

WHEN YOU CALL THE NAME OF THE HON. MATTHEW J. PERRY, JR., everyone reminisces about their cherished memories of this legal and judicial luminary who had a zeal for the practice of law and a passion for justice. He was revered by all who knew him, and he impacted so many lives.

I had known Judge Perry since I was a young lawyer. Fortunately, I was able to serve with him on the bench of the U.S. District Court for the District of South Carolina.

I recall the days of practicing as a young lawyer in federal court and hoping to have a case before Judge Perry. You knew that you were going to be treated with dignity and respect and that your clients were going to be treated fairly and justly. Judge Perry simply required that which is expected of all attorneys who promised to uphold the oath of professional responsibility: that is, to always be prepared and to represent their clients zealously and within the bounds of the law.

Judge Perry lived by the philosophy through which he mentored others.

He was always exceptionally prepared for court. It was obvious that he had studied the salient facts of the cases and was well versed in the law. A hearing before him was guaranteed to be challenging and intellectually stimulating as

he asked the pertinent questions that would lead him to the appropriate resolution of the matter.

Having come from a modest background and being a fearless advocate for justice, he brought a certain perspective to his cases about what was right, dispelling any advocacy that was adverse to that end. Moreover, Judge Perry never shied away from difficult cases. Instead, he longed to address the issues that would move the law forward.

Born in Columbia, S.C., Judge Perry enjoyed a remarkable life from Aug. 4, 1921, to July 29, 2011. He distinguished himself through his many roles as a loving husband and father, dedicated military servant, avid civil rights lawyer and leader, and outstanding jurist.

Judge Perry attended South Carolina State College, but his education was interrupted while he served on active duty in the U.S. Army from 1943 to 1946 during World War

II. He attended the Colored Normal Industrial & Mechanical College of South Carolina (now South Carolina State University) and graduated in 1948 with a Bachelor of Science Degree in Business Administration. In 1951, he received an LL.B. in law from South Carolina State College of Law and was admitted to the bar that same year.

Judge Perry was drawn to the law to seek justice for those in underprivileged communities in a post-slavery America. He was in private practice for many years, both in Spartanburg, S.C., from 1951 to 1961, and in Columbia, S.C., from

1961 to 1976.

During his career as a civil rights lawyer, Judge Perry tasked himself with worthy causes, aspiring to change the law in areas affecting basic human and civil rights, racial injustices, and equal

A PASSION FOR JUSTICE

By J. Michelle Childs



MATTHEW PERRY IS SWORN IN AS A JUDGE OF THE U.S. COURT OF MILITARY APPEALS BY SUPREME COURT JUSTICE THURGOOD MARSHALL. SON MICHAEL AND WIFE HALLIE HOLD THE BIBLE. (PHOTO USED WITH PERMISSION FROM MICHAEL PERRY.)

JUDGE MATTHEW J. PERRY, JR.

U.S. District Court,
District of South Carolina

(1921-2011)

THE STORIED THIRD BRANCH

opportunities. Known for his intellect, hard work, courage, and temperament, he led considerably peaceful battles dismantling the ills of segregation deeply rooted in Southern culture. As a lawyer, he championed the underserved and disadvantaged, and he exhibited patience, humility, and impeccable character against his formidable opponents.

His sheer determination and voice of reason led him to what many would have believed were unreachable results in the desegregation of schools, colleges, hospitals, parks, golf courses, restaurants, and beaches. He won many notable cases, such as *Gloria Rackley Blackwell and Lurma Rackley v. Board of Trustees of Orangeburg Regional Hospital*, 310 F.2d 141 (4th Cir. 1962) (representing an African-American woman arrested for sitting in a “whites-only” section of the hospital’s emergency waiting room; the case led to the integration of the hospital and Perry’s own arrest for contempt of court); *Harvey B. Gantt v. The Clemson Agricultural College of South Carolina*, 320 F.2d 611 (4th Cir. 1963), (affirming a district court’s decision to enroll the first African American in Clemson College in 1963; Gantt’s subsequent graduation led to Clemson’s integration), *cert. denied*, 375 U.S. 814 (1963); *Peterson v. City of Greenville*, 373 U.S. 244 (1963) (overturning the convictions of more than 7,000 people involved in sit-ins in violation of their right to free speech under the First Amendment and the Due Process and the Equal Protection Clauses of the Fourteenth Amendment); *Stevenson v. West*, 413 U.S. 902 (1973) (reapportioning South Carolina’s House of Representatives into single-member districts leading to the election of the largest number of black legislators since Reconstruction).

Judge Perry also argued many cases before the U.S. Supreme Court that resulted in victories for his clients and causes. These precedent-setting cases clearly revealed that, as a lawyer, he had the fortitude to overcome the treacherous obstacles blocking later

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generations from experiencing an era of freedom and equality. He provided numerous people with hope and encouragement due to his courageous legal victories on a state, regional, and even national level. Thankfully, many of Judge Perry’s achievements and contributions were chronicled in a book of essays written in his honor titled *Matthew J. Perry: The Man, His Times, and His Legacy*, which provides an historical account of his civil rights challenges and victories.

Despite the contentious path toward justice in all of his cases, Judge Perry was the first African American judge to be appointed from the Deep South to the federal judiciary. In 1976, President Gerald Ford appointed him to a newly created seat on the U.S. Court of Military Appeals (now known as the U.S. Court of Appeals for the Armed Forces) in Washington, D.C., where he served until 1979. On July 5, 1979, President Jimmy Carter appointed him as the first African American judge on the U.S. District Court for the District of South Carolina. Both appointments were by unanimous consent of the Senate. Through the leadership of Congressman James E. Clyburn, the federal courthouse in Columbia, S.C., constructed in 2004, now bears the name Matthew J. Perry, Jr., United States Courthouse.

In his role as a judge, Judge Perry exhibited the traits of a consummate

gentleman and temperate jurist. He always approached each case as if it were his only one. He truly cared that all persons and entities were treated equally in the eyes of the law, ensured that every litigant and lawyer before him was given the ultimate respect, and deliberated thoroughly to ensure that justice prevailed in all of his decisions.

Judge Perry took senior status on Oct. 1, 1995, and served until his death at his home the evening of July 29, 2011 (at the age of 89). He enjoyed his work and did so tirelessly to the very day of his expiration from this earth, actually working a full day with the same vigor as all of the previous years. He spent his entire life seeking the fair administration of justice.

While I have not had to spend my life advocating against unpopular causes to eradicate prejudice and inequalities, been arrested for peaceably assembling in the streets, challenged various institutions that excluded or marginalized women and minorities, or been denied equal access to the same courtrooms in which I now sit as a judge, I proudly and humbly acknowledge these struggles and am deeply honored to be a product of Judge Perry’s sacrifices. I am inspired by his life’s work as it continues to serve as a reminder of my personal debt of gratitude and urgent sense of responsibility to uphold my judicial oath to fairly and impartially apply the law.



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