

Before the Board of Trustees of School District No. 22

STATE OF SOUTH CAROLINA,  
County of Clarendon:

In Re: HARRY BRIGGS, et al., Petitioners

Decision of the Board

This matter comes before the Board on the Petition of Harry, Eliza, Harry, Jr., Thomas Lee, Katherine Briggs, Thomas Gamble, and others, dated November 11, 1949; the matters and things alleged in the Petition are clearly matters of local controversy with reference to the construction and administration of school laws, and clearly come within the purview of Section 5317, 5343, 5358, and related sections of the Code of Laws for South Carolina for 1942, and the Board of Trustees has original jurisdiction to hear the matters and things complained of. Accordingly, the Petitioners were granted a hearing on the 9<sup>th</sup> day of February, 1950, at which all of the members of the Board were present, and at which the Petitioners were represented by Counsel, who made an argument to the Board. Although an opportunity was afforded to the Petitioners to introduce any testimony relating to the allegations of the Petition, the Attorney for the Petitioners, conceding that the Board was familiar with all of the facts relating to the matters and things complained of, did not offer testimony or other evidence of any kind whatsoever.

After investigation and careful consideration, the Board finds as follows:

1. The allegations of the first and second paragraphs of the Petition are found to be true;

2. It is true that the public school system in School District No. 22 is maintained on a separate and segregated basis as required by the Constitution and Laws of the State of South Carolina, with the Negro children attending schools maintained for them and the white children attending schools maintained for them. The records of the district show that there – 684 negro children of elementary school age residing in, and attending the public schools of, School District No. 22, and that there are 102 white children of elementary school age residing in, and attending the public schools of, School District No. 22. That likewise, there are 34 white children of high school age residing in School District No. 22, and 150 negro children of high school age attending the public schools of District No. 22; that because the great number of negro elementary school students, the Board, in the exercise of its discretion and in order to furnish education facilities which it deemed to be to the greatest advantage and convenience of the children and the patrons of the school system, established and maintains three elementary schools for negro children, located in different parts of the District, to-wit: The Rambay Elementary School, Liberty Hill Elementary School, and Scott's Branch Elementary School; because of the small number of white elementary school children residing in District 22, it was impracticable to operate and maintain more than one elementary school for white children in the District, and this is maintained in Summerton. The number of negroes of High school age warranted the establishment and maintenance of a

high school in the District for negroes and this is maintained in Summerton as the Scott's Branch High School. The number of white high school students residing in the District would not, in the opinion of the Trustees, warrant the maintenance of a high school for white students by District No. 22; therefore, no high school for white students is maintained;

3. The allegations of paragraph 4 are true;

4. With reference to the allegations of paragraph 5 of the Petition, the Rambay School was erected within the last 6 years, the Liberty Hill School and the Scott's Branch School were erected less than 15 years ago; that these schools were erected with the advice and co-operation of the State Department of Education and according to the latest approved plans for educational buildings in use at the time; and in line with the trends for school buildings, are of one-storied construction for safety in the event of storm or fire with proper placement of windows for correct lighting for student use for the prevention of eye strain, are strongly constructed and storm sheeted, and in all respects were properly constructed and maintained and are not in poor physical condition or in a dilapidated condition. The white school, maintained by School District No. 22 in Summerton, being the only one maintained by the District, is a two-storied building made of sand block dug from the premises, erected in 1907; improperly lighted and fails in every respect to meet the requirements of modern school architecture. A comparison of the white school and the colored school in Summerton, both maintained by the District is revealing. The white school as stated above is more than 43 years old, is a two-storied structure, contains 8 rooms, is improperly lighted according to modern standards, is antiquated, and its physical condition is such that it has been a source of dissatisfaction to both patrons and trustees. It was erected at an original cost of approximately \$25,000.00, is now insured with the sinking fund for \$28,000.00, and there is a possibility of the insured value being cut even lower than this. The Scott's Branch School is less than 15 years old, is built according to approved plans for educational buildings, taking into consideration the proper lighting and protection from fire, contains in the main building 10 rooms and 3 additional rooms have been recently constructed by the Trustees, making a total of 13 rooms available. Its original cost was approximately \$18,000.00 and the building is now insured for \$24,000.00. Neither of the schools has a central heating system, both being heated by individual stoves in the various rooms. The playgrounds provided and used in connection with Scott's Branch School are approximately 7 times the size of the playgrounds for the white school. The white school is located in one of the lowest areas in the Town, and on two highways and on a Street over which passes the traffic of two main North-South Highways. Since its erection, the shift of white population has caused it to be most inconvenient and hazardous. The Scott's Branch High School is erected on a site selected with advice of the patrons with due regard for the safety of the children and the convenience of the patrons. A cursory inspection only will reveal that the facilities, physical condition, equipment, safety, and protection from the elements are accordingly better with the negro schools than the whites, although the Trustees are of the opinion that they are in all respects substantially equal;

With reference to sanitation, all of the negro schools are provided with sanitary toilet facilities erected according to the specifications of the State Health Department. These same facilities were in use in the white schools until the

Town of Summerton installed a municipal water and sewerage system. This system happens to service the area in which the white school is located, and after its installation by the municipal authorities, the Board of Trustees permitted the white Parent-Teacher Association to install sanitary toilet facilities in two of the cloak rooms of the white school. The municipal sewerage system does not serve the area in which the Scott's Branch School is situated, and no such request has been received from the Patrons' organization of the Scott's Branch School, and because of the fact that the municipal system does not serve the area in which Scott's Branch School is located, it would be impracticable for sanitary toilet facilities to be installed therein. Certainly, however, there has been no discrimination by the Board on account of color in its failure to provide such facilities, first because the municipal sewer system is not available, and second because the Board of Trustees did not make the installation in the white school, but the same was done by the patrons of the school. It is worth comment, however, that although the municipal water system does not serve the area in which the negro school is located, the Board, at a great expense to itself, laid a water line from the municipal system to the Scott's Branch School for the purpose of furnishing municipal water, which is regularly inspected, to the negro students, which line was installed and terminated under the direction of the colored school authorities. The patrons of the white school, not the school board, furnished drinking fountains for the white school. There are no inside drinking fountains in the Scott's Branch School, but if the patrons desire to install them, there certainly would be no objections to their being installed. The School Board even went further and installed the outside drinking fountains at the Scott's Branch School, although they did not do so at the white school;

5. With reference to the allegations of paragraph 6, the Board calls attention to the fact that the State Aid for the payment of teachers' salary is based upon average attendance. The average attendance in the white school of the district is 95%, while the average attendance at the negro school is 72%. The Board, in hiring teachers for both white and colored schools, is governed by the State Aid, and teachers for all schools, both white and colored, in the District, are hired on the basis of this, and there is no discrimination in the hiring of teachers on the basis of color; The school operated for whites has 7 rooms for class room *for class room purposes*, and 7 teachers. The Scott's Branch School has 13 rooms for class room purposes and 14 teachers. The average attendance in the white school is 190. The average attendance in the Scott's Branch School is 468. Attention should be called to the fact that the white school building, erected in 1907, formerly housed an elementary school and a high school, but that the number of white high school students available in the district became so small as not to warrant the continuance of a high school by the District, and the same was eliminated in 1935, while District has conducted no white high school since then, the white elementary school continues to use the building;

6. The allegations of paragraph 7, 8, 10 and 12 allege that the Scott's Branch High School is deficient and totally lacking in adequate facilities for teaching courses in general science, physics, chemistry, and industrial arts and trades, has no adequate library, and no adequate accommodations for the convenience of the students. That there is no central heating system, running water, or adequate lights, and that the Scott's Branch High School is without the services of a janitor or janitors, while paragraph No. 9 alleges that the white schools have

such services. These allegations are based upon incorrect information. The fact that neither the white nor the colored schools have central heating system has been clarified hereinabove. Both have running water and both have adequate electric lights. There is no running water at the Rambay or Liberty Hill Schools, because there is no running water available. Liberty Hill School has electric lights. There is no electric line in the vicinity of Rambay School. Fuel for all schools in the District, both white and colored, is furnished by the Board on request of the principal of the school, and it appears that all such fuel has been furnished for the present school year by the Board.

Facilities are furnished in Scott's Branch High School for the teaching of general science, chemistry, and agriculture. No such facilities are furnished by the District at the white High School, inasmuch as the district maintains no high school for whites, there being insufficient white pupils in the District to warrant the maintenance of such a school. The Scott's Branch School Library contains 1678 books, containing 56 encyclopedias, 21 progressive reference sets, 3 dictionaries, and other books of suitable material for a school library. The white school library contains only 642 volum-s with 9 reference sets. None of the libraries are furnished to any of the schools but have been donated by various individuals and organizations. The white elementary school has part time janitorial service. The janitorial services of the white school are furnished by one janitor, while at the request of the principal of the Scott's Branch School, the janitorial services there are performed by various students selected by the principal. The janitor is under the authority of the principal and should perform, and does perform, such services as the principal requests. The cost of janitorial services for the white school to the district is \$18.00 per month, while the cost of the janitorial services to the colored school is \$16.00 per month. If the method of using students as janitors is not satisfactory to the patrons of the colored school, we feel sure that the principal would be glad to discontinue the same;

7. The allegations of paragraph 11 allege that the negro children of public school age are not provided any bus transportation, while sufficient bus transportation is provided for white children. This allegation is based upon misinformation. School District No. 22 provided no transportation by bus or otherwise for any students, white or colored;

At the request of the Board, the principal of Scott's Branch School made a survey on October 25, 1949, listing the needs of the school. Under that date he transmitted to the Board the following recommendations:

“Wood and Coal

Twelve schttles and shovels

Six Boxes of crayon and 12 erasers

11 doors and window locks

Material (Lumber and Nails) to repair windows and sashes

Three additional classrooms

Three additional teachers

One teacher for the 7<sup>th</sup> grade, one for the second grade, and a music teacher for the eighth grade, through twelfth grade

Sanitary material, toilet paper, soap, powder, etc.

A Janitor for the school which is very essential to good health;

who will keep plant in a good condition;”

The Board granted every request listed and all of the things requested have been furnished, except a music teacher. The Board made diligent efforts to locate a teacher who could handle music, but so far has not been able to find the proper combination. It is fitting to call attention to the fact that no music teacher is furnished in connection with the white school;

In conclusion, the Board finds that the negro children of public school age in school district No. 22 are not being discriminated against them because of their race and color, and that there is no violation of the rights to equal protection of the laws as provided by the Constitution of the United States, but on the contrary, the Board finds that the facilities afforded to the white and negro children of District No. 22, though separate, are substantially equal.

R. M. Elliott, Chairman; C. D. Kennedy, J. B. Carson, Clerk, Trustees of  
School District No. 22, of Clarendon County, South Carolina.

Summerton, S.C.

February 20, 1950.