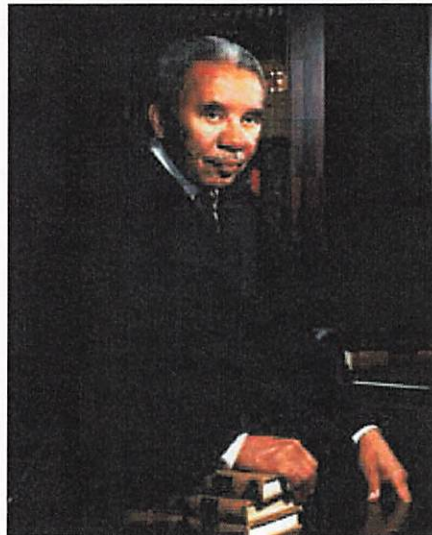


Tribute to Former South Carolina Supreme Court Chief Justice Ernest Finney, Jr.



Believed that if America was to live up to its promises to all people, the law would be the basis for change

By Luther J. Battiste, III

Editor's Note: Former South Carolina Supreme Court Chief Justice Ernest Finney Jr., (March 23, 1931 – Dec. 3, 2017) was the first African-American to serve in the state's highest court since Reconstruction. He died on Dec. 3, 2017. The following is a tribute of his groundbreaking career, which included:

- Graduated from the segregated South Carolina State University law school to become a civil rights lawyer representing thousands of defendants, including the Friendship Nine, a group of black residents who went to jail after staging a sit-in at a

segregated Rock Hill lunch counter.

- He was one of the first African-Americans elected to the South Carolina Legislature after Reconstruction, in 1972, saying he "wanted to be part of the structure that made the decisions."
- He became the state's first black circuit judge in 1976 and joined the Supreme Court nine years later, becoming the first black South Carolinian to sit on the high court since Jonathan Jasper Wright left the bench in 1877.

- At his swearing-in ceremony, Finney said he had hoped his tenure would have “a ripple effect, so that not only black children, but all children from difficult circumstances, can grow up believing they can be what they want to be,” according to news reports. The event drew hundreds, including U.S. Sen. Ernest Hollings and Gov. Dick Riley.

- He was an associate Supreme Court justice until 1994 when he became Chief Justice, becoming the first African-American to hold the post. He retired in 2000.
- He needed six years after graduating from South Carolina State’s law program to start his practice because the state had so few opportunities for black attorneys.

- While leading the Supreme Court, he played pivotal roles in two cases in 1999 — one that ruled that all South Carolina schoolchildren were entitled to a “minimally adequate education,” and another effectively ended video gambling in the state by not allowing the Legislature to have voters decide the fate of the industry.

Chief Justice Ernest Finney, Jr., died on Dec. 3, 2017. His daughter, Nikky Finney, described him “as a walking encyclopedia of kindness.” She said, “He will be missed because he brought out the goodness of others.”

We in this room tonight knew him not as just a wise and kind man, but a legal giant who proved in countless ways that the law makes a difference.

When Ernest Finney became Chief Justice of the South Carolina Supreme Court in 1984, his daughter composed a poem for the occasion, “He Never Had it Made.” In an interview for SCETV, Chief Justice Finney indicated that he had no idea what she would say and was somewhat worried.

I will mention excerpts in my remarks from the poem, “He Never Had It Made:”

Just a plain brown paper sack boy. . .

*An ordinary brown corduroy boy
from folk who never had it made
but still managed to make
whatever they were to be from scratch*

*A regular little fellow
whose mother never got to bathe or watch him grow*

Chief Justice Finney was born in Virginia and his mother, Carlene Finney, died 10 days after his birth, but she gathered the family and told them she wanted them to help Ernest Finney become “somebody.” They held hands and sang, “Let The Circle Never Be Broken.”

Chief Justice Finney’s dad became the Dean of Claflin College in Orangeburg, and they started a new life together in South Carolina that would change their lives and the lives of South Carolinians.

Nikky Finney says in her poem, “He Never Had It Made:”

*Maybe one of those far away places
would take him just as homespun as he was
and grow him up to be something legal
maybe handsome
even dap debonair
and he might just become
the somebody who could easy talk
the most complicated of things for
the regulars*

*and for all others be
shiny as new money*

Chief Justice Finney would graduate from Claflin University and South Carolina State University Law School armed with the skills to be what Charles Hamilton Houston, the Dean of Howard University Law School, regarded as a social engineer for justice.

Nikki says:

*But he never had it brought out on some royal platter
never promised to him at his broken bones of a birth*

Early in his legal career Chief Justice Finney had to teach school and wait tables at the Ocean Forest Motel in Myrtle Beach to earn a living. It was at the Ocean Forest Motel where he attended his first South Carolina Bar meeting. He waited tables for white lawyers at the segregated South Carolina Bar Association meeting. He was waiting tables, but he listened and learned. Only five African-American lawyers were practicing law in South Carolina when he started.

Chief Justice Finney moved his family to Sumter, South Carolina, rejected an invitation to work with Robert Kennedy at the US Justice Department, and launched a legal career later to be joined by Judge Reuben Gray.

He was a skillful lawyer involved in numerous civil rights cases working with Judge Matthew Perry and other talented lawyers. He represented more than 6,000 clients winning most civil rights cases on appeal.

On January 31, 1961, 57 years ago, he represented 10 black Friendship College students who were arrested sitting at a whites only lunch counter in Rock Hill, South Carolina. They were convicted of breach of the peace and trespassing. Nine of the 10 chose 30 days in jail rather than pay a \$100 fine to protest their treatment. They were forever known as the Friendship 9 and their actions helped galvanize the Civil Rights Movement, which was at its early stages.

In January 2015, Ernest Finney, Jr., with his sons Solicitor Ernest Finney, III, and Attorney Jerry Leo Finney by his side, moved before Judge William Hayes, III to vacate those convictions. Judge Hayes a relative of the judge who sentenced the Friendship 9 said we cannot change history but we can "right it."

He always loved the law
even in the middle of all those many years when his own daughter argued history to him
poeting always what wasn't right, fair or true
how he with the calm of a sailor
who had seen the ocean at its worst and then its best
with all the faith two eyes could keep safe for her
how he would always no matter say
"The law works, Girl."

Nikki Finney said:

Chief Justice Finney was elected to the South Carolina Legislature in 1972. He worked across racial and political lines to be effective and to affect social change while being respected by all. He became the first African-American circuit court judge in South Carolina in 1976. He served until he became the second African-American on the Supreme Court in 1985 and first African-American Chief Justice in 1994.

For Chief Justice Finney, service was never about him. It was about doing right and trying to make South Carolina better. I was blessed to have a lake house two

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doors from his house on Lake Marion with I.S. Leevy Johnson having a house between us. I had a chance in the most serene environment to soak wisdom and knowledge from him.

He and I were also blessed to share the same barber, Jody Williams. He loved the barbershop. He loved that the barbers talked "trash" to him. Jody Williams said they treated him like any other customer. He was like any other customer, but who had the South Carolina Law Enforcement agents bring him to and pick him up from the barbershop.

Chief Justice Finney would always say to me at the lake, the barbershop or at our law office "what's going on?" He always wanted to be on top of the issues affecting the community and South Carolina. He always had an insight that was perceptive and brilliant.

No conversation about Chief Justice Finney could not include highlighting the significance of his beautiful smart wife, Frances Davenport Finney. He met her while he was in law school and she was at Claflin. She was his soulmate, his co-equal partner, his advisor and the love of his life. Mrs. Finney, thank you for being the elegant queen that you have always been and for caring and loving Chief Justice Finney in his golden years.

Chief Justice Finney has three successful children, Ernest Finney, III, and Jerry Leo who excelled as lawyers like their dad and his daughter Nikky who is a distinguished educator, writer and poet.

Nikky Finney said in closing her poem:

He is the justice man
and from waiting tables as a young lawyer
for the white and the privileged
to this day here
he has always believed

Back then as boy with only a road
Up here as man who never looks back
The law works Girl

Papa
Daddy
The Justice Man
you never had it made
but here you are making it
and all of us cross over with you
proud as peacocks in our brightest polyester
maybe that's what Pop
maybe that's what Mama Carlene
would say

THANK YOU!