'Unexampled Courage' : How an act of racist barbarism sparked racial progress

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By Glenn Altschuler

On Feb. 12, 1946, Sgt. Isaac Woodard, an African-American who had recently been discharged from the U.S. Army, had an altercation with a Greyhound bus driver over his request to leave the vehicle during a stop to relieve himself.

Cursed by the driver, Sgt. Woodard insisted that he “talk to me like I’m talking to you. I’m a man just like you.” At the next stop, the sergeant was removed from the bus by Lynwood Shull, the police chief of Batesburg, S.C. While Sgt. Woodard was in custody, the officer beat him with a blackjack, leaving the battlefield decorated soldier permanently blind.

In “Unexampled Courage: The Blinding of Sgt. Isaac Woodard and the Awakening of President Harry S. Truman and Judge J. Waties Waring,” Richard Gergel, a U.S. district judge in Charleston, S.C., tells the mostly forgotten story of this racially motivated crime. Featured on Orson Welles’ radio program and in a Woody Guthrie song, the incident, according to Judge Gergel, prompted President Harry Truman “to do something that mattered on civil rights” and inspired U.S. District Judge J. Waties Waring, a Charleston patrician (over whose court Judge Gergel now presides), to issue landmark decisions that helped upend segregated schools and all-white primaries.

Judge Gergel provides a heart-wrenching account of racial injustice in the South in the middle of the 20th century. Despite prodding from the NAACP, he indicates, the efforts of Justice Department lawyers to convict the police chief were at best halfhearted. Prosecutors did not make any peremptory challenges or move to strike any potential jurors for cause.

After mispronouncing Sgt. Woodard’s name in his opening statement, Claud Sapp, U.S. attorney for South Carolina, rested the government’s case after an hour and 25 minutes, failing to call, among other witnesses, Jennings Stroud, a white soldier who saw the officer strike Sgt. Woodard unprompted as he exited the bus. Mr. Sapp did not object when the defense argued that Sgt. Woodard belonged to “an inferior race that the South had always protected,” who must have been drunk because “that’s not the...
talk of a sober niggra in South Carolina.” In his summation, Mr. Sapp told jurors the government would be satisfied with “whatever verdict you gentlemen bring in.” They acquitted the chief after deliberating for less than half an hour. No wonder Judge Waring, who presided over the trial, was deeply troubled by the outcome.

Judge Gergel probably exaggerates the impact of the blinding of Isaac Woodard on Mr. Truman’s commitment to racial justice. Nonetheless, he is surely right that Mr. Truman exhibited considerable political courage in creating the first presidential commission on civil rights; endorsing the abolition of poll taxes, legislation making lynching a federal crime, and an end to segregation in interstate transportation; issuing executive orders banning segregation in the armed forces and prohibiting discrimination in federal agencies and federal contracts; and prodding his Justice Department to vigorously prosecute what are now called “hate crimes” and file amicus briefs in cases in which the government was not a party.

That said, “Unexampled Courage” is Judge Waring’s book. The author of a decision in Elmore v. Rice, outlawing all-white primaries, and an influential dissent in Briggs v. Elliott, a school desegregation case, Judge Waring endured social ostracism, impeachment efforts, a cross burning in his backyard, gunshots fired into his home and death threats, without blinking or backing down. The willingness of men like the judge to “stand up for the highest and noblest traditions of this nation,” Judge Gergel writes, was “what finally broke the hold of segregationists.”

Sgt. Woodard died in 1992, remembered, if at all, as a victim. He had struggled financially, living on a partial disability payment because the Veterans Administration had classified his blindness as nonservice related until the 1960s when Congress awarded full benefits to servicemen injured between the time of their discharge and their arrival home.

Judge Waring fared better. He moved to New York, returning to South Carolina only once before his death in 1968. Largely forgotten for decades, he returned to public awareness in 2011, when the South Carolina Supreme Court Historical Society sponsored a conference devoted to his civil rights decisions. Members of the Charleston bar then raised funds to erect a life-sized statue of him on the courthouse grounds. A year later, U.S. Sen. “Fritz” Hollings requested that his own name be removed from the courthouse and that it be renamed for Judge Waring, “who made history in it.”

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