

J. R. Clifford and the Carrie Williams Case -- a Historical Drama

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PERFORMANCE INFORMATION, CAST, AND CREW:

PERFORMANCE LOCATION

DATE AND TIME

REHEARSAL DATES AND TIMES

PRODUCER

DIRECTOR

ASSISTANT DIRECTOR

STAGE MANAGER

PROPS

RECEPTION MANAGER

SOUND

LIGHTING

MAKEUP

USHERS

OTHER

**CAST, IN ORDER OF APPEARANCE:
(in brackets “race”/gender, costume, personal props for that character)**

MUSICIANS AND SINGERS

WELCOMER

NARRATOR, M/F, CONTEMPORARY, NOTEBOOK -

**“A” SET OF POSTER CARRIERS (3), MILD PERIOD (may also be
SCHOOLCHILDREN)**

A1 - WEST VIRGINIA MAP SHOWING COKETON LOCATION -

A2 - PHOTO OF COKETON -

A3 - PHOTO OF BLACK COAL MINERS -

SCHOOLTEACHER CARRIE WILLIAMS, BF, PERIOD, FOLDER, SCHOOL REGISTER

**SCHOOLCHILDREN (UP TO 11 speaking parts, additional non-speaking), BM/F, MILD
PERIOD, NOTEBOOKS**

#1 -

#2 -

#3 -

#4 -

#5 -

#6 -

#7 -

#8 -

#9 -

#10 -

#11 -

OTHER SCHOOLCHILDREN -

**J. R. CLIFFORD, BM, PERIOD FORMAL, LETTER, FOLDER AND PEN, LAW BOOK -
BAILIFF, MILD UNIFORM, BIBLE -**

CIRCUIT JUDGE HOKE, WM, ROBE, GAVEL -

**JURORS (12+ (may add one or more alternate jurors), M/F B/W, MILD PERIOD -- ONE
IS FOREPERSON -**

FOREPERSON #1 -

#2 -

#3 -

#4 -

#5 -

#6 -

#7 -

#8 -

#9 -

#10 -

#11 -

#12 -

#Alternates -

**SCHOOL BOARD LAWYER C. O. STREIBY, WM, PERIOD FORMAL, FOLDER AND
PEN -**

SECRETARY OF SCHOOL BOARD H. A. MEYER, WM, MILD PERIOD -

AUDIENCE MEMBER, CONTEMPORARY, LAW BOOK -

AUTHOR, CONTEMPORARY -

B SET OF POSTER CARRIERS (10), MILD PERIOD (may also be SCHOOLCHILDREN)

B1 - ABRAHAM LINCOLN -

B2 - FREDERICK DOUGLAS -

B3 - HARRIET TUBMAN -

B4 - FOURTEENTH AMENDMENT LANGUAGE -

B5 - WHITE/COLORED SIGN -

B6 - COLORED SCHOOL -
B7 - WILLIAM E. B. DUBOIS -
B8 - A. PHILLIP RANDOLPH -
B9 - NIAGARA CONVENTION - MEN
B10 - NIAGARA CONVENTION - WOMEN
B11 - THURGOOD MARSHALL -

JUDGE DENT, WM, ROBE, OPINION -
JUDGE BRANNON, ROBE, WM -
JUDGE WORKMAN, ROBE, WF -
JUDGE CLECKLEY, ROBE, BM -
J. R. CLIFFORD AGE FIFTEEN, BM, UNION CIVIL WAR UNIFORM, CAP, RIFLE -
FREDA CLIFFORD, PERIOD DRESS, JUMP ROPE, B/F TEENAGER

WELCOMER

Hello, I am []. On behalf of [], I welcome you to today's presentation. I want to say "thank you" to [] for the great warm-up music. [Lead brief applause.] Also, I want to recognize []. And I want to say "thank you" to all of the people who made this program possible.

The state of West Virginia was created in 1863, by people who were deeply involved in the struggle to abolish human slavery in the United States. Since that time, West Virginia has had a rich history of civil rights activism, and it is no accident that the Niagara Movement had its birthplace in the Mountain State.

Today, we all know that America's problem of the color line has certainly not been "solved," although much progress has been made. Through programs like the Niagara Centennial and today's re-enactment, we can try to face the color line with candor, compassion, and courage. Thank you all for being here as part of that effort.

Our program's Narrator, Ms. Kitty Dooley, is an attorney in Charleston, West Virginia, and she a member of West Virginia's historic black lawyers' association, the Mountain State Bar. She is also a member of the Board of Governors of the West Virginia State Bar. Ms. Dooley's mother-in-law, Mrs. Doris Green, attended school in Coketon, West Virginia, in the one-room colored school that will be the setting for our first Act.

Please welcome Kitty Dooley.

WELCOMER leads applause and sits down.

ACT ONE

SCHOOLHOUSE, COKETON, WEST VIRGINIA - Fall 1892

The NARRATOR enters and stands at the podium. Three POSTER CARRIERS, who may also be SCHOOLCHILDREN in this Act, stand just off stage, ready to bring on and display their POSTERS.

NARRATOR

Thank you all for being here. Our program is taken from the historical record -- but we will have to rely on our imagination for some parts of the story.

I want to encourage anyone who wants to take photos or video during the program to do so, and come down in front if you want.

Now let's begin our program. Our first Act takes place in 1892, in Tucker County, West Virginia - in the town of Coketon, at the head of the Blackwater Canyon.

POSTER CARRIER # 1 comes on stage and displays POSTER A1, a map of West Virginia, with a big star showing the location of Coketon. POSTER CARRIER #1 remains on stage; and as the other two POSTER CARRIERS in this Act come on stage when their POSTER is referred to, the three POSTER CARRIERS form a line, showing their three posters to the AUDIENCE.

Today, Coketon is just a few houses in a beautiful river valley, about sixty miles west of J. R. Clifford's birthplace in Williamsport. But in the 1890s, Coketon was a boom town. Coketon was the center of the biggest railroad, timber, coal, and coke enterprise in West Virginia.

POSTER CARRIER # 2 comes on stage -- POSTER A2, a photo of Coketon is displayed.

Coketon was the headquarters of the Davis Coal and Coke Company, owned by the pioneer West Virginia industrialist, and colleague of J. P. Morgan, Henry Gassaway Davis.

Beginning in the 1880s, thousands of men, women, and children moved to the Coketon area -- coming from many states, and indeed, from all over the

world. They came to mine coal, to operate the coke ovens, to work on the railroad, and to cut trees and saw lumber.

POSTER CARRIER # 3 comes on stage -- POSTER A3, a photo of black coal miners is displayed.

Hundreds of these immigrants to Tucker County had slave ancestors or were themselves former slaves. In 1880, census records show only 26 persons of color in Tucker County, but by 1900 the census shows more than 350. West Virginia's post-civil war constitution required segregated schools. Following West Virginia law, the Tucker County Board of Education set up a "colored school" in Coketon for the children of these citizens.

Our first Act takes place in the Coketon colored school, in the Fall of 1892. Let's go there now. Schoolteacher Carrie Williams has a special announcement for her students.

The NARRATOR goes offstage. The three POSTER CARRIERS take their POSTERS offstage and join the other SCHOOLCHILDREN.

CARRIE WILLIAMS and the SCHOOLCHILDREN come on stage. The SCHOOLCHILDREN, as they take their seats on the benches or the floor, talk to one another animatedly. One of the CHILDREN pushes another child, playfully. WILLIAMS sees this and speaks sharply to the CHILD who did the pushing:

WILLIAMS:

Johnny, you stop that! You take the dunce stool!

The CHILD goes to the stool and sits on it and puts on the dunce cap. The rest of the SCHOOLCHILDREN are seated. WILLIAMS stands near center stage at her desk. WILLIAMS speaks to the children:

WILLIAMS

Class, please come to order. We are going to have a special guest today. Mr. John Robert Clifford of Martinsburg, West Virginia is a distinguished lawyer and newspaper publisher. Mr. Clifford is visiting our school on behalf of Storer College, in Harper's Ferry, West Virginia -- where I went to college. Storer College was founded in 1867 so our people could get a college education.

SC #1

Was Mr. Clifford a soldier?

WILLIAMS

I believe he was - but here he comes now, you can ask him yourself.

J. R. CLIFFORD enters, shakes hands with WILLIAMS.

CLIFFORD

Good morning, Mrs. Williams. It is a pleasure to visit your school, Teacher Williams.

WILLIAMS

Good morning to you, Mr. Clifford. I want to introduce you to my pupils. Class, this is Mr. J. R. Clifford.

The SCHOOLCHILDREN stand.

SCHOOLCHILDREN (all)

Good morning, Mr. Clifford.

CLIFFORD

Good morning, students. I am proud to see you all in school this morning. I knew people who gave their lives so you would have the right to an education. Please be seated, and feel free to ask me any questions you like.

The SCHOOLCHILDREN sit down. Before each SCHOOLCHILD asks a question, he or she stands up -- then, after asking the question, sits down to hear the answer.

SC #2

Mr. Clifford, were you a soldier?

CLIFFORD

Yes, in 1864, thirty years ago, when I was 15 years old, I enlisted in the Union Army, in the United States Colored Troops. I served in the 13th Heavy Artillery. But I hated war and killing people. Today I fight using the law, the vote, and the power of the press.

SC #3

Mr. Clifford, did you know John Brown?

CLIFFORD

No, young lady. When John Brown and his raiders attacked the arsenal at Harper's Ferry in 1859, I was eleven years old. But I remember my father and my grandfather talking about the courage of Brown and his men - black and white - who fought against human slavery.

Now, I want to ask you students some questions. What are your plans and dreams?

SC #4

Mr. Clifford, my dream is to be an engineer. My father is working on the railroad. I want to build big bridges.

SC #5

Mr. Clifford, my dream is to be a musician. I love the music of all the different people in Coketon. I want to play in an orchestra and play the music of the whole world.

SC #6

Mr. Clifford, I love our school in Coketon. My dream is to be a teacher like Mrs. Williams. But my father says that the School Board is cutting the term of our Coketon school.

CLIFFORD

Young lady, you *must* follow your dream to be a teacher. And I encourage all of you to follow your dreams! If you work hard, you can succeed -- no matter what the obstacles.

WILLIAMS

Now, children, continue with your lessons, while I talk to Mr. Clifford privately, and thank him for joining us today.

WILLIAMS and CLIFFORD walk away from the children.

WILLIAMS

Mr. Clifford, what that little girl said is true. The School Board has refused to pay for a full eight months for our school in Coketon. The white children will have eight months, but our colored school term will only be five months.

CLIFFORD

Will no one challenge the School Board?

WILLIAMS

No. The School Board is run by the Davis Coal and Coke Company. If the parents protested, they would lose their jobs. But I did not sign the School Board's five-month contract, though. I knew that was wrong.

CLIFFORD pauses and thinks for just a moment, then speaks.

CLIFFORD

I have an idea, Mrs. Williams. Do you have any savings that you could live on and continue teaching after five months have passed, if the School Board stops paying you?

WILLIAMS

Yes, I could. My husband Tom and I have been saving for several years, and we have a nest egg that we can use.

CLIFFORD

Good. Then let me consult my law books when I get back to Martinsburg, and I will write to you. But I am telling you now, do not plan to stop teaching after five months. There will be some financial risk to you, but we may be able to beat the school board at their own game.

WILLIAMS

I love teaching and I love these children, Mr. Clifford. That will not be hard.

CLIFFORD

I must be going, Mrs. Williams, the train leaves for Martinsburg in an hour.

CLIFFORD addresses SCHOOLCHILDREN.

CLIFFORD

Goodbye, children. Do as Mrs. Williams tells you, and work hard to make your parents proud of you.

SCHOOLCHILDREN (all)

Goodbye, Mr. Clifford.

CLIFFORD exits stage.

WILLIAMS

Children, thank you for being so good while Mr. Clifford visited us.

SC #7

Teacher Williams, can we sing a song before lunch?

WILLIAMS

That's a wonderful idea. What song would you like to sing?

SC #7

Let's sing that song that they sang in the Civil War. You know, when Mr. Clifford was fighting for our freedom. You know, "Glory, Glory, Hallelujah!"

WILLIAMS

Very well, let's do that.

WILLIAMS and the SCHOOLCHILDREN face the Audience. The NARRATOR enters immediately.

NARRATOR

Please stand and sing with us. The words are in your programs.

ALL

**Mine eyes have seen the glory of the coming of the Lord,
He has trampled out the vintage where the grapes of wrath are stored,
He has loosed the fearful lightning of his terrible swift sword,
His truth is marching on.**

**Glory, glory Hallelujah,
Glory, glory Hallelujah,
Glory, glory Hallelujah,
His truth is marching on.**

**In the beauty of the lilies, Christ was born across the sea,
With a glory in His bosom that transfigures you and me,
As He died to make men holy, let us live to make men free,
His truth is marching on.**

**Glory, glory Hallelujah,
Glory, glory Hallelujah,
Glory, glory Hallelujah,
His truth is marching on.**

NARRATOR

Thanks for your excellent singing. Please be seated while we prepare for Act Three. We'll enjoy a selection from our musicians.

WILLIAMS and the SCHOOLCHILDREN leave the stage.

END OF ACT ONE

ACT TWO
COURTHOUSE, PARSONS, WEST VIRGINIA - 1894

The BAILIFF comes on stage and speaks loudly:

BAILIFF

Oyez, oyez, oyez. Please stand and remain standing (At the Bailiff's motioning, the AUDIENCE stands.) **The Circuit Court of Tucker County is now in session, the Honorable Joseph T. Hoke, presiding.**

JUDGE HOKE, CLIFFORD, WILLIAMS, STREIBY, and MEYER enter, all at the same time. When they are in place, the BAILIFF continues:

BAILIFF

Oyez, oyez. All persons having matters to bring before the court now make their presence known. Silence is commanded under penalty of fine and imprisonment. Be seated. Be seated.

All, including the AUDIENCE, are seated.

JUDGE HOKE

Good morning, everyone. Mr. Bailiff, please summon the members of the jury.

BAILIFF

The following persons will serve as jurors in this case. (BAILIFF calls out names of JURORS (the names are on a separate list.)

After the JURORS' names are called, the BAILIFF faces the JURORS and speaks to them.

BAILIFF

Members of the Jury, please stand and raise your right hands.

The JURORS stand.

BAILIFF

Do you swear or affirm that you will try the case before you fairly and solely upon the evidence and the law, so help you God?

JURORS (all)

I do.

BAILIFF

Be seated.

The BAILIFF and JURORS sit down. JUDGE HOKE addresses the JURORS.

JUDGE HOKE

Members of the Jury, today we have a case in which the plaintiff, Mrs. Carrie Williams, a schoolteacher in Coketon, has sued the Board of Education for the Fairfax District of Tucker County for three months' salary. Mrs. Williams' attorney is Mr. J. R. Clifford. Please stand for a moment, Mrs. Williams and Mr. Clifford.

CLIFFORD and WILLIAMS stand for a second, then sit down.

JUDGE HOKE

The Defendant Board of Education is represented by its Secretary, Mr. H. A. Meyer .

MEYER stands.

JUDGE HOKE

And the School Board's lawyer is Mr. C. O. Streiby.

STREIBY stands. Then MEYER and STREIBY sit down.

JUDGE HOKE

Now we will begin our trial. Ladies and Gentlemen of the jury, in this case you will hear . . .

An AUDIENCE MEMBER (a "plant" in the AUDIENCE, about the fifth row back, dressed in contemporary costume) stands up and interrupts JUDGE HOKE:

AUDIENCE MEMBER

Your Honor, I have a question!

JUDGE HOKE

What is your question, [Ma'am or Sir]? You are interrupting a trial, you know!

AUDIENCE MEMBER

Your Honor, I know that this re-enactment is not supposed to be one hundred percent historically accurate. But I think you may be way off base

on some important things!

JUDGE HOKE

Ma'am, what specifically are you referring to?

AUDIENCE MEMBER

Well, for one thing, there are African Americans on the jury. Was that legal in the 1890s? And what about those women on the jury? Is that historically accurate?

JUDGE HOKE

Well, the Narrator said that this play was partly a work of imagination. We do have our play's Author in the audience. Let's ask him.

JUDGE HOKE addresses the AUTHOR, who is seated in the Audience.

JUDGE HOKE

Mr. Author, what do you have to say about our play's historical accuracy?

The AUTHOR stands and addresses JUDGE HOKE.

AUTHOR

Your Honor, the United States Supreme Court ruled in 1880 that blacks could not be excluded from juries in West Virginia. I'm not saying that ruling was always enforced - but that was the law in the 1890s. However, the audience member *is* right about the women on the jury. It wasn't until 1957 that women won the right to sit on juries in West Virginia. You know, women only won the right to vote in 1921. And . . .

JUDGE HOKE interrupts the AUTHOR.

JUDGE HOKE

Thank you, Mr. Author, that's enough of a history lesson. We have a trial going on here. Can you tell us why this jury is not historically accurate?

AUTHOR

Well, your Honor, I felt bad about recreating a segregated school in the last Act. So by the time it came to casting the jury, I decided to rewrite history a little bit for the better.

JUDGE HOKE

I suppose your motives are understandable. Please be seated.

Author sits down. JUDGE HOKE addresses CLIFFORD.

JUDGE HOKE

Mr. Clifford, do you have any objection to the jury?

CLIFFORD stands up.

CLIFFORD

No, your Honor.

CLIFFORD sits down. JUDGE HOKE addresses STREIBY.

JUDGE HOKE

How about you, Mr. Streiby?

STREIBY stands up.

STREIBY

No objection, your Honor.

STREIBY sits down. JUDGE HOKE addresses the AUDIENCE MEMBER.

JUDGE HOKE

[Sir or Ma'am], your point may be well taken, but I think we are bending history in a good cause here. Let's move on with our trial.

JUDGE HOKE turns to the Jury.

JUDGE HOKE

Ladies and Gentlemen of the Jury, as I was saying, this case involves a suit by a schoolteacher for three months' wages. The lawyers have agreed to waive their opening statements. Lawyer Clifford, please call your first witness.

CLIFFORD stands up.

CLIFFORD

We call the plaintiff, Mrs. Carrie M. Williams.

WILLIAMS walks to the witness stand and sits down. The BAILIFF stands and approaches WILLIAMS.

BAILIFF

Do you swear or affirm that your testimony shall be the truth, the whole truth, and nothing but the truth, so help you God?

WILLIAMS

I do.

The BAILIFF returns to his seat and sits down.

CLIFFORD

State your name.

WILLIAMS

Mrs. Carrie M. Williams.

CLIFFORD

What was your employment in 1892 and 1893?

WILLIAMS

I was teaching in the colored school in the Town of Coketon.

CLIFFORD

Did you have a written teaching contract with the Board of Education?

WILLIAMS

No, the School Board refused to give me a contract for eight months, like the contracts that they gave the teachers at the white school. The Board wanted me to sign a contract for only five months. But I would not do it.

CLIFFORD

Mrs. Williams, what happened after five months?

WILLIAMS

I kept on teaching, but the school board would not continue to pay me. My husband and I used our savings to live on, so that I could give my pupils a fair education. I am still owed three months' wages -- \$120.00.

CLIFFORD

So it was a desire for fair education that motivated you?

WILLIAMS

Fair – and legal!

CLIFFORD

Your Honor, I have no further questions. Mr. Streiby may inquire.

CLIFFORD sits down. STREIBY stands up.

STREIBY

Mrs. Williams, at the end of the five months, didn't the School Board Secretary tell you he would not give you any more payments? And didn't he demand that you give him the class register?

WILLIAMS

Yes, he did.

STREIBY

You did not give Mr. Meyer the class register, did you?

WILLIAMS

No, Sir, I didn't. I kept it., and I completed it for the full eight months. Here it is.

WILLIAMS hold up REGISTER BOOK, opens it and reads:

WILLIAMS

The register shows that I taught for eight months. We covered eight subjects: orthography, reading, penmanship, arithmetic, grammar, history, geography, and language lessons. They are good children and they all worked hard at their studies, and

STREIBY (interrupting)

Excuse me, Teacher Williams. The only reason that you give for teaching eight months is because the white children had eight months?

WILLIAMS

Well, yes. That is correct. And, I believe, it is the law.

STREIBY

No further questions, your Honor.

STREIBY sits down.

JUDGE HOKE

Mr. Clifford, do you have any re-direct examination?

CLIFFORD stands up.

CLIFFORD

Your honor, I ask that the class register be admitted into evidence and shown to the jury.

STREIBY stands up and addresses JUDGE HOKE.

STREIBY

We see no relevance to the class register. They are just standard notes.

JUDGE HOKE

You brought up the subject of the register, Mr. Streiby. I believe it is relevant and I will admit the register into evidence. The BAILIFF may pass it to the jury.

The BAILIFF stands, walks to WILLIAMS, takes the REGISTER from her, walks over to the JURY, and hands the REGISTER to a JUROR on the end of the front row of the jury box. As the next witness is questioned, the JURORS pass the REGISTER to each other, each briefly looking at the REGISTER. The last JUROR to look at the REGISTER places the REGISTER on the jury box ledge.

JUDGE HOKE

The witness may step down.

WILLIAMS stands, returns to her seat beside CLIFFORD and sits down.

JUDGE HOKE

Mr. Clifford, call your next witness.

CLIFFORD

Your Honor, we call Mr. Harold A. Meyer.

MEYER, who is seated at counsel table next to STREIBY, looks at STREIBY questioningly, to see if MEYER should take the witness stand. STREIBY nods his head to MEYER, indicating that it is all right for MEYER to take the witness stand. MEYER stands, walks to the witness stand, and sits down. The BAILIFF approaches MEYER.

BAILIFF

Do you swear or affirm that your testimony shall be the truth, the whole truth, and nothing but the truth, so help you God?

MEYER

Yes, Sir, I do.

CLIFFORD stands at counsel table, asks questions of MEYER.

CLIFFORD

State your name and occupation.

MEYER

My name is Harold A. Meyer. I am employed as a Vice-President of the Davis Coal and Coke Company. I am also the secretary of the Board of Education of Fairfax District, Tucker County.

CLIFFORD

The Board of Education sets the property taxes for the District, and those taxes pay for the schools in the District, is that correct?

MEYER

That is correct.

CLIFFORD

In the 1892-1893 school year, the colored children's school received funds for five months, while the white children's school received funds for eight months. Why was that, Mr. Meyer?

MEYER

Well, it was simple arithmetic. We calculated the number of white children in the district, and the number of colored children. There were less colored, so their share of the taxes only allowed for five months of school.

CLIFFORD

Mr. Meyer, could you not *raise* the property taxes -- to pay for a full eight-month term of school for *both* white and colored children?

MEYER

I don't know . . . I mean, that would mean . . .

STREIBY stands and interrupts MEYER.

STREIBY

Objection, your Honor, the question calls for speculation.

JUDGE HOKE

The objection is sustained.

CLIFFORD

Mr. Meyer, does the Davis Coal and Coke Company own large tracts of

property in the Fairfax District of Tucker County, and pay most of the school tax?

STREIBY stands up and addresses JUDGE HOKE.

STREIBY

Your Honor, I fail to see the relevance of this question.

CLIFFORD

It goes to the witness' motive, your Honor.

JUDGE HOKE

The objection is overruled. The witness may answer.

STREIBY sits down.

MEYER

Of course the Davis Coal and Coke Company does pay a large portion of the school property tax, but that's not the . . .

CLIFFORD (Interrupting)

Thank you, Mr. Meyer, I have no further questions.

CLIFFORD sits down.

JUDGE HOKE

Mr. Streiby, any cross-examination?

STREIBY stands.

STREIBY

Yes, your Honor.

Mr. Meyer, is your service on the Board of Education, solely a public service to the community?

MEYER

Yes, Sir. And of course, as an officer of Davis Coal and Coke, our company has an interest in maintaining an educated and contented work force.

STREIBY

Were you at all times acting within the law as you understood it?

CLIFFORD stands up.

CLIFFORD

Objection, the question calls for a legal conclusion. And it is irrelevant what this witness *thought* the law was.

JUDGE HOKE

I agree. The objection is sustained.

STREIBY

Your Honor, I have no further questions.

STREIBY returns to his chair, but remains standing.

JUDGE HOKE

Mr. Clifford, any redirect examination?

CLIFFORD

No, your Honor. The Plaintiff Carrie Williams rests her case. We believe our evidence is sufficient to show that Mrs. Carrie Williams should be paid \$120.00 for her teaching services.

JUDGE HOKE

Mr. Streiby?

STREIBY

The Defendant also rests. We believe our evidence is sufficient to show that Mrs. Williams had no contract and is not owed any sum.

JUDGE HOKE

Very well. Will counsel please be seated?

STREIBY and CLIFFORD sit down. JUDGE HOKE turns and addresses the JURORS.

JUDGE HOKE

Members of the Jury, it is now my task to instruct you in the law. Then the attorneys will make their arguments, and it will be your task to deliberate and render a verdict.

(Brief Pause)

The Court instructs you that the Constitution of the State of West Virginia provides that whites and colored shall not be educated in the same school.

The law also provides that the Board of Education must establish schools for the equivalent education of the colored children in the District. The Court finally instructs you that a person may not seek payment for a task without a contract. But it is also true that every contract must comply with the law.

(Brief Pause)

Your verdict must be based upon these fundamental rules that I have presented to you. Mr. Clifford, you may address the Jury.

CLIFFORD stands and addresses the Jury.

CLIFFORD

Members of the Jury, thank you for your attention to Teacher Carrie Williams' case. The simple issue that you must decide is: will we follow the law of the State of West Virginia? The law requires that the school board must provide the necessary funds for the colored children's schooling, even if it means that the Davis Coal and Coke Company will pay more in taxes.

Mrs. Carrie Williams earned that \$120.00 -- as a just and law-abiding citizen of this land.

I see such citizens before me today. Members of the jury, it is your *duty* to award my client \$120.00. And I thank you again for your attention.

CLIFFORD returns to his seat. STREIBY stands and addresses the Jury.

STREIBY

Members of the Jury, of course I also ask you to follow the law. But the law does not contradict our common sense. We all know that that no one may perform work and make a claim for payment -- unless there is a *contract* to do the work.

Let's take an example that anyone can understand. I cannot build a shed in your back yard in the middle of the night, and then in the morning present you with a bill -- if you did not first agree to pay me.

The Board of Education set the term for the colored school at five months. *And no one challenged the Board's action.* Mrs. Williams cannot make her claim in this Court.

Members of the jury, you must find for my client.

Thank you for your attention.

STREIBY returns to his seat and sits down.

JUDGE HOKE

Members of the Jury, the time has come for you to deliberate on your verdict.

The JURORS “put their heads together,” and, very simply, mime deliberating. JUDGE HOKE, STREIBY, MEYER, and the BAILIFF are still. WILLIAMS and CLIFFORD stand and move to the front of the stage and have a conversation.

WILLIAMS

What do you think, Mr. Clifford? How did we do? Will we win?

CLIFFORD

You did wonderfully, Mrs. Williams. And, even if the jury’s verdict is for you, the case is not over. The school board will almost certainly appeal any judgment in our favor.

WILLIAMS

But we do have a good chance to win, don’t we?

CLIFFORD

Of course we do. Now I think that the jury has reached a verdict.

CLIFFORD and WILLIAMS return to their seats. The JURORS stop deliberating and the FOREPERSON of the jury stands up.

Be seated.

JUDGE HOKE addresses the jury.

JUDGE HOKE

Members of the Jury, have you reached your verdict?

JURY FOREPERSON stands.

JURY FOREPERSON

We have, your Honor. We find for the Plaintiff, Mrs. Carrie Williams, in the amount of \$120.00.

STREIBY and MEYER react with frowns and shaking of their heads in disbelief. CLIFFORD

and WILLIAMS smile excitedly and shake hands. The JURY FOREPERSON sits down. JUDGE HOKE addresses the Jury.

JUDGE HOKE

The Court thanks the members of the Jury for your service. I will enter judgment for the Plaintiff Carrie Williams in the amount of \$120.00 plus court costs and interest.

JUDGE HOKE addresses STREIBY.

JUDGE HOKE

Mr. Streiby, do you have any motions or intention regarding appeal?

STREIBY stands.

STREIBY

Your Honor, the Board of Education asks this court to set aside the jury's verdict as being contrary to law. We also give notice that we will file an appeal to the West Virginia Supreme Court of Appeals.

JUDGE HOKE

I deny your request to set aside the judgment. I believe the jury had the right under the law and evidence to rule as they did. Please post your appeal bond with the Clerk within 60 days.

JUDGE HOKE turns to CLIFFORD.

JUDGE HOKE

Mr. Clifford, anything further for the Plaintiff?

CLIFFORD stands.

CLIFFORD

Your Honor, the Plaintiff thanks the Court and the Jury for the opportunity to present our case. We will respond to any appeal, although we would prefer to simply collect the money that is due to us.

JUDGE HOKE

Mr. Clifford and Mr. Streiby, thank you both for your presentations. Mr. Clifford, I hope you have enjoyed your visit in Tucker County and I wish you well in your travel homeward.

JUDGE HOKE addresses the Jury.

JUDGE HOKE

Members of the Jury, you are discharged from your service. Mr. Bailiff . . .

The BAILIFF stands and says in a loud tone:

BAILIFF

Please stand and remain standing while the Judge and the litigants leave the courtroom.

All stand, including the AUDIENCE. JUDGE HOKE, STREIBY, MEYER, CLIFFORD, WILLIAMS, and the BAILIFF exit. When the stage is clear, the NARRATOR promptly enters and speaks to the Audience.

NARRATOR

Please be seated. While we set the stage for our next Act, let's have another musical selection. Please welcome [].

The MUSICIANS enter and perform a song, while the stage is readied for Act Three. The POSTER CARRIERS get ready offstage to bring on their POSTERS. When the song is over, the MUSICIANS leave the stage, and the NARRATOR enters.

END OF ACT TWO

ACT THREE
SUPREME COURT OF APPEALS, CHARLESTON 1898

The NARRATOR enters and addresses the Audience.

NARRATOR

Hello everyone. Did you enjoy our program's first two Acts?

(AUDIENCE response "Yes.")

NARRATOR

Good. I know you're going to like the rest of the program.

In Act Two, Carrie Williams won in the Circuit Court of Tucker County. But the School Board has appealed the lower court decision to the West Virginia Supreme Court of Appeals.

Why does the School Board think that an Appeals Court will uphold discrimination against the colored school students? To answer this question - and to set the stage for our next Act -- we have to have a very short, illustrated history lesson.

After the Civil War ended, and after Abraham Lincoln was assassinated, (DISPLAY POSTER # B1 LINCOLN), abolitionist leaders like Frederick O. Douglas (DISPLAY POSTER # B2 DOUGLAS) and Harriett Tubman (DISPLAY POSTER # B3 TUBMAN) worked to make all racial discrimination illegal.

In 1868, when J. R. Clifford was twenty years old, the 14th Amendment to the Constitution (DISPLAY POSTER # B4 AMENDMENT) was ratified. The purpose of the 14th Amendment was to make racial discrimination illegal.

But the forces that supported racial discrimination didn't give up. By the 1890's -- as J. R. Clifford told the children at the Coketon School - hundreds of "Jim Crow" laws imposed segregation and stripped blacks of their rights. (DISPLAY POSTER # B5 COLORED ONLY SIGN)

How could this happen under the 14th Amendment? It's a sad story. The federal courts read the 14th Amendment very narrowly. In the 1898 "separate but equal" case of *Plessy v. Ferguson*, the United States Supreme Court upheld racial segregation. (DISPLAY POSTER # B6 SEGREGATED SCHOOL PHOTO).

But black Americans did not stop their struggle. They organized under the leadership of people like J. R. Clifford, Dr. William E. B. Dubois (DISPLAY POSTER # B7 DUBOIS PHOTO), and later A. Phillip Randolph (DISPLAY POSTER # B8 RANDOLPH PHOTO).

Black Americans formed groups like the American Negro Academy -- and later the Niagara Movement and the NAACP. (DISPLAY POSTER # B9 NIAGARA MOVEMENT MEN AND #B10 NIAGARA MOVEMENT WOMEN PHOTO).

Finally, in 1954, in the case of *Brown v. Board of Education*, black Americans' efforts in the legal arena bore fruit, when Thurgood Marshall (DISPLAY POSTER # B11 MARSHALL PHOTO) finally persuaded the United States Supreme Court that the 14th Amendment does indeed prohibit segregation and racial discrimination.

In our next Act, however, the year is 1898, more than fifty years *before* the *Brown* case. The national legal climate is hostile to black rights.

Black leaders are watching the *Carrie Williams* case. Will the West Virginia Supreme Court follow the path of many other states, and give the legal "OK" to the School Board's actions?

Today -- J. R. Clifford, Carrie Williams, the children in the one-room colored school in Coketon, and the Supreme Court of Appeals of West Virginia, are at the center of American history.

The High Court is about to begin its session. Let's see what happens.

The NARRATOR sits down, the POSTER CARRIERS leave the stage. The BAILIFF comes on stage and addresses the Audience:

BAILIFF

All Rise. All rise.

The AUDIENCE stands. CLIFFORD, STREIBY, WILLIAMS and MEYER enter the Courtroom, and stand at the two counsel tables.

JUDGE MARMADUKE DENT, JUDGE HENRY BRANNON, JUDGE AMELIA WORKMAN; and JUDGE OLIVER CLECKLEY (in that order) enter, and sit behind the bench. When the Justices are all in place, the BAILIFF speaks:

BAILIFF

**The Honorable, the Judges of the West Virginia Supreme Court of Appeals.
Be seated.**

The BAILIFF, AUDIENCE, CLIFFORD, WILLIAMS, STREIBY, and MEYER sit down.

JUDGE DENT

Good day to you all. I am Judge Marmaduke Dent. On my left are Judge Henry Brannon, Judge Amelia Workman, and Judge Oliver Cleckley. Today's case is . . .

The AUDIENCE MEMBER stands up.

Excuse me, your Honor. I don't think this Supreme Court is historically accurate. Were there women on the State Supreme Court in the 1890s? And were there any African-American Judges?

The AUDIENCE MEMBER sits down. JUDGE DENT addresses the AUDIENCE MEMBER.

JUDGE DENT

[Sir or Ma'am], the first African-American to sit on the West Virginia Supreme Court was Justice Franklin Cleckley, who joined the Court in 1994. And the first woman to sit on the Court was Justice Margaret Workman, who came on the Court in 1989. However, [Sir or Ma'am], *as you will remember*, Judge Hoke ruled that the Author could make some changes -- to get more diversity into our play. So your objection is noted, but we shall carry on as we are.

JUDGE DENT addresses the AUDIENCE.

JUDGE DENT

As I was about to say, this is an appeal in a case where Mrs. Carrie Williams was awarded three month's teaching wages.

JUDGE DENT addresses STREIBY.

JUDGE DENT

Lawyer Streiby, are you ready to make your argument?

STREIBY stands.

STREIBY

I am, your Honor.

JUDGE DENT

Very well, you may proceed.

STREIBY moves to podium.

STREIBY

May it please the Court: the main point that I wish to make is that the Plaintiff Carrie Williams never had a contract with the School Board to teach for eight months. In fact, Teacher Williams refused to sign the contract that the Board prepared.

JUDGE WORKMAN

But Mr. Streiby, was the Board's contract legal? It was only for five months. Should Teacher Williams have signed an illegal contract?

STREIBY

Your Honor, I do not concede that it was an illegal contract.

JUDGE BRANNON

Well, did Mrs. Williams have a binding contract for the five months that the Board did pay her for?

STREIBY

No, she did not. As I said, she refused to sign.

JUDGE BRANNON

Then why did you pay Mrs. Williams at all? What is the difference, then, whether she had a written contract or not?

STREIBY

The difference is that the Board voted to pay her for five months. Why, your Honors, if we just let people do work without authorization and then demand payment, we shall not have a sound business climate in our young State.

JUDGE CLECKLEY

What do you think of Teacher Williams' claim that having only five months' school for the colored children is contrary to West Virginia law?

STREIBY

I do not think that this Court has to decide that question in relation to this case. No one challenged the School Board vote, which would have been the appropriate occasion.

JUDGE CLECKLEY

Mr. Streiby, I think that we *do* have to decide that question. This Court's most important job is to interpret West Virginia law. The law says that colored and white shall have separate but equivalent schools. The question is, must those separate schools have the same terms, or not?

JUDGE WORKMAN

I agree. Boards of Education need to know their duty under the law. Can each school board set whatever term they want? In some counties, they might only give the colored children two months.

STREIBY

Your Honors, I believe that question it is best left to the discretion of each local school board. The local board knows their citizens, their finances, and the regional issues at hand.

JUDGE DENT

Thank you, Mr. Streiby, I believe we understand your case.

STREIBY sits down at counsel table.

JUDGE DENT

Mr. Clifford, it is your turn to make your argument.

CLIFFORD moves to podium.

JUDGE WORKMAN

Mr. Clifford, Mr. Streiby your client had no contract to teach eight months, so she cannot be paid.

CLIFFORD

I respectfully disagree with Mr. Streiby. My client Mrs. Williams simply followed the law of this State. Of course she would not sign an illegal contract. Children in schools for white and colored must be treated equally, and the Board of Education must act in accordance with the law.

JUDGE CLECKLEY

Well, what about the business climate in our young State, Mr. Clifford?
After all, contracts must be respected.

CLIFFORD

Your honor, I completely agree that this case is important to West Virginia's business climate. Each year, more and more of my people are moving to West Virginia, to work in West Virginia's mines and mills. One of the great attractions of West Virginia is that here a hard-working, honest black man can vote -- AND his children can get a decent education. So a quality educational system for ALL children is good for West Virginia's business climate.

JUDGE BRANNON

Here's my concern, Mr. Clifford. If we leave the length of the school terms to each local school board, what will happen?

CLIFFORD

Your honor, we all understand that school boards are often afraid to raise taxes. Colored children will not get an adequate education. And they will become a burden on society.

JUDGE DENT

Mr. Clifford, this is not an easy case. If we rule in your client's favor, will that ruling solve the problems of race in our schools?

CLIFFORD

Your Honor, as long as the notion of race is used to divide and discriminate among our citizens, our Nation's promise will not be fulfilled -- not in our schools, and not anywhere else.

CLIFFORD pauses briefly.

CLIFFORD

Your Honors, when I served in our Nation's Army, I hoped that after the War, men and women would not be classified and treated as "colored" or "white", but simply as "human beings". But those hopes have not come to pass.

Your Honors, of course a decision for my client, Mrs. Carrie Williams, will not solve all of our so-called "racial" problems. But a decision for Mrs. Williams will be a step in the right direction, bringing us closer to justice for all.

JUDGE DENT

Thank you, Mr. Clifford, I believe we understand your position.

JUDGE DENT addresses CLIFFORD and STREIBY.

JUDGE DENT

Mr. Streiby and Mr. Clifford, the members of the Court will now deliberate, and in a few moments we will render our decision.

The BAILIFF stands.

The JUDGES “put their heads together” and gently mime deliberating, for fifteen seconds or so – then they become still. STREIBY and MEYER are still. CLIFFORD and WILLIAMS immediately move from counsel table closer to the audience, one side of center stage.

WILLIAMS

Oh, Mr. Clifford, your argument was wonderful.

CLIFFORD

I did nothing but try to speak the truth. You and your husband took a great risk in your teaching for three months without any pay.

WILLIAMS

I knew we were right.

CLIFFORD

I wish that being right was enough. But we have been right for so long, and we are still suffering. You know, in 1874, when I was attending Storer College, I saw a black man, lynched. Mrs. Williams, it is twenty years later, and last year there were five lynchings in West Virginia. Sometimes I wonder if we are not losing ground.

WILLIAMS

Mr. Clifford, you are talking silly. We are fighting for the future. Think of those children in my school in Coketon. Those children are the future. They need people like you and me to fight for them.

CLIFFORD

You are right, Mrs. Williams. I do think of those children. And I also think of myself as a child, when I began in this struggle, many years ago...

CLIFFORD and WILLIAMS stand still. The CHOIR begins to hum, softly, “The Battle Hymn of the Republic.” J. R. CLIFFORD AGE FIFTEEN comes on stage, and stands at attention, near center stage but not too close to CLIFFORD and WILLIAMS, facing the AUDIENCE, saluting and looking forward. CLIFFORD looks at J. R. CLIFFORD AGE FIFTEEN.

The CHOIR continues to sing as the J. R. CLIFFORD AGE FIFTEEN stands still, saluting for five seconds. Then J. R. CLIFFORD AGE FIFTEEN turns and slowly walks offstage. CLIFFORD and WILLIAMS return to their places at counsel table. The CHOIR stops singing when J. R. CLIFFORD AGE FIFTEEN exits the stage. When the music stops, the BAILIFF speaks.

BAILIFF

The JUSTICES of the West Virginia Supreme Court of Appeals.

All stand, including the AUDIENCE. When the JUDGES are in place, the Bailiff says:

BAILIFF

Be seated.

The JUDGES all stand.

JUDGE DENT

We have reached our decision and this is our opinion.

JUDGE DENT reads from the OPINION, which is bound in a blue cover.

JUDGE DENT

We conclude that discrimination against the colored people, because of color alone, is contrary to public policy and the law of the land. If any discrimination in education should be made, it should be *favorable to, and not against*, the colored people.

JUDGE DENT passes the OPINION to JUDGE BRANNON.

JUDGE BRANNON

Held in the bondage of slavery, and continued in a low moral and intellectual condition, for a long period of years, and then clothed at once, without preparation, with full citizenship in this great republic, and the power to control and guide its destinies, the future welfare, prosperity, and peace of our people *demand* that this benighted race should be elevated by education, both morally and intellectually; that they may become exemplary citizens; *otherwise the perpetuity of our free institutions may be greatly endangered.*

JUDGE BRANNON passes the OPINION to JUDGE WORKMAN.

JUDGE WORKMAN

The Board says in this case that school terms of equal length would have cost more money for the colored children. But the law guaranteed colored pupils eight months of school, and even though it cost many times in proportion to what the white schools cost, *they should have had it.*

JUDGE WORKMAN passes the OPINION to JUDGE CLECKLEY.

JUDGE CLECKLEY

Money values should not be set off against moral and intellectual improvement. A nation that depends on its wealth is a depraved nation, while moral purity and intellectual progress alone can preserve the integrity of free institutions, and the love of liberty, under the protection of equal laws, in the hearts of the people.

JUDGE CLECKLEY passes the OPINION back to JUDGE DENT to sum up.

JUDGE DENT

We find that the Board of Education was acting illegally in offering Mrs. Carrie Williams a five-month contract, when she was entitled to an eight-month contract. Mrs. Williams was entitled to collect wages for her full eight months' teaching. Therefore, this Court rules unanimously that the judgment of the Circuit Court of Tucker County in favor of the plaintiff Carrie Williams is affirmed. There being no further business before the Court, this proceeding is concluded and Court is adjourned.

The JUDGES sit down and are still; STREIBY and MEYER are still.

WILLIAMS and CLIFFORD stand up, move to center stage, and face the AUDIENCE. WILLIAMS speaks to Clifford -- she is excited.

WILLIAMS

We won, Mr. Clifford! We won! And it's not just about my \$120.00, although that will be nice to get.

CLIFFORD

You are right, Mrs. Williams. This is the first time in America that a court has ruled that school terms must be equal in white and colored schools. And I believe this decision will mean that the colored teacher's salaries must be equal, too.

STREIBY stands and walks over to CLIFFORD. STREIBY extends his hand to CLIFFORD, and speaks to CLIFFORD:

STREIBY

Mr. Clifford, you presented a fine argument. Maybe those judges did have a point after all.

CLIFFORD and STREIBY shake hands.

CLIFFORD

I appreciate your professionalism, Mr. Streiby, although I cannot say the same about your client's position.

WILLIAMS

And now, what about my pay?

STREIBY

Mrs. Williams, we will have your payment for you within the week.

WILLIAMS

Don't you forget the interest!

STREIBY

Of course, that is the law.

BAILIFF

All rise -- until the Judges and litigants leave the courtroom.

The JUDGES, CLIFFORD, WILLIAMS, STREIBY, and MEYER leave the stage.

BAILIFF

Be seated.

The NARRATOR enters and walks to the podium. The NARRATOR addresses the AUDIENCE. Meanwhile, on stage, the set is changed to remove as much courtroom furniture as possible, and to set up Clifford's parlor/study in Martinsburg, West Virginia.

NARRATOR

Well, the trial is over, the appeal is over -- and now the case of *Carrie Williams versus the Board of Education* is over.

The AUDIENCE MEMBER stands up, holding a LAW BOOK, and addresses the NARRATOR.

AUDIENCE MEMBER

Excuse me! I think that the Carrie Williams case is *not* over. For one thing, the State Supreme Court’s opinion in the Carrie Williams case is right here in our West Virginia law books.

The AUDIENCE MEMBER opens the LAW BOOK and reads:

AUDIENCE MEMBER

It says here in the *Williams* opinion at Volume 45, Page 199, West Virginia Reports: “Discrimination against the colored people because of color alone is contrary to public policy and the law of the land.” I think that opinion is still the law of the land in West Virginia today and has been since 1898. Am I right?

The NARRATOR addresses the AUDIENCE MEMBER:

NARRATOR

[Sir or Ma’am], I think that Mr. Clifford and Mrs. Williams would be proud of you, you are not afraid to speak up. And you are right.

AUDIENCE MEMBER

And what kind of history lesson is this play? You have all this stuff about J. R. Clifford and Carrie Williams until 1898! But what about afterward? What happened to them? And what happened to the causes they were fighting for?

NARRATOR

That’s a good question. Let’s ask our AUTHOR for an answer. Mr. Author, what happened to J. R. Clifford and Carrie Williams after they won the appeal?

AUTHOR

AUTHOR stands.

Well, we know quite a bit about J. R.’s life. We have his legal briefs, and his many newspaper columns, and his family history, for example. But for Carrie Williams, history knows nothing beyond what she said in the transcript of her recorded testimony in court. Of course, we can use our imaginations a little. You know, . . .

NARRATOR

Thank you, Mr. Author. Why don’t you both sit down, and we’ll have one more short musical selection. Then our characters can come forward again

and shed some light on the subject.

The AUDIENCE MEMBER and AUTHOR sit down, and the NARRATOR leaves the podium. There is a musical selection. After the stage is ready for Act 4, the NARRATOR comes on.

ACT FOUR
CLIFFORD'S PARLOR, MARTINSBURG, WEST VIRGINIA 1933

NARRATOR

Let's go to the year 1933, in J.R. Clifford's parlor, in Martinsburg, West Virginia.

FREDA CLIFFORD, an African American teenaged girl, comes onstage with a jump rope in her hand, calling out:

FREDA

Uncle John, Uncle John, there's someone here to see you! Uncle John, Uncle John! There's someone here!

CLIFFORD, age 85, comes on stage. He walks slowly, using a cane, to a comfortable chair and stands by the chair, holding on to it.

CLIFFORD

What is it, Freda?

FREDA

Uncle John, there's a lady here to see you. She's on the porch.

CLIFFORD

Freda, you go ahead and bring her in.

FREDA goes offstage. CLIFFORD straightens some papers on a table by the chair. WILLIAMS and FREDA enter and cross to where CLIFFORD is standing. WILLIAMS extends her hand and shakes hands with CLIFFORD.

WILLIAMS

Mr. Clifford, do you recognize me? It's Carrie, Mrs. Carrie Williams.

CLIFFORD

Mrs. Carrie Williams, how long has it been? It must be thirty-five years. I got your message that you might be visiting me. Please, won't you take a

chair?

CLIFFORD and WILLIAMS sit down. FREDA stands off to the side a little.

CLIFFORD

Mrs. Williams, this is my great-niece, Freda Clifford from Piedmont, who is visiting me. Mrs. Williams, what brings you to Martinsburg? How is your family?

WILLIAMS

Mr. Clifford, my youngest daughter, Clara, will be a teacher at Sumner School in Martinsburg next year.

CLIFFORD

Sumner School, why, that's my old school. I started teaching there in 1877. That's wonderful. I am so happy for you, Mrs. Williams.

WILLIAMS

Mr. Clifford, are you still practicing law?

CLIFFORD

I am, as much as my old body will let me. You know I am 85 years old. Maybe all those miles I walked rather than ride the Jim Crow railroad cars did me some good.

And I am still active in politics, too. When Franklin Roosevelt was elected last year; it showed that the Negro has stopped being an automatic Republican supporter. Vote for men and measures, I always say -- regardless of party.

FREDA

Uncle John, why don't you show Mrs. Williams your picture of Aunt Mary?

CLIFFORD takes framed photo from the table.

CLIFFORD

Mrs. Williams, this is a picture of my daughter Mary at age 16. You know, Mrs. Williams, Mary read Dr. DuBois' "Credo" at the opening of the Niagara Movement meeting in 1906. I keep a copy here on my table with her picture.

FREDA

Is that the meeting where everyone took off their shoes, Uncle John?

CLIFFORD

Yes, Freda, we Niagaraites did remove our shoes, as a sign of respect, when we visited John Brown's Fort.

FREDA

What did Aunt Mary say at the Niagara meeting, Uncle John? Can you read it to me?

CLIFFORD

Freda, Dr. DuBois wrote this "Credo" in 1904, way before you were born. It still inspires millions of people. Mrs. Williams, won't you read some of it for Freda?

WILLIAMS takes and reads from document.

WILLIAMS

I believe in God who made of one blood all races that dwell on earth. I believe that all men, black and brown, and white, are brothers, varying, through Time and Opportunity, in form and gift and feature, but differing in no essential particular, and alike in soul and in the possibility of infinite development.

WILLIAMS hands document to CLIFFORD

WILLIAMS

Here, Mr. Clifford, you read a passage.

CLIFFORD

I believe in Liberty for all men; the space to stretch their arms and their souls; the right to breathe and the right to vote, the freedom to choose their friends, enjoy the sunshine and ride on the railroads, uncursed by color; thinking, dreaming, working as they will in a kingdom of God and love.

CLIFFORD

Freda, did you like that?

FREDA

Yes, Uncle John, I did.

CLIFFORD picks up the Transcript, shows it to WILLIAMS.

CLIFFORD

Mrs. Williams, here is another document that I have preserved. This is the transcript of the testimony in the Circuit Court of Tucker County in 1894, just as you and I and Mr. Meyer and Attorney Streiby said it -- forty years ago.

You know, Freda, because of Mrs. Williams' case, her daughter Clara will have the same salary at Sumner School as the teachers in the white schools. And, Freda – your school term must be just as long as the white children's term.

FREDA

I'm not sure I like that!

CLIFFORD

Yes, you do, Freda!

WILLIAMS

I remember what we said, Mr. Clifford. And I remember what those judges said, too, in the law books. And I did get my pay -- with interest. But most of the schools for colored children in West Virginia are second-class, even if the teachers get the same pay and the terms are the same length. Segregated schools are just wrong!

CLIFFORD

Mrs. Williams, we were just beginning our legal struggle when we brought your case. Today, Dean Houston at Howard is training African American lawyers to bring cases in courts across the nation.

Our fight for civil rights has grown from a handful at Niagara to an NAACP with thousands of members, fighting across this Nation. We will overcome segregation if we persevere.

Freda, it's going to be up to you to continue our struggle!

FREDA

I'll do it, Uncle John, I'll do it! And I want to go in bare feet, too!

WILLIAMS

Of course you will, Freda. you will make your Uncle John and Aunt Mary proud of you.

CLIFFORD

Mrs. Williams, it has been a joy to see you, but I must rest now. I just can't talk for as long as I used to. Will you please call on me the next time you are in Martinsburg?

Clifford and Carrie shake hands warmly.

WILLIAMS

Certainly I will. Thank you, Mr. Clifford, for having me as your guest. And thank you, Freda, for the lemonade. You keep up with your studies – we are counting on you!

FREDA

I will, Mrs. Williams. Now I better go home. So long, Uncle John!

FREDA skips out of the room. WILLIAMS starts to leave, then stops, and turns around to speak to CLIFFORD.

WILLIAMS

Mr. Clifford, if someone in the far future does learn about my case, what will they think -- of what we did?

CLIFFORD pauses.

CLIFFORD

Maybe, Mrs. Williams, they will sense that we were animated by our *love* for our people and for justice -- and by our *determination* not to give in to evil.

WILLIAMS

I like that thought, Mr. Clifford.

CLIFFORD

Goodbye, Mrs. Williams.

WILLIAMS

Goodbye, Mr. Clifford.

WILLIAMS goes offstage. CLIFFORD, sitting in his chair, looks at the Transcript while holding it in his lap, turning a few pages. The CHOIR begins to hum the Battle Hymn of the Republic. CLIFFORD's eyes close, and his head sinks slowly on his chest. When his chin touches his chest, the music continues for five seconds, then stops. The stage lights go out.

APPLAUSE

While the lights are out, Clifford goes offstage. The NARRATOR comes to the podium.

Today, just as in Carrie Williams' time, we face division and discrimination arising from our nation's legacy of human slavery. The courageous spirit of J. R. Clifford and Carrie Williams is alive in the work of millions of people today, who are working for justice and a better future for all people. Thank you for joining us tonight. Thanks especially to all of the wonderful people who made this show possible.

[For the 7:30 show: Don't forget, we have a reception immediately following the show downstairs. Please join us.]

We want to close our program tonight with another song. Let's ask the whole Cast and Crew to join us.

The NARRATOR turns around and gestures with her arms, to indicate that all of the CAST and CREW should come onstage.

NARRATOR

Let's sing another song together, a song that became popular in the civil rights movement of the 1960s. The words are in your programs. Please stand.

STREIBY leads the CAST and AUDIENCE in singing "We Shall Overcome".

**We shall overcome,
We shall overcome,
We shall overcome, some day.**

(Chorus:)

Oh, deep in my heart, I do believe, We shall overcome some day.

(More verses:)

We'll walk hand in hand.

The whole wide world around.

We shall overcome.

After the song is over, the CAST remains on stage. The NARRATOR speaks to AUDIENCE.

NARRATOR

Let's give our Cast one more big hand.