The Historian as Peace Broker in the Legal Academy's Culture Wars: The Lessons of Sea Island Civil Rights for a Theory of Legal Instrumentalism

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In 1948, on an isolated island off the coast of South Carolina, an elderly woman made an unusual request to her young neighbor:

I didn’t have much schooling, Esau. I wasn’t even able to get through the third grade. But I would like to hold my head up with other people; I’d like to be able to vote. Esau, if you’ll help me a little when you have the time, I’ll be glad to learn the laws and get qualified to vote. I promise you I’ll register and vote.¹

The woman was Alice Wine, the man was Esau Jenkins, and the words launched the voter registration campaign that would become the Southwide Voter Education Project. The movement for racial equality that emerged from the first tentative partnership between Esau Jenkins and Alice Wine transformed their lives and their island, and had lasting repercussions for African Americans² across the region.

I. Introduction

Alice Wine and Esau Jenkins inhabited a world far removed

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from the sharply divided legal academy of the 1990s. Their mid-century story can nonetheless illustrate that the current breach between critical race theorists and "mainstream" legal scholars need not be inevitable. This article will propose that the two polarized intellectual stances that have thus far occupied the field must make way for a third: that of the historian. Exploring Richard Delgado's theory of legal instrumentalism in light of the history of Johns Island, I will demonstrate that the historian can engage the substance of critical race theory, and probe its analytical power, without taking up arms in the so-called "culture wars."

By way of introduction, I will first describe the contours of what I call the non-debate in legal scholarship—in which scholars on both sides criticize politics without critiquing theory. Then I will describe how the historian can provide an alternative to accusation without engagement, and I foreshadow the ways in which the history of Johns Island can shed light on Richard Delgado's legal instrumentalism. After Part II briefly describes Delgado's theory and its context, the narrative of Johns Island's movement for racial equality will comprise the body of this article. The story remains a whole in order to emphasize its greatest lesson: Internal leadership development can respond to and take advantage of evolving social circumstances and available resources can effectively transform legal instrumental theory into successful practice. The final part will apply the lessons of Johns Island's history to Delgado's theory of legal instrumentalism, demonstrating how the historian can fruitfully engage legal theory.

A. The Non-Debate

A non-debate rages in the legal academy. Critical race theorists and mainstream scholars speak to, past, and through each other. As accusations and attacks ricochet, the two sides rarely engage in constructive dialogue; "insiders" and "outsiders" simply stake out their positions in the culture wars and reify a seemingly irreconcilable ideological and communicative divide.

Both positions are essentially reactive. Critical race theorists respond to what they perceive as a traditional, white scholarship that has marginalized both their writing and their experiences. Richard Delgado targets an academic tradition that "consists of
white scholars' systematic occupation of, and exclusion of minority scholars from, the central areas of civil rights scholar-
ship." Suggesting that "[t]he time has come for white liberal authors who write in the field of civil rights to redirect their efforts," Delgado argues that white scholarship on racial issues suffers from a dearth of personal experience: Whites are likely to advocate ineffectively for equal rights, misdirect their efforts, and lack both information and passion. Therefore, as Mari Matsuda puts it, the legal academy should listen carefully to the "special voice" of "those who have experienced discrimination firsthand."

Mainstream scholars react in turn to these claims of privilege based on lived experience. Daniel Farber and Suzanna Sherry complain: "Radical multiculturalism . . . impedes dialogue with the mainstream when its adherents claim to be privy to special means of understanding the world, means that are unavailable to the dominant culture." Reacting to sentiments like Delgado's, mainstream theorists challenge what they see as critical race theorists' intention "to create a monopoly over discourse and debate on some set of critical issues." Moreover, they disapprove of the narratives many critical race theorists tell. Narrative "does not lend itself to refutation by the forms of evidence and argument that can be raised against more traditional forms of scholarly discussion."

This question of whether and how to evaluate this new critical movement stands at the center of the polarized academic debate. Outsider scholars offer two arguments as to why traditional criteria of evaluation should not apply to critical race theory. First, they contend that "[f]acially objective and disinterested standards in fact serve the interests of the white majority." Second, these theorists assert that such criteria cannot account for the experience and racial knowledge to which the critical race scholars are privy. Derrick Bell obliquely suggests that whites should respond to critical race theory as a novice would to jazz: "If you don't know, don't mess with it." Delgado once again prescribes the desired response: "[T]he near impossibility of fairly treating new scholarly movements counsels against laying down evaluative criteria during those movements' early stages."

Mainstream scholars defend their Enlightenment fortress
against what appears to them to be a postmodern attack. Not only do they deny that the conventional standards mask racism, they vehemently reject "silence [as] the only permissible response to stories." Mainstream theorists insist that uniform standards be maintained, that evaluations of merit be universal, and that a refusal to be evaluated marks an intellectual paranoia. Richard Posner asserts that "arguments can be evaluated objectively by the use of criteria that transcend group identity, that are 'observer independent.'" As mainstream theorists argue for the undeconstructed application of traditional standards, and critical race theorists resist such application wholesale, it is no wonder that substantive theoretical discussions on racial issues rarely appear in today's legal scholarship.

B. The Historian's Project

With the battle lines so starkly drawn, few legal scholars on either side dare to break rank. Those who attempt to broker peace do so squarely from one camp or the other. The historian, however, can create a third stance neither for nor against, insider nor outsider, but one that further develops theory through the lens of history. My question is not whether history—"objective" and "true"—"proves" the theory right or wrong according to a scientific method. Rather, I ask how the interpretive practice of history can render theory more meaningful. This inquiry acknowledges the thorniness of the objectivity question in both law and history while proposing that historical narrative can enhance a theory's analytic power. Moreover, the historian's willingness to engage a particular theory on its own terms requires a long overdue demystification of the monolith that has become "Critical Race Theory."

In order to illustrate the historian's contribution to legal scholarship, this article will explore Richard Delgado's theory of legal instrumentalism through the story of Alice Wine and Esau Jenkins. One of the most controversial critical race theorists, Delgado has participated with abandon in the accusational warfare described above. In fact, in the article I explore in depth below, Rodrigo's Ninth Chronicle: Race, Legal Instrumentalism, and the Rule of Law, Delgado reiterates the familiar refrain that because whites do not experience "racial injustice as immediately or acutely as a Black . . . , they might not think as probingly, as
clear-headedly, or as urgently, as one who has suffered such bigotry.\textsuperscript{30} Without denying Delgado's claim, historians can nonetheless refuse to choose as their response either silence or affirmation. The historian builds on, rather than tears down, the experiential premises on which the theory is based. History offers a different, yet valid, form of access to the reality, if not the experience, of racial injustice. Such an approach has much to offer a legal academy that believes it has no basis for communication. If mainstream scholars could get past both the experiential origin of the claim and their own perceived need to evaluate it objectively as either "good" or "bad," then they could get on with the business of scholarship: analyzing the claim for what it can add to the discussion of race relations and the decades-long quest of African Americans for social change.

Toward that end, this article will demonstrate how the history of the civil rights movement on Johns Island enriches legal instrumentalism's potential to prescribe valuable strategies for the future. Delgado created legal instrumentalism as a hopeful response to the disheartening tenor of current civil rights jurisprudence. Recognizing the recent failures of the courts to protect the hard-won rights of racial minorities,\textsuperscript{31} Delgado suggests that racial reformers demystify the law and replace it with a "pure politics" of community struggle. "Social reformers should subsume law under their agenda, which is to achieve racial progress for minorities."\textsuperscript{32}

The history of Johns Island illuminates legal instrumentalism on three levels. First, where Delgado conceives of legal instrumentalism as novel in both theory and practice,\textsuperscript{33} the history of the civil rights movement of the 1950s and 1960s proves otherwise. In the Johns Island movement people and communities, not courts and abstract principles, played the central role; formal national victories like \textit{Brown v. Board of Education} hardly appear.\textsuperscript{34} Delgado advocates that African Americans engage in pure politics; this article will demonstrate that they already have.

Second, I will expand and amplify Delgado's theory based on the history of Johns Island. Delgado uses terms like self-help, community building, and cultural nationalism, but he does not describe in any great detail what action these words entail.\textsuperscript{35} He simply recognizes that minority communities can themselves be sources (and resources) for racial reform without providing
further explanation. Rooting legal instrumental change not only in whole communities but in individuals within communities, Delgado again ignores precisely how "radical individualism [is] applied to the racial predicament."

The history of Johns Island can fill in these details. The Johns Island civil rights movement practiced pure politics: It uncovered local resources and gathered external ones. The people of Johns Island "turn[ed] to [their] own sources," and helped themselves. As individuals and in groups, they built community and emphasized pride and solidarity in their race and culture. Their struggle points the way to legal instrumentalism for African-American communities today.

Finally, this article attempts to correct Delgado's lingering myopia that the Supreme Court should remain the strategy of preference. While displacing the Court from the center of racial reform, he does not decenter it far enough. He suggests that "when [the judicial arena] seem[s] foreclosed," African Americans should turn to other strategies. He continues: "The interest-convergence theory tells us there will be times when courts will be hostile or indifferent, but . . . that need not be a source of despair. Rather, it simply means that we should look then to other means for progress and succor." The history of Johns Island suggests that African Americans need not wait until courts disparage their interests in order to utilize other strategies. Litigation reform can, and has been, practiced simultaneously with pure politics. Delgado's suggestion that reformers "choose whatever tool seem[s] most promising at a given period in history" simplifies the way reform movements actually work. Even during a given period in history, even within a single community, movements can, and do, employ more than one tool. Johns Island's history illustrates how a versatile local movement can change a community, broadening Delgado's less ambitious claim and demonstrating the fruits of the historian's engagement with critical race theory.

II. Theoretical Context: From Racial Realism to Legal Instrumentalism

Richard Delgado devised legal instrumentalism as a response to critical race scholar Derrick Bell's desperate prognosis of the current subordinated status of African Americans. Bell accounts
for the continued subjugation of American blacks with his theory of racial realism. He argues that "black people will never gain full equality in this country. Even those herculean efforts we hail as successful will produce no more than temporary 'peaks of progress,' short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance." Bell's racial realism is rooted in his belief that white interests determine black progress; only when whites countenance change will it occur, and then only at the pace they dictate and to the extent they allow.

Bell endows whites with immense power in part because he understands racial reform almost exclusively within the framework of judicial remedies. Bell condemns what he sees as African Americans' historical reliance on the Supreme Court; the Court only protects black rights when it is in the interest of the Court, and the Court's perception of white interests generally, to do so. Because the "interest of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites"—what Bell calls "interest-convergence"—racial reform will never improve the status of African Americans so long as improvement threatens white status and white power. Bell's disappointment with judicial remedies has led him to eschew altogether the possibility of overcoming racial subordination. By leaving intact the prominence of the Court in assessing the possibility of change, he replaces any hope of equality with the realism that it can never be achieved.

While some critical race scholars have disagreed vehemently with Bell's pessimistic description and prognosis of African-American advancement at the close of the twentieth century, few dispute its centrality in the debate. Because they cannot avoid repeating the litany of statistics demonstrating the continued subjugation of African Americans, scholars who refuse to share in Bell's despair must address his arguments and propose an alternate theory that allows for hope where his engenders only despair. Richard Delgado's theory of legal instrumentalism reinfuses Bell with hope: It "is intended to reconcile the best of interest-convergence and the excessive and unwarranted optimism of liberal civil rights theory." Delgado's theory looks beyond litigation to find hope in alternative strategies for racial reform. Despite Bell's critique of the decision in Brown, and
minorities’ dependence on the Supreme Court generally, Bell apparently refuses to explore other strategies for ending subordination. Delgado locates Bell’s pessimism in this failure to take account of nonjudicial strategies. Delgado, on the other hand, suggests the displacement of the Court from the center of racial reform movements.

In order to avoid failure when white interests do not converge with black ones, Delgado suggests that African Americans employ strategies independent of white cooperation. Because minorities have placed litigation at the center of their perspective, they have been unable to achieve their goals when the Court is arrayed against them. Reformers need to “demystify law, see it as the social institution it is: good for some things, less so for others.” If they focus on the struggle for racial equality, rather than litigation—which is, after all, only a single strategy for achieving racial reform—they can view litigation instrumentally, as a means to a particular end. Delgado exhorts “social reformers [to] subsume law under their agenda, which is to achieve progress for minorities.” By viewing the Court as only one strategy for change among others, Delgado opens up space for other strategies and success in other arenas.

Delgado exhorts minorities to use other strategies to achieve their goals when the Court appears insensitive to racial inequality. In defining alternative strategies, Delgado adopts Girardeau Spann’s theory advocating the use of “pure politics.” Pure politics includes mass demonstrations, protests, marches, picketing, voting, and lobbying. Intrinsically to Spann’s theory of pure politics is minority responsibility for their efforts and credit for their successes. Describing minority action in the political arena, Spann states:

Positive politics gives minorities themselves control over the degree to which minority interests are advanced. . . . Positive politics gives minorities both the credit for minority advances and the blame for minority failures. By thus promoting minority self-determination, positive politics elevates minority dignity and self-esteem in a way that is likely to be of more long-term significance than minority success in advancing any particular interest.

In incorporating Spann’s theory into legal instrumentalism, Delgado asserts that pure politics necessitates “self-help, cultural
nationalism, [and] building our own communities. Legal instrumentalism displaces courts, and the need for white convergence generally, with the reform agenda itself. Legal instrumentalism asserts that when black interests do not converge with white interests, and therefore blacks cannot appeal to the courts, they must practice a different kind of politics, one in which they play the central role.

III. Johns Island’s Movement for Racial Equality

In this era of entrenchment, legal instrumentalism shows promise as the basis for future movements for social change. However, the broad outlines and undefined terms of the theory require further development before implementation can actually occur. The unfulfilled potential of Delgado’s theory should have provoked discussion and critique, but it has met only with silence. In a legal community obsessed with privilege and standards, voice and merit, theory itself has taken a back seat. As a way to initiate dialogue, this part will describe how the community leaders of Johns Island actually practiced the legal instrumentalism Richard Delgado now preaches as an antidote to racial realism. Johns Island’s history exemplifies the three main underlying strategies of pure politics; it illustrates the efficacy of the fluid use of pure political strategies; and it demonstrates that legal instrumentalism and interest-convergence not only can coexist, but they have.

This part will thus follow the islanders’ efforts to register their community to vote, their formal success, and their struggle to transform hard-won rights into substantive equality. The history of the civil rights movement on Johns Island demonstrates the varied strategies civil rights leaders employed across the South. This history centers around individuals and a community, direct action and grassroots organizations, assertions of abstract rights and the will and community strength to realize those rights.

A. Self-Help and the Southwide Voter Education Project

1. The Marshaling of Community Resources

In 1948, when Alice Wine told Esau Jenkins that she wanted to hold her head up with others, Jenkins, a young man of energy,
intelligence, and entrepreneurial spirit, accepted her challenge with characteristic determination. Until the late 1940s, Jenkins had had his hands full merely educating himself and providing for his family. Born into a life of agricultural labor on Johns Island in 1918, he was initially able to pursue his formal education only to the fourth grade. Then his quest for a livelihood took him into the fields and onto the docks, aboard ships as a fisherman and engineer. He married at age seventeen and with his wife Janie raised seven of their thirteen children to adulthood, enduring the childhood deaths of the other six.\textsuperscript{55} Determined to conquer the poverty he had known as a boy, Jenkins used his business acumen and the lack of white economic control on the island to provide for his family and, ultimately, his community.\textsuperscript{56}

While Esau Jenkins' entrepreneurial skills were considerable, they might well have gone unfulfilled in a setting other than Johns Island. Not far from Charleston geographically, Johns Island had nonetheless remained isolated from the mainland from the colonial era until well into the twentieth century.\textsuperscript{57} As a result of this isolation, whites provided the islanders with few services either in the form of private business or government benefits. Consequently, Jenkins found his niche: He furnished necessary transportation to Charleston, served as a go-between for Johns Island farmers and Charleston merchants, and later gathered together the community in its first formal rights-oriented organization.\textsuperscript{58}

Early in his life, Jenkins asked himself, "Am I my brother's keeper?"\textsuperscript{59} He decided that in fact he was. It is not surprising, then, that Jenkins readily accepted Wine's challenge to help her register to vote during their trips together on his bus.\textsuperscript{60} During these hour-long trips, he taught his largely illiterate passengers to memorize the section of the South Carolina Constitution they had to recite for the registrar.\textsuperscript{61} Between 1944 and 1954, Jenkins helped 200 to 300 blacks on Johns Island register to vote; in 1955 alone, 100 new voters joined the rolls.\textsuperscript{62} This steady but slow process foreshadowed the more institutional and extensive efforts he would initiate in the future.

Later in 1948, Jenkins formalized his activities in the creation of the Progressive Club, which would become the center of the citizenship schools and the island's civil rights activities. Many
accounts attribute the club’s creation to Jenkins’ desire to expand his voter registration activities. By another account, the need to provide bail and legal services for a black man jailed for shooting the dog of a white man motivated Jenkins to raise money for a general fund for blacks accused unfairly of crimes. Activist Bernice Robinson supports this account: “The reason why they had set this club up was to raise money to bail their people out when they were arrested for minor charges.”63 Jenkins himself emphasized the goal of helping older people save money to buy small plots of land. “We felt those of our group who were living on plantations or other people’s land, should be encourage [sic] and helped to buy lands of their own and build their homes so that their children might have freedom to attend schools.”64

In order to fund these multiple activities, members paid dues and operated a cooperative store which paid yearly dividends of twenty-five to thirty dollars.

The Progressive Club served myriad purposes. The islanders created an institution that would fulfill a range of their needs and bring them closer to realizing racial equality in many facets of their lives. Because its records are incomplete, it is impossible to determine which factor was the primary motivation. The islanders, however, felt no need to define a singular mission for their first rights-oriented organization.65

2. Self-Help and External Resource Gathering

The same factors that created space for Esau Jenkins’ entrepreneurial talent facilitated Johns Islands’ early civil rights activities. When the African-American inhabitants of Johns Island created, operated, and benefited from the Progressive Club, they were protected in large part from white anger and opposition by an isolated geography. Despite this advantage of isolation, early in the process of community empowerment Jenkins realized that his established ties to the “outside world” could help him in innumerable ways. Thus he knew not only how to tap into the resources he had himself (bus, time, and a captive but willing audience) but how to look elsewhere for available resources. While isolation provided certain benefits to draw upon, Jenkins did not allow insulation to impede him from gathering the resources he could find beyond the island’s boundaries.

Jenkins found just such a resource in the Highlander Folk
School ("HFS") in Monteagle, Tennessee. While the distance between an isolated African-American island in South Carolina and an isolated leadership training center in the all-white mountains of Tennessee can be greater than the number of miles physically separating the two, Jenkins deftly maneuvered his way across the divide. Septima Poinsette Clark acted as his guide. An early member of the NAACP and an advocate for civil rights, Clark had worked with Jenkins in the NAACP in Charleston during the forties and early fifties. Clark attended several leadership training workshops at HFS before she invited her niece, Bernice Robinson, Jenkins, and George Bellinger, another island entrepreneur, to join her.

In the early fifties, Highlander shifted the emphasis of its training programs from labor unions and farmer-labor alliances to school desegregation and broader issues of civil rights. As communities had already begun to mobilize, HFS could lend its educational expertise to problems communities had identified themselves. In its workshops for the labor movement in the thirties, HFS had trained individuals as "organizational leaders," but in turning its focus toward civil rights, Myles Horton, HFS' founder and director, began to experiment with "a project designed to train grass-roots leadership for community-wide reform efforts," a program that would promote "rural citizenship." Horton had hoped to foster "empowerment . . . as a process, not an end product. Part of that process is continued growth and change." In 1952, the directors decided that race relations, with a focus on implementing desegregation, should become Highlander's predominant concern.

In their first meeting, Jenkins informed Horton of the most fundamental problem Johns Islanders faced: illiteracy. The inability to read, especially when coupled with the physical distance of the island from mainstream American society, excluded the islanders from the essential benefits of citizenship. Jenkins saw literacy as the first step toward a citizenship that would encompass full-scale inclusion, and therefore equality, in the social, political, and economic structures of the United States. Horton agreed to provide Jenkins with support for his endeavors. Highlander would provide material resources, probing questions, and necessary tools to a community that already possessed substantial indigenous resources. The people of Johns Island had
motivation, potential leaders, a concrete goal (the vote), and a discrete and manageable geography. They had already begun to mobilize.\textsuperscript{73}

At first, whites connected to HFS stayed away from Johns Island. Septima Clark insisted, "in order to allay the residents' suspicion of outsiders and their fear of white reprisals."\textsuperscript{74} Fears about how local whites would react and how the black community would change complicated Jenkins' new alliances. In fact, Jenkins encountered opposition from both whites and blacks; members of Jenkins' "community" distrusted Horton and the citizenship schools. Threatened by indigenous black attempts to change the status quo, the few whites on the islands were wary of what they termed "outside agitators." Interlopers like Horton represented an intensification of anti-establishment activities and raised the fear that trouble was soon to follow. Jenkins felt ostracized: "There are any number of times that I have walked alone. There are a lot of people who are afraid, because if they be seen walking with me, the white folks might say, 'Well, he is one of those persons who are fighting me.'"\textsuperscript{75} Some blacks stayed away from the classes and meetings when Horton was in attendance, and others participated with extreme caution. One man left his truck running outside the meeting house prepared for a fast escape.\textsuperscript{76}

Although fear stemmed from the possibility of change, African-American opposition stemmed from an insistence on racial unity. Most of the whites the islanders had previously encountered were visiting social scientists, scattered plantation owners, and brutal police officers.\textsuperscript{77} Whites who did visit Johns Island were quite visible interlopers. By inviting the Hortons into his home, Jenkins had broken a crucial aspect of the unity of the black community: racial solidarity against whites—insiders and outsiders alike.

Myles Horton's tangible material assistance nonetheless facilitated the islanders' acceptance of his presence. On returning home from Tennessee, Jenkins found a building for sale and Horton agreed to lend the Progressive Club the funds to purchase it. Typical of the ways in which local whites tried to subvert Jenkins' activities, the school board refused to sell the unused building to an African American. A white man bought it for $1000 and then sold it to Jenkins for $1500. This newly
acquired headquarters provided the Progressive Club with room for a store and a windowless classroom away from the scrutiny of both whites and blacks.

In this classroom protected from a discriminatory world, the citizenship schools began to teach the islanders to read and to bring them closer to their goal of equal citizenship rights. The school's founders felt that for adults to learn, teachers had to treat them with dignity and respect. Education itself was a scary step of aggressive defiance. An ordinary certified teacher, accustomed to working with small children, might not meet the distinctive needs of adults. In fact, earlier adult literacy courses taught in elementary schools with grown men and women squeezed into tiny chairs reading Dick and Jane had enjoyed little success.\footnote{78} In contrast, HFS believed that adult students should have as much control as possible over their own education. An interactive program required a flexible teacher, someone the students could trust. Clark, Horton, and Jenkins wanted someone the people of Johns Island knew and liked. "We needed a community worker to [teach]—who cares for the people, who understands the people, who can, you know, communicate with the people and someone who has been to Highlander who knows Highlander's philosophy."\footnote{79} They chose Bernice Robinson, Clark's niece and an HFS staff member.

Robinson ensured that the curriculum of the program carefully integrated already familiar written materials with those works that would allow the islanders to explore not only new documents but new modes of interaction with the mainland as well. She initially used the Bible and the newspaper, later incorporating whatever interested the students—like mail order catalogues and postal money orders.\footnote{80} Before the students could use their literacy to vote, they needed to realize the everyday value of reading. It took several weeks for one man to recognize that his name was not "X" and that it was essential for him to learn to write his real name in order to enter into various types of "contracts" on the mainland.\footnote{81} Once the benefits became clear, the students attempted to extend their universe: to buy from far away, to enter into new types of relationships, to become part of state, national, and global communities.

Reading was a means to overcome inequality and become equal members of American society—politically, socially, and
economically. A volunteer from neighboring Edisto Island commented: "People need to feel that they are part of a community, and not only a community, but a county and a state and a world . . . . When people feel they belong to something it makes them want to do the small things at home, too." The islanders envisioned the path as one from isolation and deprivation to inclusion and equality. From mail-order catalogues, they moved to the functions and laws of the school board, from newspapers to tax regulations, from money orders to the South Carolina State Constitution to the United Nations Declaration of Human Rights. Bernice Robinson explicitly stated her reasons for the materials she encouraged the islanders to read: "My purpose . . . . was not only to teach them how to read and write, but to teach them at the same time things they would have to know in order to start on their way to becoming first-class citizens." 83

3. Citizenship Success Meets White Resistance

Thirty-seven students completed the first citizenship school in 1957, attending classes twice a week during the two months, January and February, between harvest and planting called the "laying-by season." The purging of the South Carolina voting rolls every ten years required everyone to re-register, so those who had taken the class in 1957 waited until February of 1958 to register in the new rolls so they would not have to re-register almost immediately. 84 Eighty percent successfully registered to vote. 85 The following year, the Johns Island school met for three months and every one of the students successfully registered to vote. 86 Also during 1958, the citizenship school program expanded for the first time, and five additional schools were established on neighboring Charleston County Sea Islands. 87

As he began to establish the citizenship schools, Esau Jenkins realized that even with the ability to read, write, and register to vote people would not take part in the political system unless the system had some meaning for their lives. As a result, Jenkins ran for the school board in 1956 and received 203 votes. 88 His run for office was of historical import; he was the first African American to have his name on the ballot since Reconstruction. "[The] fact that he ran for the office, that he showed enough
courage to break a long-standing tradition that Negroes should not seek public office in South Carolina, proved a great stimulus to the Johns Island Negroes to be interested in the politics of their district.989

The immediate outcome, however, was not favorable. Jenkins lost. Moreover, the chairman of the Charleston County Council modified the office of school board trustee from an elected to an appointed position, thus precluding the possibility of another African American running for the office. For over a decade, the school board—the most local and accessible elected office for the islanders—would remain insulated from the electoral process and African-American demands.90

After the first year of the program, the islanders initiated “second-year citizenship” classes that encouraged the “students” to run for office, expanded voter registration drives, and complemented the political program with the teaching of crafts and skills, such as basket-weaving and quilting. The indigenous tradition of folk songs and stories also became an integral part of the schools with the arrival of two additional HFS workers, Guy and Candy Carawan, to the island.91

The year 1959 proved even busier and more successful for the citizenship schools. In addition to intensifying classes, the schools provided carpools to the registrar, and conducted informal meetings, voter registration rallies, and last-minute help sessions outside the registrar’s office. In the ten days before the 1960 election alone, nearly seven hundred Charleston County African Americans registered to vote.92 The flexibility that characterized the development of the citizenship schools would become the trademark of Johns Island’s mobilization through the 1980s. The islanders’ community perspective and emphasis on process meant that concrete goals such as voter registration were never the final step; they were single episodes in a continually changing community mobilization. Just as Alice Wine appealed for Jenkins’ help in 1948, so too did other islanders request the broadening of the program and the expansion of opportunities.

As the islanders increased their activities, “[e]ach step was met with resistance.”93 The county registrar, upon realizing that large numbers of African Americans were registering to vote, tried to stymie their efforts by requiring that they read additional sections of the Constitution and by refusing to register those who
had failed previous exams. Opposition to the citizenship schools also appeared in the form of newspaper articles and editorials, but these did not appear until 1959, two years after the schools had come into existence. In March, an editorial in the Charleston News and Courier foreshadowed criticisms of a later decade when it admonished organizers not to teach black voters to become “block conscious” because it would be doing the race an “injustice.”

The islanders’ successful concealment behind the Progressive Club’s store can account for the media’s delayed detection of the citizenship schools’ existence. In addition, few Charlestonians expected any type of activity from an island people they considered backward and apathetic. White and black Charlestonians alike assumed that the lack of civil rights activity among the city’s African-American population before 1960 indicated a lack of activity among the less “sophisticated” island folk as well. After 1960, however, the Charleston media seem to have discovered that their city was not immune to the national civil rights movement that had been generating news in other cities for over five years. The commencement of student sit-ins in downtown Charleston in May 1960 and the filing of the city’s first desegregation suit that same year contributed to a more acute awareness on the part of the press and the authorities of civil rights activities across the county.

Official disapproval had little effect on citizenship school students or teachers. Clark herself noted the dissipation of fear in the face of opposition from white News and Courier editor Tom Waring:

Tom Waring had been up to Highlander Folk School once or twice, and . . . said, “There’s a school on that island, not a white man, not a Citizens’ Councilman knows about that school. And what should we do? Those people are learning to read and write—those niggers.” And so I went right over there when I read that page. And I found a black fellow standing on the porch of a store reading to the people and the people didn’t run. And I said, “Now this is good.” And he made the statement, “Any time somebody want to help you, you going to find that you have criticism from these white overseers and these white planters, you know.” I said, “That’s good, we’ve got it made.” So I went from one island to another where we had schools, and I found out that black people weren’t afraid anymore . . . . I, too, learned not to be afraid anymore.”
Rather than frighten the readers into submission, these written attacks increased the islanders’ defiance. “Oh, anytime that white people think that we are getting something done, they’re going to be against us. We’re going ahead with our school and do this thing.”

4. Regional Expansion and Local Success

The perseverance of the Johns Island community leaders brought results: The island’s home-grown project rapidly expanded across the South. Bernice Robinson became the regional director of Highlander’s literacy program. By the spring of 1961, she had trained eighty-two teachers from South Carolina, Alabama, Georgia, and Tennessee.

As the geographic scope of the program grew, a new organizational sponsor took charge of the citizenship schools. The Southern Christian Leadership Conference (“SCLC”), which emerged from the 1957 Montgomery bus boycott under Martin Luther King, Jr.’s leadership, had become an effective “clearing-house” for regional movement efforts. Highlander’s escalating scandals with federal and state governments inhibited its ability to maintain the program at the same time as the SCLC’s successes enabled it to accept such a large undertaking. In July 1960, the citizenship school program was transferred to the SCLC under the guidance of Andrew Young, Septima Clark, Bernice Robinson, and Dorothy Cotton. Septima Clark formalized the program by creating a pamphlet for teaching citizenship across the South, and Alice Cobb transformed the classes on Sea Island crafts into a more general program of consumer education.

The Kennedy administration—Robert F. Kennedy’s Justice Department, in particular—decided to support, both politically and financially, voter education in order to channel energies away from what politicians considered to be more politically damaging tactics of civil rights work, like demonstrations and marches. National legitimacy led to grants from the Edgar Stern Family Fund and the Taconic Foundation, and to the formal institution of the Southwide Voter Education Project in 1962. Newfound resources and legitimacy resulted in the training of 1,600 teachers, and the education of another 25,000
citizens, between 1962 and 1965. Overall, according to Septima Clark, the project was “responsible for the enrollment of more than 50,000 registered voters.”\textsuperscript{103} By 1970 an estimated 100,000 had been reached by the 897 schools throughout the South.\textsuperscript{104} What had begun with a single man and a bus culminated in the Southwide Voter Education Project ("VEP").

With regional expansion came local success, both in terms of registered voters and the development of community leaders. In South Carolina, 1,300 people participated in the citizenship schools. The numbers of African-American registered voters in the lowcountry itself continued to rise. Between 1956 and 1960, African-American voters on Johns Island increased by 300\%. In Charleston County as a whole, African-American registered voters increased from 5,000 to 14,000 during those same years.\textsuperscript{105} Not only did people register to vote, but they actually voted in greater numbers. When Esau Jenkins ran for the school board in 1956, black voter turnout on Johns Island was minimal (eighteen percent), but by the 1960 presidential election, turnout reached nearly one hundred percent. Blacks on neighboring Edisto Island out-voted whites for the first time, and an African American won a seat on the Charleston County Board of Directors.\textsuperscript{106} By the early 1960s, not only had the number of registered voters increased dramatically but the organizational expertise of the islanders had also strengthened. The islanders expanded from a local to a regional hub of activity when they built the Sea Island Center where they held residential civil rights workshops for leaders across the South.\textsuperscript{107} In their “each-man-get-a-man” campaign, each islander became an organizer in his own right, learning to articulate the project’s purposes and attract new students into the program.\textsuperscript{108}

The shift from a community led by a single individual, Esau Jenkins, to a community of leaders, changed the face of the Johns Island movement. As he involved even more members of his community in his quest for equality, Esau Jenkins came to believe in the effectiveness of many community leaders working together. Initially, he had seen no need for a multitude of leaders, for the development of many individuals capable of speaking on their own behalf and on behalf of a group. He thought of himself as a community leader who could lead his people single-handedly. His question—“Am I my brother's
keeper?"—indicates not only a perceived responsibility for others but a paternalistic attitude about his one-sided relationship with his community. By the height of the citizenship schools, however, Jenkins realized the worth of intentional leadership development to produce many leaders with various perspectives, skills, and tactics.\textsuperscript{109} "My ideas of community leadership have changed in many ways. I have found that giving others something to do in helping make better citizens in the community is very important. My old way of doing was slow."\textsuperscript{110}

By the mid-sixties, Jenkins had become a man with many disciples. Those who worked for social change in the decades following the voter registration drives viewed their efforts as the fulfillment of Jenkins' goals. To future generations of Johns Islanders he bequeathed a legacy of widespread community participation. The first stage of overcoming inequality through political agitation thus set the stage for a more sophisticated use of resources and alliances.

B. Pure Politics with Many Methods

The islanders' new sophistication derived in large part from their increased interactions with mainlanders. In their quest for suffrage, Johns Islanders had neither anticipated nor attempted to connect with African Americans fighting for rights elsewhere in the South; they had set their sights solely on gaining "white" political power over their island. Before the southwide success of the citizenship school program, Johns Islanders articulated their efforts and their project in distinctly local terms: They were isolated, they lacked services, and they expressed their needs by registering to vote. They did not realize, perhaps because of their isolation, that other African-American communities also lacked suffrage, services, and equality.\textsuperscript{111} The rapid absorption of the citizenship schools into the SCLC and subsequent spread of the VEP vividly illustrated their common grievances. The southern dissemination of the Johns Island program, in addition to illustrating similarities, forged actual bonds between island and national leaders. In the wake of this realization and these relationships, the Johns Island crusade became immersed in the national civil rights movement.
1. Johns Island Desegregates

While Johns Island established citizenship schools and registered to vote, African-American communities across the South mobilized as well. The initial movement in other parts of the South used two primary strategies: direct action campaigns toward desegregation of public places and judicial challenges to the constitutionality of segregation and discrimination. Although during the 1950s the Johns Islanders primarily focused on registering its members to vote, the abundant media coverage of school desegregation suggested an additional direction for the island movement.

Before Brown,¹¹² islanders had worked toward overcoming their isolation from the mainland. The national desegregation campaign illuminated that integration on the island could also effectuate racial equality. Before 1953, educational integration seemed too much to ask for; Johns Island did not even have an African-American high school from which to integrate. The single high school on Johns Island taught white students only. The islanders had to lie about their residence and travel to Charleston every day to obtain a secondary-school education. Esau Jenkins, who for more than a decade had been driving his own and his neighbors' children to school in Charleston, agitated persistently for the creation of an African-American high school. Haut Gap School arrived just in time for African Americans to begin contemplating the desegregation of their new school in the wake of Brown.¹¹³ A decade after Haut Gap opened its doors in 1953, Charleston County began to desegregate its schools. In 1962, African-American islanders, for the first time, attended an integrated high school on their native island equipped with a gym, a bus, and a cafeteria.¹¹⁴

Johns Islanders worked toward desegregation not only on the island but in Charleston as well. As lunch-counter sit-ins and mass demonstrations became the vogue in Charleston in 1963 (as they did throughout the South), islanders and city-dwellers united to force open the doors of public accommodations.¹¹⁵ Their June campaign followed the pattern of civil rights protests across the South at the time: boycotts and demonstrations, nightly meetings and mass arrests (especially of young people).¹¹⁶ Success on a local level mirrored national achieve-
ments: “Whites only” signs began to disappear and formal discrimination became illegal.\textsuperscript{117}

2. Formal Equality: Success and Disillusionment

The fulfillment of the goal of formal equality—a goal the movement had nurtured for a decade—precipitated a movement crisis. Accepted wisdom, both popular and professional, contemporaneous and retrospective, pronounced the death of the movement after the 1965 creation of an Equal Opportunity cabinet-level position coordinating all federal civil rights activities.\textsuperscript{118} “It was anything but plain what the movement’s next step would be.”\textsuperscript{119}

Disillusionment displaced the joy of victory for Johns Islanders as it did for African Americans across the nation. The various civil rights objectives of the 1950s and early 1960s had as their underlying goal incorporation within mainstream structures—playgrounds and schools, political representation and voting booths. The civil rights crusade was a search for what social movement theorists label “polity membership” and Johns Island activist Bill Saunders calls “sitting at the table.”\textsuperscript{120} Kimberle Williams Crenshaw describes the successes codified in the Civil Rights Act of 1964 and the Voting Rights Act of 1965 as formal equality, or the elimination of symbolic subordination. She contrasts formal equality with substantive equality, or the elimination of material subordination.\textsuperscript{121} “The fanfare surrounding the passage of these Acts,” which mitigated symbolic but not material subordination, “created an expectation that the legislation would not and could not fulfill,” the expectation that material subordination would also abate.\textsuperscript{122}

Johns Islanders certainly shared this expectation. Formal equality constituted their initial measure for improving the standard of living on the island. During the citizenship school era, the vote was considered essential to this goal. In order to encourage islanders to attend the schools during their scarce free time, island leaders and teachers so emphasized the power of voting that islanders depended on the vote as a means for effecting not only political inclusion but also effecting changes in material, social, and economic conditions. One pamphlet on Johns Island at the time shouted in bold letters to passersby: “You’ve got it . . . . Use it! Vote. Votes mean Freedom. Votes
mean Equality. Votes mean first-class citizenship. Votes mean better schools, better jobs, better housing. Use your votes to win your rights."\textsuperscript{123} Another flyer produced by the Black Awareness Coordinating Committee of Charleston County, however, demonstrated that this emphasis on the franchise was not generated wholly from the islanders themselves: "For many years now we have been told that the answer to our problems lies in the power of the ballot."\textsuperscript{124} Whether the islanders sincerely believed in the omnipotence of the vote or simply focused on it as the most accessible tool for that time (in true pragmatic fashion), its simultaneous success and failure left them searching for a new agenda when formal triumphs rang hollow.\textsuperscript{125}

The islanders' most bitter disappointment arose not because the vote did not ensure immediate political equality (which it did not) but because it hardly improved their social and economic status at all, even after the Civil Rights Act of 1965. As activist Bill Saunders complained, "I am not interested in eating at the Fort Sumter Hotel; I am interested in justice for me and my people."\textsuperscript{126} Justice for the islanders came to mean addressing the absence of any type of health care on the island, the lack of adequate housing, sewerage, and clean water, and the low level of education. Political opportunity and inclusion had not brought with them the anticipated amelioration of the islanders' standard of living. The triumph of equality of opportunity where the underlying goal was equality of result was a bitter triumph indeed. "The right to eat at a lunch counter or sit at the front of a bus paled before the more fundamental issues of inequality in wealth and power."\textsuperscript{127}

The expectations that formal equality failed to fulfill did not, however, signal the end of the movement. The movement's perceived disintegration was actually a return to the local problems that had originally engaged citizens in the national movement. Reform energy did not dissipate; it dispersed. The movement returned to its local roots to assess the outcome of the national efforts and reconvene local leaders in their native cities and towns. When Johns Islanders refocused their efforts inwards in the late sixties, they remained vitally entwined with the players—both black and white, establishment and opposition—with whom they had worked closely in the early years of that decade.
In the face of a mostly fulfilled goal of formal equality but a still largely unfulfilled sub-goal of substantive equality, African Americans both across the nation and on Johns Island sought a new direction and new strategies to implement a more meaningful vision of equality. One clear direction never materialized. Ultimately, the movement adopted two different strategies, one focused on economic change and the other on Black Power.

These transformations in the national movement necessitated that the federal government reassess its rights-related goals and activities. When the movement agenda had consisted of political and constitutional rights, various government bodies had sporadically attempted to protect voter registration workers, set judicial precedents, and outlaw segregation of public facilities. As the nature of the movement's challenge evolved, so did the government's response. The August 1964 creation of the Office of Economic Opportunity ("OEO"), whose mission was to develop and administer "antipoverty programs"—programs addressing neither access nor opportunity but the actual social and economic realities of people's lives—was the primary response. Government workers turned to economically-based programs to overcome intransigent racial inequality they had tried for ten years to address. Sargent Shriver, the head of the War on Poverty, believed his programs could enable a new stage of development for the civil rights movement and "cool" the riotous tensions coursing throughout the nation.

3. Economic Change Through Community Building

The shift from segregation to the lack of adequate housing and jobs signified more than a superficial modification of goals within the same larger paradigm. It indicated a dramatic transformation of the paradigm itself. After 1965, improvements in the standard of living of American blacks became a national movement priority. The Southern Christian Leadership Conference ("SCLC") created Operation Breadbasket, a Chicago agenda for better housing, better jobs, and better services. Inequality, not exclusion, became the issue for African-American activists who had previously hoped that equality (or at least improvement) would accompany integration.

Leading the social and economic focus of the movement on
Johns Island was none other than Esau Jenkins himself. While never completely abandoning his goals for citizenship education and civil rights, by the mid-sixties Jenkins' concern for the social and economic welfare of his community overshadowed his previous emphasis on political action. His close association with Martin Luther King, Jr. (through his involvement in the SCLC) was a major influence on Jenkins' new economic focus. As King implemented his Operation Breadbasket and began moving toward the Poor People's Campaign, Jenkins increasingly found both War on Poverty and private funds to address directly the basic material needs of lowcountry blacks.133

The Johns Island leaders first utilized the resources of the War on Poverty in the creation of Head Start (daycare) centers across the Sea Islands. "Because I feel there needs to be work for our young people, and care for our children so they can also make a good wage, I am trying to get help through the war on poverty," Jenkins explained.134 The first three Head Start centers began operating on Johns, Yonges, and James Islands by the beginning of 1966.135 Jenkins received an OEO grant for almost a quarter of a million dollars to finance seven centers accommodating 370 children.136 By the beginning of 1968, 1,500 children received daycare on the islands. These children were overwhelmingly African American, as the island leaders who took charge of the funds had focused their energy toward addressing their community's child-care and pre-school needs. This racial imbalance jeopardized the program in early 1968: Rev. Henry L. Grant of the OEO warned that if more white children did not benefit from the services the government would rescind the funds.137

The second major local Office of Economic Opportunity endeavor produced the South Carolina Commission for Farm Workers. A private, non-profit corporation, its self-appointed mission was to “render assistance to migrant and seasonal farm workers” by providing them with adult basic education, on-the-job training to “acquire the necessary attitudes and basic skills for a profitable work situation,” and the construction of housing through self-help groups.138 The philosophy of the Commission is best exemplified by a series of progressions articulated in its pamphlet:
Both the South Carolina Commission for Farm Workers and the Head Start centers were direct responses to available OEO grants. The OEO created Head Start as a ready-made stencil for widespread local implementation. The Farm Workers’ Commission simply adopted the underlying philosophy of the OEO as a whole: empowerment and self-efficacy using government funds to create social change, as the pamphlet above demonstrates.\textsuperscript {189} Jenkins himself used the War on Poverty rhetoric in discussing these programs: “We promised the committee if they would give us this badly needed grant, which would help alleviate the cycle of poverty in this area, we are willing to do our part in seeing it become a reality.”\textsuperscript {140}

These programs served as precursors to the more locally-initiated organizations that emerged in the next few years. After 1967, island leaders began to develop goals for the island that diverged from OEO programs. The organizations employed government funding as one possible resource among many; leaders grew more sophisticated in their scope and more diverse in their goals and methods.

The resulting organizations reflected the many resources—island and mainland, black and white, public and private—that the islanders were able to obtain. The Citizens’ Committee of Charleston County (“CCCC”), which Jenkins created in 1959, proposed to raise the community “from poverty to dignity through partnership.”\textsuperscript {141} Amelioration of poverty was not solely economic: It was about self-respect as well as money, responsibility as well as charity. While the mission quoted above is reminiscent of the earlier slogans of the South Carolina Commission for Farm Workers and the OEO philosophy, the actual organizations Jenkins and his cohorts created under the rubric of the CCCC extended beyond the scope of the OEO both
in their open membership (anyone who could pay the minimal dues was welcome) and in the types of activities they undertook.

On October 6, 1966, Jenkins and the CCCC created the Community Organization Federal Credit Union to “assist low-income ... supposedly ‘high-risk’ borrowers” to borrow money.\textsuperscript{142} Charlestonian Arthur Clement, Jr. considered the credit union to be “one of the more serviceable community needed enterprises organized and inspired by Esau Jenkins.”\textsuperscript{143} By the time of his death in 1972, Jenkins had raised over $375,000 in assets from 1,300 depositors.\textsuperscript{144} Collecting interest was hardly the credit union’s sole activity, as witnessed by the workshops it sponsored. It taught people what credit is, how to leave wills, how to budget money, and why investment makes financial sense. This “Project Established By The People, For The People Of Charleston County” asserted that it built “self-respect and real identity by building the deposits in the CO Federal Credit Union.”\textsuperscript{145}

On a much smaller scale, the CCCC created a scholarship fund (renamed the Esau Jenkins Memorial Scholarship Fund after his death) for Johns Island students attending college. The idea began when a woman from Connecticut read about Jenkins and the Sea Islands in a 1972 \textit{National Geographic} article and sent a letter saying she would like to initiate a scholarship fund with a donation of $600.\textsuperscript{146} The small scale of this project (donations were often as little as fifty cents and grants did not exceed fifty dollars per student) notwithstanding, the organization’s significance stemmed from its recognition of the relationship between economics and educational opportunities and its efforts to provide youth with higher education.\textsuperscript{147}

Jenkins’ concept of education encompassed everything from pre-school to college to adult literacy. In November 1968, he applied to the Executive Council of the Episcopal Church in New York on behalf of the CCCC for a grant to “upgrade the skills” of Charleston County’s African-American community. His main vehicle for betterment was the establishment of vocational schools to teach skills like carpentry and welding, repairing everything from televisions to piccolos, radios to irons, and more “traditional” educational pursuits like literacy, math, and citizenship education. In this way “the whole county could be much more independence[sic]; also be able to demand their
labors, plus do a great deal of work for themselves." Thus, as he broadened his activism to the county as a whole, Jenkins was able to tap into private and public funding in order to achieve his goals of increased economic opportunity and better community preparation for seizing that opportunity.

Other community leaders, Methodist minister Willis T. Goodwin and Abraham "Bill" Jenkins, one of Esau Jenkins' sons, joined Jenkins in his search for private resources. They tapped into local funding sources and tried to convince both local and national white (often Christian) organizations that a permanent need for services existed on the islands. The private funders' awareness of island needs began outside the realm of the civil rights movement and concentrated on a group of transient, first African-American and later Mexican farm workers. These migrant farmworkers appeared each spring, suffered through hard work and deplorable conditions throughout the summer, and disappeared to continue the cycle elsewhere by the onset of fall. The plight of these migrant workers sparked the interest of a prominent Charleston ecumenical organization in the late 1950s: Church Women United ("CWU"). A predominantly white, upper-middle and upper class ecumenical organization, CWU turned its mission work to these migrants who seasonally flooded the Sea Islands. Initially, the women focused on the workers' children, who spent their days accompanying their parents in the field or remained alone in unsafe and unsanitary camps. Led by the socially prominent Marybelle Howe, CWU began a daycare center on Johns Island for the children to attend while their parents worked. The program eventually moved from its temporary space at Haut Gap School to the Esau Jenkins Opportunity Center.

Marybelle Howe explained why migrants rather than permanent residents first drew attention and resources:

One of the reasons, I suspect, that some of the women were interested in migrants was exactly because they were migrants. They would come but then they would be gone. That way you could contain what you were doing . . . . Whereas if you went around the corner there would be needs and people there all the time.

The migrants were Howe's introduction to island life. "Prior to this work I had known very little about the islands," she said.
Her involvement certainly did not end with her interest in the migrants. In fact, it was just the beginning. Once the local civil rights movement turned its focus to social services in the mid-sixties, this already involved group of prominent Charleston citizens proved invaluable contributors and allies in the next stage of the struggle. Church Women United needed to transfer the attention they paid to migrant workers to the residents who experienced the same hardships year-round. Esau Jenkins (as his son Bill described it) told Marybelle Howe that the islanders appreciate what [the women of CWU] are trying to do but what the migrants are experiencing for six to eight weeks, the people who live out here experience for the whole year. So anything that [the island leaders are] going to be a part of is not going to be just for the migrants, it's going to be for everybody here on the islands.\textsuperscript{154}

Island leaders thus transformed the charitable energy that had been focused on migrants into a well-funded emphasis on permanent residents and their needs. The first major outcome of these efforts was Rural Mission, an interdenominational, non-profit agency Reverend Goodwin created in 1969 to "foster, promote and administer to the spiritual, social, educational, medical, and housing requirements of the rural people of the sea islands of coastal South Carolina."\textsuperscript{155} By 1971, Rural Mission had spawned a separate entity to address the medical needs of the islanders and what began as a makeshift clinic in the wing of Bethlehem Church became, under Bill Jenkins' direction, the Sea Island Comprehensive Health Care Corporation. Both of these organizations effectively utilized private, predominantly religious funds from across the nation in addition to OEO program money in order to improve the islanders' lives.

The disciples who followed Esau Jenkins almost religiously during the 1950s went their separate ways as the movement offered increasingly diverse options in the following decade. His daughter, Ethel Grimbull, illustrates how even dividing the movement into broad categories like community building and cultural nationalism defies reality. While Grimbull was active in Head Start, even joining the OEO grant-giving staff, she was also a member of the more militant Black Power wing of the island movement. Her straddling of two movement components signifies the diversity of opinions and fluidity of activity on the
island in the late sixties.

4. *Black Power as Cultural Nationalism*

The second direction of the dispersed movement, both nationally and on Johns Island, aimed to increase racial solidarity. By the middle of 1966, Stokely Carmichael had taken the lead of the Student Nonviolent Coordinating Committee ("SNCC"), and both SNCC and the Committee On Racial Equality ("CORE") advocated "Black Power," an often violent articulation of racial pride and independence. Martin Luther King, Jr. asserted that "Black Power is a cry of disappointment" with the failures of "white power." Historian Harvard Sitkoff provided a more specific reason for disappointment which indirectly indicted King: Black Power was a "reaction against nonviolence as a tactic and integration as a goal . . . . [It] grew out of frustration over the limited pace and scope of racial change and out of bitterness toward unceasing white opposition to the most minimal black advances."  

The main proponents of Black Power on Johns Island were Bill Saunders and another of Esau Jenkins' sons, James Jenkins. A young veteran of the Korean War, Saunders had been an Esau Jenkins protégé between his return to his native island in 1953 and his involvement with Stokely Carmichael and the SNCC in 1966. Saunders joined Jenkins' Progressive Club as soon as he returned from the war, working on voter education and becoming politically active in the community. Saunders' post-war experiences, however, led him to an increasingly militant position: "I kept getting a good lesson in politics and things. In our country it doesn't make any difference whether you're right or wrong. It's whether you got the power . . . but poor people, black people most of the time, are very powerless." He was shocked by the discrimination he found everywhere on his return from the war: "I didn't understand because I'd never been off Johns Island . . . . I had always lived in total segregation." He became angrier and angrier. "By 1962 there was no way that I could say that I was nonviolent . . . . I cannot tell you that you can hit me and I won't hit you back." In turning away from Jenkins' and King's nonviolent methods, he found a satisfying and meaningful framework in the ideas of Stokely Carmichael and Malcolm X.
In 1966, Saunders and Jenkins created the Lowcountry Newsletter as the mouth-piece for their nationalistic wing of the Johns Island movement. The main characteristic of the Concerned Citizens, or the Black Militant Group as they alternatively called themselves, along with its racial focus, was its emphasis on the political arena. Saunders wanted the right to "sit at the table." Rather than give up their political aspirations after 1965, the Concerned Citizens became more adamant about achieving them.

For the first time in America, and indeed in Charleston, the Negroes hold the balance of power. Senator Hollings admitted that had not the Negroes of South Carolina voted for him, he would be behind his desk practicing law. This power that we hold is not what some in our community would have us believe; this power is not "Black Power," it is political power.

Because of the overwhelmingly African-American population of the Sea Islands, the vote could be a potent tool. There were, however, other mechanisms that constrained that power and minimized the effects it could have on both national and local political scenes. Electoral power was by no means omnipotent and invulnerable. When Bill Saunders was, for example, elected to the county OEO Board, "the Charleston County power structure . . . refused to seat him."

In order to compensate for the shortcomings of the electoral system, the Concerned Citizens turned to other political tactics: the power of public demonstrations and protest they had witnessed in Charleston in the mid-sixties. "Most of the time the only power black people have is when they put their bodies on the line. You have to threaten to disrupt some other power," Saunders contended. This is exactly what the Concerned Citizens did. In 1967, they demanded the placement of two of their members on the same all-white school board for which Esau Jenkins had run a decade earlier. Saunders described how the small membership of his group (which consisted of only seven people) threatened to detract from his threat of holding alternative black elections in the event that the school board did not agree to the Concerned Citizens' demands. "The [school board] decided to call a meeting to show that we had no support, but four hundred people showed up. We didn't even
go. That really gave us some credibility.”

The school board succumbed to public pressure, but not completely. “Now at this time Esau Jenkins and I were really having a conflict,” Saunders recalled. “Esau was [close to] Martin Luther King of SCLC. I was very close to Stokely Carmichael and SNCC. Esau preached nonviolence but I didn’t believe in nonviolence and I still don’t.”

Playing on this rift in the movement, the school board appointed Esau Jenkins; Jenkins proved a formidable enough adversary on the board to suit Saunders and the rift did not widen.

Saunders’ Black Power stance did not preclude his participation in the interracial, well-established Charleston Area Community Relations Committee (“CACRC”). In fact, if “sitting at the table” was his goal, Charleston offered no better table at which to sit. The group’s eminent membership included Reverend Henry L. Grant, J. Arthur Brown, Edward Blake, Herbert DeCosta, Gedney Howe, and Reverend McKinley Washington, among other prominent leaders. Saunders was not, contrary to his own words, content with mere participation, however. Other members recalled his highly antagonistic attitude, his tardy appearances and “traditional” African dress, his outbursts and his ultimate creation of an alternative organization.

Saunders established the Committee for Better Racial Assurance (“COBRA”) after a 1969 hospital strike in which he gained recognition for his leadership and notoriety for his militant views. He wanted “to say to folk that there must be an easier way to find problems and deal with them in the community.” One of COBRA’s central community activities was advocating for people whose rights had been violated. “We call Black people oral people. We like to tell you. We consider White people documented people. If it’s not on paper you all are not going to believe it.”

He therefore recorded stories of discrimination and sent them to their perpetrators, informing them of their actions and demanding acknowledgment, apology, and reparation.

An organization founded on the basis of Black Power, Saunders ensured that “Blacks control[led] the power in the organization.” This all-black membership caused problems with COBRA’s United Way funding. The foundation told Saunders that “there had to be whites involved. And we told them from
the beginning that anytime a white gets involved there is the assumption that they are in charge." Like Esau Jenkins' problems with federal funding for predominately African-American Head Start students, Saunders’ commitment to African-American control jeopardized the financial viability of his organization.

Saunders and Jenkins also still shared the underlying goal of improving the material realities of African-American lives. Saunders' politics linked racial to economic issues through the assumption that poverty equaled blackness. He saw the need for "a group of people who are interested in the betterment of the poor man, the grass roots man." One pamphlet began, "We the poor people (who are mostly black)," clearly connecting the racial with the economic. In a questionnaire entitled, "How Black Are You?" Newsletter readers were supposed to determine their blackness by answering a series of questions about whether they had heat, private hospital rooms, and hospital deliveries for babies, and about whether they could afford to send their children to a psychiatrist or even to a yearly check-up. If they could afford these and other amenities then they were white, while if they could not they were black.

Saunders thus concerned himself not only with formal equality—"sitting at the table"—but with substantive equality as well. He saw material improvement as a necessary precondition for cultural pride and nationalism:

I think culture has a better chance to survive if you have some control over it. That has been my dream to try to make sure people have an economic base, and then you can go back, then you can sit around and talk about parents and grandparents. But if somebody is sitting around hungry and you're gonna tell them about some damn culture, it don't make any American sense . . . . So what it is that some of us have been about is you can upgrade peoples' health care, you can upgrade their housing, if you can upgrade their education, then they themselves begin to look at their own history, because they have some leisure time to look at it . . . . The best way to feed it is to make sure you got some of the basic necessities to survive.

A people without food and shelter, according to Saunders, appreciates its culture as much as it expects to eat at the Fort Sumter Hotel. His social and economic agenda, then, complemented his political one. Saunders intended both to
culminate in powerful African-American organizations that would foster racial and cultural autonomy.

IV. Discussion

By 1973, the islanders had dramatically transformed Johns Island from its status in 1948. A diversity of organizations flourished, a multitude of leaders continued to effect change, and living standards began the long upward trek toward material improvement. Daycare centers gave mothers the freedom to work; the Health Care Corporation provided basic medical services for many islanders at no cost; job training programs prepared islanders for employment on and off the island; loans became accessible and comprehensible; and doors opened for educational opportunities from pre-school through college.

The community leaders of Johns Island achieved these changes through the practice of the legal instrumentalism Richard Delgado now preaches as an antidote to racial realism. The following discussion will illustrate the type of analysis the historian offers legal theory by applying the lessons of Johns Island's history to Delgado's legal instrumentalism. This history illustrates the three main community strategies of pure politics of self-help, community building, and cultural nationalism; it demonstrates the efficacy of a multiplicity of strategies; and it exemplifies a period in which legal instrumentalism and interest-convergence effected change simultaneously.

A. Three Strategies of Pure Politics

Pure politics comprises the main vehicle of Delgado’s legal instrumentalism. Across the South the civil rights movement utilized strategies of pure politics, and Johns Island was no exception. Marches, sit-ins, and mass protests punctuated the history of the Johns Island movement as they did the movement as a whole. Community mobilization underlay these sporadic demonstrations of public protest, making pure politics possible. Delgado mentions three particular types of community responsibility that facilitate these manifestations of legal instrumentalism: self-help, community building, and cultural nationalism. He does not, however, provide detailed descriptions of these terms. Building on the Johns Islanders' use of these strategies, the historian can interpret and expand upon these terms to make
them more useful to the future struggles with which Delgado is concerned.

1. **Self-Help**

Delgado comments that legal instrumentalism is “like the bootstrapping and self-help approaches that neoconservatives like Sowell and Loury have been urging, but for different reasons.”\(^{180}\) Neoconservative theorists argue that minorities should undertake responsibility for the problems of their communities and for their own individual advancement.\(^{181}\) Spann, from whom Delgado draws some of his ideas, echoes the importance of responsibility: “Positive politics gives minorities both the credit for minority advances and the blame for minority failures.”\(^{182}\)

Delgado borrows from these theorists, but he does not explicitly describe the contours of self-help in the context of legal instrumentalism. The history of Johns Island illustrates two possible meanings of the term “self-help” for pure politics. The first concerns resources: where they come from, who procures them, and who decides how they are used. The second interpretation focuses on individuals as the primary agents of their own change.

From their initial efforts to acquire the rights of citizenship, Johns Islanders looked first to their own resources and their own abilities. When Alice Wine asserted her rights she did not appeal to the courts but rather requested the help of a neighbor and community leader, and pledged her own commitment to the process. Jenkins accepted her challenge, and his subsequent efforts provide an example not only of internal self-help, but of a broader conception of resources—particularly human and historical—than is customary today. The resources that supported the initial endeavor—time, a bus, and willing passengers—were the most elemental imaginable. These resources were indigenous to the islanders, or else procured by them. As their goals expanded, so too did their ability to obtain resources. They gleaned them from the government and private individuals, from churches and foundations, from near and far. They took a proactive stance, actively recruiting manpower, expertise, and education, rather than waiting passively for resources and changes to come to them.

Perhaps more importantly for Delgado’s legal instrumental-
ism, the islanders’ early activism left a legacy of self-help through individual agency, a legacy of experienced community leadership and active participation in civil rights activities. Esau Jenkins epitomizes such bootstrapping: born into a poor family, he not only educated himself and acquired material wealth, but he facilitated the political activity of his community as well. Where he lacked expertise, he enlisted others—first Septima Clark, Bernice Robinson, and Myles Horton and later his children, Bill Saunders, and Reverend Goodwin—to join him. Naming these individuals hardly does justice to the Johns Island movement. Its success stemmed primarily from the self-help practiced by each individual islander as he or she learned to read, write, and invoke citizenship rights. In the face of racially discriminatory voting requirements, for example, each individual islander found a way, through the citizenship schools, to register to vote. The “each-man-get-a-man” campaign, the credit union, and the scholarships, for example, all required individuals to participate actively in their own transformations.

2. Community Building

Delgado provides even less explanation of community building than of self-help. He merely mentions it as one conceivable method of pure politics. The Johns Island history provides two possible definitions of this term. The first equates community building with the establishment and nourishment of community organizations, while the second interprets it as building ties with others in similar positions, thus expanding the community of which one is a part.

With the successful assertion of individual civil rights, Johns Islanders harnessed their individual energies in the creation of community organizations. Jenkins learned early on the value of joining individuals together into organized institutions. While he was able to register some islanders to vote by himself, he increased his efficacy dramatically with the creation of first the Progressive Club and then the citizenship schools. Building community entailed cooperation from many individuals willing to practice self-help and resulted in tangible results for the members to share. Joined by the second generation of leaders on Johns Island, Reverend Goodwin and Bill Jenkins, Linda Gadson and Ethel Grimball, Esau Jenkins built community
organizations that addressed the fundamental material deprivations the islanders faced. The transformation from formal to substantive equality required these leaders to shift their perspective from the individual to the community and create lasting institutions for long-term social change. The establishment of these institutions provides one template for the community building Delgado advocates.

The second possible interpretation of community building interprets that phrase to mean not the cooperation of individuals within a certain community, but rather the building of ties between distinct communities. Forging alliances among African Americans in Charleston County, for example, necessitated community building among previously antagonistic groups of people. Prior to the early 1960s, African-American Charlestonians and islanders had few positive interactions. Urban blacks disdained their country cousins and the islanders resented such snobbery. With the advent of the local civil rights movement, however, both groups set aside these distinctions and built a single, county-wide community able to combat white authority and discriminatory power. The islanders and the mainlanders protested together, marched and voted together, and established and ran organizations to their mutual benefit. They managed to build community where previously only conflict had existed.

Across the region as well as the county, Johns Islanders expanded their community through wide-ranging interactions with mainlanders. As the events of the early 1960s illustrate, Johns Islanders had much in common with other African Americans, despite their relative isolation. Their home-grown citizenship program became a southwide endeavor, easily transferable to other areas due to the similar conditions of inequality of African Americans across the region. The exportation of the program provided one basis on which to build community: The islanders shared their expertise with newcomers to the citizenship program; their partners across the South in turn reinvigorated them with fresh ideas. This regional community grew out of outsiders entering Johns Island as much as it did islanders venturing off the island. As Linda Gadson described it, civil rights leaders throughout the era retired to the eye of the storm on Johns Island. The island provided refuge and a safe place to regroup and plan for the future. Regional interac-
tions thus allowed distinct communities to pool resources, share expertise, and consolidate power to overcome obstacles that would have obstructed smaller, more insulated groups of reformers.

3. Cultural Nationalism

Delgado provides as little guidance for interpreting cultural nationalism—the third component of pure politics—as he does for community building. Delgado’s references to Spann may once again illuminate Delgado’s use of the term. Spann asserts, “[P]ositive politics gives minorities themselves control over the degree to which minority interests are advanced.”184 Thus, Delgado may have meant by cultural nationalism the importance of black control over the reform agenda.

Bill Saunders and James Jenkins’ Lowcountry Newsletter, COBRA, and Black Power philosophy illustrate one possible realization of Delgado’s cultural nationalism. Saunders recognized the cultural capital of blacks. He understood the importance of black control over resources and organizations. Saunders succeeded in establishing a powerful African-American voice asserting racial and cultural autonomy through COBRA, the Concerned Citizens, and the Lowcountry Newsletter. He used his ties to integrated, more established organizations, like the CACRC and the United Way, to obtain resources and legitimacy for his assertion of Black Power.

Saunders’ agenda of racial autonomy, African-American political power, and minority economic improvement centered specifically around the cultural and racial attributes of his community. Deeply involved with the national trend toward Black Power, Saunders and Jenkins tailored the rhetoric and perspective of groups like SNCC and the Black Panthers to the particular conditions of Johns Island, instituting their own localized version of cultural nationalism. The early history of the island’s isolation—as evidenced by the solidarity of the black community first in the face of Horton’s intrusion and later in refusing to succumb to white assertions of authority—had profound effects on the cultural integrity of the islanders.185

Based on the history of Black Power on Johns Island, Delgado’s suggestion that racial reformers practice cultural nationalism can be seen as a call for black control over resources
as well as for an emphasis on the solidarity of minority communities. Cultural nationalism, according to the history of Johns Island, centers around black control of institutions and decision-making. It does not necessitate the assertion or defense of a nation in a literal sense, but rather solidarity and the authority of a particular ethnic or racial group over its own destiny.

B. A Multiplicity of Strategies

Describing the various strategies of pure politics in this compartmentalized manner belies the second lesson Johns Island holds for legal instrumentalism: Pure politics entails a multiplicity of strategies capable of both coexisting and transforming as circumstances require. The varied methods of pure politics the islanders utilized resist a linear interpretation. Delgado's statement that African Americans "choose whatever tool seemed most promising at a given period in history," implies that for any period, a single tool is adequate. The history of Johns Island demonstrates that, as Delgado suggests, people must fluidly change strategies in order to succeed in underlying as well as stated goals. It also shows, however, that at any given time, a community will utilize multiple strategies. Across time, the movement evolved as it achieved goals, encountered setbacks, and discovered new methods for community organizing and political and social struggle. While in the fifties self-help through individual empowerment had prevailed, the increasingly encompassing sweep of island consciousness in the sixties fostered dissent and created alternative leaderships and movements, particularly the economic and Black Power movements.

At any particular point in the movement, participants, leaders, and organizations practiced pure politics in a number of ways, with one strategy complementing and facilitating the others. The Progressive Club perfectly illustrates the various manifestations pure politics can take. Within a single organization, Johns Islanders used economic, political, and social tactics to achieve their goals, including raising money to purchase land, providing representation for members facing legal trouble, and holding classes to help people register to vote. The Progressive Club is hardly the only example of varied strategies from Johns Island's history: The islanders simultaneously learned to read in preparation for voting and agitated for the creation of a black high
school on the island; they integrated with the sanction of the Supreme Court's decision in *Brown* as they protested segregated businesses in Charleston; they created economic improvement organizations like Rural Mission as they lived the Black Power slogans and pressured the local school board for a black member. Even individuals within the community practiced various types of pure politics. While Ethel Grimbail actively participated in community-building organizations, she was also deeply involved with the militant Black Power wing of the island movement. Her straddling of two movement components signifies that not only a given community, not only a given organization, but even a given individual can simultaneously utilize multiple strategies for racial reform. Thus, while Delgado correctly recognized that strategies would change over time, he failed to see the added power of their coexistence.

C. Reconciling Pure Politics and Interest-Convergence

Richard Delgado intended his theory of legal instrumentalism to complement Derrick Bell's theory of interest-convergence. In theory they complement each other because when interest-convergence is effective, legal instrumentalism will fade from use. Legal instrumentalism, in turn, only becomes a viable option when interest-convergence appears more akin to interest-divergence. The history of Johns Island, however, shows that even legal instrumentalism and interest-convergence can exist simultaneously to the benefit of reform movements. Johns Island demonstrates this coexistence on two levels. First, while the islanders practiced pure politics, other African Americans practiced interest-convergence; the islanders themselves practiced both simultaneously. Second, it is possible to view the islanders as expanding interest-convergence from its Supreme Court perch to the white population more generally.187

Concurrent with the islanders' practice of pure politics described above, African Americans in other parts of the nation practiced interest-convergence. The heyday of the Supreme Court's support for the civil rights movement coincided with the story of Johns Island. In 1954 when the Supreme Court decided *Brown*, the islanders were busily memorizing constitutional passages in preparation for the vote. Throughout the fifties and early sixties, the Supreme Court produced precedent favorable
to African Americans’ quest for equality. The islanders utilized the fruits of interest-convergence on a national scale, agitating first for the construction of an African-American high school on the island and, in the wake of Brown, integrating the white school in the early sixties. Though islanders utilized these formal victories, however, they did not limit their struggle to the judicial arena.

During the late 1940s and 1950s, Johns Islanders practiced interest-convergence on an individual and organizational level as well as a judicial one. They assessed the resources available to them, the forces arrayed against them, and the needs they wanted to fulfill, working with Myles Horton and the Highlander Folk School, bringing in needed expertise through Septima Clark and Bernice Robinson. In the early 1950s, HFS sought a community that had already begun to mobilize and would benefit from the leadership training HFS had to offer. Myles Horton needed a community and Esau Jenkins needed a professional. In traveling to Tennessee at Septima Clark’s request to participate in a Highlander conference, Jenkins practiced interest-convergence on a level usually ignored by Bell and other legal scholars. Rather than depending on the sympathy of the Supreme Court, Jenkins turned to a committed individual offering him resources to fulfill his goals. When white interests, especially local interests, diverged with their own, islanders educated one another, established community organizations, and sought assistance outside of the Charleston area.

While scholars like Derrick Bell might minimize the early successes of Johns Islanders by attributing them to the interest-convergence of powerful whites, such a convergence cannot account for the whole story. Even if HFS’ white activists participated in the Johns Island movement out of pure self-interest, which point is not conceded here, whites in Charleston and on the islands were not complicit in the islanders’ success. Johns Islanders shared in Alice Wine’s dream and, through the pure politics of self-help, by pooling local resources and gathering distant ones, the community asserted and realized its right to vote. As Delgado has predicted for future movements, pure politics ensured that the islanders were not dependent on the self-interest of whites—neither Supreme Court Justices nor local power holders. Perhaps had the islanders instituted a lawsuit in
1948 alleging the unconstitutionality of the South Carolina voting requirements, they would have registered the same number of voters by the early 1960s. But, as both Bell and Delgado agree, that strategy would have left the islanders dependent on the Supreme Court for their right to vote. Such dependency would have had detrimental effects on the islanders for two reasons. First, had the Court’s interests not converged with the islanders’, they would not have gained the vote at all. Second, and more importantly, regardless of the outcome, their suit would have reinforced both internal and external views of the passivity of African Americans. Delgado’s theory corrects the problems of this judicial dependency. The pure politics in which the islanders engaged—teaching one another to read, establishing and controlling community organizations, linking their community with others—placed decision-making power in their own hands.

Even while freeing African Americans from dependence on white interests, however, Delgado appears unwittingly wedded to Bell’s interest-convergence theory. As a result, legal instrumentalism still overemphasizes the role of the courts. Delgado allows that during those periods when litigation would negatively affect race reform, people may engage in other types of reform movements. Delgado takes as a given that during the period of the classical civil rights movement, from Brown through the passage of federal legislation in 1964 and 1965, the Court was sympathetic to race reform. As a result, Delgado’s theory would imply that other strategies were neither necessary nor useful during that period. The frenetic activities of Johns Island activists in the 1950s and early 1960s demonstrates otherwise. They illustrate that simultaneous with Brown and the litigation approach, movement participants were practicing pure politics. They engaged both in pure politics of the first order—mass demonstrations, picketing, civil disobedience—and the second order—self-help and resource gathering to implement those changes over which it had some control.

The lesson to be learned here, a lesson that enriches and layers Delgado’s theory, is that these strategies are not mutually exclusive, but mutually reinforcing. Delgado is too enamored with litigation to follow his theory of legal pragmatism through to its logical conclusion: Movements for change should use
alternative strategies not only when litigation fails. Interest-convergence and legal instrumentalism, practiced concurrently, can go a long way toward social and political transformation.

V. Conclusion

The history of Johns Island during the civil rights movement thus reinforces Delgado's claims and enriches them by specifying how the islanders acted in the manner he now prescribes. From 1948 to the early 1970s, activists on Johns Island exemplified many of the facets of legal instrumentalism about which Delgado writes. They practiced self-help throughout the period, but especially in the early years, isolated from the mainland of the United States with few resources other than their own energy. They manipulated white self-interest, both private and governmental, in attaining their goals, consistent with Bell's interest-convergence and with Delgado's restatement of that theory. They utilized beneficial Supreme Court decisions and advantageous federal legislation but did not wait for such government action before they mobilized. Island leaders transformed their movement as they increased their skills and attained various goals along the way. They built community organizations and preserved the integrity of their racial community and culture. By looking backward to history, not just to Brown and the results of interest-convergence, but to the actual efforts of local communities, legal instrumentalism may become not only the truth of the past but also an optimistic strategy for the future.

Delgado's legal instrumentalism, elaborated through the history of Johns Island, thus succeeds in infusing current struggles for racial justice with a measure of optimism. This article endeavors to do the same for the current non-debate in the legal academy. Where mainstream scholars and critical race theorists have failed to engage because they believe they share no common ground, the historian reminds both groups that history allows for an interpretive practice shared by all.

The Johns Islanders of the 1950s bridged many waters, both literal and figurative: between their island and the mainland United States, their expectations and their reality, their view of the world and the world's view of them. In this article their history bridges two more—the gap that separates the hope for racial justice of the sixties and the increasing despair of the
nineties, and the swelling ideological gulf that divides critical race theorists and mainstream legal scholars. The application of Johns Island’s history to legal instrumentalism demonstrates the alternative critique of the historian, in which history bridges the seemingly boundless sea of silence that threatens to engulf the contemporary legal academy.
ENDNOTES


2. Throughout this article, I will use the terms “African American” and “black” interchangeably. When primary and secondary texts use other terms, I have left their usages intact.

3. One critical race theorist describes this new legal movement’s manifesto:

   We, as people of color, were not there when conventional legal standards were being formulated. Little wonder that these traditional meritocratic standards have worked to exclude us historically, and still work to exclude us. Disenfranchised people of color theorize, but they theorize in different ways. They tell stories. Hear us, and hear us in our own voices. It is only then that you will truly hear us.


4. Although the mainstream criticism of critical race theory forms part of a larger assault on what Farber and Sherry call “radical multiculturalism,” which also includes feminist legal theory and gay legal theory, most attacks focus on critical race theory. See Daniel A. Farber and Suzanna Sherry, Beyond All Reason: The Radical Assault on Truth in American Law 40-42 (New York: Oxford University Press, 1997).

   See also Richard A. Posner, “The Skin Trade,” New Republic, Oct. 13, 1997, at 40 (“But the critical race theorists have succumbed completely to postmodernist absurdity, and so they provide the biggest target for Farber and Sherry’s attack and receive the largest number of arrows.”).


7. Delgado, “The Imperial Scholar,” supra note 6, at 577. In revisiting these issues, however, Delgado toned down his argument: “The field of civil rights has not been given over entirely to minority and feminist scholars . . . . Nor am I arguing that it should be.” Delgado, “The Imperial Scholar Revisited,” supra note 6, at 1355. He nonetheless found that mainstream scholarship still marginalized critical race theorists. See id. at 1351.


12. While narratives are hardly coextensive with critical race theory—many who are not critical race theorists use them and many critical race pieces do not—mainstream scholars are particularly hostile to them in the context of critical race theory. The narratives they tell are “flops as stories and . . . flops as scholarship.” Posner, supra note 4, at 42. They “hinder debate among radical scholars themselves, let alone constructive dialogue between them and the mainstream.” Farber and Sherry, supra note 4, at 73.


14. For a completely different view of the standards debate, see Pierre Schlag, “Pre-Figuration and Evaluation,” Cal. L. Rev. 80 (1992): 965 (arguing that the debate over standards is a result of the breakdown of the hegemony of conventional legal thought). See also Edward L. Rubin, “On Beyond Truth: A Theory of Evaluating Legal Scholarship,” Cal. L. Rev. 80 (1992): 889 (arguing that a partial subdiscipline like critical race theory should be evaluated with traditional notions of clarity and significance but with a modification of the evaluator’s judgment about persuasiveness and applicability).

15. Theorists in the critical race theory, feminist legal studies, and gay legal theory movements generally consider themselves “outsider” scholars, as in outsiders to the traditional confines of the legal academy.


20. See, e.g., Farber and Sherry, supra note 4, at 29.

21. Farber and Sherry, supra note 4. They, in fact, argue that the radical multiculturalists' attack itself exhibits racism against Asians and Jews. See id. at 52-71.

22. Id. at 89.

23. Id. at 133. One mainstream scholar even goes so far as to argue that "critical race theory . . . fails as rational discourse." Larry Alexander, "What We Do, and Why We Do It," Stan. L. Rev. 45 (1993): 1885, 1895.

24. Posner, supra note 4, at 41. Richard Epstein condemns the thought "that principles of verification can be neutral and universal has been replaced by a notion that truths, like people, are socially situated and constructed" and that outsiders to a social group "can never exercise independent intelligence to decide whether a claim is true or false." Epstein, supra note 10, at 1618.

25. See, e.g., Brown, supra note 3 (arguing as a critical race theorists that the problem lies in outmoded depictions of white racism with which whites do not identify); Rubin, supra note 14, at 889 (arguing from a mainstream position that critical race studies is a partial subdiscipline of legal scholarship that should be evaluated according to somewhat different criteria). But see Alex M. Johnson, Jr., "Racial
Critiques of Legal Academia: A Reply in Favor of Context," *Stan. L. Rev.* 43 (1990): 137 (stating that he is a black who does not write "from a perspective of color" and that such a perspective should be the author's choice).


27. *See e.g.*, Farber and Sherry, *supra* note 4, at 26-29.


33. *See id.* at 415-16. Delgado does note that activists like Martin Luther King, Jr. and the Black Panthers questioned the legitimacy of certain laws, but he only connects that skepticism to action for the latter and then only briefly. *Id.*

35. He spends most of the article analyzing Bell’s theory of interest-convergence, described infra, text accompanying notes 42-44, and justifying why legal instrumentalism is necessary, despite its possible anti-law perspective. See Delgado, “Rodrigo’s Ninth Chronicle,” supra note 29, at 386-406.


37. Id. at 387.

38. Id.

39. Id. at 388 (emphasis added).

40. Id. at 389.


43. Bell 1, supra note 34, at 90, 95; see also Bell 2, supra note 34, at 518, 522-28.

44. Bell contends that his realism need not lead to desperation. "[Racial Realism] requires us to acknowledge the permanence of our subordinate status. That acknowledgment enables us to avoid despair, and frees us to imagine and implement racial strategies that can bring fulfillment and even triumph." Bell, "Racial Realism," supra note 42, at 374. He does not, however, suggest how to transform the knowledge of subjugation into triumph.


[B]lacks are viewed as simply ineffective and unable to influence their own lives. We can never hope to be more than simple pawns in the hands of powerful whites. The efforts by blacks to change this situation are absorbed by whites, who merely appear to accommodate these efforts without changing the status quo. But see Willie Abrams, "A Reply to Derrick Bell's Racial Realism," *Conn. L. Rev.* 24 (1992): 517 (agreeing with some and disagreeing with other parts of Racial Realism); Linda S. Greene, "Civil Rights at the Millennium: A Response to Bell's Call for Racial Realism," *Conn. L. Rev.* 24 (1992): 499 (same).

47. Bell tries to give his readers hope for the future despite the realism he advocates: People must continue to struggle because although struggle may not be effective, it is the best available option. “We must realize,” he urges, “as our slave forebears, that the struggle for freedom is, at bottom, a manifestation of our humanity that survives and grows stronger through resistance to oppression, even if that oppression is never overcome.” Bell, “Racial Realism,” supra note 42, at 378. Bell also suggests that the purpose of struggle is to “harass White folks.” Id. at 379. Powell suggests that such a goal is not sufficient. Despite current disillusionment, he believes that actual improvement can accompany perpetual struggle as a goal. Powell, “Racial Realism,” supra note 45, at 549.


50. Id. at 395.


56. One incident illustrative of Jenkins’ innovative spirit involved the sale of produce in the city of Charleston. The merchants who bought the goods were Greek and spoke no English. Jenkins realized that by learning Greek he could eliminate the middleman and his high
fees and deal directly with the merchants themselves. He enrolled in night school, learned Greek, and built a strong relationship with the merchants. He then became an advocate for many of Johns Island's truck farmers in their negotiations with Charleston merchants. Such initiative culminated in Jenkins' ownership of an eclectic mix of businesses: four buses, a fruit store, a record shop, two motels, and a café. Esau Jenkins: Community Developer, Educator, and Fighter for Human Rights, 1918-1972 [hereafter Jenkins, pamphlet].


of World War II, the isolation of the island was a memory of the past, but it was also a legacy upon which the islanders could draw for strength and resources.


58. Jenkins was not the only entrepreneurial islander. George Bellinger, for example, provided stiff economic competition with his own bus line and businesses. Glen, supra note 57, at 160.

59. Carawan & Carawan, supra note 57, at 141.

60. Jenkins bought his first bus in 1945—shortly after the completion of the first bridge to the mainland—to transport people into Charleston for work and school. There was no high school for blacks on Johns Island until Jenkins succeeded in pressuring the county for one in 1953. See infra text accompanying notes 112-114. When Jenkins wanted his children to attend Burke High School, the only high school for blacks in Charleston, he began driving them and other children and was later reimbursed for his troubles by the school district.

61. It is estimated that approximately 10% of the Johns Island population was literate in 1950 and 10% was likewise registered to vote. South Carolina voting laws required that applicants be able to read and interpret a section of the South Carolina State Constitution in order to qualify for registration. Glen, supra note 57, at 158.

62. Glen claimed that Jenkins had registered 200 voters. Glen, supra note 57, at 159. According to Aimee Isgrig Horton, however, Jenkins and the Civic Club had successfully registered 300 voters before 1956. Isgrig Horton, supra note 57, at 222. County records are categorized neither by race nor by island.
63. Interview by Elliot Wigginton and Sue Thrasher with Bernice Robinson, in Charleston, S.C. (Nov. 9, 1980).


65. The Progressive Club was by no means the first formal institution on Johns Island. The Odd Fellows Fraternal Group, social rather than political in nature, prepared the people of Johns Island for the more demanding work of social change by baptizing them in speech writing, meeting procedures, and membership privileges and responsibilities. Clark, supra note 57, at 51. Because of the Odd Fellows, by the time Esau Jenkins founded the Progressive Club, the islanders had already become used to the notion of joining organizations, paying dues, and fulfilling the concomitant responsibilities of membership. As the islanders became engaged in voter registration, a campaign to elect an African American to the school board, and a youth campaign for rural housing, they resuscitated the Johns Island Civic Club in 1955 after years of dormancy to join the Progressive Club in its betterment efforts. Isgrig Horton, supra note 57, at 219.

66. Clark is one of a group of recently resurrected women civil rights leaders who had in the past been obscured by a male-dominated view of the civil rights movement. For information on both Clark and other female leaders, see, Women in the Civil Rights Movement: Trailblazers and Torchbearers, 1941-1965 (Vicki L. Crawford et al., eds. 1991).

67. Although Bellinger and Jenkins were both involved in the initial contacts with Highlander, Bellinger soon faded from view. He supported some of the island efforts financially but played almost no role in the activities themselves. Glen, supra note 57, at 160.

68. For example, the issue of desegregation of public transportation in Baton Rouge had already flared into public confrontation in June 1953. See David J. Garrow, Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference (New York: W. Mallow, 1986), 11-82; Fred Powledge, Free at Last? The Civil Rights Movement and the People Who Made It (Boston: Little, Brown, 1992), 73-90. HFS is perhaps most widely known for training Rosa Parks before she was arrested at the front of a bus, sparking the Montgomery boycott.

69. Glen, supra note 57, at 155.

70. Olendorf, supra note 57, at 110.


73. Glen, supra note 57, at 159. Where other communities initially mobilized in direct activity against physical obstacles (like buses in Montgomery), for Johns Island the beginning of the movement came as a mobilization of local economic support for national political power. “Voter registration and direct action efforts became entwined at the community level, two paths toward the same destination.” Robert A. Goldberg, Grassroots Resistance: Social Movements in Twentieth Century America (Belmont, Calif.: Wadsworth, 1990), 152. A few of the many sources that discuss the civil rights movement in the fifties are Taylor Branch, Parting the Waters: America in the King Years, 1954-1963 (New York: Simon and Schuster, 1988); Aldon Morris, The Origins of the Civil Rights Movement: Black Communities Organizing for Change (New York: Free Press, 1984); Powledge, supra note 68.

74. In 1954, Zylphia Horton (Myles’ wife) stayed with Esau Jenkins while attending an NAACP dinner in Charleston. “From the point of view of island neighbors and others who saw the white woman or even heard about her visit, the process of moving away from isolation had begun.” Isgrig Horton, supra note 57, at 218.

75. Charleston Chronicle (n.d.). All clippings and pamphlets on file with the author.

76. Glen, supra note 57, at 161.

77. Although there were a small number of white natives of the island who were intimate with African Americans and treated them well, the historical literature emphasizes that black islanders’ interactions with whites were overwhelmingly negative. See Clark, supra note 57, at 36 (describing how plantation owners into the twentieth century still wielded enough power to keep children out of school to work in the fields); Isgrig Horton, supra note 57, at 205 (contending that the islanders were “dominated, still, by the plantation world of their parents, a world where the government, the schools, the jobs, the whole system controlling the lives of Negroes, belonged to the white man”); Interview with Bill Jenkins, Johns Island, South Carolina, 28 Oct. 1992 (stating that a single police officer, “Chief” Henderson, was reputed to have killed seventeen islanders over the course of his career).

78. Id.; Horton, supra note 57, at 100.

79. Robinson, interview, supra note 63.

80. Glen, supra note 57, at 162; Horton, supra note 57, at 101-03.

81. Glen, supra note 57, at 163.

82. Horton, supra note 57, at 232. For a discussion of the link between citizenship and consumerism, see Felicia Kornbluh, “To Fulfill Their ‘Rightly Needs’: Consumerism and the National Welfare Rights

83. Tjerandsen, *supra* note 57, at 162.

84. Glen, *supra* note 57, at 163.


88. Jenkins, pamphlet.

89. Clark, *supra* note 57, at 192.

90. Glen, *supra* note 57, at 158.

91. According to Guy Carawan, "One of the main purposes of the new singing program at the adult schools has been to help stimulate the continuance and development of this old spiritual singing tradition in the Sea Islands by giving it some recognition and a regular place in the program." *Carawan & Carawan, supra* note 57, at 227.


93. *Id.* at 163.

94. *Id.* at 164.


96. Drago, *supra* note 85, at 274, 277. The student sit-ins began in Greensboro, North Carolina on February 1, 1960. As they spread rapidly throughout the South, Charleston was no exception. For more information on the sit-ins and student involvement in the civil rights movement, see Raines, *supra* note 95, at 75-111; Sitkoff, *supra* note 95, at 69-96; Robert Weisbrot, *Freedom Bound: A History of America’s Civil
Rights Movement (New York: Norton, 1990), 19-44.


98. Brown, supra note 3, at 51.

99. Powledge, supra note 68, at 95. For further reading on the SCLC's birth and growth, see Branch, supra note 73, at 199, 228-33; Garrow, supra note 68, at 11-126; Martin Luther King, Jr., Where Do We Go from Here: Chaos or Community? (Boston: Beacon Press, 1967).

100. Glen, supra note 57, at 169. Under FBI investigation as a "communist training center," HFS lost its charter and was closed down in 1961 because of allegedly violating alcohol codes. HFS eventually reopened but it lost the ability and the resources with which to operate the southwide voter registration initiative. See Brown, supra note 3, at 61; Horton, supra note 57, at 108.

101. Glen, supra note 57, at 165. When the Dorchester Training Center in Macon, Georgia, became the base of operations, it expanded its curriculum to include the functions of employment agencies and the structure of government, police, and political parties.

102. See Garrow, supra note 68, at 161-62. Bell's interest-convergence theory yields more fruitful results in analyzing the nationalization of these voter registration projects than their initial local establishment.

103. Horton, supra note 57, at 238.


105. Glen, supra note 57, at 165; Horton, supra note 57, at 228. Registered voters increased on other Sea Islands as well. Edisto Island, for example, had 200 by 1960, five times more than in 1958. Glen, supra note 57, at 165.

106. Glen, supra note 57, at 166; Brown, supra note 57, at 45.


108. Clark, supra note 57, at 158.


110. Tjersand, supra note 57, at 155.

111. In fact, Johns Island's move from isolation to inclusion can be viewed as part of a national trajectory of African-American migration, urbanization, and integration that can account for these similarities between Johns Islanders and mainlanders at mid-century. See, e.g., Nicholas Lemann, The Promised Land: The Great Black Migration and How It Changed America (New York: Vintage, 1991) (describing this national
traitor).


113. Jenkins, pamphlet.

114. Linda Gadson forged her parents' signatures so that she could be one of the first blacks to attend the newly integrated, previously white high school on Wadmalaw Island. The violence and tension that filled Little Rock Central High appeared as well on the Sea Islands but, as Gadson recalled, "we didn't have the amount of violence as they had in Alabama and other places . . . . The folk here always wanted to try to keep the lids on things." Interview with Linda Gadson, on Johns Island, S.C. (Nov. 6, 1992).


116. Drago, supra note 85, at 278. For more on the sit-ins nationally, see Branch, supra note 73, at 270-300; Garrow, supra note 68, at 127-45; Sitkoff, supra note 95, at 70-91.


118. For a relatively contemporaneous perspective, see, e.g., King, supra note 99 (discussing the future of the civil rights movement after the Voting Rights Act). For a retrospective perspective, see Goldberg, supra note 73, at 161. Goldberg synthesized the work of resource mobilization theorists who asserted that social movements are comprised of a group of outsiders who attempt to obtain previously denied entrance into the polity. This mission is not necessarily the explicitly stated goal but it is the means by which specific goals are to be attained. For blacks, voting rights, integration of public places, and election into political office were the keys to success. Once they achieved these, the movement, according to such theorists, was no longer necessary nor able to sustain the same level of commitment from its participants.
Goldberg, supra note 73, at 161.


121. Crenshaw, supra note 34, at 1377.

122. Id. at 1346.

123. Jenkins, pamphlet, supra note 56.

124. Black Awareness Coordinating Committee of Charleston County, pamphlet.

125. Social movement theorists often debate over how indigenous the thrust for the vote was—whether it was constructed from below or handed down from above. For some discussions of this question see Goldberg, supra note 73, at 151; Frances Fox Piven and Richard A. Cloward, Poor People’s Movements: Why They Succeed, How They Fail (New York: Vintage Books, 1979), 225-27, 231-32; Doug McAdam, Political Process and the Development of Black Insurgency, 1950-1970 (Chicago: University of Chicago Press, 1982), 157-58.

126. Lowcountry Newsletter (Jan. 3, 1968). The Fort Sumter Hotel was one of the most expensive and exclusive in Charleston.

127. Goldberg, supra note 73, at 15.

128. See, e.g., King, supra note 99, at 6-8 (detailing some of the remaining social and economic inequalities African Americans faced in 1967); Sitkoff, supra note 95, at 208 (discussing the riots in the North and West in the mid sixties: “The success of the struggle for racial equality in the South [in 1965] accelerated aspirations but did nothing to improve the day-to-day lot of ghetto blacks . . . . None of the marches, pickets, rallies, or other forms of peaceful protest abolished filthy dope-ridden streets or inferior segregated schools.”).


131. Prior to 1965, there were undeniably economic components to the movement. The 1963 March on Washington, for example, was called "a march for jobs and freedom." Before 1965, however, the civil rights issues had predominated. *Id.* at 159.


137. *Id.* (Jan. 16, 1968). This threat of a repeal of government funds when only blacks benefited from them haunted the islanders' efforts for decades.

138. South Carolina Commission for Farm Workers, pamphlet.

139. *Id.*


142. Community Organization Federal Credit Union, brochure and meeting agenda [hereinafter COFCU, brochure].

143. Charleston Area Community Relations Committee, meeting minutes (July 1, 1968) [hereafter CACRC, meeting minutes]; *Charleston News and Courier*, guest editorial, Arthur Clement, Jr. (c. late 1972).

144. CACRC, meeting minutes, *supra* note 143.

145. COFCU, brochure, *supra* note 142.

146. James Cerruti, "Sea Islands: Venturing Along the South's Surprising Coast," *National Geographic*, March 1971, at 366-93; Charleston County Coordinating Committee, meeting minutes (Mar. 24, 1971) [hereinafter CCCC, meeting minutes].

147. CCCC, meeting minutes.

148. CCCC, grant request to Executive Council of the Episcopal Church (Nov. 1968).

150. Most migrants harvested fruits and vegetables for commercial sale, which is generally called truck farming.


152. Richard A. Couto, Working to Stop Poverty 4 (Vanderbilt University, 1986). I read a copy of the unpublished manuscript in SICHCC’s files. The book has now been published as Couto, supra note 151. I cite from both works because there is a significant amount of material in the unpublished work that does not appear in the final version. Where it does, I cite from the published work.

153. Id. at 5.


155. Rural Mission, pamphlet (c. 1974-75). Rural Mission is one of the few organizations with a specifically religious mission to have appeared on Johns Island. While churches were used at times for meetings and Reverend Goodwin played a substantial role in the island-wide movement, the church as an institution was not significantly involved with the island movement as a whole.

156. This solidarity, and the Black Power movement it fostered, were often blamed for the riots that plagued the decade. Harvard Sitkoff illustrated the interconnectedness of the two agendas when he noted that young African Americans “rioted to raise the economic questions the civil-rights movement had ignored.” Sitkoff, supra note 95, at 206.

157. Garrow, supra note 68, at 573-620; Goldberg, supra, note 73, at 162.

158. King, supra note 99, at 32.

160. Because I was unable to interview James Jenkins, and Saunders wrote most of the *Lowcountry Newsletter*, I will focus my discussion on the latter.

161. Interview with Bill Saunders, in Charleston, South Carolina (Nov. 16, 1992).

162. *Id.*

163. *Id.*

164. The membership of the Concerned Citizens, along with James Jenkins and Bill Saunders, included Ethel Grimbald (one of Esau Jenkins' daughters), Ezekiel Jones, and Frankie Freeman.


166. *Id.* In 1968, when an OEO representative from Atlanta told the commission, "Ya'll don't get a nickel until this man is certified," Saunders became an official member. Couto, *supra* note 151, at 139.


168. *Id.*

169. *Id.*


172. *Id.*

173. *Id.*


175. Miscellaneous flyer.


178. Saunders' analysis may imply that poor people can never appreciate their culture. Neither Saunders nor this author espouses this position.

Subtle, unconscious, and euphemistic racism has eclipsed the "dominative" racism of the earlier era. See, e.g., Prejudice, Discrimination, and Racism (John F. Dovidio & Samuel L. Gaertner, eds., 1986) (discussing various changes in nature of racism in recent decades).


181. See Sowell, supra note 180; Loury, supra note 180.


183. Gadson, interview, supra note 114.

184. Id.


187. A third possibility of interaction between legal instrumentalism and interest-convergence does not appear in Johns Island's history specifically. If one believes, as many critical scholars of all types do, see, e.g., Robert Gordon, "Critical Legal Histories," Stan. L. Rev. 36 (1984): 54, that judges' decisions in some way reflect their interests, then pure politics can affect judicial outcomes just as they affect social and political ones. Interest-convergence assumes that white societal and judicial interests are impervious to outside influence, but the pure politics of the civil rights movement can be viewed as shaping and changing the white interests themselves.

188. There is currently some debate about whether those cases were actually favorable, see supra note 34, but at the time movement participants considered them victories.
