

Station #2: Segregation in the Jim Crow South

While the fourteenth amendment stated that all Americans were entitled to "Equal treatment of laws," as Reconstruction came to an end, most southern states began passing discriminatory "Jim Crow Laws" which required African-Americans to use separate public facilities. In its rulings the Supreme Court repeatedly weakened the fourteenth amendment, culminating in the case Plessy v. Ferguson, which gave the court's blessing to segregation. Taking a very strict interpretation of the fourteenth amendment, the courts drew a distinction between protection of political and legal rights and protection against economic and social discrimination.

Document A: Majority Opinion, The Civil Rights Cases, 1875

It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business. [...] When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected.

Document B: Majority Opinion, Plessy v. Ferguson, 1896

...The object of the Fourteenth Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but by the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either.....

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority.... The argument necessarily assumes that if...the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position.....

The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the Negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals... Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.

-Majority Opinion in Plessy v. Ferguson (1896)

Document C: Jim Crow Laws (from various states 1875-1900s)

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*

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 effectual 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*

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*

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*

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*

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*

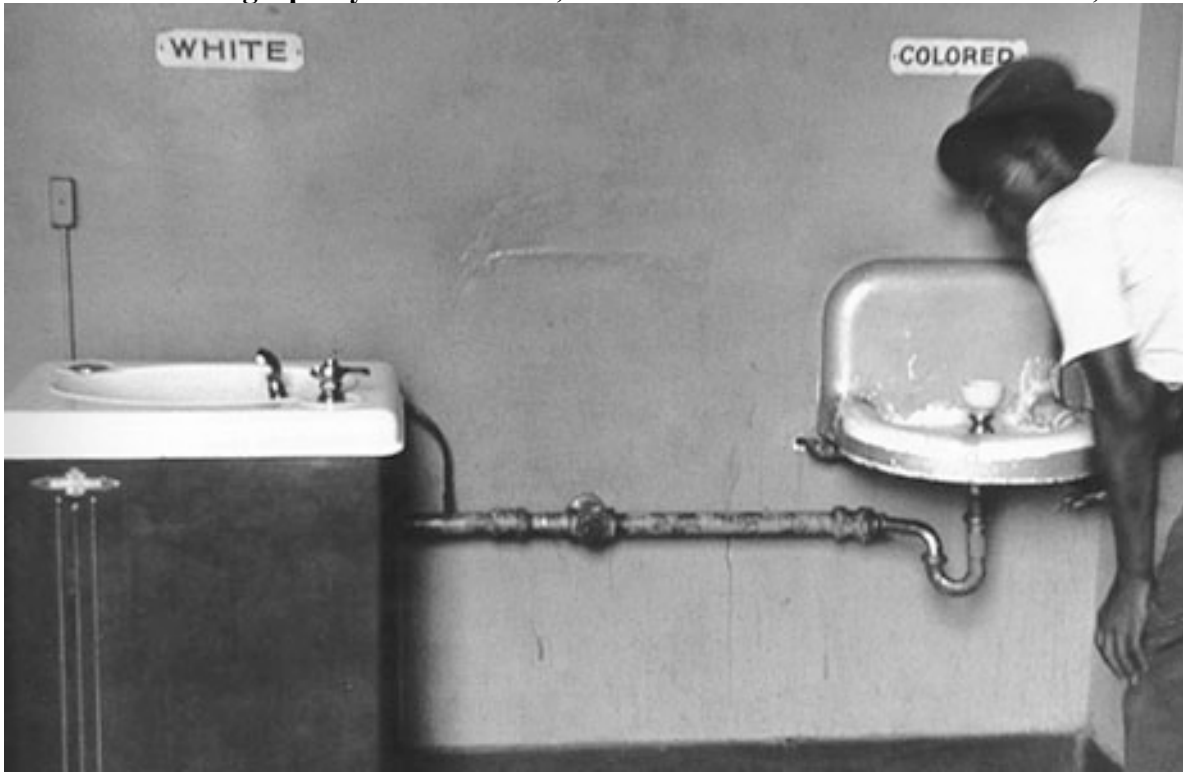
Education- Separate rooms [shall] be provided for the teaching of pupils of African descent, and [when] said rooms are so provided, such pupils may not be admitted to the school rooms occupied and used by pupils of Caucasian or other descent. *New Mexico*

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*

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*

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*

Document D: Photograph by Elliott Erwitt, "A Public Fountain in North Carolina," 1950



Document E: Marion Post Wolcott, "Rex Theater," November 1, 1939

