

*Civil Rights History Project*  
*Interview completed by the Southern Oral History Program*  
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*Smithsonian Institution's National Museum of African American History & Culture*  
*and the Library of Congress, 2011*

Interviewee: Honorable Ernest Adolphus Finney, Jr.  
Interview Date: June 8, 2011  
Location: His home in Columbia, South Carolina  
Interviewer: Joseph Mosnier, Ph.D.  
Videographer: John Bishop  
Length: 54:44  
Special Note: Mrs. Frances Davenport Finney, Justice Finney's wife, observed most of the interview.

John Bishop: Okay, we're going to have about fifteen seconds of room tone.

Ernest Finney: All right. [Pause]

JB: Okay, that's – that's fine. So, you can start.

Joe Mosnier: Okay. Today is Wednesday, June 8, 2011. My name is Joe Mosnier of the Southern Oral History Program at the University of North Carolina at Chapel Hill. I am with videographer John Bishop, and we are in Columbia, South Carolina, at the home of Justice Ernest Finney, Jr. And we are here to do an oral history interview for the Civil Rights History Project, which is a joint undertaking of the Smithsonian's National Museum of African American History and Culture and the Library of Congress.

Justice Finney, thank you so much for sitting down with us and welcoming us to your home, and Mrs. Finney, as well. And, um, it's a real honor and privilege to be with you. Thank you.

EF: Thank you. I'm delighted to be here to share this moment with you.

JM: Um, if I could, let me take you back to begin our conversation with some reflection, perhaps, on your father and your aunts and your growing up, uh, uh –

EF: Well, my father was a schoolteacher primarily, and, uh, my aunts shared the responsibility of rearing me, since my mother had died when I was ten days old. So, uh, it was a conglomeration between my father and my aunts, primarily.

JM: Um-hmm. Can you say a little bit more about your father?

EF: Well, he was an educator, a graduate of Virginia State, uh, University – no, Virginia State College. And, uh, [sighs] he was teaching in Smithfield, Virginia, and, uh, I was born in Smithfield. And, uh, he was a strict constructionist, I'd say if he were a lawyer, but, uh, he ruled the roost in a fair and impartial manner, long as I understood that he was the boss and I was to do what I was told to do when I was told to do it.

Uh, but other than that, uh, we traveled from one end of Virginia to another. I don't know how many elementary schools I went to, because, uh, all we had – all he had to do was get an offer of a better job, uh, and, uh, we'd have our bags packed within twenty-four hours and be on our way to the next town.

JM: Um-hmm.

EF: That's about how we got to South Carolina.

JM: Yeah?

EF: He had been teaching school in Virginia all of his life. And, uh, when World War II began, he decided that he would go to Washington and work in the Pentagon. After a year or two there, he decided that, uh, he wanted to go back to teaching and he went to Baltimore where he taught at, uh, Morgan State University. And, uh, while at Morehead State University, according to the stories they told me, he got a call from Claflin College in Orangeburg [South Carolina], and they offered him a job in Orangeburg as Dean of Claflin.

And, lo and behold, the next thing I knew, I was on a train headed to South Carolina, a place I had never been to, had no idea – the only thing I knew about it was the stories I had heard, and the stories were told by my young friends who advised me that I was going to a place where they were probably going to end up lynching me. But, uh – and I thought they were telling the truth!

When we got into Florence [South Carolina], uh, the Pee Dee River, as I recall it, was on one of its, uh, high levels. And, uh, I said, “Oh, my God!” The conductor said, uh, “Florence is the next stop, and you change in Florence for Orangeburg.” I knew that this Orangeburg place was a place filled with water and alligators and various and sundry other things. But, lo and behold, when I stepped off the train in Orangeburg, they were human beings, they were nice people, and once I got to know them, they treated us as family. And, uh, all the stories that, uh, my young friends had lied to me about were exaggerated.

JM: What year did you come down to Claflin?

EF: I think it was 1946 or '45. I was a [5:00] junior or something like that in high school.

JM: Right.

EF: And, uh –

JM: Yeah, okay. Um, other impressions – you’ve just said that, um, that the welcome you received by the community in Orangeburg and around Claflin was a warm one. Can you talk a little bit more about your impressions of the town, of the college?

EF: Well, this was my first day, and I was scared out of my wit’s end. I was in a strange town, didn’t know anybody, nobody knew me, and I didn’t know what it was going to be like. But, uh, it proved to be a welcome that I was pleased with. And, uh, within a year or so after I had arrived in Orangeburg, I had a job. I went to work at the College Soda Shop as a soda jerk.

And, uh, that was an interesting experience, because the College Soda Shop was located, uh, right on the perimeters of two colleges. And that was where the young people hung out and drank sodas and ate hamburgers and enjoyed life. And the people were warm and friendly. The family that owned the soda shop was the Weber family. And the Webers were instrumental in the business community, and they were – they treated me as if I was a member of the family. And I think I worked there for about six or eight years, something along in there.

JM: The Webers were an African American family or a white family?

EF: African American family.

JM: Yeah. How vibrant was the African American business community in Claflin?

EF: Well, I was very young, so I don’t have any independent recollection of the – how vibrant the business community was, but it was an active community. It was a community that was actively involved in the events of the total community. One of the things I do recall during my stay at Claflin, either the first or second year, somewhere along in there, the Ku Klux Klan paraded down, uh, the street right in front of Claflin and South Carolina State. It was an interesting, uh, spectacle.

JM: Yeah. Were you and your father, uh, members of a church community?

EF: Yes, we were. We were members of the Trinity United Methodist Church, which is located still right across the street from Claflin and State College.

JM: Yeah. Um, so you enrolled in '48 as an undergraduate at Claflin?

EF: Something like that.

JM: Yeah. How did you, um – what was your sense of what you hoped to do and be at that point, as you can recall?

EF: Well, at that time, I was not – I had not formalized what my ambitions were going to be. I think I probably formally set my goals after we left Claflin and, uh, went to, uh, Morgan State, and I got an opportunity to observe the positions of black lawyers and what – how they were treated in the black community in Washington, and, uh, it was interesting.

JM: Oh, so, so after, after your stay – I mean, after, um, your studies at Claflin, you went back to DC?

EF: No.

JM: No? I'm sorry.

EF: No, no. I did not go back to DC.

JM: But earlier –

EF: Earlier.

JM: Having seen these lawyers –

EF: Yes, yes.

JM: Right, right. So, that – it sounds as if that gave you some sense that that might be a path you wanted to explore.

EF: That might be where I wanted to hook my star.

JM: Yeah, yeah. In, uh – [JB sneezes]

Frances Finney: You worked in DC in the summers.

EF: Oh, yes. I worked in DC before, uh, I, uh, came to Orangeburg.

JM: Oh, okay.

EF: I worked in a shoe store.

JM: Oh, did you?

EF: Yes.

JM: In a shoe store. Oh, yeah. Um, can you tell me a little bit more about, um, how you came to observe, um, black attorneys in DC in those years, in what context?

EF: Well, we – my family was always reading and doing something. And, uh, I remember there was a lawyer in Washington named Belford V. Lawson, who was president of a fraternity [Alpha Phi Alpha] in Washington, who was a national leader. He dressed always immaculately, and, uh, this is how I remember him.

JM: Yeah, yeah. Um, you entered – in the fall of '52 you began your law studies at, uh, at the college in Orangeburg, the College of Law. And, uh, there are many parts of that experience that I'm interested in asking about. Can you recall, um, your, your, [10:00] your sense of your fellow students and the faculty and the facilities?

EF: Well, the faculty was, uh, dedicated, hard working. Sometimes you'd go to class, and we didn't have but about four students in the class. Sometimes you'd go to class, and wouldn't anybody be there but you and the teacher, and so you got individual attention. And they, uh, did not play. They worked you hard, because, uh, I gather from my recollection of that period of time, the students and the faculty were out and about, trying to make sure that South Carolina State's law school was able to produce the caliber of lawyers which would justify its

existence and, uh, make it a part of the history of South Carolina. And I think they succeeded very well.

JM: I think they certainly did, yeah, yeah. Uh, one question I had was – do you happen to recall – I should have checked this before the interview, but I did not. Do you recall what year, uh, the University of South Carolina law school was finally desegregated?

EF: I do not.

JM: Yeah. But it had not been desegregated and would not have been, I imagine, until maybe the mid '50s in South Carolina.

EF: Somewhere along in there, because as I recall it correctly, one of the, uh, people responsible for the desegregation at the University of South Carolina was a student who was enrolled at the University – at South Carolina State named John W. Wrighten [III], and, uh, as a result of his activities, and I think he instituted a lawsuit, which resulted in the desegregation of the University of South Carolina [nb: Justice Finney misattributes this case].

JM: Yeah, yeah. Um, on graduating and taking the bar, that would have been early summer 1954.

EF: That's right.

JM: Which was just, then, weeks after the *Brown* decision [*Brown v. Board of Education*].

EF: That's correct.

JM: And I wonder if you – do you happen to recall your reaction to *Brown* and its discussion on the campus and things – ?

EF: Well, as I recall it, the reaction was, uh, ecstatic. It was what we had wanted and what we had hoped for and what we had hoped the, um, Supreme Court would do in its decision.

And, of course, there was some trepidation, because we didn't know what the implementing, you know, decision was going to be, and it ended up being longer, taking longer than we had hoped.

JM: Yeah. To put it mildly, I guess, we all think today, don't we?

EF: Yes, yes, we do.

JM: Um, can you talk about what challenges faced a young African American attorney in the mid '50s, trying to begin a career and a life in South Carolina?

EF: Well, it was strange, because, by and large, there had been very few lawyers in South Carolina, black lawyers in South Carolina at the time I became a lawyer, and it was a new experience for the black community. As you would talk with them, they didn't understand that if you were a black lawyer you could, uh, go in the courthouse and pull books down and do the things that a lawyer would normally do in order to perform his services for his clientele. So, sometimes, you'd take them to the courthouse just to show them you could walk in the front door of the courthouse. And, uh, you would, uh, continually try to encourage them to get their students, their friends, uh, to, uh, submit their cases to you.

And I think one of the things that was most disappointing to me as an individual was the fact that there was, with the establishment of the law school at South Carolina State, the establishment of a law school at North Carolina Central [University, then North Carolina College for Negroes, in Durham, North Carolina]. And, uh, these two schools in our view were similar. But eventually South Carolina decided that, in the exercise of its judgment, that it would close the law school at South Carolina State. And, uh, we have often wondered why, [15:00] because as my information now tells me that North Carolina Central has somewhere around three hundred students. It's a fully integrated and a full part of the legal education program of North Carolina, whereas South Carolina State's law school has become a closed entity.

JM: Yeah.

EF: And to my perspective, it could have benefitted – the state could have benefitted if they had maintained that, and that's one of the disappointments we have in our life

JM: Yeah, sure. We live – I live in Chapel Hill, just down the road from Durham, and so I – my sense of the history of Central's law school is just as you've described it, yeah.

EF: And its history was almost equivalent to South Carolina State. They were very similarly created and very similar in their structure.

JM: Exactly.

EF: In fact, many of the faculty members from South Carolina State, when it closed up its law school, went to North Carolina.

JM: Right, right. Yeah. Um, in the – through the '50s, you taught school in Conway [South Carolina].

EF: No, not through the '50s. I think for about six years.

JM: Yeah, excuse me, yeah, from about '54 to '59, yeah.

EF: Um-hmm.

JM: Um, what was that experience – can you talk about that experience as a teacher?

EF: Well, I was the son of a teacher, and so I had an appreciation of the significance of education. And, uh, it was an interesting and challenging experience. And it, uh, provided me with, uh, insights into the problems and dilemmas with which my student body was confronted. Not only did I teach school, but in the evenings I often – we were down in Conway, and, uh, I picked up a job or two working at a hotel down there.

JM: Yeah, yeah. Um, I know that there's a, there's a story sometimes recounted about, um, your experience in, at a hotel in relation to the annual meeting of the South Carolina Bar Association. I wonder if you would recount that.

EF: That's a true story.

JM: Yeah.

EF: I, uh, was working at the Ocean Forest Hotel. And, uh, when the Bar Association had its meeting down there, I think it was in 1954 or '55, uh, blacks were not, uh, invited to attend the social events, though we were members of the bar. Uh, we could go to the educational seminars and things like that. But, uh, my first meeting of the South Carolina Bar Association, I went as a waiter at the Ocean Forest Hotel. And, uh, somehow or another, the word got out.

And later on in my career, when I became Chief Justice, I used to tell the story that my first meeting at the bar was as a waiter, but, uh, sooner or later, I had acquired sufficient, uh, influence or connections, or whatever you want to call it, that I was at the head table at a future meeting of the South Carolina Bar, which demonstrated to some extent the progress we were making in certain aspects of the culture in South Carolina.

JM: Right. When did you – I know in 1960 you're going to move to Sumter and become very directly engaged in, as an attorney, in representing civil rights plaintiffs. Um, but through the, through that second half of the '50s, while you were teaching in Conway, did you have much engagement with the network of black attorneys who were litigating those early civil rights cases?

EF: Well, we did have a close connection between the entire black legal community in South Carolina. And, uh, to the extent possible with my limited capacity to be actively involved, uh, I did keep abreast and kept me informed. In fact, it was as a result of a mission where

Matthew Perry [Matthew J. Perry, Jr.] and I. D. Newman [Reverend I. DeQuincey Newman] came through, uh, Sumter and advised me that they were on their way to somewhere about – the opening of a state park. And, uh, that [20:00] stimulated certain juices to flow, and, uh, as a result, I made a decision that I was going to take my wife and two children – no, one child – and leave, uh, Sumter and become a fulltime practicing lawyer.

Now, when I say “fulltime,” I was reluctant to give up a fulltime gig. Uh, I, uh – when I went to Sumter, one of the first people that communicated with me was the president of Morris College, Dr. O.R. Reuben. And, uh, I told him I was going to move and [coughs], excuse me, was there anything that he thought that I could do? And, lo and behold, he offered me a job teaching [clears throat] at Morris College in South Carolina history, which was right down my – one class a week, two or three days a week. And so, that aided in my transition, uh, from, uh –

JM: Sure, towards Sumter, yeah.

EF: Towards Sumter.

JM: You mentioned Reverend Newman, and I believe in those years he was, um –

EF: Field Secretary of the NAACP, yes.

JM: Can you tell me some recollections about Reverend Newman? I’d like to have a description of him in the record.

EF: As I recall it and, you know, I’m getting older by the day. But, uh, as I recall it, Reverend Newman was actively involved in whatever, uh, Chief Counsel Perry was involved in in the desegregation of the state park that they were working on. And Reverend Newman was actively involved in everything that was going on in the civil rights community at that time.

JM: Um-hmm, um-hmm, yeah. Uh, obviously in –

JB: Joe, let’s stop for a sec.

JM: Oh, we're going to switch tracks here for a moment.

[Recording stops and then resumes]

JM: Okay, Joe?

EF: Everything is fine, I guess. [Someone coughs] She hasn't jumped up and moved off the step yet, so I guess I'm holding my own. [Laughter]

FF: Well, there was some little something that I wanted you to bring in there that I stayed in Conway for – how many years?

EF: One year.

FF: For a year before we moved. And the job at Morris – you know, uh, you were living in Sumter, coming home, you know, back and forth.

JM: Oh, so that first year you were –

FF: And then you found a little rented house for us to come and –

EF: Right near the campus.

JM: Wow, yeah.

FF: He was living with a lady.

JM: Um-hmm.

EF: The next time you think of something that I have omitted, whistle! [Laughter] Don't do that! [Laughs]

JM: Oh, no, this is great. Let me ask about, uh, your recollections of that – just that explosion of protests in early 1960 and how you then stepped forward, um, to represent so many of, um, of the young people and others who were taking roles in direct action protests.

EF: Well, ask your question, and I'll try to answer it.

JM: Okay. Yeah, tell me about, um, tell me about your recollections of the “Friendship Nine.”

EF: Well, the “Friendship Nine” was a bit later on in the history. Um, the “Friendship Nine” – I got a call from Rock Hill [South Carolina], and somebody said that, uh, there are some students connected with Friendship College [Friendship Junior College in Rock Hill] that are about to do something that could cause them to be arrested, and would I represent them? And, of course, I said, “Yes, I’d be pleased to represent them.”

And, uh, they were connected with the Congress of Racial Equality [CORE], as I remember it. And the Congress of Racial Equality’s field secretary was a gentleman by the name of James T. McCain [CORE’s South Carolina field secretary], who, uh, was very active *and* – guess what – he was a citizen of Sumter. So, I knew him, and after receiving a call from Rock Hill community, I decided I’d go.

And the first time I got, uh, called to Rock Hill – I never will forget it – my old raggedy car broke down. And there was a story [laughs] written up in the paper [25:00], which says that the Friendship Nine’s lawyer was unable to get to court and it had to be postponed. Well, that was not as newsworthy – I didn’t know what they were doing. But I got to Rock Hill eventually and I got to meet these ten or twelve students. And it was a simple demonstration. As far as I knew, these nine people were going to be tried and get convicted, and I would have gotten their bond, and they would have been out.

Well, somewhere somebody had not fully informed their lawyer as to what they were going up about. And, lo and behold, after we had tried it, and, uh, the judge had imposed his sentence, they then announced to me that, uh, they had a new facet of the Civil Rights Movement: They were going to do their jail time and not put up a bond. That was the first I

knew about that. Because in these days, the lawyers had to walk a fine line between what they could tell their clients and what the clients would tell them. So, the first time I found out about “jail without bail” was after the conviction, as I recall it. I know I was shocked.

And, uh, I was shocked for a number of reasons. There was another organization involved in that Rock Hill [someone coughs] community called SNCC, Student Nonviolent Association [Student Nonviolent Coordinating Committee]. [Loud noise from yard work equipment begins and continues outside the window.] I didn’t know who was calling the shots for the students, but I know I wasn’t and wasn’t going to let myself get boxed-in to, uh, instituting some lawsuit or being available or participating in that. But they were ready to do what they were going to do.

JM: Yeah.

EF: And of the nine, I recall, I think, uh – no. The “Rock Hill Ten” was what I used to call them. One of them withdrew from the demonstration aspects of that litigation because of his connection with one of the schools up there and his, uh, the fact that he was an athlete of some kind and was worried that he would lose his scholarship.

JM: Right, right. Um, did you think of yourself then as being – in your legal work for civil rights demonstrators – most closely connected to your own private practice, to the state NAACP, to the Legal Defense Fund effort? How did you think about your connections as a lawyer?

EF: You had to be as involved as you possibly could in all aspects of the community. In other words, if you’re going to justify your existence as a lawyer, you had to be in a position to articulate the concerns of the various, uh, citizens that you would represent. So, I was most closely, I guess, identified with the NAACP, because I was, uh – I knew the leadership and the,

uh – better. I knew, uh, that the Sumter NAACP was right there. And the Sumter NAACP had a very active involvement in the total community. In fact, uh, one of the things that attracted me to Sumter was the fact that, uh, it had an active NAACP Chapter.

JM: Right, right.

EF: And they were on the forefront of the leadership of the Civil Rights Movement.

JM: Right. Excuse me just one sec. John, can we pause?

JB: Yes.

[Recording stops and then resumes]

JB: We're rolling again.

JM: Okay, we're back. We took a break to try to adjust some outdoor heavy equipment. Folks were doing some work outside. Um, Justice Finney, let me – you had just, um, talked a little bit about, um, your connection to the state NAACP and the Sumter Chapter. Um, how – can you talk a little bit more – describe the volume of your work on behalf of civil rights protestors in the early '60s, because you were quite busy? [30:00]

EF: Well, if you were going to be a lawyer and if you were going to articulate the concerns of the black community, you had to be everywhere at every – all times involved. And, uh, we were a cadre of good lawyers. Um, interestingly enough, most of whom graduated from South Carolina State's law school. But they were hell-bent, bound and determined to make the American Dream a reality in our lifetime. Now, we didn't succeed in all of that, but, of course, we diligently tried.

And, uh, you – every time – Matthew [Perry Jr.] and I used to talk about the fact that, uh – I don't know if we talked about it or we reminisced about it. We would say that if a Greyhound bus had had a major wreck in front of our individual offices, we would not get the

cases more than likely, that they would end up being – become clients of one of the more established law firms. And we had to continually work to take the cases that were not significant financially –

JM: Absolutely.

EF: In order to make a living.

JM: Right.

EF: And to serve our clientele.

JM: Exactly, yeah. In 1963, you joined the, uh, South Carolina Human Rights Commission.

EF: Well, it was another avenue of, uh, opportunity for exposure and to connect yourself with a segment of the population that was not – you must remember that, in the days we're talking about, the headquarters of the White Citizens Council was Sumter. And at the same time, as I recall it, some of the white community was very active in the Human Rights Commission. Uh, I remember Mr. Dabbs [James McBride Dabbs of Mayesville, South Carolina, who served on the South Carolina Human Relations Commission] was very active. So, you would affiliate yourself with everybody who might offer you an opportunity to become involved in the struggle for civil rights.

JM: Yeah.

EF: And, uh – you know, I went to – I told you earlier about the number of schools I went through as a student. And I want you to know that, uh, I ran for political office.

JM: Yes sir.

EF: Three times. Got beat three times, but I never lost faith in the system. So, finally I won.

JM: Um-hmm, um-hmm. Indeed, in, um – in '72, you'll win a seat on the state House of Representatives.

EF: Yeah.

JM: But before I get to that –

EF: Okay, go ahead.

JM: I want to ask you – I'm very interested in two things: One, your perspective on evolving race relations in South Carolina through the '60s. The Voting Rights Act obviously gets passed, there are some early – some black candidates stand for election, obviously, in various races. Um, and then you will be a delegate – you were a delegate to the Democratic National Convention in '68 –

EF: In '68.

JM: In Chicago. So, those are two separate questions, but I'm interested in your perspective.

EF: Okay.

JM: What was your sense of the nature of evolving race relations in South Carolina through the '60s?

EF: We were disappointed that we did not make more progress. And particularly were we disappointed in the fact that, uh, much of the progress we apparently were making did not benefit the most needy of the black community. You know, we – and that's not an ancient story we're talking about. That's a current, uh, scenario that, uh, is still an issue.

Uh, we have – I think, uh, I've probably cited it a couple of time. You come out of Spartanburg and you look at the schools in Spartanburg County, and you come down to some of the less fortunate counties, and you look at the conditions of our schools, and everybody's

talking about the “Corridor of Shame” and various and sundry other aspects of our development. But we still need to spend more time, more energy on developing a school system that provides an opportunity for our children, in particularly the less fortunate communities, to get the quality of education which will prepare them for, uh, living in the next century.

JM: Um, in 1968, obviously, early '68, [clears throat] there's the horrible, uh, all the shootings at, uh, in Orangeburg, the so-called Orangeburg Massacre.

EF: Orangeburg Massacre.

JM: Exactly. And a year later, watching the federal government's reaction to that, and it's the Nixon administration's refusal to open a reinvestigation, um, you resign from the Commission.

EF: Not only did I resign, but a man by the name of Ben Payton [Benjamin F. Payton, who later became president of Tuskegee Institute] –

JM: Indeed.

EF: Uh, resigned. I think it was Ben, and, uh, several other people, because we felt that the federal government was not using all of its powers to see what the situation was and to investigate.

JM: Yeah, yeah.

EF: And I was chairman of the Civil Rights Commission at that time, I believe!

JM: Yeah, yeah.

EF: And, of course, there was always this struggle between the people who were in power and the people who were representing the denied people. Everybody wanted – not everybody. One side wanted everything done right then, and the other side wanted to say, “Let's wait and see.”

JM: Yeah. How did you put your race together in '72 for the state House of Representatives?

EF: Oh, my gracious! How did I put it together? I was doing the same thing I've [laughs] been doing for – get out into the street, talk to anybody, join, uh, the, uh, whoever would welcome me into a meeting.

JM: Um-hmm, um-hmm. Did it take a lot of money to run a race back then?

EF: If it did, I wouldn't have been in it! [Laughter]

FF: [unintelligible brief remark]

EF: But the people of Sumter were good to me.

JM: Yeah.

EF: I had very few instances where the underground of racial problems impacted my career or even the lawsuits I was involved in.

JM: Yeah. I read an interview that you gave to – I don't know if you remember the journalist Jack Bass.

EF: Yes, I remember Jack.

JM: He interviewed you in 1975 as he was doing a series of interviews across the South about changing southern politics. And you talked in that interview about, um, about having pulled in your election a not-insignificant portion of the white vote, maybe twenty, twenty-five percent of the white vote.

EF: That's all I needed.

JM: Yeah, yeah.

EF: After losing three times, I –

[Break in recording.]

EF: Oh, we're going to put you on the back porch! [Laughter]

FF: Go out there with Rusty!

EF: Yeah, you go out there with Rusty!

JM: Mrs. Finney is chiding Justice Finney for perhaps being a little modest in this interview, and I can tell myself that's a little bit true, uh, more than a little bit true. Uh, you helped found the Legislative Black Caucus immediately on entering the State House.

EF: Yes, because upon being elected to the State House, I felt that if the caucus was going to be effective, the first thing we had to do was to learn the rules. And, in order to be a mechanism for good and change, you had to do that. And the only way I could think of to do that was to have a caucus where you meet and study what the rules are and be prepared to meet the rules head on. That was [40:00], that was why I was active with the other people who were in the caucus in formulating it.

JM: Yeah.

EF: You know, there's no need of us being out there shouting and carrying on if we don't know the rules.

JM: Yeah.

EF: And –

JM: Excuse me. Overall, how did you evaluate your years in the state legislature – did you – your relationship with other folks, your capacity to influence legislation?

EF: Oh, yes. We became a force. We were – there weren't but three of us when I first got there, I think, but we were a force to be considered when the agenda was being adopted or approved. They've got a little agenda fight going on over there now, I believe, that [laughs] ended up in the Supreme Court this week.

JM: [Laughs] Yes, they do. Yeah. [EF clears throat] Let me ask, too, now about, uh, about 1985 and your election to the State Supreme Court. What can you, what can you tell us about that?

EF: A miracle still happened. [Laughs] You've got to believe it. [Clears throat] I ran because some of my friends said we never had anybody who had in recent times. And I thought I could win. And I ran and I won. And it was an interesting challenge and a rewarding career.

JM: Yeah. Tell me about that campaign. What was involved in campaigning for the Supreme Court in 1985?

EF: [Laughs] Well, I had an inside track, because the South Carolina House of Representatives had a hundred and seventy-four members, I believe, something like that. The Senate had forty-six. And so, I naturally had an opportunity to work on the House. And the opposition was a senator, and he worked on the Senate. And despite the fact that he had been a legislator for more years than I had, that I had a larger number of people who were intimately working with me on a daily basis and that helped me.

JM: Um-hmm, um-hmm. Um, and in 1994, of course, you'll be chosen as Chief Justice.

EF: Yes.

JM: Yeah. Can you recall the – that moment and your reaction?

EF: Well, you know, I am a firm believer that if you provide people an opportunity and, uh, you do your homework and – how can I say it? You will get some votes, and the people of the legislature elected me as Chief Justice. I was shocked, pleased, but I've always believed that if you work hard, you'll get, uh, your share of the vote.

JM: Um-hmm, um-hmm. Yeah. Um –

[Sound of yard work equipment resumes.]

EF: You never did ask me about my most famous race that I lost. Who was it that I – I ran for the South Carolina – I ran for the – what did I run for? Frances, do you remember what I ran for, and I got trounced? I ran for Congress! I've forgotten the year and forgotten who it was.

JM: Um-hmm, um-hmm.

EF: I ran against, uh, the current Congressman, I believe, in a write-in campaign.

JM: Um-hmm, um-hmm.

EF: So, I was just wild [laughs] about politics.

JM: Yeah, yeah.

FF: Well, you went three times for the House before you won.

JM: That's right, starting in '66, yeah.

EF: That's right. I had forgotten about my most famous run. Was it Albert Watson?

JM: I don't recall, actually.

EF: I think it was Albert Watson. I'm not sure.

JM: Um-hmm.

EF: But, uh, I know that, uh, it was an open seat. I was a legitimate citizen. I could run. I ran. Probably got eighteen hundred votes, but that didn't bother me.

JM: Um-hmm.

FF: Did you tell about how Mr. Kennedy had invited you to join the Kennedy clan?

EF: Huh? Huh?

FF: Robert Kennedy?

EF: Oh, well, you know, that was just – that was – they were trying to hustle me out of [45:00] South Carolina. Probably somebody offered – I was offered a job in the, uh, Justice Department.

JM: By Robert Kennedy, yeah.

EF: Well –

JM: Please tell that story, yeah.

EF: Well, you know, when you get back, that was – whew! Gracious day! How many years ago was that? All I remember is I received overtures from the Kennedy Administration that, uh, because of something they had heard in the rumor that I could come to Washington and become affiliated with the Justice Department. Well, I was enjoying myself where I was! I was a member of the legislature. I was, uh, involved in my community, and that was where I wanted to be.

JM: Yeah, yeah.

EF: And I was not – I didn't know what Washington was like. I knew what Washington was like, because I had gone to high school in Washington. But, uh, I thought that South Carolina had been good to me. And as long as they were good to me, I was going to stay here and work at it.

JM: Yeah. Let me ask you one final big question. It's about education, because you've obviously been quite an advocate for education for a long time. And, as Chief Justice, um, you wrote in a case where you –

EF: *Abbeville versus the State of South Carolina [Abbeville County School District, et. al. v. State of South Carolina]!*

JM: Yes sir.

EF: Tell me about it!

JM: No, please, would you tell me and us about it?

EF: Well, let me tell you what –

[Recording stops and then resumes]

JB: We're back.

JM: We're back after a short break. And, uh, Justice Finney, we were talking about *Abbeville*.

EF: *Abbeville* was a novel and involved litigation where some of the school districts in the State of South Carolina sought additional support financially. And, uh, at the status of the case when it reached the Supreme Court, we were – those of us who felt as I did that, uh, we had to do something to, number one, keep the case alive. We didn't want it to end up being decided and going back and starting all over again. Then, I think I probably was enthusiastic that if the case was kept alive, the legislative leaders would have resolved the difference.

The dilemma was that the legislative leaders were, by and large, from large counties or from counties that had some basic support of education. They had the tax base, and the smaller counties had the lesser tax base. And so, you were trying to walk a line where you keep the state involved in providing education and not, uh, give them something out that would have prohibited all stock – the state from supporting education.

And so, I probably said the thing that I have caught the most flack about in my lifetime for – was, uh, providing – it was almost as bad as “separate but equal.” And they are still fighting that battle. They have not resolved that battle. There is no way – there's – it's going to be difficult to get the counties that have the tax base to share with the counties that don't have the tax base, uh, their tax bases. You know? How are they going – how are they going to justify to their constituents supporting, uh, those constituents that they don't represent? That's the dilemma with which we were confronted with.

JM: Sure, sure, yeah. And I know, too, that even after you left the bench in 2000, um, you have worked – you've done work, for example, with Governor [Richard] Riley –

EF: Yes.

JM: On efforts to kind of push [50:00] back against voucher proposals. And I – I'm thinking all the way back to, say, the Millicent Brown litigation [*Millicent Brown v. Charleston County School District #20*, which sought the desegregation of the Charleston, South Carolina, public school system], and the question of tuition grants.

EF: Tuition.

JM: And how I wonder if you see a connection between that theme over all those years.

EF: Well, I think what I see most is the fact that somehow or another if South Carolina is going to reach its potential and provide its citizens the kind of public education they need, we have got to get to the point where public education becomes a crying need, a desirable result. We haven't reached that yet. We – we've got this – the latest controversy from down in Charleston is about, uh, what's that, uh – the, the, the company that, uh – is it Amazon?

JM: Yeah.

EF: We've got to find a way that –

JM: Taxes.

EF: Everybody in South Carolina has got to want to help public education.

JM: Yeah, yeah.

EF: I could make some comments about what we pay some of our public officials, but I think I would be – that would be inappropriate.

JM: [Laughs] Any final thoughts, Justice Finney?

EF: Oh, well, I'm delighted. I'm having a nice time. My children are doing well. And the people have been extraordinarily kind to me. And, uh, I think probably the most difficult decisions I made were the fact that, uh, in my years in the legislature, I was unalterably opposed to the death penalty. And, uh, as my career has gone ahead, I have had to sentence a human being to die. That was the most difficult of the inner struggles that I had.

The young man had robbed his grandmother, had come into South Carolina and robbed a coin dealer, and then raped one or two women. And, of course, in my new job as a circuit judge, I was assigned to try him. And the women he had raped, one of them lived, one died, and that one who lived testified against him. A Horry County [South Carolina] jury determined that, uh, the appropriate sanction should be death by electrocution. Now, you talk about hard. That was a hard day's work. But I had taken this oath and I –

JM: Yeah, yeah. Well, Justice Finney, I want to thank you so much for spending your morning with us and welcoming us to your home. It's a great privilege for us, and we thank you for sharing these memories.

EF: Okay.

JM: Thank you.

EF: You tell me what you wanted, and I'll tell you what I can tell you.

JM: Oh, it's been wonderful. Thank you so much.

EF: Thank you very much. I appreciate it very much. Did I behave myself sufficiently?

FF: Yes. I have a question.

EF: Oh, my gracious!

FF: Is it something about a person that's in public office that you all want them to be retired, say, ten years before you get to them? Or, you know –

JM: That's a very interesting question.

FF: You know, the *State* paper came, you all came, uh, the law school, and I haven't been doing anything but getting him ready for this. And I said, "Why didn't these folks do this two years after you retired?" Then his mind would have been better, thinking, you know.

EF: Watch out! My mind is still good. I don't know what you're talking about!

FF: All of them came at the same time! And I just thought maybe it's something that you all want to make sure he's been out there ten years – every ten years, you – if they're lucky and still alive –

EF: [Laughs]

JM: I have to say –

[Recording ends at 54:44]

END OF INTERVIEW