

WEEKLY READING #30

ARTICLE 1: PLESSY V. FERGUSON

PLESSY V. FERGUSON (1896)



On June 7, 1892, 30-year-old Homer Plessy was jailed for sitting in the "White" car of the East Louisiana Railroad. Plessy could easily pass for white but under Louisiana law, he was considered black despite his light complexion and therefore required to sit in the "Colored" car. He was a Creole of Color, a term used to refer to black persons in New Orleans who traced some of their ancestors to the French, Spanish, and Caribbean settlers of Louisiana before it became part of the United States. When Louisiana passed the Separate Car Act, legally segregating common carriers in 1892, a black civil rights organization

decided to challenge the law in the courts. Plessy deliberately sat in the white section and identified himself as black. He was arrested and the case went all the way to the United States Supreme Court. Plessy's lawyer argued that the Separate Car Act violated the Thirteenth and Fourteenth

The Plessy decision set the precedent that "separate" facilities for blacks and whites were constitutional as long as they were "equal."



Amendments to the Constitution. In 1896, the Supreme Court of the United States heard the case and held the Louisiana segregation statute constitutional. Speaking for a seven-man majority, Justice Henry Brown wrote: "A statute which implies merely a legal distinction between the white and colored races -- has no

tendency to destroy the legal equality of the two races. ... The object of the Fourteenth Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in 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." Justice John Harlan, the lone dissenter, saw the horrific consequences of the decision. "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. ... The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of

state enactments, to defeat the beneficent purposes which the people of the United States had in view when they adopted the recent amendments of the Constitution." The Plessy decision set the precedent that "separate" facilities for blacks and whites were constitutional as long as they were "equal."

The "separate but equal" doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools. The doctrine was a fiction, as facilities for blacks were always inferior to those for whites. Not until 1954, in the equally important *Brown v. Board of Education of Topeka*, would the "separate but equal" doctrine be struck down.

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ARTICLE 2: THE KU KLUX KLAN

▶ THE KU KLUX KLAN (1866)



The Ku Klux Klan was originally organized in the winter of 1865-66 in Pulaski, Tennessee as a social club by six Confederate veterans. In the beginning, the Klan was a secret fraternity club rather than a terrorist organization. (Ku Klux was derived from the Greek "kuklos," meaning circle, and the English word clan.) The costume adopted by its members (disguises were quite common) was a mask and white robe and high conical pointed hat.

First organized in Tennessee, the Klan spread to every state in the South and included mayors, judges, and sheriffs as well as criminals.

According to the founders of the Klan, it had no malicious intent in the beginning. The Klan grew quickly and became a terrorist organization. It attracted former Civil War generals such as Nathan Bedford Forrest, the famed cavalry commander whose soldiers murdered captured black troops at Fort Pillow.

The Klan spread beyond Tennessee to every state in the South and included mayors, judges, and sheriffs as well as common criminals. The Klan systematically murdered black politicians and political leaders. It beat, whipped, and murdered thousands, and intimidated tens of thousands of others from voting. Blacks often tried to fight



back, but they were outnumbered and out gunned. While the main targets of Klan wrath were the political and social leaders of the black community, blacks could be murdered for almost any reason. Men, women, children, aged and crippled, were victims. A 103-year-old woman was whipped, as was a completely paralyzed man. In Georgia, Abraham Colby, an organizer and leader in the black community, was whipped for hours in front of his wife and children. His little daughter begged the Klansman, "Don't take my daddy away." She never recovered from the sight and died soon after. In Mississippi, Jack Dupree's throat was cut and he was disemboweled in front of his wife, who had just given birth to twins. Klansman burned churches and schools, lynching teachers and educated blacks. Black landowners were driven off their property and murdered if they refused to leave. Blacks were whipped for refusing to work for whites, for having intimate relations with whites, for arguing with whites, for having jobs whites wanted, for reading a newspaper or having a book in their homes.. Or simply for being black. Klan violence led one black man to write: "We have very dark days here. The colored people are in despair. The rebels boast that the Negroes shall not have as much liberty now as they had under slavery. If things go on thus, our doom is sealed. God knows it is worse than slavery."

A few state governments fought back. In Tennessee and Arkansas, Republicans organized a police force that arrested Klansmen and carried out executions. In Texas, Governor Edmund Davis organized a crack state police unit, 40 percent of whose officers were black. The police made over 6,000 arrests and stopped the Klan. Armed groups of black and whites fought or threatened Klansman in North and South Carolina. The federal government also exerted its influence, empowering federal authorities with the Enforcement Acts of 1870 and 1871. Klan activity ended by 1872 and disappeared until it was revived again in 1915.