

Phi Alpha Theta Pacific Northwest Conference, 8–10 April 2021

Gerrit Sterk, Western Washington University, undergraduate student, “*Elmore v. Rice et al.*: The Court Case that Defies a Narrative”

Abstract: Studying and explaining *Elmore v. Rice et al.*, a voting rights case that took place in 1947 in Columbia, South Carolina, provides an opportunity to enrich a new development in the historiography of the Civil Rights Movement. How this case was supported by Thurgood Marshall and the NAACP has been studied, but how it and similar early grassroots actions contributed to what some historians are now calling “the long civil rights movement” has not, one that began long before the *Brown* decision of 1954. Additionally, how this case emerged out of the grassroots political culture of Waverly, a middle-class Black community in Columbia, adds to what scholars are beginning to understand about the “long *grassroots* civil rights movement,” one that had its roots in the daily negotiations of African Americans with the condition of enslavement, as explained by Steven Hahn in his work, *A Nation Under Our Feet*. Utilizing the original court case records, in combination with documents on the Waverly community and the plaintiff in the case, George Elmore, this paper will explain how this grassroots community initiative emerged—and then combined with an ongoing NAACP initiative to chip away at Jim Crow restrictions against Black political empowerment.

Elmore v. Rice et al.: The Court Case That Defies a Narrative.

Its Historical and Historiographical Meaning

Gerrit Sterk

Undergraduate

Western Washington University



George Elmore poses outside the Waverly 5¢ and 10¢ Store, circa 1945. Elmore was key, along with the Waverly community, in securing voting rights for African Americans in South Carolina, and did so by risking revenge from white Southerners, which indeed happened, as he lost his business and was forced to move, dying twelve years later penniless. Image courtesy of Creswell Elmore.ⁱ

“Unable...to halt the violence and repression that seemed to be raining down on them, rural Black folk nonetheless refused to sink into the valleys of resignation...It was rather that they saw their survival and growth as families, as communities, and as a people best served by turning inward, by pursuing self-reliance.”ⁱⁱ So said historian Steven Hahn in his work *A Nation Under Our Feet*, in an effort to argue how Black slaves, and subsequently, Black citizens were able to come together and forge a type of political mindedness that emphasized their shared experience of slavery and Jim Crow. It was in fact, a vibrant political culture, one that was made up of many Black communities focusing on the collective good of its people, with efforts to better the conditions in which each community was faced with by pursuing action. This culture continued throughout the decades succeeding the Civil War and can be directly evidenced in the civil rights movement. *Elmore v. Rice et al.*, a little-known voting rights case from South Carolina in 1947 that chipped away at Jim Crow efforts to systematically disenfranchise Black voters, was an expression of the kind of community political action that Hahn says has had a deep history—indeed, for Black Americans has been a “nation under their feet.”

Steven Hahn made the argument that Black political culture first emerged towards the beginning of the nineteenth century in the South during the period of slavery. Its origin story entails the collective action and coming together of rural slave communities in order to show resistance and defiance to better the conditions of which Black slaves were put in. Through institution building and community self-reliance, these rural slave communities were able to exchange important information and knowledge, and to mobilize resources to create a tight-knit community of politically active people, demonstrating a form of Black agency. This political culture helped Black slave communities to fashion collective norms and aspirations such as local justice, authority over their own lives, and economic and political equality as a whole. In turn,

this helped them to thrive, build stronger bonds, and focus on understanding themselves as a common people with a shared history and future, rather than as individuals.ⁱⁱⁱ

According to Hahn, the most important institution built during the period of slavery by Black communities were churches, as they had a massive effect on the spread of communication and knowledge between slave communities. Churches, chapels, and praise houses for African Americans were one of the few times slaves could congregate together and discuss ideas, knowledge, rumors, and information, building a coalition of community-minded people whether it be kin or a collective of the surrounding households. For example, Hahn points to the African Methodist Episcopal Church, which officially regarded politics as indispensable to preserving and expanding Black freedom and was seen as an “imperative of duty.” Such an interrelation between a sense of community and a shared history allowed them to set the parameters of this political culture. Additional institutions which came into fruition during and shortly after the end of slavery that furthered this culture included schools and political groups, as these were vital in strengthening political action and the spread of information and knowledge throughout the community. The nature of political mindedness in Black communities continued long after the fall of slavery and was fully submerged in one such community: Waverly.^{iv}

Since the late nineteenth century and certainly through 1947, Jim Crow was rampant in South Carolina. The quintessence of this was the all-white Democratic primary they had, meaning only white citizens were allowed to vote in the primary. The community of Waverly, a majority Black suburb near the metropolis of Columbia, organized a strategy tied to this political culture Hahn described, to make the argument that all-white primaries were unconstitutional. The action taken was the hope to give the Waverly community, and all African Americans throughout South Carolina, the right to vote in the Democratic primaries, by utilizing their

storied political savviness. George Elmore—a local Waverly businessman with strong ties to his community—and his fellow Waverly residents were able to make use not only of this deep-seated political knowledge, but also of community-built institutions such as churches, schools, and political groups to advance their collective effort at overturning an injustice that deeply impacted them.

Elmore v. Rice et al. was connected to national efforts to enfranchise Black voters and was an important event that can be tied to part of the civil rights movement, but more fundamentally, it emerged out of the political culture that Hahn explained. The plaintiff in the court case was Waverly's George Elmore, while the long list of defendants in this case was headed by Clay Rice, an election manager in Elmore's precinct. The Waverly community was a self-sustaining Black community that included many middle-class African American residents, among whom were leaders within spiritual, business, academic and professional circles.^v In Waverly, such as it was in the days of slavery that Hahn discussed, faith was a crucial pillar, as numerous churches and denominations could be found only a few blocks apart from each other. In addition, this community had its own grade school, hospital, colleges, banks, theaters, and funeral homes: each examples of the community having the kind of cultural power that would make political action sustainable, and the ability to provide for itself through self-reliance.

Elmore, a local merchant in Waverly, was the owner of a variety store, two liquor stores, and a gas station, along with being a skilled photographer and taxi driver on the side.^{vi} He, his wife Laura, and their family lived in a house on 907 Tree Street, a few blocks away from his stores. By running his own shops and a taxi business, he crossed paths with myriad citizens of Waverly, and came into frequent contact with many leading members of the community on a daily basis. This allowed for consistent dissemination of information, rumors, and political

knowledge that Hahn described as essential to the political culture that began during slavery and has continued on throughout the subsequent decades. Elmore was also a recognizable figure in the local political scene, as he was secretary of the Progressive Democratic Party, or PDP, a political party made up of a majority of Black citizens whose goal was to push forward progressive views and combat the Democratic Party on Black suffrage, led by John H. McCray, a prominent regional figure.^{vii} As a result, Elmore was a man that many in the community likely knew and respected and was key in the communities' political abilities. Through the day-to-day connections between Elmore and the residents of the community, they were able to use this deeply embedded political culture, in addition to their built institutions and communication networks, to spark an effort to obtain the right to vote. This allowed for a further piece of this political culture that Hahn argued: action at the grassroots level.

While the Waverly community demonstrated such grassroots viability with ordinary residents making up its core, the court case they organized was also one with national and regional figures usually associated with the civil rights movement. Thurgood Marshall, the future Supreme Court Justice and renowned civil rights lawyer, took on the case with the backing of the National Association for the Advancement of Colored People, or NAACP. These national and regional actors worked in conjunction with the Waverly community in a hybrid fashion, as this was an effective way to ensure permanent change. In the complaint submitted to Judge J. Waites Waring of the Eastern District of South Carolina, Marshall argued that all-white primaries were unconstitutional.^{viii} By definition, the all-white primary was just that: the South Carolina Democratic Primary only allowed white citizens to vote.^{ix} The Waverly community, by utilizing the institutions of schools, churches, and political groups like the PDP, were keenly aware of

this. It is why they were able to generate grassroots and community action to show their agency and bring about change for the collective good, as Hahn argued dated to the pre-Civil War era.

In 1946, the PDP, the local political institution for Waverly's efforts for Black empowerment, wanted to get African Americans to register to vote, and had selectively chosen a handful of people, all reverends from Waverly, to try and do so. However, each of them got turned away. George Elmore, after hearing that none had been registered, attempted to try himself. He in fact was able to do so, but in the end, he eventually got purged from the registry, and thus denied the right to vote. This set up a possible court case, in which the NAACP decided to offer its assistance. By way of the community political institutions like the PDP, the Waverly community made the effort to set this plan into action. The residents came together to use their vast political knowledge and networking skills to spark action for the collective benefit of their community. Elmore, the local merchant and secretary of the PDP, demonstrated the dispersion of communication, knowledge, and community-based action through Waverly's long sustained political culture, and the use of Waverly's important institutions like the PDP.^x

The community of Waverly also connected with legal constructs and constitutional laws to further their efforts at making their voting rights permanent. The court case's argument of the unconstitutionality of all-white primaries was based in part on precedent, such as the *Smith v. Allwright* court case from Texas in 1944, which Marshall himself argued in front of the Supreme Court. In this case, the Supreme Court concurred with the complaint that African Americans not allowed to vote due to all-white primaries was unconstitutional, and as a result, they were banned.^{xi} Although all-white primaries were banned by this ruling, South Carolina tried to maneuver around this as their Congress came together and repealed the laws, and thus claimed it was a different system.^{xii} In his now famous quote, then-Governor Olin Johnston was adamant

that “White supremacy must be maintained in our primaries. Let the chips fall where they may!”^{xiii} In turn, the Waverly communities’ self-reliance and defiance had to be put to the test.

As a culmination of Waverly’s efforts and active political culture, with the collective good and benefit to the community they envisioned becoming possible, the ruling on the court case could not carry more weight and hopes of a people than *Elmore v. Rice et al.* did. Judge Waring, on July 12, 1947, ruled in his opinion that South Carolina’s all-white primary was indeed unconstitutional and that there was no real difference in the machinations of the voting process between the Democratic Party Clubs and the original primary system.^{xiv} He stated that “to say there is any material difference in the governance of the Democratic Party in this State prior, and subsequent, to 1944 is pure sophistry.”^{xv} This ruling meant that African Americans like George Elmore would be able to vote, in theory, without restriction of race in the upcoming elections. Although, the elements of reading, writing, and interpreting the Constitution were still in effect, as well as the poll tax, which was not repealed until 1952. So, while there was a victory in the ability to vote, the assurance of actually being able to vote without conditions was not. In the end of Waring’s opinion, he stated that “it is time for South Carolina to rejoin the Union” and that he could not “see where the skies will fall if South Carolina is put in the same class” with every other state that allows Black Americans to vote.^{xvi} Not only did Judge Waring rule that the State Democratic Party’s attempt to circumvent the *Smith v. Allwright* case failed, and preventing African Americans from voting was unconstitutional, but also that South Carolina was acting so absurdly that it was as if they were not even a part of the United States itself.^{xvii} As a nation “beneath their feet” however, the Waverly community that was focused on the collective benefit of their fellow residents and equality were able to achieve a victory of significant import through grassroots means, one that rippled the political landscape and the community ethos as a whole.

When looked at in an historical context, the *Elmore v. Rice et al.* court case seems to go further than to solely add to a long history of Black community political culture and their efforts to chip away at Jim Crow. It additionally seems to complicate the well-known story of the civil rights movement. The standard narrative is one where the civil rights movement began with the *Brown v. Board of Education* ruling in 1954, with prominent national figures like Rosa Parks, Dr. King, and John Lewis, continued with strategies of protests and court cases, and ended in 1965 with the Civil Rights and Voting Rights Acts, with decline thereafter resulting from moral clarity.^{xviii} *Elmore v. Rice et al.* does not seem to fit this narrative however, as it started in 1947 in the Waverly community, and came about through a close-knit and inward-looking people focused on collective norms and aspirations through action. As a result, what does this mean for the court case? It would be a simple deduction to make George Elmore out as the lone civil rights hero whose actions contributed to the process by which Black southerners gained the right to vote, and that could have led to beginning of the civil rights movement starting in 1947. On the other hand, there is an historiographical argument which requires us to rethink the content of the standard narrative, to reexamine how this narrative came to be, and that can better make sense of where to place the *Elmore v. Rice et al.* court case in its respective historical context.

We see a history of a relatively sustained culture that first emerged towards the beginning of the nineteenth century during slavery. Jacquelyn Dowd Hall, a leading historian in the field of labor and civil rights, summarizes and builds on this sustained political culture. She argues that there is a need to re-chronologize the aforementioned parameters of the standard civil rights movement with the “long civil rights movement.” This new examination, argues Hall, is characterized by a partnership of laborites, civil rights activists, progressive New Dealers, and communists that began in the 1930s and 1940s, which spurred a push for inclusion, black

political activism, and eventually tumbled the economic and political barriers which had been in place for decades, and continues to this day. Hall's argument, therefore, that the civil rights movement started years before 1954 with the partnership interest groups, and which is still occurring to this day, can be seen as helpful in determining where the court case fits in. However, with taking Hall's full argument and applying it to *Elmore v. Rice et al.*, it should be looked at in a slightly different way. Rather than a partnership of laborites and communists, the Waverly community functioned in a hybrid effort between their grassroots political culture and national and regional figures like Thurgood Marshall and the NAACP.^{xix}

The *Elmore v. Rice et al.* case is a perfect example not only of the legal struggle for civil rights, but one that also took place in dialogue with the NAACP, a critically important organization which contributed towards the advancement of the civil rights movement. While the involvement of the NAACP was perhaps crucial, it is not to take away from what the Waverly community started, as this hybrid effort served primarily as a way to ensure permanent change. However, as it was indeed a part of this case, it is important to further understand its role. Historian and professor Patricia Sullivan wrote a book on the NAACP in which she connected political grassroots action to the association. Sullivan argued that the NAACP, founded in 1909, crafted the machinery that would drive the civil rights movement: publicity and protest, litigation and lobbying, community-based organizing, and demands for national action. It was this community-based action and grassroots organization that occurred in Waverly with George Elmore's case, and with the help of litigation done by Thurgood Marshall and the NAACP. On the other hand, Sullivan goes on to state that Thurgood Marshall and cooperating lawyers in the South were dependent on strong community involvement to develop cases and carry them forward, and that change stemmed from the local situation and the willingness of Black

communities to take the lead in exposing the problem and participating in legal challenges in places where the law had been clearly violated. In other words, while the NAACP had a major impact on winning litigation in the courts during the civil rights movement, it was more than just that. The community-based organization that led to many of the results of the civil rights movement was a key piece in initiating the action, from there on being able to go through the courts.^{xx} Therefore, it is evident that relying on the NAACP to bear the brunt to connect this case to the standard civil rights movement is not an option. Rather, by taking Hall and Sullivan's arguments and combining them both in their respective contexts, the *Elmore v. Rice et al.* court case can better fit into the "long civil rights movement," but one that the worked in tandem with Black communities' long-developed political culture and national figures like the NAACP.^{xxi}

George Elmore was not connected to the labor activity or rural activity that both Hall and Hahn discussed; conversely, he was a person of modest middle-class leanings in his community. In this era, the African American middle-class was more so described in terms of vocations rather than income.^{xxii} For instance, white-collar and professional jobs such as preachers, teachers, doctors, nurses, and so forth would qualify as a "middle-class vocation." And according to Idus A. Newby, historian and former professor, Black urban and middle-class communities were able to incorporate more educated and economically secure African Americans into their communities and institutions, leading to better resources to fight off white supremacy in all forms.^{xxiii} Newby stated the disenfranchisement of African Americans in fact, was the one thing that middle-class educated Blacks protested against most of all, over any other act of racial discrimination. In addition, he argued these communities were stronger and more secure than rural communities, more aware and confident in themselves, as well as more conscious of racial discrimination.^{xxiv} As a result, African Americans in Waverly were able to use their essential

institutions, deeply rooted political culture, and the vast number of resources they had to bring about a grassroots and collective community effort to overturn the all-white primary to better their conditions. With this being the case, urban and middle-class Waverly—unlike rural Black communities—were better primed and positioned for significant barriers before them.

George Elmore and the Waverly community can be seen as something more than just an outlier of the standard narrative of the civil rights movement. While Waverly did in the end work with the NAACP to further their efforts, the *Elmore v. Rice et al.* court case's beginnings came about out of a grassroots initiative of urban middle-class folks; not out of a solely national strategy, but one of a hybrid fashion. In 1947, it was years before the standard narrative of the civil rights movement started, and it did not form out of the typical machinations of the need of prominent leaders and strategies of protests, they were only utilized to ensure permanent change. Rather, it was an undertaking of African Americans utilizing the institutions and collective social networks of their political culture that had been in place since the pre-Civil War era, passed down through the generations, and that tried to chip away at disparities from racism, discrimination, and Jim Crow laws they faced along the way. This court case was based on the grassroots, bottom-side up, and community-led efforts to try and obtain local justice, authority over themselves, and more agency. It is why the civil rights movement should be looked at through a broader scope: the "long civil rights movement." But more so than just Hall's "long civil rights movement," one also has to consider the storied history that dates back to time of slavery, when African Americans were first creating the building blocks on which the civil rights movement would ultimately stand: the political culture in grassroots, institutional, and collective community action. These were the key necessities that sparked the civil rights movement, and what are still carrying this movement on to this day, and thus, in light of this, it would be better

characterized as the “long *grassroots* civil rights movement.” A clear exemplar of this: numerous Black communities’ recent political empowerment in Georgia to bring about change in the status quo; and it needs to be more widely known.

Bibliography

Charron, Katherine Mellen. *Groundwork: Local Black Freedom Movements in America*. Edited by Theoharis, Jeanne and Woodard, Komazi. New York, NY: New York University Press, 2005.

“Editorial, 1980 December 6, Newspaper Clipping of the Editorial The Way It Was.” Digital Collections – University of South Carolina Libraries, 2017. Accessed October 22, 2020. <https://digital.tcl.sc.edu/digital/collection/mccrayjh/id/15802/rec/5>.

“George Elmore vs Clay Rice, Et Al.” *National Archives at Atlanta: Cobb County Teachers*. Friends of the National Archives Southeast Region, August 1, 2013. Accessed October 22, 2020. http://friendsnas.org/education/S4_civilRights/06_ElmoreVsRice.pdf.

Gergel, Richard. *Unexampled Courage the Blinding of Sgt. Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring*. New York, NY: Farrar, Straus and Giroux, 2019.

Hahn, Steven. *A Nation Under Our Feet*. Cambridge, MA: Harvard University Press, 2003.

Hall, Jacquelyn Dowd. "The Long Civil Rights Movement and the Political Uses of the Past."

The Journal of American History. Vol. 91. No. 4. 2005. Accessed November 5, 2020.

<https://www.jstor.org/stable/3660172>.

Hoffman, Edwin D. "The Genesis of the Modern Movement for Equal Rights in South Carolina,

1930-1939." *The Journal of American History*. Vol. 44. No. 4. Oct. 1959. Accessed Nov. 13,

2020. <https://www.jstor.org/stable/2716614>.

Jeffries, Hasan Kwame. *Bloody Lowndes: Civil Rights and Black Power in Alabama's Black*

Belt. New York, NY: New York University Press, 2009.

"Letter, 1947 January 20, John McCray to Rev. W. A. Johnson." Digital Collections – University

of South Carolina Libraries, 2017. Accessed October 22, 2020.

<https://digital.tcl.sc.edu/digital/collection/mccrayjh/id/25337/rec/13>.

"Negros Entitled to Enroll, Vote in S.C. Primary, Judge Rules." *The Greenville News*.

Greenville, South Carolina, July 13, 1947. Accessed October 30, 2020.

<https://www.newspapers.com/image/226052001/>.

Newby, Idus A. *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*.

Columbia, SC: University of South Carolina Press, 1973.

Parker, Circuit Judge. "Rice v. Elmore, 165 F.2d 387." CourtListener. Free Law Project.

Accessed October 30, 2020. <https://www.courtlistener.com/opinion/1499267/rice-v->

[elmore/?citation=165+F.2d+387](https://www.courtlistener.com/opinion/1499267/rice-v-elmore/?citation=165+F.2d+387).

"Party Voter Oath Ordered Abolished." *The Times and Democrat*. Orangeburg, South Carolina,

July 20, 1948. Accessed October 30, 2020. <https://www.newspapers.com/image/344200043/>.

“Smith v. Allwright, Election Judge, Et Al.” *Legal Information Institute*. Cornell Law School.

Accessed October 22, 2020. <https://www.law.cornell.edu/supremecourt/text/321/649>.

“Senator Maybank Lambastes Ruling.” *The Times and Democrat*. Orangeburg, South Carolina,

July 14, 1947. Accessed October 30, 2020. <https://www.newspapers.com/image/344603832/>.

Sullivan, Patricia. *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement*.

New York, NY: The New Press, 2009.

“The White Primary.” *Legal Information Institute*. Cornell Law School. Accessed October 23,

2020. <https://www.law.cornell.edu/constitution-conan/amendment-15/section-1-2/the-white-primary>.

Waring, Chief Judge. “Brown v. Baskin.” Legal research tools from Casetext, July 20, 1948.

Accessed October 30, 2020. <https://casetext.com/case/brown-v-baskin?>

“Waverly Historic District.” National Register of Historic Places Registration Form. United

States Department of the Interior: National Park Service. Accessed Nov. 13, 2020.

<https://npgallery.nps.gov/GetAsset/b59a4c23-ce66-46c0-8e9a-ab13d1d9f15d>.

“Waverly - Online Tours.” Historic Columbia, 2020. Accessed October 28, 2020.

<https://www.historiccolumbia.org/online-tours/waverly>.

“White Primaries Declared Illegal.” *The Times and Democrat*. Orangeburg, South Carolina,

December 31, 1947. Accessed October 30, 2020.

<https://www.newspapers.com/image/344603832/>.

“907 Tree Street - African American Heritage Sites Tour.” Historic Columbia, 2020. Accessed October 22, 2020. <https://www.historiccolumbia.org/online-tours/african-american-heritage-sites-tour/907-tree-street>.

ⁱ “2317 Gervais Street - Waverly,” Historic Columbia, 2020, accessed October 28, 2020, <https://www.historiccolumbia.org/online-tours/waverly/2317-gervais-street>.

ⁱⁱ Steven Hahn, *A Nation Under Our Feet*, (Cambridge, MA: Harvard University Press, 2003), 451-452.

ⁱⁱⁱ Hahn, *A Nation*, 5, 15, 55, 473.

^{iv} Hahn, *A Nation*, 48, 233.

^v “Waverly - Online Tours,” Historic Columbia, 2020, accessed October 28, 2020, <https://www.historiccolumbia.org/online-tours/waverly>.

^{vi} “907 Tree Street - African American Heritage Sites Tour,” Historic Columbia, 2020, accessed October 22, 2020, <https://www.historiccolumbia.org/online-tours/african-american-heritage-sites-tour/907-tree-street>.

^{vii} “Letter, 1947 January 20, John McCray to Rev. W. A. Johnson,” Digital Collections – University of South Carolina Libraries, 2017, accessed October 22, 2020, <https://digital.tcl.sc.edu/digital/collection/mccrayjh/id/25337/rec/13>.

^{viii} George Elmore vs Clay Rice, Et Al.” *National Archives at Atlanta: Cobb County Teachers*, Friends of the National Archives Southeast Region, August 1, 2013, Exhibit A, accessed October 22, 2020, http://friendsnas.org/education/S4_civilRights/06_ElmoreVsRice.pdf.

^{ix} Looking at this constitutionally, the Fourteenth and Fifteenth Amendments states that there should be equal civil and legal rights for African Americans, and that the United States could not deny the right to vote based on race, both of which Marshall argued were being broken by the South Carolina Democratic Party. Additionally, included in the complaint were specific exhibits such as the state constitution of South Carolina on suffrage, a speech given by then-Governor Olin D. Johnston, information on Democratic Party Clubs, and finally, voting trends since Reconstruction, adding to the breadth of the political culture and knowledge of Waverly, wanting to control their own destiny, sourced by “Elmore v. Rice,” *National Archives at Atlanta*, Exhibit A.

^x “Editorial, 1980 December 6, Newspaper Clipping of the Editorial The Way It Was,” Digital Collections – University of South Carolina Libraries, 2017, accessed October 22, 2020, <https://digital.tcl.sc.edu/digital/collection/mccrayjh/id/15802/rec/5>.

^{xi} “Smith v. Allwright, Election Judge, Et Al.,” *Legal Information Institute* (Cornell Law School), accessed October 22, 2020, <https://www.law.cornell.edu/supremecourt/text/321/649>.

^{xii} In trying to maintain this white supremacy, the South Carolina Congress set up private Democratic Party clubs in the place of the laws in an effort to make certain the courts could not get rid of their all-white primary. There would be a club in each ward or district, and South Carolina citizens had to be a member of the club in their ward to be able to vote. The maneuver that maintained the all-white primary though, was that the Democratic Party clubs required their members to be white. As a result, since African Americans could not be a member of the club based on their race, they were not able to vote, in effect taking away a part of their agency, sourced by “Elmore v. Rice,” *National Archives at Atlanta*, Exhibit D, 2.

^{xiii} “Elmore v. Rice,” *National Archives at Atlanta*, Exhibit C, 3.

^{xiv} Contrary to rational thinking, the importance of voting in the Democratic Primary was even more critical than voting in the general election. In South Carolina, it had been one-party rule since the end of Reconstruction. The Democratic Party was winning in every general election by over thousands and sometimes hundreds of thousands of votes. No matter who the Democratic nominee was, they were going to win in the general election. As a result, the Democratic Primary was where the vote truly counted. For a statistical example of this, in the 1946 election where George Elmore was attempting to register for, over 290,000 votes were cast in the primary, as opposed to only 26,326 votes in the general election, a stark example of the sheer importance of the Democratic Primary. Furthermore, South Carolina’s Black population was roughly forty percent, and was concentrated in certain areas where in an election that allowed Black voting, there could have been legislative races decided overwhelmingly by their votes. Elmore’s community of Waverly could have been one of those deciding areas, were they to get the vote. Proof of this being the current United States Majority Whip of the House Jim Clyburn, an African American whose district today includes the Waverly community, sourced by “Elmore v. Rice,” *National Archives at Atlanta*, Exhibit B, Patricia Sullivan, *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement*, (New York, NY: The New Press, 2009), 351, and Richard Gergel, *Unexampled Courage the Blinding of Sgt. Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring*, (New York, NY: Farrar, Straus and Giroux, 2019), 180.

^{xv} On the basis of Judge Waring’s decision, he asserted that the South Carolina Democratic Primary system went against Article I, sections 2 and 4 of the United States Constitution, as well as the Fourteenth and Fifteenth Amendments. Racial discrimination in regard to elections is prohibited through the Fourteenth and Fifteenth Amendments, which is partially why the *Smith v. Allwright* case ruled all-white primaries unconstitutional in the Supreme Court in 1944, leading South Carolina to try and skirt around this. Article I, sections 2 and 4 of the Constitution discuss the process in which elections are held, and Judge Waring ruled that the South Carolina Primary was indeed part of this election system, regardless of their new party clubs, and thereby had to be held accountable to racial discrimination, sourced by “Elmore v. Rice,” *National Archives at Atlanta*, Opinion, 2 and “The White Primary,” *Legal Information Institute* (Cornell Law School), accessed October 23, 2020, <https://www.law.cornell.edu/constitution-conan/amendment-15/section-1-2/the-white-primary>.

^{xvi} “Elmore v. Rice,” *National Archives at Atlanta*, Opinion, 22, 24.

^{xvii} This was not the end of the attempts to prevent Black Americans from voting in South Carolina, however. A quick rundown of the next steps are as follows: once Judge Waring ruled in Elmore’s favor, the case then went to the Fourth Circuit where it again sided with Elmore. After the Fourth Circuit Ruling on *Elmore v. Rice et al.*, the South Carolina Democratic Party appealed to the Supreme Court. However, the Court denied a hearing, meaning the lower court’s decision was upheld, thereby all-white primaries were finally banned. Subsequently, in July of 1948, the South Carolina Democratic Party decided to require an oath before voting in the August Primary. This oath required voters, no matter race, to swear support of the social and educational separation of races, belief in States’ Rights, and the opposition to the Fair Employment Practices Committee (FEPC). African American voters would unlikely swear against better employment prospects, praising Jim Crow laws, and maintaining the status quo of the segregation of races, therefore this was taken to the court under *Brown v. Baskin*. It was argued by Thurgood Marshall once again and was ruled unconstitutional by Judge Waring. After a further ruling in the Fourth Circuit went against the South Carolina Democratic Party, they ended their litigation, finally laying to rest the question of constitutionality of all-white primaries and the suffrage of African Americans, sourced by “White Primaries,” *The Times and Democrat*, and “Party Voter Oath,” *The Times and Democrat*.

^{xviii} Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” *The Journal of American History* Vol. 91, No. 4, 2005, accessed November 5, 2020, 1234, <https://www.jstor.org/stable/3660172>.

^{xix} Hall, “The Long Civil Rights Movement,” 1237, 1245, 1262.

^{xx} For further reading and understanding on Black community grassroots political culture outside of the NAACP, Kwame Hasan Jeffries’ *Bloody Lowndes: Civil Rights and Black Power in Alabama’s Black Belt* and Jeanne

Theoharis and Komazi Woodard's *Groundwork: Local Black Freedom Movements in America* are both readings that discuss at length this type of historical action.

^{xxi} Sullivan, *Lift Every Voice*, xvi, 261, 302.

^{xxii} Edwin D. Hoffman, "The Genesis of the Modern Movement for Equal Rights in South Carolina, 1930-1939," *The Journal of American History*, Vol. 44, No. 4, Oct. 1959, accessed Nov. 13, 2020, 347, <https://www.jstor.org/stable/2716614>.

^{xxiii} Idus A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*, (Columbia, SC: University of South Carolina Press, 1973), 238.

^{xxiv} Newby, *Black Carolinians*, 251.