

West Virginia's shining moment in civil rights



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(Editor's note: This is a reprint of a commentary I post every year on the anniversary of the decision.)

One-hundred and twenty years ago today, the West Virginia Supreme Court made one of its most significant decisions in the state's history on the issue of civil rights. The case was *Williams v. Board of Education of Fairfax District*.

The case began in the late 1890's. The Tucker County School Board decided to reduce the school term for black students to five months to save money, while keeping the full eight month term for white students.

Carrie Williams, a black teacher at the "colored" school in Coketon went to J.R. Clifford, the state's first black attorney and early civil rights leader, for advice. Clifford told her to keep teaching for the full eight months without pay.



J.R. Clifford

Clifford took the case to court, arguing Williams was due \$120 for duties she performed. The school board countered that Williams had no written contract. The local court ruled in Williams' favor, but the board appealed to the State Supreme Court.

On November 16th, 1898, the high court ruled in Williams' favor in a decision authored by Justice Marmaduke Dent. The Monongalia County native was an early believer in equality among all people, regardless of race or sex.

Dent's decision contains a number of notable findings, particularly for the times.

He called the Tucker County School Board's decision to shorten the term at black schools "arbitrary," adding, "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."

Dent went on to say that public policy makers should do all they can to improve public education for "the colored people" because of the history of slavery and suppression and the impact that has had on "this great republic."

"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," concluded Dent.

Of course many years of segregation and discrimination would still follow. It would be another half century (1954) before the U.S. Supreme Court would issue the landmark *Brown v. Board of Education* decision declaring the flawed "separate but equal" doctrine unconstitutional.

Still, America does not reach these seminal moments without brave individuals doing the right thing, usually in the face of hostile opposition. Today's anniversary of the West Virginia Supreme Court decision in *Williams v. Board of Education* should serve as a reminder of people like Carrie Williams, J.R. Clifford and Justice Marmaduke Dent who were guided by the courage of their convictions.