

The Pioneer Press

Souvenir Replica Edition

"HERE SHALL THE PRESS, THE PEOPLE'S RIGHTS MAINTAIN, UNAWED BY INFLUENCE AND UNBRIBED BY GAIN"

ESTABLISHED 1882

MARTINSBURG, W. VA.

2022 PRINTING

EXCERPTS FROM JOHN ROBERT CLIFFORD'S 1915 WRITINGS IN *THE PIONEER PRESS*



John Robert "J.R." Clifford
1848 - 1933

AUGUST 21, 1915

If a person could and would kill the Son of God, who died that mankind might live forever, and in the face of the act, make great pretensions and bold declarations of his love for his Father, what would and should a sane man think of him? On the same hypothesis, how can the

white men of the South who have raped, and disgraced millions of colored women boast of loving their own women to that extent, they must and will kill in and out of court on allegations of wrongs to them? It's the hottest lie out of the infernal regions, and the poor Northerners have listened to its cunning seduction until they have believed these infamous lies, gone back on the Negroes whom they boasted they freed, and whose wives, mothers and sisters, "went down South," taught them, lived with them, and associated with them for years and not one was ever insulted, as was true of the South's women who were protected and cared for by their slaves. One who lies can have no love for truth. The Southern white man has made the Southern white woman his pinnacle on which to preach the gospel of purity in order to make the world condone their lynching - when in reality deep

rooted prejudice is the cause and Frank's foul murder will work out good results. Mr. Slaton spoke in California as he would not have done in his home state, for he is afraid of the mob that took Frank's life. Southern officials should be the last to palliate lynching by spectacularly appealing to their dying love for the purity of their womanhood. These virtue blatherskites have that state blood you can't tell who is who and which is which. A state that legislates 10 year old girls into factories; makes the age of girls 10 years for lustful consent and permits girls of 12 to be "industrial slaves," ought to have its lips silenced with paralysis. However count on this one fact, that the great Ruler of the Universe is just, and will work things out right in due time.

AUGUST 14, 1915

This paper is at a loss to understand the action of the first Republican Council of Martinsburg for the past ten years. Mr. David Russler applied for and got license to open a pool room but when it became known that colored persons were going to be allowed to play there, the council compelled him to refuse to allow them to play pool or have his license revoked. This same party hunts and hauls colored voters to the polls on election days and could not win without their votes. Do they

suppose Negro voters are going to stand for such slaps and not kick? They are like the rest of the human family. They like resorts of that kind precisely as do the whites and there is plenty of law to punish them and the owner if violations had been carried on. We say boldly that he Democrats would not have done that, and after time to reflect the Republicans should be ashamed of their action in this matter.

JULY 31, 1915

When a jitney bus line was started here recently, colored

would-be passengers were refused admission. The Pioneer Press suggested two remedies. First was to bring suit; second put jitney busses on the road. This has been done and now we have four on the road and best of all, colored folk are keeping them busy. No better way in this wide world to hurt caste than by smashing flat the pocket books of Negro haters. It has made other owners of taxicabs solicit and convey colored persons over the city to any place they want to go. As in this case all others will work as well if competition equal to there is

(Continued on Page 20)

J.R. CLIFFORD—A "FIGHTING RASCAL"

EXCERPT FROM AN ARTICLE BY W.E.B. DU BOIS IN *THE CRISIS*, SEPTEMBER 1918



W.E.B. DU BOIS

John Robert Clifford is an impetuous, honest, West Virginian editor and politician, who was the first colored man admitted to the Bar in West Virginia. His exploits as a fighter for Negro rights read like romance. Once, for contending for the rights of a client before a U.S. Commissioner, he was arrested and put into jail. After 1.29 minutes, however, he was released, secured the release of his client, who had also been jailed during his absence; Clifford then went to Washington, filed charges against the Commissioner and Marshal, and had them both put out of office.

He empanelled the first colored jury in West Virginia, and was incidentally knocked down three times during the process. The courtroom was crowded, but at the time he was pulled off of his would-be-assassin, even the judge had left. A year later, when his assailant was running for the Legislature, Clifford, after a speech in the Public Square, had him defeated by 1,335 votes.

"I attended a Teacher's Institute held at Harper's Ferry, in 1877. There I first saw a gathering of young teachers, vigorous and alert, none more chivalric in bearing than the central figure in the person of John R. Clifford, at that time Principal of the Grammar School at Martinsburg. He helped to shoot off the shackles from four million slaves and cement this Union on the bloody battle fields during the war of the sixties and holds an honorable discharge in proof of it."

— John W. Cromwell,
Journal of Negro History,
Vol. 8, No. 3, July, 1923

BRINGING THE STORY OF J.R. CLIFFORD TO A 21ST CENTURY AUDIENCE

This souvenir replica edition

of

The Pioneer Press

is published by the J.R. Clifford Project, a program of the West Virginia conservation group Friends of Blackwater. An earlier version was published in 2006 for the Centennial of the first U.S. meeting of the Niagara Movement in Harper's Ferry, West Virginia. Some of the articles in this edition reflect that 2006 version, and others have been edited for space reasons.

The Honorable Larry V. Starcher, retired Justice of the West Virginia Supreme Court of Appeals, is the founding Chair of the J.R. Clifford Project. Tom Rodd, Esq. and Kitty Dooley, Esq. are Project Co-Directors. Graphics and design are by Maria Armada, Valerie Little, and Emma Fisher. Thanks to the Southern Partners Fund for their financial support.

**The J.R. Clifford Project of
Friends of Blackwater**

PO Box 247, 571 Douglas Road

Thomas West Virginia 26292

304-345-7663

<https://saveblackwater.org/>

<https://jrclifford.org/>



Michael Ellington and Kaethe George as J.R. Clifford and Carrie Williams

By Thomas Rodd,
Senior Law Clerk, West Virginia
Supreme Court of Appeals

Learning about J.R. Clifford and his era, and helping bring his story to life for a modern audience, has been a rewarding experience for many people.

The idea for this project originated in 2003 in a regional history seminar organized by Friends of Blackwater. Several of the seminar participants talked about an early West Virginia civil rights court case involving the "colored" school in the Town of Coketon – and about the extraordinary lawyer who brought the case, John Robert "J.R." Clifford (1849-1933).

Looking for more information on Clifford and the case, State Supreme Court Clerk Rory Perry and I miraculously located the original court transcripts and briefs in a huge warehouse filled with musty boxes of ancient records. Morgantown historian Connie Rice and others furnished key materials about Clifford's life. Starting from the original documents, I wrote a script for a trial re-enactment over the 2003 Christmas Holidays, with the support of my friend and employer, State Supreme Court Justice Larry V. Starcher.

Janie Peyton, Esq. and Kitty Dooley, Esq. of the Mountain State Bar and NAACP leaders James Tolbert and George Rutherford joined Justice Starcher and me in organizing the first re-enactment of the trial and appeal, in Martinsburg, West Virginia, in April of 2004. Judge David Sanders presided at the trial. George Daugherty ("the Earl of Elkview") played the school board lawyer.

The Berkeley County courtroom was packed. The program was blessed by the attendance of many Clifford relations and distinguished alumni of Storer College, J.R.'s alma mater. Joseph Bundy played J.R. Clifford in this first program (and in many since then). Dr. Brucella Jordan played Carrie Williams. Hawey A. (Sonny) Wells was Secretary of the School Board. Julie Palas of the Supreme Court staff masterfully stage-managed the show and created our publications.

The Martinsburg program was preceded by several weeks with a seminar on J.R. Clifford at the West Virginia University College of Law, including presentations by State Supreme Court law clerk Tomas Vernon, Esq. and WVU Professors Bob Bastress, Ron Lewis, and Dana Brooks. A year later, the Mountain State Bar dedicated a plaque to Clifford at the Law School.

The seminar and re-enactment programs were a "hit" – the audiences were diverse and enthusiastic. Aided by West Virginia Humanities Council financing, we "took our show on the road" to the Mountain State's historically black colleges. In November of 2004, a seminar at West Virginia State University at Institute was followed by a standing-room-only re-enactment program at the Cultural Center in Charleston. This program included a new first act – the "schoolroom scene" that sets the stage for the trial. Ilene Evans played Carrie Williams, the first of her several excellent performances. The Martin Luther King, Jr. Men's Choir provided inspirational music.



Fairmont/Morgantown area children in a presentation of "J.R. Clifford and the Carrie Williams Case"

From Charleston, the program moved to Bluefield State College, where attorney J. Franklin Long delivered a moving remembrance of growing up black in West Virginia in the segregation era. Four more productions followed: April 2005, at the Tucker County Courthouse in Parsons; October 2005, at the Southern Conference of Bar Presidents at the Greenbrier in White Sulphur Springs; March 2006, at Potomac State College of WVU in Keyser; and April 2006, at the Metropolitan Theatre in Morgantown.

A new fourth act, an epilogue that takes place in 1933 at the end of Clifford's life, premiered in Keyser. At Potomac State, Delegate Cliff Moore from McDowell County played Clifford, and Kaethe George of Mannette Steel Drums in Morgantown played Williams. Kaethe then joined WVU's Michael Ellington, playing Clifford, in the Morgantown performance, where we had invaluable

help from Delegate Charlene Marshall and many other community members. It was great to learn that J.R. visited Morgantown to celebrate the Emancipation Proclamation in 1895.

Meanwhile, the National Park Service's Centennial of the Niagara Movement was being planned for August 16 – 20, 2006 at Harpers Ferry. West Virginia's native son J.R. Clifford, of course, was a leader in the Niagara Movement, the birth of the modern civil rights movement. So we decided to create a yearlong Clifford-Niagara Project, with the help of VISTA employee Maria Armada. One of the Project's goals is to provide scholarships for West Virginia youth, especially those with African ancestry, to attend the Centennial.

After the Niagara Centennial, the Clifford-Niagara Project will help develop curricular materials on this important aspect of West Virginia history, and work to create a network and infrastructure of educators and civic leaders committed to using those materials.

Too few West Virginians, and fewer visitors to our state, have an appreciation of the Mountain State's rich and unique history in connection with America's struggles and accomplishments in opposing and overcoming racism and discrimination. Additionally, the civil rights history of West Virginia is a largely untapped area of historic/heritage tourism, and there is a real need to build a wider interest in West Virginia's civil rights history and diversity



Justice Larry Starcher, Judge Russell Clawges, Professor Judith Scully, and Ken Grey rehearse as the 1898 State Supreme Court.

heritage. Telling the story of J.R. Clifford and his era helps us dismantle racism, one piece at a time. It's worth it!

CERTAIN DIMENSIONS OF THE LIFE & TIMES OF J.R. CLIFFORD

Excerpt from an article by Paul Ingraham
Clifford, J. R. Clifford's grandson, 1988

One hundred forty years ago, on September 13, 1848, Satilpa Kent Clifford gave birth to her and Isaac Clifford's third son, J.R. Clifford, in the area now known as Grant County, West Virginia. The baby John Robert Clifford had two older brothers, Theodore, age 5 and David, age 3. Satilpa Kent Clifford's father was Evan Kent, a farmer who was born in 1794. He was the son of a member of the Mingo Indian Tribe, a small group of whom settled in Hardy County circa 1776.

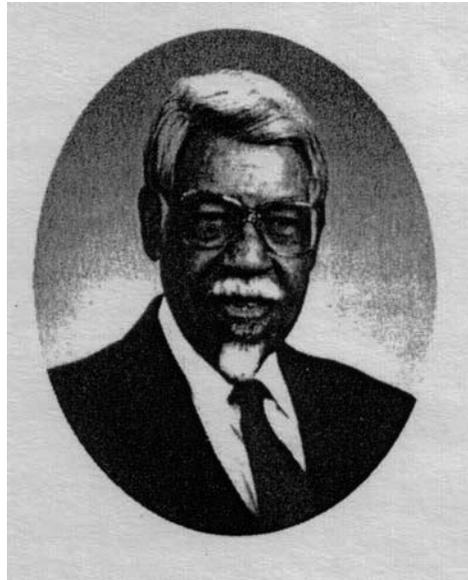
The Clifford family, like the Kent family, had a long tradition and history in Western Virginia. Jacob Clifford, who was Isaac Clifford's grandfather and J.R. Clifford's great-grandfather, was of Irish descent. Jacob Clifford was one of the earliest settlers in Hardy County. A small valley in Hardy County was known as Clifford's Hollow in honor of Jacob Clifford.

J.R. Clifford's Afro-American heritage was a consequence of the infusion of Black ancestry within and throughout both the Kent and the Clifford families. All of the Cliffords and Kents were free Blacks as far back as they can be traced in this section of Western Virginia. The 1790 Hardy County Census indicates that there were 369 slaves and 411 free non-white persons in this Western Virginia County. Hardy was the only county in Virginia that had more free people of color than slaves.

In Western Virginia, most of the Whites were migrants from Pennsylvania, New York, and New Jersey rather than from eastern and coastal Virginia and the Carolinas where slavery was solidly entrenched. Agriculture in the rugged mountainous areas of Western Virginia did not lend itself to "the peculiar institution." Whites found it beneficial to co-exist with their Black neighbors, slave or free.

Carter J. Woodson has summarized the social order of this coexistence in these terms: "In Appalachian America, the races still maintain a sort of social contact. White and Black men work side by side, visit each other in their homes and often attend the same church with delight to the Word spoken by either a colored or White preacher." Woodson's description is a valid portrayal of the social climate of the Williamsport J.R. Clifford knew in his early and middle childhood years.

In 1913, Clifford wrote in the October 4th issue of the *Pioneer Press* the following piece about a life-long White friend from his home community who had just died: "One night they (two boys)



Paul Ingraham Clifford

got into a argument, and it was settled by a decision that it be fought out on a chosen battlefield with slings and four wooden cannons. After a month's drilling and preparation, the battle...took place. Half of the soldiers were White, the rest colored. The battle had gone on for about an hour. Up to that time, the colored troops had the better of the fight. The officers were H.C. Berry and J.R. Clifford and from that time on, we were called 'generals.' We have talked it over and laughed heartily many a time, and until last Monday have always saluted each other as 'general.'"

As free Blacks, the Cliffords and the Kents apparently escaped any catastrophic consequences associated with their status. In 1860, Isaac Clifford, J.R.'s father, owned personal property valued at \$400.00, not a pittance for a free Black farmer who scratched a living from the hard-scrabble soil of Hardy County. J.R. and his older brother, Theodore, probably learned to read and write without the benefit of early schooling. Theodore Clifford later became a minister in the Mennonite and the United Brethren denominations. This was quite a feat for a free Black from Hardy County, Virginia.

In Chicago, J.R. enrolled in a public school attended primarily by White students. He recalled his school days in Chicago and offered a bit of advice on desegregating the public schools in the *Pioneer Press* of August 1, 1914. "Mix the schools, for there is no color in heaven." Clifford interrupted his education in Chicago to join the Union Army while still a teenager. He enlisted in Company F, 13th Regiment, U.S.

Heavy Artillery and attained the rank of Corporal. He was honorably discharged at Louisville, Kentucky on 18 November, 1865. He was a nurse at a field hospital during part of his military service.

Clifford graduated from the normal department of Storer College in 1875. Upon his graduation from Storer, he accepted a position as teacher in the public schools of Martinsburg. He remained as a teacher and principal of Summer School for ten years until he resigned to devote his time to his newspaper, the *Pioneer Press*, which he established in 1882. On August 2, 1890 he was issued a certificate to teach as a result of his having passed examinations, written and oral, which were administered at Storer College. In 1903, Shaw University at Raleigh, N.C. conferred an honorary Master of Arts upon him in recognition of his achievement in Education, Journalism, and Law and Politics.

The year after Clifford graduated from Storer and after he had settled into his teaching job in Martinsburg, he asked

for the hand of a young woman. Mary Elizabeth Franklin and J.R. Clifford were married in Harpers Ferry on December 28, 1876 when she was 17 and he was 28. There were at least ten children born of this union.

On September 13, 1887 in Charles Town, Jefferson County, West Virginia, three examiners, Okey Johnson, T.C. Green and O.C. Synder examined J.R. Clifford for admission to the bar of the State of West Virginia. Clifford passed the examination. Upon taking the oath, he was granted leave to practice law. This event marked a milestone in the history of West Virginia and in the history of Blacks in America. J.R. Clifford became the first Black to be admitted to the bar of the State of West Virginia.

Clifford practiced law during a career of 46 years. He prepared for the profession by reading law with J. Nelson Wisner, a White attorney who practiced in Martinsburg. Wisner was also editor of the *Martinsburg Independent*. In this role, he was instrumental in Clifford's involvement in the newspaper business.

SEGREGATION AND THE *PLESSY* AND *BROWN* CASES

Excerpt from an article by
Douglas C. Smith, West Virginia
History Magazine, Winter 1979

The period following the Civil War has been interpreted by C.Vann Woodward as an era in which significant achievements were made by blacks seeking legal and human rights. Blacks living in the South were encouraged to vote and white politicians tended to solicit their support. Numerous positions of political leadership were held by Blacks and not until the 1890s was segregation as it is defined today a normal part of American life.

The Slaughterhouse and Civil Rights Cases of the post-Civil War period were only a preview to the major court decision of this era. In 1896, in *Plessy v. Ferguson*, the Supreme Court handed down its landmark verdict on race relations, racial equality, and the status of the American Negro. Only the Dred Scott decision was more malign. In summary, the Court held that the 14th Amendment to the Constitution was not negated in any way when a state required people of African ancestry to be separated in public accommodations from persons of European ancestry.

On May 17, 1954 the U.S. Supreme Court, hearing numerous briefs and relying on psychological and sociological studies, reversed *Plessy v. Ferguson*. The main sources that the

Court relied on in developing its revolutionary stand were Gunnar Myrdal, *An American Dilemma*, Kenneth B. Clark, *Effects of Prejudices and Discrimination on Personality Development*; and numerous other historical and sociological materials.

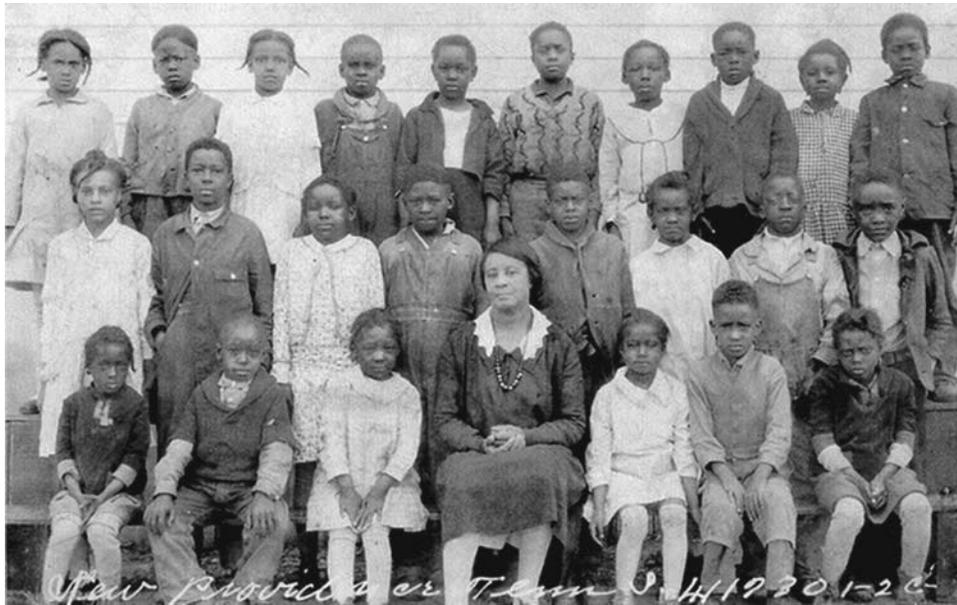
The Court stated in *Brown*: "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprive the children of the minority groups equal educational opportunity? We believe it does. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. To separate children from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

The full significance of the Court's decision in this landmark case can hardly be overestimated. As Thomas R. Dye states: "More than any other single event, the decision inspired the social and political movement known as the "Negro Revolution." This decision greatly speeded up the drive for equality. It gave legitimacy to Blacks' rejection of being treated as second-class citizens, and it gave many Americans a legal basis for their desire for equality.

DORIS GREEN'S MEMORIES OF COKETON COLORED SCHOOL

By Maria Armada,
Clifford-Niagara Project

For many years the "Coketon Colored School" provided the elementary education for all of the African-American children in Tucker County. Families took pains to see that their children were provided with a good



Teacher and students at an 1890s "colored school"

education at the two-room school. Though the school closed shortly after WWII, it still inspires fond memories for older residents in the area that were students there.

One of those students was Doris Edith Green. Her name was Doris Redmond when she was a child attending the Coketon School. Mrs. Green lives on East Hampshire Street in Piedmont, WV. She was kind enough to sit down and share her memories of the school, growing up in the town, and the people who made it community.

"I was born in a log cabin in Davis, WV in 1934. My parents were Robert and Louise Redmond. My father was a coal miner who everyone called "Red," not just because of his last name, but because of his red hair. I had identical twin sister named Dorothy. Everyone called us 'Spot and Dot.' I also had an older brother and another sister. My mother passed shortly before I started school at Coketon and my father remarried shortly afterwards."

"I started school around 1939. We would walk to the bottom of the hill and a taxi or bus would pick us up and take us as far as the B&L Store in Coketon. Then we'd walk about half a mile to get to the school."

"My first teacher at Coketon was Eileen Brown, who was a nice lady in her 30's. I still remember how scared and excited I was on my first day of school. Some kids from outside of Coketon and Davis attended the school, so I was around some new people. The building was a large, two room schoolhouse. No electricity in the building, just a stove and kerosene lamps. One room was the classroom and the other was a type of reading room with a kitchenette in it. This is where we ate lunch. In the first few years everyone brought their own lunches, but later on

some items such as powdered milk, cocoa, and sandwiches were provided."

"There were about eight children attending school at any one time. The classroom was divided by grades. Younger grades were on one side of the room and older grades on the other. The main subjects were reading, history, and arithmetic. In the morning we would have one subject, like reading, and maybe the afternoon would be spent on arithmetic. We would have spelling bees. The Spelling Book would be brought down from the white school. We were so glad to get them, because they would let us take them home. We learned how to spell all the words and really enjoyed that. The teachers would also teach us things like how to tap dance and show us how to put on plays."

"Girls only wore dresses to school, never slacks or anything like that. My Mama would use material from the flour sacks to make sun dresses for us. I remember the scraps from those sacks. Dot and I weren't very large and we would take those sacks and hand stitch the seams up, and wear them as a skirt or blouse. In the summertime we went barefoot most of the time, but we had a pair of shoes for school. We would buy shoes at Kauffman Fitches or over in

Coketonburg, near our school. It was a big deal to get a pair of shoes because we didn't get them that often. We'd wear them with stockings. I'll never forget the stockings. They just had two colors, brown and black. We loved the brown ones, but hated the black ones. They made us think of old people."

"The Colored School in Coketon closed sometime in the 1940s. I remember it closed because the last student graduated on to high school, Pete Baumer. When the mines closed down most of the colored folk with children left the area. Pete had stayed because his father was the Rev. Baumer, the Baptist preacher in town."

"The Coketon School was where we got our education. Our Daddy wouldn't let his girls go away to school. Back then colored kids had to go away to Clarksburg or Elkins to attend High School, because there wasn't one for colored children. The only way they were able to go is if they had people there that they could stay with and find them a job. Because of that I kept going to Coketon, took the same grade over, just so I could keep going to school. I was always glad it was there for us."

COKETON AND HENRY G. DAVIS

Excerpt from a Report of the
West Virginia Institute for The History of
Technology and Industrial Archaeology, 1994

Despite early transportation, no serious competitors barked at the heels of Henry Gassaway Davis in the early 1880s when he created his railway-based Upper Potomac coal empire. As *Black Diamond* magazine asserted, without Davis, "development would have come ultimately, but it would not have progressed to the extent he made possible."

In 1884 the WVC&P reached the town of Thomas in Tucker County, to build a 6.3-mile branch line from Thomas to the town of Davis. The WVC&P opened a Blackwater Hotel, named for the Blackwater River whose spectacular falls lay just two miles from Davis.

Preliminary prospecting and engineering work completed showed that the Upper Freeport seam outcropped at Coketon. Along this outcrop, at locations suitable for plant sites and tipple locations, two drifts were driven in the coal in the above year and were called Coketon Mines No.1. By 1893, coke-making was underway at

three locations in Tucker County. By far the largest of these operations consisted of 327 beehive ovens at the town of Coketon. There coal from the Upper Freeport (Davis) seam was coked. Upper Freeport coal likewise fed the forty-four ovens of the Cumberland Coal Company at the town of Douglas, which lay south of Coketon.

In 1906, when West Virginia's Department of Mines began recording miners' races and nationalities, 4.3 percent of this field's miners were Black, 14.5 percent Italian, 11.3 percent Lithuanian, and 7.2 percent Polish. A decade later, in 1927, Black miners composed 1.8 percent



Coal tipple and coke ovens at Coketon, WV

of the workforce. Italians remained by far the largest foreign contingent, but their proportion had fallen to 6.8 percent.

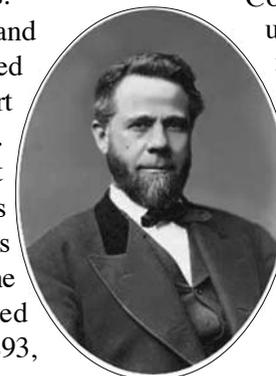
On February 29, 1916, a coal-dust explosion ripped through the Davis Company's Kempton mine. All but one of the 1,911 Elk Garden victims were American, but all fifteen of the Kempton victims were foreigners, fourteen of them Austrian and one Italian. The Davis company listed foreign workers only by number.

DAVIS WAS A CHEAPSKATE

Excerpt from *Appalachia: A History*,
by John Alexander Williams, 2002

There is a folksong about Henry Gassaway Davis' railroad that can be found in the collection of the American Folklife Center in the Library of Congress; the song is full of unflattering references to the man who built it, Henry G. Davis, a power in West Virginia politics for fifty years after the Civil War.

"The men hit for wages, then Henry said, 'what a darn foolish notion you've got in your head! I may run this railroad till the devil goes blind, but I won't raise your wages on the Coal and Coke Line!'"



H.G. Davis

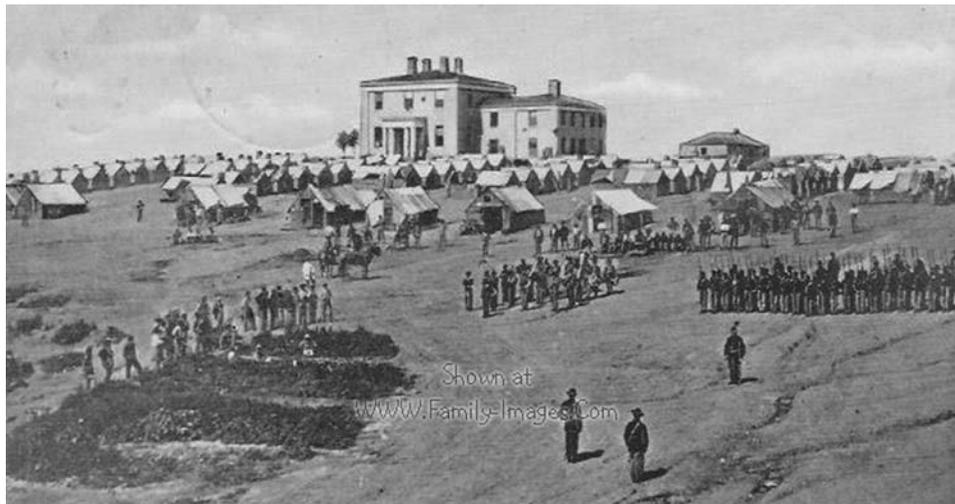
STORER COLLEGE

By Emma Fisher

As the first school in WV for black students teaching beyond the most basic subjects, Storer College was ambitious and notable from the beginning. The Founders of Storer discovered the desperate need for African-American educators after years of mission work during the Civil War. In an interview for the film *West Virginia*, Shepherd University Historian John Stealey explained, "As they dealt with relief, as they dealt with the refugee situation, as they dealt with education, the Free Will Baptists soon realized that the problem

Baptists came to Harper's Ferry because of one man: Nathan Cook Brackett," says Stealey. Brackett met with John Storer, who believed in his ideas and had the means to bring them to fruition. Working with members of his congregation, Brackett was able to raise \$10,000 to match Storer's promised seed money.

On October 2, 1867 the school held its first classes. Because Storer was the only school of its kind in an area with a large black community, the college's attendance multiplied. Storer's popularity swelled under great pressure from the surrounding community. Stealey elaborates, "It must be understood that many of the localities in West Virginia opposed the establishment of education for blacks and or building



Shown at
www.family-images.com

was too large to deal with. Their solution was to create a normal school to teach blacks to teach blacks."

Storer became a refuge for students who would go on to achieve what was previously unattainable for the black community. J.R. Clifford, class of 1875,

buildings for blacks." In the school's first years, students and faculty were armed and accompanied at all times to defend themselves from angry civilians. The Baptists' desires and perseverance fostered Storer's mission to instill education, positive character traits, and

religion. A catalog from 1869 lists basic courses such as reading, history, and arithmetic, but by the early 19th Century Storer offered college preparatory classes, and four-year degree programs. The school added an industrial program for skilled laborers and built dormitories for its students. In 1906, Storer hosted the famous Niagara Movement conference.

Even though Storer's infrastructure grew and their curriculum expanded, the Free Will Baptists persisted with their original mission. The school remained a vital force in Harper's Ferry, until it lost funding in 1954 after *Brown v. Board of Education* was decided.



was trained to teach at Storer. "Many prominent black West Virginia families started as teachers in these schools," says Stealey.

Nathan Brackett, leader of the Free Will Baptists, was the catalyst for Storer's foundation. He had strong roots in the Shenandoah Valley. "The Free Will

BLACK EDUCATION IN WEST VIRGINIA IN THE SEGREGATION ERA

Excerpt from *Black Coal Miners in America* by Ronald L. Lewis, 1987

Recognizing that little could be done to establish an integrated school system, black leaders applied political leverage to ensure that black administrators and staff would be appointed to operate the state's segregated institutions. They demanded and won black administration not just for the black school system but also for the other segregated institutions funded by the state, such as homes for orphans and the aged, industrial (reform) schools, an insane asylum, and a school for the deaf and blind. If public institutions were to be segregated in West Virginia, then blacks demanded that they be in charge of their own, and they had the political muscle to win those demands. As one black leader stated it, black West Virginians "have fought for equal facilities under the law," and their success was evident in the "fine educational and eleemosynary institutions in the state."

Dual school systems were expensive to operate, but blacks did not suffer from underfunding in West Virginia as they did in southern and border states. Because all teachers were paid on the basis of qualifications rather than race and because teaching was one of the few professions open to a significant number of Afro-Americans, a higher percentage of talented youths were channeled into that career. Consequently, black teachers tended to possess higher qualifications as a group and, therefore, to receive higher average salaries than whites. West Virginia also spent more per pupil for black students (\$111.47) than for white students (\$100.63). In 1913-1914 the two black colleges were being operated for only 5.3 percent of the state's population, but they received 18 percent of total state appropriations for higher education.

The children of black miners took advantage of the educational

opportunities available to them. In 1910 nearly 80 percent of the black children between ages six and fourteen in McDowell County attended school, as compared with 75 percent of native-white children in the same age bracket. By 1930 a larger percentage of black youths attended high school than in any other southern or border state. Similarly, in 1933-1934 ninety-four of every thousand blacks between ages eighteen and twenty-one were enrolled in public colleges, whereas the ratio for whites was only fifty-three per thousand. In the seventeen southern and border states which maintained dual systems of



education, the enrollment for blacks in public colleges was twelve per thousand. The children of miners were highly represented in West Virginia's black college population. For example, over 50 percent of the 1932-33 freshman class at West Virginia State were the sons and daughters of coal miners and other unskilled workers. At Bluefield State 93.9 percent of the 232 students were the children of coal miners.

"Those who profess to favor freedom and yet deprecate agitation are people who want crops without ploughing the ground; they want rain without thunder and lightning; they want the ocean without the roar of its many waters. The struggle may be a moral one, or it may be a physical one, or it may be both. But it must be a struggle. Power concedes nothing without a demand; it never has and never will."

— Fredrick Douglas, 1857

EARLY WEST VIRGINIA CIVIL RIGHTS CASES

Excerpt from *The Negro Citizen of West Virginia*, by Thomas E. Posey, 1934

The Strauder Case

In 1879, the United States Supreme Court held that no discrimination should be made against Negroes by the states because of their color, and West Virginia, in compelling a colored man to submit to trial for his life by a jury drawn from a panel from which the state had expressly excluded every member of his race because of color alone, had denied him equal protection of the law. The legislature of West Virginia, on February 3, 1881, passed a law, by the unanimous consent of both houses, which provided that all citizens in West Virginia could qualify as jurors.

The Birth of a Nation Case

On April 1, 1925, the "Birth of a Nation" was billed to show at the Rialto Theatre, Charleston, for three days. The town was flooded with advertisements. On Thursday, afternoon, March 26, Attorney T.G. Nutter, President, Charleston Branch of the National Association for the Advancement of Colored People, Mr. W. W. Sanders, State Supervisor of Negro Schools, and Captain G. E. Ferguson, proprietor of the Ferguson Hotel, waited on Mayor W. W. Wertz and protested against the play being shown in the state in violation of a special law which the colored leaders had sponsored in the legislature of 1919. The theatre appealed to the Supreme Court of Appeals in an effort to get the picture shown. They argued that the Major had no right to seize the film of the picture and other paraphernalia used in producing the picture, because that would be confiscation of property without due process of law. The Supreme Court, however, affirmed the decision of Judge Hudson, which prevented the picture from being shown.

The Charleston Library Case

On the 13th day of March, 1928, Anderson H. Brown, E. L. Powell, and W.W. Sanders went to the Charleston Public Library for the purpose of securing books, papers, and magazines for use. The librarian refused to permit them to use any of the books magazines, or papers in the library and also refused to permit them to sit and read. The librarian was carrying out the action of the board of education of Charleston, which had issued orders that no Negroes should be allowed to use the library, because a separate library had

been established for them on Shrewsbury Street. On appeal to the State Supreme Court, the Court said: "The legislature thus not having authorized the establishment of this institution as a school library, the resolution of the Board of Education of February 21, 1928, declaring the said library to be a part of the public school system for the use of white school children and white citizens only, was without legal justification. Of course, if this library were in face and in law a part of the public school system, segregation on the races would be warranted and lawful as a school matter." Thus, Negroes are permitted to use the Charleston Public Library.

The White Property Case

In 1920, two persons by the names of Kate Rau and Anna E. Jones, white, were owners of a tract of ground in the city of Huntington. This ground was divided into eleven lots. The lots were sold to various persons and the deed for each of these lots contained the following covenant or restriction: "and the said party of the second part (grantee) hereby covenants with the said parties of the first part that the property hereby conveyed shall not be conveyed to any persons of Ethiopian race or descent for a period of fifty years from the date hereof." When the case came before the Supreme Court, Judge Maxwell wrote: "We hold that a restriction on alienation to an entire race of people, when appended to a fee simple estate, is void as wholly incompatible with complete ownership...A fee simple title to real estate no longer would import complete dominion in the owner, if because of a restriction imposed by his grantor the market afforded by a whole race of the human family is closed."

The Greenbrier Lynching Case

On November 22, 1931, at Leslie, West Virginia, it was alleged that two Negroes, Tom Jackson and George Banks, shot and killed two white constables, Brown and Myles, when ordered to be quiet at a dance. These Negroes were indicted for murder and were held in the Greenbrier County jail for trial. Early in the morning of December 10, a mob of between fifty and sixty armed and masked men stormed the Greenbrier County jail, took the two Negroes two miles out on the Midland Trail, hanged them to a cross arm of a telephone post and riddled their bodies with bullets. After much investigation, none of the parties of the mob were apprehended. Suit was brought by the administrators of Jackson and Banks in

the Circuit Court of Kanawha County against Greenbrier County under the Capehart Act which Harry J. Capehart, Negro delegate from McDowell County, proposed and got through the legislature of 1921. This law provides that: "The county in which a person is charged with crime, and wherein such person has been taken from a state, county or municipal officer and lynched and put to death, may be subject to a forfeiture of five thousand dollars which may be recovered by appropriate action therefore, in the name of the person representative of the person put to death, for the use of his dependent family or estate." The Greenbrier County officials attacked the constitutionality of the Capehart Act, but the lower court declared the act constitutional and awarded damages to the administrators of Jackson and Banks to the extent of five thousand dollars in each case. Against the officials of the Circuit Court of Greenbrier County appealed to the Supreme Court. On Monday, May 22, 1932, the Supreme Court handed down a decision refusing to review the acts of the circuit court, thereby confirming the ruling of the circuit court that the act was constitutional.

Summary

Around these walls of the Supreme Court of West Virginia we read these words: "The true foundation of republican government is the equal right of every citizen in his person and property and in their management," by Thomas Jefferson, and "Firmness in the right as God gives us to see the right," by Abraham Lincoln. The spirit embodied in these quotations has truly been applied by the Court in dealing with its colored citizens.

WEST VIRGINIA'S EARLY AFRICAN AMERICAN LAWYERS

Excerpt from *Emancipation: The Making of the Black Lawyer 1844-1944*, by J. Clay Smith, Jr., 1933

J.R. Clifford's admission to the bar was followed in 1889 by that of Christopher H. Payne. Payne, who read law, was soon thereafter appointed deputy collector of internal revenue, a position he held from 1889 to 1893, before opening his law office. One of the most noted black lawyers in West Virginia in the early part of the twentieth century was Thomas Gillis Nutter, an 1899 Howard University law graduate and the brother of Isaac Henry Nutter, a lawyer in New Jersey. In 1903, Nutter opened a law office in Charleston, three years after his initial admission to the bar in Marion County, Indiana. Soon after Nutter started his practice in Charleston, another Howard University law graduate, Emory Rankin Carter, opened a law office in Charleston and practiced there until 1905. He relocated to McDowell County, becoming its first lawyer. Nutter, however, remained in Charleston and specialized in civil cases and Republican politics. Brown Wesley Payne also returned to West Virginia to practice law, settling in as Beckley's first black lawyer. Payne and James M. Ellis are responsible for two decisions by the Supreme Court of Appeals of West Virginia holding that it is unconstitutional to exclude "all persons of the African race" from serving on petit and grand juries.

West Virginia's Historic African American Lawyers Association

"We must organize to address the issues hindering our community." This idea resonated in the minds of prominent members of West Virginia's black community in the early Twentieth Century who created the first Mountain State Bar Association (MSBA). In 1972, the MSBA was reborn under a new generation of leaders, dedicated to the tenets of the civil rights movement. Today, the MSBA is open to all who share its goals. The MSBA's Brown W. Payne Fellowship Fund aids minority law students, and the annual Outstanding Citizens Awards celebrate the accomplishments of extraordinary advocates. The MSBA is an affiliate of the National Bar Association, organized in 1925 by 120 African American lawyers.



Katherine "Kitty" Dooley, Esq., of Charleston, West Virginia, is a founding Co-Director of the J.R. Clifford Project and Chair of the Mountain State Bar's J.R. Clifford Committee.

“Until joy came in the morning after the long dark sorrow of her soul, America could not be America. The joy of morning comes not by our will but by what I call the Spirit of History – It sweeps us up and commands us to answer hate and fear with love and courage. Courage is a reflection of the heart – It is a reflection of something deep within the man or woman or even a child who must resist and must defy and authority that is morally wrong. Courage makes us march on despite fear and doubt on the road toward justice. Courage is not heroic but as necessary as birds need wings to fly. Courage is not rooted in reason but rather Courage comes from a divine purpose to make things right.”

— John Lewis,
Congressman and Civil Rights Activist

J. R. CLIFFORD AND THE *THOMAS MARTIN* CASE

By Justice Larry V. Starcher,
West Virginia Supreme Court of Appeals

In 1896, the U.S. Supreme Court pronounced its “separate but equal” doctrine in the now famous case of *Plessy v. Ferguson*. Earlier in the same year, our West Virginia Court decided the case of *Martin v. Board of Education of Morgan County*.

In the *Martin* case, Morgan County, West Virginia, did not have a “colored school.” Thomas Martin, a black parent, wanted his children to have an education, so he requested that they be permitted to attend the local white school. He was refused. The lawyer who represented Thomas Martin and his children was J.R. Clifford. In *Martin*, Clifford argued before the West Virginia Supreme Court that “because the legislature and the board of education had failed to make proper provision to afford equal facilities to colored children, that they are entitled to attend the school provided for white children, on equal terms.” *Martin* was the first case in West Virginia and one of the earliest in the Nation to attack segregated schools as unconstitutional.

Sadly but not surprisingly, Thomas Martin lost his case. In *Martin*, our West Virginia Court held that “the [West Virginia] constitution . . . which provides that ‘white and colored persons shall not be taught in the same school,’ is not repugnant to . . . the fourteenth amendment to the constitution of the

United States.” Our Court went on to say: “This question has already been settled by numerous decisions of state and federal courts.”

But while our Court sustained the plain language of our State Constitution, it was not quite so harsh as *Plessy* was to be a few months later. In its 1896 decision our Court also said that: “Such a determination [i.e. to force a white school to take black children] would be, in effect, permitting the neglect of the legislature or board of education to abrogate the constitution, while it is the paramount duty of this court to see that they obey it.” And obey they did. Shortly after the *Martin* decision, Morgan County established a “colored school.”

Still, the 1896 *Martin* decision by the West Virginia Supreme Court and the *Plessy* decision by the U.S. Supreme Court established “separate but equal” as the law of the land with respect to school attendance – for a half-century plus – until *Brown V. Board of Education* in 1954. But just two years after the *Martin* case, in 1898, the West Virginia Supreme Court released another opinion, authored by the same judge who authored the *Martin* opinion, Judge Marmaduke Dent. The case was *Carrie Williams v. Board of Education of Fairfax District*, this time a win for J.R. Clifford and his client, and an important victory for civil rights in West Virginia and the nation.

The Pioneer Press

“Ballots in time of peace, bullets in time of war”
Vol. 4 Martinsburg, W.Va. October, 1886 No. 10

Flick vs. Clifford

That I have been a Republican fanatic in this State for the past 16 years, toiling irksomely to the detriment of time, my pocket-book, my past position and family, and that damns have been my remuneration, are facts that can be proven. That there are genuine Republicans in this State, we have no doubt, and were they at the head of affairs our past fealty to the party would be the same today; but it is not so, and hence our course. . . .

When the post office contest took place here, it was my privilege, as a citizen, to decide and act according to my decision, and in doing which I favored Mr. Wisner (with whom I was reading law – a privilege Mr. Flick denied me “for want of time” and on the same day and in my presence offered to take a white student). For doing so, Mr. Wm. H. Riggs called me a “d-n yellow son of a b—” and said, “the idea of a nigger taking a part in a white man’s fight.” Mr. Riggs was then chairman of the Republican County Executive Committee, and upon seeing him I took him to task and the “old soldier” denied it with an oath. But coming from the source it did, I knew he was lying and published him; daring him several times to meet me at places named and dates fixed, but Captain Riggs would not show up.

I was no delegate either, but I was nominated and elected, but he and his allies defeated. A certain man said loudly: “No d-n nigger will go to Chicago as a delegate from this State, and don’t you forget it,” and we claim by Flick’s action, he carried out the spirit of that low assertion. He told the people at Kearneysville that he opposed me to honor Bossy Lewis, who is dead. It is not so. Bossy Lewis nominated me and begged the convention to send me. . . . As to the many letters endeavoring to load, persuade and scare me off of my course, I have simply to say that none of you know me. That man don’t live who can change me from right to wrong.

The wife, whom I love above all living beings, and who has done more to make me a man of letters than any living being, had cried many a day and night, because I’ve published things in the *Pioneer Press*, relating to local issues, which I know to be wrong and which have been throttled, and are acknowledged by her and many others as wise. So, you see, is she can’t change, no one else can, unless it be done by force of reason, to which, when right, I always yield. Let us all learn that neutrality in politics, or even opposition to candidates, is no evidence of a man’s dishonesty.

THE EARLY HISTORY OF THE CLIFFORD FAMILY

By Rosemary Clifford McDaniel,
Clifford Family Historian and Genealogist

Our Clifford Family descends from Isaac Clifford, the Patriarch. The earliest documentation of this Isaac is found in court proceedings in Hardy County, Virginia (now West Virginia) in March 1796. Isaac Clifford appeared as a plaintiff in a lawsuit against defendant James Ryan who was charged with battery and false imprisonment. Isaac was identified as Isaac Clifford “alias Black Isaac.”

Isaac Clifford first appears as a head of household in the 1800 U.S. Census for Cumberland, Allegany County, MD. His household consists of 5 members, all listed as “Other Free Persons.” In 1810, Isaac Clifford is found in a separate listing of “Free Negroes” identified as taxpayers in Hardy County, VA. In 1820, Isaac Clifford heads a household of “Free Colored Persons” in the U.S. Census for Hardy County, VA.

By 1830, there are three households of Cliffords listed as “Free Colored Persons” in the U.S. Census for Hardy County, VA. According to Carter G. Woodson’s *Free Negro Heads of Families in the United States in 1830*, these three households headed by Isaac Clifford (8 persons), Jacob Clifford (13 persons), and David Clifford (one person) – are the only “Free Colored” Clifford families in the entire United States.

In 1850, our Cliffords show up again in the U.S. Census for Hardy County, VA. Isaac Clifford (c. 1824 – c. 1903), believed to be a grandson of Isaac Clifford, the patriarch, is there with his wife, Mary Satilp(hi)a Kent Clifford (c.1816 – c. 1850), and their three sons – Theodore Kent Clifford, David Clifford and John Robert Clifford – in the household of Satilpa’s parents, Evan and Priscilla Kent.

Theodore Kent Clifford (1844-1908) was a Civil War Veteran and became an outstanding minister in the United Brethren Church. He and his wife, Sarah Jane Turney Clifford (1852-1908), had 11 children. Theodore Kent Clifford died in Harrisonburg, Rockingham County, VA.

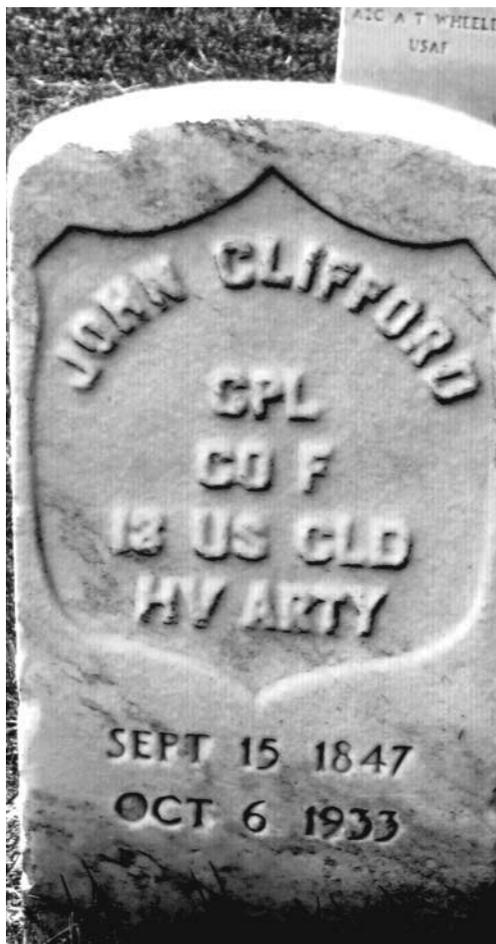
After Satilpa’s death, Isaac Clifford married Susan Lowry (1828-1857) and had two children – William H. Clifford (1851-?) and Mary E. Clifford (1857-1890). Mary married Daniel Stuart/

Stewart and they had one child. After Susan’s death, Isaac Clifford married Elizabeth Jane Redman (c.1837-1914), daughter of Robert and Lucy Redman. Isaac and Elizabeth were the parents of 7 children.

My great-great grandfather, William Henry Clifford, Sr., (1835-1881) believed to be another grandson of Isaac Clifford, the patriarch, is also in Hardy County, VA in 1850. He is listed in the household of his employer as the barkeeper in the Mullin Hotel.

William Henry Clifford, Sr. left VA and moved to Cleveland, OH. In 1859, he married Evaline Conaway (1838-1909) and they had two sons, John M. Clifford (1860 – 1928) and William Henry Clifford, Jr. (1862 – 1929), my great-grandfather. William Henry Clifford, Jr., was a lawyer and served two terms representing Cuyahoga County in the Ohio State Legislature.

I wish to thank all of the family members who have helped me with this research project. Please feel free to contact me, at rmcdaniel@starpower.net if you have any questions, corrections, or suggestions.



J. R. Clifford’s tombstone at Arlington National Cemetery. His birth year, 1848, is incorrect on the stone.

J.R. CLIFFORD VISITS MORGANTOWN, WEST VIRGINIA IN 1895

By Connie Rice,
Historian and Clifford Biographer

For more than a decade, the beliefs, the language, the actions, and the principles of John Robert Clifford have been my work and my passion. I first encountered J.R. while working on the book *Our Monongalia: A History of African Americans in Monongalia County, West Virginia*.

In 1895 newspaper reports I discovered that Clifford and the Hon. John M. Langston were guest speakers at an Emancipation Day Celebration held in Morgantown. Clifford, impressed by Morgantown’s welcome, wrote that there was “genuine Christian feeling and broad and manly recognition of the American Negro” shown by whites. Indeed, no color lines were drawn at the event.

Clifford and Langston stayed at Madame Roland’s Peabody Hotel where they sat down to eat dinner at the same table with Morgantown’s Mayor Posten and the Hon. George C. Sturgiss, circuit judge. The following morning, members of the Chamber of Commerce and other “distinguished citizens” joined Clifford and Langston in the parlor of the Peabody where, according to Clifford, they were treated “as full-fledged American citizens.”

This joyful celebration of the emancipation of 4,000,000 slaves occurred south of the Mason-Dixon line on the threshold of segregation. Regardless of the time or place, Clifford’s description of the celebration revealed his hope for the future. Did he feel the opportunity for real equality within his grasp, only to have it fade away in the aftermath of *Plessey v. Ferguson*?

By reflecting on Clifford’s life during those pivotal years between that Emancipation Celebration in 1895 and the West Virginia Supreme Court decision of *Williams v. Board of Education* in 1898 – and understanding his hopes, his despair, and the struggle for equality – the significance of the Carrie Williams case becomes clear. Amidst a growing tide of discrimination, bigotry, and intolerance, there was a victory that gave him the will to carry on.

J.R. CLIFFORD’S EARLY ACHIEVEMENTS

By William J. Simmons, 1887

In 1887, William J. Simmons, minister, teacher, and activist, penned *Men of Mark: Eminent, Progressive, and Rising* to call attention to prominent black intellectuals working during the latter half of the 19th Century.

Simmons’ book, with many illustrations, is a treasure trove for persons interested in civil rights and African-American history, and may be found online at docsouth.unc.edu/neh/simmons/simmons.html.

Clifford, then in his late thirties, merited the following description in *Men of Mark*:

“J.R. Clifford is progressive, independent and ambitious. He is a native of West Virginia, born at Williamsport, Grant County on September 13, 1849. When quite a lad he was taken to Chicago, by the Hon. J.J. Healy, and given a rudimentary education. In Zeno, Ohio he attended a writing school taught by Professor D.A. White, from which he took a diploma in that art. In 1870 he went to Wheeling, West Virginia, and conducted a large writing school with nearly one hundred attendants.”

“Not yet satisfied with his attainments, he attended Storer College, at Harper’s Ferry, graduating in 1878. He was called to the principalship of the public school at Martinsburg, WV, which he held for ten consecutive years, and only resigned to give attention to the *Pioneer Press*, a vigorous, influential journal which he so ably, fearlessly and consistently edits. The Republican Party has a strong friend in him.”

“Clifford not only has power and influence to back him, but will stand up for his rights and accept nothing which reflects upon his race.”

“I first made the acquaintance of this gentleman in the Knights of Wise Men Convention in Atlanta, Georgia, where he delivered the oration of the day. In that body were some of the most gifted men of the country. Clifford was but little known to many of us. When the speech was heard, the house was electrified, and R.P. Brooks led the movement in securing a contribution to present Clifford with a gold-headed cane. Clifford has delivered many orations since.”

“As honorary commissioner of the colored department of the New Orleans Exposition he served his State faithfully and did all in his power to aid the general work.”

J.R. Clifford



and the Carrie Williams Case

An imaginative reconstruction - Copyright 2004 - 2006 by Thomas W. Rodd

CHAPTER ONE

It was a warm fall day in 1933. Gusts of wind filled the air with red and gold leaves, dusting the houses and streets of Martinsburg, West Virginia with their bright colors.

John Robert Clifford, Esq., a tall older man with dark brown skin and a full head of white hair – known to his colleagues as “J.R.” and to his family as “Grandpa John” or “Uncle John” – stood at a desk in his parlor. Through the open parlor window, J.R. watched the swirling colors blow down the street. He heard the sound of a choir rehearsing in the church on the corner, and for a moment swayed to the music, and tapped his foot on the carpet.

Then he returned his attention to a pile of papers on his desk. He pulled several dozen sheets of yellowing paper – the typed transcript of a court hearing – out of a folder. “I knew I had kept it,” J.R. said with satisfaction, as he read the first lines of the transcript to himself.

The first line read: “MR. CLIFFORD: Please state your name and occupation.”

The next line read: “MRS. WILLIAMS: My name is Mrs. Carrie Williams. I am a schoolteacher at the colored school in the Town of Coketon, Fairfax District, Tucker County, West Virginia.”

Holding the transcript in one hand and leaning on his cane with the other, J.R. slowly crossed the room to an upholstered chair beside an oval table. He sat down in the chair, placed the transcript in his lap, and closed his eyes. The choir was still singing. Supported by a rhythmic chorus, the pure voice of a soprano soloist floated into the parlor.

Freda Clifford, J.R.’s great-niece, a ten-year-old girl with copper-colored skin, wearing a white sundress, skipped into the room.

Freda shook J.R.’s arm. “Uncle John, stop snoozing,” said Freda. “I have a message for you.”

J.R. opened his eyes and smiled indulgently. “What is it, Freda?” J.R. asked his great-niece.

“Mrs. Carrie Williams called over to Aunt Mary’s!” Freda announced loudly. “She said she would be here in half an hour. Who is Mrs. Williams, Uncle John?” asked Freda.

“Mrs. Williams is an old client of mine,” said J.R. “She wrote to me last week and said she might come by today. Her case happened long ago – before you were born, Freda.”

Freda hung over the arm of J.R.’s chair. “Was it a fun case, Uncle John?” Freda asked. “Did the good guys win?”

“Not exactly fun, but very important,” J.R. said, holding up the papers in his lap. “I have the transcript of Mrs. Williams’ case right here,” he said.

“Will you read it to me, Uncle John?” asked Freda.

“I will read you a piece of it – after Mrs. Williams gets here,” J.R. said.

“Promise?” said Freda.

“I promise, Freda,” said J.R.

“Thank you, Uncle John! I can’t wait! I’ll go make some lemonade for your guest,” Freda said, and she skipped out of the room.

J.R. leaned back in his chair. He remembered the day that he first met Carrie Williams

CHAPTER TWO

The Town of Coketon, West Virginia, is located in Tucker County, in the northern Highlands of the Mountain State, at the head of the Blackwater River Canyon. In the 1890s, Coketon was a “boom town” – home to the biggest railroad, timber, and coal enterprise in West Virginia. Coketon was the headquarters of the Davis Coal and Coke Company, owned by the industrialist Henry Gassaway Davis.

Beginning in the 1880s, thousands of men, women, and children moved to the Coketon area. They came from all over the world – to mine coal, to make coke from coal for the steel industry, to work on the railroad, and to cut trees and saw lumber. Hundreds of these newcomers were called “Negro,” “colored,” or “black” – because they had African ancestry.

Like other immigrants to Tucker County, these newcomers wanted their children to receive an education. Following West Virginia law of the time, which mandated segregated schools, the Tucker County Board of Education set up a one-room “colored school” in Coketon.

On a crisp morning in October 1892, the wooden floor of the two-room colored school in Coketon shone. Late wildflowers and milkweed pods were displayed in vases on each windowsill.

At the front of the main schoolroom, Teacher Carrie Williams stood at her desk. Her pupils were seated on wooden benches. Carrie looked with approval at the two rows of girls, with tidy ribbon bows in their hair, and two rows of boys whose clean shirts were buttoned all the way to the top.

Carrie Williams wore her blue Sunday dress. She patted her neat braids into place. Today a special visitor was coming to the Coketon Colored School.

“Quiet, now, students,” Carrie said to her chattering pupils, who ranged in age from eight to sixteen. The children stopped talking, and turned on their benches to face their teacher.

“As you know,” said Carrie, “we are going to have a special visitor – Mr. John Robert Clifford of Martinsburg, West Virginia. Mr. Clifford is a distinguished lawyer and newspaper publisher.”

“Mr. Clifford,” Carrie continued, “is visiting our school on behalf of Storer College, in Harpers Ferry, West Virginia, where I went to college. He will make a

report to them, so I want you to be on your best behavior.”

The schoolroom door opened, and sunlight poured into the room. J.R. Clifford strode across the threshold and closed the door firmly behind him. He wore a pressed suit and carried a leather briefcase and a walking stick.

J.R. crossed the room to greet Carrie. “Good morning,” J.R. said, shaking Carrie’s hand. “I am J.R. Clifford. It is a pleasure to visit your school, Teacher Williams.”

“Good morning to you, Mr. Clifford. We’re so honored that you came to visit us. Let me introduce you to my pupils,” Carrie said.

Carrie motioned to the schoolchildren to stand. “Class,” she said, “this is Mr. J.R. Clifford.”

The schoolchildren stood and said in unison, “Good morning, Mr. Clifford.”

“Good morning, students,” said J.R. “I am proud to see you all attending school this morning. Many people gave their lives in the Civil War so that you would have the right to an education. Please be seated, and feel free to ask me any questions you like.”

J.R. stood at the front of the room and waited for questions.

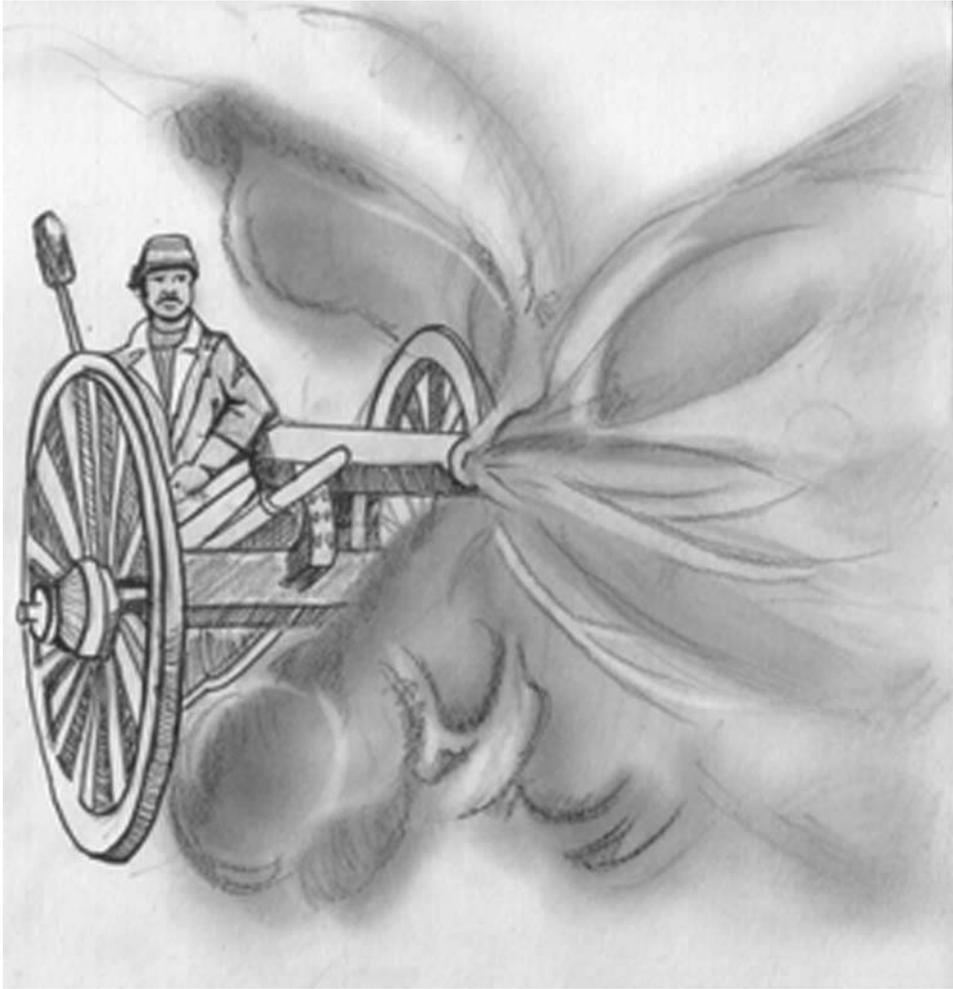
The children sat down. Marcus, a lanky boy in the front row, whose long legs stuck out like tree branches, stuck up his hand. “Mr. Clifford,” Marcus began – then his voice broke upward, causing the other children to giggle.

Carrie Williams gave her students a stern look.

“Continue, Marcus,” Carrie said.

“Mr. Clifford, were you a soldier in the Civil War?” asked Marcus.

“Yes, Marcus,” J.R. replied. “In 1864, almost thirty years ago, when I was fifteen years old, I enlisted in the Union Army. I served in the United States Colored Troops in the 13th Heavy Artillery.”



Whispers rose from the children. A soldier!

“But I hated war and killing people,” J.R. said. “Today, I fight using the law, the vote, and the power of the press.”

Kimberly, a younger girl with big, serious eyes, raised her hand. “Did you know John Brown, Mr. Clifford?” Kimberly asked.

“No,” said J.R. “When John Brown and his raiders attacked the arsenal at Harpers Ferry in 1859, I was only eleven years old. But I remember my father and grandfather talking about the courage of Brown and his men – black and white – who took up arms to abolish slavery.”

“I’m eleven right now,” said Kimberly, with a shy smile.

“Then, young lady,” said J.R., “maybe this year the world has great things in store for you!”

Kimberly blushed, and the other students giggled.

“Children,” Carrie Williams said, “did you know that Mr. Clifford grew up not far from Coketon?”

“That’s right, Mrs. Williams,” said J.R. “My family lived on a farm in Williamsport, near Moorefield. I loved our farm and our country life. But there

was no school there for colored children, so my family sent me to Chicago to get an education.”

J.R. looked at the children’s bright, attentive faces. He leaned forward and spoke intently. “I missed my family,” said J.R., “but the education I got was

invaluable. Education is so important for our future. Don’t ever forget that!”

J.R. paused, and then smiled again. “It was in Chicago that I enlisted in the Army,” he said, “and after the Army, I continued my education at Storer College.”

J.R. turned to Carrie Williams. “Mrs. Williams, your children ask wonderful questions,” he said. “May I ask them some questions of my own?”

“Certainly,” said Carrie. “I hope they will give good answers!”

J.R. planted his walking stick in front of him. “Children,” J.R. said, “what are your plans and dreams?”

Marcus raised his hand. “Mr. Clifford,” Marcus said, “my dream is to be an engineer. My father is working on the railroad in Coketon. I want to build bridges.”

In the back row, Walter, a small boy with a wide smile, hopped up from his seat. “Mr. Clifford,” Walter said, “my dream is to be a musician. I love the music of all the different people in Coketon – the Italians, the Croatians, and the colored people. I want to play in an orchestra, and play the music of the whole world!”

A dark girl with glasses and her hair in a bun, about 14 years old, shyly put her hand up.

“Go ahead, Mary, tell us your dreams,” said Carrie Williams.

Mary folded her hands in front of her. “Mr. Clifford,” she said softly, “I love



our school in Coketon. My dream is to be a teacher like Mrs. Williams. But I am afraid that there will not be any teaching jobs for me. My father says that the School Board is cutting the term of our school.”

“Young lady, you *must* follow your dream to be a teacher,” said J.R. “And I encourage all of you to follow your dreams. If you work hard, you can succeed – no matter what the obstacles.”

“Now, children,” said Carrie, “get out your books and continue with your lessons, while I talk to Mr. Clifford privately and thank him for joining us today.”

The two adults walked to the far end of the schoolroom.

J.R. spoke to Carrie in a lowered voice. “Mrs. Williams,” said J.R. “I am most disturbed to hear that the school board is cutting your school term. Can you tell me more about this?”

“Mr. Clifford, what Mary said is true,” said Carrie. “The school board has refused to pay for a full eight months for our school in Coketon. The white children will have eight months, but our school term will only be five months.”

“Will no one challenge the school board?” asked J.R.

“No,” Carrie said. “The school board is run by the Davis Coal and Coke Company. If these children’s parents protested, they would lose their jobs. But I did not sign the school board’s five-month contract,” Carrie said, shaking her head. “I knew that was wrong.”

J.R. looked down for a moment; then he raised his head. “I have an idea, Mrs. Williams,” J.R. said. “Do you have any savings that you could live on? Could you continue teaching after five months have passed, if the school board stops paying you?”

“Yes, I could,” said Carrie. “My husband Tom and I have been saving for several years, and we have a nest egg that we could use.”

“Good,” said J.R. “Let me consult my law books when I get back to Martinsburg, and I will write to you. But I am telling you now – do not plan to stop teaching after five months. There will be some financial risk to you, but we may be able to beat the school board at their own game!”

“I love teaching, and I love these children, Mr. Clifford,” Carrie replied. “That will not be hard.”

The noon whistle at the coal tipple blew a long blast. "I must be going, Mrs. Williams," said J.R. "The train leaves for Martinsburg in less than an hour."

J.R. turned to the children. "Goodbye, children," he said. "Do as Mrs. Williams tells you, and make your parents proud of you."

"Goodbye, Mr. Clifford," replied the children in unison.

J.R. opened the schoolroom door and walked out into the street. Carrie closed the door behind him.

"Children, thank you for being so good while Mr. Clifford visited us," said Carrie.

Mary raised her hand. "Teacher Williams, can we sing a song before lunch?"

Carrie patted Mary's head. "Mary, that's a wonderful idea," said Carrie. "What song would you like to sing?"

"What about the song that they sang in the Civil War?" said Mary, "You know, when Mr. Clifford was fighting for our freedom."

"A very good idea, Mary," said Carrie. She motioned to the children to stand.

Carrie lifted her hands, and led the students in singing "The Battle Hymn of the Republic."

Walking down the road to the Coketon railroad station, J.R. heard the children's high, clear voices behind him. He stopped for a moment. The mountain air, tinged with the pungent smell of the coke ovens, was cool and crisp.

A strategy for Carrie Williams' case was brewing in J.R.'s mind. He began to walk briskly toward the station.

CHAPTER THREE

For the second time that Fall day, Freda shook her great-uncle's arm. "Uncle John, wake up! Mrs. Williams is here," Freda said.

J. R. opened his eyes as Carrie Williams, a handsome woman in a traveling suit with gray hair and a wreath of wrinkles around her bright eyes, walked into J.R.'s parlor.

Carrie crossed the room and took J.R.'s hands in hers. "Hello, my dear old friend," Carrie said.

J.R. beamed. "Mrs. Williams," J.R. said, "what a pleasure to see you! How long has it been? It must be more than thirty years!"



Carrie sat down in a chair across from J.R.

"Tell me, Mrs. Williams," said J.R., "what brings you to our humble Martinsburg?"

"My youngest daughter Clara," said Carrie, "is now a teacher at the Sumner School here in Martinsburg."

"Sumner School! Why, that's my old school," said J.R. "I started teaching at Sumner in 1877. How time flies."

Freda came into the parlor carrying a tray with three glasses on it. "Here's some lemonade, Mrs. Williams," Freda said. "Fresh squeezed!"

"Thank you, sweet girl," said Carrie Williams, taking a glass. She sipped the cool drink.

Carrie looked closely at J.R. "You are looking very well, Mr. Clifford," said Carrie. "Are you still practicing law?"

"Yes, I am," J.R. replied, "as much as my body will let me. I'm an old man now - I'm eighty-five! Perhaps all those miles that I walked rather than ride on the Jim Crow railroad cars did me some good!"

Freda pulled up a stool and sat next to J.R. "Uncle John," said Freda, "why don't you show Mrs. Williams your shirt?"

"What shirt is that, Mr. Clifford?" Carrie asked.

J.R. pointed across the room. "Mrs. Williams," said J.R., "hanging on that wall is a man's dress shirt, covered with bloodstains. I was wearing that shirt in the Martinsburg courtroom in 1895, when the prosecuting attorney attacked me."

Carrie looked across the room, and saw a shirt hanging on the wall, covered with dark brown stains.

Carrie frowned with concern. "Why did the prosecutor attack you?" she asked.

"I insisted on having black citizens on the jury," J.R. said. "When the prosecutor struck me with a paperweight, the blood ran from my head into my shoes."

"But you beat him, Uncle John!" said Freda. "You socked it to him, right?"

Carrie and J.R. laughed at Freda's enthusiasm.

"Yes, Freda, I beat him," said J.R. "I campaigned all over the county against his election, and I waved that bloody shirt." J.R. smiled. "That scoundrel lost

by 1,300 votes! That was in 1898, the same year that we finally won your case, Mrs. Williams."

"Tell me, Mr. Clifford," asked Carrie, "do you ever think about my case?"

"I often do, Mrs. Williams," said J.R. "In fact, I have the transcript of your trial right here. Freda wants me to tell her the story."

"Yes, Uncle John, tell me all about it!" said Freda, clapping her hands.

"Please do, Mr. Clifford," said Carrie. She smiled and sipped her drink.

"Very well," said J.R.

He picked up the transcript from his lap.

CHAPTER FOUR

J.R. Clifford and Carrie Williams sat quietly at a wooden table in the front of the Tucker County courtroom. At an identical table across the room, two well-dressed men whispered to each other. Several dozen Tucker County residents sat in the courtroom audience.

Turning in her seat, Carrie looked at her husband Tom, who was sitting in the front row of the audience. A handsome, wiry man, Tom Williams gave Carrie a reassuring grin and a wink that made her smile and relax. She turned to face the front of the courtroom.

J.R., wearing a spotless gray suit, concentrated on a pile of papers in front of him. He made last minute notes with a quill pen.

The bailiff, wearing a uniform shirt and pressed pants, came into the courtroom and stood beside the judge's bench. In front of the bench, a court reporter sat at a small desk, ready to take notes for the transcript.

"Oyez, oyez, oyez!" the bailiff called out. "The Circuit Court of Tucker County is now in session, the Honorable Joseph T. Hoke presiding." Circuit Judge Hoke, a heavyset man with a long face, came into the courtroom and took his seat behind the bench.

"Good morning, everyone," said Judge Hoke, with a nod to the lawyers. "Let's get right to this morning's case. Bailiff, please summon the members of the jury."

The bailiff rapped on the jury room door. The door opened, and twelve men of varying ages, some obviously farmers and loggers and others better-dressed townspeople, filed into the courtroom and took their seats in the jury box. All of the

jurors were white. J. R., Carrie, and Tom Williams were the only African Americans in the courtroom.

Judge Hoke cleared his throat and turned to face the jurors.

"Members of the jury," the judge said, "today we have a case in which the plaintiff, Mrs. Carrie Williams, a schoolteacher in Coketon, has sued the Tucker County Board of Education for three months' salary."

"Mrs. Williams' attorney is Mr. J.R. Clifford of Martinsburg," Judge Hoke continued. "The Board of Education is represented by its Secretary, Mr. Harold A. Meyer. The School Board's lawyer is Mr. C. O. Streiby."

Judge Hoke turned to the table where Carrie and J.R. sat. "Mr. Clifford," said the judge, "Call your first witness."

"We call the plaintiff, Carrie Williams," said J.R.

Carrie Williams stood and walked without hesitation to the witness stand. In one hand she carried a brown folder. Carrie nodded to the judge and jury and sat down.

The bailiff asked Carrie if she swore to tell the truth, so help her God. "I do," Carrie said with conviction.

J.R. stood and walked closer to the witness stand. "State your name and occupation," J.R. said. His voice was loud and sure.

"My name is Mrs. Carrie Williams." Carrie replied, pronouncing her words precisely. "I am a schoolteacher at the colored school in the Town of Coketon, Tucker County, West Virginia."

"In the 1892 and 1893 school year, did you have a written teaching contract with the Board of Education?" J.R. asked Carrie.

"No," Carrie said. "The school board refused to give me a contract for eight months, like the contracts they gave the white school teachers. The board wanted me to sign a contract for only five months. But I would not sign it."

"Mrs. Williams," asked J.R., "what happened after five months?"

"I kept on teaching," said Carrie. "But the school board would not continue to pay me."

Carrie looked at her husband Tom in the courtroom audience, then at the jury.

"My husband Tom and I used our savings to live on," Carrie continued, "so that I could give my pupils a fair and legal education. I am still owed three months'

wages – one hundred and twenty dollars."

"So it was solely a desire for a fair education for your students that motivated you?" J.R. asked.

"Fair — and *legal*," said Carrie forcefully.

J.R. turned to the judge. "Your Honor," J.R. said, "I have no further questions. Mr. Streiby may inquire."

J. R. sat down. C. O. Streiby, the school board's lawyer, a tall man with a hawkish nose and piercing eyes, rose from his seat and approached the witness stand. Streiby directed a hard gaze at Carrie.

"Mrs. Williams," said Streiby, "at the end of the five months, didn't school board Secretary Meyer tell you that he would not give you any more payments? And didn't he demand that you give him the class register?"

Carrie squared her shoulders. "Yes, he did," Carrie said.

Streiby's voice dripped with accusation. "But you did not give Mr. Meyer the class register that he requested, did you?" said Streiby.

"No, I kept it," said Carrie, "and I completed teaching for the full eight months." Carrie opened the folder in her hand and held up a dark blue book. "Here it is," said Carrie.

Streiby reached out his hand to take the register from Carrie — but instead of giving the register to Streiby, Carrie opened the book and began to read from it.

"The register shows that I taught for a full eight months," Carrie said. "We covered eight subjects: orthography, reading, penmanship, arithmetic,

grammar, history, geography, and language lessons."

Carrie turned to the jury. "They are good children, and they all worked hard at their studies, and . . ."

"Excuse me, Teacher Williams," interrupted Streiby. "The only reason," Streiby said, his voice rising — "the *only* reason that you give for teaching eight months is because the white children had eight months, and *not* because you had a contract?"

"Yes," said Carrie coolly. "That's correct."

"And," Carrie added, looking at the jury, "I believe it is the law!"

Streiby looked at the jury and shook his head, pretending to marvel at Carrie's audacity in defying the School Board. "No further questions, your Honor," Streiby said. He walked back to his table and sat down.

"Mr. Clifford," asked Judge Hoke, "do you have any re-direct examination?"

"No further questions, your Honor," said J.R. "However, I do ask that the class register be admitted into evidence and shown to the jury."

"Your Honor," said Streiby, rising up from his chair in protest "we see no relevance to the class register. They are just standard notes, after all!"

"You brought up the subject of the register, Mr. Streiby," Judge Hoke said firmly. "I will admit it into evidence. Mrs. Williams, you may take your seat. Mr. Clifford, call your next witness."

"Your Honor, we call Mr. Harold A. Meyer," said J.R., standing up and moving to a spot by the witness chair.

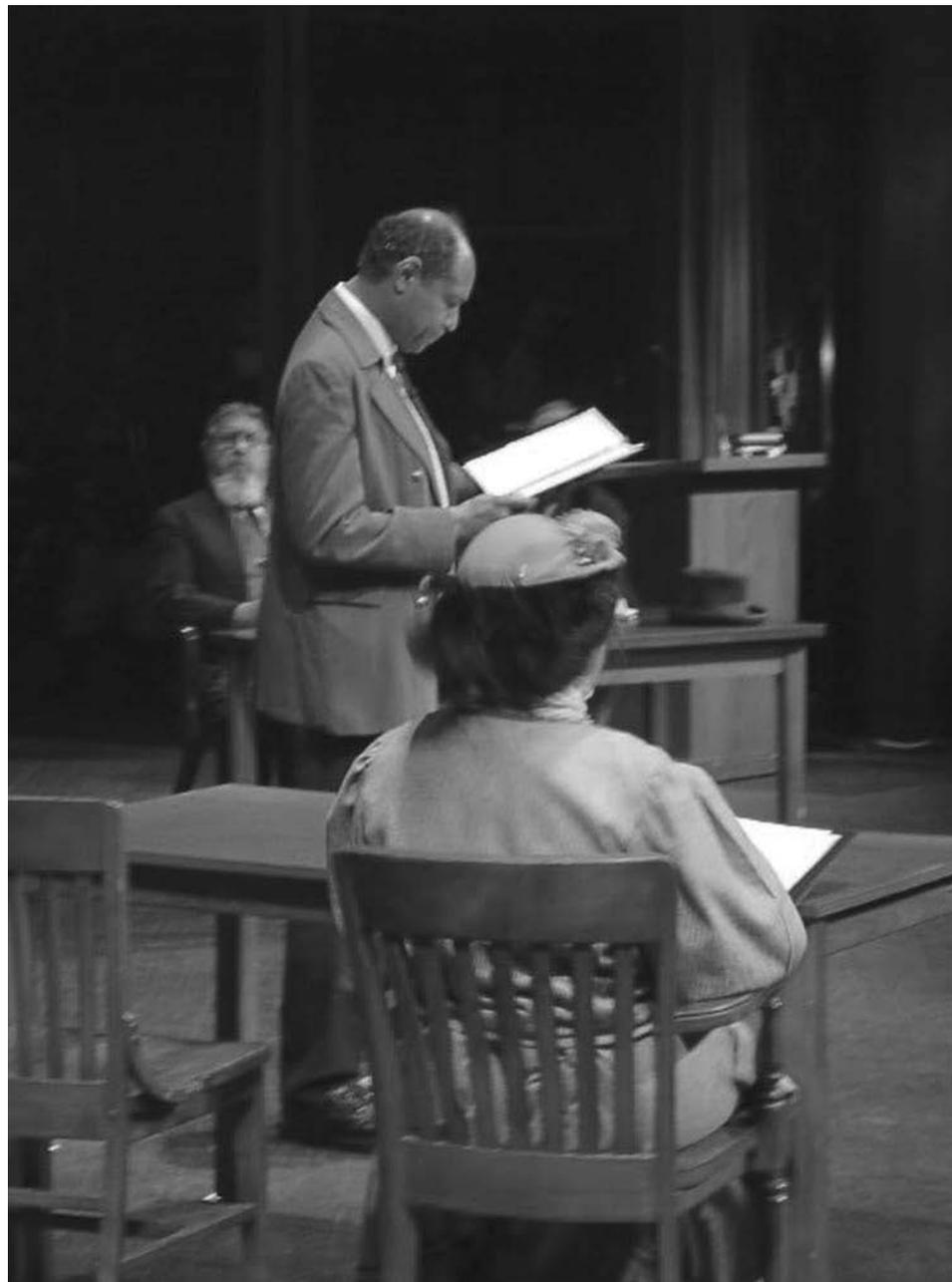
School Board Secretary Harold Meyer, a pale, nervous man with a handlebar moustache, seemed startled to be called as a witness by J.R.

After a whispered exchange with Streiby, Meyer stood up stiffly and walked to the witness chair.

"State your name and occupation," said J.R.

Meyer's eyes darted about the courtroom. "My name is Harold A. Meyer," he said. "I am the vice-president of the Davis Coal and Coke Company. I am also the Secretary of the School Board of Tucker County."

"Mr. Meyer, the School Board sets the property taxes for the District, and those taxes pay for all of the schools in the District, white and colored, isn't that correct?" asked J.R.



Actors Sonny Wells, Joseph Bundy, and Ilene Evans during courtroom scene of the re-enactment "Williams v. Board of Education"

"That's correct," said Meyer.

"In the 1892-1893 school year," said J.R., "the colored children's school received funds for five months, while the white children's school received funds for eight months." J.R.'s voice suggested innocent curiosity. "Why was that, Mr. Meyer?" J.R. asked.

"Well, Mr. Clifford," Meyer replied, in a patronizing fashion, "it was simple arithmetic that anyone can understand. We calculated the number of white children in the district, and the number of colored children. There were less colored, so their share of the taxes only allowed for five months of school." Meyer looked pleased with himself.

"Mr. Meyer," J.R. asked, his tone more pointed, "could you not *raise* the property taxes, so as to pay for a full eight-month term of school for both white and colored children?"

Harold Meyer was flustered. "I don't know. . . ." he stammered, ". . . why, then it would have cost more for each colored pupil than for each white pupil, because there are less of the colored. I mean, that would be entirely . . .".

"Objection, your Honor!" said Streiby hotly, rising out of his chair. "The question calls for speculation!"

"The objection is sustained," Judge Hoke said calmly. Streiby nodded his head in satisfaction and sat down. J.R. showed no reaction to the judge's ruling.

"Mr. Meyer," asked J.R., "does the Davis Coal and Coke Company own large tracts of property in Tucker County, and pay most of the school tax?"

Lawyer Streiby rose again. "Your Honor," said Streiby, "I fail to see the relevance of this question."

"Your Honor, the answer goes to the witness' motive," said J.R.

"The objection is overruled," said Judge Hoke. Streiby shook his head and sat down.

"Well, I mean, of course . . .," Meyer said, "of course, the Davis Coal and Coke Company does pay a large portion of the school property tax — but that's not the . . .".

"Thank you, Mr. Meyer," interrupted J.R., "I have no further questions."

J.R. sat down. Judge Hoke turned to Streiby. "Mr. Streiby, any cross-examination?"

Streiby nodded his head vigorously. "Yes, indeed, your Honor!" Streiby said as he rose and approached his client.

"Mr. Meyer," asked Streiby, "is your service on the Board of Education solely a public service to the community?"

Harold Meyer looked sternly at J.R. and Carrie Williams, then at the jury.

"Yes sir!" Meyer replied. "And, as an officer of Davis Coal and Coke, our company has a strong interest in maintaining an educated and contented work force."

"Were you at all times acting within the law as you understood it?" asked Streiby, raising his eyebrows pointedly.

The corner of J.R.'s mouth lifted in a slight smile, and he stood and addressed the judge. "Objection, your Honor," said J.R. "It is irrelevant what this witness thought the law was."

Judge Hoke nodded. "I agree," said the Judge. "The objection is sustained."

Harold Meyer's face turned red, and Streiby gave a frustrated sigh.

"Your Honor, I have no further questions," Streiby said, and sat down.

Judge Hoke turned to J.R. "Mr. Clifford, any redirect examination?"

"No, your Honor," said J.R. "The plaintiff Carrie Williams rests her case. We believe our evidence is sufficient to show that Mrs. Carrie Williams should be paid \$120.00 for her teaching services."

"Your Honor," said Streiby, "the Defendant also rests. We believe our evidence is sufficient to show that Mrs. Williams had no contract and is not owed any sum."

"You may take your seat, Mr. Meyer," said Judge Hoke. As Meyer joined Streiby at their table, Judge Hoke stroked his chin and looked down at the court papers on his desk.

After a moment the judge lifted his head, and turned to speak to the men in the jury box.

"Members of the jury," said Judge Hoke, "it is now my task to instruct you in the law. Then the attorneys will make their arguments, and it will be your task to deliberate and render a verdict."

Judge Hoke read from the notes on his desk, speaking slowly and deliberately.

"The court instructs you that the Constitution of the State of West Virginia provides that whites and colored shall not be educated in the same school," Judge Hoke said. "The law requires the Board of Education must establish schools for the equivalent education of the colored children in the District. The court also

instructs you that a person may not seek payment for a task without a contract. But it is also true that every contract must comply with the law."

Judge Hoke looked intently at the twelve men sitting in their jury seats. "Your verdict," said the judge, "must be based upon these fundamental legal rules that I have presented to you."

"Mr. Clifford," Judge Hoke said, "you may address the jury."

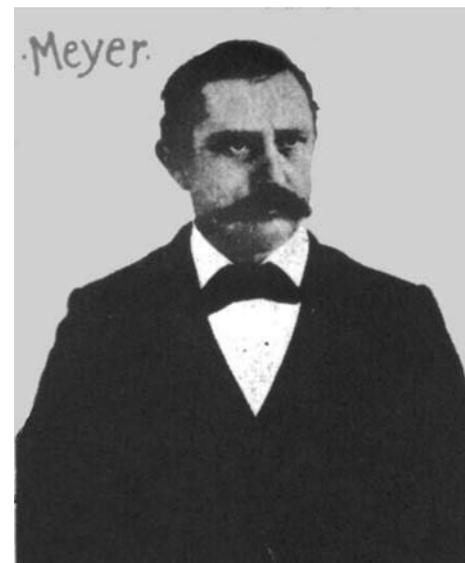
J.R. stood up, erect and confident. He placed his hand on Carrie Williams' shoulder for a moment. Then he faced the jury.

"Thank you for your attention to teacher Carrie Williams' case," J.R. said.

J.R. began his remarks to the jurors in a conversational tone. "The simple issue that you must decide," J.R. said, "is whether the school board must follow the law of the State of West Virginia. That law requires that the board must provide the necessary funds for the colored children's schooling," — and now J.R.'s voice became stronger — "even if it means that the Davis Coal and Coke Company will pay more in taxes!"

J.R. gestured toward Carrie Williams. "My client, Mrs. Carrie Williams, followed the law," J.R. said forcefully. "It is the school board that deviated from the law!"

"Mrs. Carrie Williams earned that \$120.00," said J.R. "as a hard-working and law-abiding citizen of this land. And I see such citizens before me today."



Harold A. Meyer, vice-president of the Davis Coal and Coke Company and Secretary of the School Board of Tucker County

"Members of the jury," said J.R., "it is your *duty* to award my client \$120.00!"

J.R. sat down, and Lawyer Streiby stood and approached the jury box.

"Members of the jury," said Streiby in a friendly manner, "of course, I also ask you to follow the law. But the law cannot contradict common sense!"

Streiby gripped the lapels of his coat with his thumbs and leaned toward the jury. "We all know," said Streiby, "that no one may perform work and then just make a claim for payment — unless there is a contract to do the work!"

"Let's take an example that anyone can understand," said Streiby. "I cannot build a shed in your backyard in the middle of the night, and then in the morning present you with a bill, if you did not first agree to pay me."

Streiby pointed at Harold Meyer, who sat up in his seat and displayed a look of confidence and assurance. "My client, the Board of Education," said Streiby, "set the term for the colored school at five months — and no one challenged the Board's action! So Mrs. Williams cannot make her claim in this Court!"

Streiby grasped the railing of the jury box; he raised one arm, pointing his finger at the jurors. "Members of the jury," Streiby declaimed loudly, "you *must* find for my client!"

Streiby pushed himself back from the jury box railing, and returned to his table, where Harold Meyer stood up and shook Streiby's hand vigorously. Judge Hoke rapped his gavel, and the two men quickly sat down.

"Members of the Jury," Judge Hoke intoned, "the time has come for you to deliberate on your verdict." Prompted by the bailiff, the jurors rose and filed into the jury room, closing the door behind them.

Carrie Williams spoke to J.R. in a low voice. "What do you think, Mr. Clifford?" Carrie asked J.R. anxiously. "How did we do? Will we win?"

"You did wonderfully, Mrs. Williams," said J.R. "I don't know if we shall be successful. And even if the jury's verdict is for you, the case is not over. The school board will almost certainly appeal any judgment in our favor."

"But we do have a chance to win, don't we?" asked Carrie.

"Of course we do, Mrs. Williams," said J.R. "After all, you followed the law."

There was a loud knock at the jury room door.

"That was quick," said J.R., straightening in his chair. "I think that the jury may have decided this case immediately."

The bailiff opened the door and the jurors filed into the jury box.

"Members of the jury," Judge Hoke asked, "have you reached a verdict?"

The jury foreman, who looked to be a farmer from his bib overalls, stood and faced the judge. "We have, your Honor," the foreman said. "We find for the plaintiff, Mrs. Carrie Williams, in the amount of \$120.00."

Lawyer Streiby and Harold Meyer reacted to the verdict with sharp frowns. There was a loud ripple of voices in the courtroom audience. Carrie and J.R. smiled broadly, and Carrie's husband Tom gave a shout of joy.

Judge Hoke rapped his gavel.

"Order in the Court!" the judge said. "Mr. Streiby, do you have any intentions regarding appeal?"

"Your Honor," said Streiby, "the Board of Education will naturally appeal this outrageous decision to the West Virginia Supreme Court."

"Mr. Clifford, is there anything further for the Plaintiff?" asked the judge.

"Your Honor, we will respond to any appeal," J.R. said, "although we would prefer to simply collect the money that is due us."

"Very well," said Judge Hoke, "I will enter judgment for the Plaintiff. And there being nothing further in this case, the court is adjourned." The judge banged his gavel a final time, and left the bench. The bailiff, following the judge's lead, escorted the jury from the courtroom.

Tom Williams rushed from his courtroom seat to Carrie's side. Tom's face beamed as he hugged his wife with one arm, and shook J.R.'s hand with the other. "Thank you so much, Mr. Clifford," Tom said excitedly. "This is a great day for Tucker County – and for West Virginia!"

In the distance, a locomotive sounded its whistle. J.R. began putting the papers on the desk in front of him into his briefcase. "Mr. and Mrs. Williams," said J.R., "I will write to you as soon as I receive the appeal papers. Now I must hurry to catch the next train for Martinsburg. Tell those students in Coketon to study hard, Mrs. Williams!"

"I will," said Carrie. "I hope we will do well in the appeal."

"So do I, Mrs. Williams," said J.R. "So do I!"

J.R. picked up his briefcase, saluted Carrie and Tom Williams, and hurried out of the courtroom.

CHAPTER FIVE

Perched on her stool next to J.R., Freda Clifford swung her legs excitedly.

"Wow, Uncle John!" Freda said, "That was an exciting trial! But why did the school board think they could win an appeal?"

"Freda," said J.R., "the law in the 1890s was not friendly to colored people. The School Board hoped that the West Virginia Supreme Court would follow the lead of other states that had segregated schools."

J.R. continued, "Discrimination was being upheld in courts all across the country. I certainly didn't know what to expect in an appeal."

Freda's eyes were alive with interest. "What happened?" asked Freda. "Did those mean men get taught a lesson?"

J.R. smiled with affection at his irrepressible great-niece

"Tell me about the appeal, too, Uncle John?" asked Freda. "Pretty please?"

Carrie Williams sipped her lemonade and nodded her encouragement.

"Very well, I suppose I had better," said J.R. with a laugh, "or you will never stop asking!"

CHAPTER SIX

Carrie and Tom Williams sat on a polished wooden bench in the courtroom of the West Virginia Supreme Court of Appeals in Charleston. Carrie's lawyer, J.R. Clifford, stood at the front of the courtroom, exchanging stiff pleasantries with C. O. Streiby. Streiby's client, School Board Secretary Harold Meyer, sat on another bench, looking anxious.

Long red velvet curtains glinted in the morning light on the walls of the high-ceilinged courtroom. At the rear of the room, newspapermen and lawyers joked with one another, until the bailiff announced "The Honorable, the Judges of the West Virginia Supreme Court of Appeals."

The courtroom grew quiet as four judges in black robes entered the room and sat down in their high-backed chairs. Judge Marmaduke Dent, whose graying moustache reached almost to his jawbone, was seated at the left end of the bench.

"Lawyer Streiby," said Judge Dent, "are you ready to make your argument?"

"I am, your Honor," said Streiby.

Streiby moved to the podium. He gave a relaxed smile to the judges.

"May it please the Court," Streiby said, "the main point that I wish to make is that Mrs. Williams never had a contract with the Board to teach for eight months."

"In fact," Streiby added, raising his eyebrows, "Teacher Williams refused to sign the contract that the Board prepared."

Judge Henry Brannon, sitting next to Judge Dent, had a grizzled beard and a balding head. "Mr. Streiby," asked Judge Brannon, "was the Board's contract legal? It was only for five months. Should Teacher Williams have signed an illegal contract?"

Streiby gave a respectful nod to the judge. "Your Honor," Streiby said, "of course I do not concede for an instant that the five month contract was illegal."

"Well," continued Judge Brannon, "since she did not sign your contract, did Mrs. Williams have a binding contract for the five months that the Board did pay her for?"

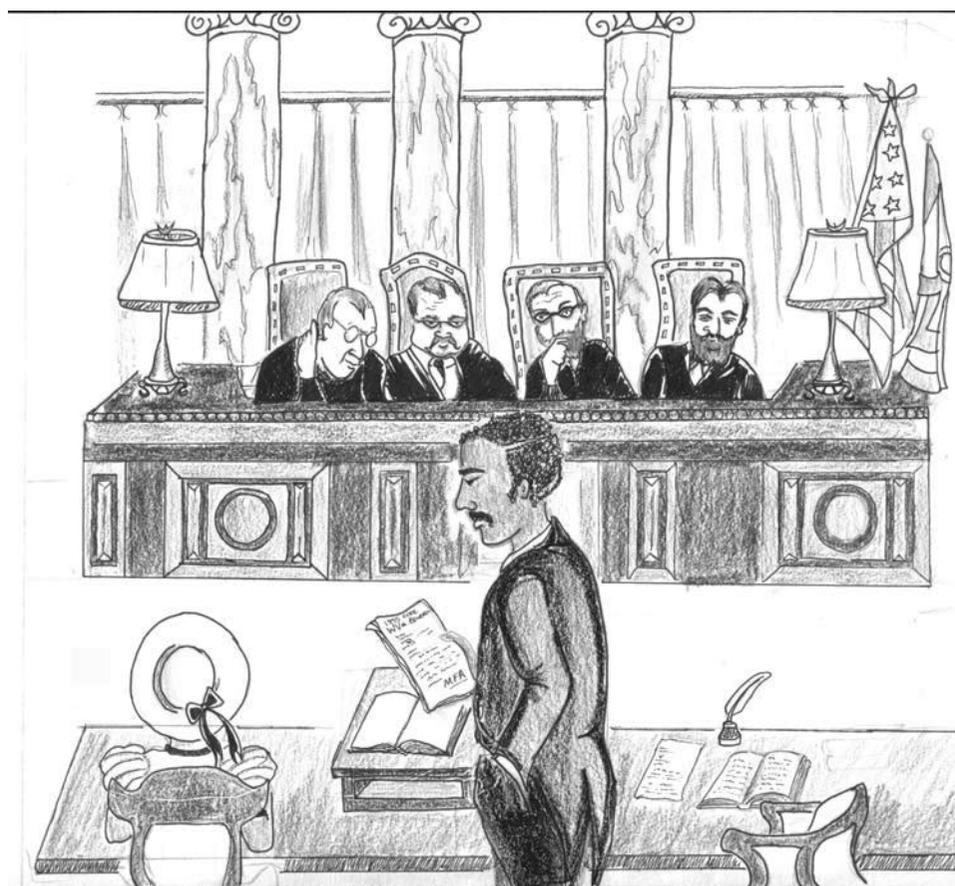
"No," said Streiby, "she did not. As I said, she refused to sign."

The judge furrowed his brow in seeming confusion. "Then why did you pay Mrs. Williams at all?" asked Judge Brannon. "What is the difference, then, whether Mrs. Williams had a written contract or not?"

"The difference," said Streiby, "is that the Board voted to pay her for five months." "Why, your Honors," Streiby said, "if we just let people do work without authorization and then demand payment, we shall not have a sound business climate in our young State!"

Seated next to Judge Brannon was Judge Henry MacWhorter, whose round rimless glasses and high collar made him look like a minister or professor. "What do you think of Teacher Williams' claim that having only five months' school for the colored children is contrary to West Virginia law?" Judge MacWhorter asked.

Streiby gripped his lapels. "I do not think that this Court needs to decide that question in this case," Streiby said defensively. "No one challenged the school board vote at the time, which would have been the appropriate occasion."



At the other end of the bench, Judge John W. English sported a wispy goatee that reached at least eight inches down his chest.

"Mr. Streiby," said Judge English, "I think that we do have to decide that question. After all, this Court's most important job is to interpret West Virginia law. The law says that colored and white shall have separate schools. The question that we must answer, it seems to me," said Judge English, "is whether those separate schools must have the same terms or not?"

"I agree," said Judge MacWhorter. "Boards of Education across this state need to know their duty under the law. Can each school board set whatever term they want? In some counties, they might only give the colored children two months."

"Your Honors," Streiby said, "I submit that the decision is best left to the discretion of each school board. The local board knows their citizens, their finances, and the needs of their citizens."

In the courtroom audience, Harold Meyer nodded his head vigorously.

"Thank you, Mr. Streiby," said Judge Dent, politely. "I believe we understand your case."

Streiby left the podium. "Now, Mr. Clifford," said Judge Dent, "it is your turn to make your argument."

J.R. moved to the podium and placed his notes in front of him on the lectern. But J.R. had no chance to deliver his prepared opening remarks. Judge Brannon vigorously fired off a challenging question.

"Mr. Clifford," said Judge Brannon, "Mr. Streiby says that your client had no contract to teach eight months, so she cannot be paid. What do you say to that?"

"I respectfully disagree with Mr. Streiby," J.R. said calmly. "My client, Mrs. Carrie Williams, simply followed the law of this State. Of course Mrs. Williams would not sign an *illegal* contract."

"Your Honors," said J.R., "children in schools for white and colored must be treated equally, and the School Board *must* act in accordance with the law."

"Well, lawyer Clifford," Judge Dent asked in a challenging tone, "what about the business climate in our young State? After all, contracts must be respected."

"Your Honor," said J.R., "I completely agree that this case is important to West

Virginia's business climate." J.R. continued, "Each year, Your Honor, more and more colored people are being recruited to move to West Virginia, to work in our state's mines and mills. One of the great attractions of West Virginia is that here a hard-working, honest black man can vote, and his children can get a decent education."

"A quality educational system for *all* children," J.R. said forcefully, "is *good* for West Virginia's business climate."

Judge English leaned forward with a serious expression on his face. "Here's my concern, Mr. Clifford," Judge English said. "If we leave the length of the school terms to each local school board, what will happen?"

"Your Honor," J.R. said, "school boards are often afraid to raise taxes. Colored children will not get an adequate education, and they will become a burden on society."

There was a pause. Then Judge Brannon spoke out of the silence.

"Mr. Clifford," said Judge Brannon thoughtfully, "this is not an easy case. If we rule in your client's favor, will our ruling really solve the problems of race in our schools?"

"Respectfully, your Honor," said J.R., "as long as the notion of race is used to divide and discriminate among our citizens, our Nation's promise will not be fulfilled – not in our schools, and not anywhere else."

Looking at each judge, J.R. spoke from his heart. "When I served in our Nation's Army," J.R. said, "I hoped that after the Civil War, men and women would not be classified as 'colored' or 'white,' but simply as human beings. But those hopes have not come to pass."

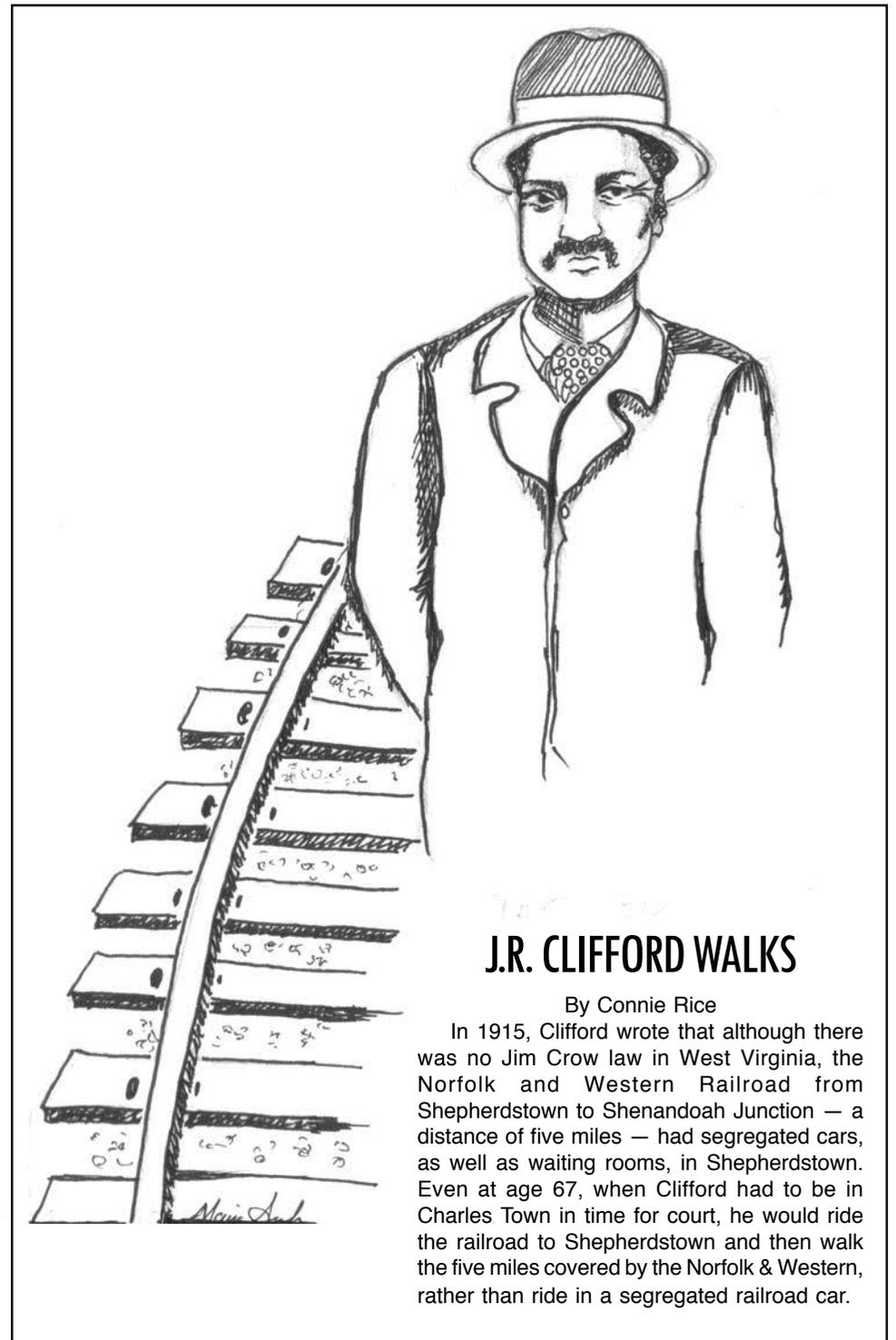
"A decision for my client, Mrs. Carrie Williams," said J. R., "will not solve all of our state's racial problems. But a decision for Mrs. Williams will be a step in the right direction, bringing us closer to justice for all."

"Thank you," Mr. Clifford, said Judge Dent. "I believe we understand your position."

J.R. collected his papers from the podium and sat down.

"Now the Court will deliberate," said Judge Dent. "We will return in a few minutes to announce our decision." The four judges stood and filed out of the courtroom.

J.R. stood up and walked to the bench where Carrie and Tom were sitting. "Mr.



J.R. CLIFFORD WALKS

By Connie Rice

In 1915, Clifford wrote that although there was no Jim Crow law in West Virginia, the Norfolk and Western Railroad from Shepherdstown to Shenandoah Junction — a distance of five miles — had segregated cars, as well as waiting rooms, in Shepherdstown. Even at age 67, when Clifford had to be in Charles Town in time for court, he would ride the railroad to Shepherdstown and then walk the five miles covered by the Norfolk & Western, rather than ride in a segregated railroad car.

Clifford," Carrie said, blinking back tears, "your argument was wonderful."

"I did nothing but speak the truth," said J.R. "It was you and Tom who took a great risk when you continued teaching for three months without pay."

Carrie's voice was full of conviction. "I knew we were right," she said.

"I wish that being right was enough," said J.R. "But we have been right for so long, and we are still enduring terrible discrimination. Who knows if our efforts will amount to anything?"

"Mr. Clifford," said Carrie, grasping J.R.'s hand, "those children in my school

in Coketon are the future. We are fighting for the future of our people, and we can never stop doing that!"

"Amen to that, Mrs. Williams," said J.R.

"All rise!" said the bailiff, "for the judges of the West Virginia Supreme Court!"

The judges' dark robes swirled behind them as they took their seats behind the bench.

Judge Dent stood, and read from a long sheet of paper that he held in his two hands.

"We conclude that discrimination against the colored people, because of color alone, is contrary to public policy and the law of the land," Judge Dent read.

CHAPTER SEVEN

The judge looked sternly at the audience, and continued, "If any discrimination in education should be made, it should be favorable to, and not against, the colored people."

As Judge Dent spoke, the face of Harold Meyer darkened into a deep frown. In the back of the room, newspapermen were scribbling in their pads.

Judge Dent continued to read from the Court's opinion. "The Board of Education says in this case that school terms of equal length would have cost more money for the colored children. But the law guaranteed colored pupils eight months of school, and even though it cost many times in proportion to what the white schools cost, *they should have had it.*"

"We conclude," said the judge, "that the judgment of the jury of twelve citizens in the Circuit Court of Tucker County in favor of Carrie Williams should be affirmed."

"There being nothing further in this case," Judge Dent concluded, "this Court is adjourned."

"All rise," said the bailiff. The courtroom audience rose as the four judges stood and left the courtroom.

Carrie and Tom Williams hurried to J. R.'s side. "We won, Mr. Clifford!" said Carrie, clapping her hands together. "Now every colored school in West Virginia must have the same term as the white schools!"

The School Board's lawyer walked across the courtroom to where Carrie, Tom, and J.R. stood.

"Mr. Clifford," Streiby said, "you presented a fine argument. Maybe those judges have a point, after all."

The two lawyers shook hands. "You know, Mr. Streiby," said J.R., "this is a historic day — the first time in America that a court has ruled that school terms must be equal in white and colored schools."

"Excuse me, Mr. Streiby," said Carrie to Streiby. "Before you go off, I believe this case is finally over — so what about my pay?"

J.R. and Tom Williams laughed, and Streiby gave Carrie a courtly nod.

"Mrs. Williams," Streiby said, "we will have your payment for you within the week."

"And don't forget the interest!" said Carrie Williams, with a grin.

"That was great, Uncle John!" said Freda. "Is Mrs. Williams' case still part of our West Virginia law?" Freda asked her great-uncle.

"Yes, Freda, it is," said J.R. "And because the Carrie Williams case established the principle of equal schools in our law," J.R. said, "Mrs. Williams' daughter Clara will have the same salary at Sumner School as teachers in the white schools who have the same certificate as Clara."

"And, Freda," J.R. continued, "*your* school term must be just as long as the white children's term is."

"I'm not sure I like that," said Freda, with a playful pout.

"Yes, you do, Freda!" said J. R., wagging his finger.

"Mr. Clifford," Carrie said, "I know our case was an important victory. But will we ever get rid of segregation?" Carrie asked. "Separate schools for colored children are just wrong."

J.R. nodded his head vigorously in agreement.

"Mrs. Williams," J.R. said, "we were just beginning our legal struggle when we brought your case. Today, Dean Houston at Howard University Law School is training black lawyers to bring cases in courts across the nation, challenging segregated schools."

J.R. leaned forward and picked up a framed photograph of a young woman from the table beside his chair.

"Mrs. Williams," said J.R., "let me show you another of my souvenirs. This is a picture of my daughter Mary at age 16, when she read Dr. DuBois' 'Credo' at the Niagara Movement meeting in 1906."

"You know, Freda," said J. R., "the Niagara Meeting at Harper's Ferry was really the beginning of our modern civil rights movement."

"Is Niagara where everyone took off their shoes, Uncle John?" asked Freda.

J.R. and Carrie smiled. "Yes, Freda," J.R. said, "we Niagara delegates removed our shoes as a sign of respect, when we visited John Brown's Fort."

Freda tugged at her great-uncle's sleeve.

"What did Aunt Mary say at the Niagara meeting, Uncle John?" Freda asked.

"Of all the civil rights for which the world has struggled and fought for 5,000 years, the right to learn is undoubtedly the most fundamental. The freedom to learn has been bought by bitter sacrifice. And whatever we may think of the curtailment of other civil rights, we should fight to the last ditch to keep open the right to learn."

**— William E.B. DuBois,
Scholar and Civil
Rights Activist**

J.R. picked up a parchment sheet from the table, "I keep a copy of the 'Credo' right here with Mary's picture. Mrs. Williams," said J.R., "won't you read some of the 'Credo' for Freda?"

Carrie Williams read from the sheet:

"I believe in God who made of one blood all races that dwell on earth. I believe that all men, black and brown, and white, are brothers, varying, through Time and Opportunity, in form and gift and feature, but differing in no essential particular, and alike in soul and in the possibility of infinite development."

Carrie handed the sheet to J.R. "Here, Mr. Clifford," Carrie said, "you read a passage."

J.R. bent his head forward to see the words clearly. He read loudly, as if he was addressing a courtroom:

"I believe in Liberty for all men; the space to stretch their arms and their souls; the right to breathe and the right to vote, the freedom to choose their friends, enjoy the sunshine and ride on the railroads, uncursed by color; thinking, dreaming, working as they will in a kingdom of God and love."

J.R. put down the sheet and looked at Freda.

"Freda, did you like that?" J.R. asked.

"Yes, Uncle John, I did," said Freda.

"Freda," J.R. said, "we were only a handful at Niagara, and now we have NAACP chapters all over our nation. We will overcome segregation, Freda, and it's

up to your generation to continue our struggle!"

Freda rose from her stool, and shook her small fist in the air. "I'll do it, Uncle John, I will!" Freda said excitedly. "And I want to go in bare feet, too!"

"Of course you will, Freda," said Carrie. "You will make your Great-Uncle John and Aunt Mary proud of you."

They sat in silence for a moment. Then J.R. took a deep breath and exhaled slowly. "Mrs. Williams," J.R. said, "it has been a joy to see you, but I must rest now. I just can't talk for as long as I used to. Will you please call on me the next time you are in Martinsburg?"

Carrie stood up. "Certainly I will," she said.

Carrie picked up her purse. "Thank you, Mr. Clifford, for having me as your guest," she said. "And thank you, Freda, for the lemonade. You keep up with your studies — we are counting on you!"

"I will, Mrs. Williams," said Freda. "Now I better go home. So long, Uncle John!" Freda said, and she skipped out of the room.

Carrie Williams also began to walk out of the room. J.R. sat quietly, the transcript in his lap. When Carrie reached the doorway, she turned around.

"Mr. Clifford," asked Carrie, "if someone in the distant future reads that transcript and learns about my case, what will they think?"

J.R. thought for a moment. His long, brown fingers tapped the papers in his lap.

"Maybe, Mrs. Williams," J.R. said — "Maybe they will sense that we were animated by love for our people — and by a determination to see that justice is done!"

"I like that thought," Carrie said.

"Goodbye, Mrs. Williams," said J.R.

"Goodbye," Carrie said, and she walked out of the parlor.

J.R. heard the choir in the church on the corner. Their strong, resonant voices were singing, "I have seen Him in the watch-fires of a hundred circling camps . . . Glory, glory, hallelujah!"

J.R.'s eyes closed. His head slowly leaned forward, and his chin came to rest on his chest.

Outside J.R.'s parlor window, the wind blew the red, yellow and brown leaves along the street. The choir sang, "His truth is marching on!"

THE END



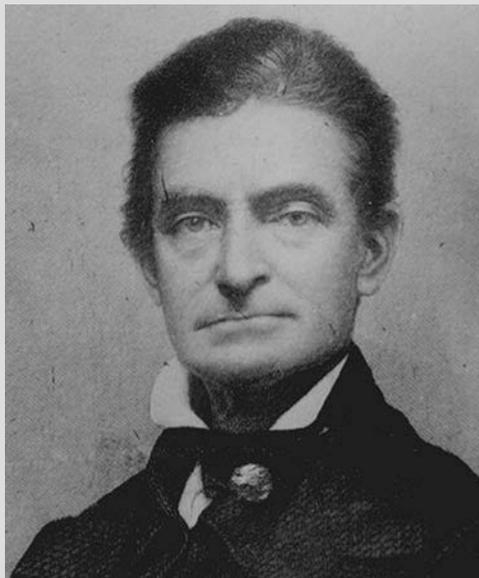
JOHN BROWN'S RAID

Excerpt from *John Brown's Body*,
by Stephen Vincent Benet, 1928

They reached the Maryland
bridge of Harper's Ferry
That Sunday night. There were
twenty-two in all,
Nineteen were under thirty,
three not twenty-one,
Kagi, the self-taught scholar,
quiet and cool,
Stevens, the cashiered soldier,
Puritan-fathered,
A singing giant, gun powder-
tempered and rash.
Dauphin Thompson, the pippin-
cheeked country-boy,
More like a girl than a warrior;
Oliver Brown,
Married last year when he was
barley nineteen;
Dangerfield Newby, colored and
born a slave,
Freeman now, but married to
one not free
Who, with their seven children,
waited him South,
The youngest baby just
beginning to crawl;
Watson Brown, the steady
lieutenant, who wrote
Back to his wife,

"Oh, Bell, I want to see you
And the little fellow very much
but must wait.
There was a slave near here
whose wife was sold South.
They found him hanging in
Kennedy's orchard next
morning.
I cannot come home as long as
such things are done here.
I sometimes think that we shall
not meet again."

Sometimes there comes a crack
in Time itself.
Sometimes the earth is torn by
something blind.
Sometimes an image that has
stood so long



John Brown

It seems implanted as the polar
star
Is moved against an unfathomed
force
That suddenly will not have it
any more.
Call it the mores, call it God or
Fate,
Call it Mansoul or economic law,
That force exists and moves.

And when it moves
It will employ a hard and actual
stone
To batter into bits an actual wall
And change the actual scheme
of things.

John Brown
Was such a stone - unreasoning
as the stone,
Destructive as the stone, and, if
you like,
Heroic and devoted as such a
stone.
He had no gift for life, no gift to
bring
Life but his body and a cutting
edge,
But he knew how to die.

The Pioneer Press

"Ballots in time of peace, bullets in time of war"
Vol. 4 Martinsburg, W.Va. October, 1886 No. 10

Our Colored Policeman

Sometime ago we asked for a colored policeman to look after the moral good of our people. Later on a petition of 65 names asking that Mr. Nelson Page be appointed went before the Council. It was cheerfully received, and Mr. Page is the first colored man that ever wore the blue and brass buttons in Martinsburg in the capacity of a policeman. That he will make a good officer, time will attest. That he was badly needed, time, long ago decided; and now that we have him better things may be expected. There are ladies in this town who will feel safer, and men who will delight in it. The modesty of not a few good people regardless of color is shocked very often by disreputable males and females around the corners, and in the alleys. It is the duty of Mr. Page to stop it. The conduct at the churches, fairs, and public gatherings has been disgraceful, and this he will stop; and with a policeman in the audience all that is necessary to hear a good sermon is to have a good preacher in the pulpit. As to the unnecessary gossip about the appointment, we have simply this to say; we are citizens and have been voting in this town for twenty years, and the first and only thing we ever asked for is what we got, a colored policeman; and we are surprised that the *howl* comes from those who have advocated our rights. If their advocacy was genuine, they should be glad to see such a manly act on the part of the City Council.

The Pioneer Press

"Ballots in time of peace, bullets in time of war"
Vol. 4 Martinsburg, W.Va. October, 1886 No. 10

Some Race Doings.

At the late election in Arkansas Crittenden county elected a colored county judge, D.W. Lewis a colored county clerk, David Ferguson; colored assessor, J.R. Brooks; a colored coroner, E.T. Jackson, and a colored representative to the legislature, S.S. Odom.

The colored Baptists of the United States number more than one million; one hundred thousand larger than any other protestant denomination. Miss Clara Duvall, of Greensboro, N.C., has entered suit against the railroad authorities for forcibly dragging her from a first-class seat and compelling her to ride in the smoking car.

Mr. M. M. McLeod, Ex-Secretary of the State of Mississippi, and one of the most prominent colored lawyers of that State, speaks in high terms of the material and intellectual progress of the colored people of Mississippi. He says, "Openings for educated colored men are better than ever before." Any line of business, trade or profession is open to men of color. The patronage of the negro alone, on account of his numerical strength, would guarantee success to the right kind of men, but the white people join heartily in aiding everything that tend to the advancement of the colored man on the line that I have named.

The colored Baptists of West Virginia have purchased the Shelton College property, located at St. Albans. They propose organizing, in the near future, a normal, collegiate and industrial school, which shall be undenominational. This is one of the finest locations for such a school anywhere to be found, having communication with three States by railroad, and also the Kanawha River. This body is composed mainly of young men of talent, which will insure the success of the enterprise.

J.R. CLIFFORD AND THE BLOODY SHIRT

Excerpt from an Article in *The Journal of Negro History*, July 1923, by John W. Cromwell



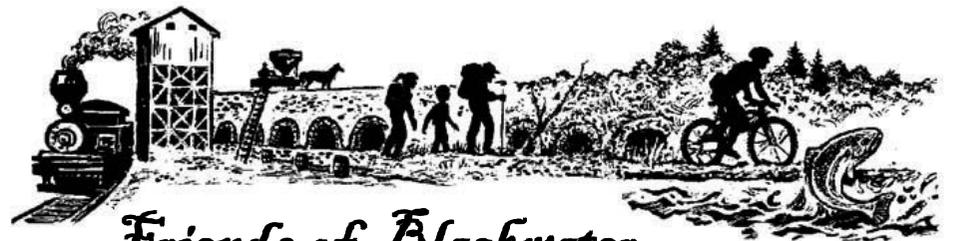
J.R. Clifford was the first man to impanel a colored jury in the state of West Virginia, and for so doing, was knocked down in the courtroom three times with deadly weights, causing the blood to run down into his shoes. When knocked down the third time, U.S.G. Pitzer, a Republican prosecuting attorney, sprang on him, but with apparent superhuman skill and force, Clifford turned him at a time when there was not a soul in the courtroom (everybody having run out) but Pitzer and Clifford, with the latter on top, and had not Stephen Elam rushed in

and pulled Clifford off of Pitzer and carried him out, death might have been the result, - Elam is still living.

Later Pitzer was nominated for the Legislature, and Clifford canvassed Berkeley County on his bicycle exhibiting his bloody shirt (which he still has) and the day before the election Clifford spoke in the band-stand in the Public Square for an hour and thirty minutes, waving his bloody shirt, and the following day Pitzer was defeated by 1336 votes.

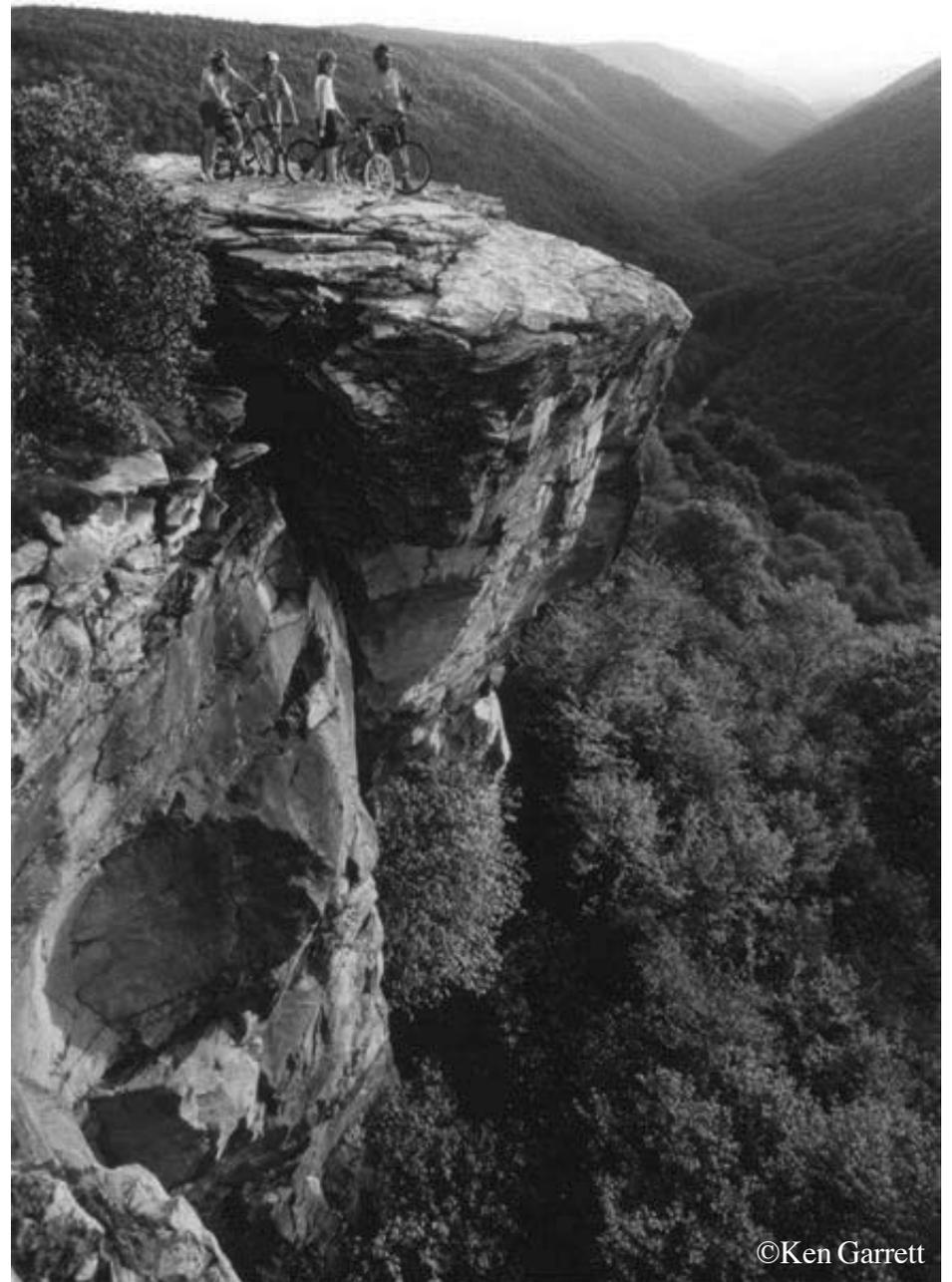
The Pioneer Press Martinsburg, W.Va. January 21, 1911

One Julius Rosenweld, proprietor of a big, commercial house in Chicago, has offered \$25,000 to every city in the U.S., which will raise \$75,000 for a Y.M.C.A. Building for Negroes, and we appreciate his disposition toward the Negro but why not offer \$25,000 to every city in the U.S. which will open its Y.M.C.A. door to their brother in black? The proposition is a good one but would be much better if it carried the Christlike spirit with it. We have no faith in any Y.M.C.A. which will not admit a respectable, intelligent young man of color, and we don't believe that God, in his goodness, approves of such devilish prejudice under the guise of a Christian fraternity. We know a young colored man, who is an exemplary Christian citizen of a certain community and is liked by all who know him, and yet, the door of the Y.M.C.A is closed against him. It hasn't been very long since we saw a Y.M.C.A. manager who was trying to increase his membership and while encouraging some white boys to join, (who refused), this same Negro boy volunteered and planked down his ten dollars as an entrance fee, but was rejected, solely on account of his color. We pled for the young man to be allowed to enter, but our pleading was in vain, so we have decided that instead of calling that a Young Men's Christian Association, it had better be called a Young Men's Hellish Association.



Friends of Blackwater

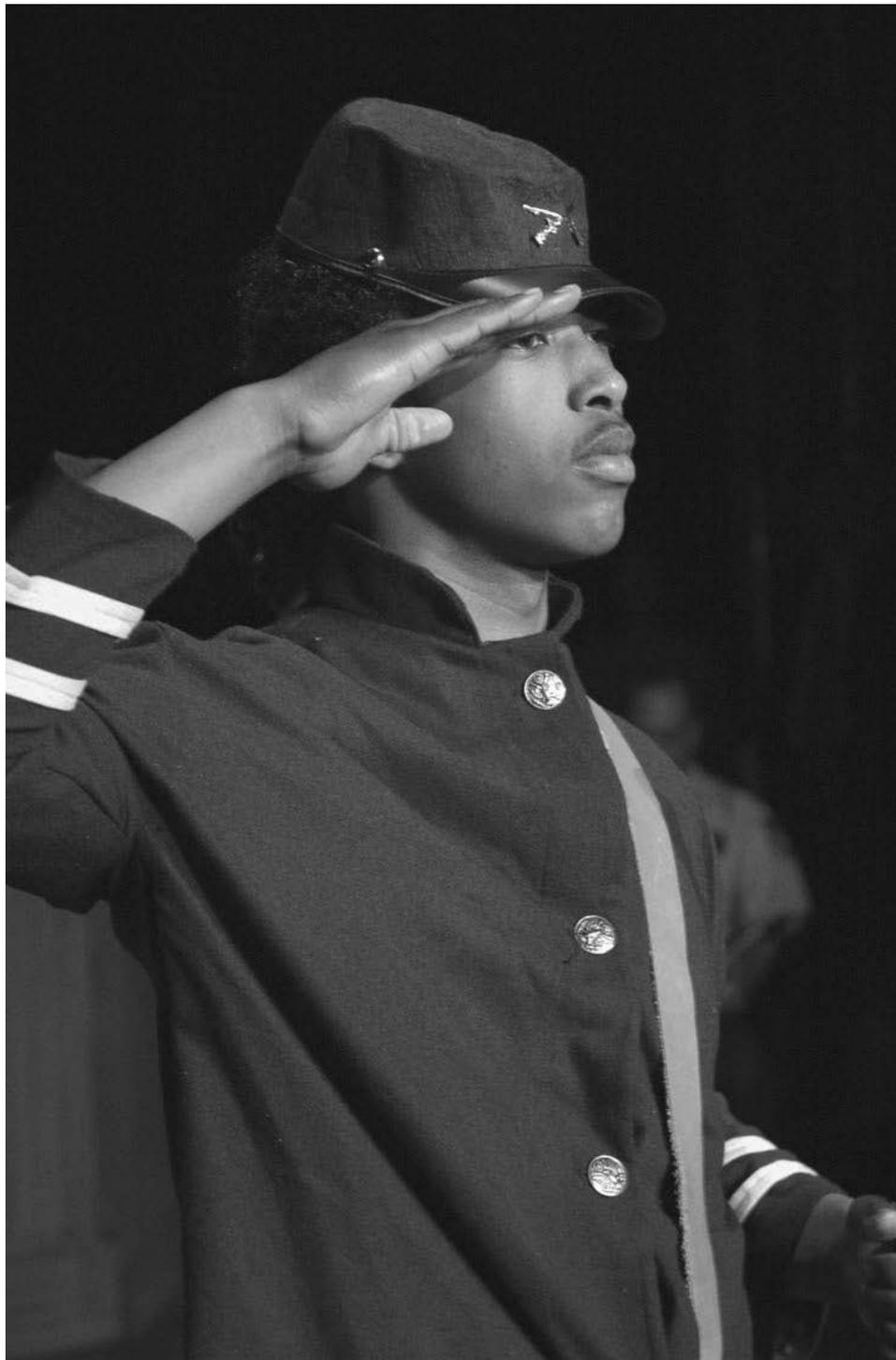
is honored to bring John Robert Clifford's message and example to a modern audience. We are grateful that "J.R." and Carrie Williams fought for the families of African American workers in the Blackwater Canyon region of Tucker County. This is how the magnificent Canyon looks today.



©Ken Garrett

Friends of Blackwater Canyon

The ten-thousand-acre Blackwater Canyon, in Tucker County, West Virginia, is West Virginia's scenic "Crown Jewel." Since 1997 Friends of Blackwater has been working to move all of the Canyon into protective public ownership. As part of this effort, the Friends group sponsors community and historic preservation efforts. It was at such an event in 2003 that the J.R. Clifford Project began. The Carrie Williams case arose at the Coketon Colored School, near the Town of Thomas at the head of the Canyon. More information is at www.jrclifford.org and www.saveblackwater.org.



Anwaja Hernandez as young J. R. Clifford,
Morgantown, West Virginia, Metropolitan Theatre, April 2006



SUBSCRIBE NOW FOR THE PIONEER PRESS
It has the reputation of being one among the Best. True
to a friend and the interest of race. Only 75 cents.

The Pioneer Press
Is Now prepared to do all kinds of

JOB WORK.

The Pioneer Press.

"Here shall the press, the people's rights maintain,
unawed by influence, and unbribed by gain."

Vol. 6 Martinsburg, W.Va. October 28, 1888. No. 9.

The Pioneer Press

Metered at the Post-Office at
Martinsburg, W.Va. as second class
material

J.R. Clifford Editor & Proprietor

A monthly newspaper devoted to the
interests and education of the colored
race.

Rates of Subscription

1 Year75

6 Months40

3 Months20

Pay for all advertisements is due in
advance, unless advertising is run by
yearly contract.

Reduced Rates to Clubs

Send for Sample Copies

'Address all communications to

J.R. Clifford"

Drawer 9 Martinsburg, W.Va.

"E.E. Underwood of Mt. Pleasant,

O.Geo. T. Jones, of Weston, J.L.

Champ Parkersburg, assistant editors

A mystery to be solved. Why is
it, the colored citizens are never
missed by the assessors, and are
always found by the Sheriffs, to
pay taxes, and are never found to
act as jurors?

THE NEGRO IN HIS PLACE

On the battlefield, his place
has always been in the front; at
the roughest work, he has the
preference; on election days,
early voting is praised; — in
processions, behind is his place;
on the jury he is not allowed and
to apply for the most trivial
position is laughable, and indeed
entirely out of his place.

JOHN BROWN'S PROSECUTING ATTORNEY DIES.

Andrew Hunter, Esq. of Coketonburg, who prosecuted John
Brown died the 20th inst. At the advance age of 85. He
lived long enough after Brown's death, to be convinced
that there was more divinity than fanaticism, in Brown's
actions. In 1881 at Storer College, we saw Mr. Hunter get
up, and advancing to where Fredrick Douglas sat, took his
hand, shook it friendly, and said "Let us go on" to which
Douglass replied. "In peace together." Hunter still holding
to Mr. Douglass said "Were Robt, E. Lee here he'd shake
the other." When we remember that Mr. Hunter did his best
to catch Douglass to prosecute him with Brown — although
we have never thought he did enough to be hung — it was a
manly confession for him to make before that multitude of
people, and we hope that his, as well as John Brown's
spirit, is at peace with God.

This mural, "Carrie Williams: Saint of Coketon" was executed by
Ali Printz and Ernie Williams-Tomic in 2020 on the back wall of
the historic Buxton and Landstreet Gallery, overlooking the former
site of the Coketon Colored School. Caroline "Carrie" M. Edwards
(Williams) was born in Ohio in 1866. On November 20, 1889, she
married Abraham L. Williams, a coal miner from Mineral County,
West Virginia. They had nine children. Carrie Williams taught
school in Coketon from 1890 to 1899. After Abraham died in 1913,
Carrie moved to Chicago, where she lived until her death in 1930.

CLIFFORD'S 1915 WRITINGS

(CONTINUED FROM PAGE ONE)

pitted against their plans and plots of meanness to injure us. Let such whites be treated as they treat us, and how would they feel. To exasperate decent colored people by such cussedness is not only trying, but kindles in their souls lasting fires of hatred, that man to man never was by nature created to bear.

JULY 24, 1915

Prejudice and impolite Christians are the devil's walking and talking contradictions. Russia, a few years before the Negro got his enslaved freedom, freed her slaves and gave every one a farm. This government own more than a million acres of land and should have been as kind to us, for we have been its unpaid toilers for 300 years and always true to the flag and never faltered on a battlefield.

SEPTEMBER 25, 1915

The man who says that colored women are devoid of virtue and have no regard for purity of character, is an individual absolutely without any compunction of conscience whater. Of all the women in the world, no class of them anywhere are more to be commended for their love of chastity than are those of our race. This is true, too, in the face of the all too patent fact that every means known to the wily and unscrupulous libertine who filches the virtue of all the women who succumb to his iniquitous cajolery is used to destroy the priceless heritage of true womanhood.

SEPTEMBER 18, 1915

You are right. Kill it dead as Hector. The absurdity of a railroad company compelling American citizens to ride in stinking parts of cars, where roughs may drink, curse and smoke, and the finest ladies be subjected thereto, and that in the state of West Virginia. It is and has been done by the Norfolk and Western for years, and by allowing it, it has gone a step further and built a "nigger waiting room" in Shepherdstown and Charleston Town. Not only petition the Public Service Commission, but refuse to go into the provided piggins and the slave-huts at either station above named, and if you are forced in the huts or stinking apartments of cars, come to us, and we'll fight your cases free of charge.

As it doesn't pay to keep a cow that gives a pail of milk and kicks it over, it doesn't pay to accept and endorse a speaker whose speech takes on the same fault. Dr. J.W.E. Bowen can be called an educated person, but

his "Play Ball" talk delivered here the evening of September 7, was on Booker T. Washington's toadyism to get the South's endorsement.

We would have Mr. Bowen to understand that manhood is greater than education, and that our peoples' worst foes are among the educated in letters who lack manhood. The lack of it, with such lettered characters, always gets the upper hand of them when speaking to their own color, if whites are present, to say things to please them. If they only knew what fair minded white people think of them, they would stop it.

JULY 18, 1915

That Martinsburg has plenty of fine and fair minded white people has thoroughly been proven to our soul's satisfaction. Indeed we are pleased with this place of our choice to locate forty years ago. During all of those years gone by, our aim has been to so live as to fill a decent citizen's place and if any one can prove to the contrary and to

make it known, we shall try to profit by same. Our contention has always been that in every community the best colored and white people should unite, as they do in Keyser, Harper's Ferry, and many other West Virginia towns, to the moral, religious, and intellectual advancement of the youth. For certain it is, that the better both classes be they better for any place. What can't it be done here? Surely there is work a plenty of the kinds mentioned. Our school should by all means be made the best. If our charges against "Randolph" Ramer are true, he is not fit to teach this school. In the face of these ignored charges supported by a flat refusal to investigate, seems to be a bad stand for the board of education to take, and calls for a unified effort even if it requires drastic means and find out whether we are "lying" or he is guilty. Will the fair and fine white preachers and laity combine to bring it about?

AUGUST 28, 1915

We all agree that Booker T. Washington is popular in this country. So has Giles Jackson been, but he is at the end of his race, Booker isn't far from his. The editor of this paper would rather be right and popular with God than have millions of dollars and be popular with the Negro haters to whom Booker is always playing his discordant fiddle. The music has helped to make hundreds of our people suffer and many others dance or dangle from trees, and now, he is meddling in Haitian affairs. The best thing for the colored people of this country is for America to withdraw her troops and let Booker go over there and settle matters.

STORER COLLEGE.

—AT—
HARPER'S FERRY, W. VA.
Academic, State, Normal and Preparatory Departments.

The location is one of the finest in the country. The buildings are ample and commodious.

Expenses from \$1.00 to \$9.00 a month. Send for a circular.

N. C. BRACKETT, Ph. D., Principal.

JUNE 12, 1915

The present Republican city administration should bear in mind that Negroes can sweep streets just as effectively as they can cast votes. Then again, a large number of them pay taxes, and in conclusion, it is not asking too much, when Republicans are petitioned to do as well as did Democrats, the latter always giving the brother in black a share of the work in office.

Frederick Douglas, America's greatest orator once said, "The Republican Party is the ship, all else is the sea." Had he lived to see the bastardly making and Negro hating South in the saddle, determined to destroy the amendments, segregate, jimcrow, and completely disenfranchise us with only a handful of Republicans in Congress, and were defeated by Northern, Western, and Eastern Democrats, with here and there a true born Southern gentleman, he would have modified that expression. Use parties only to kill prejudice – that's fidelity to Lincoln's principles – and they are God's.

JUNE 6, 1915

The harder I work the better my nerves are, and although in my 68th year, I am as active as ever, and can shoot with as much accuracy as ever, and I certainly would fight for my country. I own as much of the Capitol at Washington; of the United States and of the State of West Virginia as any other living man. This fair land is no more to be blamed for prejudice and the hardships thereupon attendant, than whiskey is for making drunkards, and in fighting I would feel that for the second time I would be shooting hatred to eternal oblivion, in the hope that a just God would make our half freedom a whole manly one, and in His own time give the Negroes their right to the billions of acres they cleared up as He has turned the wickedness of slavery in a blessing for us all.

Gormully & Jeffery,
CHICAGO, ILL.



Are the Largest Manufacturers of
Bicycles, Tricycles and Sundries,
ON THIS CONTINENT.

If you wish to know something about the noble sport of Cycling attractive alike to both business men and pleasure seekers, send 2c. stamp for beautiful illustrated, 48 page Catalogue, containing detailed description of "THE AMERICAN CYCLES" to
GORMULLY & JEFFERY, Chicago, Ill.

The Pioneer Press.

"Here shall the press, the people's rights maintain,
unawed by influence, and unbribed by gain."

Vol. 6 Martinsburg, W.Va. October 28, 1888. No. 9.

Thurman in making a speech in Mich. said "The Negro is a prolific animal." Yes, Judge, you are right. He, like you, is an animal of the highest order. He is indeed "prolific" in brain culture, the acquisition of property, moral and religious proficiency, and also in the sense that you used it. It is wise that he should be in that respect also, for in course of time, if he fails to get justice by force of reason, he will be enabled to get it numerically. The most forcible effect of his prolificacy will be against you on the 6th of next November.

Colored men of intelligence who will allow a few animated, over anxious white politicians – such as have wire-worked and schemed their own nominations, and others of this class who are to have 2nd. 3rd. and 4th, class positions, to embitter them against men who are brave enough to stem every current for the good of the race, are to be pitied. If we believe we are right there is no earthly power that can falsely reason us into conversion on the promise of a few crumbs; for we realize that two thirds of the whites are as much opposed to the colored man getting positions, as they are to eat with him at the same table.

The W.Va. Afro-American State Nomination

We neither condemn nor commend the Independent move of our people in this state; for we know nothing about their affairs, or what actuated them to do as they have. If the plans are the origination of themselves for the honest purpose of obtaining recognition as all other men have, they ought to be encouraged and every colored man in this state should support them. We believe, as does Geo. W. Cable, that –

"A vote which one party can count on as a matter of course and the opposite party can not hope to win at any price, need expect nothing from either. In no campaign ought the Negro to know certainly how he will vote before he has seen both platforms and weighed the chances of their words being made good. You will never get your rights until the white man does not know how you are going to vote."

The world knows that Mr. Cable is the Negro's best friend and that no man is doing more to solve the Negro problem with the pen than he is. Let us all learn to stand by the race and its interests first, as do the Jew, the German, the Irishman, and the Indian; and secondly by the party that ceases to promise, but actually accords to every citizen black or white his inalienable rights.

J.R. CLIFFORD, 85, DIES AT HOME HERE

From the *Martinsburg Journal*, October 7, 1933

Was Well Known Throughout Section
Only Negro Attorney and First of
Race to be Licensed in State

John R. Clifford, aged 85, Martinsburg's only negro attorney and the first of his race ever to practice law in the State of West Virginia, died at City Hospital shortly after 5 o'clock Friday morning from a cerebral hemorrhage resulting from a fall.

News of his death was a surprise to his many friends and acquaintances here and throughout the State, because few knew of his illness. He fell down a short flight of steps at his home early Wednesday morning, but at first was not believed to have been seriously hurt. He became worse during the day, however, and the following morning was removed to City Hospital where he died.

Studied for Law

Attorney Clifford was born in Grant County on September 13, 1848, a son of the late Isaac and Mary Kent Clifford. He came to Martinsburg when but a boy. After attending school here for a time, he entered Storer College, Harpers Ferry, and later Shaw University, Raleigh, N.C., where he completed his law course. He established his practice in Martinsburg more than 45 years ago, being the first negro to engage in that profession in West Virginia.

A number of years ago, he was prominent in colored Masonic circles, obtaining his 33rd degree, and serving as Grand Master of the Grand Lodge of Colored Masons in West Virginia for a time. In addition to practicing law, Attorney Clifford interested himself in newspaper work for a number of years, being editor and publisher of the Pioneer Press, which enjoyed a good circulation both in this and other sections of West Virginia. He had been a member of the Berkeley County Bar Association for 44 years.

Surviving are his widow, formerly Mary B. Franklin; two sons, J. Paul Clifford, Jr., Mechanicsburg, Pa., and John R. Clifford, Jr., Washington, and four grandchildren.

The funeral will be held Monday afternoon at 2 from the Clifford residence, 523 West Martin Street, and burial will be made in Mount Hope Cemetery. The casket will not be opened during the services, but relatives and friends may view the remains at the residence from 9 o'clock Monday morning until the services start.



A Man With A Mission: Joseph Bundy

"I have a library full of books on great African-Americans," says actor, writer and scholar Joseph Bundy, of Bluefield, West Virginia. "I'm not sure students will read all those books, but I believe they can learn through performances like mine."

Joseph Bundy is the founder of the Afro-Appalachian Performance Company and a member of the West Virginia Alliance for the Preservation of American History. He is known for his living history performances as J. R. Clifford, James Weldon Johnson, Booker T. Washington, and Martin Delaney.

"In Williams v. Board of Education [1898], one of the few civil rights victories in a southern state's highest court before the turn of the century, the West Virginia Supreme Court declared that "discrimination against the colored people, because of color alone, as to privileges, immunities, and equal legal protection, is contrary to public policy and the law of the land."

— Paul Finkelman,
"Not Only the Judge's Robes Were Black:
African-American Lawyers as Social Engineers,"
47 *Stanford Law Review* 193 (1994)

J. R. Clifford — a Young Soldier at Camp Nelson, Kentucky

When J.R. Clifford enlisted in the Union Army in 1864, he was assigned to the 13th Kentucky Heavy Artillery of the United States Colored Troops, headquartered at Camp Nelson, Kentucky. Imagine the intense and challenging experiences that J.R. Clifford had at Camp Nelson -- as he met, trained, and fought with thousands of former slaves and other young African American men and women of his own generation, who had joined the Union forces. What a crucible of liberty and courage!

Camp Nelson was the largest recruiting, mustering, and training center for African American troops in the Commonwealth of Kentucky and one of the largest in the United States. U.S. Colored Troops trained at Camp Nelson performed garrison duty throughout Kentucky, saw action in both Major General Burbridge's and Major General Stoneman's Southwestern Virginia campaigns, saw action against Confederate raiders at Cynthiana, Kentucky and were involved in the siege of Petersburg, Virginia and the pursuit of the Army of Northern Virginia to Appomattox Court House, Virginia.

Camp Nelson was a contraband or refugee camp for the family members of the U.S. Colored Troop recruits. This camp, which was administered by the Rev. John G. Fee of the American Missionary Association and Captain Theron Hall of the U.S. Army, contained cottages, dormitories, a hospital, a school, a dining room, and a laundry and held over 3,000 people at one time. The illness and death which resulted from removal of the African American refugees from Camp Nelson in November 1864 led directly to the passage of a Congressional Act which freed the family members of the U.S. Colored Troops and the implementation of a more structured program by the Army to care for and educate these people.

One soldier at Camp Nelson wrote: "I can stand this, said I. This is better than slavery, though I do march in line at the tap of a drum. I felt freedom in my bones, and when I saw the American eagle with outspread wings, upon the American flag, with the motto E Pluribus Unum, the thought came to me, 'Give me liberty or give me death.' Then all fear banished."

U. S. Colored Troops at Camp Nelson



JOSEPH T. HOKE, TRIAL JUDGE IN THE CARRIE WILLIAMS CASE

Excerpt from *Prominent Men of West Virginia*,
by Atkinson and Gibbens, 1890

Joseph T. Hoke was born in Berkeley County, Virginia, February 6, 1835. He attended school at Rock River Seminary, Illinois, at Oberlin College, Ohio, and Hillsdale College, Michigan, graduating with a degree of A.B. from the latter in August, 1860. He determined to become a lawyer, and accordingly took the course of legal studies in the Michigan University, at Ann Arbor, graduating LL. B., in March, 1864. In the summer of that year he commenced practice at Martinsburg, West Virginia. He was commissioned by Governor A. I. Boreman to organize the first loyal civil government of the Union people in Berkeley and Jefferson counties, under which the first election was held in October, 1864, and the first officers for said counties were elected. This early organization of the loyal civil government of West Virginia, within these counties, was a most important agency in securing them to the new State.

In 1865, he established the *Berkeley Union*, a weekly newspaper, at Martinsburg, just before General Lee's surrender. It was the first Republican paper ever printed in that section of the State. In 1876, after his removal from Keyser, Mineral County, he founded the *Mountain Echo*, a Republican newspaper, which is still published at that place.

In 1866, he was elected a State Senator from the Eleventh District, composed of the counties of Jefferson and Berkeley. **He secured the first charter for Storer College, at Harper's Ferry, for the education of the colored people of the State, of which he was then and ever has been a Trustee.** In 1888, he was

given the nomination for Judge of the Third Judicial Circuit by the Judicial Convention, which was held at Grafton, and was elected by 1,204 of a majority over his competitor, Judge W.T. Ice, a popular Independent Democrat, and the former incumbent of the office.



A specimen of Judge Hoke's poetic diction:

We write but a line,
We leave but a name,
We cast but a leaf on the tide;
The line is soon gone,
The name is soon blank,
The leaf with the current will glide.

Thus ever like leaves,
Of the beautiful spring,
In youth time we shadow the deep,

But soon, like the leaves
Of the autumn, we fall,
And float on the billows asleep.

Entered into evidence in *Williams v. Tucker County Board of Education* was a school record of attendance during the period being examined by the Court. Following is a copy of Carrie Williams' signature that appeared on one of these records.

I certify that the above report is correct.

Dated the 26th day of May, 1893.
Carrie Williams, Teacher.

JUDGE MARMADUKE DENT

Judge Marmaduke Dent (1849-1909), who authored the opinion in the *Williams v. Board of Education* case, served on the West Virginia Supreme Court from 1893 to 1904. Dent was born in Monongalia County in the town of Granville on April 18, 1849. West Virginia University opened in 1867, and Dent became the first graduate of West Virginia University in 1870, and the first president of the WVU Alumni Association.



After graduation, Dent taught in West Virginia public schools until 1873, when he became deputy clerk of the circuit and county court. He had decided early in life to become a lawyer, so while teaching school and working in the clerk's office, he undertook the systematic reading of legal textbooks and, in 1875, was admitted to the Taylor County Bar in Grafton, where he practiced for 20 years.

An 1892 article about Judge Dent stated, "He spares nothing from himself that he would put upon others. In his politics he has many friends outside of his own party. Judge Dent is a firm believer in the legal and moral equality of the sexes."

The following quotes from Judge Dent's opinions exemplify his egalitarian philosophy: "It is universally recognized as an unequivocal truth that the greatest source of evil among men is a selfish disregard of the rights of others, the existence of which argumentatively makes civil government absolutely necessary for man's felicity." (*Mayer v. Frobe*, 1895). "One of the foundation stones of civil government is the protection of the weak against oppressive, willful conduct of the strong, and this is a principle that should be most rigidly enforced against powerful corporations who derive their existence and strength wholly from the government. (*Scott v. C&O RR.*, 1897). Dent was the subject of a 1968 biography by John Philip Reid titled *An American Judge*.

**Supreme Court of Appeals of
West Virginia.
WILLIAMS v. BOARD OF
EDUCATION OF FAIRFAX
DISTRICT.
Nov. 16, 1898.
31 S.E. 985, 45 W.Va. 199
Syllabus by the Court.**

1. The law of this state does not authorize boards of education to discriminate between white and colored schools in the same district as to length of term to be taught.

2. Where a teacher has been employed to teach a colored school by the trustees thereof, under the supervision of the board of education, and she teaches the same the full term of the other primary schools in the same district, satisfactorily to the patrons of such school, she is entitled to pay for her whole term of service; and the board of education cannot escape the payment thereof by interposing a plea that it had, by reason of the school being a colored school, limited the term thereof to a shorter period than the white schools in the same district. Such discrimination, being made merely on account of color, cannot be recognized or tolerated, as it is contrary to public policy and the law of the land.

Error to Circuit Court, Tucker County; Joseph T. Hoke, Judge.

Action by Carrie Williams against the board of education of Fairfax district, in the county of Tucker. Judgment for plaintiff, and defendant brings error. Affirmed.

C. O. Strieby, for plaintiff in error.

J. R. Clifford and A. G. Dayton, for defendant in error.

DENT, J.

Carrie Williams sues the board of education of Fairfax district, in the county of Tucker, for three months' unpaid services as teacher of the colored school of Coketon, in said district, amounting to \$120, and also \$1 deducted illegally off of a previous month's salary for failure to return the term report required by law. The circuit court gave her judgment, and the board brings the matter to this court, and now here interposes the following defenses:

1. That the individual names of the members of the board are set out in the summons and declaration. This was wholly unnecessary, and will be regarded as mere surplusage.

2. That her appointment as a teacher was not in writing, as required by section 13, c. 45, Code. After the service has been rendered in a satisfactory manner to the patrons of the school, and the board has recognized and approved it by receiving her monthly reports, and paying her five months' salary, it is too late for them to object that her appointment was not in writing, as required by law.

3. That the trustees had not established a primary school as required by section 17, c. 45, Code, the enumeration of colored children being 26, but had apportioned the funds under section 18, Id., assigning to the colored children their pro rata share. This is directly in the face of the positive mandatory requirement of the statute, and it is contrary to public policy to entertain such a plea. No public officer should be permitted to plead his own misconduct in defense of what would otherwise be a just legal claim against him. On the contrary, the court will presume that he faithfully discharged the duties of his office, in the very face of his plea, when such presumption appears proper. In this case the trustees established a colored school at Coketon; and it must be presumed that this was done in accordance with the provisions of section 17, and not section 18, c. 45, Code. To hold otherwise would be to condemn the trustees as guilty of a plain failure of duty, subjecting them to the penalties imposed by section 59 of said chapter, which would be unjust to them in the face of the matters contained in the record. The trustees are not parties in any wise to this suit, and it is hardly fair to them for the board to seek to defend itself by alleging neglect of plain mandatory duty on their part, if legally proper to do so, which is certainly not the law.

4. That, the people of the district having voted for an eight months' school, the board arbitrarily determined the white schools should run eight months, and the colored school only five months. This distinction on the part of the board, being clearly illegal, and a discrimination made merely on account of color, should be treated as a nullity, as being contrary to public policy and good morals. At the end of five months the board notified the teacher to stop the school, the only reason for so doing being their discriminating action towards the colored school. This she refused to do, but taught it, satisfactorily to the patrons of the school, the full eight months authorized by law. In the case of *West Virginia Transp. Co. v. Ohio River Pipe-Line Co.*, 22 W. Va. 617, it is said: "The common law will not permit individuals to oblige themselves by a contract either to do or not to do anything when the thing to be done or omitted is in any degree clearly injurious to the public." On page 3 of *Greenhood on Public Policy* it is said: "The element of public policy in the law of contracts and in the law generally is by no means of recent origin, but owes its existence to the very sources from which our common law is supplied." "It secures the people against the corruption of justice or the public service, and places itself as a barrier before all devices to disregard public convenience." And on page 3: "By 'public policy' is intended that principle of the law which holds that no subject can lawfully do that which has a tendency to be injurious to the public or the public good." Hence no court will permit an otherwise just claim to be defended on the grounds of

dereliction of duty or misconduct on the part of any public officer, because detrimental to the public service, and injurious to the common weal. As no individual can take advantage of his own wrong, so no public servant can take advantage of his own illegal conduct, or failure to discharge his official duties in accordance with the express provisions of the statute that creates him. Ignorance of law is no excuse, and violation of law is no defense. **Discrimination against the colored people, because of color alone, as to privileges, immunities, and equal legal protection, is contrary to public policy and the law of the land.** If any discrimination as to education should be made, it should be favorable to, and not against, the colored people. Held in the bondage of slavery, and continued in a low moral and intellectual condition, for a long period of years, and then clothed at once, without preparation, with full citizenship, in this great republic, and the power to control and guide its destinies, the future welfare, prosperity, and peace of our people demand that this benighted race should be elevated by education, both morally and intellectually, that they may become exemplary citizens; otherwise the perpetuity of our free institutions may be greatly endangered.

The board claim, however, that the proper remedy was by mandamus, and that the plaintiff had no right to take the law into her own hands. How much better was it for the patrons of the school, the board, and the public, that she should regard her employment as strictly in accordance with law, and disregard the illegal discrimination on account of color, and thus secure to her pupils their legal rights, without resort to the writ of mandamus, which, while it might have condemned and punished the board, would have been inadequate to furnish the relief sought. There is no question that she was employed to teach the school, and that she did teach it in accordance with law, and satisfactorily to its patrons. But the board says, it being a colored school, it was allowed its pro rata share of the funds, and limited to the period of five months. This action on its part, being without authority, and in direct disobedience of law, must be disregarded, and the board presumed to have discharged its legal duties.

Counsel insist that the colored pupils, having been allotted their pro rata share of the school funds, have no right to complain. The law guaranteed them eight months of school, and, though it cost many times in proportion what the white schools cost, they should have had it. Money values should not be set off against moral and intellectual improvement. A nation that depends on its wealth is a depraved nation, while moral purity and intellectual progress alone can preserve the integrity of free institutions, and the love of true liberty, under the protection of equal laws, in the hearts of the people. The judgment is affirmed.

Thank You

We salute the National Park Service for preserving and celebrating the history and legacy of the Niagara Movement and its connection with West Virginia and Harpers Ferry.



Niagara Movement at Harpers Ferry Centennial Commemoration

MARY CLIFFORD READS *THE CREDO* AT NIAGARA

At the 1906 Niagara Convention, J.R. Clifford's daughter Mary, then age 16, read Dr. William E.B. DuBois' *Credo* to the assembled delegates. The "Credo" was originally published in *The Independent* magazine on October 6, 1904. The *Credo* is regarded as one of the greatest written expressions of human aspiration and belief, and it helped inspire 20th Century African Americans in their struggle for full civil rights. Following are excerpts from the *Credo*:



Mary Clifford

"I believe in God who made of one blood all races that dwell on earth. I believe that all men, black and brown, and white, are brothers, varying, through Time and Opportunity, in form and gift and feature, but differing in no essential particular, and alike in soul and in the possibility of infinite development."

"Especially do I believe in the Negro Race; in the beauty of its genius, the sweetness of its soul, and its strength in that meekness which shall inherit this turbulent Earth."

"I believe in Liberty for all men; the space to stretch their arms and their souls; the right to breathe and the right to vote, the freedom to choose their friends, enjoy

the sunshine and ride on the railroads, uncursed by color; thinking, dreaming, working as they will in a kingdom of God and love."

"I believe in the training of children black even as white; the leading out of little souls into the green pastures and beside the still waters, not for pelf or peace, but for Life lit by some large vision of beauty and goodness and truth."

J. R. Clifford at Niagara

Excerpt from *W.E.B. DuBois: Biography of a Race, 1868 – 1919*, by David Levering Lewis, 1993

Meanwhile, the speeches continued: Freeman Murray's call to order; followed by Miss Eva Herrod's solo and college president Henry T. MacDonald's welcome; and the main address by J.R. Clifford, secretary of the West Virginia branch of the Niagara Movement. Thursday night — "Niagara Night" — Trotter and Max Barber spoke before

Miss Mary Clifford recited the stirring "Credo." Early Friday after the women's meeting, the men and women of the Niagara Movement marched barefoot on dewy grass with candles cupped against the morning breeze in silent procession down the steep road from their hilltop residence halls to pay homage to Brown's memory in the old arsenal. They made the silent march in obedience to DuBois' flair for drama. That afternoon they heard his praise of Brown's rage and rectitude, after which they sang again "The Battle Hymn of the Republic" — "but never with such enthusiasm as this afternoon," Ovington wrote in the *Evening Post*.



Above, left to right: J. R. Clifford, W. E. B. DuBois, L. M. Hershaw, and F. H. M. Murray, at the 1906 Niagara Movement meeting at Harpers Ferry, West Virginia. Below: Delegates of the 1906 Niagara Meeting, Clifford and DuBois at center on first row.

Right: Women at the 1906 Niagara Movement Conference at Harpers Ferry: Mrs. Gertrude Wright Morgan (seated) and (left to right) Mrs. O.M. Waller, Mrs. H.F.M. Murray, Mrs. Mollie Lewis Kelan, Mrs. Ida D. Bailey, Miss Sadie Shorter, and Mrs. Charlotte Hershaw.

