

**From Briggs to Brown:
How the Lone Dissent of Justice Julius Waring Broke the
Barriers of Segregation and Reversed Plessy vs. Ferguson**

Senior Group Documentary

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Process Paper

Our topic

A book, *Darkest South Carolina*, claimed that *Brown v. Board of Education* began in Charleston with a white male patrician judge. This piqued our interest in Judge Waring and the realization that the theme could be strongly supported. Julius Waring showed courage in his courtroom by breaking the barriers of segregation.

Our category and how we created our project

This important topic is best represented by a film. After extensive research, we had two goals; use the profound images the fight for desegregation provided, and interview historians and attorneys to support our claim. Each team member wrote a section of script, edited, participated in the interviews, and created the bibliography.

Our research

We searched for images to capture the cruelty of segregation, these images were graphic and real. *Chronicling America* provided primary sources in newspapers and the Library of Congress offered court cases and images. We conducted two interviews; U.S. District Judge Richard Gergel, author of *Unexampled Courage*, and a renowned civil rights lawyer, Armand Derfner. We visited Judge Waring's courtroom where his historic dissent occurred. Three books were critical; *Unexampled Courage* by Richard Gergel, which inspired much of our script, and two primary sources; *An American Dilemma* by Gunnard Myrdal, which Waring described as "a great and monumental study", and *Mind of the South* by W. J. Cash which Waring referred to as a liberating revelation. The primary sources were critical as Judge Waring read these essays to confront segregation head-on. Videos helped with our topic; Orson Welles' radio address, George Wallace's inaugural address, and an NPR interview between Judge Waring and Martin Luther King.

Our topic and the theme

Judge Waring's actions in *Briggs v. Elliot* initiated the reversal of *Plessy v. Ferguson*. Waring's decisions in segregated America advanced civil rights, in particular *Brown v. Board of Education*. Judge Waring broke the barriers of segregation in public schools. All white primaries told African-Americans they could vote, but only if they admitted inferiority. Waring believed this was inherently wrong and ruled in *Elmore v. Rice*, "All citizens of the United States...shall be allowed to vote at elections," and anyone who opposed this would be sent to jail. The

community of Charleston was shocked; Waring was sent death threats and shunned. Thurgood Marshall brought several cases before Judge Waring requesting equal funding for black schools. Waring told Marshall, "You are aiming too low. Come back when you are ready to challenge segregation itself." Marshall returned with *Briggs v. Elliott* and Judge Waring's dissent argued, "The system of segregation in the school system must go and must go now. Segregation is per se inequality." Waring forced the highest court to finally address segregation in *Brown v. Board of Education*. He strove for equality using his legal knowledge to advance civil rights. The barriers of racism seemed insurmountable, especially in the South, but Julius Waties Waring became a voice for the disenfranchised, breaking the barriers of institutionalized segregation and racial inequality in the U.S.

Works Cited

Primary Sources

Articles

Arizona sun. Negroes Greel Outcast Judge At Charleston [volume] (Phoenix, Ariz.), 12 Nov.

1954. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

A group of African Americans gathered at the train station to welcome home a native hero. When the retired J. Waties Waring stepped off the train he was greeted with a crowd of around 300. He was criticized for "hugging" and "kissing" those he met, however, he was not phased; he was done with discrimination.

Arizona sun. Wide Interest Manifested in School Case [volume] (Phoenix, Ariz.), 08 Feb. 1952.

Chronicling America: Historic American Newspapers. Lib. of Congress.

This newspaper gave us an idea of how the media, and the general public, felt about Brown v. Board of Education. In this article, it is explained how the then legislators were discussing segregation and changing the laws concerning it. The author of this article expresses support for integration and his support for a revolution of segregation in America.

Arizona sun. Franklin D. Roosevelt Memorial Award Is Presented to Judge J. Waties Waring

[volume] (Phoenix, Ariz.), 13 June 1952. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

This newspaper article highlights Judge Waring and how he has presented an award for his actions on June 13, 1952. A ceremony was held in honor of Judge Waring to praise his advancements in civil rights and to present him with the Franklin D. Roosevelt

Memorial Award. This enriched our understanding of the topic and helped us understand how people received his actions as this was one year after *Briggs v. Elliot* in which he dissented and thereby forced the case to the Supreme Court.

Arizona sun. [volume] (Phoenix, Ariz.), 11 April 1952. *Forest House Awards. Chronicling America: Historic American Newspapers*. Lib. of Congress.

This newspaper shows Judge Waring being awarded a Forest House Award. The Forest House was New York's interracial children's center when the Waring's moved to NYC the Forest house gave him the award thanking him for his "democratic principles. Waring was respected by African Americans for his support.

Arizona sun. [volume] (Phoenix, Ariz.), 12 May 1950. *Southern Judge and Wife Continues Fight for Civil Rights. Chronicling America: Historic American Newspapers*. Lib. of Congress.

This newspaper with the headline "Southern Judge And Wife Continues Fight For Civil Rights" is about Judge Waring's advancements in civil rights. Racial tension was high in the Deep South and Judge Waring was determined to combat it. Media covered his story because no one else at that time, especially a white judge, was opposing segregation.

Fellow South Carolinians regarding Waring as "most bitterly denounced man in recent Palmetto state history". As far as African Americans saw him, he was a hero for the causes of Civil Rights. Waring argues "If a man is entitled to civil rights now, he shouldn't have to wait forever to get them." Waring also believed force was needed to bring equality for the blacks. During this time, a cross was burned in the Judges yard with "KKK" scratched at the bottom of it. almost 20,000 citizens signed for an impeachment

of Waring. There was a lot of heat, but Waring remained true to his beliefs through all of it.

The Detroit tribune. From Mixed Group Judge Waring Get Pilgrimage in S.C. (Detroit, Mich.),

02 Dec. 1950. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

This newspaper from 1950 writes about Judge Waring receiving praise for eliminating the all-white primaries in 1947. Waring made a big impression and impact in eliminating segregation in the courtroom. In an effort to dispose of racism in politics, Judge Waring confronted the 93 white, political leaders of South Carolina with two options: they could either be fined or incarcerated, and he assured them there would be no fines.

Ticket, 1952 May 28, Testimonial Dinner Honoring J. Waties Waring. CONTENTdm. Accessed

May 12, 2020.

This ticket is for a dinner in 1952 honoring Judge Waring sponsored by The Educational and Legal Defense Division of the NAACP in South Carolina. The dinner was held in a school cafeteria.

Evening star. [volume] (Washington, D.C.), 07 July 1943. *Chronicling America: Historic*

American Newspapers. Lib. of Congress.

This article displays African American standing up for their rights. “Negroes are Americans too” writes about how poorly African Americans are treated compared to white Americans. In the early 1940s and 1950s the fight for civil rights was awakening.

Evening star. [volume] (Washington, D.C.), 27 Feb. 1950. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

In this article from 1950, Waring calls the south "Mentally Sick". And proclaims that "the racial problem in the south is not a "negro problem" but a "white problem". He realizes that the south needs to leave racism and segregation behind.

Hartford chronicle. (Hartford, Conn.), 16 Nov. 1946. *Chronicling America: Historic American Newspapers*. Lib. of Congress. *Isaac Woodard*. Feb. 1946.

Isaac Woodard, an African American soldier recently discharged and heading home, was escorted off the bus by Batesburg police after a confrontation with the driver. He was unrightfully beaten, and as a result, was permanently blinded. The case was heard by Judge Waring, who called it his "baptism of fire", his realization that racial prejudice was unethical.

Jackson advocate. [volume] (Jackson, Miss.), 17 March 1956. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

African American teachers in the 40s and 50s faced much oppression in the workplace as well as fewer resources as white schools. To the all-white school boards, separate but equal meant everyone had a building but the differences in the resources and learning conditions were anything but equal. These differences would lead to *Briggs vs. Elliott*, the case in which Judge Waring made his historic dissent, and consequently *Brown vs. Board of Education*.

Jackson advocate. [volume] (Jackson, Miss.), 07 June 1952. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

In this 1952, Jackson Advocate newspaper, Judge Julius Waties Waring was given recognition for his works. It was July 1947, and as a federal Judge of the United States, he helped make voting possible for African Americans.

The Ohio daily-express. (Dayton, Ohio), 04 April 1950. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

This newspaper article was written about a luncheon held in Judge Waties Waring's honor where few people showed up because they disagreed with abolishing segregation. Waring witnessed a lot of prejudice against him because of his actions but he still broke barriers with his beliefs because he felt they were true.

The Ohio daily-express. (Dayton, Ohio), 05 May 1950. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

"I am not advocating any law to make any race associate with another. That is for the individual to decide. All I want is to abolish legal bars to association." Judge Waring strove towards legal and social advancements in civil rights for the disenfranchised. He believed anyone entitled to Civil Rights should not have to wait to have them.

The Key West citizen. [volume] (Key West, Fla.), 22 April 1950. *Chronicling America: Historic American Newspapers*. Lib. of Congress.

In this 1950 newspaper, The Key West citizen shares a photograph of Judge Waring and his wife sitting in their Charlestonian home looking over press clippings of his championing of civil rights for the African American race. "Fellow South Carolinians

generally have completely ostracized them...” The African American race highly respected Justice Waring and were praised for taking a stand against segregation. The Warings may have been hated in their own community but they were greatly appreciated in other communities.

Books

Cash, W. J. *Mind of the South*. Mencken's American Mercury, 1929.

The Mind of the South is a historic account of the enormous difficulties of getting the white people of the South to confront their own problems and do something about them. There is a lengthy tradition of books written with that objective in mind, and that enjoyed little or no success in furthering it. Judge Waring and his wife read it during their research about racism. The book also goes into detail about racism in the south, its legacy, and explores the culture behind it.

Myrdal, Gunnar. *An American Dilemma. 20th Century Drama*. Accessed 12 Mar. 2020.

Written in 1944, Gunnar Myrdal expresses his feelings about racial tension in America. He tells us about the dilemma America faced when racial tension was so cruel in America and how it held the country back as a whole, they couldn't grow as they needed too. A book that shared such enlightenment, An American Dilemma, went to the supreme court and ruled that segregation was unconstitutional.

Court Rulings

Senate. Justice for Victims of Lynching Act. *Congress.Gov*, Library of Congress, Accessed 5 Mar. 2020. 115th Congress, 2nd session, Senate Bill 3178, section 2, engrossed in Senate 19 Dec. 2018.

An Act engrossed in Senate on December 19, 2018, establishing the wrongdoings and violence created by the act of lynching. We included it in primary as it is a modern connection to our topic; lynching was very common in the 1940s through the 1960s which is the time period our documentary is set in. The Justice for Victims of Lynching Act sought to express the consequences of racially inspired killings.

---, D.C. Circuit Court (D.C. Cir.). *Briggs v. Elliot*. *United States Reports*, vol. 529, 23 June 1951. *Justia US Law*, Just, Accessed 12 Mar. 2020.

Originally a lawsuit filed by twenty African American parents in Clarendon County for equal educational opportunities for their children, *Briggs v. Elliott* was the first case in the twentieth century to challenge the constitutionality of racially segregated schools. Waring judged this case and gave an equally fair chance to the defending side. Although schools would not become integrated, *Briggs v. Elliott* would be a part of the initiation for *Brown v. Board of Education*. The plaintiffs, over 40 total, were told that they could face retaliation, even violence, in their hometown for continuing with this lawsuit. All but two decided to proceed. We used an image of the plaintiffs when discussing the dissent issued by Judge Waring.

---, U.S. Supreme Court (U.S.). *Oliver Brown v. Board of Education of Topeka*. *United States Reports*, vol. 483, 17 May 1954. *Justia*. Accessed 2 Apr. 2020.

This a copy of Brown v. Board of education, the landmark court case that would put an end to segregation once and for all. This case was argued by NAACP, renowned lawyer, Thurgood Marshall, and was heard in the U.S. Supreme Court. This case overturned the earlier Plessy v. Ferguson which argued that separate but equal was legal and just. Brown v. Board of Education is the result of several district judges, but primarily Justice Waring. His not so traditional views and actions against segregation started a domino effect that led to the Supreme Court.

United States, Congress, House. Emmett Till Antilynching Act. *Congress. Gov*, NAACP,

Accessed 5 Mar. 2020. 116th Congress, 2nd session, House Bill 35, section 2, engrossed in House 26 Feb. 2020.

A bill initially introduced in 1908, it took over 100 years for the government to officially make lynching a federal hate crime. Over 4,000 African Americans were lynched in the 1930s through the 1960s, which is the time period our documentary is set in.

U.S. Supreme Court (U.S.). *Oliver Brown v. Board of Education of Topeka*. *United States*

Reports, vol. 483, 17 May 1954. *Justia*. Accessed 2 Apr. 2020.

This a copy of Brown v. Board of education, the landmark court case that would put an end to segregation once and for all. This case was argued by NAACP, renowned lawyer, Thurgood Marshall, and was heard in the U.S. Supreme Court. This case overturned the earlier Plessy v. Ferguson, which argued that separate but equal was legal and just. Brown v. The Board of Education is the result of several district judges, but primarily Justice Waring. His not so traditional views and actions against segregation started a domino effect that led to the Supreme Court.

Waring, Julius Waties. "Dissenting Opinion, *Briggs v. Elliot*." *Documented Rights*, edited by National Archives and Records Administration, National Archives, Accessed 23 Feb. 2020.

“Segregation is per se inequality.” quoted J. Waties Waring. He argues the segregated schools will affect children at a young age, that it will change their testimony and affect how they feel about themselves. “Let the little child's mind be poisoned by prejudice of this kind and it is practically impossible to ever remove these impressions however many years he may have of teaching by philosophers, religious leaders or patriotic citizens. If segregation is wrong then the place to stop it is in the first grade and not in graduate colleges.” -Justice Waring. Integrated schools have changed society, changing the ways we look at another human being.

Images

Attacked by a Police Dog. 3 May 1963. *Tinu*. Accessed 12 Mar. 2020.

This photo illustrates just one example of the violence Africans Americans faced in everyday life during the 1940s. The illustration shows a white police officer grabbing a hold of an African American’s shirt collar while two police dogs bite at him. We used this in the Racist South section of our documentary. It was a climate like this that allowed Sergeant Woodard to be beaten and blinded by a small-town police chief, who was acquitted by an all-white jury, and motivated Judge Waring to break the “monopoly of silence.”

Bachrach, Fabian. *J. Waties Waring*. 1900-1999. *Civil Rights Digital Library*. Accessed 12 May 2020.

This is a photograph taken by Fabian Bachrach, it was a gift that Rev. and Mrs. De Laine. The image is J. Waties Waring sitting at a desk in his judge robes or aka his jabot.

Farnum, G. H. *Laura Nelson*. 1911. *Portside*, Accessed 12 Mar. 2020.

This is an image of Laura Nelson in 1911, who shot a sheriff to protect her son. She was arrested, raped, and lynched at the age of fourteen, we use her image in the opening montage of lynching victims. This article was helpful in our understanding of the extreme tension and abuse present in the 1940s, 50s south.

Lynching of Thomas Shipp and Abram Smith. Lynching response to African Americans.

"Lynching, Whites & Negroes, 1882-1968." 9 Sept. 2010. *Tuskegee University Archives*, Accessed 3 Mar. 2020.

This image shows two lynched African Americans. Lynching was a common threat throughout the early and mid-1900s and displayed the hatred aimed against African Americans daily.

Phelps, Anson. *Congratulatory Telegram on Brown Decision*.

J. G. Phelps Stokes was the founder of the Phelps-Stokes fund which would help pay for African American schools. Stokes became familiar with civil rights and the segregation African Americans faced. The telegram celebrates the consensus of the southern justices and urges the NAACP to support the court decision.

Julius Waties Waring, retired federal judge, half-length portrait, seated, facing left, gesturing during an interview in his New York City apartment. Photograph. Retrieved from the. Library of Congress. One of our images of the judge,

The Second Ku Klux Klan Marches in Washington, D.C., in 1925. That Devil History, Accessed 12 Mar. 2020.

This is an image of the Klu Klux Klan marching through Washington D.C. We used this image to express the powerful influence the KKK had over the American public and to show how accepted they were, even by the political leaders. We used this in the film when discussing Judge Waring “staring into the abyss of racism” in America.

Unknown. Detroit Race Riots. AFRAMROOTS, Accessed 5 Mar. 2020.

Photo of two teenage boys holding up an elderly man whose face is covered in blood. It seems as if the bleeding African American man had just been beaten. We used this image in our historical context section of the film.

Young boys protesting. *Aframroots.com*, AFRAMROOTS, Accessed 5 Mar. 2020.

Young boys carrying signs and protesting against racial integration in schools.

Video/Broadcast/Sound Recordings

Derfner, Richard. "The New Negro."1957. Broadcast.

Richard D. Heffner sat down with Reverend Dr. Martin Luther King, Jr. and Judge Waties

Waring to discuss the subject of civil rights in America. The two men had a 20-minute discussion on advances including the passing of Brown vs. Board of Education. We used a clip of Judge Waring encouraging Martin Luther King to keep fighting for full equality.

Meerolol, Abel. "Strange Fruit" 1937. Recorded by Billie Holiday in 1939.

The song originated as a poem and was written by a Jewish man from New York. Billie

Holiday was forced to stop singing the song. It protested American racism, particularly the lynching of black Americans. Such lynchings had reached a peak in the Southern United States at the turn of the century, and the great majority of victims were black. We used the haunting song at the opening and closing of our film.

Welles, Orson, narrator. "Affidavit of Isaac Woodard." *Orson Welles' Commentary*.

In this episode of Orson Welles' radio program, he reads the affidavit of Isaac Woodard. He elaborates on what happened and the full devastation of the tragedy. Orson Welles was an actor and radio personality who fought for civil rights through his radio broadcasts.

Wallace, George. *Inaugural Address*. 14 January 1963. *Accessed from Produced for All Things Considered by Samara Freemark and Joe Richman of Radio Diaries with help from Ben Shapiro. Edited by Deborah George*.

During his inaugural address on Jan. 14, 1963, newly elected Alabama Gov. George C. Wallace vowed, "segregation now, segregation tomorrow, segregation forever." We opened our film with a clip of this famous speech. Our intent was to show the deep commitment by some people, even elected officials, to continue segregation, even in 1963, a decade after Judge Waring's important dissent. This historic, and moment, is followed in our film by the image of African Americans being lynched.

"Ain't Gonna let Nobody turn me Around." uploaded by Justiciarodante, 24 Apr. 2014, Accessed 18 May 2020.

Ain't Gonna Let Nobody Turn Me Around was used in our introduction. This is an example of songs used in the Civil Rights movement to motivate people to seek equality.

This song was particularly fitting as it directly references segregation and captures the inspiration and courage of the African Americans.

"Glenn Miler-In The Mood." *youtube*, uploaded by Symir547, 2011, Accessed 18 May 2020.

The orchestra of the song "In the Mood" by Glenn Miller was used in the Charleston section of our documentary. It is timely for the information we are showing regarding the development of Charleston and its historic districts and allows the listener to be in the mood of the 1940's version of Charleston.

Websites

"To Secure These Rights." 1948. *Harry S. Truman Library and Museum*, National Archives, Accessed 23 Feb. 2020.

A webpage that shared the journey President Truman walked through as leader of the U.S. A further look into citizen's rights, equality, and opportunity. The government's responsibility, the role of the supreme court, and many other tasks and roles the government performs.

Staff, MSRC, "WARING, JULIUS WATIES" (2015). Manuscript Division Finding Aids. 205.

Judge Waring's personal archives were donated to Howard University. Several of the images and articles we use are from Howard University.

Secondary Sources

Articles

Alston, Paris, et al. "How A Long-Forgotten Act Of Police Brutality Transformed A Federal Judge, U.S. President And Civil Rights In America." *90.9 wbur*, 8 Mar. 2019, Accessed 24 Feb. 2020.

This article explains how US District Judge Richard Gergel decided to tell the untold story of Isaac Woodard and the tale of Judge Waring's fight for civil rights. Includes an audio recording with the full conversation and details the account of Waring's interaction with Woodard.

Avins, Jenni, JA. "The NAACP's 'A Man Was Lynched Yesterday' flag has been reprised and hangs in New York City." *QUARTZ*, 9 July 2016, Accessed 5 Mar. 2020.

The NAACP's flag "A man was lynched yesterday" is a reminder of the thousands of lynchings that happened on a daily basis. Author Jenni Avis writes about the new and "reprised" flag that adds words and reads, "A man was lynched by police yesterday". The original flag hung at the NAACP office on Fifth Avenue in NYC between 1920 and 1938. The most recent flag flies only blocks away, outside the "Jack Shainman Gallery" on West 20th street. This flag is a simple reminder of the stark truth of lynching and the effect it left on everyone involved.

Blight, David W. "The Black Sergeant and the White Judge Who Changed Civil Rights History." *The New York Times*, NYT, 7 Feb. 2019, Accessed 2 Apr. 2020.

Author David W. Blight writes on the effect Sergeant Issac Woodard and Justice J. Waties Waring had on the world of Civil Rights. He talks about "Reconstruction", an essay written by Frederick Douglas that reflects on the idea of a world where there is equality between black and whites. He talks about how white men will disagree with

integration and fight against it. Blight makes sure the reader knows that Douglas's dream was unrealized and maybe still is. He writes about *Unexampled Courage*, a book written by US District Judge Richard Gergel. Blight says "Gergel's book is a revealing window into both the hideous racial violence and humiliation of segregation". It speaks of Isaac Woodard, a decorated sergeant in World War Two. He was blinded on the way home by a white policeman, only because he needed to relieve himself. Blight mentions many other pieces about Woodard; the Orson Welles talk show, his trial, and the judge who heard his case. Judge Julius Waties Waring would hear the unbelievable story of how Sergeant Isaac Woodard was beaten, blinded, and charged with high fines for doing nothing wrong. Together, the sergeant and the Judge would make civil rights history.

Dulaney, W. Marvin. "Briggs v. Elliott." *South Carolina Encyclopedia*, U of South Carolina, Institute for Southern Studies, 17 May 2016, Accessed 12 Mar. 2020.

The Briggs v. Elliott case was crucial in the beginning of desegregating schools as well as leading to the infamous Brown v. Board of Education case which would desegregate schools.

Editors, History.com. "Brown v. Board of Education." *History*, 27 Oct. 2009, Accessed 12 Mar. 2020.

Brown v. Board of Education sought justice for the Brown family. After the Board of Education forced their daughter Linda to attend an all-black school miles away from her home. Justice was served and Brown v. Board finalized and ended segregation in Topeka, Kansas Schools.

Farmer, James O., Jr. "White Primary." *South Carolina Encyclopedia*, U of South Carolina, Institute for Southern Studies, 7 July 2016, Accessed 12 Mar. 2020.

Judge Waring eliminated the all-white primaries, providing greater opportunities for African Americans.

Moore, William V. "Elmore v. Rice." *South Carolina Encyclopedia*, University of South Carolina, Institute for Southern Studies, 17 May 2016, Accessed 5 Mar. 2020.

In 1946, George Elmore, an African American who was eligible to vote in general elections was denied the right to vote in the Democratic Party Primary. The case was heard by Julius Waties Waring and he brought justice to Mr. Elmore. Elmore claimed that rights had been violated. They had been, by the end of 1948 the U.S. Court of Appeals would see their mistake and 35,000 African Americans voted that year in the white primary.

Muhammad, Larry. "The Black Press: Past and Present." *Nieman Reports*, NR, 15 Sept. 2003, Accessed 5 Mar. 2020.

Author Harry Muhammad writes about the Black Press, which began in 1827. It was two men who started it all, John Russwurm and Samuel Cornish. It was originally called the Freedom's Journal in New York and through time it transformed into the Black Press. It truly began in the 1920s-30s when the major papers ignored African American citizens. Through this, the Black Press was founded and gave those disregarded a paper to read.

Robertson, Campbell. "History of Lynchings in the South Documents Nearly 4,000 Names." *The New York Times*, NYT, 10 Feb. 2015, Accessed 12 Mar. 2020.

Lynchings have been a response to the blacks, showing how much the whites hated them. they were burned alive, hung from neighborhood trees, and beat with tools. The whites were horrible to do this and the ill people who attended them were racists who were never convicted of murder. Many efforts were made to stop lynchings and today there is some peace between whites and African Americans.

Service, National Park. "Briggs v. Elliott." *nps.gov*, 10 Apr. 2015, Accessed 12 Mar. 2020.

Briggs v Elliott, a case that wanted justice for segregation. More specifically Briggs wanted justice for the school his child was attending. He brought a case to Elliot who was the President of the School board for Clarendon County, SC. Judge Waties Waring heard the case and opposed segregation in public education.

Yarbrough, Tinsley E. "Waring, Julius Waties." *South Carolina Encyclopedia*, SCE, 7 July 2016,

Julius Waties Waring, born on July 27, 1880, grew up in Charleston, SC. He grew up to become the district judge of his hometown and had a beautiful family. He died on January 11, 1968.

Bills and Resolutions

United States, Congress, House. Emmett Till Antilynching Act. *Congress. Gov*, NAACP,

Accessed 5 Mar. 2020. 116th Congress, 2nd session, House Bill 35, section 2, engrossed in House 26 Feb. 2020.

A bill initially introduced in 1908, it took over 100 years for the government to officially make lynching a federal hate crime. Over 4,000 African Americans were lynched in the 1930s through the 1960s, which is the time period our documentary is set in.

Senate. Justice for Victims of Lynching Act. *Congress.Gov*, Library of Congress, Accessed 5 Mar. 2020. 115th Congress, 2nd session, Senate Bill 3178, section 2, engrossed in Senate 19 Dec. 2018.

An Act engrossed in Senate on December 19, 2018, establishing the wrongdoings and violence created by the act of lynching. This is a modern connection to our topic, lynching was very common in the 1940s through the 1960s, which is the time period our documentary is set in. The Justice for Victims of Lynching Act sought to express the consequences of racially inspired killings.

United States, Congress, House. A Joint Resolution. Government Publishing Office. House Joint Resolution 2177.

This the joint resolution formed by the South Carolina government bidding Judge Waring and his wife leave the state of South Carolina and never return.

Books

Gergel, Richard. *Unexampled Courage: The Blinding of Sgt. Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring*. Sarah Crichton Books, 2019.

Richard Gergel's Book, *Unexampled Courage*, tells the story of Judge Waring's role in *Brown v. Board of Education*. He tells of how Waring's decisions in lower courts affected the outcome of a case that would end segregation, as well as the importance of his actions.

Hicks, Brian. *In Darkest South Carolina*. Charleston, Evening Post Books, 2018.

In Darkest South Carolina, a book written by Brian Hicks gives the reader a deeper understanding of the life of Julius Waties Waring. Chronicles the journey of how he came

to be the Judge everyone "loved to hate". From the bar exam to *Briggs v. Elliot*, Justice Waring's life was one like no other. His finest moment resulted in the reversal of *Plessy v. Ferguson*.

Mak, Kenneth. "The lasting legacy of a brutal racial beating in 1946 South Carolina." Review of *Unexampled Courage*. *Unexampled Courage*, by Richard Gergel, New York, Sarah Crichton Books, 2018. *The Washington Post*, Accessed 5 Mar. 2020.

Kenneth Mack, a reviewer of *Unexampled Courage* eloquently summarizes the book's story and goes on to describe Gergel's tone throughout the narrative. This review gave us an outside perspective of the book and sparked new thoughts and ideas about the topic.

Images

Green, Jonathan. *Breath of Freedom*. 2014, Hollings Judicial Center Garden, Charleston.

This is a painting of a group of people listening to the trial *Briggs vs. Elliot*, outside of the Charleston federal courthouse. Waring is seen in the lower right window. With Thurgood Marshall, the attorney for Briggs.

Interviews

Derfner, Armand. Interview. Conducted by Grace Kushigian et al., 2 Mar. 2020.

This interview with Armand Derfner gave us very good insight regarding the more complex legal side of things in this topic. Mr. Derfner has argued five cases before the Supreme Court and won all of them. He specializes in civil rights cases, which gave us the opportunity to ask many questions and receive scholarly explanations. He views Judge Waring's role in *Brown v. Board of Education* to be of huge importance.

Gergel, Richard. Interview. Conducted by Lauren Wilkie et al., 2 Mar. 2020.

This interview with Judge Richard Gergel enriched our understanding of the topic and clarified certain details we were unsure about. It gave our team an opportunity to visit the courthouse in which Judge Waring presided, providing us with a chance to view the courtroom and a painting of a scene from *Unexampled Courage*

Uncategorized Sources

Unknown Author. "Historical Marker Commemorates Blinding of Sgt. Isaac Woodard by Police." *Equal Justice Initiative*, EJI, 15 Feb. 2019, Accessed 5 Mar. 2020.

An EJI author writes about the historical marker dedicated to Sgt. Isaac Woodard who was harshly blinded by the police. Sgt. Woodard, a World War II veteran, had just been honorably discharged and was riding a bus from Georgia to North Carolina in 1948. He protested mistreatment from the white bus driver but was then beaten so brutally (in uniform) by the South Carolina police that he was blinded. No one was convicted for the attack. Woodard was then arrested for drunken and disorderly conduct, fined for \$50, and denied the request for medical attention. Decades later, a historical marker was dedicated to him in Batesburg, SC.

"Remarks from U.S. Judge Gergel on Pioneering Civil Rights Judge." Accessed 12 May 2020.

U.S. District Court Judge Richard Gergel gave an address at the LSC's board meeting in Charleston on civil rights hero U.S. District Judge Julius Waties Waring. He described Judge Waring's important role in dismantling segregation in South Carolina and how he helped pave the way for *Brown v. Board of Education*. It was Judge Waring who, in a

compelling dissent, deemed that segregation was "per se inequality." He was the first federal judge to hold that position since *Plessy v. Ferguson* in 1896.

United States, Congress, House. A Joint Resolution. Government Publishing Office. House Joint Resolution 2177. This the joint resolution formed by the South Carolina government bidding Judge Waring and his wife leave the state of South Carolina and never return.

Videos

"Klu Klux Klan (1948)." *Youtube*, uploaded by British Pathe,

This video in 1948 shows the KKK dressed in uniform, even the children, burning crosses and recruiting new members. We used footage from this film when showing the opposition to Judge Waring and his actions.

Websites

History. 4 Mar. 2010, Accessed 12 Mar. 2020.

KKK's journey through time is shared on History.com. The way of life for the klan members and what they are committing too. Once a member of their life would be changed forever, they were committing to a crime against God by treating another equal with inequality. Many African Americans were killed, raped, robbed, and punished for things they did not do wrong and the KKK supported every bit of it.