

THE LAW SCHOOL AT SOUTH CAROLINA STATE COLLEGE

Wrighten v. USC Board of Trustees

Before the dust settled on the teachers' equal pay cases, John H. Wrighten III was knocking on the doors of the University of South Carolina School of Law seeking admission. Wrighten was a native of Edisto Island, South Carolina. He was the eighth of nine children. The family had a small farm, and he and his siblings worked the farm while his father worked as a day laborer. In those days, that was a reasonable and comfortable existence. As a result, Wrighten was able to attend Avery Institute in Charleston. Following service in World War II, he completed his senior year at Avery and made plans to attend college. Upon graduation, he sought admission to the all-white College of Charleston, Judge Waring's alma mater. While in high school, he had been a member of the Charleston NAACP Youth Council, and it made him become kind of a militant fellow. The College of Charleston delayed giving him a decision, so he enrolled at South Carolina State College in Orangeburg. After a year at South Carolina State, he and two friends applied to the College of Charleston again and were denied. By this time, the black leadership in Charleston put pressure on him and the others to cease their efforts in gaining admission. They were told that all of their activities were jeopardizing Avery Institute and race relations in Charleston.

Wrighten returned to South Carolina State College, and prior to his graduation in 1946, he sought admission to the University of South Carolina Law School, the all-white and only law school in South Carolina. His application was promptly denied on the grounds of his race. He then contacted Harold Boulware, the NAACP legal counsel who had returned

from military service, and asked him to file a lawsuit on his behalf against the university.

As early as 1938, the U.S. Supreme Court had handed down a decision in the case of *Gaines v. Canada*, which held that states must furnish separate but equal law schools for both races or admit blacks to their all-white institutions. In its lawsuit, the NAACP lawyers demand that the university admit Wrighten or create a law school for him and his race. In addition to Boulware acting as Wrighten's counsel, there was W.F. Robinson of Columbia, Earl A. Parker of Sumter and Thurgood Marshall and Robert Carter of the New York NAACP office. Again, Judge Waring would step into the picture. By now, the Old Charleston aristocrat had become persona non grata in the white community of Charleston—and statewide, for that matter. They turned on him after his divorce, and the invitations to parties and other social events stopped coming. Waring resigned from the Charleston Club, the South Carolina Society and the St. Celia Society of Charleston. He literally had no white friends in Charleston anymore. So, he struck back and began to have dinner parties at his home at 63 Meeting Street for black friends. Some of his close black friends were Septima P. Clark and J. Arthur Brown, who would later become president of the Charleston Branch and State Conference NAACP. Others included his bailiff, John Fleming; Ruby Cornwell, wife of Dr. A.W. Cornwell, a local dentist; and several others. For Waring's courage, he would be honored by black newspapers around the country, including the *Chicago Defender*, *Color* magazine and the *Afro-American* newspaper. Omega Psi Phi Fraternity honored him and his wife at a mass meeting at Morris Street Baptist Church and bestowed on him the organization's Citizen of the Year Award.

Waring scheduled a hearing for the case for June 19, 1947. In anticipation that something like this would happen in the courts, in 1946 the General Assembly had appropriated \$60,000 for the creation of a graduate and law school at South Carolina State College. At a pre-trial hearing, the parties agreed that the plaintiff would challenge only the adequacy of the facilities for the potential law students and not the constitutionality of segregation itself. After Waring issued an order confirming the pre-trial agreement, Robert Carter wrote to Waring indicating that his team wanted to challenge the "sufficiency and quality" of any school that would be built or used. The judge responded that he was going with the pre-trial agreement that had been made, and that was that.

At the hearing, the state said it had planned to establish a black law school at Orangeburg, but to date no blacks had sought a legal education there.



The first class of law students at the new law school at South Carolina State College. Seated in the center is the dean, Dr. B.C. Turner.

Wrighten's lawyers stated that their client desired immediate admission to the University of South Carolina Law School since there was not a black law school in operation. On July 12, 1947, Waring rejected Wrighten's lawyers' request and said that, in view of the circumstances, it was only fair to give the state until September 1947 to open the Orangeburg law school. He issued an order that had three options: number one, they admit Wrighten to the University of South Carolina; number two, they build him a law school at South Carolina State College; or number three, if they didn't do either, he would close the University Law School. That was on July 14, 1947. In September 1947, two months later, South Carolina State College opened its law school with a dean and three faculty members. There was no building and no library, and John H. Wrighten III refused to attend.

In 1948, the General Assembly appropriated \$200,000 for a building and \$30,000 for library acquisitions. Up to this time, the law school was operating in a corner of the administration building, Wilkinson Hall. By the fall of 1949, a two-story building had been constructed on the campus. Wrighten enrolled that year and graduated in 1952. After failing the state bar exam the third time, Wrighten wrote to the dean of the University of South Carolina Law School. He said that given his poor performance on the bar exam, South Carolina obviously had provided him with an inferior

education at South Carolina State Law School. He said he would be soon seeking admission to the University of South Carolina Law School or its Journalism School. In a few months, he was allowed to take the bar exam a fourth time, and on that occasion he passed.

Wrighten practiced law in Charleston and Walterboro. He was active in voter registration drives. In 1957, he and several other black Charleston lawyers registered over two thousand persons of color in Charleston County. In 1959, he opened a law practice with Russell Brown. Upon Wrighten's death, Brown said, "When it comes to black lawyers he was considered to be the granddad of us all." He represented civil rights protestors and other civil rights matters. When he retired from the practice of law, he pastored AME churches in New London, Connecticut. On October 3, 1996, he died in Sumter, South Carolina, where he was living with one of his sons.

The little law school at South Carolina State College that Thurgood Marshall called a \$1.50 law school lasted from 1947 until 1966. During that time, fifty men and one woman earned law degrees there. It produced distinguished graduates who would turn South Carolina upside down legally. They included U.S. District Court judge Matthew J. Perry; South Carolina Supreme Court chief justice Ernest A. Finney Jr.; South Carolina Circuit Court judge Daniel E. Martin Sr.; Family Court judge Ruben L. Gray; Family Court judge Willie T. Smith and Court of Appeals judge Jasper M. Cureton, who attended the law school for one year and, knowing that it would close, sought admission at the University of South Carolina Law School.

Cureton earned a bachelor's degree in agriculture from South Carolina State. He applied to the USC Law School and was denied admission. But he was persistent. He had Matthew Perry write the dean a letter of reference. The dean met with Cureton and asked what his scores were on the LSAT. His scores were already on file since Cureton had a copy sent to USC. Dean Robert McFig pulled his application and said, "Damn, your scores are higher than any of my students here at USC." Cureton was admitted and graduated, becoming the first black person to graduate from the USC Law School since Reconstruction.

Many of the law school graduates left the state and migrated to other states. Paul Webber III became a superior court judge in Washington, D.C. Colonel Ned Felder served as a military judge in the U.S. Army. Talmedge Bartell served as a military lawyer. Bassey Mbrey was a lawyer in Nigeria. Allen A. Christian practiced law in the Virgin Islands. George Anderson practiced law and ran the Community Action Agency in Aiken, South Carolina. Weldon Hammond served as an adjudicator for the U.S. Veterans

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Administration Regional Office in Columbia for over thirty years. Zack Townsend set up shop in Orangeburg and represented many of the sit-in protestors in that city; Franklin DeWitt returned to Conway and practiced law there until his death. The one female graduate of the law school was Laura Ponds of Camden, South Carolina. The last report on her was that she was employed by the U.S. Department of Housing and Urban Development in Philadelphia.