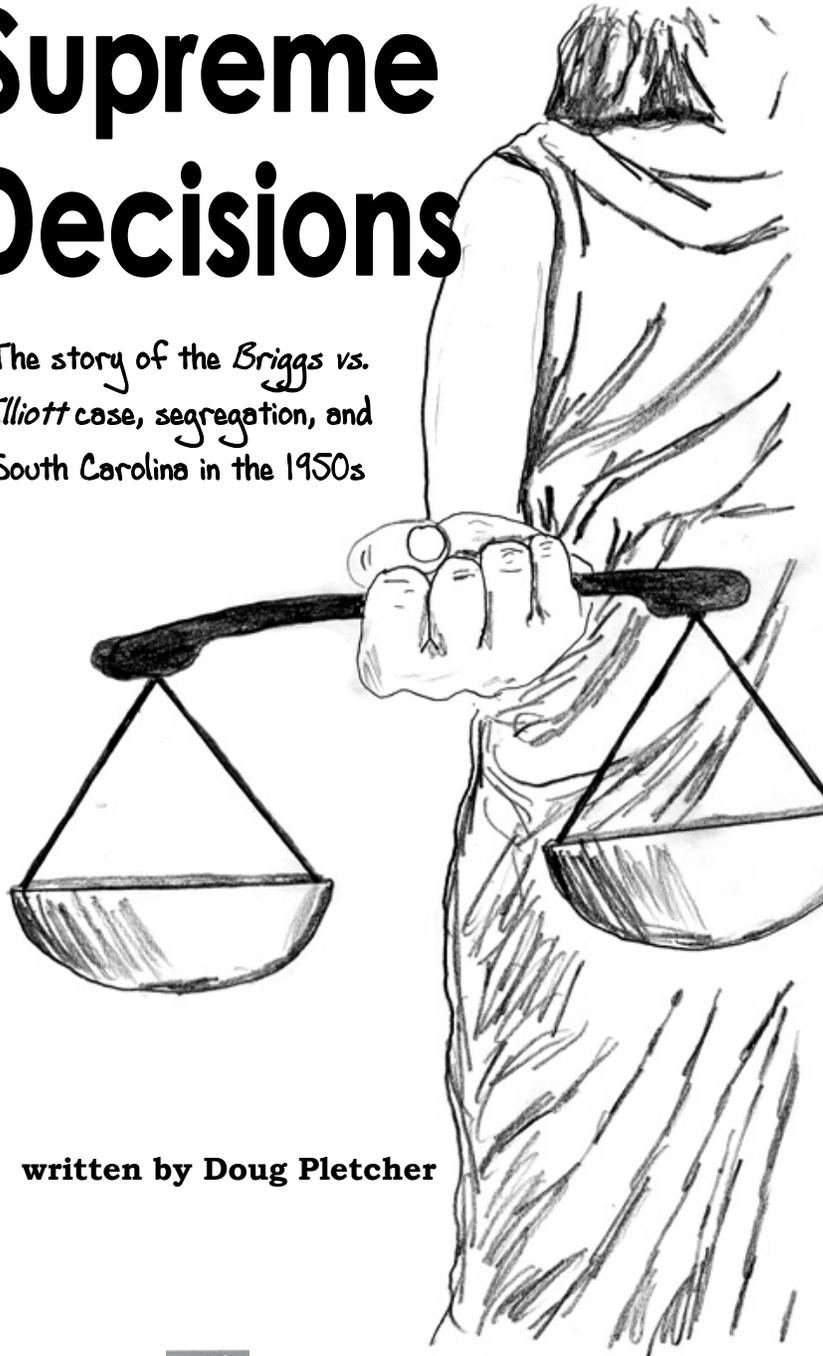


Supreme Decisions

*The story of the Briggs vs.
Elliott case, segregation, and
South Carolina in the 1950s*



written by Doug Pletcher

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Judge Timmerman
was one of the
judges that
Professor had
recommended.

3 — A Visit from the Judges

A couple of days later, I was at the kitchen table doing my math homework when I heard a car pull up. I looked out the window, and I saw a man get out of a 1951 Buick Super Riviera. I didn't think it was as nice as the car Governor Byrnes had arrived in, but it was still a lot fancier than what I was used to seeing around here.

I ran to Professor's office and described the visitor. He nodded his head as if he was expecting someone.

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“What do you make of this case, Professor?” the man flared as soon as Professor let him in the door. He seemed very upset.

“I’m not sure yet, Judge Timmerman. I think it’s going to be interesting at the very least.” I seemed to remember that Professor had suggested that Judge Timmerman be one of the men to hear the big case.

“Did you know that the NAACP is sending a hot shot New York lawyer down to try this case? The law is clear, Professor, and they’re just trying to stir up trouble.”

Suddenly there was a knock at the door. I didn’t realize that Professor was planning on having so many visitors.

I ran to get the door and was greeted by a man who said, “You must be Calhoun. My name is Judge Waring, nice to meet you. ”

I nodded sheepishly. It was clear that the men were here to talk about the big segregation case that Governor Byrnes had visited the Professor about two days ago.



Judge Waring
wanted to put
an end to
segregation.

When Judge Timmerman saw the new visitor he almost snarled as he said, "Nice to see you, Judge." I could tell that he didn't really think that it was nice to see him.

"As I was saying," continued Judge Timmerman, ignoring the guest, "these New York lawyers aren't even interested in what this case is supposed to be about. They're just trying to get people angry about something that's already settled. Segregation is the law, Professor, and people abide by it."

"Perhaps," Judge Waring chimed in, not bothered by his cold greeting, "but it is a

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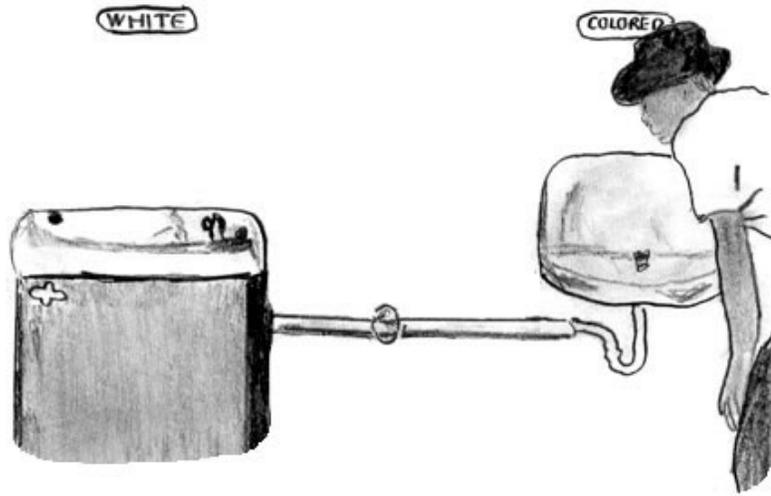
pointless law, and it is time for segregation to end.”

“Slow down,” said the Professor, trying to ease the tension in the room. He looked at Judge Timmerman and said, “You may be right, they may be trying to stir up trouble. But that doesn’t mean that trouble doesn’t need to be stirred up once in a while. The folks from Clarendon School District have a case that needs to be heard. Remember, Judge, many of these folks have been fired from their jobs, threatened, and even chased out of town.”

Professor then shifted his glance to Judge Waring. “And you say this law is *pointless*. That may be so, but it’s not your job as judges to decide which laws we like and which ones we don’t. The law is the law, and if segregation is legal, then your rulings must support it.”

Both Judges looked flushed. I knew that I shouldn’t be standing by the door listening in, but everyone seemed too caught up in the conversation to notice me.

Judge Timmerman supported segregation.



“We’re not talking slavery here,” said Judge Timmerman, ready to defend his views on segregation. “Only sixteen states in this country have laws against segregation. Most people support it.”

Judge Waring shook his head in disgust. “Not having a law *against* segregation is not the same as *supporting* it. Times are changing, and it’s time South Carolina changed, too.”

Now it was Judge Timmerman’s turn to look disgusted. “And you think that bringing

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in a lawyer from New York is the way to change South Carolina?" It wasn't really a question.

He continued, "Have you met the man trying this case? Thurgood Marshall is his name. He's a young, black lawyer with more schooling and money than you or I have ever had. He's not like these poor black folks in Clarendon County."

The Judge paused only long enough to catch his breath. He then said, "Thurgood Marshall probably hasn't ever met a poor black person yet. How's he going to understand what these people go through? New York's not a bit like South Carolina!"

Professor once again felt like he needed to get in the middle of the argument. "Mr. Thurgood Marshall is educated and wealthy — that much is true. But when he sets foot in our town, and he has to use a different bathroom and drink from a different water fountain than white people, I think he'll find he has quite a lot in common with the folks from Clarendon County."

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It went on like this for twenty minutes. The two judges argued back and forth, and Professor had to occasionally step in to keep the peace.

At one point, I thought punches were going to be thrown. It started when Judge Waring said, “The law says ‘separate but equal’ – but that’s not what we have. This case started because the colored kids had to walk to school while the white kids took buses. That’s bad enough, but it’s just the beginning.”

It was easy to tell that he was getting worked up now. He continued, “All of the white schools in Clarendon County are air-conditioned. They all have textbooks for the students to read. Not a single black school can say the same.”

Judge Timmerman responded, “That’s because the white people in Clarendon County pay more taxes. Shouldn’t their money be used for their own children?”

“Then the problem will never go away!” argued Judge Waring. He was shouting now.



More money was
spent on the
white schools
than the black
schools.

“The government spends four times more on the white kids than the black kids. Does that sound fair to you?”

Judge Timmerman pointed his finger right in Judge Waring’s face. “You know good and well that the state legislature is passing a three percent tax that will benefit *only* the black schools. Governor Byrnes himself is supporting it.”

He turned his back, as if he was too angry to look at his fellow judge. “Besides,” said Judge Timmerman, “the schools in Clarendon County have no choice but to be segregated. There are

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3,000 black children and only 300 white children in the school system there. Do you think that a classroom with dozens of colored kids and one or two white kids solves the problem?"

Judge Timmerman once again turned to Judge Waring and said very firmly. "The Supreme Court already ruled in support of segregation in *Plessy vs. Ferguson*. Case closed."

"Not so fast," Professor interrupted before the shouting grew louder. "That's why we're here. The *Briggs vs. Elliott* case in Clarendon County has been brought before us, and I expect that you men will listen to all of the evidence before making any decisions."

The two judges muttered something along the lines of "absolutely" or "of course."

Things calmed down after that, and the judges shook hands and went on their way.

"I guess we'll all see each other again in the court room," Professor said as they walked out the door.

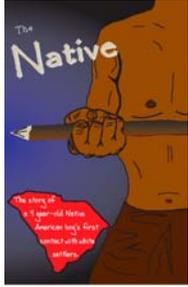
I had a feeling that this was going to be a little more interesting than the boring court cases I was used to hearing Professor talk about.



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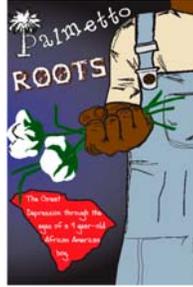
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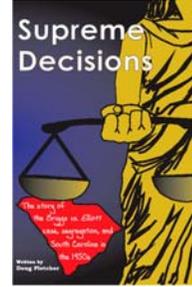
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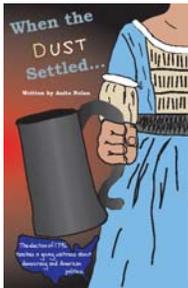
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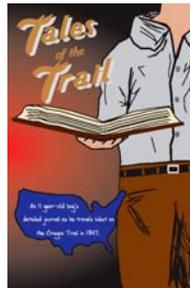
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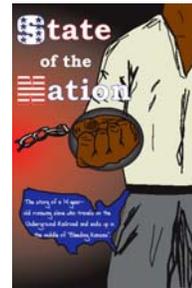
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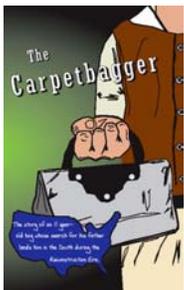
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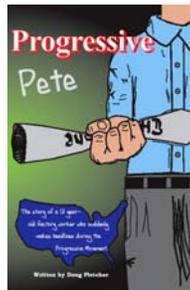
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