

The Clemson Agricultural College
Clemson, South Carolina

MINUTES

of the meeting of

THE CLEMSON AGRICULTURAL COLLEGE
BOARD OF TRUSTEES

Held at The Wade Hampton Hotel
Columbia, South Carolina

January 24, 1963

The Board convened at 9:30 a.m. with the following members present: Messrs. R. M. Cooper, Edgar A. Brown, James F. Byrnes, Robert R. Coker, A. M. Quattlebaum, Paul Quattlebaum, Jr., and L. D. Holmes. Communications were conveyed to the Board from the absent members, including Messrs. Charles E. Daniel, W. Gordon McCabe, Jr., James C. Self, and Winchester Smith. Copies of the letters as received are attached hereto.

Others present at the meeting were R. C. Edwards, M. A. Wilson, J. K. Williams, W. T. Cox, F. J. Jervey, J. E. Sherman, W. L. Watkins, and G. E. Metz.

Minutes of the Meeting of October 26, 1962. The Chairman asked if there were any corrections to the minutes of the meeting held on October 26, 1962. There were no corrections and the minutes were approved.

Item 1. Admission of Harvey B. Gantt, a Negro Student, in Compliance with an Order of the Federal Court

Statement: As the Board has been advised, the suit brought by Harvey B. Gantt against the College and the Board in the United States District Court for the Western District of South Carolina in July has resulted in an opinion of the United States Court of Appeals for the Fourth Judicial Circuit dated January 16, 1963, reversing the Order of Judge Wyche dated December 21, 1962, and directing that he issue an injunction ordering Harvey B. Gantt admitted to Clemson College commencing with the opening of the next semester, January 28, 1963. As directed, Judge Wyche has issued an injunction dated January 22, 1963, a copy of which is attached.

As directed by the Board, the College Attorney has exhausted all legal remedies immediately available. He has requested a stay of the enforcement of this judgment of Judge Sobelof, the Chief Judge of the Fourth Judicial Circuit, and of Chief Justice Warren of the United States Supreme Court. The requested stay was denied in both instances. Also, as directed, the College Attorney will petition the Supreme Court of the United States to review the case on writ of certiorari. Since neither the filing of a petition for the writ nor the granting of the writ itself would postpone the effective date of the Orders already issued, and in the light of the fact that the preparation of a petition for certiorari requires more time than is available before January 28, there are no further legal steps that can be taken to postpone the effective date of the Order beyond January 28, 1963.

Recommendation: The Administration recommends that the following action be taken by the Board of Trustees:

(a) That the Trustees approve the complete and good-faith compliance with the Order of Judge Wyche, unless or until it shall be lawfully modified or rescinded;

(b) That Harvey B. Gantt be admitted to Clemson College upon his appearance on January 28th exactly as any other transfer student similarly situated would be admitted and be subject to the rules, regulations and discipline of the College without discrimination and without favor;

(c) That the Administration of Clemson College employ all of the means at its disposal to preserve the orderly operation of the total educational program of the College and to preserve law and order upon the Campus and the peace and dignity of the Institution; and

(d) That a copy of this resolution be forthwith furnished to the Governor of South Carolina with the request that State law enforcement agencies be made available as reasonably required for the maintenance of law and order under the circumstances.

Board Action: Upon motion of Mr. Robert R. Coker and second by Mr. A. M. Quattlebaum, the above recommendations were unanimously adopted. This unanimous action was taken upon the affirmative votes of the seven members present (Messrs. R. M. Cooper, Edgar A. Brown, James F. Byrnes, Robert R. Coker, A. M. Quattlebaum, Paul Quattlebaum, Jr., and L. D. Holmes) and the affirmative votes received by mail from the other four members of the Board (Messrs. Charles E. Daniel, Winchester Smith, James C. Self and W. Gordon McCabe, Jr.).

Item 2. Special Constables for the Municipality of Clemson College

Board Action: By unanimous vote, the following Resolution of Appointment of Special Constables was duly adopted by the Board of Trustees:

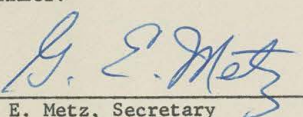
Resolution of Appointment of Special Constables

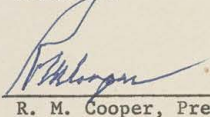
The Board under the authority of Section 22-234 of the Code of Laws of South Carolina, 1962, hereby appoints one or more special constables for the municipality of Clemson College. The one or ones so appointed shall be the person or persons designated from time to time by the final approving authorities under the personnel policies of the College. Their appointment shall be evidenced by a commission under the seal of the Board signed by its authority by its Secretary. Persons so appointed may be suspended without prior notice on order of the Chief of Security and Campus Marshal, under whose orders and directions they shall serve, and may be discharged under the procedures established for the discharge of non-academic employees of the College. They shall give bond as required of constables without pay as provided by Code Section 53-5 either before receiving a commission or as soon thereafter as is practicable. While holding office, they shall have and exercise all the power of a state constable or of a municipal policeman within the bounds of the municipality of Clemson College, except as limited therein by the Chief of Security and Campus Marshal.

Item 3. Adjournment. There being no further business, the meeting was adjourned.

CORRECT:

APPROVED:


G. E. Metz, Secretary


R. M. Cooper, President

JAN 24 1963

Daniel Construction Company
Incorporated

Charles E. Daniel
Chairman

January 24, 1963

Executive Offices
Greenville, S. C.

*The Honorable R. M. Cooper, President
Board of Trustees
Clemson College
Clemson, South Carolina*

Dear Mr. Cooper:

I am unable to be present at the meeting of the board today because of previous business engagements of consequence.

Therefore, through this letter I request that I be recorded as in full favor of the recommendations of the Clemson Administration and in favor of admitting Mr. Harvey B. Gantt to Clemson College at the commencement of the next semester, January twenty-eighth.

All of the college authorities and the students have, so far, exhibited outstanding patience and great courage in the handling of this difficult situation.

I am confident the entire student body, the faculty and the good people of South Carolina will accept the order of the Court in good faith so that the situation today and in the years ahead will be handled with dignity, courtesy and understanding.

Sincerely yours,

Charles E. Daniel
Charles E. Daniel

JAN 24 1963

W. GORDON MCCABE, JR.
POST OFFICE BOX ~~XXXX~~ 1209
GREENVILLE, SOUTH CAROLINA

January 24, 1963

Mr. R. M. Cooper, President
Board of Trustees
Clemson College
Clemson, South Carolina

Dear Mr. Cooper:

I regret it will be impossible for me to attend the called meeting of Clemson College Board of Trustees to be held in Columbia, South Carolina, January 24, 1963.

Since that is the case, I wish to state, for the record, that I fully concur with the recommendations of the Clemson College Administration. I agree that we must act in complete and good-faith compliance with the Order of Judge Wyche as outlined in Section (a) of the administrative recommendations.

With respect to the admittance of Harvey B. Gantt to Clemson College, I agree with the procedures outlined in Sections (b), (c) and (d) of the same recommendations.

I can be reached at the Cortez Hotel, El Paso, Texas in the event you wish to make contact.

Sincerely,

W. Gordon McCabe Jr.
W. Gordon McCabe, Jr.

WGMjr/je

JAN 24 1963

Greenwood Mills



G R E E N W O O D , S O U T H C A R O L I N A

J. C. SELF
PRESIDENT

January 24, 1963

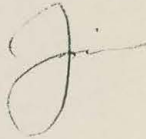
The Honorable Robert M. Cooper
President, Board of Trustees
Clemson College
Clemson, S. C.

Dear Mr. Bob:

I am sorry that, due to previous commitments, it is necessary for me to be out of the state and absent from the Trustee meeting today.

The purpose of this letter is to advise you that I approve the recommendation of the administration and concur in the resolution of the Board previously submitted to me to completely and in good faith comply with the order of Judge Wyche unless and until it shall be lawfully modified or rescinded. Also, I concur in the recommendations of the administration for the implementation of Judge Wyche's order.

Sincerely,



JCS/lj

JAN 24 1963

TELEPHONES
46
57

WINCHESTER SMITH
WILLISTON, S. C.

JANUARY 23, 1963

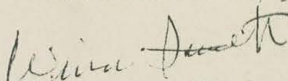
HONORABLE R. M. COOPER, PRESIDENT
BOARD OF TRUSTEES OF CLEMSON COLLEGE
WADE HAMPTON HOTEL
COLUMBIA, SOUTH CAROLINA

DEAR BOB:

I APPROVE THE RESOLUTION OF THE BOARD OF TRUSTEES CONCERNING JUDGE WYCHE'S ORDER IN THE GANTT MATTER.

WITH KINDEST PERSONAL REGARDS, I AM

SINCERELY YOURS,


WINCHESTER SMITH

WS-B

JAN 24 1963

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF SOUTH CAROLINA

ANDERSON DIVISION

Harvey B. Gantt, a minor, by his father
and next friend, Christopher Gantt,

Plaintiff,

v.

The Clemson Agricultural College of South
Carolina, a public body corporate; R. M.
Cooper, President of the Board of Trustees
of The Clemson Agricultural College of
South Carolina; Edgar A. Brown, James F.
Byrnes, Charles E. Daniel, Winchester Smith,
Robert R. Coker, James C. Self, Paul
Quattlebaum, Jr., W. Gordon McCabe, Jr.,
A. M. Quattlebaum and L. D. Holmes, Members
of the Board of Trustees of The Clemson
Agricultural College; Kenneth N. Vickery,
Registrar of The Clemson Agricultural College
of South Carolina,

Defendants.

)
FILED
JAN 22 1963
MILLER C. FOSTER, JR., CLERK
)

)
ORDER IN COMPLIANCE
WITH THE OPINION, ORDER
AND MANDATE OF THE
UNITED STATES COURT OF
APPEALS FOR THE FOURTH
CIRCUIT
)

CA/4101

The above case is now before me on the Opinion, Mandate and Order of the Court of Appeals of the Fourth Circuit wherein the Court of Appeals declared in its Opinion that "Gantt's admission to Clemson College commencing with the opening of the next semester, will be ordered, * * *. The injunctive order will require only that he be treated as any other transfer student.

"* * * The action was brought by the plaintiff not only for his own benefit but on behalf of other negro citizens of South Carolina similarly situated.

* * * * *

"Accordingly, the issuance of an injunction will be ordered.

"Reversed and remanded."

The Order and Mandate of the Court of Appeals is as follows:

-2-

"CAUSE No. 8871 came on to be heard on the motion of the appellees to dismiss the appeal and on the record from the United States District Court for the Western District of South Carolina, and was argued by counsel.

"ON CONSIDERATION WHEREOF, It is now here ordered, adjudged and decreed by this Court that the order of the said District Court entered December 21, 1962, and appealed from December 26, 1962, in cause No. 8871, be, and the same is hereby, reversed; that this cause be, and the same is hereby, remanded to the United States District Court for the Western District of South Carolina, at Anderson, for proceedings consistent with the opinion of the Court filed herein; that the appeal from the order of September 6, 1962, be, and the same is hereby, dismissed; and that the costs on the appeals be paid by the appellees.

"FURTHER ORDERED that a certified copy of this decree and a copy of the opinion be forthwith transmitted to the Clerk of the United States District Court for the Western District of South Carolina.
January 16, 1963."

Therefore, in compliance with the Opinion, the Order and the Mandate of the Court of Appeals of the Fourth Circuit,

IT IS HEREBY ORDERED, That the defendants admit the plaintiff Harvey B. Gantt to Clemson College "commencing with the opening of the next semester" and that "he be treated as any other transfer student".

IT IS FURTHER ORDERED, That the defendants be enjoined and restrained from discriminating against the plaintiff or any other qualified negro applicant similarly situated seeking admission to The Clemson Agricultural College of South Carolina, solely because of his race.

IT IS FURTHER ORDERED, That the plaintiff recover from the defendants his costs of this action.

/s/
C. C. WYCHE
United States District Judge

Dated:
Spartanburg, South Carolina,

January 22, 1963