

Directions:

1. According to the Merriam Webster Dictionary, “**segregation** is the separation or isolation of a race, class, or ethnic group by enforced or voluntary residence in a restricted area, by barriers to social intercourse, by separate educational facilities, or by other discriminatory means.”
 - a) This definition does not imply that segregation is bad, yet segregation is regarded as bad. Why?
 - 1) What are some problems that segregation has presented in society?
 - 2) Were separate facilities equal?
 - 3) Did segregation solve any problems between the white and black races?
2. Define **De facto segregation** – is racial segregation established by practice and custom, not by law.¹
 - a) Example: The concentration of blacks in certain neighborhoods produces schools that are predominately black.
 - b) What are some other examples of de facto segregation?
3. Define **de jure segregation** – is segregation by law. This term refers to local, state, or national laws that require racial segregation, or laws that explicitly allow segregation. There are five important examples of de jure segregation.
 - a) The **Dred Scott Case (1857)**; a case tried before the Supreme Court in which Dred Scott, a slave, sought his freedom. Dred Scott, who had traveled to free territory with his master, believed he could obtain his freedom because other slaves were set free when they accompanied their masters into free territory. According to Eric Foner, “Scott sued for freedom because his late master, Dr. John Emerson, had taken him from Missouri to military posts in Illinois and to territory made free by the Missouri Compromise.”² Scott won the case but the defendant, Mrs. John Emerson, appealed to the Missouri Supreme court which then overturned the decision of the lower court. In response, Scott appealed to the United States Supreme Court. In March of 1857, Chief Justice Roger Taney, in leading the majority opinion, denied Scott freedom on the grounds that he was a Negro, and therefore, not a legal citizen of the United States. Furthermore, Taney rendered the Missouri Compromise unconstitutional when he declared that Scott did not legally reside in free territory created by the Missouri

¹ Gerald A. Danzer et al eds., *The Americans: Reconstruction to the 21st Century* (Evanston: IL: McDougal Littell, 2003), R56.

² Philip S. Foner, *History of Black Americans: From the Compromise of 1850 to the End of the Civil War*. Contributions in American History, Number 103 (Westport, CT: Greenwood Press, 1983), 215.

Compromise because “. . . Congress had no power to prohibit slavery in a territory.”³

Click here for primary document of Dred Scott Case.

<http://www.ourdocuments.gov/doc.php?doc=29>

- b) After the Civil War, **Black Codes** passed in 1866 placed limits on what kind of jobs blacks could take and the property rights of blacks. Although the black codes varied in each state, the bottom line of the black codes was the same; blacks were limited in how they could make a livelihood.

Click here for examples of Mississippi’s Black Codes.

<http://chnm.gmu.edu/courses/122/recon/code.html>

- c) **Civil Rights Act of 1875** outlawed segregation in public places but was later declared unconstitutional by the Supreme Court in 1883.

Click here to see the Civil Rights Act of 1875.

http://state.tn.us/tsla/history/blackhistory/legislation/civilrights_act.pdf

- d) **Louisiana Acts 1890, No. 111** said “. . . that all railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white, and colored races.”⁴

- e) **Plessy vs. Ferguson (1896)** was a case in which the Supreme Court ruled that segregation in public facilities was legal. This case validated the Louisiana Acts 1890, No. 111. It was this act that Homer Plessy violated when he refused to move from a seat in a “Whites Only” railroad car that subsequently resulted in his arrest and trial.

Click here to view primary document of Plessy vs. Ferguson.

<http://www.ourdocuments.gov/doc.php?flash=true&doc=52>

Play Clip A [Minutes 1:29] of Mack Hopkins’ interview in which Hopkins describes a train ride from Cheyenne, Wyoming to Tuskegee, Alabama in 1942.

- ◆ What changes did Hopkins notice when the train entered the South? Why?
- ◆ What are some examples from the clip that illustrate segregation practices that have been discussed in class?
- ◆ What is a Pullman?

At the end of the Civil War George Pullman developed the idea of a luxury railcar to tap into the rich market of rail transportation. At this time in American History the rail system was the only transcontinental means of transportation. When Pullman developed his new railroad cars, called Pullman Cars, he realized that he

³ Ibid, 219.

⁴ Danzer and others, 290.

needed a cheap labor force that would be willing to do chores that most people were not willing to do—like cleaning cuspidors. Pullman decided that former slaves would fit this bill so he hired these freedmen to be porters. Despite racism and low wages in comparison to whites that did the same job, freedmen saw this job as an opportunity to get out of poverty because black porters earned more than most other freedmen. In 1925, Pullman Porters founded the Brotherhood of Sleeping Car Porters as a union to fight for porter rights. The Brotherhood of Sleeping Car Porters, led by Asa Philip Randolph, struggled for twelve years before the Pullman Company finally recognized it as the official union of the Pullman Porters. As a result of the union's efforts, Pullman Porters were recognized as status symbols by blacks because of the economic stability associated with the position. Porters would continue in this capacity until 1967 when their position was eliminated because the Pullman Company decided to devote all of its interests to railcar manufacturing. Click here to view pictures and more information about Pullman.

<http://www.aphiliprandolphmuseum.com/index.html>

- 4) Students should also understand the implications of *Brown vs. Board of Education of Topeka* (1954).

***Brown vs. Board of Education of Topeka* (1954)** was a case in which the Supreme Court ruled that segregation in schooling was a violation of the Fourteenth Amendment's Equal Protection Clause. The case came about because "the father of eight-year-old Linda Brown had charged the board of education of Topeka, Kansas, with violating Linda's rights by denying her admission to an all-white elementary school four blocks from her house. The nearest all-black elementary school was 21 blocks away."⁵

Click here to view primary document of *Brown vs. Board of Education of Topeka*.

<http://www.ourdocuments.gov/doc.php?doc=87>

Click here for additional information on *Brown vs. Board of Education of Topeka*.

<http://americanhistory.si.edu/brown/index.html>

Play Clip B [2:06 minutes] of Mack Hopkins interview in which Hopkins discusses segregation in Marshall Schools in the late 1930s.

- ◆ What disadvantages did black schools in Marshall have that white schools did not have to face?

- ◆ What was the Freedmen's Bureau?

The Freedmen's Bureau was established in March of 1865 by Congress as part of the United States War Department.

⁵ Ibid, 702.

Congress initially intended for the Bureau to remain for one year past the Civil War, but in 1866, however, Congress extended the life of the agency by passing the Freedmen's Bureau Bill. The agency lasted until 1872. The Freedmen's Bureau functioned as an intermediary between blacks and southern white law, negotiated contracts between white landowners and black employees, established freedmen's education, and helped to reunite black families whose members had been separated during the war or under slavery. Freed people also looked to the Bureau to provide land—in what is often referred to as “forty acres and a mule.” The Bureau may have been successful at providing this land, but President Johnson pardoned a number of former Confederates and he ordered the Bureau to allow these Confederates to reclaim their land; thus, the Bureau was unable to supply land for many freedmen. Some historians believe that the Bureau was too paternalistic in how it approached the freedmen's labor interests. For this reason, these historians believe that the Bureau placed the freedmen under the domination of the white planters. Other historians, however, believe that the Bureau served as an effective buffer for blacks against whites, and that blacks used the agency effectively to stop the ploys of unjust southern whites.

Click here for more information on the Freedmen's Bureau
<http://www.archives.gov/research/african-americans/freedmens-bureau/resources.html>.