

## **African-American Voting Rights in South Carolina: 1868-1948**

**Overview:** The purpose of the following lesson plans is to assist students in understanding 1.) how constitutional protections for voting rights were extended to African Americans immediately following the Civil War, 2.) how state governments in the South worked to nullify these rights, 3.) how Civil Rights activists in the mid-twentieth century successfully used Black-owned media and the courts to combat and eventually overturn unconstitutional restrictions on their ability to vote. These lesson plans are adaptable for high school or undergraduate courses in American history or civics.

### ***Lesson 1: Understanding the Reconstruction Amendments***

*Time:* 60 minutes/1 class period

*Lecture:* Provide context for the passage of the Reconstruction amendments. Students should understand that, in the years following the Civil War, Congress passed a series of amendments designed to expand definitions of citizenship and protect the civil rights of formerly enslaved people in the South. They should also understand that there was fierce resistance among the traditional white leadership in the South to these amendments.

*Activity:* Provide students with a copy of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments (*appendix 1*). The class can be divided into 3 groups in which each group will be assigned an amendment to explain to the rest of the class. Use follow-up questioning to ensure students understand the protections afforded by these amendments as well as their limitations (i.e., slavery is ostensibly still allowed as “punishment for a crime”; the vote is not extended to women).

*Learning Outcome:* students will be able to explain the Reconstruction Amendments and their historic significance.

### ***Lesson 2: White Resistance to Reconstruction Amendments***

This lesson offers a case study of 1.) how the post-Reconstruction government in South Carolina worked to undermine the Civil Rights that the Reconstruction Amendments provided and 2.) how various forms of media influenced this public debate.

*Part 1: Resistance in the media*

*Time:* 60 minutes/1 class period

*Activity:* Have students view some or all of the following images/videos:

- “The first colored senator and representatives - in the 41st and 42nd Congress of the United States” (1872) <https://www.loc.gov/resource/ppmsca.17564/>
- “Radical members of the first state legislature after the war, South Carolina” (1876) <https://www.loc.gov/resource/ppmsca.30572/>
- “Colored Rule in a reconstructed (?) state” (1874) <https://www.loc.gov/resource/ds.13145/>
- South Carolina House of Representatives scene from *Birth of a Nation* (1915) <https://www.youtube.com/watch?v=GBzDH-Vwzy4>

*Discussion Prompt:* How was African-American political participation depicted in various forms of media during and after the Reconstruction era?

*Learning Outcome:* Students will be able to understand and explain how visual media contributed to the public debate about the extension of voting rights and political participation to African Americans during the Reconstruction era.

## *Part 2: Government Resistance*

*Time:* 60 minutes/1 class period

*Review:* Begin with a review of the 14<sup>th</sup> and 15<sup>th</sup> Amendments and the photo of the Black U.S. Senators from the Library of Congress linked above.

*Discussion Prompt:* Numerous African Americans were elected to Congress in the years immediately following the Civil War, but very few were elected throughout the 20<sup>th</sup> century. If African-American people had a constitutionally protected right to vote, why were so few African-American legislators elected in the years that followed Reconstruction?

*Activity:* Have students read excerpts from U.S. Senator Benjamin Tillman’s testimony from the Congressional Record, March 23, 1900 (*appendix 2*).

*Discussion Prompt:* What do you think are some of the ways that politicians like Senator Tillman relies on to “disfranchis[e] as many [African Americans] as we could under the fourteenth and fifteenth amendments”? Guide the discussion to cover some of the ways that students may already be familiar with such as reading tests, poll taxes, or grandfather clauses.

*Lecture:* Explain the difference between primary and general elections and how Southern states used the “white primary” to disenfranchise African American voters

Resources for understanding the “white primary”:

1. “White Primary,” *Wikipedia*, [https://en.wikipedia.org/wiki/White\\_primary](https://en.wikipedia.org/wiki/White_primary)
2. Marshall, Thurgood. “The Rise and Collapse of the ‘White Democratic Primary,’” *The Journal of Negro Education*, vol. 26, no. 23, Summer 1957, pp. 249-254, <https://doi.org/10.2307/2293407>

*Learning Outcome:* Students will understand legal strategies used to disfranchise African-American citizens throughout the twentieth century.

### **Lesson 3: “Time to Rejoin the Union”: Defeating the White Primary**

*Time:* 120 minutes/2 class periods

The purpose of this lesson is to explore how Civil Rights activists working in conjunction with the NAACP used the courts to secure voting rights for African-American citizens amidst strong resistance from Southern whites. Students will learn about *Elmore v. Rice* (1946) and the social and political contexts that made this case significant.

Resources for learning about *Elmore v. Rice* (readings can be assigned to students prior to class period in which the case will be discussed):

1. Donaldson, Bobby. “How One Man Fought South Carolina Democrats to End Whites Only Primaries—and Why That Matters Now,” *The Conversation*, 28 February 2020, <https://theconversation.com/how-one-man-fought-south-carolina-democrats-to-end-whites-only-primaries-and-why-that-matters-now-132559>
2. Brinson, Claudia Smith. *Stories of Struggle: The Clash Over Civil Rights in South Carolina*, University of South Carolina Press, 2020, pp. 7-10. (appendix 3)
3. *Elmore v. Rice* (1946) <https://law.justia.com/cases/federal/district-courts/FSupp/72/516/2238812/>

*Discussion Questions* (can be used as discussion prompts in class or assigned as homework to help guide student reading about the case)

1. How were “white primaries” used to prevent African American citizens from exercising their right to vote?
2. What reasoning did white Southern Democrats use to argue that the white primary system did not violate the fourteenth and fifteenth amendments?
3. The Supreme Court had already ruled in *Smith v. Allwright* (1944) that white primaries violated the constitution, so what steps did the South Carolina government take to ensure that they could still use this system to prevent Black citizens from voting?
4. Judge Waring stated in his decision that “It is time for South Carolina to rejoin the Union.” What do you think he meant by that?

*Activity 1:* Divide the class into groups and assign each group one of the following people or organizations to research in connection with the *Elmore v. Rice* lawsuit. Have each group share their findings.

1. George Elmore
2. James M. Hinton
3. J. Waties Waring
4. Thurgood Marshall
5. Progressive Democratic Party

*Lecture:* Discuss the results of *Elmore v. Rice*, highlighting that 35,000 African American citizens registered to vote prior to the 1948 primary elections. Also, note examples of white resistance to the ruling that ranged from violence (in the case of Rev. Archie Ware) to provisions requiring Black citizens to take an oath in support of segregation prior to being registered (a requirement that Judge Waring would also strike down in *Brown v. Baskin* (1948)).

*Primary texts to use with lecture:*

#### African American Voting

- Front page of *The Lighthouse and Informer*, 25 April 1948:  
<https://historicnewspapers.sc.edu/lccn/sn92065442/1948-04-25/ed-1/seq-3/>
- Editorial page of *The Lighthouse and Informer*, 25 April 1948 with McCray's column "The Need for Changing" addressing the white primary victory:  
<https://historicnewspapers.sc.edu/lccn/sn92065442/1948-04-25/ed-1/seq-17/>
- Photo of John Henry McCray and colleagues from front page story on voting:  
<https://digital.tcl.sc.edu/digital/collection/p17173coll38/id/18744/rec/3>
- Photo of Black voters lined up to vote in the 1948 South Carolina primary:  
<https://digital.tcl.sc.edu/digital/collection/p17173coll38/id/18749/rec/3>

#### White Resistance to *Elmore v. Rice*

- Photo of Rev. Archie Ware, who was beaten and stabbed after voting in 1948 primary: <https://digital.tcl.sc.edu/digital/collection/p17173coll38/id/19018/rec/2>
- News articles on the lawsuit challenging the Democratic party loyalty oath endorsing segregation (*appendix 4*)

*Learning Outcome:* Students will be able to understand and explain 1.) the legal actions taken to secure voting rights for African Americans in the 1940s and 2.) how social movements occurring locally in South Carolina led to changes in how the Reconstruction Amendments to the Constitution were interpreted and enforced.

*Assignments for Further Reflection and Research:*

1. How do the attempts to suppress African American voting rights you've learned about connect to today's social and political landscape? Do all citizens now have

the same rights and opportunities to participate in the democratic process? Write a paper or develop a presentation in which you examine how changes to procedures or policies enhance or restrict the ability of various groups of people to vote. Some topics to focus on would include absentee voting, ID requirements, gerrymandering, or recent changes to Voting Rights Act of 1965.

2. A few years before the Progressive Democratic Party brought *Elmore v. Rice* to trial, a statue was erected on the State House grounds honoring Senator Benjamin Tillman, a powerful state politician of the post-Reconstruction era who boasted of his efforts to suppress African American political participation through acts of violence (he participated in the Hamburg Massacre of 1876 and was a vocal proponent of lynching) and legal maneuvering (as governor, he led the effort to rewrite the constitution to prevent Black citizens from voting). In recent years, there have been calls to remove the statue (see, for example, [Historic Columbia's statement supporting removal](#)). Given what you've learned about the history of voting rights in South Carolina, where do you stand on this issue? Do your own research on Tillman, and then write an open letter to the State legislature in which you make a case for either removing or keeping the statue.

## Appendix 1

### **Amendment XIII (1865)**

#### ***Section 1***

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

#### ***Section 2***

Congress shall have power to enforce this article by appropriate legislation.

### **Amendment XIV (1868)**

#### ***Section 1***

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

#### ***Section 2***

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

#### ***Section 3***

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

#### ***Section 4***

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

#### ***Section 5***

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### **Amendment XV (1870)**

#### ***Section 1***

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

#### ***Section 2***

The Congress shall have power to enforce this article by appropriate legislation.

## Appendix 2

SOURCE: Testimony from Sen. Benjamin R. Tillman (SC), *Congressional Record*, 23 March 1900, <https://www.congress.gov/bound-congressional-record/1900/03/23>

Mr. TILLMAN. And he said we had taken their rights away from them. He asked me was it right to murder them in order to carry the elections. I never saw one murdered. I never saw one shot at an election. It was the riots before the election, precipitated by their own hot-headedness in attempting to hold the government, that brought on conflicts between the races and caused the shotgun to be used. That is what I meant by saying we used the shotgun.

I want to call the Senator's attention to one fact. He said that the Republican party gave the negroes the ballot in order to protect themselves against the indignities and wrongs that were attempted to be heaped upon them by the enactment of the black code. I say it was because the Republicans of that day, led by Thad Stevens, wanted to put white necks under black heels and to get revenge. There is a difference of opinion. You have your opinion about it, and I have mine, and we can never agree.

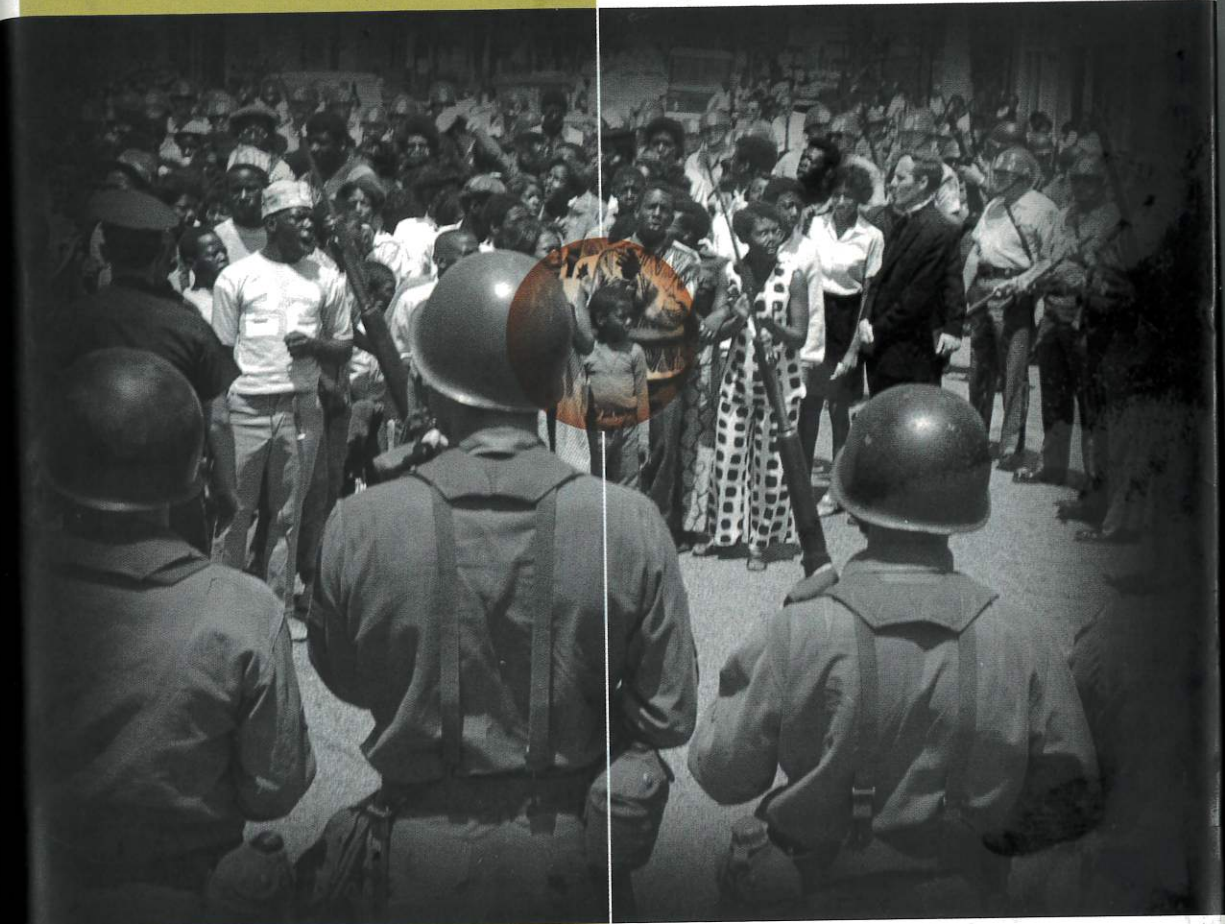
I want to ask the Senator this proposition in arithmetic: In my State there were 135,000 negro voters, or negroes of voting age, and some 90,000 or 95,000 white voters. General Canby set up a carpetbag government there and turned our State over to this majority. Now, I want to ask you, with a free vote and a fair count, how are you going to beat 135,000 by 95,000? How are you going to do it? You had set us an impossible task. You had handcuffed us and thrown away the key, and you propped your carpetbag negro government with bayonets. Whenever it was necessary to sustain the government you held it up by the Army.

Mr. President, I have not the facts and figures here, but I want the country to get the full view of the Southern side of this question and the justification for anything we did. We were sorry we had the necessity forced upon us, but we could not help it, and as white men we are not sorry for it, and we do not propose to apologize for anything we have done in connection with it. We took the government away from them in 1876. We did take it. If no other Senator has come here previous to this time who would acknowledge it, more is the pity. We have had no fraud in our elections in South Carolina since 1884. There has been no organized Republican party in the State.

We did not disfranchise the negroes until 1895. Then we had a constitutional convention convened which took the matter up calmly, deliberately, and avowedly with the purpose of disfranchising as many of them as we could under the fourteenth and fifteenth amendments. We adopted the educational qualification as the

only means left to us, and the negro is as contented and as prosperous and as well protected in South Carolina to-day as in any State of the Union south of the Potomac. He is not meddling with politics, for he found that the more he meddled with them the worse off he got. As to his "rights"—I will not discuss them now. We of the South have never recognized the right of the negro to govern white men, and we never will. We have never believed him to be equal to the white man, and we will not submit to his gratifying his lust on our wives and daughters without lynching him. I would to God the last one of them was in Africa and that none of them had ever been brought to our shores. But I will not pursue the subject further.

Appendix 3



The Clash over

The Clash over  
Civil Rights in  
South Carolina

# Stories of Struggle

Claudia Smith Brinson



complaint filed against him. This pattern—NAACP campaigns followed by retaliation, personal and systemic—dominated twenty years of Hinton's life.<sup>13</sup>

Always weighing on Hinton's mind was the right to vote, the true proof of citizenship. On April 3, 1944, the U.S. Supreme Court held in a Texas case, *Smith v. Allwright*, that primaries were part of general election machinery. Thus black citizens could not be denied participation through the use of white-only primaries—which South Carolina continued. In South Carolina voting was close to impossible for black citizens. Registrars could block a potential voter by requiring a person read or write any section of the state constitution or prove ownership of property worth more than three hundred dollars. Of two hundred thousand registered voters in South Carolina, only ten thousand were black. Evidently that wasn't restrictive enough. Immediately Gov. Olin D. Johnston initiated legislative repeal of all statutes governing primaries—150 statutes in six days—leaving political parties free to make their own rules. In what was essentially a one-party state, only the Democratic primary mattered. Now party rules created a private club for whites only.<sup>14</sup>

McCray and McKaine shaped the founding of the biracial Progressive Democratic Party (PDP), a rebuttal to the state's all-white Democratic Party. On May 24, 1944, the PDP held its first state convention, with Hinton a featured speaker. "He is good enough to die," proclaimed Hinton of a son fighting in World War II, "but he is not good enough to vote in this hellish South Carolina." The PDP sent eighteen delegates—including Hinton, McCray, McKaine, and Simkins—to the Democratic National Convention. This first-ever challenge to the seating of any all-white delegation ended with a credentials committee disqualification. Undeterred, the PDP worked statewide: coaching voter registration, hunting black candidates, endorsing Franklin D. Roosevelt for president, enrolling forty-five thousand members, selecting McKaine to run against Johnston for U.S. Senate, and urging voters to "vote for freedom." Mysteriously unavailable PDP ballots contributed to McKaine's defeat.<sup>15</sup>

Since 1942 Adams and Hinton had been raising money—six thousand dollars—through the Negro Citizens Committee for a voting rights lawsuit. Attorney Marshall supported "knocking the white primary in South Carolina." Hinton, who went to the top regularly about what he called white legislators' "subterfuge, chicanery, and thievery," religiously documented obstruction. He sent affidavits to the U.S. Justice Department, sought federal intervention, and announced his actions in press releases. In July, Hinton and five other black Columbians appeared before the state Democratic Party's

purging committee to protest the removal of all black voters' names from the rolls. Committee members informed them the political party was exclusively white; they were barred from voting solely because of race and color.<sup>16</sup>

In the midst of this, a black child was convicted of murder and sentenced to execution. George Junius Stinney Jr., fourteen years old, was accused in March 1944 of murdering two white children, Mary Emma Thames and Betty June Binnicker. Stinney's parents, a school cook and a mill worker, and three younger siblings fled, frightened by lynching threats in Alcolu. They did not attend his trial, where an all-white, all-male jury took ten minutes to convict Stinney in the death of Binnicker. Stinney's sisters, who said they and their brother only talked to the white girls and did so together, were not asked to testify. Arresting officers said the child confessed. Later reports said Stinney confessed after being denied food and visits from his family. Stinney's attorney did not present evidence or appeal the conviction and sentence, even though, in 1943, a white teen who pled guilty to the rape and murder of an eight-year-old girl was sentenced to twenty years imprisonment.<sup>17</sup>

Letters and telegrams—from Hinton, the national NAACP, state NAACP membership, ministerial alliances, Charleston unions, and several hundred citizens—objected to the speed of the three-month trial and the execution of a child. Johnston said he saw "no reason to interfere" with the June 16 electrocution, which required nightmarish adjustments as the five-foot-one-inch, ninety-pound, Bible-carrying child was too small for the chair and its straps.<sup>18</sup>

#### No Right So Basic as the Right to Vote

In December 1945 Hinton wrote the U.S. attorney general to demand investigations into voter registration: "Negroes are denied the right to vote in the Democratic Primary of South Carolina, and to deny them the right to register even for the General Election makes null and void all of their rights as citizens of the United States, for which they have fought and died like all other persons." A year later, when a U.S. Department of Justice spokesman denied awareness, Hinton replied that he had sent the department more than twenty-five sworn affidavits.<sup>19</sup>

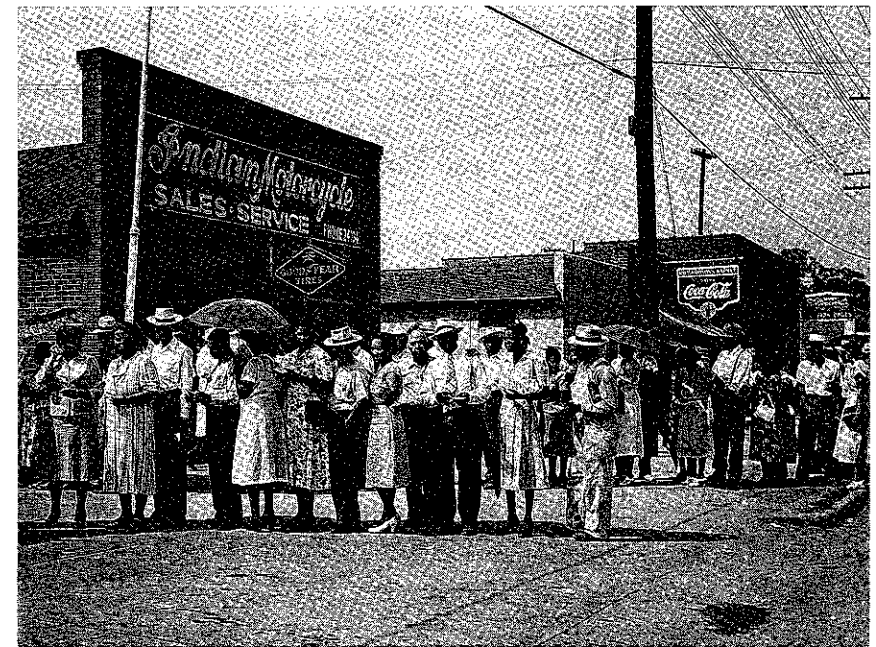
Hinton had handpicked potential registrants in 1944. None succeeded. Efforts again underway in 1946 were again failing—until George Elmore tried. One afternoon, Hinton, McCray, and others waited on Columbia's Millwood Avenue. Four of the five men had crossed the street to a two-room store, only to be told the registration books weren't there. Enrollment clerks

hid the books the second a black person appeared. The men could see into the store through its plate-glass windows and waited for the store clerk to register a white customer. At that moment they planned to rush over, according to McCray. Then Elmore arrived. The portly, chatty, light-skinned Elmore served as secretary of Richland County's PDP. He owned a five-and-dime and two liquor stores, drove for Blue Ribbon Taxi Club, and hired out as a photographer.<sup>20</sup>

Elmore volunteered, crossed the street, walked in, bought a Coke, and listened as the white woman complained about "them damn niggers" across the street. She told Elmore it was important for every white person to enroll and vote. She got the book and instructed Elmore in writing his name in the E section. When Elmore completed his address, a location recognizably in a black neighborhood, she yelled, "Then you're a damned nigger, too!" Elmore stepped out of the store and shouted across the street, "She says you other niggers might as well come on in and enroll, too." McCray lived in a different ward, but that's how Elmore, Hinton, Dr. R. W. Mance, Rev. E. A. Davis, and Rev. F. M. Young registered.<sup>21</sup>

On August 13, 1946, Elmore showed his poll tax receipt and was denied a vote in Richland County's Democratic primary because he was not white. The NAACP filed an injunction on behalf of Elmore and sixty others. In district court state attorneys argued that the Democratic Party was a "private voluntary association of individuals mutually acceptable to each other," so Elmore had lost no constitutional rights or privileges. "There is no right so basic as the right to vote," argued Marshall. He and assistant counsels Robert Carter and Boulware said that black citizens were deprived of their right to make political choices since the primary was South Carolina's "only meaningful election." Hinton called upon the Eighty-Seventh General Assembly to recall the "white supremacy EXTRA SESSION" whose circumventions "conspired to steal the ballot from forty-three percent of its electorate." South Carolina ran the nation's last all-white primary, and Hinton said it was time for the state to redeem itself by "producing some statesmen." On July 12, 1947, District Judge J. Waties Waring opened the primary with the observation, "It is time for South Carolina to rejoin the Union."<sup>22</sup>

Hinton immediately wrote the Democratic Party chairman to say the decision required "that the rules of the party be amended to include all qualified electors, and the word White to be stricken from the party rules," that all black citizens eighteen years old and older be permitted to participate in Democratic primaries, and, "in a democracy based on a judiciary," bitterness be forgotten. The PDP held a special convention five days after



Rev. James Myles Hinton Sr., fourth from right, voted in the 1948 primary and general elections. The president of the South Carolina Conference of Branches of the NAACP made possible black citizens' votes through *Elmore v. Rice*, which ended South Carolina's all-white primary.

Courtesy of South Caroliniana Library, University of South Carolina, Columbia

Waring's decision. Elmore announced, "In the words of our other champion, Joe Louis, all I can say is 'I glad I win.'" He referred to the Brown Bomber, boxing's black world heavyweight champion from 1937 to 1949.<sup>23</sup>

South Carolina appealed. Hinton warned, "The Negroes who are determined to vote are not going to give an inch." The Fourth Circuit rejected the argument that black citizens had no more right to vote in the Democratic primary "than to vote in the election of officers of the Forest Lake Country Club," an exclusive whites-only club in Columbia. The December 30, 1947, decision, written by Judge John J. Parker, called the country club comparison a fundamental error: "An essential feature of our form of government is the right of the citizen to participate in the governmental process." On April 19, 1948, the U.S. Supreme Court denied review.<sup>24</sup>

On April 21, 1948, Hinton, McCray, and Elmore and wife Laura Delaney Elmore voted in a city primary. "I'm happy as a lark," Hinton told *The State*,

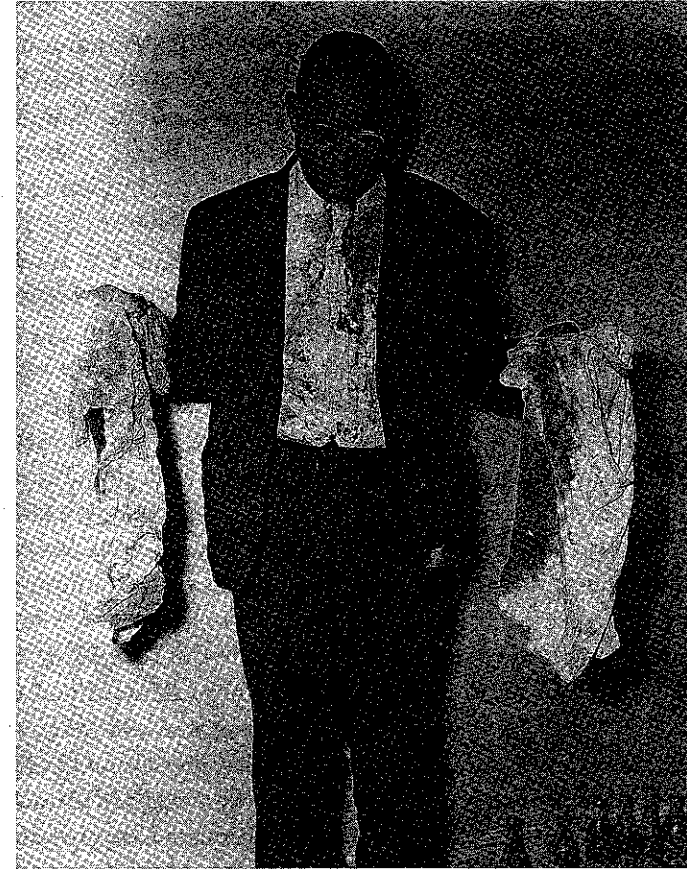
the Columbia morning paper. Hinton often gave a pat on the back followed by a nudge, so he wrote a letter of congratulations to the party's executive committee, reminding them that black participants expected equality at precinct meetings. It might seem a man so focused on repetitively addressing infinite obstructions might be grim, but Hinton possessed an understated, wry humor. The Charleston mayor declared, "I'd rather die and go to hell before seeing Negroes vote in our primaries," and Hinton observed, when the man died, "A white man always keeps his word."<sup>25</sup>

In May, sure that Jim Crow still held sway, the state Democratic Party required that an aspiring voter had to swear belief in the social, religious, and educational separation of the races in order to qualify to vote. The NAACP sued on behalf of David Brown, a Beaufort County PDP officer and gas station attendant, whose name was struck when he wouldn't sign the oath. On July 20, 1948, in *Brown v. Baskin*, Waring ruled the court would not excuse further subterfuge, struck down the oath, ordered enrollment books open until July 31, and promised to jail anyone in contempt of his orders. Afterward thirty-five thousand black citizens registered.<sup>26</sup>

Segregationists burned crosses at Elmore's home, refused to supply his stores, and inundated his work and home life with death threats. In Calhoun Falls on August 10, Rev. Archie Ware cast his primary ballot and almost died for it. White men surrounded him, beat him with clubs, cut him with hawk-bill knives, and left him for dead while two police officers watched. Hinton filed an affidavit for Ware, asked Thurmond to investigate, and asked the U.S. Justice Department to bring criminal prosecution. Ware identified the attackers and left for Illinois and safety. Seven weeks later the state constable only commented that investigations could take "three days, three weeks, three months."<sup>27</sup>

On the same day that Judge Waring listened to arguments about access to the voting booth, he also listened to arguments about access to the University of South Carolina (USC) School of Law. In the 1930s, guided by Charles Hamilton Houston, the NAACP had begun fighting segregation law by law, court by court, state by state. Houston, a World War I veteran and dean of Howard's law school, believed that challenging the 1896 "separate but equal" standard of *Plessy v. Ferguson* could force states that practiced segregation to provide actual equal educational facilities—a very expensive outcome. Houston began with law schools.<sup>28</sup>

In 1936, in *Murray v. Pearson*, Maryland's court of appeals agreed that equal treatment required that students be admitted to the one law school provided. Donald Gaines Murray graduated from the University of Maryland



After Rev. Archie Ware cast his 1948 primary vote in Calhoun Falls, white men stabbed him in the belly, back, and thigh, beat him with clubs, and left him for dead.

Courtesy of South Caroliniana Library, University of South Carolina, Columbia

School of Law in 1938. That year, in *Missouri ex rel. Gaines v. Canada*, the U.S. Supreme Court ruled that the Fourteenth Amendment's guarantee of equal protection under the law meant that Missouri had to provide equal access, admitting Lloyd Lionel Gaines to its only law school or building an equal law school. Missouri briefly provided a law school in a beauty parlor. Gaines never attended because he disappeared, certainly a warning to other applicants. Also in 1938 Charles B. Bailey, a Columbia resident and graduate of Atlanta's Morehouse College, applied to the USC School of Law. Houston

## Negroes Plan Another Suit For 'Rights'



South Carolina Baptist erected at a cost of \$100,000. The old nurses quarters are being demolished.



Dr. Naylor will be incorporated in the new hospital.

paid out on a pay-as-you-go basis. With completion of quarters, the hospital shed about one-half of program with all in-

Negro leaders planned further court action today to obtain "full and complete participation" in state Democratic party affairs.

The South Carolina Democratic convention yesterday changed party rules to permit "qualified Negro electors" to vote in the hitherto white primaries but denied Negroes party membership.

The convention action was designed to comply literally with federal court decisions that "qualified Negro electors" had the right to vote in the Democratic primaries and could not be barred because of their race or color.

### Immediate Action

"The denial of party participation to Negroes will bring immediate prayer to the federal courts for further relief from disfranchisement," State President James M. Hinton of the national association for advancement of colored people and chairman John H. McCray of the South Carolina Progressive (Negro) Democratic party announced jointly.

"Negroes contend that a qualified elector under the court's decision not only exercises the right to cast a ballot but to have full and complete participation in all party matters."

"To this end," their statement said, "Negroes will seek redress in the courts, with full confidence that once again the walls of prejudice, disfranchisement and inequality will be torn down."

### Sees 'Cold War'

Hinton and McCray said state Democratic party officials and delegates to yesterday's convention "mapped a cold war against democracy, justice and fair play...."

They called a race segregation plank in the state party platform "pure trash."

"Segregation is wrong and cannot stand..." they said, "America and the south stand at the crossroads and must make a decision to either integrate all minorities into full citizenship or perish in the wilderness."

## S. C. FREES

(Continued From Page One)

the convention, with a vigorous appeal against the "so-called" civil rights program, to adopting the resolution, supported also by Sen. R. M. Kennedy of Kershaw and others. Former Rep. Miller H. Millette of Clarendon county took a stand against the resolution.

Declaring that "this is the best resolution offered to be tabled," Mellette championed a movement to send completely uninstructed delegates to the national convention.

"Let's send our delegates so that they can be an heir to the throne and not treated as an adopted red-haired step son. We could not accomplish what we wanted with delegates instructed in that manner," Mellette declared.

### Kennedy's Speech

Kennedy declared that the resolution, presented by the platform and resolutions committee, shows we are definitely fed up with what was once our party."

"We have been kicked around long enough. This resolution is the only honest procedure we can follow in the national convention. By this means, we give the national convention our terms for the future."

"If they proceed to support Truman or his civil rights program, we don't sit there. If they don't support him, we do sit there. This is the honest method and there is no

## Text Of New Democratic Vote Rule And Oath

The following is the text of new Rule 6 of the state Democratic party, adopted at yesterday's state convention and covering the matter of qualifications for voting, the new rule having grown out of court rulings that the party must permit Negroes to vote in the primaries:

"Qualifications for club membership in any club of the Democratic party of South Carolina, shall be as follows, viz: The applicant for membership shall be twenty-one (21) years of age, or shall become so before the succeeding general election, and be a white Democrat, who subscribes to the principles of the Democratic party of South Carolina, as declared by the state convention.

"He shall be a citizen of the United States and of the state of South Carolina, and shall be able to read and write and interpret the Constitution of the State of South Carolina. No person shall belong to any club unless he has been a resident of the State of South Carolina for two (2) years, of the county for six (6) months prior to the succeeding general election and of the club district sixty (60) days prior to the first primary following his offer to enroll.

"Provided, that public school teachers and ministers of the Gospel, in charge of a regular organized church shall be exempt from the provisions of this rule as to residence, if otherwise qualified.

"Qualifications for voting—All duly enrolled club members are entitled to vote in the precinct of their residence if they take the oath required of voters in the primary; and in conformity with the order of Judge J. Waties Waring, United States District Judge, in the case of *Elmore et al. vs. Rice, et al.*, all qualified Negro electors of the State of South Carolina are entitled to vote in the precinct of their residence if they present their general election certificate and take the oath required of voters in the primary."

### THE NEW OATH

The following is the text of the new oath which was incorporated into the rules at yesterday's convention:

"Oath to be taken by voters:

"I do solemnly swear that I am a resident of this club district, that I am duly qualified to vote in this primary under the rules of the Democratic Party of South Carolina, and that I have not voted before in this primary, and that I am not disqualified from voting under Section 2267 of the South Carolina Code of Laws, 1942, relating to disqualifying crimes.

"I further solemnly swear that I understand, believe in and will support the principles of the Democratic Party of South Carolina, and that I believe in and will support the social, religious and educational separation of races.

"I further solemnly swear that I believe in the principles of states' rights, and that I am opposed to and will work against any F. E. P. C. law and other federal law relating to employment within the states.

"I further solemnly swear that I will support and work for the election of the nominees of the primary in the ensuing general election and that I am not a member of any other political party."

and fully accountable to the people. "We believe in adequate National defense.

"We believe in the adequacy of the natural resources and the citizenship of South Carolina to continue to carry our State forward economically and industrially with greater opportunities for all its citizens.

"We believe we are honor bound to support the nominees of the Democratic Party of South Carolina in the ensuing general elections.

"We oppose any Federal legislation which seeks to usurp the sovereign rights of the states to regulate and govern their internal affairs and to determine the qualifications of electors.

"We oppose any Federal or State legislation setting up any F. E. P. C. or other laws which seek to regulate private employment within the states.

"We oppose Communism, Socialism, Facism, Totalitarianism, Nazism and all forms of dictatorship.

"We favor just and adequate laws to protect the public from abuses by majority or minority groups."

## Nine Named Directors Of Jaycees Here

Nine new directors today had been elected by the Columbia Junior Chamber of Commerce.

They were elected at the luncheon meeting which concluded late yesterday afternoon at the Wade Hampton hotel, and will serve under the new administration headed by Dr. James A. Palmer.

Two-year directors: A. W. Ballentine, Gregory Peares, W. Reese Hart, Edward P. Cave, Jr., Fred Hunter, E. McLeod Singletary.

One-year directors: John Carroll, J. Robert Shaw and Albert N. Whiteside, Jr.

Only two one-year directors were to have been named but Doctor Palmer appointed Edward Harter as secretary, creating the vacancy. Mr. Harter had a year yet to serve as a director.

## Progressive Democrats Will Meet Tonight

The Richland county branch of the Progressive (Negro) Democratic party will hold a meeting tonight, it was announced this afternoon by W. N. Roseborough, county chairman.

The meeting will be held in the Bishop Memorial church, and will start at 8 p. m., the announcement said.

## TOP TRIBUNAL

(Continued From Page One)

the legal issue presented by the pleadings, and that is whether or not the removal of the appellant may be legally effected at the will and pleasure of the commission, and without reasonable opportunity to be heard.

"In our opinion, such removal cannot be justified under the statute and is null and void."

Fishburne's opinion also held that "we think it too clear for argument that the office of chief highway

**South Carolina Social Studies College- and Career-Ready Standards addressed by this lesson plan:**

USHC.2.CE - Evaluate the causes and consequences of economic and geographic expansion through significant turning points from 1803–1865.

USHC.2.CC - Differentiate the patterns of continuity and change within the development of sectionalism and reunion.

USHC.4.CC - Analyze continuities and change in the African American experience in the period of Reconstruction and Jim Crow eras within South Carolina.

USHC.5.CX - Analyze the correlation between the Modern Civil Rights Movement in South Carolina and the U.S.

USHC.5.E - Utilize a variety of primary and secondary sources to analyze multiple perspectives on the cultural changes in South Carolina and the U.S.