup>cccxxxix</sup> Instead, the burden to fight the inequities inherent in desegregated Southern schools was carried on the backs and in the hearts and souls of America's children, on the daily basis.

From the early twentieth century, the legal campaign for desegregated education was at the core of the African American struggle for quality education and civil rights. Civil rights organizations and black communities fought for equitable public education because many saw the denial of equal educational opportunity fundamental to the inequalities black citizens endured. But when desegregation became a reality, black students had to find their way in hostile environments that offered little guarantee of academic, physical, and emotional protection. As a result, many students became casualties of the very system that was supposed to offer them a promise of something better; school expulsions, disillusionment, and exclusion denied many black students their right to a quality education. Almost forty years earlier, W.E.B. Du Bois presaged the problems faced by black students during the desegregation era. He declared, "a black man...has a right to protest any separation of schools by color, but what, then, of his helpless child, sent into a mixed school, where white children kick, cuff, or abuse him, or where teachers openly and persistently neglect or hurt or dwarf his soul? The dilemma is complete and there is no escape."<sup>cccxi</sup>

The victories achieved in the larger civil rights struggle undermined the legal justification of Jim Crow policies and proved an important step to the realization of equal citizenship rights for all Americans. In the late 1960s and 1970s, across the South, black Americans voted for the first time and won the right to send their children to historically white public schools and universities. Yet, while mid 1960s legislation dismantled many of the legal barriers to racial equality, many economic and psychological barriers remained. The legacy of segregation continued to plague public schools across the South, even after government-mandated desegregation, and black students did not realize full and equitable inclusion in American public schools following desegregation. Black students, parents, and activists continued to demand that their school system and local government grant the rights won during the peak of the Civil Rights movement, but white school boards, legislators, and administrations of the post-Jim Crow Era South, ultimately still controlled how newly won civil rights would be implemented on the local level. As black parents of Rock Hill argued to the York County Delegation, “You can give all the arguments about Federal Laws and Court Decisions as justification for the form that changes took, but when it comes down to local decisions not prescribed by the federal law, the black community always loses.”<sup>cccxli</sup> Despite their loss, black student struggles demonstrated continued civil rights protest and a sustained resolve to achieve access to quality, public education, no matter the risks.

In a 1961 interview of James Baldwin by Studs Terkel, Baldwin discussed the bravery and strength of Elizabeth Eckford, one of the Little Rock Nine who was spit on by an old woman as she entered Little Rock High School in 1957. Baldwin argued that Eckford was able to endure because, “She knew who she was. She knew who she was.

After all, that child has been coming for a very long time. She didn't come out of nothing.<sup>»cccxlili</sup> Like Elizabeth Eckford, Rock Hill High Students *knew* who they were. Rock Hill's history of civil rights activism and community organizing, in conjunction with the Oratory, built an infrastructure of support for student activism in Rock Hill and rooted black students in a community that bolstered their identity and citizenship within the desegregated system. In a system that marginalized black students, the Oratory and black Catholic community reinforced that black students mattered, and students asserted their voices in a system dominated by white administrators, school board members, and educators. While the outcome of the protest failed in many respects, the process of the movement laid the groundwork for continued community protest in the post-Jim Crow South, giving students the courage to carry their fight forward.

## **Epilogue**

In 2000, under pressure from the Justice Department, Rock Hill changed its School Board's electoral structure from one made up of 7 members elected at-large, to 2 elected at large and 5 elected from single-member districts, two of which were largely minority. Consequently, in the November 2000 election, the previously all-white board acquired three new members. Two of the new members were black: Mildred Douglas and Elizabeth Ann Reid, and all represented Rock Hill's south-side, whose constituents were largely made up of minority and working class populations. Yet, despite their election, achieving desegregation in Rock Hill has remained a struggle. In 2000, during a reassignment debate, Douglas addressed the board, lamenting a projected increase in racial imbalance. Her concern, shared by the NAACP, went unheeded. In 2001, when the



board again discussed reassignment, Douglas made desegregation a high priority, as did Reid. Together, along with the third new school board member elected in 2000, they were able to gain support to build a third high school in Rock Hill on the south-side of the district, overcoming opposition led by the Superintendent, the board's chair, and many affluent white citizens of Rock Hill. <sup>cccxl</sup>

Yet, immediately, debate arose about what the new high school, set to open in 2004, should be named. More than 300 former Emmett Scott students and teachers joined together to petition the Rock Hill School Board to name the school Emmett Scott Senior High. On the evening of their request, the over 300 members attended a School Board meeting and sang the Emmett Scott alma mater as they presented a petition of their signatures. *Dear Emmett Scott to thee lead us we pray. Open our eyes that we might see the dawn of day. The Gold, The Blue, we with glory cry, Ever we sing they praise Dear Old Scott High.* After deliberation, the school board announced they no longer felt comfortable naming schools after individual people, and therefore could not name the school Emmett Scott. Instead, one room in the district's flexible learning center was given to the black community to commemorate Emmett Scott. Over the next year, Emmett Scott alumni worked to create the Emmett Scott Room. They gathered pictures of students and teachers for the wall and collected athletic uniforms and other memorabilia to be placed in a single glass cabinet for display. The Emmett Scott room currently serves as a standardized testing facility and meeting room for teacher in-services. <sup>cccxli</sup>

## Chapter 4

### **“They Want to Decide what Philosophy is Best for Our Children, but they Have Already Said it is Not Good Enough for Theirs:” Demanding a Voice in Public Education after 1965 in Orangeburg, South Carolina**

On July 7, 1973, almost 1,000 black parents and community members in Bowman, South Carolina demanded the immediate resignation of their school board superintendent W.L. Carter and district school board chairman James West. Parents argued that Bowman’s school district and majority-white school board neglected Bowman’s school system, whose students were over 90% black. Petitioners cited Superintendent Carter’s inability to work effectively with the majority-black school community and argued that he provided little support to parents, students, and faculty. Petitioners also charged that District officials misused federally granted Title 1 funds and failed to apply for all available federal funds, leaving the district with large budget shortfalls. In addition, black parents objected that all of the district’s white administrators, school board members, and teachers enrolled their own children in the newly established, all-white, private Bowman Academy, signaling that they had little vested interest in the success of the majority-black, public school system. Lastly, Bowman residents resented that the District employed no black administrators or black representatives in the District’s central administrative office.<sup>cccxliv</sup>

Petitioners’ demands included the immediate resignation of Carter and West. They also insisted on a functioning sports facility for the public schools; after

desegregation, Bowman public school students did not have access to a football field or basketball gymnasium. In addition, activists argued that no teachers in Bowman's public schools should be able to teach in the public district if their own children attended Bowman Academy, a newly created all-white private school. Parents requested that Bowman 2 apply for all available federal funds, including Emergency School Aid Act Funds (ESAA). Although the District initially applied for federal ESAA funds in 1970, after federal requirements for receiving those funds monitored by HEW's Office of Civil Rights grew more stringent, Bowman 2, like many other school districts around the South, stopped applying for the great amounts of federal money available through ESAA.<sup>cccxlvi</sup>

When Bowman 2's school board ignored parent and community demands, Quincy Smith, who headed the school district's Parental Advisory Committee and also served as the President of the Bowman branch of the National Association for the Advancement of Colored People (NAACP), appealed to South Carolina Governor John West and the South Carolina Department of Education. "We feel the goal of these men is to make the private Bowman segregationist academy shine," Smith argued in June, "and let the public schools fall apart... They must be held responsible for the present condition of our schools."<sup>cccxlvii</sup> But following their complaint, the South Carolina Department of Education, Governor West and Orangeburg school authorities took little meaningful action. As a result, parents and activists initiated a four week, district-wide black student boycott that included all but 175 of the 1100 students in Bowman School District 2. Organized by the local NAACP, parents pledged that their children would not return to school until the School Board and Superintendent addressed all of their grievances.<sup>cccxlviii</sup>

Desegregation came to Bowman 2 in 1970, when the United States' Fourth Circuit Court of Appeals ordered all South Carolina schools to fully desegregate. Prominent white community members reacted by establishing the all-white Bowman Academy for the majority of the district's white students, most of whom abandoned Bowman's public schools. To maintain this all-white academy, Bowman 2 board members, many of whom simultaneously served on Bowman Academy's Board, funneled public school resources into the private school. Not only did Bowman District 2 School Board members sell an all-brick school from District 2 to the local Bowman Southern Methodist Church, who administered Bowman Academy, but the private school also utilized many books, supplies, and equipment intended for the public system. As a result, the desegregated school system in Bowman, in the aftermath of the Civil Rights Act, evolved into another dual and segregated school system: the all-white, private Bowman Academy and the majority-black public school system, both competing for community and state resources. The private school movement, which became prolific in the State after desegregation, weakened many public schools in the state. Before 1964, South Carolina had 15 private schools, mostly parochial, with just over 15,000 students. Between 1964 and 1974, 134 private academies opened in South Carolina, 131 of them segregated, and private enrollment jumped to over 47,000 students.<sup>cccxlx</sup>

While white residents abandoned the community's public schools, white politicians and leaders in the community still worked to control the public system's resources, administration, and classrooms. Despite the almost 90 percent black student body in Bowman, a white majority controlled Bowman's school board. Governor John West appointed the majority-white Orangeburg County Board of Trustees, and

Bowman's board, which was elected at large, remained dominated by white appointees despite the majority black population. Control over Bowman Two's public schools granted white Bowman residents continued power over the financial resources of the public system, including the authority to decide who profited from federally funded positions for teachers, assistants, and staff, as well as from school supplies and equipment. In addition, by maintaining jurisdiction over Bowman's schools, the existing white power structure of businessmen and leaders in the Bowman community maintained control over the quality of education provided to black students.

Unable to improve the schools of their children and community through traditional voting and legal channels, black parents and activists built on a long history of direct action protest in Orangeburg and initiated a boycott to secure influence over their children's education. Using the power of a majority-black student body to attain better facilities, resources, teachers, and curriculum, black parents appealed to shifting federal desegregation standards, the South Carolina Department of Education, and national media outlets to achieve their demands. Through their activism, Bowman parents paved the way for greater involvement by the South Carolina Department of Education in implementing minimum education, curriculum, and teaching standards for schools in their district and across the State. The boycott also pressured District officials into applying for all federal Emergency School Aid Act (ESAA) funds and drew attention to the inequity faced by poor school districts in the State. Black parents, empowered by growing state standardization in education, in addition to the implementation of federal requirements in conjunction with federal school aid, determined that the Bowman School District did not meet minimum federal and state education standards and appealed to an

authority outside of the town's white power structure to secure an adequate education for their children.

Bowman's boycott demonstrates that even after federally mandated desegregation, discrepancies between federal education policy and local school practices existed that often undermined the effectiveness of federal intervention, and sometimes even contributed to continued racial discrimination following the Civil Rights Act. Yet changing federal civil rights standards, even though they were not properly implemented on the ground, empowered black Bowman residents and gave them the tools they needed to continue to improve public schools after desegregation. Because of their protest, African Americans in Bowman attained better school facilities, regulatory powers over the use of federal funds, ascertained more effective leadership in their district, and achieved more transparency in school and curriculum policy. Black activism was essential to creating an adequate desegregated school system in the years following the Civil Rights Act.

## **Background**

Bowman, South Carolina, the "Dairy Capital" of the state, was located in the Southern portion of Orangeburg County, and had a population of approximately thirty-five hundred people in 1970. Only one of the many towns in Orangeburg County, including Orangeburg and Elloree, Bowman is around forty-five miles southeast of Columbia and seventy-five miles northwest of Charleston. While all the communities in Orangeburg County had majority black populations, Bowman's black residents outnumbered white residents two to one. About one third of Orangeburg County residents

lived under the national poverty line in 1970, including fifty-four percent of the African American population.<sup>cccl</sup>

Throughout the 1960s and 1970s, Orangeburg's economy experienced a major transformation from one that was largely agricultural to one more focused on manufacturing. The number of farms in the community dropped from 3,415 in 1959, to 2,690 in 1964, with an accompanying decline in the size of county farms.<sup>cccli</sup> Many small farmers, particularly African American farmers, struggled to maintain their family's livelihood and many turned to extra factory or service jobs in Charleston, Columbia, or the town of Orangeburg. Between 1950 and 1960, the number of people involved in manufacturing increased from 13 percent to 20 percent.<sup>ccclii</sup>

Orangeburg residents fell below state and national norms in several categories. In 1960, the median school age completed by Orangeburg County residents twenty-five years and older was eighth grade (8.2 years) versus the national average of tenth grade (10.6) and the state number of 8.7.<sup>cccliii</sup> The median income in Orangeburg County in 1960 was only \$2,603, compared to the national average of \$5,260, and only about 40 percent of homes in the county had plumbing.<sup>cccliv</sup>

By 1973, black residents in Orangeburg County had a rich history of civil rights activism and direct action protest. When the Supreme Court overturned legally sanctioned segregation in its 1954 *Brown v. Board of Education* decision, and opened the door for black children to gain access to educational resources, facilities, and opportunities only previously afforded to white children, black Orangeburg residents tried to enroll their children in Orangeburg's public schools. In 1955, Orangeburg residents petitioned school boards to desegregate, sued local school districts, and

endorsed economic boycotts to demand that South Carolina authorities would fulfill *Brown's* promise in their community. The presence of South Carolina State and Claflin College in Orangeburg, two of the largest and most prestigious black colleges in the state, also created a community of young black student activists who played a prominent role throughout the Orangeburg civil rights movement. White South Carolinians, on the other hand, fiercely resisted school desegregation, successfully using state and local government to thwart African American activism and changing federal standards on desegregation. Because of white resistance, public education in South Carolina remained segregated until the passage of the 1964 Civil Rights Act. Indeed, the community of Bowman evaded federal mandates to desegregate through the late 1960s.

Within months of the *Brown* ruling, the National Association for the Advancement of Colored People (NAACP) sponsored petitions around the South demanding that previously all-white schools admit black students. In June of 1955, NAACP leaders met in Atlanta and authorized local activists and branches to file petitions and suits against school districts that refused to enroll black students. The South Carolina NAACP and the all-black Palmetto Teachers Association mobilized to support those suits, raising money, providing legal services, and demanding that school officials initiate the process of school desegregation. South Carolina lawyers, including Matthew Perry, the NAACP's leading attorney in the state, drafted petitions throughout the state's school systems demanding that local school districts desegregate.<sup>ccclv</sup> In the summer of 1955, seventeen black parents and activists in Ellore, fifty-seven black parents in the town of Orangeburg, eighteen in Santee, and other in the county petitioned the white school board to desegregate their public schools. Over sixty petitions materialized.<sup>ccclvi</sup>



Petitions for school desegregation evoked great hostility in communities across the South. Many black petitioners lost jobs, saw credit vanish at local banks and lenders, and faced violence and terror. In Mississippi, white residents killed four black men in the summer of 1955 in reaction to African Americans trying to register to vote and in the midst of newly filed school desegregation petitions. A white Mississippian murdered one man in broad daylight on a courthouse lawn, with no repercussions or convictions. In August of 1955, two white men in Mississippi also brutally murdered fourteen-year old Emmett Till for allegedly whistling at a white woman. Though they admitted abducting Till, an all-white jury found them “not-guilty.” This atmosphere of violence set the stage for organized massive resistance to desegregation and growing civil rights activism across the South and fashioned a political mood ripe for the formation of White Citizens’ Councils (WCC). Initially established in Mississippi in July of 1954, Citizens’ Councils stormed the South in reaction to *Brown*.

The first Citizens’ Councils in South Carolina actually organized in the communities of Orangeburg and Elloree, due to the filing of their school desegregation petitions. The groups claimed that they sought to “oppose the use of force by radicals and reactionaries” to compel integration. The town of Orangeburg’s WCC obtained a state incorporation charter that declared the organization’s purpose, "To make every legal and moral effort to save the segregated public schools." In addition, the group hoped to "study ways and means for providing an adequate education for children in School District No. 5 if radical agitators force the abandonment of the public schools."<sup>ccclvii</sup> The Orangeburg Councils received strong endorsements from local white businesses and community leaders. W.J. Deer, Elloree’s mayor, endorsed the Elloree WCC chapter and proclaimed,

“We will fight the leaders of the NAACP from ditches to fence posts to keep Negroes out of white schools.”<sup>ccclviii</sup> The Ellore branch grew quickly, attracting over two hundred members in the first two days of its establishment and more than eight hundred in its first week. In Bowman, over 100 people met to establish a Council chapter. Within a month, nearly every community in Orangeburg County had formed its own Council.<sup>ccclix</sup>

In order to combat African American petitioners, White Citizens’ Councils in Orangeburg County initiated economic reprisals that targeted members of the NAACP, student activists at South Carolina State College, the State’s largest all-black college located in the town of Orangeburg, and civil rights advocates. Shortly after black residents filed a desegregation petition in the town of Orangeburg, the *Orangeburg Times and Democrat* published the names of the petitioners. As a result, white employers, creditors, and suppliers targeted those who signed. Numerous black petitioners and other African Americans lost their jobs, and many local banks recalled longstanding loans. Some pharmacies even denied prescriptions to black petitioners.<sup>ccclx</sup> The mayor of Orangeburg, Robert H. Jennings, proved one of the most vindictive in his retaliation. Jennings, who served as president of a local bakery, the Coca-Cola bottling company, and the Orangeburg Ice and Fuel Company, led the boycott denying goods to black merchants who had signed the petition or joined the NAACP.<sup>ccclxi</sup> James Sulton, a NAACP officer and black service station owner in Orangeburg, later remarked, “The Negroes in Orangeburg overestimated the white man’s integrity when they petitioned the school board.”<sup>ccclxii</sup>

White retaliation forced many African Americans to abandon their support for school desegregation. In Ellore, whites coerced fourteen petitioners to remove their

names, and more than half the petitioners in the town of Orangeburg withdrew their names. In Santee, a community in the southeastern portion of Orangeburg County, fourteen of the eighteen original petitioners abandoned the appeal. The group recanted by claiming that they did not fully understand the meaning of the language in the petition.<sup>ccclxiii</sup>

Yet, many black residents in Orangeburg retaliated against economic harassment with economic pressures of their own. Black leaders in Orangeburg organized their own boycott of white merchants, especially against those who had harassed the petitioners. Under the leadership of South Carolina State student body president Fred Moore, who later became a prominent South Carolina civil rights attorney, students at the university joined the boycott and pressured the school administration to stop buying supplies from a white wholesaler who was active in the Orangeburg WCC.<sup>ccclxiv</sup> Students also stopped purchasing Coca-Cola and Sunbeam bread because they were distributed by local WCC members. They held food strikes and refused to eat in the cafeteria because the college still purchased food products from WCC members. One local student activist pointed out that South Carolina State students “learned how easy it was to do without Cokes” and even learned how to bake their own bread.<sup>ccclxv</sup> Moore, with the help of the local NAACP, convinced a large part of the African American community in Orangeburg to join in the protest.<sup>ccclxvi</sup>

South Carolina State’s administration, under pressure from the South Carolina General Assembly, eventually expelled Fred Moore for his participation and refused to rehire several faculty members who had supported the students.<sup>ccclxvii</sup> However, less than three weeks after local blacks initiated the counter-boycott, most of the area’s white

owned holding companies and distributors denied any knowledge of organized economic retaliation and resumed the delivery of goods to black owned businesses.<sup>ccclxviii</sup>

Not only did African Americans have to face white resistance in the form of Citizens' Councils, they also had to battle the South Carolina General Assembly. Reacting to *Brown*, in March of 1955, the General Assembly repealed the state's compulsory attendance law, providing white parents the authority to keep their children out of desegregated public schools. The following month, the Assembly passed a law to revoke state funding from any school that desegregated and ended the practice of automatically rehiring teachers for the next academic year. The result of newly passed South Carolina laws placed more power in the hands of local officials. Unfortunately, these laws limited the effectiveness of black activism and newly interpreted federal desegregation standards. The changes in teacher employment rules gave school boards around the state more control over who taught in their districts' classrooms, and the state's threat to revoke funding ensured that whites would blame integration-minded white moderates and African Americans if their local school closed because of a lack of money. In addition, state officials and local officials targeted teachers, students, and college professors that supported desegregation.<sup>ccclxix</sup>

The South Carolina General Assembly's "Segregation Committee," created before *Brown* to coordinate the state's defense of segregated schools, exerted great influence over state policies. Directed by State Senator Marion Gressette of Calhoun County, the fifteen-member committee obtained the services of South Carolina chief counsel David W. Robinson and a legal staff of the state's most skilled attorneys. The General Assembly never rejected one single policy that it endorsed. In 1956, under the

direction of the Segregation Committee, the General Assembly passed a series of anti-NAACP statutes that formed part of a systemic campaign to wipe out NAACP activism. Legislation targeted black South Carolina teachers by making it unlawful for the state or any South Carolina school district to employ a member of the NAACP. Following passage of the anti-NAACP statutes, the State authorized school officials to require that teachers submit written oaths regarding NAACP membership. Teachers who failed to complete these questionnaires could be summarily discharged.<sup>ccclxx</sup>

The state vigorously enforced the new anti-NAACP laws during the summer of 1956. South Carolina school districts sent out questionnaires to all public school teachers that required them to divulge whether or not they favored integrated schools, whether they agreed with the “aims of the NAACP,” and whether or not they were members of the NAACP. These questionnaires and the anti-NAACP law had an almost immediate effect on South Carolina’s African American educators. Charleston County refused to renew the contracts of more than ten teachers, including Septima Clark, a leading civil rights activist who later helped organize “Citizenship Schools” throughout the Deep South. In May 1956, Ellore school superintendent M.G. Austin distributed employment applications and questionnaires that asked “Do you feel that an integrated school system would better for the colored race for their life’s work? Do you favor integration of the races in the schools? Do you support the aims of the NAACP?” After twenty-one of the twenty-four teachers at the all-black Ellore County Training School refused to complete the questionnaire, the Orangeburg district fired them.<sup>ccclxxi</sup>

The NAACP used the Ellore teachers to challenge the anti-NAACP law. Lawyers Jack Greenberg and Lincoln Jenkins argued that the law denied teachers the

right of freedom of speech and association. But a three-judge panel in South Carolina upheld the law, ruling that state courts should be given an opportunity to interpret it. The NAACP filed an appeal, but before the appeal could be heard, the General Assembly repealed it, passing a new law requiring that teachers list membership in associations and organizations. The State Supreme Court upheld the new law, and left the fired black Elloree teachers with little power to fight their dismissal.<sup>ccclxxii</sup>

The community of Bowman, like most across the South, maintained completely segregated schools for its black and white students throughout the twentieth century. Until the 1950s, only one black school, a Rosenwald school, existed in Bowman and met only seven months of the year.<sup>ccclxxiii</sup> By the early 1960s, Bowman operated two black schools in the District: Bethune High and Bethune Elementary. Prior to the passage of the Civil Rights Act of 1964, no black student attended a class with a white student in any school in Bowman or Orangeburg County. In addition, before 1964, no teacher taught across racial lines. In the years following the Civil Rights Act, the District continued to maintain its dual system, despite federal pressure to desegregate.<sup>ccclxxiv</sup>

In 1964, the Civil Rights Act set new standards for southern school systems by outlawing racial discrimination in any activity or program that received financial support from the Federal Government. Title VI of the Act mandated that school districts eliminate discrimination from classrooms, services to pupils, educational facilities, and the hiring and assignment of faculty. The Civil Rights Act gave the Justice Department power to bring federal desegregation suits against school districts and also gave the Department of Health, Education, and Welfare the power to terminate federal funds if districts maintained segregated facilities. Following the 1964 Civil Rights Act, the Department of

Health, Education, and Welfare (HEW) worked to regulate federal desegregation policies throughout local Southern school districts, pressuring them to meet new federal guidelines for public education.<sup>ccclxxv</sup>

In 1965, under the threat from the HEW of losing federal funding, the Bowman District applied a Freedom of Choice program to its schools and allowed five black students into the historically all-white public schools. HEW allowed this small number, under the assumption that a much larger percentage would be accepted the following academic year.<sup>ccclxxvi</sup> In Freedom of Choice plans, districts automatically registered students in the schools that they attended under the segregated system. Students could choose to attend the school of their choice within their specific school district, provided that their parents specifically requested a transfer. Allowing students to attend the school of their choice created the potential for successful desegregation, but the stipulation that parents specifically request a transfer meant that black parents once again inherited the burden of changing the status quo. In addition, many school districts made attaining transfer status difficult. Districts purposely made requesting transfer confusing and intimidating, and often did not publicize the transfer process. School districts only accepted transfers for a limited time period, and even when parents sent in requests according to regulation, they were often denied by school boards.<sup>ccclxxvii</sup>

In March 1966, in response to minimally successful desegregation efforts around the South, HEW issued new desegregation regulations for Southern school districts. Those regulations replaced the initial set of HEW guidelines, and federal officials hoped revised standards would promote a more effective desegregation process. *The Revised Guidelines* stated that Freedom of Choice plans had to be meaningful and had to result in

higher percentages of desegregation. In addition, desegregation in Southern school districts now required faculty desegregation, which had only been recommended in the previous guidelines. Lastly, the school district could not deny a black student transfer to a white school, unless the school faced overcrowding.<sup>ccclxxviii</sup>

But by fall 1966, Bowman made few strides towards implementing a more meaningful desegregation plan. In opposition to the *Revised Guidelines*, Bowman 2 had no integrated faculty within the district and only fifteen black students attended previously all-white schools, less than two percent of the black student body. The superintendent of Bowman, L.F. Arant, begged HEW to give the school board more time to implement an effective desegregation plan. He argued that undue haste would result in the establishment of an all-white private academy in Bowman, and the abandonment of public schools by the white community.<sup>ccclxxix</sup>

Bowman school officials also reported to HEW that Bowman's black students and teachers preferred the segregated system. They argued that black facilities in the District equaled white facilities and that black complacency actually hindered the District's Freedom of Choice policy. According to officials, the District implemented an effective desegregation plan to Bowman's schools, but most students and teachers did not want to transfer across racial lines. Bowman officials argued they had provided everyone the chance to desegregate, and by granting that opportunity, had fulfilled their constitutional responsibility.<sup>ccclxxx</sup>

But HEW investigators reported otherwise. Bowman operated dual bus systems, even requiring segregated bus drivers through the 1966-1967 school year. Investigators found that facilities and materials for black students were substantially inferior to those



facilities and materials of white students. The Office of Education also reported that black students attended larger classes, had access to fewer library books, and worked with teachers that had lower NTE scores, compared to white students in Bowman.

Importantly, the Office of Education received reports that school officials denied many freedom of choice requests made by black students and parents.<sup>ccclxxxix</sup>

HEW and the Office of Education offered continued assistance to Bowman County in meeting federal desegregation regulations, but their support made little difference. Officials refused to desegregate faculty positions or transfer any additional students across racial lines. On September 27, 1966, the Federal Commissioner of Education, Harold Howe II, notified Superintendent Arant of his dissatisfaction with the pace of desegregation in the Bowman District and told Arant that he would provide any assistance Arant needed to make desegregation successful in Bowman. Arant ignored Howe's appeal. In addition, the Office of Education made multiple visits to the District to help with the desegregation process, but Bowman officials ignored all of their suggestions and recommendations. By February 1967, HEW and the Office of Education determined that Bowman would not desegregate under voluntary means and terminated federal funds. Before final termination, federal officials granted the Bowman District a federal hearing to determine the validity of HEW's ruling.<sup>ccclxxxix</sup>

On April 13, 1967, HEW laid out accusations against Bowman 2 in a formal hearing presided over by federal Judge Irvin Hackerman. Representing the district was South Carolina Assistant Attorney General Ben T. DeBerry. Using newly published standards in *The Revised Guidelines*, HEW asserted that Bowman had not met its federal obligations under its Freedom of Choice plan. Black parents testified that Bowman

officials denied their children admittance to formerly all-white schools claiming their grades were too low. Other black residents testified that the superintendent and School Board never held community meetings on the district's desegregation plan and did not make the black community aware of procedures under Freedom of Choice. Many black residents also testified that white community members harassed black parents who applied for transfer of their children to white schools.<sup>ccclxxxiii</sup>

In response, DeBerry and Bowman school officials argued that HEW's policies overstepped their constitutional authority. The District objected to HEW's accusation that "no significant desegregation of pupils" had taken place and that a "dual school system still existed" in Bowman. The District again argued that it had a valid freedom of choice plan, one whereby "each student is afforded a free and unfettered annual choice of schools."<sup>ccclxxxiv</sup> They argued their District met all constitutional obligations as a result of their desegregation plan, regardless of the number of students who actually chose to attend across racial lines. According to DeBerry, *Brown* and the Civil Rights Act only required desegregation, not forced integration. HEW simply failed to understand the legal distinction between a desegregated school and one that was racially balanced. Lastly, school officials argued that the Civil Rights Act never specifically required faculty integration.<sup>ccclxxxv</sup>

After hearing their arguments, Judge Irvin Hackerman, Ohio native and World War II veteran, supported HEW's decision to revoke federal funding and found Bowman School District in violation of the 1964 Civil Rights Act.<sup>ccclxxxvi</sup> Additionally, Hackerman defended HEW's *Revised Guidelines* as constitutional and consistent with the Civil Rights Act. In the months after the decision, DeBerry, representing Bowman officials,

made several appeals both to Hackerman and the federal Commissioner of Education, Harold Howe. DeBerry argued that Bowman's District was not discriminating against a minority, since the majority of their District was African American. Bowman officials asserted that that federal officials "Perpetuate(d) unconstitutional discrimination against a minority while proclaiming a right of the majority to desegregate."<sup>ccclxxxvii</sup> District officials also protested that Judge Hackerman did not disclose the "names and addresses" of the black witnesses who testified against them so that they could properly defend themselves against false accusations. Despite their appeals, the Department of Health, Education, and Welfare terminated all federal funds to Bowman schools for the 1967-1968 academic school year.<sup>ccclxxxviii</sup>

Following the termination, Bowman refused to cooperate with HEW for future compliance. For the 1968-1969 school year, the Superintendent did not submit any compliance forms to HEW or the Office of Education, and officials shared heated correspondence. After threats for administrative action against Bowman, DeBerry responded "In view of the fact that the District's Federal aid has, for all practical purposes, already been terminated, the threat of administrative action lacks substance, as do the administrative proceedings themselves, and I am not aware of any law that authorizes action by the Department of Justice merely because a school district fails to file a report with the Department of Health, Education, and Welfare." Bowman maintained a dual system, without federal funds, until the 1970-1971 academic year.<sup>ccclxxxix</sup> When that year arrived, Bowman's white leaders took a path followed by many others in the South at the time. They created their own private, segregated school.

## **After Desegregation: The Private School Movement**

By 1970, landmark federal court cases put new pressures on Southern school districts to implement more meaningful and effective desegregation plans. In 1968, the US Supreme Court ruled that freedom of choice plans no longer sufficed to meet federal desegregation standards. *Green v. School Board of New Kent County* became one of the most important school desegregation cases since *Brown*, and shifted federal compliance standards "to ensure racial balance in schools." In this way, the US Supreme Court aligned with HEW's *Revised Guidelines* arguing that Freedom of Choice could only be considered desegregation if the results created racially balanced schools. Though South Carolina school districts continued to use Freedom of Choice plans in South Carolina, in January of 1970, the United States Fourth Circuit Court ordered all South Carolina districts to fully desegregate by the Fall of 1970.<sup>cccc</sup>

As school districts around the South faced court-ordered desegregation in 1970, newly appointed Bowman school Superintendent V.B. Kiser agreed to voluntarily desegregate Bowman's schools for the 1970-1971 school year. On May 27, 1970, District officials agreed to implement a full desegregation plan. Working with HEW, the District agreed to turn the formerly all-white Bowman High School and Bowman Elementary School into a bi-racial, district-wide elementary school which housed grades one through four. Officials assigned grades five through eight to the previously all-black elementary school, Bethune Elementary School, and all high school students to the previously all-black Bethune High School. The school board also desegregated the busing system.<sup>cccci</sup>

Despite voluntary desegregation in Bowman, Isaac McGraw, from the South Carolina Department of Education, reported that problems emerged even as Bowman

officials drew their plans. McGraw reported that the white community of Orangeburg was “becoming well organized with the local population and is beginning to recruit organizations from Orangeburg and vicinity.”<sup>cccxcii</sup> Black residents grew suspicious of rumors regarding the establishment of a new, private school for white students. In a list of written questions and grievances for the Board, the Educational Committee of the Bowman NAACP asked, “Will this private school have the moral support of the Trustees? Will there be any financial aid given to the private school from the district?”<sup>cccxciii</sup> Bowman officials ignored black grievances completely, refusing even to meet with them or offer any information about the upcoming school year.<sup>cccxciv</sup>

The private school movement became prolific throughout the American South in the late 1960s and early 1970s as a result of federally supported school desegregation, and in many ways, the town of Orangeburg initiated the movement in South Carolina. In June of 1964, just a few months after the town of Orangeburg announced upcoming desegregation measures, a group of notable white residents formed a private academy for white students in the community. The group included Citizen Council member T. Elliot Wannamaker, the owner a chemical company in Orangeburg, who, on the eve of desegregation declared that “Most Negroes in South Carolina are little more than field hands.”<sup>cccxcv</sup> He went on to preside over the new, all-white Wade Hampton Academy in Orangeburg and became president of the South Carolina Independent Schools Association, a segregationist private school organization that advocated for the newly formed “segregation academies” following the Civil Rights Act.<sup>cccxcvi</sup>

The South Carolina General Assembly had supported the development of private schools for almost a decade and encouraged other majority-black districts in the state to

follow suit. In January 1963, just weeks after the state witnessed Harvey Gantt integrate Clemson College, legislators presented a bill to provide tuition grants to public school students who decided to withdraw from public schools and enroll in private institutions. The bill proposed that the state give parents the amount South Carolina spent per pupil in 1963--two hundred and twenty-five dollars a year for elementary school students and two hundred and fifty for high school students.<sup>cccxcvii</sup>

African American leaders challenged the state government's flagrant attempts to continue state sanctioned segregation. Matthew Perry, prominent South Carolina NAACP attorney, and the NAACP legal team secured an injunction that prevented the state from awarding the grant money to parents. In October 1964, the United States Department of Justice joined the suit, arguing that the grants were an unconstitutional attempt to avoid compliance with *Brown v. Board of Education*. On May 31, 1968, the US Fourth Circuit Court of Appeals found the Tuition Grants Act illegal.<sup>cccxcviii</sup>

Despite the setback, private schools continued to flourish throughout the State. Prior to the 1964 Civil Rights Act, only eighteen non-parochial private schools operated in South Carolina. But between 1964 and 1967, in response to the Civil Rights Act, South Carolinians opened thirty-one new, totally segregated, private schools. In 1969, when the Supreme Court ruled freedom of choice plans illegal, fifteen additional private schools opened in the state, residents planned three more, and the existing private schools saw sharp enrollment increases. In 1970, white residents established thirty-six more private schools. Some schools opened with as little as three weeks' notice and still had to turn pupils away. By the mid-1970s, private school enrollment in South Carolina averaged around 40,000 pupils, an increase of more than 25,000 students since desegregation.<sup>cccxcix</sup>

Private school enrollment did not just harm students in public schools, whose resources were often channeled out of the schools into newly created all-white private ones, but it also hurt white students who attended sub-par private schools. Many private students attended inadequate facilities with fewer resources and qualified teachers than their public systems. The headmaster at Mim's Academy, a segregationist school formed in 1968 in Dorchester County, had an administrative office that doubled as a supply room, no library, and a red clay parking lot riddled with pot holes. Since the school did not serve lunch, students had to walk to a nearby hot dog stand or pack their own meals. The headmaster admitted that "Our reading program's pretty good. We use phonics. But I'll be frank with you, our math program's not too strong right now."<sup>cd</sup> Most private schools did not have vocation programs or technical training and few had business courses. In addition, newly established private schools frequently refused to admit students with learning disabilities. Cyril Busbee, Superintendent of Education in South Carolina throughout the desegregation era, once joked, "All you have to do to open a private school in South Carolina is to have a spare stable."<sup>cdi</sup>

In South Carolina some felt that the new wave of private schools operating in the state by the mid-1960s necessitated the creation of an organization to help further private education in the state. Accordingly, in 1965 T. Elliot Wannamaker, the headmaster of the Wade Hampton Academy, invited representatives from seven of the other newly formed private schools in South Carolina to Orangeburg in order to discuss the creation of an independent school association. As a result of that meeting, the South Carolina Independent School Association (SCISA) requested and received a corporate charter

from the state, and quickly became the leading private school association in South Carolina, with T.E. Wannamaker serving as its first President.<sup>cdii</sup>

SCISA appointed executive secretary Tom Turnipseed, founder of Jefferson Davis Academy in Blackville, South Carolina, to assist and advocate for newly established private schools in the state and serve as the organization's public relations manager. In addition to insuring that the quickly forming new schools were able to obtain tax-exempt status, Turnipseed also worked to separate the SCISA from its segregationist reputation. He argued that the newly formed association was not a segregationist organization but instead consisted of a group of prominent citizens concerned about quality education in the state. Indeed, publically, the SCISA never mentioned race. Tom Turnipseed served two years with the SCISA before leaving South Carolina to help organize George Wallace's presidential campaign in 1968.<sup>cdiii</sup>

Religion also figured prominently in the creation of private schools in Orangeburg and throughout the State. As president of the SCISA, Elliott Wannamaker encouraged communities interested in launching private schools in the aftermath of desegregation to work in conjunction with local churches. Churches provided schools with classroom facilities and often had the organizational structure to support upstart schools. According to one study, churches sponsored more than one-third of the one-hundred and eleven segregation academies in South Carolina by 1973. Indeed, in Bowman, one church proved integral to the establishment of Bowman Academy in 1970.<sup>cdiv</sup>

In 1961, the Southern Methodist Church of Bowman purchased a brick, two-story, former elementary school from the Bowman public school district for only \$1000. At the time of that sale, two members of the church board served simultaneously on the school



board: Bowman's postmaster, Robert Berry, Jr, and George Weathers, then chairman of the school board. During the time of the sale, two other school board members also served as members of the Bowman Southern Methodist Church board. In 1966, the Bowman Southern Methodist Church filed a new deed for the school building, editing the purchase price to \$1500. The church board claimed they filed the new deed in response to criticism that they did not follow proper procedures during the original transaction. Berry attributed the flagrantly low sale price to supposed district plans to abandon the old public school building anyway. The church allegedly bought the building for protection of its nearby church facility and because the members needed the space for parking. "We did not want the property to become a clip joint or a dance hall," one church member claimed.<sup>cdv</sup>

Because of its affiliation with the Bowman Southern Methodist Church, Bowman Academy, which quickly joined the SCISA, paid no taxes after its establishment, qualifying as an eleemosynary, or charitable, institution. Yet, the links between Bowman Academy, the local Southern Methodist church and the Bowman School District were problematic. Timrod Austin, who served as a school board member for Bowman District Two in 1973 at the time of the black student boycott, also served as vice-president of Bowman Academy. James West, Chairman of the Bowman Public School Board, and school board member Robert Berry, Jr., both served on the Board of Bowman's Southern Methodist Church. Both Austin and West sent their children to Bowman Academy. A.L. Felder served on the Bowman Methodist Church board, and his son was on the Bowman School District Two Board of Trustees. Another community member, G. B. Patrick was on the Bowman Southern Methodist church board and was the Bowman Academy

representative to SCISA. Bowman Academy recruited its white teachers from the public system, and several white teachers, teacher's aides, and two secretaries in the public school system sent their children to Bowman Academy.<sup>cdvi</sup>

Because of crossover in leadership, Bowman Academy trustees could easily siphon public school resources into the private system. Bowman Academy used exercise mats taken from the former all-black high school. The janitorial staff in Bowman public schools reported that Bowman School District members packed up and left with truckloads of supplies from the public schools. Bowman Academy's teachers conducted classes for its almost two-hundred students in the brick building owned and operated by the Bowman Methodist Church and also utilized the church's educational building. An investigator with the American Friends Service Committee argued that the sale price to the church was not adequate for the building, and also claimed that prior to the sale, the school board took no other bids for sale of the building.<sup>cdvii</sup>

Many white Bowman residents readily defended the establishment of their all-white private school. Larry Patrick, one of the founders of Bowman Academy remarked, "The thing we were really interested in was good education. Although I will agree that segregation plays a part...The education our children are getting is now superior to what they were getting in the public school... We're not against colored people. In most cases we're more than willing than they are to see that they're [sic] children go to school. Right here on the farm, I have to get after my colored people all the time to make sure their children are in school. They don't seem to care....of course, that's a lack of education on their part."<sup>cdviii</sup> Patrick had three daughters enrolled at Bowman Academy at the time of the boycott. He argued that he was in favor of a good public school system. "But I am not

going to put my child in the public schools and sacrifice that child's future to raise the average of the public schools just a bit."<sup>cdix</sup>

Public school board member Timrod Austin asserted much more openly the motivations behind the establishment of Bowman's private school. Austin told a *Washington Post* reporter that Bowman organized the private, segregationist school because of fears that total integration would disrupt learning. "And it has," Austin stated. "I don't care what the government or the Supreme Court Says. We've had about 20 white people drop out of the public school this year. They said they wasn't learning anything, they was so far ahead of the coloreds. The colored people just don't take an interest in learning the way white people do."<sup>cdx</sup> Chairman of the Board West agreed with Austin and claimed, "They don't want to learn and don't want anyone else to learn either." West argued that he sent his children to Bowman Academy because "you can't put children capable of doing 6th grade work next to students capable of doing 3rd grade work. We try to get them to come to school and study, but that is just out of the question."<sup>cdxi</sup>

In conjunction with the establishment of Bowman Academy, the public schools also lost use of their gymnasium and football field in the years following desegregation. Established in 1948, the Bowman Memorial Gymnasium Corporation technically owned and controlled the facilities, not the public schools. In the mid-1950s, the corporate group built a gym and football field (allegedly using town funds) used by the all-white Bowman High School until integration. After 1970, the Corporation only allowed the private Bowman Academy to use their sports complex, leaving public school students with no sports facility. The 1948 charter for Bowman Memorial Corporation listed J.D. West, father of School Board Chairman James West, and G. B. Patrick, father of Larry Patrick

on the Bowman Methodist church board and incorporator of Bowman Academy, as founding members.<sup>cdxii</sup>

As the first few years after desegregation progressed in Bowman, the black community continued to feel that the school board was not creating a positive school atmosphere or quality education for their children. Throughout the early 1970s, many prominent white community members in Bowman, like school board members West and Austin, continued to argue that white students and black students should not be placed in the same classes because of white academic superiority and black student apathy towards academics. Black residents in Bowman vehemently denied those statements and argued their children desperately wanted to learn but did not have the opportunity. Helen Summers, a black Bowman resident who moved to Bowman from New York in 1969, claimed her children had already covered what they were learning in Bowman schools in New York. Her youngest son, Marion Summers, a freshman at Bowman High School in 1973, maintained an A average before coming to South Carolina. He complained that “Windows in the school are broken out, and the bathrooms are not fit to use. We never get the stuff we need.”<sup>cdxiii</sup> Many complained that the public high school was vandalized, its grounds littered with broken glass and broken furniture, its playground unkempt, and its playground un-mowed. Chairman West blamed students for the disrepair. He claimed that “the colored school was painted, everything fixed. It was in tip top shape. Now it’s torn up completely.”<sup>cdxiv</sup> The Board of Trustees claimed that they would no longer fix the schools because the black students destroyed the property. Hayes Mizell, director of the American Friends Service Committee’s community relations program in South Carolina,

listed Bowman County among the ten worst school districts in the state, and referred to the district as an “educational disaster area.”<sup>cdxv</sup>

The misuse of federal monies in Bowman 2 also frustrated black parents and residents. Leaders in the black community charged that the District misused Title 1 funds, granted under the Elementary and Secondary Education Act (ESEA). Part of Lyndon Johnson’s War on Poverty, the provided money to school districts with large populations of impoverished children. The federal government authorized specific uses of funds for professional development, instructional materials, resources to support educational programs, and for the promotion of parental involvement in schools. But black parents in Bowman claimed that Title I funds, which amounted to \$160,000 and more than a quarter of the District’s budgetary allowance, were not being used for Title I functions. William G. Harden, who served as the District’s federal programs coordinator, reported that the District misused funds, prompting the school board to fire him.<sup>cdxvi</sup> Harden’s dismissal outraged the black community. Quincy Smith claimed that Harden was “trying to get programs to benefit the underprivileged children of the district, but the people here just don’t like that sort of thing, so they gave a walking ticket.”<sup>cdxvii</sup> Though Hardin never gained rehire in Bowman, he eventually became the director of the Citizens Rights Committee for the South Carolina Council for Human Rights.<sup>cdxviii</sup>

HEW investigated Bowman, along with other school districts in South Carolina, and found many irregularities. Teachers hired to teach under specific Title I functions actually taught other subjects or fulfilled other school duties. For instance, the District paid the lunchroom supervisor and school nurse with Title I funds, listing them as reading teachers. Investigators also found many supplies and equipment purchased with Title I

money “stashed away in a closet,” and not allowed for student use. ESEA coordinators warned the school district to resolve the irregularities or funds would be terminated.<sup>cdxix</sup>

Black parents and activists in Bowman also complained that Bowman did not apply for Emergency School Aid Act funds, which they felt could greatly benefit the District. The Emergency School Aid Act of 1970, passed under the Nixon administration, granted large amounts of federal monies to southern school districts to aid in the implementation of desegregation. The measure had many advocates across a wide political spectrum. Conservative southern educators hoped the money would help white students by upgrading existing educational programs. Ardent civil rights supporters in Congress hoped it would help African American students in the difficult transition of desegregation.<sup>cdxx</sup>

Problems quickly emerged with the disbursement and regulation of ESAA. Before Congress constructed substantive legislation for ESAA in 1970, Congress and the Nixon administration granted temporary ESAA funding to HEW in August of 1970, with no red tape, to provide emergency aid for the Fall of 1970, the year most Southern districts fully desegregated. Local officials threw together plans to get ESAA funds before schools opened, and under strong White House pressure to disburse money by September, HEW allowed its staff only thirty-six hours to examine a district’s application. HEW’s staff approved almost all applications submitted and granted millions of dollars within just a few months of ESAA’s passage. The “frenzy to send dollars South” resulted in many decisions to send money to districts implementing blatant violations of the Civil Rights Act. HEW, for instance, granted 1.3 million dollars to Jackson Mississippi, four days before it even received the city’s formal application.<sup>cdxxi</sup> Civil rights organizations

reported that more than half the districts examined continued illegal practices of segregation. The General Accounting Office, Congress's auditing and investigatory arm, found that applications for funding did not explain how the money would be spent and did not relate the new funds to integration. Often the program became little more than a form of general aid, operating in favor of the most segregated systems in the country.<sup>cdxxii</sup>

Bowman, for instance, applied for, and was granted \$18,000 in ESAA funds in 1970. District officials left a majority of their 1970 ESAA application blank, explaining very little about why Bowman's school needed funding. On the last page of the application, Bowman officials briefly clarified why the district needed the federal monies. "The desegregation of the system has caused the town to split and many parents are sending their children to a private school, since the ratio of black students is nine to one. The faculty is also of a black majority. This has led many parents to believe that quality education will be lost. Town meetings have been held to try to explain the entire situation to the people, but have not been successful. We hope that through this federal grant people will realize that the school system here in Bowman has not only continued, but will make great progress."<sup>cdxxiii</sup> The Bowman district argued that with additional federal funds, the school would be more attractive to white residents, but their biggest concern was that white students left the public system, their focus not on improving the system for black students. Additionally, Bowman officials argued that "Many students not able to function in normal classroom situation," and claimed they wanted more "special education classes, teachers, and materials."<sup>cdxxiv</sup> Admittedly, officials stated on their application that the school had no organization that would promote biracial activity, but argued that with ESAA money they would be able to start a school band, which

“appealed to both races.”<sup>cdxxv</sup> On the ESAA application, Bowman officials stated that no public school property had been transferred to non-public schools.<sup>cdxxvi</sup>

Pressures brought to bear by civil rights organizations and members of congress provoked a major reorganization of HEW’s procedure in making ESAA grants. Senator Walter Mondale presided over a series of hearings that exposed problems with initial ESAA procedures and provided the basis for a newly written version of ESAA. The revised 1972 Act, clearly provided incentives for integration, reserved money for specific purposes recommended by desegregation experts and civil rights organizations, and incorporated strict standards of eligibility. As a result, many Southern Districts stopped applying.<sup>cdxxvii</sup>

Neighboring Orangeburg District 1 went through a painful ESAA application process when applying for ESAA after 1972. HEW officials denied Orangeburg 1, which regulated Norway, Neeses, and Springfield schools, in its 1972 application for violating a section of the ESAA which mandated that minority grouping and segregation could not occur within classroom assignments. The Office of Civil Rights and HEW found that Orangeburg 1 had racially discriminatory classrooms, which were only acceptable if they could be validated by test scores. The District claimed to resolve the issue and the Office of Civil Rights eventually granted funds, but terminated them later in the same academic year because HEW discovered racially identifiable classes.<sup>cdxxviii</sup>

Hayes Mizell worked with the AFSC to educate black parents on pressuring districts around the State to apply for ESAA after 1972. He explained to parents that ESAA funds could be used by local school districts to provide in-service training for teachers, to improve curriculums, to develop programs for underachievers, to sponsor



human relations workshops, and to improve school-community relations. Mizell told parents in 1975, “Since all applications for ESAA funds must be cleared by HEW’s Office of Civil Rights, many district have been unwilling to apply for funds because they don’t want OCR to have an excuse to look into policies and practices in their respective school districts.”<sup>cdxxix</sup> Bowman 2, like many others, stopped applying for ESAA after 1972, angering many black parents who wanted all possible funds that could help their students. A culmination of the school board’s misuse of Title One funds, its failure to apply for ESAA funds, and its neglect of the facilities of Bowman, forced many parents to see a school boycott as the last resort to turn their system around.<sup>cdxxx</sup>

### **The Bowman Boycott Begins**

After parents, students, activists, and the Bowman NAACP voiced their grievances in June of 1973, the Office of Technical Assistance, an office of the South Carolina Department of Education, in conjunction with the Orangeburg County School Board, appointed an investigative committee to evaluate the District in lieu of parent complaints. The committee largely agreed with the petitioners. On June 25, the committee, chaired by Isaac McGraw and Joe Durham of the South Carolina Department of Education, and joined by three members of the Orangeburg County School Board, announced their findings. The committee criticized the Bowman School Board for having no written school policies and regulations in writing and recommended that the Board formalize their procedures and policies immediately, using the National School Boards Manual as an example. They also urged the School Board to take immediate steps to open channels of communication between parents and board members regarding the planning

and operation of the District Schools, and advised officials to take positive steps towards building school pride and responsibility.<sup>cdxxxix</sup>

In addition, the investigative committee recommended that the District seek all federal help available, specifically naming ESAA funds. Investigative members also advised the school board to appoint a full-time administrator at each school, who would be responsible for evaluating teachers annually; no faculty evaluation system existed in Bowman in 1973. The committee found the per pupil expenditure inadequate to meet all students needs and state regulations. Lastly, the committee argued that the facilities needed maintenance. Restrooms needed new fixtures, partitions, and special daily and annual attention. They argued that the school's eating areas in the lunchrooms needed redecoration, and that the schools needed fencing and landscaping. Lastly, the committee argued that the completion of the football field and stadium would strengthen the schools program and improve community relationships.<sup>cdxxxii</sup>

The investigative committee presented their recommendations to the Bowman School District, Orangeburg County School District, and also published their findings in the Orangeburg *Times and Democrat*. Ellen P. Chaplin, Superintendent of all Orangeburg Schools, worked with the State Department of Education and Bowman officials in the hopes of finding an agreement between the school and community.<sup>cdxxxiii</sup> Yet, at the heart of Bowman community grievances, was that black parents, students, and concerned citizens had no voice or control over the public school system. In addition, the group felt that Bowman officials' allegiance to Bowman Academy interfered with their ability to contribute positively to the Bowman public schools. Black parents believed that appointing a new school board and Superintendent would be the only way meaningful

change could be achieved. Despite the recommendations from the Office of Technical Assistance and the Orangeburg County School Board, Superintendent Carter and board members West and Austin refused to resign.

In response, 450 black parents, students, and community members in Bowman met at the local Antioch Baptist Church and voted to initiate a District-wide boycott. Declared on August 24, 1973, the day slated for the first day of school, its effects were immediately felt by the school district. Quincy Smith reported that 95 percent of African American students participated, with less than 200 students attending district wide. Throughout the boycott, activists picketed the schools, spoke to local and national media outlets including the *New York Times*, *Washington Post*, and *ABC Nightly News*, and continued to protest their grievances to Governor West and the State Department of Education.<sup>cdxxxiv</sup>

The boycotters maintained five main grievances and claimed they would not send children back to school until district officials met all five of those grievances.<sup>cdxxxv</sup> The first and second grievances demanded the immediate removal or resignation of Superintendent W.L. Carter and board members James West and Timrod Austin. The black community argued that the Superintendent and Board did not have the confidence of the community and used the recommendations and findings of the State investigative committee to support their claims. They largely objected to Austin and West because the two sent their children to Bowman Academy. Black parents quoted derogatory statements about desegregation made by Austin and West to the *Washington Post*, including Austin saying, “I don’t care what the government or the Supreme Court says, total integration would disrupt learning.”<sup>cdxxxvi</sup> The black community also requested in their third

grievance that administrators release all teachers who sent their children to Bowman Academy. The fourth and fifth grievances addressed facility requests; parents wanted the immediate completion of a football field and stadium for the District and also requested the construction of a vocational and agriculture shop for students.<sup>cdxxxvii</sup>

Despite many negotiations between Bowman's board and boycotters, Carter, West, and Austin refused to resign their positions. In an interview with the *Associated Press*, West told reporters, "Yes, my children are in private school. After desegregation my son went one year to the public school. Then I decided he was getting very little teaching, very little requirements necessary to go to college and better himself, so I sent him to private school."<sup>cdxxxviii</sup> Despite his decision, West felt that he was more than qualified to continue to preside as a Bowman School Board member. But, state authorities claimed they could not legally remove board members or the Superintendent from office without legal cause. Governor West argued that he would not remove any school board members until they had been indicted.<sup>cdxxxix</sup>

Because boycotters refused to compromise, the boycott continued. By mid-September Isaac "Ike" Williams, South Carolina NAACP field director publicly pledged the South Carolina chapter of the NAACP's support to Bowman's students and participated in both public protests and negotiations.<sup>cdxli</sup> Williams, who attended South Carolina State in the mid-1960s and served as student body president, served as the NAACP's field director and executive secretary from 1969-1983. He supported multiple student boycotts across the state during his tenure. With mounting pressure, West and Austin agreed that after they served out their terms, they would not run for re-election on the School Board as long as their children attended Bowman Academy. Carter, however,

refused to resign or wave the right to run for re-election.<sup>cdxli</sup> On September 9, with West and Austin's agreement to not run for reelection, the District agreed to meet all of the demands by parents, except the firing of Carter. More than 400 parents, dissatisfied, voted to continue the boycott, which carried it into its second month.<sup>cdxlii</sup>

With no end to the boycott in sight, Governor James West requested that his assistant, James Clyburn, help secure an agreement. Clyburn, the first black advisor to a South Carolina governor, began working for West in 1971. Clyburn, a South Carolina native, was very much rooted in the Orangeburg community and broader South Carolina civil rights movement. Born in 1940 in Sumter, South Carolina, Clyburn was elected president of his NAACP youth chapter when he was 12 years old. He attended South Carolina State College in Orangeburg and earned a bachelor's degree in history. During his college years, Clyburn became a leading member of the Student Nonviolent Coordinating Committee and helped organize numerous civil-rights marches, sit-ins, and demonstrations. After college, Clyburn took a job teaching at C.A. Brown High School in Charleston. In 1971, he ran for the South Carolina General Assembly, but following his defeat took a position as minority advisor to Governor John West. Because of his experience as a teacher and his position in the community, West hoped Clyburn could effectively work to end the school boycott.<sup>cdxlili</sup> Clyburn traveled to Bowman, largely in support of the black community. Though he backed almost all of the parent demands, Clyburn urged Bowman residents to pursue legal sanctions against Carter, arguing that South Carolina law protected him from dismissal.<sup>cdxliv</sup>

Upon the urging of Clyburn, the Bowman NAACP and black parents agreed to settle their grievances before the newly established South Carolina State Human Affairs

Commission. The South Carolina General Assembly created the Human Affairs Commission in 1972, which had the power to “encourage fair treatment for, and to eliminate and prevent discrimination against, any member of a group protected by this act, and to foster mutual understanding and respect for people across this state.” George Hamilton, an ordained minister with the A.M.E. church, secured the role as the executive director and became the first black person in South Carolina to head a major state agency. Though this Commission largely focused on creating economic justice for black South Carolinians, the Commission quickly became entangled with various black protest movements in public schools across the State, including Bowman and Dorchester School Districts. James Clyburn followed George Hamilton as director of the Commission in 1974.<sup>cdxlv</sup>

After hearing both sides, the Human Affairs Commission found “cause for conciliation.” Bowman School District agreed to disclose all future information about their use of Title 1 funds to the Commission, the South Carolina Department of Education, and the Orangeburg County School District. James West agreed in writing that he would not seek reelection, and Timrod Austin agreed he would only seek reelection if he no longer enrolled his children in private schools. Both parties agreed that all new teacher hires could not send their children to Bowman Academy. In addition, if teachers had to be laid off, those with private school children would be the first to be let go. Bowman District Two also agreed to provide a working football field with showers and dressing rooms, and they promised the next building priority would be the construction of a vocational-agricultural shop facility. Lastly, the Bowman School Board agreed that no student would receive retaliation for having participated in the

boycott.<sup>cdxlv</sup> Parents and the NAACP decided they would accept the terms, and pursue grievances against Carter through the South Carolina court system.<sup>cdxlvii</sup> On September 19, 1973, almost four weeks after it began, Bowman's boycott ended. More than a thousand black elementary and high school students quietly returned to their classrooms for the school year. "We wanted justice," said Smith. "Now we have lifted the gates so that justice may flow down like water."<sup>cdxlviii</sup>

In the weeks and months following the boycott, Bowman's school District made greater attempts at communicating with students and parents. The Board initiated a series of district newsletters that disclosed important information about curriculum and instruction, Title I funds, grades, and attendance. In addition, the District hired a black federal funds coordinator in the Fall of 1973 who worked in the District's administrative office. Bowman began applying for federal ESAA funds for the 1974-1975 school year and applied for ESAA funds throughout the 1970s, meeting the more stringent HEW requirements to attain those funds.<sup>cdxlix</sup> Though Carter maintained his post as Superintendent for the 1973-1974 school year, he met with the Parent Advisory Committee (PAC), headed by Quincy Smith, every third Thursday of the month to discuss the use of Title I funds and other school decisions. The PAC invited parents to the meetings and allowed them to present ideas and concerns. The following year, the community of Bowman elected a new Superintendent of schools, Joseph P. Rice, who worked with the community to build on the changes implemented in the 1973-1974 academic year.<sup>cdl</sup>

## Conclusion

The Bowman boycott captured a moment of transition in the post-Jim Crow South. Schools offered a window into the challenges presented by desegregation showing not only the ways in which many white South Carolinians resisted federally enforced desegregation efforts, but also the processes whereby black South Carolinians continued to fight for social and political equality using new civil rights legislation and federal regulation. Growing federal oversight greatly shaped the trajectory of desegregated education in the South, strictly permitting and encouraging certain programs and policies, while forbidding others. But Bowman's boycott demonstrates that discrepancies between federal education policy and local school practices existed that often undermined the effectiveness of federal intervention, and sometimes even contributed to continued racial discrimination following the Civil Rights Act.

Bowman's boycott also displays how crucial African American activism was to the success of hard won civil rights victories after 1965, and especially after 1970. Bowman's black community had to organize and use direct action protest to ensure that their children would receive the same standard of education that white children received before desegregation. Collective protest through the local NAACP proved key for the black Bowman community. Only when their activism brought normal school activities to a halt and garnered national media attention did they gain a voice in their school system. While the black population of Bowman did not have the full support of the South Carolina State Department of Education and governor at the start of the boycott, once black Bowman residents took their grievances to the state and national press, state authorities had no choice but to address the District's most glaring problems, particularly



in the wake of the Voting Rights Act, which contributed to a growing black electorate in the State.

In conjunction with growing federal education regulations, the South Carolina government began to assert its sovereignty over the public school system as never before. Problems such as those that Bowman residents faced in poor, rural districts prompted the State to seize more control from local trustees and administrators. The first major education legislation in South Carolina came in 1974 with the passage of the Teacher Employment and Dismissal Act, which established uniform procedural rights for teachers and reduced the discretionary powers of local boards. In addition, funding discrepancies between wealthy districts and more impoverished districts like Bowman emphasized the great inequity in South Carolina school systems. In the early 1970s, a movement to transform South Carolina's school finance system gained strength, which contributed to a restructuring of South Carolina's funding system in the late 1970s, a system that the State of South Carolina still currently uses to regulate school funding.

Black residents in Bowman used this ever-changing political landscape, taking advantage of growing federal and state authority in local education policy, to improve their children's education and their own political strength within the local school system. Bowman residents attained better school facilities, regulatory powers over the use of federal funds, ascertained more effective leadership in their district, and achieved more transparency in school and curriculum policy. Though black students around the State continued to struggle in the desegregated, public school system in the months and years following Bowman's school boycott, the success of the boycott still marked a moment of achievement for black Americans in the post-Jim Crow South. Bowman's black

community refused to allow public education to deteriorate after desegregation without a fight, preserving the legacy of civil rights activism in Orangeburg County and South Carolina, and once again emphasizing the importance of education in that struggle.

## Chapter 5

### **“Black Folks Got White Folks All Shaked Up Now:” Black Student Activism in Calhoun County A Decade After Desegregation**

On October 26, 1976, an African-American senior and star athlete at St. Matthews High School in Calhoun County, South Carolina, Jerome Anderson, presented his school principal, Ernest “Bucky” Stokes with a list of 13 grievances concerning the state of schools in Calhoun County. Anderson chaired the Student Grievance Committee, a black student-activist group, formed at St. Matthews High in order to improve Calhoun County’s schools, which students claimed “were declining to nothing.”<sup>cdli</sup> Black students, who made up 88 percent of the student population in Calhoun’s schools, challenged abuse from teachers, physical abuse and threats from school administrators, misuse of school monies, and deteriorating school facilities. Students also accused the district of using racially discriminatory discipline policies and claimed Calhoun’s white teachers, a majority of whom enrolled their own children at nearby, all-white private academies, failed to adequately teach students.<sup>cdlii</sup>

Just few days after their formal complaint, Principal Stokes of St. Matthew’s High School nominated two white students for homecoming queen, exacerbating student anger; in the years following desegregation in Calhoun, a black and white nominee had traditionally served on the homecoming court. On Monday, November 1, the first school day following homecoming, student leaders confronted Principal Stokes at school and demanded an explanation. He refused to comment and called the police.<sup>cdliii</sup> After a week

of continued student unrest, on Friday, November 5, approximately 450 black students boycotted classes and assembled in the school auditorium, taking turns expressing their frustrations and ideas. After several hours of discussion, the students decided to boycott schools until the Calhoun County School Board of Trustees dismissed Principal Stokes and Superintendent Thad Ott.<sup>cdliv</sup> Their protest lasted over two-months and eventually included 1,800 students and 1,200 parents and community activists. The local and state chapters of the National Association for the Advancement of Colored People (NAACP) supported students, who employed direct action and collective protest. Students marched to the State Capitol in Columbia to demonstrate their frustrations, and protestors also held marches in St. Matthews with thousands of participants.<sup>cdlv</sup> The St. Matthews Student Grievance Committee had started what the *New York Times* called the “most serious crisis to hit Calhoun County since the slaves were freed.”<sup>cdlvi</sup>

By demanding an adequate education, black students in Calhoun County exposed the cruelty, indifference, and corruption of Calhoun County’s all-white school board and majority-white administration and faculty, unmasking the deep roots of racial bigotry directed at African American children more than a decade after the Civil Rights Act and twenty years after *Brown*. When local leadership failed to provide Calhoun County students with even a minimally adequate education, students appealed to an authority outside of the local government, including the Governor of South Carolina, James Edwards, and the South Carolina Department of Education. Before the student boycott, the state did little to help students in the district, despite one of Calhoun’s schools losing state accreditation from the state department and several others schools being placed on probation by the state. But when thousands of black parents and students collectively

boycotted Calhoun's schools in 1976, using local, state, and national media outlets to communicate the deplorable state of their schools and the illegal and unprofessional actions of their teachers and school administration, they put immense pressure on South Carolina's Superintendent of Education, Cyril Busbee; Governor Edwards; and the state department to immediately and publicly support students.

Building on continued black student and community protest in South Carolina following the Civil Rights Act, Calhoun student protest provided a final impetus to the state for expanding state regulations in education. While the state had explored and discussed reform in curriculum and education from the early 1970s, in the wake of Calhoun's school boycott, the South Carolina General Assembly passed education legislation regulating almost every component of Calhoun student grievances, including teaching standards and teacher evaluation procedures, curriculum standards, and education finance reform for poor, rural school districts in South Carolina. Calhoun students also secured reform on the local level. Within Calhoun County, the Department of Education monitored and developed new curriculum standards throughout the late 1970s. These changes included new standards regulating academic testing, pupil placement, and curriculum design. Administrators launched new school community programs which empowered students and gave them a voice in the day-to-day operations of their schools, and all schools in Calhoun County developed bi-racial student councils and Parent Teacher Associations. In addition, the South Carolina Department of Education audited district finances well into the 1980s.<sup>cdlvii</sup> It took consolidated protest on the part of black students in rural Calhoun County to secure improved educational

opportunities. As one young participant said, “Black folks got white folks all shaken up now. We can do this thing. All we got to do is stick together.”<sup>cdlviii</sup>



Figure 5.1 Map of Calhoun County

Calhoun County is located about forty miles southeast of Columbia, South Carolina, and fifteen miles northeast of Orangeburg, South Carolina. Turmoil in Calhoun County’s schools dated back to the late 1960s, when the federal government began enforcing desegregation through Title VI of the 1964 Civil Rights Act. In fact, from 1968-1977, the number of white students enrolled in Calhoun County declined 64.1 percent. In 1976, 2,036 black students and 282 white students attended the district’s schools: the smallest percentage of white student enrollment in public schools across South Carolina. Private school enrollment accounted for 14 percent of the county’s

student population: the highest percentage of private school enrollment in the state and more than double the state average.<sup>cdlix</sup>

After St. Matthews' students walked out of school on November 5, 1976, news of the boycott spread. Initially, many parents disapproved of their children's participation and found their refusal to attend school alarming. A majority of parents in the district lacked formal education themselves and saw their children's education as an integral step to personal, economic, and community advancement. Jerome Anderson reported that his mother was "pissed" when she found out her son was not attending school.<sup>cdlx</sup> Confused about why his children participated in the boycott, Leon Howell, met with the Calhoun County Superintendent Thad Ott, who told Howell that "It wasn't nothing to it and don't pay any attention to it."<sup>cdlxi</sup> But despite parental concern, students carried on. When asked about the situation by a newspaper reporter, one St. Matthews student replied "Finally on Friday we said we were taking matters into our own hands and we walked out."<sup>cdlxii</sup> Students understood that the burden to improve County schools was theirs to bear.

In the days following the boycott's initiation, student participants released their list of grievances to the community. Boycotters walked door to door in black neighborhoods handing out fliers and talking to neighbors. They discussed their concerns with the local NAACP President, Frank Keller and spoke with several newspaper reporters about their motives. Criticisms leveled by students varied in nature and degree, but included complaints of abuse from teachers, abuse and threats from school administrators, misuse of school monies, objections about deteriorating school facilities, unfair discipline polices, and general apathy on the part of teachers and administrators regarding student education.<sup>cdlxiii</sup>

Some of the accusations of teacher abuse and neglect, for example, charged that one teacher sprayed three of his students with tear gas for fighting. Lefus Haynes, a student at St. John High School testified that “I was one of three fellows who were fighting outside of the canteen when all of the sudden, Rev. Utany (teacher) ran up and sprayed tear gas in the eyes of the other guys. After he sprayed tear gas, he went back to his classroom. We went to Mr. Funderbrook and told him what happened and he said he could do nothing about it. He wouldn’t even let us call home.”<sup>cdlxiv</sup> Rev. Utany also kept a .38 pistol on his desk to intimidate students.<sup>cdlxv</sup> Another teacher kept whiskey in his desk and occasionally exposed himself to students when intoxicated.<sup>cdlxvi</sup>

When a student kicked Stanley Ellis, a student at St. John Elementary School, in the face, his teacher did not allow him to call home and inform his parents, postponing the medical treatment he eventually received.<sup>cdlxvii</sup> Stanley’s father, Tom, reported “My son, a fourth grader at St. John Elementary School, received eye injuries from a kick in it by another youngster. No one at the school made any effort to get him to a doctor. Stanley’s eye was swollen shut. He came home on the school bus that evening as usual.”<sup>cdlxviii</sup> Teachers also ignored eighth grade student Mary Ellis’s injury, which she received in class. She explained, “In August 27, 1976 at St. John High School I was kicked in the stomach by Henry Lee Tollier, after which I passed out. Some girls picked me up off of the floor and took me to the restroom, where I waited until my mother came. At the time I was kicked, I was in Mrs. Bonnaparte’s classroom. She didn’t assist me in any way nor did she or Mr. Funderbrook call my mother to tell her I was hurt in school. Another student called my mother and told her I was kicked and had passed out.”<sup>cdlxix</sup>



Students also criticized teachers for charging unauthorized fees. According to several affidavits taken by lawyer Franchot Brown, some teachers charged students to sit near windows or chew gum, allegedly keeping the money for themselves.<sup>cdlxx</sup> Another teacher charged students to watch a film that they were later tested on, even if students could not pay to watch it.<sup>cdlxxi</sup> Students also complained of teacher apathy towards students and curriculum. Hyiott Ulmer, for example, testified that her daughter, Monica, paid to attend a fieldtrip in Orangeburg where students were supposed to watch a film. Instead, teachers dropped Monica and her classmates off at a fast-food restaurant the entire school day.<sup>cdlxxii</sup> Students insisted that those who qualified for special education did not receive state mandated services and many teachers ignored students who needed extra help with their studies. One parent, Ted Gray testified that though his daughter had qualified for special education in 1975, St John High School had still not serviced her or placed her in special education classes by December 1976.<sup>cdlxxiii</sup>

Black students frequently faced unfair disciplinary action, suspension, and expulsion for inadequate cause. Students who were tardy or absent, even with parental excuses, spent their days cleaning bathrooms and floors as punishment. Teachers forced Louise Plush, a ninth grader at St. John High, to clean bathrooms for an entire school day because of an absence. Principal William Funderbrook locked Debbie Robinson, an elementary student, in a small bookroom with no windows for several hours because her sister complained to Principal Walter Funderbrook that a teacher jerked Debbie out of line. She explained, “My sister Cathy went to the Principal about it and he said that he didn’t want to hear it and for me to come with him. He put me in the bookroom which has no windows and told me to stay there until he got back, which was all day.”<sup>cdlxxiv</sup>

Jerome Anderson objected that his Family Living teacher gave a test on material that was not covered in class. In response, his teacher escorted him to the Principal who suspended him three days for being rude.<sup>cdlxxv</sup>

Students also complained of theft and misuse of school funds. Despite paying large book fees, many students across the district never received textbooks. Dolores Clover, teacher at St. John Elementary, testified that students in her math classes had no textbooks or old textbooks on the wrong level.<sup>cdlxxvi</sup> Mary Wright affirmed that in 1974-1975, “my children kept coming home without any books even though I had paid the book fees. Several months elapsed and they still hadn’t been issued their books and I was told this was true for all classes in all grades at Bethlehem Elementary.” When Wright went to talk to Mr. Ott, he told her that “it was just a mixup and he didn’t know why we were there because we were already told it was a mixup.” She claimed that “Mr. Ott at all times displayed a nasty attitude and spoke to us as though we should not be concerned about our children’s education.”<sup>cdlxxvii</sup>

According to students, Walter Funderbrook, Principal at St. John High School, allowed students to wear anything they wanted, disregarding the dress code, if they paid him money. Funderbrook paddled or suspended students if they did not have any money and broke the dress code. Student Elnora Clover explained, “On May 1, 1976, Mr. Funderbrook made an announcement concerning the school dress code. He stated that a student could wear anything he wanted to wear providing that they paid a fee of .50 to the homeroom teacher and the homeroom teacher was to turn all the money over to Mr. Funderbrook. Mr. Funderbrook’s rule change was hard for students to adjust to so a lot of them were suspended or beaten with a paddle.”<sup>cdlxxviii</sup> In addition, administrators

mandated that all students must purchase school insurance policies. Those who did not received threats from both teachers and principals. Walter Funderbrook, for instance, told Roger Darby “he would lock me and my sister in a room until we paid.”<sup>cdlxxxix</sup>

Deteriorating school facilities triggered additional student unrest. Many buildings had holes in the floors and ceilings and recurrent floods and water accumulation in bathrooms. Termite damage destroyed several walls in one of the county’s elementary schools without repair. Harold Carson, a community leader, attested that John Ford Middle School had deplorable conditions. After a visit, he reported “The first thing that came to mind was the poor lighting in the hallways. It reminded me of walking through an alleyway after dark. The paint on the walls was not easy to identify through the smudges and accumulated stains. The floors and windows were worse than the staircase leading to a major subway.” He went on to say that the “chairs in the gymnasium were hardly big enough for a first grader to sit on comfortably.” And when he approached the bathroom, he found that “the terrible odors from the stools and urinals were unbearable. There were beer cans, cigarette butts, and a lime looking substance all over the place.”<sup>cdlxxx</sup> The State Department, upon inspection, banned the use of the locker room.<sup>cdlxxx</sup>

Celesteene Wannamaker, a mother of two children attending Bethlehem Elementary School, went to the school in April of 1976 to take her daughter a change of clothes. When she arrived at the school, Wannamaker and her daughter went to the bathroom and found the restroom floor covered in water. She contacted Superintendent Ott about the situation, who said “Like I told that boy that called before, when we get water out there, you’ll have water.”<sup>cdlxxxii</sup> Flooding issues continued.

The local NAACP office supported Calhoun's boycott from its inception. Boycotting students worked in conjunction with Frank Keller, the President of the County NAACP, to communicate their frustrations and garner community support. Keller and his wife Rebecca, who served as secretary for the county organization, talked with parents and organized meetings to impress upon parents the seriousness of their students' actions. In addition, Oscar Means, the head of the Education Committee for the Calhoun County chapter of the NAACP and a former teacher and New York social worker, began to rally the public, expanded a Parent Organization called the Concerned Citizens Organization of Calhoun County (CCO) and worked with South Carolina NAACP field representative, Isaac "Ike" Williams to build a case against the local school administration.<sup>cdlxxxiii</sup> In the meantime, many students met daily at an old Masonic Hall in St. Matthews to study and continue their school work, which quickly stressed to their parents and community the seriousness behind their actions. And momentum built. Just a few days after the boycott's commencement, it included over 80 percent of African American students from the five elementary and two high schools across the county.<sup>cdlxxxiv</sup> Importantly, students initiated and directed this boycott, who even after the state NAACP got involved, and after parent and community involvement, retained a voice in its direction, its demands, and its end.



Figure 5.2 Picture of students studying at an abandoned Masonic Lodge in Calhoun County during the boycott.

NAACP activists cultivated statewide awareness of the growing student movement by publicizing the student boycott and grievances and exerting pressure on the South Carolina State Department of Education and members of the South Carolina legislature. Williams, Keller, and Means understood that support from outside rural Calhoun County was integral to meaningful change in their County's schools. By November 11, only three days into the boycott, NAACP leaders spoke with State Superintendent of Education Cyril Busbee, and met with State Senator Marion Gressette, who chaired the State Segregation Committee from 1951-1966 and continued to be a powerful Senator on the Senate Education Committee, and State Representative John Felder, both representing Calhoun County, to discuss possible solutions to student and

community discontent.<sup>cdlxxxv</sup> Williams purposely targeted Gressette, telling one group of protestors, “With the kind of power he has at the State House he ought to be able to handle problems in his own county’s schools. If he don’t help out his constituents then he may be looking for another job after the next election.”<sup>cdlxxxvi</sup> The rallying point for students and NAACP leaders quickly became the dismissal of Thad Ott, Calhoun County Superintendent, William Funderbrook, Principal at St. John’s High School, and Ernest Stokes, Principal at St. Matthews High. NAACP leaders and protesting students held firm that the boycott would not end until the School Board of Trustees dismissed the three administrators.<sup>cdlxxxvii</sup>

### **White Resistance to School Desegregation Before the Boycott**

Unrest in Calhoun County’s school started in 1965, when the federal government, under the 1964 Civil Rights Act, began regulating desegregation efforts in public schools through the Department of Health, Education, and Welfare (HEW).<sup>cdlxxxviii</sup> Prior to desegregation, Calhoun County divided its schools into two school districts: St. Matthews District 1 and Cameron District 2. In 1965, HEW found both districts out of compliance with federal desegregation standards.<sup>cdlxxxix</sup>

In 1965, St. Matthews District 1 operated a completely dual school system based on race.<sup>cdxc</sup> In response to HEW’s demands to integrate their public schools, St. Matthews Board of Trustees implemented a Freedom of Choice Plan, which it continued using until total desegregation in 1970.<sup>cdxci</sup> Freedom of Choice plans technically allowed children within segregated school systems to attend the school of their choice, mostly providing for the transfer of black students into majority white schools. But Freedom of Choice

Plans put the burden of transfer on African American families, and usually required black students to find their own transportation to school. In addition, school boards routinely denied black students acceptance into white schools based off of technicalities in their applications. For the most part, Southern school districts employed Freedom of Choice plans as a ruse to maintain segregation while retaining federal aid. In 1965, St. Matthews 1 allowed 16 black students, of the 25 who applied, to attend previously all-white schools in the district.<sup>cdxcii</sup> Black transfers remained a small percentage of student enrolment at St. Matthews High until 1970, when the U.S Fourth Circuit of Appeals required all South Carolina school districts to totally desegregate.<sup>cdxciii</sup>

Cameron District 2 had a different trajectory than St. Matthews 1. In 1965, Superintendent of Cameron Schools, JP Dufford, turned down federal funds in order to maintain segregated, dual school systems, a choice he defended as being in “the educational interests of the students.”<sup>cdxciv</sup> By 1968, in financial stress, the district did accept federal funds but shut down its white school in lieu of desegregating. White parents sent their students across district lines to the still largely segregated St. Matthews District 1, or to private schools. By the 1968-1969 school year, the Cameron District’s student population was 100 percent black. Cameron still paid to maintain an all-white school board and administration that created offices at the empty, previously white, St. John High School.<sup>cdxcv</sup> In 1969, the General Assembly approved a ten million dollar tax refund to white residents of Cameron school district who attended private schools. This cut ignored the fixed cost for school operation and it soon became impossible to properly maintain Cameron’s facilities. In addition, the millage rate, the amount per thousand dollars that is used to calculate property tax for school support, was lowered over a four-

year period from a high of 54 mills in 1967 to a low of 44 mills in 1970.<sup>cdxcvi</sup> By 1976, only one school in the state had a lower millage rate than Calhoun County.<sup>cdxcvii</sup>

In 1974, the county's legislative delegation, headed by Senator Marion Gressette, decided the county was too small to maintain two separate school districts.<sup>cdxcviii</sup> The State Department of Education approved a merger, which soon created a consolidated Calhoun County School District 1. In the midst of the merger, signs of a growing solidarity emerged in the black community. Many African American parents and activists met with the Calhoun County School Board and insisted that school board officials for the newly structured district be elected from single member districts within the county and opposed their current at-large system. Black residents argued single member districts would be the only way to have a fair electorate among the school board and to ensure that black voting strength would not be diluted. But the consolidation legislation opted for at-large elections.<sup>cdxcix</sup> Later in 1974, the General Assembly passed the legislation.<sup>d</sup>

Parents objected and took their complaints to the federal Department of Justice (DOJ), where they argued that the at-large election mechanism was racially discriminatory. While the DOJ eventually sided with the black petitioners, by the time a new electoral plan was implemented, it was already the middle of 1976 and problems in the County's schools were so serious that students had little hope for change. Even the 1976 elections, which employed single member county elections and took place right before the boycott began, resulted in a 6 member school board with only 2 African American members, despite the fact that 6 black candidates campaigned.<sup>di</sup>

Only 48 percent of the eligible black population of Calhoun County registered to vote in 1976. When asked about the lack of black voting strength in Calhoun County by



the *New York Times*, community activist Helen Carson replied, “It’s hard to pin down but we get things like reports of people being run off their farms where they’ve rented all because they voted. The South isn’t the political promise land yet”<sup>dii</sup> As a result, many parents remained locked out of the management of their children’s schools. Only through the power of the students did an effective movement emerge. Rebecca Keller, NAACP secretary stated “that it was the students who brought everyone together.”<sup>diii</sup> Community members challenged unjust school policies before 1976, but never with such collective force.

### **The Boycott Continues**

Once the boycott commenced, the South Carolina Department of Education pressured Superintendent Ott to negotiate a settlement with students. Ott, who was in his twenty-ninth year with the District and employed both his wife and daughter in his office, did not report the boycott to the State Department of Education and continued to collect money for student attendance and school lunches. The Office of Technical Assistance, a section of the State Department of Education, questioned this behavior, but Ott claimed that he wanted to ensure there was enough food and cafeteria staff to accommodate students when they returned to school. It seemed Ott did not realize the urgency or gravity of the boycott.<sup>div</sup>

But by mid-November, the student movement gained strength. The same day Ott spoke to the State Department of Education, a rally including over 500 community members, took place at the First Baptist Church of St. Matthews. Building on the student rallies that were held since the beginning of November, this event included parents and

activists. So many attended the rally that the church could not accommodate everyone; people packed into the church pews, stood in the aisles and doorways, and crowded the walls. According to newspaper reports, a young man opened the rally by proclaiming, “Your children are tired. Something is going on in Calhoun County. Black folks got white folks all shaken up now.”<sup>dv</sup>

After he spoke, Oscar Means and Ike Williams, field representative for the NAACP, rallied the crowd. Williams told parents, “Today we heard from the lieutenant governor’s office, the Superintendent of Education’s office, Mr. Gressette’s office, Representative Felder’s office. They weren’t concerned with the problems of your school when you were in school. And do you know why? They don’t like all this attention.”<sup>dvi</sup> Williams knew that the post-Jim Crow political terrain, in addition to tightening state and federal education standards provided the community with an opportunity to transform Calhoun County Schools, and the large amount of protesters gave weight to the movement. Indeed, before the boycott, the County failed to meet standards set by the State Department of Education. By 1976, three schools in the County faced probation from the South Carolina Department of Education, and one school, Guinyard School, lost its accreditation from the State. Causes listed by the Department of Education included inadequate school facilities, uncertified teachers, insufficient course offerings, and teacher overloads. The State, however, took little action to encourage the school board and administration to improve.<sup>dvii</sup>



Figure 5.3 Picture of Oscar Means (left) and Issac Williams (right) during a rally at Bethlehem Methodist Church, November 1976

A 1976 South Carolina Department of Education report on Bethlehem Elementary School in Cameron reported that the school needed the ceiling replaced due to water damage, new chalkboards and bulletin boards, replacement of termite damaged areas, shelves, door frames, and replacement of missing and worn floor tiles. It also reported that the music room needed “A secure covering of the hole in the floor,” in addition to restrooms and carpet for kindergarten classes. Lastly, it called for the “removal of the burned portable wall,” and a new roof. The Lower Savannah Regional Planning and Development Council, an organization that investigated South Carolina school districts, completed a study regarding Calhoun County schools for the state in January of 1973. It found that the district needed to expand its curriculum and vastly improve its facilities. In short, it concluded, “the school system is not meeting the needs of the majority of its students.”<sup>dviii</sup> Despite reports, the district made no changes.

The South Carolina Community Relations Program (SCCRP), headed by the American Friends Service Committee, a Quaker organization that worked for civil rights activism, also reported problems in years preceding the boycott. They recounted incidents of mishandling of funds and low student performance in the county. During the boycott, one SCCR field worker blamed the problems in Calhoun County on “a whole series of weak administrators surrounding themselves with weak principals.”<sup>dx</sup> He argued that racism and white disinterest in this school system by the majority white school board and majority black school population produced a subpar learning environment.<sup>dx</sup>

Throughout November and early December students and parents employed direct action and collective protest by participating in marches and rallies; students even marched to the State Capitol in Columbia to demonstrate their frustrations.<sup>dx</sup> Other marches were held in St. Matthews with thousands of participants.<sup>dxii</sup> They received national attention from the *New York Times*, *Baltimore Afro-American*, and newspapers across South Carolina. And as Williams mentioned in his rally to parents, problems that plagued the district for years were finally being addressed.

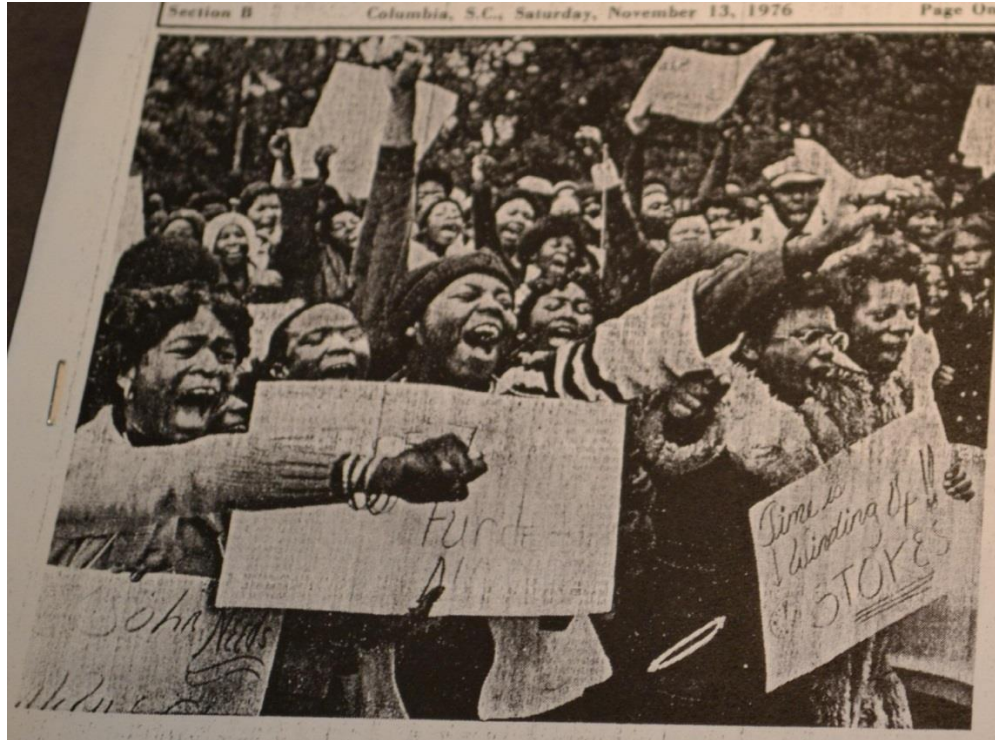


Figure 5.4 Picture of Protest in St. Matthews on November, 12, 1976

The Calhoun County NAACP hired the Columbia lawyer Franchot Brown to represent boycotting students. Brown, who still works as a labor and employment lawyer in Columbia, negotiated with the State Department of Education, School Board of Trustees, and gathered affidavits from students, parents, and teachers. To address student accusations, especially in the continued solidarity of the boycotters, the State Department of Education in conjunction with Senator Gressette and Representative Felder, nominated a six member, bi-racial Special Investigative Fact Finding Committee. Initiated on November 24, the Committee investigated the truth behind student grievances. Dr. Amelia Roberts and W.J. Clark co-chaired the Committee and decided to meet with parents and students of St. Matthews High and St. Johns High before speaking with the accused administrators.<sup>dxiii</sup>

On Wednesday, December 1, committee members met with students and parents at St. Johns High School who discussed their grievances for over two hours. Two days later, the fact finding committee met with parents at St. Matthews High. Students presented an “Ad Hoc Committee to Evaluate Grievances of Students, Parents, and Citizens of the Calhoun Co. School District,” which contained six pages of grievances. Students and parents talked openly about their frustrations. Some of the specific grievances stated that the Principal refused to share factual information about the school program to students/parents, disciplined students unjustly for identical acts according to race, disrespected students, refused to present financial reports to students, and that Stokes even watched a teacher “run students down, choke, and hit them because they referred to a teacher as “George.”<sup>dxiv</sup> Students and parents again called for the dismissal of Ott, Funderbrook, and Stokes, and broader school reform to address their other complaints.<sup>dxv</sup>

After initial evaluation of the situation, meeting with parents, students, and administrators, and looking at the facilities, the Fact Finding Committee thought it would be best for the Board of Trustees to temporarily relieve the three accused administrators of their duties with pay until the investigation was complete. They expressed this statement both verbally and in writing, but the Board of Trustees disregarded the recommendation and left the administrators in their positions. In the meantime, boycotting students and the NAACP strengthened their position. On December 11, Ike Williams and Oscar Means met with Governor James Edwards at the Governor’s Mansion in Columbia. Coincidentally, State testing score reports circulated right after the

meeting which reflected Calhoun County to be below both state and national levels for academic achievement.<sup>dxvi</sup>

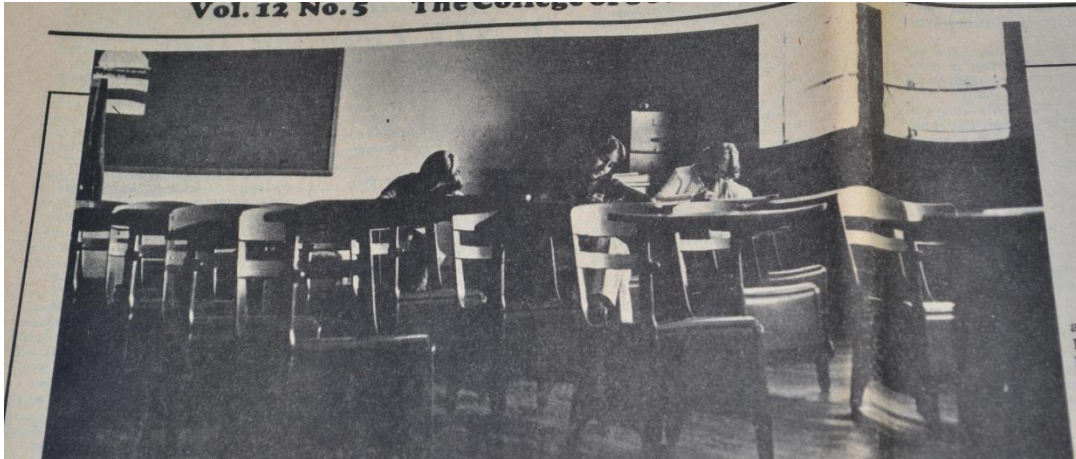


Figure 5.4 Picture of St. Matthews High School classroom in the midst of the boycott on December 3, 1976.

As the student movement progressed, divisions between the students, parents, lawyer Franchot Brown, and NAACP representatives emerged, particularly regarding how and when the boycott should end. The School Board of Trustees and State Department of Education put students under an immense amount of pressure to return to school, and students feared being held back, losing scholarships, and not graduating. Jerome Anderson, for example, was being recruited to play basketball by several Division One schools prior to the boycott. The St. Matthews basketball players were State Champions during the 1975-1976 school year, and Anderson received a lot of attention for his athletic ability during high profile games. When the boycott started during the 1976-1977 basketball season, recruiters no longer wanted Anderson on their college teams. In fact, Principal Stokes threatened to give Anderson bad recommendations because he participated in the boycott.<sup>dxvii</sup>

This immense amount of pressure affected students, who began to doubt the possibility of all their grievances being met. Ike Williams and Oscar Means, however, insisted that the boycott would not be successful, and therefore should not end, until the School Board fired William Funderbrook, Ernest Stokes, and Thad Ott. On December 22, Williams and Means told the press that “the boycott will not end until Ott and Stokes are removed.”<sup>dxviii</sup> They went on to say that the community would prefer the new principal and superintendent to be black. But other black participants in the negotiations disagreed and told the press that “a lesser concession by the school board, such as changes in policy, clear cut instructions to the superintendent and formal standards for student rights, might be enough to get the blacks back in school.”<sup>dxix</sup> Franchot Brown doubted the legal grounds behind such an administrative dismissal, but Means and Williams kept his opinion from students.<sup>dx</sup>

According to the *Spartanburg Herald Journal*, Means and Williams and Governor Edwards discussed the firing of the administrators for the majority of their December meeting. While the governor told reporters that “he intended to utilize the good offices to try to effectuate a solution, the problem was not that people disagreed about their (the administrators) dismissal, but the legal justification behind it.” He went on to say that “the three administrators surely deserve due processes of law.” Edwards told the press that “it may have to be taken to the courts to finally resolve the situation,” and that he planned to set up meetings with the three administrators and with the Board of Trustees in Calhoun County. In the meantime, he urged students to return to school.<sup>dxxi</sup>

Governor Edwards also invited the Fact Finding Committee to the Governor’s Mansion to hear their initial findings. In addition to the Committee, the Lieutenant



Governor of South Carolina, Brantley Harvey; Educational Aid to the Governor, Roger Kirk; and Jesse Coles, Deputy State Superintendent all attended.<sup>dxxii</sup> The governor urged the committee to work quickly and report its findings by January 5, when school for the new semester started.<sup>dxxiii</sup> He told reporters that while he did not have the legal authority to settle the boycott, he would use “the persuasive powers of my office to do whatever I can.”<sup>dxxiv</sup>

By the beginning of January, the Special Investigative Fact Finding Committee reported its findings, which overwhelmingly supported the boycotting students. The Fact Finding Committee found that The School Board of Trustees had no developed set of written board policies to guide administrators in administering of schools. Stating that the Board was in desperate need of policy guidelines, it urged the district to join the State School Board Association and publish a codified set of guidelines, going on to say that “the Board was accountable to the tax payers and needed to become deeply involved in the total school endeavor.”<sup>dxxv</sup> In addition the committee asserted that parents and students had too few lines of communication with administrators. No Parent Teacher Association existed and the Fact Finding Committee recommended that parents needed to be given a voice and treated with more respect. Committee members ruled that there was a shortage of black professional persons in the County, and that the Board of Trustees should use Affirmative Action to fill upper echelon professional positions in the district.<sup>dxxvi</sup>

The Committee also criticized the District for not applying for available federal funds, specifically the Emergency School Aid Act (ESAA). Under the authority of ESAA, federal financial assistance was granted to meet the special needs of

desegregating school districts, particularly those with large African American populations. Legislators designed ESAA to encourage the voluntary elimination, reduction, and prevention of segregation and to aid minority school children in overcoming the educational disadvantages they faced. In order to get ESAA funds, however, school districts had to follow strict standards that reflected sincere efforts at integration. The Fact Finding Committee suggested that the district hire a federal project manager with grant writing experience to apply for ESAA funds, in addition to other state and federal monies.<sup>dxvii</sup>

Administrative behavior did not escape the Fact Finding Committee's critique. Committee Members testified that Ernest Stokes used "extremely poor judgment," as an administrator and specifically critiqued him for allowing two white homecoming queens to be selected among a majority African American population. Committee members recommended from that point on that the homecoming queen, student council, and other student elections be selected by the student body, not picked by the school administrator. In addition, the Committee recommended that Funderbrook be charged with a misdemeanor for collecting illegitimate student funds. The Committee mandated that an auditor be assigned to the schools in the district to audit all school funds and fee collection. They recommended that books, uniforms, and other school supplies be given to students without charge. Lastly, the board stated, "It is strongly recommended that the Board of Trustees assign Thad Ott, Mr. Ernest Stokes, and Mr. Walter Funderbrook to special tasks, and temporarily reassign them from their present positions until these tasks have been completed and the Board has made a complete assessment of all data

concerning the district provided to them. Time should be allowed for the three men to answer to the charges placed against them in the affidavits.”<sup>dxviii</sup>

On December 22, in response to the Fact Finding Committee’s report and under pressure from the State Department of Education, the Calhoun County Board of Trustees granted some concessions to boycotters and amended many County school policies. Every administrator had to attend a two week-long state leadership training program at the State Development Center. The conference, developed by the South Carolina State Department of Education, emphasized curriculum development, human relations, and the benefits and ways to access Emergency School Aid Act funds.<sup>dxix</sup> The Board of Trustees agreed to encourage Parent Teacher Organizations and to write a set of guidelines in conjunction with the State School Board Association. Despite these changes, Ott, Stokes, and Funderbrook remained in their previous positions as Superintendent, Principal of St. Matthews, and Principal of St. Johns, respectively.

Unhappy with the three administrators retaining their jobs, the Concerned Citizens Organization of Calhoun County petitioned the School Board to make further changes. The group suggested that Ott, Funderbrook, and Stokes be suspended pending a hearing before the Board of School Trustees. The CCO requested the right to suggest the administrative substitutes used to replace those at the State Development Center. The CCO also demanded that a bi-racial student group be created to encompass a discussion of student school problems generally, and that the group’s membership be comprised of students from each of the County’s two high schools.<sup>dx</sup>

As negotiations between the Board of Trustees and CCO continued, State Superintendent of Education, Cyril Busbee interceded in an effort to quickly end the

boycott: he wrote a letter to the School Board of Trustees, which made it clear that he was in communication with the CCO, and suggested that the Board do a formal hearing addressing the grievances of students. He stated, “I have had conversations with Superintendent Ott, Principals Stokes and Funderbrook, with Senator Gressette and Representative Felder, and yesterday with your Concerned Citizens group who were accompanied by Attorney’s Franchot Brown and Hemphill, Busbee stated. “I promised the Concerned Citizens group that I would encourage you and your Board to hear their charges against the school system, including against individuals therein. I am very much interested in seeing this near two-month old boycott ended and a strong public school system established in Calhoun County. “<sup>dxxxii</sup> Following Busbee’s letter, the Board of Trustees agreed to the bi-racial student group and promised to honor the CCO’s suggestions as to who should fill-in for the nine school administrators while on assignment to the State Department of Education’s Leadership Development Center. But in a letter to the CCO, the Board refused to dismiss any administrator, claiming “such action is beyond the pale of tolerance and good sense; and this Board of Trustees will have no part of it.”<sup>dxxxii</sup>

The Board of Trustees’ response caused a rift among students, parents, and NAACP leaders. Students started to doubt the possibility of the administrative dismissals, while NAACP leaders grew more adamant about their importance. Like the Board of Trustees, lawyer Franchot Brown questioned the legality of what the CCO and boycotting students were asking for, and by early January urged students through Means and Williams to take lesser terms. Brown believed that South Carolina law protected the administrators from being summarily dismissed, regardless of student accusations, but

boycotting students never received his advice. When Brown realized his opinion was being blocked from the students he represented, he resigned. He told the press that he “could not, in good conscious continue to represent students in legal counsel.” Means, frustrated with Brown and working for a total victory for students, told the press that the “parting was mutual.” He explained, “Mr. Brown told us he had exhausted all avenues on our behalf, so there was no reason to keep him.”<sup>dxxxiii</sup>

While Means and Williams remained confident that administrators could and should be dismissed, students, shaken by Brown’s resignation, disagreed. Students hoped to stay committed to the boycott until all their grievances were addressed, but a large majority of students feared their futures would suffer if the boycott continued. Public opinion also put great strain on students. An article published in *The State*, at the end of December counseled “Now the black boycotters should give the school district a second chance by going back to school. They have successfully focused wide attention on the real deficiencies in the district. They have gotten action in substantial compliance with their demands if their real motive was improved education. A continued boycott would only focus attention on themselves and their unwillingness to compromise in the interest of racial harmony.”<sup>dxxxiv</sup> Students, anxious about the repercussions of a continued boycott, unanimously voted for its end. They returned to school on January 11, 1977, 67 days after the boycott began. The Board of Trustees and South Carolina Department of Education allowed students to makeup all missed schools days, even though conflict between the Board and students forced the State Department to repeatedly intervene throughout Spring 1977 to ensure that students who lacked transportation to make-up classes would be provided with a means to attend.<sup>dxxxv</sup>

When the boycott ended, many students and parents felt their efforts had failed because the School Board of Trustees did not meet their full demands. In order to express their frustrations and continue their activism, the Concerned Citizens of Calhoun County published a newsletter entitled *The People's Voice*, on Feb. 25, 1977. In the issue, student boycotter V. Coulter reflected, "I think the boycott should not have ended for several reasons. My main reason is after we walked out, we said that under no conditions would we go back to school with the same administration. I feel that we had come too far to turn around, and never in our lives would we get this change again- never!"<sup>dxxxvi</sup> Another student, Phyliss Larrimore reflected, "I feel that the students who participated in the Calhoun County Boycott should not have returned to school because they stated that they would not return until their grievances were met and the three administrators relieved of their duties. I believe one should say what he means and be able to accept the consequences whether they are good or bad."<sup>dxxxvii</sup> While Coulter and Larrimore lamented what they saw as an abandonment of the student movement and student power, others disagreed. In fact, many students found the boycott to be immediately successful. Another student quoted in *The People's Voice* affirmed, "What has the boycott done? It has made the board recognize its responsibility to conduct the business of the school system in the manner that it should."<sup>dxxxviii</sup>

Even though the impact of the boycott was unknown on the morning of January 11, 1977, the student activists in Calhoun County had powerfully contributed to a climate of education reform in Calhoun County Schools and other districts around the State. Within Calhoun County, the Department of Education monitored and developed new curriculum standards throughout the late 1970s. These changes included new standards

regulating academic testing, pupil placement, and curriculum design. The State implemented stricter regulations on race ratios in classes so that black students would no longer be academically tracked into lower level classes. Administrators launched new school community programs which empowered students and gave them a voice in the day-to-day operations of their schools. Schools in Calhoun County developed bi-racial student councils and Parent Teacher Associations.<sup>dxxxix</sup>

In addition, the South Carolina Department of Education audited district finances well into the 1980s. After they inspected school facilities in Calhoun, the Department encouraged the Board of Trustees to build a new high school, Calhoun County High School, which incorporated students from St. Johns and St. Matthews. The school opened in 1981.<sup>dxl</sup> Under pressure from the state department of education, no students were suspended, expelled, or held back for their participation in the boycott. And during the academic school year of 1977-1978, the district transferred Ernest Stokes from his position of principal to the new Director of Programs and Administration at the District Office; his primary job was to apply for federal funds for the County. Thad Ott took an early retirement at the end of the 1976-1977 academic year.<sup>dxli</sup>

Community activism continued after the boycott's end. Parents, who fully backed their children's demands, built on gains made during the boycott to carry on battles over school board election, discipline policies, and school facilities. The black community's newsletter, *The People's Voice*, discussed racial injustice in the community and plans for continued activism. Parents renewed their resolve to strengthen African American voting power and vowed to elect a new, more effective school board. Oscar Means, speaking on the behalf of the CCO threatened, "If they-the present members of the board-think they

will be re-elected, they are mistaken. If they stand for reelection, they will never be reelected as school trustees or any other office in Calhoun County.”<sup>dxliii</sup> Students also successfully exercised a larger voice in their schools after the boycott. In an interview in 1978, Means stated, “Parents are taking greater interest in school activities and students are less reluctant to talk to their principals when there is a problem.” In his new position as director of programs and administration, even Ernest Stokes admitted the boycott was effective. “It did awaken the school district,” he reflected.<sup>dxliiii</sup>

By late 1977, as plans were being designed for Calhoun County High School, St. Matthews High received new carpeting, new paint, and new lights. The School Board of Trustees hired more black staff members and faculty. In fact, during the boycott, no black employees worked at the District Office. During the 1977-78 year, the District employed a black director of finance, black supervisor of the federal Title 1 program, and black bookkeeper. The Board of Trustees also hired a more racially diverse administrative staff with two white and six black principals, one white and two black assistant principals, and two black teachers for every white teacher throughout all Calhoun County Schools. Before the student boycott, white teachers and administrators accounted for 85 percent of the teaching and administrative faculty.<sup>dxliv</sup>

Calhoun County’s need for funds from the Emergency School Aid Act contributed to revamped school regulations. In the 1977-1978 school year, Calhoun County applied for ESAA funds but the Office of Civil Rights rejected the county for its lack of compliance to desegregation standards, particularly because of racial segregation within classroom assignments.<sup>dxlv</sup> Through applying for these funds, the county opened itself up to more federal regulation and had to meet more stringent desegregation



standards. Activists still critiqued the system, for instance a year after the boycott, the Calhoun NAACP argued the school district needed to implement black studies courses, but education standards in Calhoun County were markedly improved.<sup>dxlvi</sup>

Not only were Calhoun County schools altered by the boycott, but student protest contributed to a climate of statewide education policy reform. Indeed, Calhoun County's student campaign came at an integral time in legislative decision making on public education. In July of 1976, South Carolina launched statewide education reform in an effort to raise the bar for teachers, standardize achievement goals, and assist impoverished South Carolina school systems.<sup>dxlvii</sup> In the final months of 1976, the State Department of Education organized forums across the state to hash out problems and put forth suggestions for South Carolina's schools. Educators and reformers discussed the limitations of public education in South Carolina at precisely the same time that Calhoun County's boycott took root.

The level of Calhoun County student resolve shook the State Department of Education and further highlighted the needs for regulation of school budgeting, school teaching standards, and disparate funding between counties. Since the *Spartanburg Times*, *The State*, *Spartanburg Herald Journal*, *The Carolina Reporter*, affiliated with the University of South Carolina, *Osceola*, *The Calhoun Times*, and the *Charlotte Observer*, among others, all reported on Calhoun County's protest, the boycott almost certainly weighed in the minds and on the hearts of public education reformers as they discussed problems and formulated suggestions for South Carolina schools.

Legislation that resulted from the 1976-1977 discussions directly addressed many of the problems publicized by the Concerned Students Organization, and centralized and

standardized many aspects of South Carolina education policy. The Education Finance Act (1977), the Basic Skills Assessment Act (1978), and the Educator Improvement Act (1979), altered the very fabric of education in the State. The Education Finance Act (EFA) assured a minimum foundation of educational resources to every child regardless of his or her county residence. Legislators intended the EFA to provide a basic level of support for school operations in all districts and to distribute a larger share of the funds to poorer districts. Before this legislation, students living in wealthy school districts had distinct advantages over those living in districts with small tax bases, which was particularly a problem in Calhoun County, because they lowered their tax rates in the 1970s during desegregation.<sup>dxlviii</sup>

Legislators designed the EFA to ensure that counties contributed an appropriate amount of revenue to their public school systems. The EFA introduced the Defined Minimum Program, which regulated what each state should contribute based off of the proportion of all taxable property located in each district. Districts with a higher property tax base had to provide more money for education than poorer districts. Another regulation presented in this Act was the Weighted Pupil/Base Pupil calculation, designed to determine the funding each district should receive according to the program needs of each type of student. Higher risk students, according to this policy, received more funds in an effort to guarantee equal educational opportunities regardless of location or socioeconomic background.<sup>dxlix</sup>

In addition to the EFA, the General Assembly passed the Educator Improvement Act (EIA), which created the Educator Improvement Task Force, a separate state agency responsible for implementing new teaching standards through the late 1970s and early

1980s. The Educator Improvement Act increased standards for individuals entering the teaching profession and provided for the annual evaluation of contract teachers. Steps were taken to discontinue the use of the National Teacher Examination, which was considered to be racially discriminatory by many civil rights activists. The state restructured teacher certification to include both a state-devised test and annual evaluation system, and the law made tenure for South Carolina teachers more difficult to attain. Prior to the EIA, tenure was granted during the first year of employment in most South Carolina counties and no state system of teacher evaluation existed.<sup>di</sup>

Lastly, the Basic Skills Assessment Act provided for diagnostic testing in specific grade levels to determine and improve skill mastery in reading, mathematics, and writing.<sup>dii</sup> Education legislation in South Carolina continued throughout the 1980s to ensure that South Carolina students obtained a minimum level of mastery in subjects. In fact, by the late 1980s, South Carolina was at the forefront of United States development of public educational goals and national curriculum standards.<sup>diii</sup> While State curriculum standards have been controversial among educators, by implementing these standards, the State aimed to ensure that all South Carolina counties offered students appropriate curriculums, and hoped that situations like what transpired in Calhoun County schools could be avoided in the future. To be sure, designers of South Carolina education reform in the late 1970s instituted many changes in South Carolina education legislation that directly addressed the multiple problems in Calhoun County schools. By boycotting in the midst of education reform, student activists expanded their reach and shaped the future of public education in South Carolina. When the boycott ended, even Governor Edwards wrote to Cyril Busbee that “The solution of the problems of Calhoun County

Schools were perplexing and complicated. The solution was extremely important, not only to the citizens of Calhoun, but to the entire State.”<sup>dliiii</sup>

In 1976, black student activists in Calhoun County risked their futures to fight against a Southern culture and education system still fashioned by Jim Crow policies. The culture of segregation in South Carolina could not be erased by the Civil Rights Act in just a few years, or even a decade. But black students, determined to implement federal civil rights legislation in Calhoun County, convinced parents, community activists, their own administrators, legislators, and state educators that every South Carolina student, regardless of race, deserved a quality education. While the boycott was a victory for the black community, it required sacrifice on the part of many students who forever lost academic and sports scholarships, and parents who lost jobs and underwent threats because of their students’ involvement. Students had to work hard to make-up missed school hours when the boycott was over and swallow their pride as they returned to the same halls as Ernest Stokes and Walter Funderbrook, despite the administrators’ undoubted misjudgment, inappropriate actions, and abuse. But through those sacrifices, students built on the tradition of protest established in 1952 in Clarendon County, South Carolina and continued to demand quality public education and equity for black students in the state. Yet, the fight for quality education for black students in South Carolina was far from over. Two generations later, a group of poor and minority school districts in South Carolina built on the victories of the 1970s protestors and the achievement of South Carolina’s Education Finance Act, to challenge the constitutionality of the state’s public school finance system and demand a minimally adequate education for poor and minority children across the state.

## Epilogue

### ***“They Should March Until Victory is Won:” South Carolina’s Dual Public School System Sixty Years after Brown***

In 1993, 40 of South Carolina’s 90 school districts sued the state because they did not have enough money to provide a quality education for their students. At the time of the suit, *Abbeville County School District v. the State of South Carolina*, minority students constituted almost 90 percent of the total number of students enrolled in the plaintiff districts. 88 percent of those students received free and reduced lunch, an indicator used by educators to judge the poverty level of a school, and 75 percent of plaintiff school districts received unsatisfactory and below average ratings by South Carolina’s Department of Education, compared to only 17.4 percent of schools across the state. While 16 percent of students in South Carolina failed state reading and math assessment tests designed to gauge student achievement, a majority of students in *Abbeville’s* plaintiff districts failed, and their dropout rates reached as high as 67 percent. South Carolina based individual school district funding on local property taxes, creating great ranges in the sources available to districts within the state. In 2009-2010, for instance, local per pupil annual expenditures varied from \$1,593 dollars in Dillon 2 to \$10,018 in Beaufort. Students from wealthy school districts in South Carolina had access to state-of-the-art facilities, highly qualified teachers, and cutting-edge technology; while its poorest school districts struggled to provide students with facilities that had working central heat and air units, functional plumbing, and library books.<sup>dliiv</sup>

The majority of school districts that initiated *Abbeville* are located in South Carolina's rural Piedmont region, stretching from North Carolina down to Georgia on Interstate 95. These communities are some of the poorest communities not only in South Carolina, but in the United States. In Dillon County, one of the eight lead school districts chosen to represent the plaintiff districts in *Abbeville*, 33 percent of residents fall below the national poverty line and the median household income in the county is \$26,668. On average, 22.3 percent of plaintiff residents live below poverty and 29.7 percent of children come from single parent homes. 12.8 percent of residents over the age of 25 in the plaintiff districts have less than a 9th grade education. In 2002, the 8 lead plaintiff communities had 1,450 homes without plumbing, 1,127 homes without kitchens, and over 10,000 homes without phones. Journalists and educators began referring to South Carolina's I-95 region as the Corridor of Shame during the *Abbeville* trial.<sup>dlv</sup>

While many of the rural, majority-black school districts in this region historically ranked as the poorest in the state, desegregation in South Carolina exacerbated the poverty levels of the region's schools. Many white students in majority-black school districts enrolled in private schools, creating a drain on the state's already underfunded public school system. School districts in communities with large private school enrollments faced the obstacle of obtaining the necessary tax increases needed to maintain quality public schools. Parents who paid private school tuition opposed increases in local property taxes and had little invested in their communities' public schools. In 1993, when districts in the Corridor of Shame filed *Abbeville*, 10 percent of school aged children in the plaintiff districts attended private schools, compared to the state average of 7 percent. In some counties, the percentage was much higher. In Lee

County, whose public school student population was 63 percent black, 19 percent of district students attended private schools. 18 percent attended private school in Lee County which had a black public school student population of slightly more than 50 percent.<sup>dlvi</sup>

Throughout the pre-desegregation period in South Carolina, white school districts had lower tax rates than black school districts. Predominantly black school districts, which in general had less property-wealth than white districts, set a higher tax rate than white districts to overcome the revenue deficiencies caused by property wealth. Community leaders taxed local property more heavily because funds supported the segregated system. As gradual desegregation began to occur, this relationship reversed. Beginning in 1967-1968, higher tax rates shifted to districts with higher populations of white students. Despite lower levels of property-wealth, authorities in predominantly black districts stopped setting above-average tax rates. Instead, they kept tax rates relatively constant, while tax rates in more heavily white districts increased. After 1970, differences in tax rates between black and white districts became very pronounced; rates in predominantly white districts increased by over 20 mills, while tax rates in majority black districts increased by only 7.5 mills. By 1979, majority-white districts taxed at a rate of approximately 28 mills more than majority-black districts.<sup>dlvii</sup>

Decreased enrollment also diminished the funds available to local districts because federal and state education departments based school district funding on average daily student attendance. Many school boards in majority-black school districts, like those in Bowman, Dorchester, and Calhoun counties, often supported all-white private schools in their communities and neglected their own public schools. The loss of public

school support among affluent white residents in communities across the state proved detrimental. In 1970, the American Friends Service Committee (AFSC) completed a study that found a definitive correlation between majority-black school districts in South Carolina run by school officials supporting the private school movement and districts that scored poorly in state accreditation. These districts provided poor individually guided and special education opportunities, usually had no PTA affiliation, and failed to implement compulsory attendance laws, contributing to reductions in daily average attendance funds. The AFSC listed Orangeburg School Districts 2, 3, and 7; Sumter 2; and Barnwell 19 and 29 as examples of failing majority-black schools in its study. All of these districts, except Sumter 2, filed suit against South Carolina in the 1993 *Abbeville* case.<sup>dlviii</sup>

Judge Thomas Cooper first heard *Abbeville* on July 3, 1995 at the Clarendon County Court House in Manning, the same location that Thurgood Marshall tried *Briggs v. Elliot* in 1952. *Briggs* later became one of the five landmark cases that culminated into *Brown vs. Board of Education of Topeka Kansas* (1954). The hearing in Manning took one day, but Judge Cooper's decision took over a year to deliver. In 1996, Cooper ruled that the South Carolina constitution did not mandate that the same educational opportunity be provided in each school district, ruling in favor of the state of South Carolina.<sup>dlxix</sup>

In response, plaintiff superintendents filed a claim with the South Carolina Supreme Court, who heard the case in 1997. The state Supreme Court ruled that while the state's constitution did not guarantee each child an equal education, that it did guarantee a standard for a "minimally adequate education." Before remanding the original case back to the circuit court to be considered again, it defined the standard "to include providing



students adequate and safe facilities in which they have the opportunity to acquire: the ability to read, write and speak the English language, and the knowledge of mathematics and physical science; a fundamental knowledge of economic, social and political systems, and of history and governmental processes; and academic and vocational skills.<sup>dlx</sup> As a result, Judge Thomas Cooper retried *Abbeville* again in 2003, but a year later he ruled that the state provided a minimally adequate education to all students in South Carolina. His ruling found the state to be at fault only in early childhood education, and directed the state to fund early childhood intervention programs to satisfy constitutional requirements under the “minimally adequate” standard. During the trial, Cooper denied the plaintiffs the ability to discuss race as a contributing factor for the state’s inequities.<sup>dlxi</sup>

Cooper’s ruling dissatisfied both the state and plaintiff districts who both filed motions to get the court to change its 2006 order. Cooper denied those motions in July 2007. The following month, plaintiffs appealed Cooper’s decision to the state Supreme Court. In turn, it heard oral arguments on June 25, 2008, but never reached a decision. In 2012, South Carolina’s Supreme Court heard the case again, but has not yet provided a verdict.<sup>dlxii</sup>

More than twenty years after the original filing of *Abbeville*, an entirely new generation of students in the Corridor of Shame is awaiting a decision for the *Abbeville* suit. With little industry, tourism, or economic growth, and generations of parents and students who never had access to quality education, students in the Corridor have little hope for a more promising future. The 2006 documentary film *Corridor of Shame* drew nationwide attention to the poverty of the region’s schools, even prompting President

Barack Obama to visit the then-111-year-old J.V. Martin Middle School in Dillon during his 2008 presidential campaign. But little has changed for students in the region since the 1993 suit began. Since the original trial started, several school buildings in the Corridor have literally collapsed on children during school hours, over 50 percent of students continue to fail state exams and drop out of the *Abbeville* districts before graduating, and districts continue to turn away at-risk pre-Kindergarten students because they do not have the funds to support early childhood education, despite Cooper's 2006 ruling.<sup>dlxiii</sup>

Even though *Brown v. Board of Education* (1954) outlawed dual public school systems based on race, another dual system evolved in South Carolina after *Brown's* passage: one with districts that enrolled a majority-white student population with great resources and wealth, and another that had majority-black student populations and few resources available to provide quality education for their students. Sixty years after *Brown* and fifty years after the Civil Rights Act and Lyndon Johnson's War on Poverty, poor and minority students in South Carolina still lack a public education on par with many white and more affluent students in the state.

The origin of education finance reform in South Carolina and throughout the nation was closely tied to school desegregation in the late 1960s and early 1970s. Early finance litigation cases in the late 1960s built on the legal argument, established in *Brown v. Board*, that public education should be equal to all students and that states had an obligation to make education equal on all terms in accordance with the Equal Protection Clause of the United States Constitution. Many civil rights advocates argued that racial discrimination caused the inequities in school district resources, reasoning that state

funding formulas typically produced higher funding levels per pupil in predominantly white school districts than minority school districts.<sup>dlxiv</sup>

In 1971, the California Supreme Court supported school finance reform in *Serrano v. Priest* and challenged the inequities created by the U.S. tradition of using property taxes as the principal source of revenue for public schools. The Court ruled that wide discrepancies in school funding based on local property wealth represented a denial of equal opportunity for students in poor districts. States around the South, including South Carolina, rushed to examine their own school finance formulas in the aftermath of *Serrano*, but in 1973, the US Supreme Court, in *San Antonio Independent School District v. Rodriguez*, struck down a constitutional guarantee of school finance equality, arguing that inequitable school funding formulas did not violate the US constitution's equal protection clause. The Court argued that poor children in Texas received a minimum education, even if it was inferior to the education offered in wealthier districts.<sup>dlxv</sup>

After *San Antonio v. Rodriguez*, advocates of school finance shifted their argument to a state level, arguing that funding formulas violated state constitutional provisions, in part, because all state constitutions had provisions providing for a free public education, unlike the United States constitution. Court cases around the country developed challenging state educational provisions; 45 out of 50 states passed school finance reform by the late 1970s. In 1975, for instance, the New Jersey Supreme Court ruled in *Robinson v. Cahill* that equal opportunity for education should be provided but should be judged as the attainment of equal achievement levels, not the amount of money schools received to operate. In 1978 in New York, a group of property-poor school districts, joined by the five large urban New York districts, filed *Levittown v. Nyquist*, to

challenge the state's education finance system. In its 1982 decision, New York's Supreme Court ruled that while substantial inequities in funding did exist, the state constitution did not require equal funding for education. However, the court also held that the state constitution guaranteed students the right to the opportunity for a "sound basic education."<sup>dlxvi</sup>

National school finance reform prompted an examination of South Carolina's system for financing education. Governor John West, who campaigned on reforming the state's struggling public school system in his 1970 gubernatorial election, asked the South Carolina General Assembly in 1972 for a special committee to study the possible implications of such court decisions as *Serrano* and *Rodriguez* in public education. When West took office in 1970, the state's public education system was in demonstrably bad shape. In 1972, South Carolina's student population ranked as ninth largest in the United States, with 26 percent of South Carolina's population of school age. But its public schools were chronically underfunded, and the state suffered from staggeringly high dropout rates. In 1969, the state's dropout rate fell below 50 percent for the first time in the state's history. Per pupil expenditure in South Carolina ranked below most states and was 25 percent under the national average. In 1971, teacher salaries were also 25 percent under the national average and fell 10 percent below Georgia and North Carolina, South Carolina's neighboring states. South Carolina's teacher salary ranked 44 in the United States. The University of South Carolina reported that 54 percent of its teacher graduates left the state for higher pay and of those that stayed, 13 percent left the profession each year in the state due to low pay.<sup>dlxvii</sup>

A root of the problem for South Carolina was its inefficient tax structure. In 1971, South Carolina collected \$41 per capita in taxes, only 1.3 percent of personal income, against a national average of \$69. Sales tax on the other hand was very high and the ninth highest in the nation. In addition, South Carolina was only one of three states with an assessment average of under 10 percent; its average assessment of real property was only 5.8 percent, making South Carolina the state that received the least amount of local property tax revenue in the nation. The broken tax system, the private school movement, and white resistance to desegregation impacted the entire public system in South Carolina, making education reform a top priority for the Governor and General Assembly in the early 1970s.<sup>dlxviii</sup>

Many civil rights organizations including the South Carolina Conference of the National Association for the Advancement of Colored People (NAACP), the League of Women Voters, the American Friends Service Committee (AFSC), and the American Civil Liberties Union (ACLU) formed the Citizens Coalition on South Carolina School Financing in an effort to reform the state's school funding system, arguing that South Carolina's funding formula discriminated against minority children. They spoke at organizational meetings throughout the state, working to educate and involve parents and local community leaders, and lobbied state legislators for their support. Dr. William Dufford, a former high school principal who worked with the University of South Carolina's Desegregation Center and the Citizens for Creative Discipline, served as the Coalition coordinator. After the General Assembly passed the Education Finance Act (EFA) of 1977, which worked to equalize public school finance, the Coalition published educational material to more clearly explain the bill and established EFA advisory

councils in school districts across the state which included parents, educators, and community leaders.<sup>dlxix</sup>

In 1972, the South Carolina Community Relations Program of the American Friends Service Committee (AFSC) launched an investigation completed by the Syracuse University Research Corporation and found that school districts with the greater need actually received less from the state of South Carolina. “Our examination on income, race school revenues yielded one clear conclusion; poor people and non-whites must pay more to receive less from the system.”<sup>dlxxx</sup> Researchers found that South Carolina’s poorest 20 school districts in the state had a market valuation of less than \$20,000 per pupil and enrolled a 57% black student population. 38% of students in those districts qualified for Title I services. On the other hand, the 13 wealthiest school districts in the state had market valuations of more than \$50,000 and those districts averaged a 26% black student population. An average of 16% of their student population qualified for Title I.<sup>dlxxi</sup>

Not only did great wealth discrepancies exist, but in 1972 the state did little to help mend the gap. Before the EFA, the state did not fund local districts on a per pupil basis, but instead relied on a flat grant system according to each district’s academic programs and the years of experience of its teachers. The Syracuse study found that Greenwood 52 was the wealthiest district in the state. It had a per pupil market valuation of \$138,367. Sumter 2, the poorest, had a market valuation of \$9,600. As a result, Greenwood 52 was able to produce revenue per pupil at a tax rate of \$2.63 per \$1000 and still produced \$365 per pupil. Sumter 2 taxed itself at a rate of \$6.66 and could only raise \$64 dollars a student. Despite the disadvantage Sumter’s school district faced, the state actually provided more aid to Greenwood, contributing \$284 per pupil and only \$240 per

pupil in Sumter. The same study found that a starting teacher would receive a local supplement of \$925 dollars in Marion School District 1, \$610 in Marion 2, \$400 in Marion 3, and \$270 in Marion 4, emphasizing the challenges that poorer districts had recruiting quality teachers.<sup>dlxxii</sup>

The Citizen's Coalition on South Carolina School Financing and the many organizations that placed membership in the Coalition put great pressure on both the General Assembly and the State Board of Education to restructure the state's public school finance system. In 1974, Governor West held a Governor's Conference on Education which focused on school finance reform and launched a campaign to more equitably fund the state's schools: "A Fair Chance for Every Child."<sup>dlxxiii</sup> After this conference State Superintendent Cyril Busbee promoted the idea of a minimum foundation program for financing public education; speaking to district superintendents during an annual summer conference in 1976, he said, "A new system for financing education— a minimum foundation program, if you please— is an idea whose time has come in South Carolina."<sup>dlxxiv</sup>

The South Carolina General Assembly passed the Education Finance Act (EFA) in 1977 and designed the bill to redistribute money to districts whose property taxes, though taxed at a higher rate than many wealthier districts, could not adequately support their school system. While local property taxes remained the largest single source of funds for South Carolina's public schools, EFA funds provided about 30 percent of total operating funds for the state's schools. The General Assembly designed the distribution of EFA funds with a three part formula including: a base student cost, the weighted number of pupils, and the index of taxpaying ability. The General Assembly defined the

base student cost as the amount deemed necessary to fund a minimum educational program for an elementary student in grades 4-8. The Act's weighted pupil system then accounted for the relative cost differences between educational programs for different students. After the formula established each district's funding based on BSC and weighted pupil expenditure, the formula then determined the amount of funding a school district received from the State according to each district's ability to raise local revenues for schools, or its index of taxpaying ability. Districts with a smaller amount of property wealth received a larger percentage of state funding. This was supposed to enable each district to provide a required minimum educational program for each student, with a more equitable tax burden for taxpayers, and should have reduced inequities in education funding caused by variances in property wealth.<sup>dlxxv</sup>

Although the EFA improved the state's funding formula, it did not fundamentally solve the problems faced by poorer districts. A study done by South Carolina's Legislative Audit Council in 1984 found that while poorer districts received more funds under the EFA, the amounts did not fully compensate for the differences in wealth across the state. In 2009, for instance, when Dillon 2 raised only \$1500 per pupil in local funds and Beaufort provided over \$10,000, the state contributed \$3,518 per pupil in Beaufort while supplying \$4,447 to Dillon 2. While the state granted Dillon 2 more based on need, it still left an over \$7500 difference in the two counties' per pupil expenditures, a figure larger than Dillon 2's total per pupil budget. In addition, problems emerged with EFA's funding formula. While preschool and lower elementary students received higher weights because of required smaller class sizes, and students with physical, mental, or emotional disabilities also received higher weights, the EFA weight system took no account of the



socio-economic level of students. Because children from poor homes and poor communities often entered the school system at great disadvantages, communities with large populations of poor children required more resources to support those students.<sup>dlxxvi</sup>

One of the most problematic issues regarding the EFA was how to establish the Basic Student Cost. The EFA initially outlined the standard BSC, but when South Carolina experienced budget shortages, the General Assembly revised the BSC, making it an arbitrary number. For instance, in 2009-2010, the General Assembly established \$2,334 for the BSC-- several hundred dollars less than the 1977 inflation adjusted base student cost of more than \$2,700 per pupil. In 2010-2011, with a very tight budget and a lack of federal stimulus funds, the General Assembly chose \$1,630 per pupil. The 2010-2011 base student cost of \$1,630 per pupil roughly equaled the 1995 level of funding without any adjustment for inflation or acknowledgement of changing needs in classroom technology.<sup>dlxxvii</sup>

In addition, the Education Improvement Act (EIA) of 1983, which indiscriminately pumped money into South Carolina's schools to promote higher student achievement, diminished the equalizing power of the EFA. By 1989, South Carolina granted \$850 million to school districts across the state with no regard to the district's ability to pay or local property taxes. In the early 1990s, the state of South Carolina also stopped funding pupil transportation and employee fringe benefits at 100 percent. The state implemented a requirement that forced the local school districts to pay 30 percent of these expenses, freeing up state dollars for other programs, with no consideration of school districts' ability to pay. Faced with budget cuts, decreased state funding, and growing demands in their own school districts, South Carolina's poorest school districts

could no longer provide their students with a quality education and filed suit against the state. Their letter to the General Assembly detailing the reasons for the suit closed by saying, “We regret having to take the time and money to pursue a judicial remedy. However, for our children’s sake, we cannot do less.”<sup>dlxxviii</sup>

Upon filing their declaration in 1993, the plaintiffs in the *Abbeville* case contended that the General Assembly and state of South Carolina were not meeting their obligation to South Carolina’s school districts according to the EFA. The plaintiffs contended that the state’s funding formula also violated the equal protection clause of both the state and the federal government and the education clause of the South Carolina Constitution because it failed to provide all South Carolina students with an equal education. After the South Carolina Supreme Court denied the *Abbeville* districts’ equity claims in 1996, the plaintiff lawyers refocused their argument on adequacy, according to the Supreme Court’s definition of minimally adequate education. They argued the state did not provide the minimally adequate education required by the state constitution according to the South Carolina Supreme Court. In 2003, while preparing for its retrial with South Carolina’s Third Circuit Court, attorneys for the plaintiffs selected eight of the then 39 representative school districts involved in the suit as the “trial plaintiffs” or lead school districts. They included: Allendale County School District, Dillon County School District 2, Florence County School District 4, Hampton County School District 2, Jasper County School District, Lee County School District, Marion County School District 7, and Orangeburg County School District 3.<sup>dlxxix</sup>

The retrial by Judge Cooper at the Third Judicial Circuit Court lasted for 102 days between July 2003 and December 2004. During that time, 112 people offered testimony,

either in person or by deposition, and lawyers submitted over 4,400 documents as evidence. Lawyers representing the plaintiff districts argued that the facilities, student opportunity and performance, teacher quality, and transportation were not adequately supported by the state. They used low student performances on the state's accountability tests and high dropout rates as indicators that the state was not providing students a minimally adequate education. Over half of the students in plaintiff districts were not meeting the basic standards, and the plaintiffs asserted that such a high failure rate clearly demonstrated the opportunity for a minimally adequate education did not exist.

The plaintiffs also submitted an extensive amount of evidence regarding the dilapidated conditions of school facilities in the rural areas of South Carolina. Evidence included early twentieth century school buildings still in use, moldy bathrooms, condemned auditoriums, crumbling walls and ceilings, and leaky roofs that impeded the educational opportunities of students. Poor facilities influenced teachers' decisions to move to different school districts where equipment was far superior, and poor school conditions distracted students from their coursework. Plaintiff lawyers also argued that its school districts struggled to hire teachers, let alone highly qualified ones for the complex needs of their students. These school districts lacked the funds to attract the best teachers and the ones they hired often transferred out after a few years to attain a higher salary in neighboring districts. In addition, lawyers argued that transportation in *Abbeville's* districts was particularly expensive because 90 percent of students depended on public transportation to get to school. Paying the full cost of transportation also overburdened the district and left few funds to invest in its schools.<sup>dlxxx</sup>

In defense, South Carolina claimed that it met the state constitutional standard of providing a minimally adequate education to all of its students. Defense attorneys argued that state assessment tests could not be used as a gauge for minimal adequacy, because they were not a minimum expectation. Furthermore, the state argued that any student success, no matter how small, indicated minimally adequate educational opportunity. Defense attorneys for the state used the same assessment test scores as the plaintiff districts to prove that the state provided a minimally adequate education. They argued that a small percentage of students meeting expectations proved that opportunity existed, and that the state could not be held responsible for students who chose not to take advantage of the opportunity provided. Similarly, the state argued that all of the plaintiff districts' teachers held South Carolina teacher certification, and therefore were minimally adequate. The state cited the mismanagement of money for the plaintiff districts' dilapidated buildings. To support this argument, the defendants compared the per pupil expenditures of the plaintiff school districts to some of the highest performing school districts in the state. The plaintiff school districts received, in some cases, twice as much as the other school districts from the state, and still struggled to produce the desired results.<sup>dlxxxix</sup> Cooper agreed with the state and only required them to more adequately support early childhood education in the *Abbeville* districts.<sup>dlxxxii</sup>

In response to Cooper's 2006 ruling, the state immediately decided to develop a four-year pilot program to study the effectiveness of a pre-kindergarten program. The General Assembly dedicated \$24 million to this pilot study and placed pre-kindergarten programs in each of the eight lead school districts in the *Abbeville* lawsuit. The estimated cost of the program equaled \$3,077 per child. The state also made available grants to the

school districts for equipment expenses that could not exceed \$10,000.<sup>dlxxxiii</sup> According to state regulations, however, before the school districts could operate a pre-kindergarten program certain steps had to be taken. First, districts had to secure classroom space, which proved difficult since inadequate facilities were one of the concerns raised in the *Abbeville* case. For instance, those charged with implementing the pre-kindergarten program in Dillon 2 identified 280 students who qualified for their program, but could only offer it to 140 students based on space limitation.<sup>dlxxxiv</sup>

In addition to classroom space, the school districts had to meet various requirements to obtain a Department of Social Services license authorizing the pre-kindergarten program. To meet these requirements, school districts had to have a fire inspection, sanitation inspection, fingerprint teachers and administrators, pay various fees, provide extensive documentation on those who would work with the students, and provide training to teachers and administrators where the pre-kindergarten programs would be housed. All of this required district money not covered by the early childhood grant. Due to this underfunded mandate and lack of facilities, many pre-Kindergarten students in the Corridor of Shame continue to be turned away from early childhood programs.<sup>dlxxxv</sup>

During the *Abbeville* trial, on May 15, 2004 thirty-five hundred marchers assembled at the Zion Baptist Church in Columbia, South Carolina to support the poor and minority school districts in South Carolina that had filed suit. Marchers, led by Pat Conroy, whose experience as a teacher in a poor, black community on a South Carolina barrier island resulted in his book, *The Water is Wide*; Dick Riley, former Democratic Governor of South Carolina; and Ernest Finney, the first African American South

Carolina Supreme Court Justice, marched through Main Street in Columbia onto the State Capital steps. Connecting *Abbeville* to the historic Supreme Court Case that overturned legal segregation, *Brown v Board of Education*, a bus full of students from Clarendon County School District 1 students followed Conroy, Riley, and Finney, connecting black South Carolinians historic struggle to achieve quality education in the state to the *Abbeville* struggle. Levi Pearson's granddaughter, Alfreda Pearson and Nathaniel Briggs, son of Harry and Eliza Briggs, children of parents who initiated *Briggs* in the Clarendon community, also marched behind the bus. Protestors carried signs that said, "50 Years Later, Still Separate, Still Unequal." The march ended as protestors assembled on the Capitol listening to various activists give speeches in support of *Abbeville*. At the close of the protest Dick Riley said, "We're here because we know the future of every single child in South Carolina is directly tied to their education. No child should be subjected to the tyranny of low expectations."<sup>dlxxxvi</sup>

In 2014, South Carolina still struggles to overcome the deep-rooted vestiges of Jim Crow in the state, particularly economic inequality in education and the tyranny of low expectations for its minority students. This continued inequity and denial of quality education to poor and minority students has hindered the potential for so many black and minority South Carolinians, and has also impeded the quality of public education for the entire state. In 2013, The American Legislative Exchange Council ranked South Carolina's schools 50 out of 51 for its educational achievement. South Carolina also ranked 49 out of 50 in school dropout rates, only graduating 61.7 percent of its public school students and ranking as the lowest southern state in the nation. According to the results of the National Assessment of Educational Progress (NAEP) –40% of fourth-

graders in South Carolina now score below basic proficiency in reading and only 28 percent scored proficient or above. These figures have drastic implications for economic growth and industry in the state, influence state incarceration rates, and affect the standards of state colleges and universities. Most importantly these numbers reflect the restricted opportunity and quality of life attainable for South Carolina residents and a failed commitment to so many children. In the *Brown v. Board* ruling, Justice Earl Warren stated that “Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms.”<sup>dlxxxvii</sup> Sixty years after *Brown*, South Carolina is still struggling to fulfill *Brown*’s mandate.

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## Chapter 2 Endnotes

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<sup>clxi</sup> In November of 1966, The American Friends Service Committee worked with the black community and other civil rights organizations to support black students in Dorchester District One. On November 25-27, college students from Duke University, Claflin College, and South Carolina State, along with representatives from the VISTA program, traveled to St. George to help support black students in desegregated St. George High School. Volunteers stayed with families in the district's rural communities and provided tutoring.

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<sup>clxxi</sup> *Rebecca Drayton et. Al v. School District Number 2 Dorchester County, Papers of Hayes Mizell. Box 9:Desegregation: Community Relations Program: Dorchester County. South Caroliniana Library.*

<sup>clxxii</sup> American Friends Service Committee, "A Guide to Dorchester County," Papers of Hayes Mizell. Box 9:Desegregation: Community Relations Program: Dorchester County. South Caroliniana Library.

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<sup>clxxxiv</sup> Rosetta Ross, *Witnessing and Testifying: Black Women, Religion, and Civil Rights*, Fortress, 2003; Victoria DeLee, Opening panel at The University of South Carolina's 35th Anniversary of African American Studies Program, October 12, 2006; Victoria DeLee, oral history interview with Cleveland Sellers, Columbia, South Carolina, October 12, 2006.

<sup>clxxxv</sup> Ibid.

<sup>clxxxvi</sup> Ibid.

<sup>clxxxvii</sup> In 1954, Septima Clark, Esau Jenkins Myles Horton, Bernice Robinson, and the Highlander Folk School all collaborated to found the first Citizenship School which teach illiterate blacks to read so that they could pass literacy tests, required by most Southern communities for African Americans to vote. This first class was taught by Bernice Robinson, a beautician and Clark's cousin. The Citizenship schools, eventually managed by the SCLC played a critical role in building the base for the Civil Rights Movement and by 1967 Jenkins was a member of the SCLC's board of directors. The schools spread initially to other Sea Islands in South Carolina and later throughout the entire South. DeLee modeled her school after this example; Ibid.

<sup>clxxxviii</sup> Victoria DeLee, "Victoria DeLee: In Her Own Words," March 27, 1971: Issue 47, page 86; Rosetta Ross, *Witnessing and Testifying: Black Women, Religion, and Civil Rights*, Fortress, 2003; Victoria DeLee, Opening panel at The University of South Carolina's 35th Anniversary of African American Studies Program, October 12, 2006; Victoria DeLee, oral history interview with Cleveland Sellers, Columbia, South Carolina, October 12, 2006.

<sup>clxxxix</sup> Ibid.

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<sup>clxxxxi</sup> Hayes Mizell, Letter to Papers of Hayes Mizell. Box 9:Desegregation: Community Relations Program: Dorchester County. South Caroliniana Library.

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<sup>cx</sup> Department of Health, Education, and Welfare. “Before the Commissioner of Education; Department of Health, Education, and Welfare: Hearing for Harleyville-Ridgeville School District Three.” South Carolina Department of Education Papers, Office of Technical Assistance, Dorchester County File, South Carolina Department of Archives

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<sup>cxivcxv</sup> John Reynolds, *The Fight for Freedom: A Memoir of MY Years in the Civil Rights Movement*, Author House, May 31, 2012. John Reynolds, Personal Interview, August 20, 2013.

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<sup>cxix</sup> Matthias, Council Currents; “Judge: Not Supposed to be Vindictive in School Cases,” *The State*, October 1, 1969, 1-B.

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<sup>cci</sup> John Reynolds, *The Fight for Freedom: A Memoir of MY Years in the Civil Rights Movement*, Author House, May 31, 2012. John Reynolds, Personal Interview, August 20, 2013.

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- cclxxvi "Alleged Misuse of Funds: S.C. Projects Being Investigated," *The State*, January 13, 1976.
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- cclxxx The University of South Carolina's African American Studies Program, 35<sup>th</sup> Anniversary of African American Studies Program.
- cclxxxi 1909, speech

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## Chapter 3 Endnotes

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<sup>cclxxxiii</sup> Lynn, Willoughby, *The "Good Town" Does Well: Rock Hill, S.C., 1852-2002*, Orangeburg, S.C.:Written in Stone, 2002.

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<sup>cclxxxv</sup> On May 4, 1961, The Congress of Racial Equality under the direction of James Farmer initiated the freedom rides through Southern communities. Thirteen Freedom Riders, seven were black and six were white, left Washington D.C. on Greyhound and Trailways buses. They planned to ride through Virginia, the Carolinas, Georgia, Alabama, and Mississippi, ending their ride in New Orleans, Louisiana. When they entered Rock Hill, John Lewis, Al Bigelow, and Genevieve Hughes were beaten; Lynn, Willoughby, *The "Good Town" Does Well: Rock Hill, S.C., 1852-2002*, Orangeburg, S.C.:Written in Stone, 2002.

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<sup>cclxxxvii</sup> List of Rock Hill student grievances, Papers of the Rock Hill Oratory; Miller, Bob. "Rock Hill High Dismissed Early After Protest," *Evening Herald*. January, 29, 1972.

<sup>cclxxxviii</sup> *Green v County School Board of New Kent County*, argued April 3, 1968, accessed September 27, 2013, [http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0391\\_0430\\_ZO.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0391_0430_ZO.html); On January 19, 1970, the United States Fourth Circuit Court found freedom of choice desegregation plans inadequate and ordered that Darlington and Greenville school districts implement immediate and total school desegregation. In the middle of the academic year, these two districts were given less than a month to transfer thousands of students to new schools. The remaining districts in South Carolina were required to follow suit the following academic year.

<sup>cclxxxix</sup> Information compiled from multiple interviews. David Boone. Interviewed by Luci Vaden, in Rock Hill, South Carolina. September 9, 2010; Abby Caveny, Interviewed by Luci Vaden, in Rock Hill, South Carolina, November 19, 2008; Sam Foster, Interviewed by Luci Vaden, in Rock Hill, South Carolina, October 30, 2008; Deborah Harris. Interviewed by Luci Vaden, in Rock Hill, South Carolina, November 25, 2008; Bob Jenkins, Interviewed by Luci Vaden, in Rock Hill, South Carolina, November 3, 2008; Dub Massey, Interviewed by Luci Vaden, in Rock Hill, South Carolina, September 16, 2010; Robert McCleave, Interviewed by Luci Vaden, in Rock Hill, South Carolina, November 19, 2008; Cathy McKee, Interviewed by Luci Vaden, in Rock Hill, South Carolina, November 17, 2008; Robert Parker, Interviewed by Luci Vaden, in Rock Hill, South Carolina, September 13, 2010; Bobby Plair, Interviewed by Luci Vaden, in Rock Hill, South Carolina, September 7, 2010; ElizabethAnn Reid, Interviewed by Luci Vaden,

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in Rock Hill, South Carolina. September 11, 2010; Cindy Tucker, Interviewed by Luci Vaden, in Rock Hill, South Carolina, November 10, 2008; Wade Witherspoon, Interviewed by Luci Vaden, in Rock Hill, South Carolina. September 9, 2010; Nathaniel Barber. Interviewed by Luci Vaden, in Columbia, South Carolina, September 30th, 2010. All tapes and transcripts are in possession of the author.

<sup>ccxc</sup> Elizabeth Ann Reid, Interviewed by Luci Vaden, Rock Hill, South Carolina, September 11, 2010, in Rock Hill, South Carolina; Parent Petition to York County Delegation, March 18, 1972, Papers of the Rock Hill Oratory.

<sup>ccxci</sup> Alridge, Terrance. "A Case Study of Emmett Scott High 1965-1970." University of South Carolina Thesis and Dissertations, 2009.

<sup>ccxcii</sup> Information compiled from multiple interviews. See Footnotes viii for complete list.

<sup>ccxciii</sup> For more information on the private school movement in South Carolina, see chapters 1 and 4. For more information on majority black districts that experienced massive white flight, see chapters 4 and 5.

<sup>ccxciv</sup> Jerry, McGuire, "Nesbitt Makes Report on School Protests," *The Fort Mill Times*, March 16, 1972, 1; "Racial Incident Closes Five Fort Mill Schools, *Fort Mill Times*, March 2, 1972, 1

<sup>ccxcv</sup> Staff and Wire Reports, *Evening Herald*, "Busing only RH school-opening problem," August 24, 1970, 1.

<sup>ccxcvi</sup> Clark, Jim, "Reports Indicate Rock Hill integration going smoothly," *Evening Herald*, August 25, 1970, 5.

<sup>ccxcvii</sup> Information compiled from multiple interviews. See above footnote viii for complete list.

<sup>ccxcviii</sup> Hayes Mizell, "Do Unto Others: A Report on School Districts' Compliance To Compliance With South Carolina's 1973 Discipline Law, Your Schools, April, 1974.

<sup>ccxcix</sup> Oral history with Sam Foster, Interviewed by Luci Vaden, in Rock Hill, South Carolina, October 30, 2008; Oral history with Robert McCleave, Interviewed by Luci Vaden, in Rock Hill, South Carolina, November 19, 2008.

<sup>ccc</sup> Oral history with Sam Foster, Interviewed by Luci Vaden, in Rock Hill, South Carolina, October 30, 2008; Oral history with Robert Parker, Interviewed by Luci Vaden, in Rock Hill, South Carolina, September 13, 2010; Oral history with Wade Witherspoon, Interviewed by Luci Vaden, in Rock Hill, South Carolina, September 1, 2010.

<sup>ccci</sup> Oral history, Wade Witherspoon

<sup>cccii</sup> Hayes Mizell, "Do Unto Others: A Report on School Districts' Compliance To Compliance With South Carolina's 1973 Discipline Law, Your Schools, April, 1974.

<sup>ccciii</sup> Hayes Mizell, "Do Unto Others: A Report on School Districts' Compliance To Compliance With South Carolina's 1973 Discipline Law, Your Schools, April, 1974.

<sup>ccciv</sup> Oral history, Sam Foster

<sup>cccv</sup> Ibid.

<sup>cccvi</sup> Oral history, Claudia Brown, Interviewed by Luci Vaden in Rock Hill, South Carolina November 19, 2008.

<sup>cccvii</sup> Oral history, Nathaniel Barber

<sup>cccviii</sup> Oral history, Calvin Burleson, Interviewed by telephone, November 2, 2008.

<sup>cccix</sup> Ibid.

<sup>cccx</sup> Oral history, Sam Foster

- <sup>cccxi</sup> Oral history, Paul Beazley; Oral history; Oral history, Moses Rabb, Interviewed by Luci Vaden in Columbia, South Carolina, November 14, 2008.
- <sup>cccxii</sup> Clark, Jim. "Minor disturbance mars school opening." Evening Herald. March 6, 1972; Wiloughby, 213; Oral history, Barber.
- <sup>cccxiii</sup> Oral history, Boone
- <sup>cccxiv</sup> Clark, Jim. "Board Members briefed on school problems." Evening Herald. January 30, 1972, 1.
- <sup>cccxv</sup> History Newsletter published by St. Anne's Catholic Church, 2004; Journals kept by Young Men's Club, 1969, Papers of the Rock Hill Oratory; Oral history, Barber; Oral history; Boone.
- <sup>cccxvi</sup> Ibid.
- <sup>cccxvii</sup> Ibid.
- <sup>cccxviii</sup> Oral history, Massey; Oral history, Boone
- <sup>cccix</sup> Oral history, Barber
- <sup>cccxx</sup> Oral history, Boone.
- <sup>cccxxi</sup> Clark, Jim. "Board Members Briefed on School Problems" Evening Herald, January 31, 1972
- <sup>cccxxii</sup> Records kept by Student Advisory Committee; Betsy Perone, "Black Students present 20 grievances" Evening Herald January 28, 1972; Betsy Perone, "Burleson tells faculty he 'made a mistake'" Evening Herald, January 28, 1972.
- <sup>cccxxiii</sup> Letter between Kizer and Student Advisory Committee; Records kept by Student Advisory Committee, 1972, Papers of the Rock Hill Oratory.
- <sup>cccxxiv</sup> "Savage Says Protest Misdirected" Evening Herald. January 29, 1972, 1.
- <sup>cccxxv</sup> Interview, David Boone
- <sup>cccxxvi</sup> Jeff Savage, Letter sent to teachers, kept in Student Advisory Committee Documentation, February 1972, Papers of the Rock Hill Oratory; Clark, Jim. "Board Members Briefed on School Problems" Evening Herald, January 31, 1972; "Savage Says Protest Misdirected" Evening Herald. January 29, 1972, 1; Perone, Betsy, "Savage sees 'progress' with black students," Evening Herald, February 2, 1972, 1.
- <sup>cccxxvii</sup> Ibid.
- <sup>cccxxviii</sup> Leroy Ervin, Letter to the Department of Health, Education, and Welfare, February 1, 1972. Papers of the Rock Hill Oratory.
- <sup>cccxxix</sup> Jeff Savage, Letter to Student Advisory Committee, February 10, 1972, Papers of the Rock Hill Oratory; Student Advisory Committee, Letter to Jeff Savage, February 11, 1972, Papers of the Rock Hill High Oratory.
- <sup>cccxxx</sup> Student Advisory Committee, Notes, February 12, 1972, Papers of the Rock Hill High Oratory.
- <sup>cccxxxi</sup> Ibid.
- <sup>cccxxxii</sup> Perrone, Betsy. "Schools dismiss early after student walkout." Evening Herald, March 3, 1972.
- <sup>cccxxxiii</sup> Ibid.
- <sup>cccxxxiv</sup> Ibid.
- <sup>cccxxxv</sup> Jerry, McGuire, "Nesbitt Makes Report on School Protests," The Fort Mill Times, March 16, 1972, 1.
- <sup>cccxxxvi</sup> Ibid.

- <sup>cccxxxvii</sup> Parents draft of grievances to York County Delegation. Papers of the Rock Hill Oratory.
- <sup>cccxxxviii</sup> Ibid.
- <sup>cccxxxix</sup> Tritt, Cheryl. "Delegation votes against expansion of school board," *Evening Herald*, March 18, 1972, 1.
- <sup>cccxl</sup> Du Bois, "A Free Forum." *The Crisis*, February 1934, 52.
- <sup>cccxli</sup> Parents Draft of Greivances, Papers of the Rock Hill Oratory.
- <sup>cccxlii</sup> "An interview with James Baldwin" by Studs Terkel (1961), in *Conversations With James Baldwin* (1989).
- <sup>cccxlili</sup> Stephen Smith, Karen Kedrowski, and Joseph Ellis. "Electoral Structures, Venue Selection, and the (New?) Politics of School Desegregation." *Perspectives*. December 2004: Volume 2, Number 4, 794-797.
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#### Chapter 4 Endnotes

- <sup>cccxlv</sup> Letter from Bowman residents to the Bowman School Board of Trustees. July 7, 1973. South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.
- <sup>cccxlvi</sup> Ibid.; Hayes Mizell. Letter to the Citizens for Creative Discipline, April 16, 1975. Papers of Hayes Mizell: Box 13: Discipline: Codes. South Caroliniana Library.
- <sup>cccxlvii</sup> Letter to Governor John West from Quincy Smith, August 17, 1973, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.
- <sup>cccxlviii</sup> Robert M. Hitt III, "School Boycott Ends; Another Begins," *News and Courier*, August 28, 1973, 1B.
- <sup>cccxliv</sup> John Norton. Report on Private Schools in South Carolina. Papers of Hayes Mizell. Box 10: Education: Desegregation: Private Schools: Dorchester County. South Caroliniana Library; Gordon E. Harvey, *A Question of Justice: New South Governors and Education, 1968-1976*, Tuscaloosa: University of Alabama Press, 2003
- <sup>ccccl</sup> South Carolina 1970 Census data, University of South Carolina, Government Documents
- <sup>ccccli</sup> The Division of Equal Educational Opportunities, "Socioeconomic Background into Orangeburg County," Office of Civil Rights Emergency School Assistance Program, Case Files 1971-1973, Hampton County-Aiken City, SC, Box 77.
- <sup>ccccli</sup> Ibid.
- <sup>ccccli</sup> Ibid.
- <sup>ccccliv</sup> Numan Bartley, *Massive Resistance: Race and Politics in the South During the 1950s*, Louisiana State University Press, 1997; John White, "Managed Compliance: White Resistance and Desegregation in South Carolina," 1950-1970, University of Florida, PhD Dissertation, 2006, Retrieved from ProQuest Dissertations and Theses Database; I.A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*, Columbia, University of South Carolina Press, 1973.

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<sup>ccclvii</sup> John White, "Managed Compliance: White Resistance and Desegregation in South Carolina," 1950-1970, University of Florida, PhD Dissertation, 2006, Retrieved from ProQuest Dissertations and Theses Database; I.A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*, Columbia, University of South Carolina Press, 1973.

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<sup>ccclix</sup> Ibid.

<sup>ccclx</sup> Ibid.

<sup>ccclxi</sup> Ibid.

<sup>ccclxii</sup> White: "Managed Compliance"

<sup>ccclxiii</sup> Ibid.

<sup>ccclxiv</sup> I.A. Newby, *Black Carolinians*

<sup>ccclxv</sup> Ibid.

<sup>ccclxvi</sup> John White, "Managed Compliance: White Resistance and Desegregation in South Carolina"; I.A. Newby, *Black Carolinians*

<sup>ccclxvii</sup> Ibid

<sup>ccclxviii</sup> Ibid

<sup>ccclxix</sup> Ibid; White, "Managed Compliance"

<sup>ccclxx</sup> Baker, *Paradoxes of Desegregation*

<sup>ccclxxi</sup> Ibid.

<sup>ccclxxii</sup> *ibid*

<sup>ccclxxiii</sup> Roland Hubert Bonnette, *Public Schools of Orangeburg County South Carolina*, M.A. Thesis, University of South Carolina, 1940; A Rosenwald School was the name informally applied to over five thousand schools, shops, and teachers' homes in the United States which were built primarily for the education of African-Americans in the early 20th century. The need arose from the chronic underfunding of public education for African-American children in the South, who were required to attend segregated schools. Julius Rosenwald, an American clothier who became part-owner and president of Sears, Roebuck and Company, was the founder of The Rosenwald Fund, through which he contributed seed money for many of the schools and other philanthropic causes. To promote collaboration between white and black citizens, Rosenwald required communities to commit public funds to the schools, as well as to contribute additional cash donations. Millions of dollars were raised by African-American rural communities across the South to fund better education for their children

<sup>ccclxxiv</sup> *Bowman District No. Two and South Carolina Board of Education*, Before the Commissioner of Education, Docket No. CR-412, August 17, 1967. South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.

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<sup>ccclxxv</sup> U.S. Commission on Civil Rights, Federal Rights under School Desegregation Law. CCR Clearinghouse Publication, June 1966. Thurgood Marshall Law Library, University of Maryland School of Law.

<sup>ccclxxvi</sup> *Bowman District No. Two*; US Commission on Civil Rights, Survey of School Desegregation in the Southern and Border States 1965-1966, February 1966. Thurgood Marshall Library, University of Maryland School of Law.

<sup>ccclxxvii</sup> Ibid.

<sup>ccclxxviii</sup> U.S. Commission on Civil Rights, Federal Rights under School Desegregation Law. CCR Clearinghouse Publication, June 1966. Thurgood Marshall Law Library, University of Maryland School of Law.

<sup>ccclxxix</sup> *Bowman District No. Two*

<sup>ccclxxx</sup> Ibid

<sup>ccclxxxi</sup> David Seeley, Letter to Cyril Busbee, February 17, 1967, South Carolina Department of Education Papers, Office of Technical Assistance, Orangeburg District Two County File, South Carolina Department of Archives.

<sup>ccclxxxii</sup> *Bowman District No. Two and South Carolina Board of Education*, Before the Commissioner of Education

<sup>ccclxxxiii</sup> Ibid.

<sup>ccclxxxiv</sup> Ibid.

<sup>ccclxxxv</sup> *Reply to Additional Exceptions to Final Decisions, Bowman School District No.2*, May 9, 1968, South Carolina Department of Education Papers, Office of Technical Assistance, Orangeburg District Two County File, South Carolina Department of Archives.

<sup>ccclxxxvi</sup> Important that this federal judge stood with HEW and therefore funds were revoked, in contrast to Dorchester County, where the federal judge allowed funds to continue.

<sup>ccclxxxvii</sup> Ibid.

<sup>ccclxxxviii</sup> Ibid.

<sup>ccclxxxix</sup> Ben DeBerry, Letter to Lloyd Henderon, January 21, 1969, South Carolina Department of Education Papers, Office of Technical Assistance, Orangeburg District Two County File, South Carolina Department of Archives.

<sup>cccxc</sup> *Green v County School Board of New Kent County*, argued April 3, 1968, accessed September 27, 2013,

[http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0391\\_0430\\_ZO.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0391_0430_ZO.html); On January 19, 1970, the United States Fourth Circuit Court found freedom of choice desegregation plans inadequate and ordered that Darlington and Greenville school districts implement immediate and total school desegregation. In the middle of the academic year, these two districts were given less than a month to transfer thousands of students to new schools. The remaining districts in South Carolina were required to follow suit the following academic year.

<sup>cccxi</sup> Stanley Pottinger, Letter to V.B. Kiser, June 11, 1970, South Carolina Department of Education Papers, Office of Technical Assistance, Orangeburg District Two County File, South Carolina Department of Archives.

<sup>cccxi</sup>

<sup>cccxi</sup> Isaac McGraw, Office of Technical Assistance, "Narrative: Orangebrug County School District # 2, South Carolina Department of Education Papers, Office of Technical

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Assistance, Orangeburg District Two County File, South Carolina Department of Archives.

<sup>cccxciv</sup> Ibid.

<sup>cccxcv</sup> John White, "Managed Compliance: White Resistance and Desegregation in South Carolina"; John Norton. Report on Private Schools in South Carolina. Papers of Hayes Mizell. Box 10: Education: Desegregation: Private Schools: Dorchester County. South Caroliniana Library.

<sup>cccxcvi</sup> John Norton. Report on Private Schools in South Carolina. Papers of Hayes Mizell. Box 10: Education: Desegregation: Private Schools: Dorchester County. South Caroliniana Library.

<sup>cccxcvii</sup> John White, "Managed Compliance: White Resistance and Desegregation in South Carolina

<sup>cccxcviii</sup> Ibid.

<sup>cccxcix</sup> John Norton. Report on Private Schools in South Carolina. Papers of Hayes Mizell. Box 10: Education: Desegregation: Private Schools: Dorchester County. South Caroliniana Library.

<sup>cd</sup> Ibid.

<sup>cdi</sup> John White, "Managed Compliance: White Resistance and Desegregation in South Carolina

<sup>cdii</sup> Ibid; Winifred B. Moore and Vernon Burton. *Towards the Meeting of the Waters: Currents in the Civil Rights Movement in South Carolina During the Twentieth Century*, University of South Carolina Press, 2008.

<sup>cdiii</sup> Ibid.

<sup>cdiv</sup> John White, "Managed Compliance: White Resistance and Desegregation in South Carolina

<sup>cdv</sup> John Norton. Report on Private Schools in South Carolina. Papers of Hayes Mizell. Box 10: Education: Desegregation: Private Schools: Dorchester County. South Caroliniana Library.

<sup>cdvi</sup> Ibid.

<sup>cdvii</sup> Ibid.

<sup>cdviii</sup> Bart Barnes, "Battle in Bowman: Echoes of the Past," *Washington Post*, July 15, 1973, C3

<sup>cdix</sup> Ibid.

<sup>cdx</sup> Ibid.

<sup>cdxi</sup> Ibid.

<sup>cdxii</sup> John Norton. Report on Private Schools in South Carolina. Papers of Hayes Mizell. Box 10: Education: Desegregation: Private Schools: Dorchester County. South Caroliniana Library.

<sup>cdxiii</sup> Bret Barnes, "Battle in Bowman"

<sup>cdxiv</sup> Ibid.

<sup>cdxv</sup> Ibid.

<sup>cdxvi</sup> Ibid.

<sup>cdxvii</sup> Ibid.



- cdxviii “Harden Gets Post with Rights Unit,” South Carolina Department of Education Papers, Office of Technical Assistance, Orangeburg District Two County File, South Carolina Department of Archives.
- cdxix Bret Barnes, “Battle in Bowman”
- cdxx Gary Orfield, *Congressional Power: Congress and Social Change*, New York: Harcourt Brace Jovanovich, 1975.
- cdxxi Ibid.
- cdxxii Ibid.
- cdxxiii Bowman School District ESAA Application, November 4, 1970, Office of Civil Rights Emergency School Assistance Program, Case Files, 1971-1973, Darlington Co.-Spartanburg Co, Box 96.
- cdxxiv Ibid.
- cdxxv Ibid.
- cdxxvi Ibid.
- cdxxvii Orfield, *Congressional Power*
- cdxxviii William Thomas, Director of the Office of Civil Rights, Letter to Orangeburg District One Superintendent, April 5, 1974, South Carolina Department of Education Papers, Office of Technical Assistance, Orangeburg District Two County File, South Carolina Department of Archives.
- cdxxix Hayes Mizell. Letter to the Citizens for Creative Discipline, April 16, 1975. Papers of Hayes Mizell: Box 13: Discipline: Codes. South Caroliniana Library.
- cdxxx Letter from Bowman residents to the Bowman School Board of Trustees. July 7, 1973. South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.
- cdxxxi Letter to Henry Whisenhunt from Investigative Committee, June 25, 1973, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.
- cdxxxii Ibid.
- cdxxxiii Ellen P. Chaplin, Letter to Cyril Busbee, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.
- cdxxxiv ABC Evening News for Monday, Aug 27, 1973, Headline: Desegregation / Bowman, South Carolina, <http://tvnews.vanderbilt.edu/program.pl?ID=27450>
- cdxxxv “School Board willing to meet 4 of 5 demands,” September 13, 1973, *The Aiken Standard*
- cdxxxvi Bret Barnes, “Battle in Bowman”
- cdxxxvii Letter from Bowman residents to the Bowman School Board of Trustees. July 7, 1973. South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.
- cdxxxviii Associated Press
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- cdxl “State NAACP Backing Bowman Boycott,” September 13, 1973, *The Aiken Standard*, page 8.

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<sup>cdxli</sup> W.L. Carter, Letter to Orangeburg County School Board, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District

<sup>cdxlii</sup> School Board willing to meet 4 of 5 demands,” September 13, 1973, The Aiken Standard

<sup>cdxliii</sup> Ibid.

<sup>cdxliv</sup> Sumter Daily Item, September 18, 1973, page 2.

<sup>cdxlv</sup> Margaret Oshea, ““Human Affairs Commission Finally Gaining Acceptance” The State, C-1. (date?)

<sup>cdxlvi</sup> *Mr. Quincy Smith, on behalf of the Bowman Branch of the NAACP and the Citizen’s Group of Bowman vs. Orangeburg County School District Number Two*, Before the South Carolina State Human Affairs Commission, September 18, 1973, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District

<sup>cdxlvii</sup> Ed Roland, “Compromise Accepted,” Associated Press, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District; “Bowman Boycott Settled; Students Return to Class, *The News and Courier*, September 19, 1973, 15A.

<sup>cdxlviii</sup> Ed Roland, “Compromise Accepted, *Associated Press*, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District.

<sup>cdxliv</sup> Lamar Clements, Office of Civil Rights, Letter to Joseph Rice, March 15, 1976, South Carolina Department of Archives and History, Office of Technical Assistance, South Carolina Department of Education, Orangeburg District Two.

<sup>cdl</sup> Ibid.

## Chapter 5 Endnotes

<sup>cdli</sup> John Norton, “The boycott dilemma,” *Osceola*, November 27, 1976, 6.

<sup>cdlii</sup> Ernest Stokes and Thad Ott to Student Grievance Committee, 28 October 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdliii</sup> Special Investigative Committee for the Calhoun County School District to Dewey Kemmerlin, Chairman of the Calhoun County School District, 22 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School District File, South Carolina Department of Archives and History. John Norton, “The boycott dilemma,” *Osceola*, November 27, 1976, 6.

<sup>cdliv</sup> B. Drummond Ayers Jr., “Blacks Stage Boycott in S. Carolina County,” *New York Times*, December 3, 1976, A18; Oral history, Anderson.

<sup>cdlv</sup> Jerome Anderson, in discussion with the author, February 2012; “School Protest Leads to March in St. Matthews,” 2.

<sup>cdlvi</sup> Ibid.

<sup>cdlvii</sup> “Calhoun Voters to Decide On County High School,” *The Times and Democrat*, Orangeburg South Carolina, November 2, 1978, 1B.

<sup>cdlviii</sup> John Norton, “The boycott dilemma,” *Osceola*, November 27, 1976, 6.

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<sup>cdlix</sup> Ibid; Gordon E. Harvey, *A Question of Justice: New South Governors and Education, 1968-1976*, Tuscaloosa: University of Alabama Press, 2003

<sup>cdlx</sup> Jerome Anderson, in discussion with the author, February 2012.

<sup>cdlxi</sup> Affidavit taken by Franchot Brown of Leon Howell. 3 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxii</sup> John Norton, "The boycott dilemma," Osceola, November 27, 1976, 7.

<sup>cdlxiii</sup> Report from the Special Investigative Fact Finding Committee to the School Board of Trustees, 22 December, 1976, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxiv</sup> Affidavit taken by Franchot Brown of Lefus Haynes, 3 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxv</sup> *ibid*

<sup>cdlxvi</sup> Ad Hoc Committee to Evaluate Grievances of Students, Parents, and Citizens of the St. John Community Against Mr. Thad Ott, Superintendent and Mr. Walter E. Funderbrook, Principal of Calhoun County School System. Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History

<sup>cdlxvii</sup> Affidavit taken by Franchot Brown of Tom Ellis, 3 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxviii</sup> *ibid*

<sup>cdlxix</sup> Affidavit taken by Franchot Brown of Mary Ellis, 3 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxx</sup> Affidavits collected by Franchot Brown, 3 December, 1976, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxi</sup> *Ibid.*

<sup>cdlxxii</sup> Affidavits collected from Franchot Brown of Hyiott Ulmer. 3 December 1976, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxiii</sup> Affidavits collected from Franchot Brown. 3 December 1976, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxiv</sup> Affidavit taken by Franchot Brown of Debbie Robinson, 3 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxv</sup> *ibid.*

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<sup>cdlxxvii</sup> Affidavit taken by Franchot Brown of Mary Wright, 3 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxviii</sup> Affidavit taken by Franchot Brown of Elnora Clover, 3 December 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxix</sup> Affidavits collected from Franchot Brown. 3 December, 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxx</sup> *The People's Voice*, February 25, 1977, 3, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxxii</sup> Frank Adams. "A lull in S.C. county's school hassle," *Baltimore Afro-American*, July 26, 1977, 3. *The People's Voice*.

<sup>cdlxxxiii</sup> Affidavit taken by Franchot Brown of Celcsteene Wannamaker. 3 December, 1976. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxxiiii</sup> Means, who took leadership in the organization a year prior, was one of the county leaders who worked to bring in state involvement. John Norton, "The boycott dilemma," *Osceola*, November 27, 1976, 7.

<sup>cdlxxxv</sup> Frank Adams. "A lull in S.C. county's school hassle," *Baltimore Afro-American*, July 26, 1977, 3.

<sup>cdlxxxvi</sup> Hand written notes. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdlxxxvii</sup> "School Protest Leads to March in St. Matthews," *The State*, November 13, 1976, 2.

<sup>cdlxxxviii</sup> Multiple newspaper accounts and documents including "Ad Hoc Committee to Evaluate Grievances of Students, Parents, and Citizens of the St. John Community Against Mr. Thad Ott, Superintendent and Mr. Walter E. Funderbrook, Principal of Calhoun County School System." Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History.

<sup>cdlxxxix</sup> Brian Daugherty and Charles Bolton, *With All Deliberate Speed: Implementing Brown v. Board of Education*, University of Arkansas Press, 2008, xvi.

<sup>cdlx</sup> Court Docket CR 206. In the Matter of Calhoun County Number 1 and Jesse T. Anderson State Superintendent of Education of South Carolina and the State Board of Education, Respondents. Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History.

<sup>cdlxi</sup> Prior to desegregation, St. Matthews had 1,650 black students and 56 black teachers throughout three elementary schools and one high school. The white schools had 635 students with 28 teachers in one high school and one elementary school. *Ibid*.

<sup>cdlxii</sup> Two Freedom of Choice Plans were rejected by HEW before the accepted plan was approved. *Ibid*.

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<sup>cdxcii</sup> Letter to Superintendent of Schools H. F. Garris from Henry Loomis of the Department of Health, Education, and Welfare. 17 September 1965. Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History

<sup>cdxciii</sup> Court Docket CR 206. In the Matter of Calhoun County Number 1 and Jesse T. Anderson State Superintendent of Education of South Carolina and the State Board of Education, Respondents. Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History

<sup>cdxciv</sup> Court Docket CR-72, "United States Department of Health, Education, and Welfare Before the Commissioner of Education," 20 July 1976, Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History

<sup>cdxcv</sup> Letter to Cyril Busbee from Mrs. Percy G. Moorer. Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History

<sup>cdxcvi</sup> A millage rate is the amount per \$1,000 that is used to calculate taxes on property. Millage rates are most often found in personal property taxes, where the expressed millage rate is multiplied by the total taxable value of the property to arrive at the property taxes due. Millage rates are also used by school boards to calculate local school taxes to be collected, based on a derivation of the total property value within school district boundaries. Norton, 7.

<sup>cdxcvii</sup> South Carolina Department of Education Office of Technical Assistance. "Calhoun County School District Facility Needs Survey in the Sandy Run Area", 19 September 1977. Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

<sup>cdxcviii</sup> The State Segregation Committee was a fifteen-man committee appointed by the Governor to seek legal means to avoid forced integration of the state's public schools from 1951-1966. "Supplemental Report to the Special Investigation Committee For the Calhoun County School District" Prepared by the State Department of Education in December of 1976. South Carolina Department of Archives and History. Department of Education. Division of Administration and Planning. Office of Technical Assistance. Calhoun County School District Boycott File.

<sup>cdxcix</sup> Norton, 6.

<sup>d</sup> Ibid.

<sup>di</sup> "Calhoun Voters to Decide On County High School," The Times and Democrat, Orangeburg South Carolina, November 2, 1978, 1B.

<sup>dii</sup> Ayers, A18.

<sup>diii</sup> Norton, 7

<sup>div</sup> Letter to Dr. Nunnery from Thad Ott., 16 November 1976, Department of Education Papers, Office of Technical Assistance, School District File, Beaufort-Cherokee, South Carolina Department of Archives and History.

<sup>dv</sup> Norton, 6.

<sup>dvi</sup> Ibid.

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<sup>dvii</sup> South Carolina Department of Education, “Supplemental Report to the Special Investigation Committee.” December 1976, 3-9, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

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<sup>dxix</sup> Norton, 7.

<sup>dx</sup> Ibid.

<sup>dxii</sup> Jerome Anderson, in discussion with the author, February 2012.

<sup>dxiii</sup> “School Protest Leads to March in St. Matthews,” 2.

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<sup>dxv</sup> Ad Hoc Committee to Evaluate Grievances of Students, Parents, and Citizens of the St. John Community Against Mr. Thad Ott, Superintendent and Mr. Walter E. Funderbrook, Principal of Calhoun County School System. South Carolina Department of Archives and History. State Department of Education. Administration and Planning. School District File- Technical Assistance. Beaufort-Cherokee.

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<sup>dxvii</sup> Office of Research, Educational Assessment Section, “The Results and Related Data for Calhoun County School District,” 20 December 1976, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

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<sup>dxxi</sup> “Hopes for End to School Boycott Dim With Resignation of Lawyer,” *The Sumter Daily*, January 8, 1977, 2A,

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<sup>dxiii</sup> Report from the Special Investigative Fact Finding Committee to the School Board of Trustees, 22 December, 1976, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

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<sup>dxxv</sup> Report from the Special Investigative Fact Finding Committee to the School Board of Trustees, 22 December, 1976, 3, Department of Education Papers, Office of Technical Assistance, Calhoun County School Boycott File, South Carolina Department of Archives and History.

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<sup>dxlix</sup> *Ibid.*

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<sup>dxli</sup> Melvin Hart, in discussion with the author, February 2012

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<sup>dxliii</sup> "School Boycott in Calhoun Effective All Sides Say," *Spartanburg Herald Journal*, October 30, 1977, C1.

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