

PRE-CRM: LIFE IN THE SOUTH DOCUMENTS

A. Civil War Amendments (1865-1870)

Amendment XIII (1868)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for a crime...shall exist within the United States, or any place subject to their jurisdiction.

State shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment XIV (1868)

Section 1. All persons born or naturalized in the United States...are citizens of the United States and of the State wherein they reside. No

Amendment XV (1870)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

B. State Laws on Race and Color (1865-1927)

State constitutions and laws concerning the Negro made it necessary for the state to define "Negro" (colored). This selection is concerned with the various legal definitions of "Negro" agreed upon for the purposes of upholding and enforcing the state constitutions and laws.

Alabama

Title 1, Sec. 2. Meaning of certain words and terms: ...The word "Negro" includes mulatto. The word "mulatto" or the term "person of color" means a person of mixed blood descended on the part of the father or mother from Negro ancestors, without reference to limit of time or number of generations removed.

Sec. 53-312. "White" person defined: The term "white person" shall include only persons of the white or Caucasian race, who have no ascertainable trace of either Negro or African, West Indian, Asiatic Indian, Mongolian, Japanese or Chinese blood in their veins. No person, any one of whose ancestors has been duly registered with the State Bureau of Vital Statistics as a colored person of person of color, shall be deemed to be a white person. (Acts 1927, p.277.)

Georgia

Sec. 79-103 Persons of color, who are: All Negroes, mulattoes, mestizos and their descendants, having any ascertainable trace of either Negro or African, West Indian, or Asiatic Indian blood in their veins, and all descendants of any person having either Negro or African, West Indian, or Asiatic Indian blood in his or her veins shall be known in this state as persons of color. (Acts 1865-6, p. 239; 1927, p. 272.)

Virginia

Sec. 1-14. Colored Persons defined: Every person in whom there is ascertainable any Negro blood shall be deemed and taken to be a colored person.

C. "Jim Crow" Laws (1896-1950)

The following is a sampling of Jim Crow laws in the South. These laws were designed to keep African Americans from having equality with whites. The state listed is where the law as written is from, but most Southern states had laws similar to the ones below. ("Jim Crow" states not below included: Kentucky, Louisiana, Missouri, New Mexico, South Carolina, Texas, Virginia, and Wyoming.)

Alabama

Nurses—No persons or corporation shall require any white female nurse to nurse in wards or rooms in hospitals, either public or private, in which negro men are placed.

Buses—All passenger stations in this state operated by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white and colored races.

Restaurants—It shall be unlawful to conduct a restaurant or other place for the service of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectually separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment.

Pool and Billiard Rooms—It shall be unlawful for a negro and white person to play together or in company with each other at any game of pool or billiards.

Toilet Facilities, Male—Every employer of white or negro males shall provide for such white or negro males reasonably accessible and separate toilet facilities.

Arizona

Intermarriage—The marriage of a person of Caucasian blood with a Negro, Mongolian, Malay, or Hindu shall be null and void.

Georgia

Burial—The officer in charge shall not bury, or allow to be buried, any colored persons upon ground set apart or used for the burial of white persons.

Parks—It shall be unlawful for colored people to frequent any park owned or maintained by the city for the benefit, use and enjoyment of white persons...and unlawful for any white person to frequent any park owned or maintained by the city for the benefit, use and enjoyment of colored persons.

Maryland

Railroads—All railroad companies and corporations, and all persons running or operating cars or coaches by steam on any railroad line or track in the State of Maryland, for the transportation of passengers, are hereby required to provide separate cars or coaches for the travel and transportation of the white and colored passengers.

Mississippi

Education—Separate schools shall be maintained for the children of the white and colored races.

Promotion of Equality—Any person...who shall be guilty of printing, publishing, or circulating printed, typewritten or written matter urging or presenting for public acceptance or general information, arguments or suggestions in favor of social equality or of intermarriage between whites and negroes, shall be guilty of a misdemeanor and subject to fine or not exceeding five hundred (500.00) dollars or imprisonment not exceeding six (6) months or both.

North Carolina

Textbooks—Books shall not be interchangeable between the white and colored schools, but shall continue to be used by the race first using them.

Oklahoma

Teaching—Any instructor who shall teach in any school, college, or institution where members of the white and colored race are received and enrolled as pupils for instruction shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense.

D. The Lynching of Richard Coleman (1899)

Many Southern men stated that the major reason behind lynching was to protect white women from black men. The only way to protect white women was to make retribution so terrifying that black men would think twice before assaulting white women.

From the *New York Times*, December 7, 1899, p. 1.

Richard Coleman, colored, the confessed murderer of Mrs. James Lashbrook, wife of his employer, expiated (*made amends for*) his crime in daylight today by burning at the stake after suffering torture and fright beyond description at the hands of a mob of thousands of citizens...

Coleman had been told...to prepare to return to the scene of his crime. He was stricken with fear, and begged piteously to be permitted to remain in Covington until after his trial. He said he expected to die, but he dreaded the vengeance of a mob. When he was handcuffed on leaving jail in Covington he was almost paralyzed, and had to be assisted to the patrol wagon...

At the Court House a mob of over 2,000 men, headed by James Lashbrook, the husband, had been hastily formed. A demand for the prisoner was made, accompanied by threats from the leaders. There was a brief struggle...and then the Sheriff and his assistants were overcome by force of numbers, and the prisoner was pulled from among them. Up through the centre portion of town the mob marched, the prisoner being held by the vanguard and dragged along with the aid of ropes loosely attached to his body. He was the target of hundreds of missiles, and several times he sank half conscious to the ground while the crowd pressed forward, striking at him with clubs, sticks, and whips until head and body were scarcely recognizable. More dead than alive, he was dragged along and forced to his feet. Several women joined the men. High above the noise, the wretch could be heard pleading for his life...

The place of execution had been selected weeks ago, in accordance with all the other arranged details of the program mapped out by the

leaders of the mob. The prisoner was dragged to the sapling and strapped against the tree, facing the husband of the victim. Large quantities of dry brush and larger bits of wood were piled around him while he was praying for speedy death. James Lashbrook... applied the first match to the brushwood. A brother of the victim struck the second match. Someone with a knife was slashing at the prisoner's chest... As the flames arose Coleman's horror increased and he made vain efforts to withdraw his limbs from the encroaching fire. The ropes securing him to the tree burned and his body finally fell forward on the burning pile... It is not certain how long life lasted...

At the end of three hours the body was practically cremated. During all that time members of the family of Mrs. Lashbrook had remained to keep up the fire and keep the body in a position where it would continue to burn... In all the thousands who constituted the mob there was not a single effort made to disguise or conceal identity. No man wore a mask. All the leaders of the mob are well known and there are hundreds of witnesses who can testify to their participation in the tragedy. They are all leading citizens in all lines of business and many are members of churches.

The coroner held an inquest on the charred remains of Richard Coleman and rendered the simple verdict, "Death at the hands of a mob." ...Relic hunters took away teeth and bones and flesh and every fragment of the body that they could lay hands on. All afternoon children, some of them not more than six years old, kept up the fire around the blackened body by throwing grass, brush, and everything combustible that they could get together. This kept up until dark.

E. SCOTUS & Civil Rights (Secondary Sources)

In 1896 the Supreme Court of the United States said that segregation of races was constitutional and ushered in the era of "separate but equal". In 1954 the Supreme Court overturned its earlier decision and said that segregation in schools was unconstitutional. This second ruling provides the legal basis for the Civil Rights Movement.

1. PLESSY V. FERGUSON (1896)

In 1892, some Republicans in New Orleans decided to challenge Jim Crow laws with a test case. They enlisted Homer Plessy, a light-skinned African American to board a railroad train bound for Covington, LA. Refusing to sit in the "colored only" section, Plessy insisted on sitting in the section reserved for whites. Arrested and convicted for this act of defiance, he appealed to the U.S. Supreme Court. By an 8-1 vote in *Plessy v. Ferguson*, the court rejected Plessy's arguments that the Louisiana Jim Crow law violated his constitutional rights under the 13th and 14th Amendments.

Writing for the majority, Justice Henry Brown held that this law had nothing to do with slavery and therefore did not violate the 13th Amendment. He also ruled that the 14th Amendment was not

2. BROWN V. BOARD OF EDUCATION OF TOPEKA, KANSAS (1954)

By the 1950s, the rigid legal doctrine supporting segregation had finally been weakened. Thurgood Marshall was preparing for the final assault on school segregation, but he faced major opposition even from many committed to full racial equality. They thought that the time was not ripe for such drastic social and legal change. They feared that the Supreme Court would reject a case seeking total racial integration throughout American public education...

Determined to succeed, Marshall pushed ahead. NAACP lawyers worked furiously to present the best possible case. In 1952, Marshall presented the legal argument that resulted in the landmark case of *Brown v. Board of Education*. On May 17, 1954, the Supreme Court announced its dramatic unanimous decision: Segregation of children in America's public schools, when authorized or required by state law, violated the U.S. Constitution, specifically the 14th Amendment's guarantee of equal protection of the law. Chief Justice Earl Warren relied on scientific evidence in concluding that segregated schools promoted feelings of inferiority in black children. Because this

intended to enforce the *social* equality of the races in America. He maintained that laws requiring the separation of races implied no inferiority of either race. They were, he argued, merely passed to protect the common good, not to annoy or oppress anyone. Brown stated that if black people regarded such laws as a badge of inferiority, that was merely their interpretation. He ruled that segregated facilities in public transportation and other areas of life, including education, were constitutionally permissible, as long as such facilities were equal. This case created the "separate but equal" doctrine, which lasted until 1954... The decision in *Plessy v. Ferguson* gave segregation a solid legal foundation. No major challenge was mounted against it for many years.

reduced their motivation to learn, Warren and his fellow justices determined that segregated educational facilities were inherently unequal.

The *Brown* decision was one of the most important in the 20th century. More than any other case it expanded the legal rights of African Americans. For the first time, many blacks saw that the American justice system might actually help them achieve full justice and equality... There is no possibility of a return to legal segregation. The major expansion of legal rights that ... Thurgood Marshall and many other civil rights lawyers successfully fought for during the 1940s and 1950s will remain intact. The United States will never return to racist practices and legal standard of *Plessy v. Ferguson*, which dominated national life for decades, causing untold suffering and personal humiliation to millions of American citizens.