

J.R. Clifford



and the Carrie Williams Case

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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.

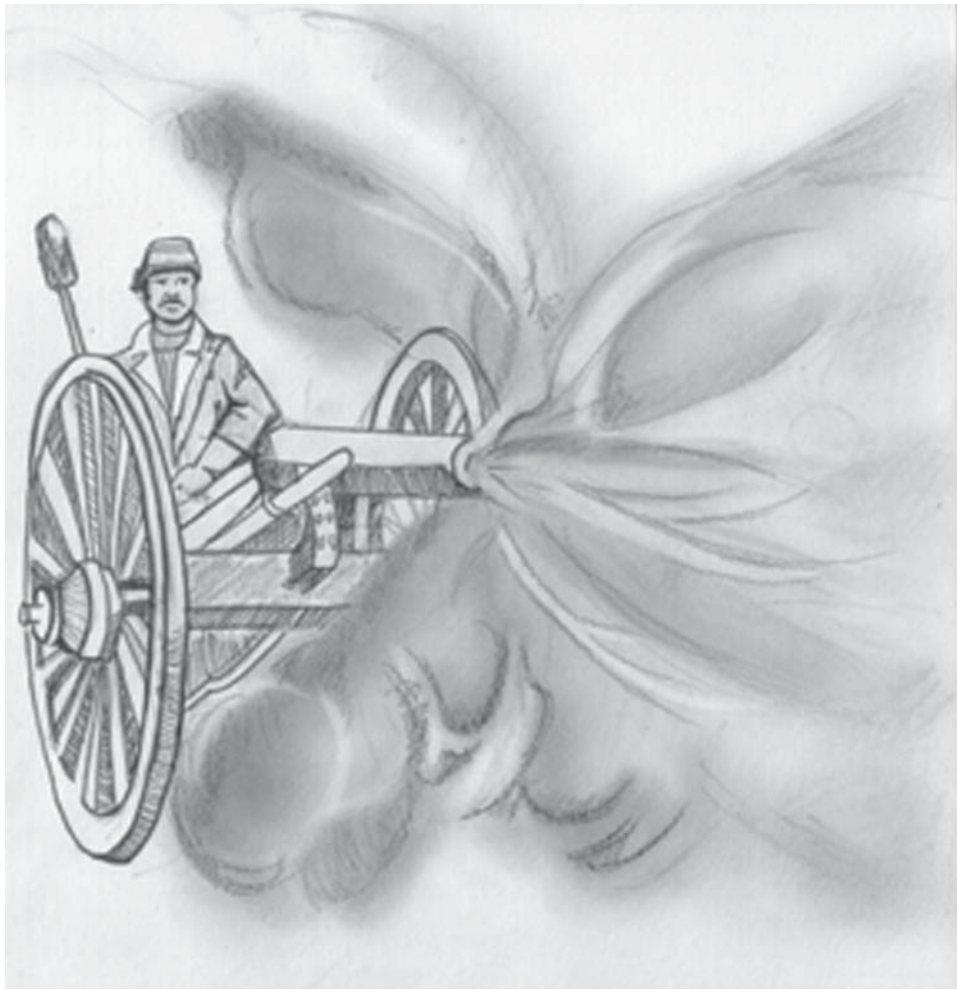
The children sat down. Marcus, a lanky boy in the front row, whose long legs stuck out like tree branches, stuck up his hand. “Mr. Clifford,” Marcus began — then his voice broke upward, causing the other children to giggle.

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.

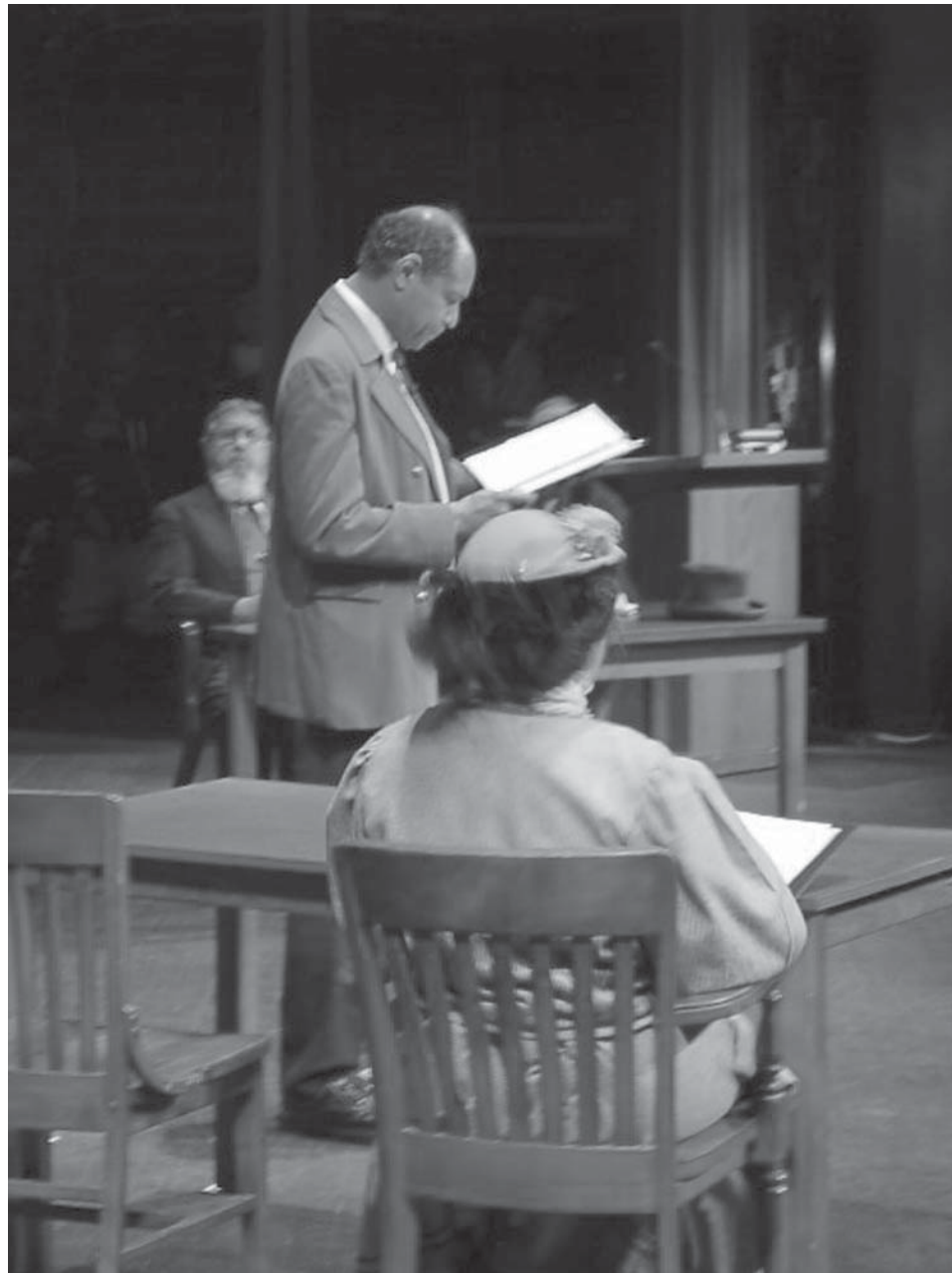
School Board Secretary Harold Meyer, a pale, nervous man with a handlebar moustache, seemed startled to be called as a witness by J.R.

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."

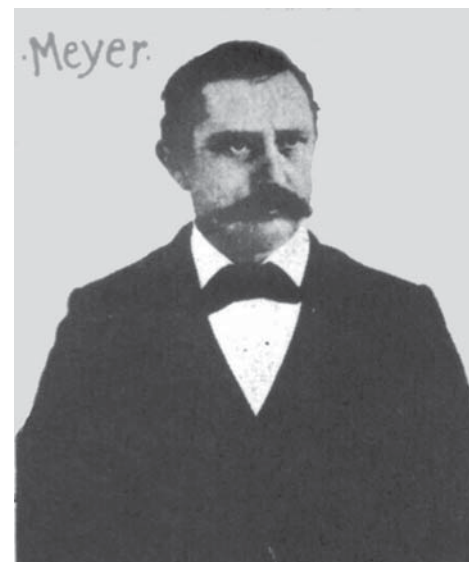
J.R. stood up, erect and confident. He placed his hand on Carrie Williams' shoulder for a moment. Then he faced the jury.

"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.

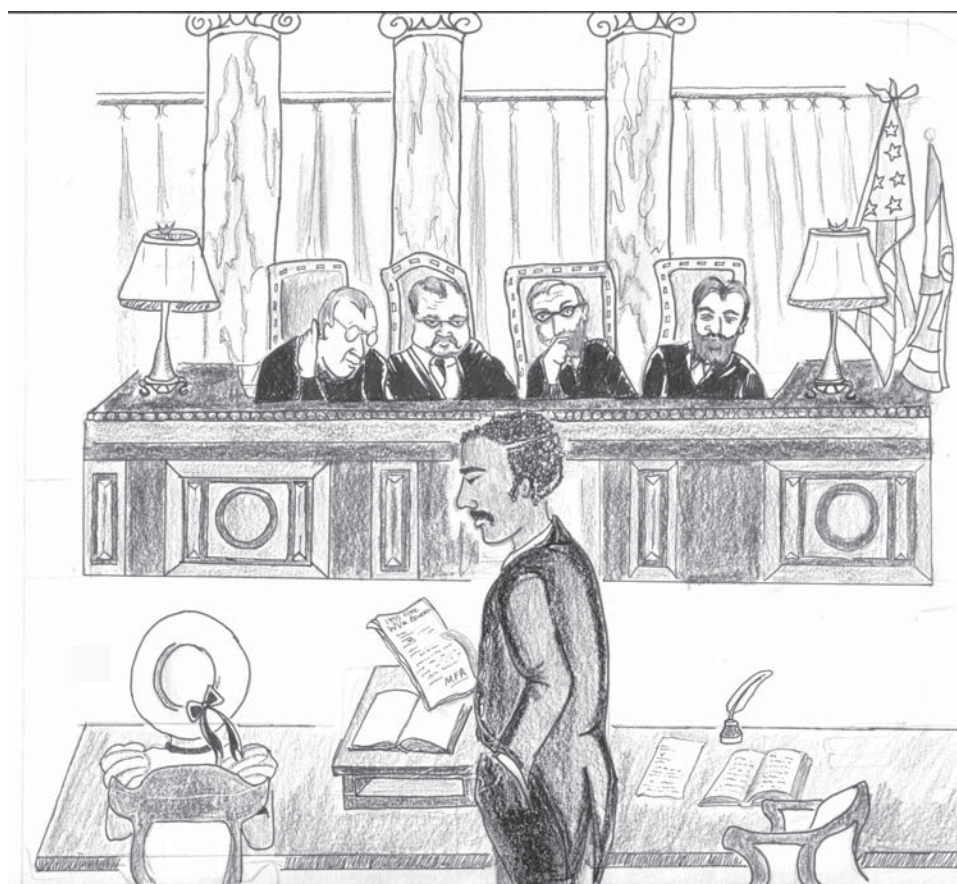
"Very well, I suppose I had better," said J.R. with a laugh, "or you will never stop asking!"

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."

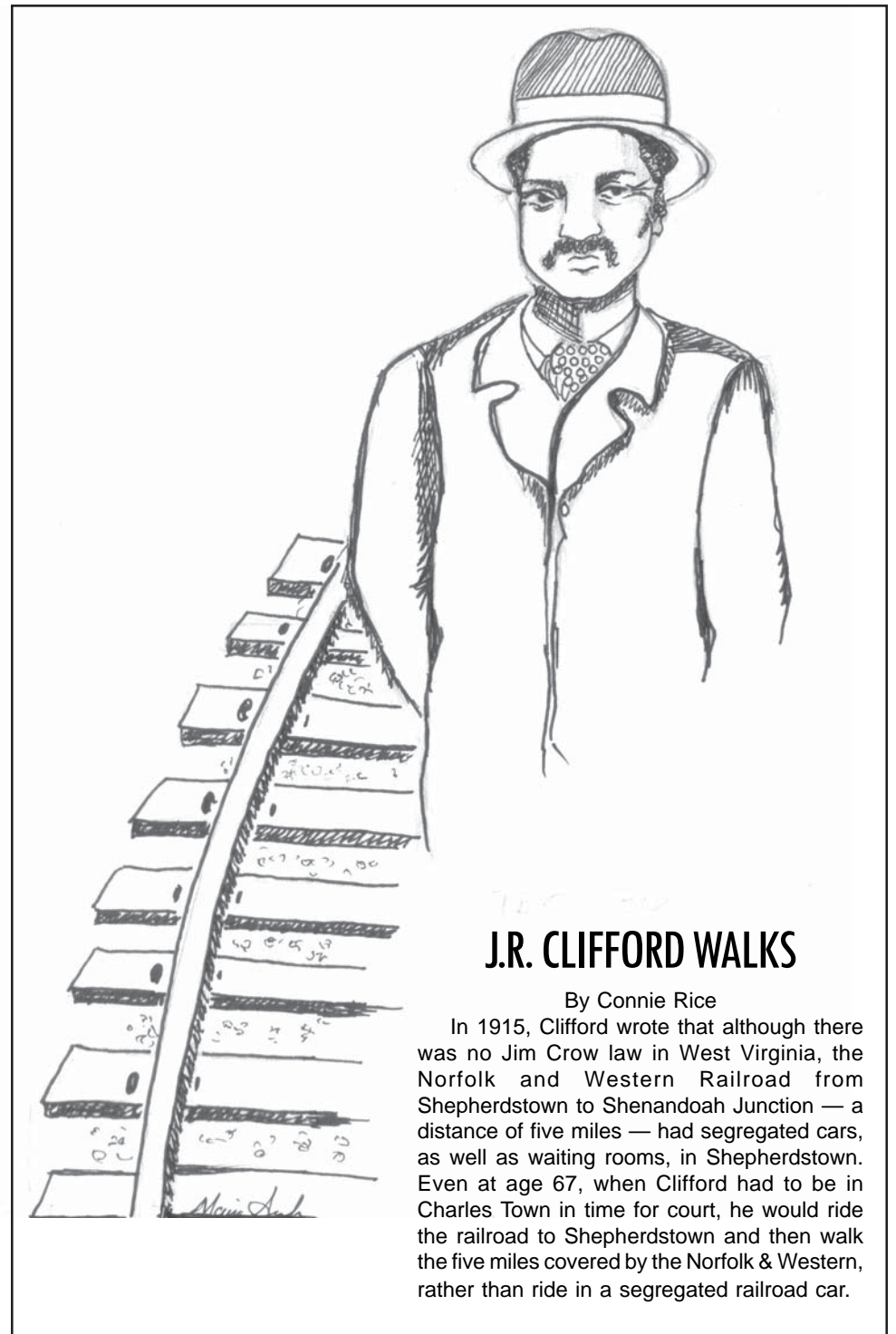
"A decision for my client, Mrs. Carrie Williams," said J. R., "will not solve all of our state's racial problems. But a decision for Mrs. Williams will be a step in the right direction, bringing us closer to justice for all."

"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

