

American History B
Introduction to Segregation

Name _____
Hour _____

Reconstruction Amendments

13th Amendment (1865)

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation.

14th Amendment (1868)

Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state 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.

15th Amendment (1870)

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. The Congress shall have power to enforce this article by appropriate legislation.

Examples of Black Codes

From the 1880s into the 1960s, a majority of American states enforced segregation through Black Codes. The most common types of laws forbade intermarriage and ordered business owners and public institutions to keep their black and white clientele separated. Below is a sampling of laws from various states:

Nurses No person 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. *Alabama*

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. *Alabama*

Restaurants It shall be unlawful to conduct a restaurant or other place for the serving 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. *Alabama*

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

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

Intermarriage All marriages between a white person and a negro, or between a white person and a person of negro descent to the fourth generation inclusive, are hereby forever prohibited. *Florida*

Intermarriage All marriages between a white person and a negro, or between a white person and a person of negro descent, to the third generation, inclusive, or between a white person and a member of the Malay race; or between the negro and a member of the Malay race; or between a person of Negro descent, to the third generation, inclusive, and a member of the Malay race, are forever prohibited, and shall be void. *Maryland*

Intermarriage All marriages of white persons with Negroes, Mulattos, Mongolians, or Malaya hereafter contracted in the State of Wyoming are and shall be illegal and void. *Wyoming*

Cohabitation Any negro man and white woman, or any white man and negro woman, who are not married to each other, who shall habitually live in and occupy in the nighttime the same room shall each be punished by imprisonment not exceeding twelve (12) months, or by fine not exceeding five hundred (\$500.00) dollars. *Florida*

Education The schools for white children and the schools for negro children shall be conducted separately. *Florida*

Mental Hospitals The Board of Control shall see that proper and distinct apartments are arranged for said patients, so that in no case shall Negroes and white persons be together. *Georgia*

Barbers No colored barber shall serve as a barber [to] white women or girls. *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. *Georgia*

Amateur Baseball It shall be unlawful for any amateur white baseball team to play baseball on any vacant lot or baseball diamond within two blocks of a playground devoted to the Negro race, and it shall be unlawful for any amateur colored baseball team to play baseball in any vacant lot or baseball diamond within two blocks of any playground devoted to the white race. *Georgia*

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 use and benefit of colored persons. *Georgia*

Wine and Beer All persons licensed to conduct the business of selling beer or wine...shall serve either white people exclusively or colored people exclusively and shall not sell to the two races within the same room at any time. *Georgia*

Reform Schools The children of white and colored races committed to the houses of reform shall be kept entirely separate from each other. *Kentucky*

Housing Any person...who shall rent any part of any such building to a negro person or a negro family when such building is already in whole or in part in occupancy by a white person or white family, or vice versa when the building is in occupancy by a negro person or negro family, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) nor more than one hundred (\$100.00) dollars or be imprisoned not less than 10, or more than 60 days, or both such fine and imprisonment in the discretion of the court *Louisiana*

The Blind The board of trustees shall...maintain a separate building...on separate ground for the admission, care, instruction, and support of all blind persons of the colored or black race. *Louisiana*

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. *Maryland*

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. *Mississippi*

Hospital Entrances There shall be maintained by the governing authorities of every hospital maintained by the state for treatment of white and colored patients separate entrances for white and colored patients and visitors, and such entrances shall be used by the race only for which they are prepared. *Mississippi*

Prisons The warden shall see that the white convicts shall have separate apartments for both eating and sleeping from the negro convicts. *Mississippi*

Education Separate rooms [shall] be provided for the teaching of pupils of African descent, and [when] said rooms are so provided, such pupils may not be admitted to the school rooms occupied and used by pupils of Caucasian or other descent. *New Mexico*

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

Libraries The state librarian is directed to fit up and maintain a separate place for the use of the colored people who may come to the library for the purpose of reading books or periodicals. *North Carolina*

Militia The white and colored militia shall be separately enrolled, and shall never be compelled to serve in the same organization. No organization of colored troops shall be permitted where white troops are available, and while white permitted to be organized, colored troops shall be under the command of white officers. *North Carolina*

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. *Oklahoma*

Telephone Booths The Corporation Commission is hereby vested with power and authority to require telephone companies...to maintain separate booths for white and colored patrons when there is a demand for such separate booths. *Oklahoma*

Lunch Counters No persons, firms, or corporations, who or which furnish meals to passengers at station restaurants or station eating houses, in times limited by common carriers of said passengers, shall furnish said meals to white and colored passengers in the same room, or at the same table, or at the same counter. *South Carolina*

Child Custody It shall be unlawful for any parent, relative, or other white person in this State, having the control or custody of any white child, by right of guardianship, natural or acquired, or otherwise, to dispose of, give or surrender such white child permanently into the custody, control, maintenance, or support, of a negro. *South Carolina*

Education [The County Board of Education] shall provide schools of two kinds: those for white children and those for colored children. *Texas*

Theaters Every person...operating...any public hall, theatre, opera house, motion picture show or any place of public entertainment or public assemblage which is attended by both white and colored persons, shall separate the white race and the colored race and shall set apart and designate...certain seats therein to be occupied by white persons and a portion thereof, or certain seats therein, to be occupied by colored persons. *Virginia*

Follow up Questions

1. What laws most disturbed you? Why?
2. What law surprised you the most? Why?
3. Why types of laws seemed most common? Why do you think so?
4. Is there a pattern to how the laws are written? Do they speak to blacks and whites equally?
5. At whom are the laws directed? Who is asked to do something? Give some examples.

Jim Crow Etiquette

The following norms show how inclusive and pervasive Jim Crow was:

- A Black male could not offer his hand (to shake hands) with a White male because it implied being socially equal. Obviously, a Black male could not offer his hand or any other part of his body to a White woman, because he risked being accused of rape.
- Blacks and Whites were not supposed to eat together. If they did eat together, Whites were to be served first, and some sort of partition was to be placed between them.
- Under no circumstance was a Black male to offer to light the cigarette of a White female -- that gesture implied intimacy.
- Blacks were not allowed to show public affection toward one another in public, especially kissing, because it offended Whites.
- Jim Crow etiquette prescribed that Blacks were introduced to Whites, never Whites to Blacks. For example: "Mr. Peters (the White person), this is Charlie (the Black person), that I spoke to you about."
- Whites did not use courtesy titles of respect when referring to Blacks, for example, Mr., Mrs., Miss., Sir, or Ma'am. Instead, Blacks were called by their first names. Blacks had to use courtesy titles when referring to Whites, and were not allowed to call them by their first names.
- If a Black person rode in a car driven by a White person, the Black person sat in the back seat, or the back of a truck.
- White motorists had the right-of-way at all intersections.

How is Jim Crow Etiquette different from Jim Crow Law?

Plessy v. Ferguson

In 1890, Louisiana passed a statute called the Separate Car Act, which stated "that all railway companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations. . . ." The penalty for sitting in the wrong compartment was a fine of \$25 or 20 days in jail.

On June 7, 1892, Homer Plessy purchased a first-class passage from New Orleans to Covington, Louisiana and sat in the railroad car designated for whites only. The railroad officials, following through on the arrangement, arrested Plessy and charged him with violating the Separate Car Act.

In court, Plessy argued that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution.

Thirteenth Amendment

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

Fourteenth Amendment

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State 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.

- 1a. If you were Plessy's lawyer, how would you justify your claim that the "Separate Car Act" violates the Thirteenth and Fourteenth amendments?

- 1b. If you were the representing the state of Louisiana, how would you justify your claim that the "Separate Car Act" did not violate the Thirteenth or Fourteenth Amendments?