

## **Newsday (5/16/04). Despite landmark ruling, schools still segregated. By Martin C. Evans**

SUMMERTON, S.C. -- The Pearson children would walk -- nine miles to school from Davis Station to Summerton each morning, then nine miles back when classes were done. Though the county's white children had 30 public school buses at their disposal, walking was the only way any black child got to class in 1947 here in Clarendon County. Many black youngsters balked at the daunting distances, skipping days or dropping out altogether. But the Pearsons' parents were among a determined group of the area's mostly poor and illiterate black residents who insisted that their children be educated. Even if it meant walking while the white children rode. "Even if it was cold or wet out, I didn't let them stay home," recalled their mother, Viola Pearson, 93, who was interviewed recently and still lives in Davis Station. "I made them go to school. You couldn't get anywhere without an education." On the long roads that run through corn and cotton here in the South Carolina low country, America took its first steps toward the Supreme Court's 1954 *Brown v. Board of Education* decision that struck down school segregation.

A local preacher named Joseph Armstrong De Laine -- concerned about the long distances black children had to walk and the disparity in services -- persuaded the Pearsons to join several families in suing the county school board for bus service. The 1948 lawsuit was known as *Briggs v. Elliott* -- names taken from a filling station attendant whose signature appeared first on a list of plaintiffs, and from the scowling sawmill owner who ran the local school board. The Supreme Court united the case with four others filed later, including a Kansas suit involving a third-grade student named Linda Brown. In 1954, the court ruled that "separate but equal" schools were inherently unequal.

The Supreme Court substituted the Kansas-based *Brown* case for *Briggs* at the top of the docket in the hope that their ruling would be seen as a mandate for the entire country, not just a slap at Southern segregationists. But despite the renaming of the lawsuit, attitudes in Summerton today reflect bitter divisions that linger in communities around the country, said Joe Elliott, a grandson of Roderick M. Elliott, the segregationist school board chairman. Summerton's white residents rarely discuss the case openly, even though Elliott, 64, has made a mission of exploring its conflicted legacy.

Now, 50 years after the landmark decision, most all of the approximately 1,500 children in the area attend schools that are virtually all white or all black. And rather than becoming increasingly integrated, the rest of the nation seems to be becoming more like divided Summerton. Integration gains that accelerated in most of America through the 1970s have been eroding sharply since the late 1980s, as courts have backed away from using busing plans to force school systems to integrate, according to research by Harvard University's Civil Rights Project.

Integration finally gained momentum in the 1970s, as court-mandated busing programs brought together white and black schoolchildren from different neighborhoods and fair housing laws chipped away at neighborhood segregation. Although fewer than 1 percent of black children attended majority-white schools in 1954, by 1988, that figure had reached 43.5 percent. But the tide has turned, according to Civil Rights Project data. By 2000, the percentage of blacks in America attending majority-white schools had nose-dived to 31 percent. Today, more than half of all black children living in some of the nation's most populous states -- Michigan, Illinois, New York, Maryland and New Jersey -- attend schools where 90 percent or more of students are not white. More than 2 in 5 black children attend highly segregated schools in Pennsylvania, Wisconsin, Alabama, Mississippi, Louisiana and Missouri. The abandonment of forced busing also means more than 2 in 5 Hispanic children attend mainly nonwhite schools in New York, Texas, California and New Jersey. "We are celebrating a victory over segregation, but it's more appropriate as a time of reflection than celebration because we're going in the wrong direction," said Harvard professor Gary Orfield, co-author of a Civil Rights Project report titled "*Brown at 50: King's Dream or Plessy's Nightmare*." "Segregation is increasing, and it is leaving black and Hispanic children in impoverished apartheid schools."

### **Segregation on the rise**

The study also found that in many districts where court-ordered desegregation plans were dismantled during the 1990s, segregation increased sharply. It shows that minority students attending highly segregated schools are more likely to have their educational prospects harmed by poverty-related factors, according to the Civil Rights Project. Scholars say a key to the momentum away from integration was a 1991 Supreme Court decision that approved the end of an Oklahoma City busing program. Though its elimination resulted in 11 of the city's schools becoming all black, the court ruled 5-4 that because backers of the integration could not prove the school board had a racial motive, its halt of busing was not unlawful. To be sure, the court's ban on legal segregation is credited with

successfully unleashing a broad current of positive social change, according to Richard Kluger, who chronicled the Brown case and its legacy in his recently revised book "Simple Justice." The number of blacks in America graduating from high school soared from 13.7 percent in 1950 to 77.4 percent in 1999. The percentage of blacks living in poverty dropped from 66 percent in 1960 to 22 percent in 2000. Blacks, who until the 1960s were mostly confined to urban ghettos and rural squalor, increasingly live in comfortable homes in safe neighborhoods. The social limits that once prohibited the sharing of neighborhoods and social interactions across racial lines have markedly receded. And after the Brown ruling, Congress and the courts often leaned on its legal reasoning to introduce other social gains, eliminating restrictions on age, race and sex discrimination in housing, employment, public accommodations and facilities for the disabled, and creating nutrition, education and community programs to help the disadvantaged.

Today, many of the descendants of the Briggs v. Elliott plaintiffs study at a modern high school in Summerton, rather than the shacks their ancestors endured. Brandon Oliver, 17, whose great-grandmother, Mary Oliver, was among the plaintiffs in the groundbreaking case, has a course load that includes Advanced Placement calculus and physics. "She told me stories of how it was like, and I figured I'd never want that to happen to me," said Oliver, who plans to study mechanical engineering next year at Clemson University. "That's why I work hard."

In Summerton, echoes of the original case still reverberate in the corn, cotton and soybean hamlet of 1,100 souls a mile west of Interstate 95. Ten miles away in a courthouse in Manning -- the county seat -- Summerton's schools are among 36 plaintiff districts that claim the state's funding system denies a basic education to the mostly minority children in low-income school systems. In Summerton's almost all-black public high school, where 95 percent of children are from low-income families that qualify for free or reduced-cost lunches, SAT scores are well below the national average. Across South Carolina, more than 4 in 10 black and Hispanic students who took state standardized tests last year posted "below basic" scores in English, versus fewer than 2 in 10 white students. In math, 40.6 percent of blacks and 34.7 percent of Hispanics scored "below basic," versus 15.1 percent of whites. "We have the poorest facilities, the lowest number of certified teachers, extremely high rates of teacher turnover, the lowest test scores and the lowest teacher salaries," said Carl B. Epps III, a lawyer for the plaintiffs. "So you look back over the complaints filed in Briggs and see that many of those complaints are still with us. Integration has not proved successful in this part of the country."

### **Districts dragged their feet**

From the moment the Supreme Court handed down its ruling, resistance to integration has been the norm all across America. Brown's implementation was deferred for more than 10 years in Summerton and throughout much of the nation, in part because the court said districts should move with "all deliberate speed." That ambiguous language -- said to have resulted from a compromise that allowed the justices to deliver a unanimous decision -- resulted in school districts deciding for themselves how quickly they would follow the mandate.

With no timetable to bind them, school officials dragged their feet, often saying they lacked the funds to unify facilities. In the South, five states -- Alabama, Georgia, Mississippi, South Carolina and Virginia -- chose to defy the court altogether, adopting resolutions of "interposition and nullification" that declared the court's decision "null, void and no effect" within their borders.

In Northern communities, including Boston, heated opposition to busing plans led to protracted court fights and street violence. Some states suspended their public school programs rather than comply, granting vouchers to allow parents to send their children to private "segregation academies."

In Prince Edward County, Virginia, where one of the five Brown v. Board cases originated, public schools were shuttered from 1959 to 1964. Although most of the town's 1,500 white children continued their schooling at a private academy opened by white parents -- who persuaded lawmakers to provide them with state tuition grants -- most black children went unschooled. A few left Virginia. The county hopes to make amends during a ceremony today at Prince Edward High School -- where blacks and whites attend classes together in large numbers -- by awarding honorary degrees to 200 blacks denied an education during the shutdown.

### **Glaring difference in schools**

But it was the difficulty in reaching education parity in Summerton schools that sparked the push for desegregation. The area's dirt roads -- the nearest paved one was 20 miles away -- were pocked with puddles during the rainy winters and became dust bowls during hot spells. Some would flood so badly that they could only be crossed in a rowboat. Children who lived more than three or four miles from school invariably were muddy and cold or gritty and sweating by the time they reached the classroom. And although the district set aside 30 buses for

the area's 2,400 white children, school officials provided no transportation for the county's 6,500 black children, regardless of age or distance. "We ain't got no money to buy a bus for your -- -- children," Roderick Miles Elliott, a prosperous sawmill owner who ran the school district, told black parents. Glaring differences between the county's white and black schools were everywhere. Although the white high school was a modern brick building, blacks attended classes in wooden shacks that lacked water fountains or indoor toilets and were heated by pot-bellied stoves. The district did not provide fuel or janitorial services to the black schools, so children were pressed to sweep the classrooms and collect firewood during the cold months. In all, the county spent \$43 per black child in 1949, according to Kluger. In the county's white schools, per-pupil spending was \$179, more than four times as much.

While reflecting on past injustices in recent weeks, many of Summerton's current and former residents shared their recollections of the confrontation between black parents and the local school board. Brumit De Laine, a retired Charlotte, N.C., school administrator and the son of the Rev. De Laine, said his father was well respected by the county's mostly poor black sharecroppers and laborers. His habit of visiting his congregants in the fields -- often doffing his suit jacket to take a turn behind a plow -- convinced them that he was a part of their struggle. They remembered that in 1947, the state leader of the NAACP told members that until school districts were forced to provide a quality education for everyone, blacks would remain in a state of economic desperation. The Rev. De Laine suspected that would be true for his congregants. Most of Clarendon County's blacks were landless families who earned less than \$1,000 per year from washing and ironing, or planting corn, chopping tobacco and plowing fields owned by whites. And further complicating matters, children often were forced to skip school to help their families. "You wouldn't see some of your classmates until after cotton was all in in November," said Nathaniel Briggs, 56, of Teaneck, N.J., whose father was the lawsuit's namesake.

Also during that time, an NAACP lawyer named Thurgood Marshall was seeking a test case to challenge South Carolina's school discrimination. The Rev. De Laine promised Marshall that if he took Summerton's case, De Laine would make sure the plaintiffs would not back down. Originally, Marshall's lawsuit only called for "facilities equal in all respects to that which is provided for whites." But in a 1949 pretrial hearing, U.S. District Judge J. Waties Waring persuaded Marshall to challenge segregation's constitutionality directly. Suddenly, an apartheid system that had provided white South Carolinians with cheap labor, legal primacy and guaranteed social status stood to be swept away forever.

Briggs and others who participated in the lawsuit did so at great peril. Vigilante violence against blacks usually went unpunished. Only two months before the Rev. De Laine asked the Pearsons to take on Summerton's white establishment, 26 white men in another part of the state had confessed to dragging a black murder suspect from a jail cell and beating, stabbing and shooting him in the face with a shotgun. Five of them had identified the shooter. All 26 were acquitted. Nettled by the lawsuit, area whites used their almost complete control over the local economy to try to get the plaintiffs to back down. Black farmers who were branded as troublemakers found they could not purchase seed or fertilizer in the spring or have their cotton ginned in the fall. The Rev. De Laine lost his schoolteacher job and his house was burned to the ground as firefighters watched. Harry Briggs was fired from his job at the gas station, and when his wife, Eliza, also was dismissed from her job as a hotel domestic, he and his eldest son left town to search for work elsewhere. "It really split up the family," said Nathaniel Briggs. "My brother went one way, my father went another. It was four or five years being vagabonds. It's not easy being on the run." Even with the pressures, enough plaintiffs stood together so that the case went forward. Several individuals close to the lawsuit had served in World War II and were determined not to return home to second-class citizenship. "When I left the Army, I made a pledge that I was going home and going to war to change things," said Jesse Pearson, 82, Viola Pearson's nephew, who returned to Summerton shortly after serving in Europe. "There were threats, but we didn't let that bother us. Hitler's snipers had tried to kill me, and Reverend De Laine was willing to give up everything. We knew some may lose their life."

But despite the sacrifices, the school district that pointed America toward an integrated future never did shake segregation. After successfully blocking black admissions to public schools until 1965, whites in town opened a whites-only private school, Clarendon Hall. As blacks began to be admitted to the formerly all-white public schools in 1966, white parents pulled their children out. Today, 95.5 percent of Summerton's 1,230 public school students are black, mirroring the levels of minority concentrations seen in a growing number of schools nationwide. At Clarendon Hall, all but about 20 of its 275 students are white, reflecting the racial isolation experienced by most of America's white students. "Over the past 50 years, the attempt to integrate the public education system and to achieve full racial equality in other areas has been resisted and openly defied, by policy-makers and the public, to the detriment of the laudable aim of achieving racial equality in America," Harvard law professor Charles J. Ogletree Jr. wrote in his latest book, "All Deliberate Speed."

Residents in Summerton, where it is still somewhat taboo for whites and blacks to socialize in each other's homes, say the fight to desegregate America's schools has left a lingering bitterness. Many whites feel they are forever being asked to apologize for America's racial stains and for the economic deprivation that continues to burden the county's black population. Blacks say whites continue to shun them socially and resist efforts to boost financial support for the public schools. "Summerton has a divide, and I think it came from the case itself," said Elliott, who was Clarendon Hall's headmaster from 1998 to 2000. "It served to divide us. We were the nation's whipping boy, and we have the scars to prove it. "But to me, rejection of the case is rejection of the African-American community," said Elliott, who added that his effort to establish an interracial group to bridge the gap between two communities died more than a year ago from lack of interest. "A lot of people are polite when I say that, but I don't get any standing ovations. I've not been ostracized in town, but I feel tensions." Nonetheless, a tiny handful of residents in the community say it is time for racial reconciliation.

Four years ago, while Joe Elliott was serving as its headmaster, Clarendon Hall admitted its first black students and began sharing an annual sporting event with Summerton's predominantly black Scott's Branch High School. A few weeks ago, students from the two schools held a joint talent show to raise scholarship money. Several exchanged telephone numbers. One black student joined a music group that before included only white Clarendon Hall students. "I don't think we are a nest of rabid racists," Elliott said. "My grandfather was definitely on the wrong side of history. He was a product of a Jim Crow world." Betsy Braddock, a white woman who owns a boutique on Summerton's Main Street, said she harbored anti-black feelings before a religious conversion persuaded her to change. Now, she is part of an interracial prayer group that is prodding the rest of the community to put its hurt racial feelings behind it. "I used to think Martin Luther King should be struck down," said Braddock, who grew up 80 miles north in Florence. "I was racist because of the way I was taught. But it's time for people to understand we're all human beings, and we are all precious."