

After 45 Years, S.C. Pioneer Of Civil Rights Is Cleared

By SUE ANNE PRESSLEY
Washington Post Staff Writer

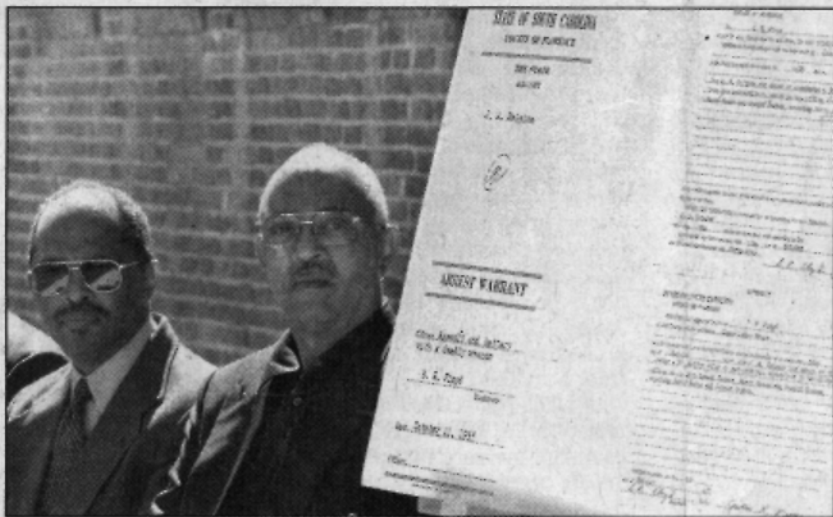
SUMMERTON, S.C., Oct. 10 **F**orty-five years after his alleged crime and more than 25 years after his death, the Rev. Joseph Armstrong DeLaine—a civil rights pioneer whose early work led to the desegregation of America's public schools—was cleared of all charges today by state officials here in a bittersweet and emotional ceremony.

DeLaine, who died in 1974, was never able to return to his home state after he was forced to leave in 1955, facing charges of assault and battery with intent to kill stemming from his defense of his home against whites angered by his civil rights activities. Although he went on to lead churches in New York, he never overcame his homesickness for the state that continued to fight to extradite him, and his family remains forever scarred by the episode—and frustrated by the general lack of credit accorded the minister and educator in history books.

For the state of South Carolina, which has suffered a black eye in recent years over the flying of the Confederate battle flag at the statehouse in Columbia and the resulting statewide boycott by the NAACP, the day marked something of an atonement for the past and, some say, an overdue recognition of the state's contribution to the modern civil rights movement. Several times over the decades, the family and various politicians had tried to get the warrant against DeLaine removed, only to hit a wall of resistance, which finally crumbled this year when a reconfigured state pardons and parole board under Gov. Jim Hodges (D) granted a symbolic pardon.

"The Rev. J.A. DeLaine stirred up trouble with a capital T," said state Rep. Alex Harvin (D), who petitioned the board for two years to clear the case. "When he had to leave, he was virtually a man without a country. He couldn't go back home. That was the whole purpose, I believe, a way to get him out of town and keep him out, keep him from ever crossing the South Carolina state line again."

DeLaine, a tall, distinguished-looking man emboldened by his belief that black children deserved a first-rate education, was the leader of the black community here in Clarendon County, an impoverished farming area about 100 miles east of



Brumit DeLaine, left, and brother J.A. DeLaine Jr. sit near an enlarged copy of the warrant issued for their late father, the Rev. Joseph Armstrong DeLaine.

Columbia. Beginning in 1949, he worked with local families who petitioned the school board to provide buses for black students and to improve facilities. A year later, the parents sued to end segregation in *Briggs v. Elliott*, one of five cases that led to the landmark 1954 U.S. Supreme Court ruling in *Brown v. Board of Education*.

Because of their stand, many of the parents lost their jobs, their homes and the ability to receive credit at local stores. The DeLaine home burned to the ground under mysterious circumstances, as local firefighters watched, saying it was not in their jurisdiction because it lay just outside the city limits. DeLaine received frequent death threats, and after the AME church reassigned him to neighboring Florence County, the troubles escalated.

Three days before the incident, DeLaine received a letter telling him if he did not leave the area, he would meet the same fate as the "Negro postmaster" in 1896, a reference to a case in which the postmaster and his young son were burned to death. At a rally by the White Citizens Council across from the DeLaine home, a speaker described the minister with a racial slur and said that DeLaine "started the desegregation mess in Summerton and ... lives right across the street."

On the night of Oct. 10, 1955, exactly 45 years ago to the day, night-riders fired shots at the DeLaine home, and DeLaine fired back—but only, he said, to mark the

vehicle the assailants were using. He left the state for good that night.

Today's ceremony, which drew a crowd of about 250 state and local officials, high school students and involved residents, was held on the steps of the old Summerton High School, the then-all-white school the black students would have attended had desegregation been enacted.

"It does take time, sometimes, for justice to prevail," said W.H. DuBose, a historian who has researched and written about the case for years and dug up the decades-old warrant at the Florence County courthouse. "We're here to celebrate justice today."

For DeLaine's two sons, J.A. Jr. and Brumit, the ceremony brought a measure of satisfaction and closure. But they regretted, they said, that neither their father nor their mother, Mattie, who died in December, lived long enough to witness the vindication.

"As far as the shooting, yes, my father talked about it. In terms of passing judgment, he never did," said J.A. DeLaine Jr., 67, a retired marketing and advertising executive who lives in Charlotte. "He was never the type to do that. He had no fear of going back and turning himself in in later years, and fighting it out in court. But we had dread fears. I was the main block—personally, I never wanted him to return to the state. I didn't trust the officials. I felt if he was arrested, bodily harm would come to him."

After Annie Gibson, the only surviving



PHOTOS BY LOU KRASKY—ASSOCIATED PRESS

Latashia Billie, 17, holds a poster of the Rev. DeLaine at a ceremony in Summerton, S.C., at which the civil rights leader was cleared of charges of assault and battery.



Annie Gibson is the last survivor of the parents who signed a lawsuit challenging segregation in South Carolina's schools.

signer of the original petition to desegregate the state's schools, added her name, she was fired from her job as a motel maid, she said. She and her husband also were forced to move from the farm they leased from a white landlord; they were told they could stay only if Gibson removed her name.

"My husband said, 'No, we've signed it—let's see it through,'" said Gibson, 90, who received special recognition today. "We had four children in school, and they didn't have the facilities they needed. It just wasn't right."

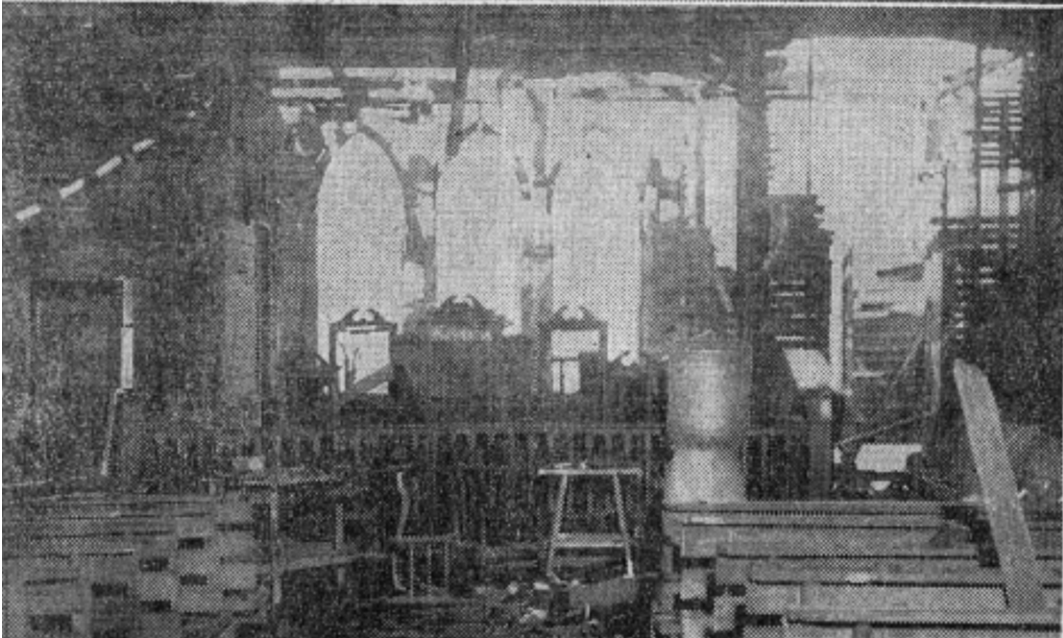
Sarah Ragin-Williams was a teenager when her father, Hazel, a painter, signed the petition. "It was a different kind of thing for the black families to do, let's put it that way," said Ragin-Williams, a retired New York City transit worker who lives outside Columbia. "They had no

choice but to stick their necks out. It was kind of scary. It wasn't like we were afraid to go out of the house, and I don't believe my daddy ever received a death threat, but we were hit where it hurt—economically."

Although history books give DeLaine and his story only a fleeting mention at best, his sons said he was happy to see the gains brought about in part by his contribution.

"He seems not to have gotten his rightful place in history, but I think a lot of people who made great contributions have not gotten the recognition they deserve," said Brumit DeLaine, a retired school administrator from Charlotte. "If he were still here, he'd probably feel good about getting his name cleared, and probably in the back of his mind, he would say, 'It's about time.'"

Lake City Church Fire Scenes 10-10-55



S.C. BOARD OF PAROLES AND PARDONS

WHEREAS, the late Reverend J.A. Delaine was charged with Assault and Battery With a Deadly Weapon in October of 1955; and

WHEREAS, two indictments for this offense were issued by a Grand Jury in Florence County under number 48 and number 7044; and

WHEREAS, the Twelfth Circuit Solicitor's Office has indicated that there are no records of conviction in this matter; and

WHEREAS, the Clerk of Court for Florence County has indicated that there are no records of conviction in this matter; and

WHEREAS, the South Carolina Department of Archives and History has searched their records and found no evidence of conviction in this matter; and

WHEREAS, this unresolved matter impairs the reputation of the late Reverend Delaine; and

WHEREAS, granting a symbolic pardon under these circumstances is compatible with the welfare of society.

It is therefore ORDERED, that the late J.A. Delaine be pardoned for the offense of Assault and Battery With a Deadly Weapon and he is hereby absolved from all legal consequences of his above stated crime and any of his civil rights lost as a result of this crime are restored.

By order of: SOUTH CAROLINA BOARD OF PAROLES AND PARDONS

C. David Baxter
Honorable C. David Baxter, Chairman

J. P. Hodges
Honorable J. P. Hodges, Vice Chairman

J. F. Elliott
Honorable J. F. Elliott

June S. Shissias
Honorable June S. Shissias

Orton Bellamy
Honorable Orton Bellamy, Secretary

Sanco K. Rembert
Honorable Sanco K. Rembert

Marlene T. McClain
Honorable Marlene T. McClain

By: Stephen K. Benjamin
Stephen K. Benjamin, Director
S. C. Dept. of Probation, Parole & Pardon Services

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)

P E T I T I O N

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

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

1. That they are citizens of the United States and of the State of South Carolina and reside in School District #22 in Clarendon County and State of South Carolina.
2. That the individual petitioners are Negro children of public school age who reside in said county and school district and now attend the public schools in School District #22, in Clarendon County, South Carolina, and their parents and guardians.
3. That the public school system in School District #22, Clarendon County, South Carolina, is maintained on a separate, segregated basis, with white children attending the Summerton High School and the Summerton Elementary School, and Negro children forced to attend the Scott Branch High School, the Liberty Hill Elementary School or Rambay Elementary School solely because of their race and color.
4. That the Scott's Branch High School is a combination of an elementary and high school, and the Liberty Hill and Rambay Elementary Schools are elementary schools solely.
5. That the facilities, physical condition, sanitation and protection from the elements in the Scott's Branch High School, the Liberty Hill Elementary School and Rambay Elementary School, the only three schools to which Negro pupils are permitted to attend, are inadequate and unhealthy, the buildings and schools are old and overcrowded and in a dilapidated condition; the facilities, physical condition, sanitation and protection from the elements in the Summerton High in the Summerton Elementary Schools in school district number twenty-two are modern, safe, sanitary, well equipped, lighted and healthy and the buildings and schools are new, modern, uncrowded and maintained in first class condition.
6. That the said schools attended by Negro pupils have an insufficient number of teachers and insufficient class room space, whereas the white schools have an adequate complement of teachers and adequate class room space for the students.
7. That the said Scott's Branch High School is wholly deficient and totally lacking in adequate facilities for teaching courses in General Science, Physics and Chemistry, Industrial Arts and Trades, and has no adequate library and no adequate accommodations for the comfort and convenience of the students.

8. That there is in said elementary and high schools maintained for Negroes no appropriate and necessary central heating system, running water or adequate lights.

9. That the Summerton High School and Summerton Elementary School, maintained for the sole use, comfort and convenience of the white children of said district and county, are modern and accredited schools with central heating, running water, adequate electric lights, library and up to date equipment.

10. That Scott's Branch High School is without services of a janitor or janitors, while at the same time janitorial services are provided for the high school maintained for white children.

11. That Negro children of public school age are not provided any bus transportation to carry them to and from school while sufficient bus transportation is provided white children traveling to and from schools which are maintained for them.

12. That said schools for Negroes are in an extremely dilapidated condition, without heat of any kind other than old stoves in each room, that said children must provide their own fuel for said stoves in order to have heat in the rooms, and that they are deprived of equal educational advantages with respect to those available to white children of public school age of the same district and county.

13. That the Negro children of public school age in School District #22 and in Clarendon County are being discriminated against solely because of their race and color in violation of their rights to equal protection of the laws provided by the 14th amendment to the Constitution of the United States.

14. That without the immediate and active intervention of this Board of Trustees and County Board of Education, the Negro children of public school age of aforesaid district and county will continue to be deprived of their constitutional rights to equal protection of the laws and to freedom from discrimination because of race or color in the educational facilities and advantages which the said District #22 and Clarendon County are under a duty to afford and make available to children of school age within their jurisdiction.

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

Dated 11 November 1949

Harry Bright	Maxine Gibson
Eliza Briggs	Harold Gibson
HARRY BRIGGS, JR.	
THOMAS LEE BRIGGS	Robert Georgia
Kathrine Eliza Briggs	Carrie Georgia
Thomas Bumble	Charlie Georgia
Henry Brown	Jemine Georgia
Julius Brown	
Neva Brown	Glady E. Hilt
Beatrice Brown	Joseph Hilton
Willie H Brown	Helenita Huggins
Marion Brown	Lila Mae Huggins
Ettie Mae Brown	Celestine Huggins
Howard Brown	Quanita Huggins
James Brown	Gussie Hilton
Thiola Brown	Roosevelt Hilton
Thomas Brown	Thomas Johnson
Eurabia Brown	Blanche E. Johnson
Joemaris Brown	Lillie Eva Johnson
Oyella Bennett	Rudie Lee Johnson
Hercules Bennett	Betty J. Johnson
Hilton C. Bennett	Bobby M. Johnson
William Gibson	Preston Johnson
Annie Gibson	Susan Lawson
William Gibson Jr	Raymon Lawson

Eddie L. Lawson

Susan Ann Lawson

Frederick Oliver

Willie Oliver

~~Mary L. Oliver~~

Rue M. Oliver

Leroy O. Oliver

Mitchel O. Oliver

Bennie Parson

Plummi Parson

Celestine Parson

Edward Ragin

Sarah Ragin

Shirley Ragin

Delain Ragin

Raye Ragin

Bella Ragin

Sarah Ellen Ragin

Rebecca Ragin

Mabel Ragin

William Ragin

Clara Ragin

Lucy Richardson

E. Love Richardson

Emanuel L. Richardson

Rebecca Richburg

Rebecca I. Richburg

E. Richburg

Albert Richburg

L. E. Johnson

Bessie Johnson

Morgan Johnson

Samuel Gay Johnson

Petitioners

Lee Richardson

James Richardson

Charles Richardson

Annie L. Richardson

Dorothy Richardson

Jackson D. Richardson

Mary D. Trauer

Francis Lawson

Bennie Lee Lawson

Mary J. Oliver

Daisy Oliver

Luis Oliver #1

Esther F. Singleton

Janie L. Sluddy

Henry Scott

Mary Scott

W. C. Scott

Wilkie M. Stokes

Ladonia Stokes

Willie Wood Stokes

Gardner S. Stokes

Louis W. Stokes

Gabriel Tindal

Annie D. Tindal

Mary L. Bennett

Lillian Bennett

Petitioners

Attorneys for Petitioners

Harold K. Paulware

Thurgood Marshall

Robert L. Carter



22 Liberty Hill Colored



22 Summer Graded



228 Summit St. Wash

Stepping stone to the Supreme Court • Clarendon County



The S.C. Executive Committee of the NAACP presents awards for the mass petition signed on 11 November 1949. Chairman S. J. McDonald hands Harry Briggs his citation. Modjeska Simkins, NAACP state secretary, stands second from the left, and J. A. DeLaine stands behind McDonald and Briggs (Courtesy J. A. DeLaine, Jr.)

Topics in African American History I Stepping Stone to the Supreme Court Clarendon County, South Carolina

Benjamin F. Hornsby, Jr.
South Carolina Department of Archives & History

Stepping stone to the Supreme Court • Clarendon County



Participants in *Briggs v. Elliott* (Courtesy J. A. DeLaine, Jr.)

Topics in African American History I -Stepping Stone to the Supreme Court
Clarendon County, South Carolina

Benjamin F. Hornsby, Jr.
South Carolina Department of Archives & History

THE CONGRESSIONAL GOLD MEDAL

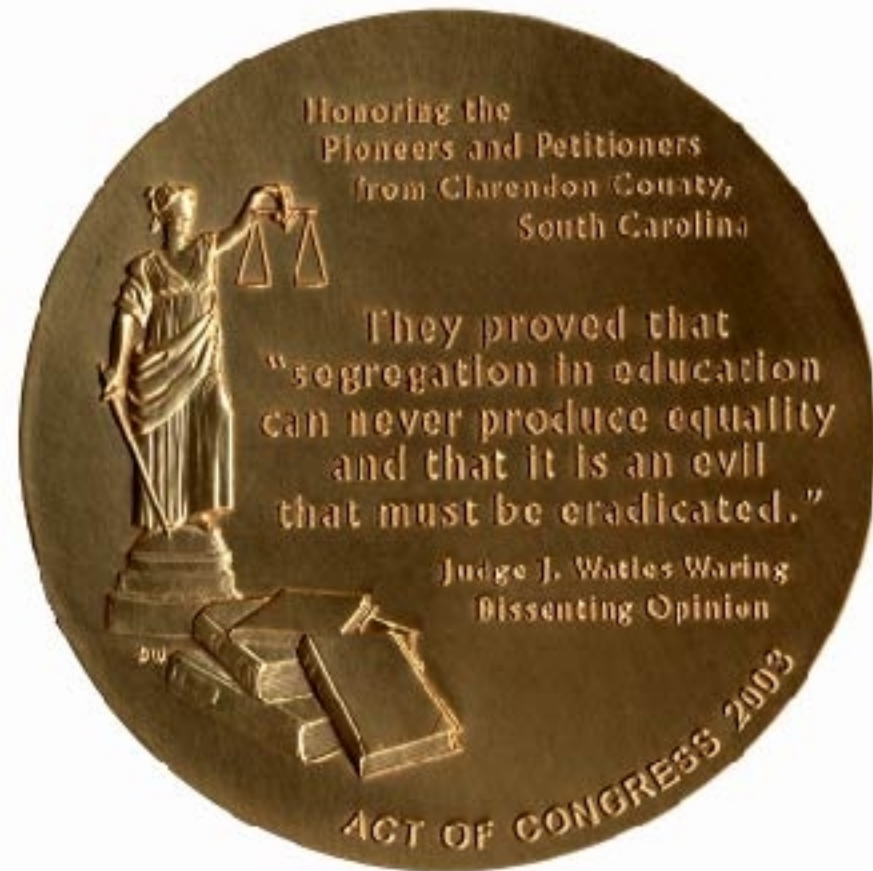
September 8, 2004



Levi Pearson

Awarded to:
Joseph A De Laine

Eliza Briggs



Harry Briggs