

DEFINING MOMENTS PLESSY V. FERGUSON



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Chapter Three

HOMER PLESSY TAKES A STAND



It is the imperative duty of oppressed citizens to seek redress before the judicial tribunals of the country. In our case, we find it is the only means left us. We must have recourse to it, or sink into a state of hopeless inferiority.

—Appeal by the Citizens' Committee, September 5, 1891

One of the most celebrated battles against racial segregation in public transportation took place in New Orleans, Louisiana, in the 1890s. When the state legislature passed a controversial measure known as the Separate Car Law, which divided railroad passengers into different cars by race, a group of black and mixed-race activists based in New Orleans organized a campaign to challenge the law in court. The test case involved a thirty-year-old shoemaker named Homer Plessy, who received the assignment because he was “white enough to gain access to the train and black enough to be arrested for doing so,”¹ according to historian Keith Weldon Medley. The ultimate goal was to convince the U.S. Supreme Court to declare the Separate Car Law unconstitutional, which would nullify similar segregation laws all across the Jim Crow South.

Race Relations in Louisiana

As the civil rights and social standing of African Americans deteriorated across the South following the end of Reconstruction, the situation changed more slowly in the state of Louisiana. Louisiana—and especially the city of New Orleans—had always been different from most of the surrounding region in terms of race relations. Louisiana had been founded by French traders in the 1700s and still showed a strong French influence in the late 1800s. New



This photograph of Canal Street in New Orleans from the late 1800s shows a mule-drawn streetcar and a statue of Henry Clay, a politician known for promoting compromises over the issue of slavery.

Orleans, located at the mouth of the Mississippi River on the Gulf of Mexico, was a major international port that had long served as a hub for the African slave trade. However, it also attracted many free black settlers from nearby Caribbean island nations such as Haiti and Cuba.

Louisiana became part of the United States in 1803 through the Louisiana Purchase, a territorial expansion that doubled the size of the nation. It became a state nine years later. In the early 1800s the population of New Orleans included 25,000 slaves as well as 20,000 free people of color. The city also had a large population of Creoles, or descendants of French colonists, including mixed-race people of black and French ancestry. Most Creoles of color had never been slaves, and many had light enough skin that they could easily blend in with the city's white population. As a group, Creoles tended to be relatively wealthy and well-educated, and they made many important contributions to the city's economy and culture. Thanks to its melting pot of racial, ethnic, and language groups, New Orleans was a unique and vibrant city that had a history of harmonious interaction between races.

Union forces captured New Orleans in April 1862 and occupied it for the remaining three years of the Civil War. The federal troops initiated many progressive political and social changes during the occupation—long before Reconstruction brought such changes to the rest of the South. They ended slavery, for instance, and granted increased civil rights and voting rights to African Americans. As a result, New Orleans served as “somewhat of a laboratory for one of the great democratic experiments in history,” according to Medley. “Ex-slaves now relished their newfound freedoms of speech, religion, association, and mobility. They heartily pursued their right to increased citizenship, access to education, and reconstruction of family”² (see “The New Orleans Streetcar Boycott,” p. 37).

Since it contained a large free black population ready to take full advantage of equal rights, Louisiana emerged as a major focus of federal Reconstruction efforts. The state went further than many others in the South by integrating its public schools and legalizing interracial marriage. In 1872 it became the first state in U.S. history with an African-American governor. Lieutenant Governor Pinckney Benton Stewart (P. B. S.) Pinchback took office in December of that year when his predecessor stepped down during impeachment proceedings. Pinchback’s term only lasted thirty-five days, though, until the next election.

In 1873 a group of prominent African-American, Creole, and white businessmen, military leaders, and politicians formed the Louisiana Unification Movement. Its membership included P. G. T. Beauregard, a Creole and former Confederate general; C. C. Antoine, an African-American politician and former Union Army captain; and Jewish businessman Isaac Marks, who served as chairman. The main goal of the Unification Movement was interracial cooperation. On June 16 it issued a manifesto proclaiming its intention to “advocate by speech, and pen, and deed, the equal and impartial exercise by every citizen of



Louisiana became the first state in U.S. history with an African-American governor when P. B. S. Pinchback took office in 1872.

Louisiana of every civil and political right guaranteed by the Constitution and the laws of the United States.”³ The Unification Movement encountered resistance from white Democrats, however, and failed to take root. The group’s goals of equal rights and cooperative race relations turned out to be ahead of their time. “Their pronouncements were perhaps the most advanced thinking on race to appear anywhere during Reconstruction,” one historian noted, “and resembled closely what Congress would enact almost a century later in the Civil Rights Act of 1964.”⁴

Even after Reconstruction ended and white Democrats regained control in Louisiana, the state government did not immediately act to reverse the gains that had been made by black citizens. Democrat Francis Tillou Nicholls (see biography, p. 130), a Confederate war hero, became governor in the disputed election of 1876 as part of the political compromise that gave Republican Rutherford B. Hayes the presidency in exchange for his promise to withdraw federal troops from the South. Nicholls pledged to “obliterate the color line in politics and consolidate the people on the basis of equal rights and common interests.”⁵ Although white supremacists slowly gained power in the state, black and mixed-race Louisianans fought bravely to maintain their rights. As a result, black men still accounted for half of all registered voters by 1888, while the state legislature included eighteen black members.

The Separate Car Act

In the end, though, Louisiana could not resist the flood of Jim Crow laws that washed over the South after the end of Reconstruction. In May 1890 the state legislature debated House Bill 42, commonly known as the Separate Car Act, which would require racial segregation in railroad transportation. Specifically, the bill proposed to “promote the comfort of passengers in railway trains” by requiring railroad companies to provide separate cars for black and white passengers. According to the bill’s provisions, any passenger who boarded a car that was designated for people of a different race faced a \$25 fine or twenty days in jail. Any railroad employee who failed or refused to enforce segregation—by physically preventing passengers from entering the wrong cars, if necessary—faced a \$50 fine or a jail term. Railroad companies that did not provide separate cars incurred a fine of \$500. The bill did not make an exception to allow interracial couples to ride together, although it did allow colored nurses to ride in cars designated for white passengers in order to assist their patients.

The New Orleans Streetcar Boycott

Shortly after the Civil War ended, New Orleans' black and Creole communities won an early battle over segregation of public transportation. In 1867 they successfully challenged a law that reserved two-thirds of the city's mule-drawn streetcars for the exclusive use of white passengers and relegated African Americans to cars marked with a black star.

If a person of color boarded an unmarked car, the streetcar company instructed its drivers to refuse to move the vehicle. Those who were seeking to end segregation decided to use this policy to their advantage. A loosely organized protest erupted in which African Americans boarded whites-only streetcars all over the city, bringing traffic to a standstill. As more and more people joined the sit-in, the New Orleans public transportation system was forced to shut down.

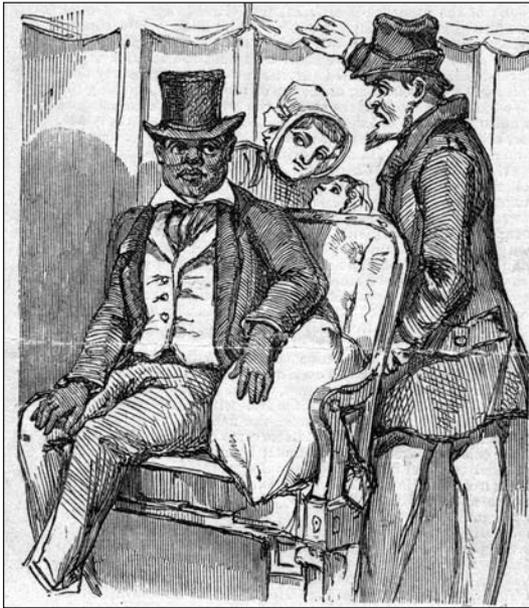
Police Chief Thomas Adams responded to the civil disobedience by issuing an order that integrated the city's streetcars. "Have no interference with negroes riding in cars of any kind," he warned in the *New Orleans Crescent*. "No passenger has a right to reject any other passenger, no matter what his color. If he does so, he is liable to arrest for assault, or breach of the peace." The successful streetcar boycott of 1867 demonstrated the power of New Orleans' black community and led to an era of increased equality.

Source

Medley, Keith Weldon. *We as Freeman: Plessy v. Ferguson*. Gretna, LA: Pelican, 2003, p. 80.

The Separate Car Act generated spirited public debate, with passionate voices on both sides of the issue. An editorial in the *New Orleans Times Democrat* argued that it was logical and proper to segregate public transportation, since many other public facilities already divided people by race: "A man that would be horrified at the idea of his wife or daughter seated by the side of a burly negro in the parlor of a hotel or at a restaurant cannot see her occupying a crowded seat in a car next to a negro without the same feeling of disgust."⁶

A weekly African-American newspaper called the *Crusader* led the opposition to the Separate Car Act. Founded in 1889 by Creole attorney Louis A. Mar-



As state after state passed laws segregating railroad travel, African-American passengers ran the risk of being evicted from whites-only cars.

tinnet (see biography, p. 127), the *Crusader* described itself as “newsy, spicy, progressive, liberal, stalwart, and fearless”⁷ in its support for black rights. *Crusader* contributor Rodolphe Lucien Desdunes (see biography, p. 114) condemned House Bill 42 with particular passion. “Among the many schemes devised by the Southern statesmen to divide the races, none is so insulting as the one which provides separate cars for black and white people on railroads running through the state,” he wrote. “It is like a slap in the face of every member of the black race, whether he has the full measure or only one-eighth of that blood.”⁸

Opponents of the Separate Car Act formed an interracial organization called the American Citizens’ Equal Rights Association (ACERA), which included many former members of the Unification Movement. They held a rally in the state capital, published newspaper editorials and pamphlets, and sent telegrams to legislators in an effort to derail the legislation. “We do not think that citizens of a darker hue should be treated by law on different lines than those of a lighter complexion,” an ACERA spokesman declared. “Citizenship is national and has no color. We hold that any attempt to abridge it on account of color is simply a surrender of wisdom to the appeals of passion.”⁹

At first it appeared that the state legislature, which included sixteen black members in 1890, might reject the Separate Car Act. But then the bill became caught up in a political controversy surrounding the reauthorization of the Louisiana lottery. The lottery had been created in 1868 by the state legislature, and it was run by the Louisiana Lottery Company under a twenty-five-year lease arrangement. During its existence, the lottery had grown into a multimillion dollar business. In the city of New Orleans alone, there were more than one hundred lottery shops that sold tickets for the monthly drawings. Opponents of gambling, however, criticized the lottery for contributing to what they viewed as moral decay in the city. They pointed out that New Orleans contained

some 650 saloons, dance parlors, gambling dens, and related businesses of questionable repute.

The lottery lease came up for review before the state legislature in 1890, around the same time as the Separate Car Act. The controversial measure split both the Democratic and Republican parties into pro- and anti-lottery factions and created unusual alliances between members from different parties. With several black legislators voting in favor of reauthorizing the lottery, the bill passed. Governor Nicholls vetoed it, but the Senate judiciary committee ruled that he did not have the authority to do so because the lottery lease was part of the state constitution. The proposed lottery renewal amendment appeared on the ballot during the next election, and it was approved by popular vote.

In the meantime, a group of anti-lottery state legislators, led by Senator Murphy J. Foster, threw their support behind the Separate Car Act. Martinet, Desdunes, and other opponents of racial segregation claimed that Foster resurrected the bill as a form of revenge against the black legislators who had voted for the lottery. When the Separate Car Act came up for a vote, eight white senators switched sides and voted in favor of it. Although opponents begged Governor Nicholls to veto the legislation, he ignored their pleas and signed it into law on July 10, 1890 (see “Louisiana Passes the Separate Car Law,” p. 148).

Opponents Challenge the Law

As soon as the Separate Car Law took effect, the *Crusader* began encouraging the black citizens of Louisiana to support efforts to challenge it in court. “We are American citizens and it is our duty to defend our constitutional rights against the encroachments and attacks of prejudice,” Desdunes wrote. “The courts are open for that purpose, and it is our fault if we do not seek the redress they alone can afford in cases of injustice done or of wrongs endured.”¹⁰ Although passions ran high, it took opponents of the law over a year to raise funds for a legal challenge, get advice from attorneys, and devise a strategy for overturning the measure.

The challenge began to take shape on September 1, 1891, when the respected Republican activist Aristide Mary gathered a group of eighteen prominent black

“Among the many schemes devised by the Southern statesmen to divide the races, none is so insulting as the one which provides separate cars for black and white people on railroads running through the state,” wrote Rodolphe Desdunes. “It is like a slap in the face of every member of the black race.”



Haitian-born Arthur Esteves, who founded a successful sailmaking business in New Orleans, served as president of the Citizens' Committee to Test the Constitutionality of the Separate Car Law.

and Creole community leaders to form the *Comité des Citoyens*, or Citizens' Committee to Test the Constitutionality of the Separate Car Law. The members of the Citizens' Committee were an elite group of well-educated, bilingual, politically active businessmen, educators, lawyers, journalists, artisans, and government workers. The group included Martinet, Desdunes, and former Unification Movement member Antoine. Arthur Esteves, owner of a successful sailmaking business in New Orleans, was elected president of the committee.

To help develop its legal strategy, the Citizens' Committee consulted with Albion W. Tourgée (see biography, p. 136), a well-known white attorney from New York. Tourgée had been a leader in the fight to abolish slavery before the Civil War, and he remained a vocal advocate of African-American rights during Reconstruction and the early Jim Crow era. He had published several articles about the Separate Car Act and the battle to prevent its passage in the Louisiana

state legislature. Tourgée offered to waive his usual attorney's fees and provide his legal expertise for free. Given his busy schedule and the time and expense involved in traveling to New Orleans, however, he recommended that the Citizens' Committee find a local lawyer to take the case through the Louisiana court system. The organization subsequently hired Louisiana attorney James C. Walker for this purpose, but Tourgée promised to take over if the legal challenge went all the way to the U.S. Supreme Court.

The Citizens' Committee believed that the best way to test the constitutionality of the Separate Car Law was to break it. They decided to find a "colored" volunteer who was willing to intentionally disobey the law by boarding a railroad car that was designated for white passengers only. If all went accord-

ing to plan, the person would be arrested and charged with a crime for failing to comply with the Separate Car Law. Then the courts would be forced to confront the issue of whether racial segregation of public transportation violated the U.S. Constitution. If the U.S. Supreme Court ultimately ruled in the group's favor, it would not only overturn Louisiana's Separate Car Law, but it would also nullify similar segregation laws all across the South.

In order to demonstrate the absurdity of the law, the Citizens' Committee wanted a volunteer with certain characteristics. It sought a person who would be defined as colored under the law, but who had such light skin that they ordinarily would not be questioned for sitting in a whites-only car. It also wanted a well-mannered, respectable, law-abiding citizen whose civil disobedience would be taken seriously. The Citizens' Committee also decided to seek the cooperation of railroad officials in its test case. Members knew that the railroad companies generally disliked the Separate Car Law and were reluctant to enforce it. After the committee presented its plan to several different railroads, representatives of the Louisville and Nashville line agreed to participate.

The initial test of the Separate Car Law took place on February 24, 1892. Musician Daniel Desdunes, the son of journalist and Citizens' Committee member Rodolphe Desdunes, attempted to board a first-class, whites-only railroad car on Canal Street in New Orleans. Before the train embarked on its journey to Mobile, Alabama, Desdunes informed the conductor that he was not allowed to ride in a car designated for white passengers because he was one-eighth black. In other words, one of his eight great-grandparents had been African American. Desdunes was then arrested and charged with violating the Separate Car Law.

Before Desdunes's case went to trial, however, the state dismissed the charges against him. The Louisiana Supreme Court—now led by Chief Justice Francis T. Nicholls, the former governor who had signed the Separate Car Act into law—ruled in the unrelated case *Abbott v. Hicks* that the state's segregation laws did not apply to interstate travel. The court noted that the Commerce Clause of the U.S. Constitution gave the federal government, rather than the individual states, authority to regulate transportation that crossed state borders. The trial judge appointed to hear the Desdunes case, John Howard Ferguson, cited

“It is hoped that what [Judge Ferguson] says will have some effect on the silly negroes who are trying to fight this law,” declared an editorial in the New Orleans Times-Picayune. “The sooner they drop their so-called crusade against ‘the Jim Crow car,’ ... the better for them.”

the higher court's ruling in dismissing the charges against Desdunes. Martinet viewed the ruling as a major victory for the Citizens' Committee. "The Jim Crow car is ditched and will remain in the ditch,"¹¹ he declared.

Homer Plessy Rides into History

Although the outcome of the Desdunes case was encouraging, members of the Citizens' Committee knew that the Separate Car Law still applied to railroad lines that operated wholly within the state of Louisiana. They decided to arrange another test in hopes of gaining a favorable court ruling that would decisively end racial segregation in public transportation. They also recognized that a highly publicized legal drama could draw national attention to the erosion of black civil rights in the Jim Crow South. "The people of the North must be educated to conditions in the South, & this can only be done through the press," Martinet wrote in the *Crusader*. "We must expose continually to the people of the North the hideous sores of the South & the ever-recurring outrages to which we are subjected & the lurking therein to the Nation."¹²

For its second test case, the Citizens' Committee turned to a quiet, unassuming, thirty-year-old shoemaker named Homer Adolph Plessy (see biography, p. 133). Plessy's parents had been free people of color in New Orleans before the Civil War, and his stepfather had been a member of the Unification Movement during Reconstruction. Having grown up during the federal occupation of New Orleans, Plessy was determined to do his part to preserve the civil rights that the city's black community had worked so hard to achieve. On June 7, 1892, he purchased a first-class ticket on an East Louisiana Railroad train that was scheduled to travel from New Orleans to Covington, Louisiana, around fifty miles away. When the train arrived, Plessy boarded a car designated for white passengers only. Since he had light skin, none of the other passengers questioned his right to sit in the car.

East Louisiana Railroad conductor J. J. Dowling had been notified in advance of Plessy's intention to violate the Separate Car Act. When Dowling approached Plessy and inquired about his race, Plessy acknowledged that he was considered "colored" under Louisiana law. When Dowling asked Plessy to move to the car designated for black passengers, Plessy refused. He was then placed under arrest and taken to jail, although he was released a short time later when six members of the Citizens' Committee arrived to post his bail. Plessy appeared in court the following morning. At that time, Dowling and another



On June 7, 1892, Homer Plessy intentionally boarded an East Louisiana Railroad car designated for white passengers only as a test of the Separate Car Law.

Photo Credit: The Historic New Orleans Collection, Acc. No. 1974.25.37.57.

witness swore affidavits that Plessy had boarded the wrong train car and refused orders to move. The case, then titled *Louisiana v. Plessy*, was scheduled for trial before Judge John H. Ferguson (see biography, p. 117) in the Criminal Court of the Parish of New Orleans on October 13, 1892.

When Plessy got his day in court, he was represented by James C. Walker, the New Orleans attorney retained by the Citizens' Committee. Walker immediately asked Ferguson to dismiss the charges against his client. He argued that the Separate Car Law was unconstitutional because it violated the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment had outlawed slavery and involuntary servitude. Walker claimed that segregating African Americans in public spaces was one of the features of slavery and was therefore illegal. The Fourteenth Amendment had declared all U.S. citizens to be equal before the law. By creating artificial distinctions between citizens on the basis of race, Walker argued, the Separate Car Law discarded equal treatment in favor of white superiority. Walker also urged Ferguson to invalidate the

Separate Car Law because it was unclear about the status of mixed-race people and light-skinned blacks. Finally, he claimed that the law gave train conductors unwarranted authority to determine the race of passengers.

Lionel Adams was the prosecuting attorney who represented the State of Louisiana in Ferguson's court. He argued that the Separate Car Law served a legitimate state interest. He claimed that the intent of the law was to reduce racial tensions and promote the comfort and safety of passengers during railroad travel within the state. Adams also pointed out that the law required the cars provided to white and black passengers to provide equal accommodations. According to Adams, this meant that the act did not discriminate on the basis of race.

After considering the arguments for both sides, Judge Ferguson issued his decision on November 18. He ruled against Plessy, asserting that the Separate Car Law was, in fact, constitutional. White segregationists celebrated the ruling and tried to convince the Citizens' Committee to give up the fight. "It is hoped that what [Judge Ferguson] says will have some effect on the silly negroes who are trying to fight this law," declared an editorial in the *New Orleans Times-Picayune*. "The sooner they drop their so-called crusade against 'the Jim Crow car,' ... the better for them."¹³ But Plessy and the Citizens' Committee remained determined to pursue the matter all the way to the U.S. Supreme Court if necessary. As the next step in that process, they appealed Ferguson's ruling to the Louisiana Supreme Court. At this point the case became known as *Plessy v. Ferguson*.

Opponents of the Separate Car Law had little hope of success in the state Supreme Court. After all, the court was led by Chief Justice Francis Nicholls, who had signed the bill into law during his tenure as governor. The Louisiana Supreme Court heard the case on November 22 and, as expected, upheld the lower court's ruling a few weeks later. Justice Charles E. Fenner, who wrote the decision, claimed that the law was not discriminatory because it applied equally to blacks and whites. Whites were not allowed to ride in train cars designated for black passengers, just as blacks could not ride in those designated for white passengers. He also said that the state had acted within its authority to regulate railroad travel within its borders. Finally, he concluded that forcing black passengers and white passengers to ride together in the same car "would foster and intensify repulsion between them."¹⁴ Although Plessy, his lawyers, and the members of the Citizens' Committee were disappointed with the decision, they looked forward to taking the battle against segregation in public transportation to the highest court in the land.

Notes

- ¹ Medley, Keith Weldon. *We as Freeman: Plessy v. Ferguson*. Gretna, LA: Pelican, 2003, p. 17.
- ² Medley, p. 74.
- ³ Quoted in Williams, T. Henry. "The Louisiana Unification Movement of 1873." In *The Journal of Southern History*, Vol. IX, No. 1. Nashville, TN: Vanderbilt University Press, 1945, p. 359.
- ⁴ Nystrom, Justin A. "Reconstruction." In *KnowLA Encyclopedia of Louisiana*. Louisiana Endowment for the Humanities, December 21, 2012. Retrieved from <http://www.knowla.org/entry.php?rec=463>.
- ⁵ Quoted in Fischer, Roger A. *The Segregation Struggle in Louisiana, 1862-77*. Urbana: University of Illinois Press, 1974, p. 134.
- ⁶ Quoted in Olsen, Otto H. *The Thin Disguise: Turning Point in Negro History—Plessy v. Ferguson*. New York: American Institute for Marxist Studies, 1967, p. 53.
- ⁷ Quoted in Medley, p. 104.
- ⁸ Quoted in Esty, Amos. *The Civil Rights Movement: Plessy v. Ferguson*. Greensboro, NC: Morgan Reynolds, 2012, p. 48.
- ⁹ *Official Journal of the Proceedings of the House of Representatives*. Baton Rouge, LA: 1890, p. 62.
- ¹⁰ Desdunes, Rodolphe. "To Be or Not to Be." *Crusader*, July 4, 1891.
- ¹¹ Martinet, Louis. "Jim Crow Is Dead." *Crusader*, July 1892.
- ¹² Quoted in Medley, p. 157.
- ¹³ Quoted in Stevens, Leonard. *Equal! The Case of Integration vs. Jim Crow*. New York: Coward, McCann, and Geohagen, 1976, p. 48.
- ¹⁴ Fenner, Charles E. *Ex parte Plessy*. In McKinney, William M., ed. *The American and English Railroad Cases*. Long Island, NY: Edward Thompson, 1894, p. 556.

An Alabama Man Experiences Daily Humiliations under Segregation

Richard Rose was born in 1935 in the farming town of Cecil, Alabama, and grew up on the outskirts of Montgomery. In a 1995 interview for Duke University's Behind the Veil oral history project, which is excerpted below, Rose recalls some of his experiences as an African American in the South during the era of legal segregation. He remembers learning from an early age how to behave in a submissive manner toward whites in order to avoid trouble. He also describes several incidents of racial violence and relates how law enforcement officials stood firmly on the side of whites in interracial conflicts.

Being in a segregated area like that you learn from experience, but [the older generation] told you certain things and tried to direct you. For example, if we were speaking to—it didn't matter whether it was a black, an elderly person—you had to say yes m'am, no m'am, yes sir, no sir. And like when we were riding the buses back then. All the blacks had to go to the back, and if the bus would fill up from the front with whites all the way back then the driver would ask you to get up and let this white person sit down. They told us, they instilled in us, not to cause what you might say trouble and that way protected yourself. You wouldn't be put in jail or beaten by some of the policemen....

When I was old enough, I'd say about nine or ten, if I went to town or somewhere with my grandfather or if an insurance man would come by, instead of calling him by his name they would rather say uncle or preacher, and I noticed then something was wrong here. And then this man could be younger than my grandfather, and he had to say yes sir to [the man, and the man] would say yes and no to my grandfather who was up in age. And I said something wrong here, you know? And then when you would get on the bus I noticed that at an early age we'd have to take a seat in the back. So I knowed something was wrong here. And then when you went to the public places like the five and ten cents stores back then, you had a water fountain that says white and one said colored. Bathrooms—one for black if they had one, and one for white. And if you were traveling you couldn't go in the restaurant. You had to prepare your own lunch and, you know, travel that way. What else I notice. I noticed this at an early age, and as I got older and started traveling it began to register more, you know....

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Let me mention one incident. I've seen this riding the bus. Just from Montgomery to my community we had a local bus that would go, would come through, and for twenty-five cents you could go one way to Montgomery. There have been cases where a black would get on and then, like I was telling you, if the front would fill up with whites then the driver would ask the next person, a black, to get up and let the whites sit down. So, there was some fellows, grown men I'd say, had had a drink or two and they wouldn't get up. So then the driver wanted to come back and make them get up and that's when you'd have some fights. That's one incident.

Another incident, I had a good friend of mine's mother was walking from work. She was working for some whites in Montgomery and they didn't bring her home. She had to walk home and sometimes it would get dusk, dark 'fore she could get off the highway. Some young whites passed by and took a quarter of a watermelon and threw it and hit her and just knocked teeth out, you know. Another incident, if the sheriff would come to your house for some reason, he didn't have to show you a search warrant. He'd just go on in and search. You had a lot of trouble out of that.

Oh, I used to work at a short-order café, and they had an area in the back with one table or maybe two about this size and chairs on each side for blacks, and they sold beer and sandwiches and, you know, fast food. Short-order place. And the bathroom was located in the back. So, on the outside, for the men. So some of the whites, they had to get up out of the living room or whatever they were sitting at the bar and go through where these blacks were to go to the bathrooms. So, this particular day this one white guy went through, and he made some smart remark. It was a black soldier in there, and they had a brawl. That black soldier got up and told him what he would do, and they started fighting. The owner had to go back there and stop them. Then he kind of talked to the white guy, you know, 'cause he knew the black guy didn't say anything to him, you know. That's one incident.

They had other incidents where—whites will not come one on one. Back then they wouldn't, they'd come in a group. They had to be two or three. If you stood up for what you believed and didn't let them run over you, they'd say you were crazy. And then if you got in an argument with one, and he probably wouldn't say nothing then, but later on he'd get two or three and come back. And that's when you had a lot of trouble. Then they would beat the guy up, you know, the black up and go on.

But I can say this, I knew of the Ku Klux Klan, but I never did see a cross where they had set up and set it afire. Never did see that. I never did see any in robes and their uniforms, you know, but we knew they were there. Because of some of the other incidents that happened. I can recall I was real young and I heard my people, my parents talking about it. They made one black fellow jump off into the Alabama River for no reason at all. They just stopped him and made him do it, but these were Klansmen. They recently, oh, about ten or fifteen years ago the attorney general in Alabama there recently sentenced one of them to live in prison, but he was an old man then. But anyway, a lot of injustices like that went on during that time.

I had an incident where my uncle and another young black lady was working for this white fellow that owned a short-order, he owned a club. She was cooking. My uncle was car hopping and waiting tables. A white guy was liking the black young lady. My uncle was liking the black young lady. So something happened and my uncle found out about it and he slapped her and she went back and told the white man. That night he sent, the white man sent two car loads of whites. They were mixed. You had men and women like they were looking. They came looking for my uncle. Now my uncle had told my grandfather, his daddy what happened. Well, when the cars drove up and they asked for him, they didn't know that there were two guns on the back of the house pointed at them, but they didn't know that. So anyway, my grandfather decided then that it was time for my uncle to leave and go up east on the east coast, because he was going to [be killed] had he stayed there.

Things like that, and then brutality by policemen. This happened after I left the area. I was in service. If they caught you speeding and they say you were sassing, they subject to shoot you, beat you to death or shoot you. And that did happen in some incidents for no reason at all. And then I was raised up, well, I knew this one fellow. I used to work for his parents. He was just a little baby. I remember when he was a little baby, and I left and went away and he grew up. He became a state trooper, and you talking about hating blacks, he hated blacks. Things like that.

There was some, oh, one other thing too. Back then they could, well, the whites could pick up a black young lady and do whatever they wanted and then nothing was done about it. If she could identify him, still nothing would be done. That has happened. There's others, but I won't go into them.

Primary Sources: An Alabama Man Experiences Daily Humiliations under Segregation

Source

Interview with Richard Rose (btvct04036), interviewed by Paul Ortiz, Cecil, Alabama, August 3, 1995. *Behind the Veil: Documenting African-American Life in the Jim Crow South*, Digital Collection, John Hope Franklin Research Center, David M. Rubenstein Rare Book and Manuscript Library, Duke University. Retrieved from <http://library.duke.edu/digitalcollections/media/pdf/behindtheveil/btvct04036.pdf>.

IMPORTANT PEOPLE, PLACES, AND TERMS

Abolitionist

A person who opposes slavery and supports efforts to end the practice.

Accommodations

Food, lodging, transportation, and other services that are supplied to meet a public need.

Black Codes

A series of repressive laws passed in Southern states following the Civil War that were designed to restrict the rights and freedoms of former slaves and prevent them from gaining any political or economic power.

Border states

States that had once allowed slavery but remained loyal to the Union during the Civil War—including Delaware, Kentucky, Maryland, Missouri, and West Virginia.

Brief

A written document that outlines the main legal arguments in a court case.

Brown, Henry Billings (1836-1913)

U.S. Supreme Court justice (1891-1906) who wrote the majority opinion in *Plessy v. Ferguson*.

Brown v. Board of Education

The 1954 U.S. Supreme Court ruling that overturned *Plessy v. Ferguson*'s “separate but equal” doctrine and declared segregation of public schools unconstitutional.

Caste system

A social structure in which citizens are placed into distinct classes based on heredity or race.

CHRONOLOGY

1600s

The first Africans are forcibly brought to North America to serve as slaves for European colonists. *See p. 5.*

1783

The thirteen American colonies gain their independence from England and form a new nation based on the principles of freedom, equality, and democracy; the new U.S. Constitution does not address the issue of slavery. *See p. 6.*

1793

The invention of the cotton gin—a machine that separates seeds from cotton fibers—leads to a massive increase in cotton production in the South, and an accompanying increase in demand for slave labor on large cotton-growing plantations. *See p. 7.*

1803

The Louisiana Purchase doubles the territorial size of the United States. *See p. 34.*

1808

The U.S. Congress outlaws the transatlantic slave trade, making it illegal to import slaves from Africa to the United States. *See p. 8.*

1812

Louisiana is admitted to the Union as the eighteenth state. *See p. 34.*

1857

The U.S. Supreme Court gives legal protection to the institution of slavery with its infamous *Dred Scott v. Sandford* decision. *See p. 9.*

1860

Abraham Lincoln is elected president of the United States; eleven Southern states subsequently announce their intention to secede from the Union and form a new country called the Confederate States of America. *See p. 8.*

1861

The Civil War begins on April 12, when Confederate troops attack a U.S. Army garrison at Fort Sumter in Charleston, South Carolina. *See p. 8.*

SOURCES FOR FURTHER STUDY

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- Fremont, David K. *The Jim Crow Laws and Racism in American History*. Berkeley Heights, NJ: Enslow, 2000. This book provides a readable overview of a century in black history—from the Reconstruction era, through segregation and Jim Crow, to the civil rights movement.
- McNeese, Tim. *Great Supreme Court Decisions: Plessy v. Ferguson, Separate but Equal*. New York: Chelsea House, 2007. This volume offers a comprehensive history of the *Plessy v. Ferguson* case and the people involved in it.
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