

Standards Focus: Historical Context*Plessy versus Ferguson and the Jim Crow Laws*

On January 1, 1863, President Abraham Lincoln (from the North) formally issued the *Emancipation Proclamation*, which declared freedom for all slaves residing in states who were in rebellion against the federal government. This meant that at least in the Southern States (the rebels of the Confederacy), slavery was considered illegal. The intention of the Proclamation was to weaken the South's power and strengthen support for the North during the United States Civil War. While the Proclamation was initially purely political, it was seen as an enormous victory and defining moment for slaves throughout the country.

However, the idea of freedom in its purest sense was never achieved. Individual states instilled laws known as "black codes," which denied blacks the civil and political rights held by whites, including restrictions on land ownership, labor, and voting. Clearly, the bitterness of the Civil War remained, as organizations such as the Ku Klux Klan surfaced, and the conflict over slavery continued. Violence and racism were rampant, as newly freed slaves continued their battle for freedom and equality.

In June of 1892, a 30-year-old man named Homer Plessy was jailed for sitting in the "white" section of a railroad car. Plessy was only one-eighth black, but under Louisiana law was considered "colored," and therefore was required to sit in the "colored car." In *Homer Adolph Plessy vs. The State of Louisiana*, Plessy argued that the separation violated the Thirteenth and Fourteenth Amendments to the Constitution. John Howard Ferguson, a lawyer from Massachusetts and acting judge for the Plessy case, found Plessy guilty of refusing to leave the "white car." After an unsuccessful appeal to the Supreme Court of Louisiana which upheld Ferguson's decision, Plessy took his case to the United States Supreme Court. Again, the Court found Plessy in violation. The Supreme Court decision allowed the perpetuation of the concept of "separate but equal," which legally enabled schools, courthouses, libraries, hotels, theaters, restaurants, public transportation, etc. to segregate "coloreds" from "whites." This decision would only serve to strengthen the already popular Jim Crow laws, which allowed states to legally impose punishment for those who crossed the racial barriers.

Some of the Jim Crow Laws are as follows, by state:

Alabama

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

Arizona

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

Florida

- 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.
- 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.
- The schools for white children and the schools for negro children shall be conducted separately.

Georgia

- No colored barber shall serve as a barber [to] white women or girls.
- 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.
- All persons licensed to conduct the business of a restaurant, shall serve either white people exclusively or colored people exclusively and shall not sell to the two races within the same room or serve the two races anywhere under the same license.
- 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.
- 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.

Louisiana

- All circuses, shows, and tent exhibitions, to which the attendance of...more than one race is invited or expected to attend shall provide for the convenience of its patrons not less than two ticket offices with individual ticket sellers, and not less than two entrances to the said performance, with individual ticket takers and receivers, and in the case of outside or tent performances, the said ticket offices shall not be less than twenty-five (25) feet apart.

Mississippi

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

Missouri

- Separate free schools shall be established for the education of children of African descent; and it shall be unlawful for any colored child to attend any white school, or any white child to attend a colored school.

New Mexico

- 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.

North Carolina

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

Oklahoma

- 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.
- 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.

Virginia

- 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.

In addition to the actual laws, there were also unwritten rules, or rules of etiquette that blacks were expected to follow: For example, blacks were expected to refer to whites with titles of superiority such as "Boss," "Sir," "Captain," "Mrs.," or "Miss." Whites referred to blacks using derogatory terms such as "boy," "lady," or "girl." While the term "nigger" was widely used, often the word "niggra" was used as a more "polite" substitute. Rules of racial etiquette also required blacks to "give the wall" to whites, meaning blacks were expected to step off the sidewalk when walking on the street. In parks, signs such as "Negroes and Dogs Not Allowed" were a common sight. Both the Jim Crow laws and etiquette emphasize the simple rule that all blacks were and must behave as if they were inferior to whites. While the court enforced the Jim Crow laws, self-proclaimed white vigilantes enforced the Jim Crow etiquette with violence, intimidation, and lynchings—certainly worse punishment than for breaking a law.

The Jim Crow Laws remained in existence and in force until the Civil Rights movement in the 1960s. The Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 finally ended the Jim Crow sanctions.

Comprehension Check

Directions: Answer the following questions on a separate piece of paper using complete sentences.

1. Choose a few of the Jim Crow laws that most strongly affected you and discuss your feelings about them.
2. Abraham Lincoln is credited with being an abolitionist, and with being the person responsible for "freeing the slaves." Based upon the information in the article, what is your reaction to this statement?
3. Why is the Plessy versus Ferguson decision an important landmark in the civil rights movement, even though Plessy was found guilty by the United States Supreme Court?
4. The Jim Crow laws were named after a black-faced character in a popular minstrel show in the mid-1800s. The character of "Jim Crow" was the stereotypical and derogatory image of an ignorant black "fool" who sang and danced for white audiences. What is your reaction to the origin of the name given to these laws?