

The Law, The Courts, and Jim Crow: Lesson Plans

Standards:

- USHC-3.3 Analyze the effects of Reconstruction on the southern states and on the role of the federal government, including the impact of the thirteenth, fourteenth, and fifteenth amendments on opportunities for African Americans.
- USHC-3.4 Summarize the end of Reconstruction, including the role of anti-African American factions and competing national interests in undermining support for Reconstruction; the impact of the removal of federal protection for freedmen; and the impact of **Jim Crow laws** and voter restrictions on African American rights in the post-Reconstruction era.
- USHC-3.5 Evaluate the varied responses of African Americans to the restrictions imposed on them in the post-Reconstruction period, including the leadership and strategies of Booker T. Washington, W. E. B. DuBois, and Ida B. Wells-Barnett.
- USHC-8.1 Analyze the African American Civil Rights Movement, including initial strategies, landmark court cases and legislation, the roles of key civil rights advocates and the media, and the influence of the Civil Rights Movement on other groups seeking equality.
- USG-4.5 Evaluate the importance of civil rights and civil liberties for citizens in American political **culture** and the protective role of the national government through the Bill of Rights, the judicial system, and the Fourteenth Amendment.
- USG-4.6 Explain how fundamental values, principles, and rights often conflict within the American political system; why these conflicts arise; and how these conflicts are and can be addressed.

Key Words:

Civil Rights Act, Jim Crow, segregation, de facto segregation, de jure segregation, miscegenation, Plessy v. Ferguson, Brown v. Board of Education

Lesson: [Can be developed into a power-point presentation or a lecture/discussion with fill in the blank review sheet]

In 1964, the Congress of the United States passed the landmark Civil Rights Act of 1964. The Civil Rights Act of 1964 was the culmination of the fight by a courageous few. These patriots sought to undo a century of careful construction of a social structure designed to prevent racial equality from becoming a reality following the dismantlement of slavery. The law, which ended legal segregation in the United States, may well have been the most remarkable and culturally revolutionary legislation ever enacted in the history of the United States.

As a consequence, laws that mandated racial separation, commonly known as Jim Crow laws, were now in violation of federal law. Those laws had been put into place following the Reconstruction period by southern “Redeemer” governments. South Carolina had been no exception. In fact, “South Carolina had passed more than 22 segregation laws between 1865 and 1957 (www.jimcrowhistory.org).” Leadership provided by Governor “Pitchfork” Ben Tillman in the 1890s with the assistance of extra-legal organizations dedicated to terror ensured that Jim Crow became South Carolina’s cultural norm by the end of the nineteenth century.

The Jim Crow system would not begin to be dismantled for nearly a century. This is why The Civil Rights Act of 1964 was so vital in reshaping the cultural landscape of South Carolina and the United States. While it brought the era of de jure (legal) segregation to a close, it had no legal authority to end customary associations, and so remnants of de facto (by custom or patterns of social behavior) segregation remain in our present age. Following is a list compiled by www.jimcrowhistory.org of the segregation laws that were passed in South Carolina during the Jim Crow era. Most appear to focus on interracial marriages and public accommodations in the arenas of public schools, employment and public transportation.

- *1865: Miscegenation* [statute]
Prohibited marriage between a white person and a person of color
- *1866: Miscegenation* [statute]
Upheld 1865 law prohibiting intermarriage

Three anti-segregation laws were passed by Republican-dominated South Carolina legislature following the U.S. Reconstruction Act of 1867. They were all overturned in 1879, soon after Reconstruction came to an end.

1868: Barred school segregation [South Carolina Constitution]
All public schools and universities to be free and open to all persons regardless of race or color.

1869: Barred public accommodation segregation [South Carolina Constitution]
Gave all classes of citizens without regard to race or color equal access to public, legal and political privileges, including the right to intermarry.

1869: Barred public carrier segregation [statute]
Unlawful for public carriers or any business to discriminate on account of race or color. Penalty: Fine of \$1000 and hard labor in the penitentiary for five years. Corporations that violated this act shall forfeit their business license.

Reconstruction formally ended with the Compromise of 1877, when South Carolina agreed to give its electoral votes to Rutherford B. Hayes in exchange for agreement to end the Reconstruction and recognition of Wade Hampton as the duly elected governor of the State. Afterwards, South Carolina was free to continue pursuing legislation that favored returning political power to whites. This would be done enthusiastically in the succeeding years, especially when it became apparent the United States Supreme Court had no intention of interfering with those objectives. In fact, the high court chose to interpret the Fourteenth Amendment so broadly in 1875 and 1883 as to render the equal protection clause meaningless.

- *1879: Miscegenation* [statute]
“Marriage between a white person and an Indian, Negro, mulatto, mestizo, or half-breed shall be null and void.” Penalty: Misdemeanor, fined a minimum of \$500, or imprisoned for not less than twelve months, or both. Ministers who performed such marriages faced misdemeanor charges, subject to the same penalty.
- *1895: Miscegenation* [South Carolina Constitution]
Prohibited marriage between a white person with a Negro or mulatto, or a person who had one-eighth or more Negro blood.
- *1895: Education* [South Carolina Constitution]
No children of either race “shall ever be permitted to attend a school provided for children of the other race.”

In 1896, the U.S. Supreme Court handed down its ruling in *Plessy v. Ferguson* endorsing the segregation of public schools and other accommodations in public places on the basis of the separate but equal doctrine of the 14th Amendment's equal protection clause. The results were predictable.

- *1896: Education* [Statute]
Unlawful for pupils of one race to attend schools provided for persons of another race.”
- *1898: Railroads* [statute]
All railroads to provide separate first-class coaches for the accommodation of white and colored passengers. Penalty: Railroad employees who violated the law were liable to a fine from \$300 to \$500. Section 6 of the law noted that it was legal for all persons paying second-class fare to ride in a second-class car.
- *1900: Railroads* [statute]
Amended the act of 1898, repealing section six. The new law stated that railroads were not required to have second-class coaches. Penalty: Employees violating the law faced misdemeanor charges punishable by a fine between \$25 and \$100. Passengers who refused to sit in their assigned car were guilty of a misdemeanor and could be fined from \$25 to \$100.
- *1903: Railroads* [Statute]

Amended 1900 law stating that railroads were required to furnish separate apartments for white and colored passengers only on passenger trains, not on freight trains.

- *1905: Streetcars* [Statute]
Authorized streetcars to separate the races in their cars. Penalty: Conductors who failed to enforce the law could be fined up to \$100, or imprisoned for up to 30 days for each offense.
- *1906: Railroads* [Statute]
Firms providing meals to passengers at railroad stations were prohibited from serving meals to white and colored passengers in the same room, at the same counter, or at the same table.
Penalty: Misdemeanor, could be fined from \$25 to \$100, or imprisoned up to 30 days.
- *1932: Public accommodations* [Statute]
All circuses and tent shows must provide separate entrances for white and black customers.
- *1932: Education* [state code]
Required racially segregated schools
- *1932: Miscegenation* [state code]
Miscegenation declared a misdemeanor. Also forbade marriages between persons of the Caucasian and Asian races.
- *1935: Education* [statute]
Required school bus drivers to be of the same race as the children they transported.
- *1952: Voting rights protected* [state code]
Repealed poll tax statute
- *1952: Employment* [state code]
Unlawful for cotton textile manufacturers to allow different races to work together in the same room or use the same exits or bathrooms.
Penalty: \$100 and/or imprisonment at hard labor up to 30 days.
- *1952: Miscegenation* [state code]
Marriage of white with Negro, mulatto, Indian, or mestizo declared void. Penalty: Not less than \$500 and/or not less than 12 months imprisonment.
- *1952: Adoption* [Statute]
It became a crime to give a colored person custody of a white child.
- *1952: Public carriers* [state code]
Public carriers to be segregated.

In 1954, the Supreme Court ended fifty-eight years of school segregation in its landmark *Brown v. The Topeka Board of Education*. Clearly, the high court was no longer turning a blind eye to decades of racial discrimination. Southern whites scrambled to find ways to use state legislation to prevent the integration of public schools, a tactic that would ultimately fail.

- *1955: Education* [state code]
Regular school attendance statute repealed.
- *1956: Public accommodations* [statute]
State Commission of Forestry given authority to operate and supervise only racially separated parks and to admit to the facilities of the parks only persons who have the express permission of the state.
- *1957: Education* [statute]
No appropriations for schools from and to which students transfer because of a court order.

Activities:

Crossword Puzzle [attached]

Develop a fill-in-the-blank sheet to accompany lecture/discussion/power-point

Show photo clips of Jim Crow era: separate water fountains, etc.

Show video clips from *Rise and Fall of Jim Crow*, *Separate but Equal*, *Eyes on the Prize*

Assessment:

Short Answer Quiz:

- 1) What were the three major kinds of Jim Crow laws passed by the South Carolina General Assembly in the period following the Reconstruction?
- 2) Why do you think the legislature was focused on these three areas?
- 3) What direct and indirect role did the Supreme Court play in allowing this system to continue as long as it did?
- 4) What is the significance of the Civil Rights Act of 1964 to the transformation of South Carolina's cultural landscape since 1964?

Resources:

PBS series, *The Rise and Fall of Jim Crow*
jimcrowhistory.org