

ESSENTIAL CIVIL WAR CURRICULUM

Jim Crow

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The Jim Crow system of segregation adopted by the states of the U.S. Southeast was devised in an attempt to reestablish the system of white supremacy that existed in the Colonial, Early Republican, and Antebellum eras of the U.S. With the end of the Civil War in 1865, and the attendant end of slavery, many white citizens of the Southeast found themselves unprepared to face a new order in which African Americans had the potential to enjoy the same rights and protections as white citizens. This was especially true for the elite, former slaveholding class who not only had to contend with the push for equality of the races, but also had to reimagine and reconstruct the Southern economy without enslaved labor.

The Thirteenth Amendment to the U.S. Constitution was passed in January and ratified in December of 1865. It declared that “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”¹ That same year the first of the “Black Codes,” or restrictive laws which applied only to those of African descent, were passed in Mississippi and South Carolina.²

In South Carolina, for example, laws would have severely restricted the job mobility of the formerly enslaved by allowing coercive contracts that tied, “servants” to single “masters,” as the laws called them, for long durations. The codes even permitted these masters to whip African American servants under eighteen.³ Other laws classified African Americans without labor contracts within two weeks of the new year as vagrants. The punishment for vagrancy was imprisonment and hard labor but “the county sheriff could ‘hire out’ black vagrants to a white employer to work off their punishment.” As a matter of custom, this practice only applied to African Americans while the custom was to waive these harsh punishments for whites convicted of vagrancy. Instead, whites were allowed to take an “oath of poverty.”⁴ Other race-based legislation prohibited African Americans from owning firearms, forced African American orphans into apprenticeships with white masters, and established racially segregated court systems.⁵

The black codes were devised almost directly after the conclusion of the war. Northern critics were outraged and accused the South of trying to resurrect the antebellum order. Despite the outrageous terms

¹ United States Congress, “13th Amendment to the U.S. Constitution: Abolition of Slavery (1865),” (Washington D.C.: National Archives, January 31, 1865), <https://www.archives.gov/milestone-documents/13th-amendment#:~:text=Passed%20by%20Congress%20on%20January,slavery%20in%20the%20United%20States> , accessed June 5, 2023.

² Constitutional Rights Foundation, “The Southern Black Codes of 1865-1866,” n.d., <https://www.crf-usa.org/brown-v-board-50th-anniversary/southern-black-codes.html>, accessed June 5, 2023.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

defined by the Mississippi and South Carolina codes, they never actually took effect. President Andrew Johnson's "Presidential Reconstruction" was deemed a failure by the Spring of 1867 when the next phase, "Congressional Reconstruction," began. During this period the Radical Congress refused to seat Southern politicians and Union military supervisors working with the newly created Freedmen's Bureau simply declared the proposed laws invalid.

In response to the proposed Black Codes the U.S. Congress first passed the Civil Rights Act of 1866, which "Guaranteed the rights of all citizens to make and enforce contracts and to purchase, sell, or lease property."⁶ In 1868, Congress passed the 14th Amendment which, among other things, extended citizenship to anyone born in the U.S. It also guaranteed the right of equal protection and made it illegal to limit the right of citizens over twenty-one years old to vote. In 1870 the Fifteenth Amendment reinforced the voting rights guaranteed in the Fourteenth forbidding "any state to deprive a citizen of his vote because of race, color, or previous condition of servitude."⁷

This legislation in combination with the military presence in the South did allow African Americans to enjoy greater freedoms and experience political power greater than any had previously known. However, with increased freedoms came the increased and violent intimidation of organizations such as the Ku Klux Klan. To combat the potency of their actions Congress passed three anti-Klan acts in 1871 and a revised Civil Rights Act in 1875.⁸ Still, by 1877, Northern interest in protecting Southern African Americans and reconstructing the South had evaporated. The military withdrew, former Confederates were reinstated in positions of power, and former Confederate States declared themselves "redeemed." Tellingly, many provisions of the Black Codes, voided by military officials during Reconstruction, remerged in the form of the Jim Crow segregation Laws that would persist for almost a century.

"Jim Crow" was originally a minstrel show character first performed by Thomas Rice in 1828.⁹ The character was a grotesque stereotype of an African American man, played by a white man in black face, with exaggerated lips, over-the-top dialect, and a peculiar, to white audiences, style of dance. The character also performed an eponymous song while he danced, "Jump Jim Crow:" later sold as popular sheet music.

*Come listen all you galls and boys,
I'm going to sing a little song,
My name is Jim Crow.
Weel about and turn about and do jis so,
Eb'ry time I weel about I jump Jim Crow.¹⁰*

⁶ United States Congress, "Constitutional Amendments and Major Civil Rights Acts of Congress Referenced in *Black Americans in Congress*," (Washington D.C.: U.S. House of Representatives, n.d.), <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Data/Constitutional-Amendments-and-Legislation/>, accessed June 5, 2023 .

⁷ Ibid.

⁸ Ibid.

⁹ David Pilgrim, "Who Was Jim Crow," Jim Crow Museum, Ferris State University, (Michigan: 2000), <https://www.ferris.edu/HTMLS/news/jimcrow/who/index.htm>, accessed June 5, 2023.

¹⁰ Ibid.

Rice and Jim Crow were a runaway success and performed in many of the major cities of the Eastern U.S., including New York City. Rice was an international success as well and took his show to London and Dublin. The white audiences North and South enjoyed the depiction of African Americans as “singing, dancing, grinning fools.”¹¹ Rice followed up the Jim Crow character with a string of others whose names became highly offensive epithets such as Sambo, and Coon. By 1838, Jim Crow had also become a potent slur for African Americans.

Jim Crow and other black-faced characters continued to be performed well into the twentieth century. Perhaps most notable was Al Jolson’s minstrel show inspired, black face performance in “The Jazz Singer.”¹² Black face continues to reappear in the twenty first century as well, sometimes as an agent of social commentary and sometimes not.¹³ The point is, that what began with Rice has become an enduring trope of racial stereotyping and denigration that persists to this day. It is no wonder then that the system of laws used to oppress African Americans for nearly a century were named after Jim Crow.

Despite passage of the 1875 Civil Rights Act which “Barred discrimination in public accommodations and on public conveyances on land and water,” perhaps the most iconic images of the Jim Crow Era are the “Whites Only” signs in front of public bathrooms and water fountains, as well as signs directing African American passengers to the backs of buses and trains.¹⁴ At its heart the Jim Crow system was about power and ensuring that whites retained that power over African Americans. Author and folklorist Stetson Kennedy, codified the system of deference African Americans were expected to follow when interacting with whites.

1. Never assert or even intimate that a white person is lying.
2. Never impute dishonorable intentions to a white person.
3. Never suggest that a white person is from an inferior class.
4. Never lay claim to, or overly demonstrate, superior knowledge or intelligence.
5. Never curse a white person.
6. Never laugh derisively at a white person.
7. Never comment upon the appearance of a white female.¹⁵

While Jim Crow leaned heavily into the idea of deference, it also prioritized the physical separation of white bodies from black bodies. According to Professor David Pilgrim:

The Jim Crow system was undergirded by the following beliefs or rationalizations: whites were superior to blacks in all important ways, including but not limited to intelligence, morality, and civilized behavior; sexual relations between blacks and whites would

¹¹ Ibid.

¹² Musser, Charles. “Why Did Negroes Love Al Jolson and The Jazz Singer: Melodrama, Blackface and Cosmopolitan Theatrical Culture.” *Film History* 23, no. 2 (2011): 196–222.

¹³ Aisha Harris, “A Brief Guide to 21st Century Blackface,” *New York Times*, September 25, 2020, <https://www.nytimes.com/interactive/2020/09/25/opinion/blackface-tv-movies-race.html>, accessed June 5, 2023 .

¹⁴ United States Congress, “Constitutional Amendments and Major Civil Rights Acts of Congress referenced in *Black Americans in Congress*.”

¹⁵ David Pilgrim, “What Was Jim Crow,” Jim Crow Museum, Ferris State University, (Michigan: 2000) <https://www.ferris.edu/HTMLS/news/jimcrow/what.htm>, accessed June 5, 2023.

produce a mongrel race which would destroy America; treating blacks as equals would encourage interracial sexual unions; any activity which suggested social equality encouraged interracial sexual relations; if necessary, violence must be used to keep blacks at the bottom of the racial hierarchy.¹⁶

While not the first, perhaps the most significant case to test the constitutionality of physical segregation was *Plessy v. Ferguson* in 1896. The case involved Homer Plessy, a man of one eighth African American and seven eighths white heritage, intentionally violating an 1890 Louisiana law that required segregated accommodations for blacks and whites on railroads.¹⁷ Plessy was enlisted by the Comité des Citoyens, or Committee of Citizens, in New Orleans to violate the law so that it could be challenged in court. Plessy, who was seated in a car deemed “Whites Only” refused to move to another car for African Americans when asked. He was subsequently arrested, and his case wound its way through the state courts all the way to the Supreme Court.

Plessy’s attorneys asserted that the Separate Car Act violated his rights guaranteed by the Thirteenth and Fourteenth Amendments. A Louisiana Judge ruled that “Louisiana could enforce this law insofar as it affected railroads within its boundaries.”¹⁸ The U.S. Supreme Court affirmed the decision of the lower court in a seven to one decision. However, Justice Brown admitted the Fourteenth Amendment was meant “to establish absolute equality for the races before the law.” Still, he continued that “separate treatment did not imply the inferiority of African Americans.” With this decision, the principle of “Separate but Equal,” the foundation of Jim Crow Segregation, became the settled law of the land.

There were some small advances in the ensuing years. In 1908, for example, a measure to segregate streetcars in Washington D.C. was voted down by Congress.¹⁹ Still, Jim Crow persisted largely unchanged into the twentieth century with similar laws regulating even the most minute behaviors and prohibitions. A 1930 Alabama law proclaimed, “It shall be unlawful for a negro and white person to play together or in company with each other in any game of cards or dice, dominoes or checkers.”²⁰

The consequences for violating any aspect of the Jim Crow laws could be fines or imprisonment, but it was often the case that violators were maimed or killed in acts of extra-judicial violence. Lynching became a national epidemic; it was a punishment not just for actual violations but for insinuated crimes as well. Often, no reason at all was given for the barbaric act. Despite extensive photo documentation and the common practice of bragging about attending this lynching or that, the Federal Government did almost nothing to prevent these acts of violence. A 2015 report by the Equal Justice Initiative in Montgomery, Alabama asserts:

“Terror lynchings” peaked between 1880 and 1940 and claimed the lives of African American men, women, and children who were forced to endure the fear, humiliation, and barbarity of this widespread phenomenon unaided.²¹

¹⁶ Pilgrim.

¹⁷ “*Plessy v. Ferguson*.” Oyez. Accessed April 7, 2022. <https://www.oyez.org/cases/1850-1900/163us537>.

¹⁸ Ibid.

¹⁹ *The New York Times*, 23 February 1908: “JIM CROW CARS” DENIED BY CONGRESS’

²⁰ Jeff Bridgers, “Signs of Their Times: “Jim Crow” Was Here,” Library of Congress, February 18, 2016, <https://blogs.loc.gov/picturethis/2016/02/signs-of-their-times-jim-crow-was-here/>, accessed June 5, 2023.

²¹ Equal Justice Initiative, “Lynching in America: Confronting the Legacy of Racial Terror,” Summary Report, Montgomery, Alabama, 2015.

In the post-World War II years, through the efforts of groups like the NAACP, the Southern Christian Leadership Council, the Student Non-Violent Coordinating Committee, sympathetic lawmakers, and countless activists, significant Civil Rights protections were achieved. Slowly, challenge cases in the court reversed the institutional segregation protected by the Plessy decision. The U.S. Armed forces were desegregated in 1948.²² In 1954, *Brown v. Board of Education* ended legal segregation in schools. In 1957 the Little Rock Nine successfully integrated a school in Little Rock Arkansas, and in 1960, six-year-old Ruby Bridges, integrated a public school in New Orleans.

Integrating public institutions of higher education was perhaps where the final gasps of the Jim Crow system were most visible. In 1962, James Meredith was admitted to the University of Mississippi. However, his repeated attempts to enroll sparked a riot on campus in which “206 marshals and soldiers were wounded, and 200 individuals were arrested.”²³

One state away, in Alabama, Governor George Wallace made himself perhaps the man most synonymous with the defense of Jim Crow Segregation. His inaugural address in 1963 made his position explicit. Wallace’s speech that day contains perhaps the most recognizable, and unvarnished endorsement of segregation by any public official of the period; “... I draw the line in the dust and toss the gauntlet before the feet of tyranny... and I say... segregation now... segregation tomorrow... segregation forever.”²⁴

Significantly, the paragraph containing that rallying cry, begins with a metaphorical resurrection of Jefferson Davis and the cause of the Confederacy. In fact, the porch of the capitol building, where Alabama Governors are traditionally sworn in, still bore a brass star to mark the site where Jefferson Davis was inaugurated as the President of the Confederacy February 18, 1861. Wallace continued his speech noting this, as if the site were an endorsement of the righteousness of his dedication to white supremacy and segregation; “It is very appropriate then that from this Cradle of the Confederacy, this very Heart of the Great Anglo-Saxon Southland, that today we sound the drum for freedom as have our generations of forebears before us done...”²⁵

It is essential to understand that Wallace was far from alone in invoking the enduring legacies of a Confederate Past. The majority of twentieth and twenty first century validations of white dominance used symbols, historical figures, or rhetoric, which includes the implied symbolism of waving the flag used by the Confederate Army of Northern Virginia, using the historical memory of the Confederacy to fortify their cause.

Wallace’s address meanders through the tactics of fear warning his listeners of the dangers of integration and citing, as one example of many, Washington, D.C.’s deplorable and dangerous condition. He insinuates that school integration would make it “unsafe even to walk or go to a ballgame,” and promises

²² Executive Order 9981, July 26, 1948; General Records of the United States Government; Record Group 11; National Archives. <https://www.archives.gov/milestone-documents/executive-order-9981>, accessed June 5, 2023.

²³ University of Mississippi, “UM History of Integration,” <https://50years.olemiss.edu/james-meredith/>

²⁴ “George Wallace Inaugural Address,” Alabama Governor administrative files, 1958-1968, SG030847, Alabama Department of Archives and History, 624 Washington Avenue, Montgomery, Alabama, [Inaugural address of Governor George Wallace, which was delivered at the Capitol in Montgomery, Alabama. - Alabama Textual Materials Collection - Alabama Department of Archives and History](#), accessed June 5, 2023.

²⁵ Ibid.

“We will not sacrifice our children to any such type school system...and you can write that down.” His fearmongering, a tactic which was by no means unique to Southern racists, could not help but invoke fire-eaters such as William Lowndes Yancey who used the same tactics to bully delegates at the state’s secession convention also in Montgomery in 1860.

But Wallace’s words proved a hollow threat. Despite his promises, Jim Crow had become a doomed system and he had proven himself antique in his way of thinking. He made one final stand for segregation in the door of the registrar’s office at the University of Alabama several months later. However, his protest was largely symbolic, and he capitulated when challenged. The University of Alabama was integrated June 11, 1963.

In 1964, almost exactly one hundred years since the Reconstruction Civil Rights Act was passed, President Lyndon Johnson signed The Civil Rights Act of 1964. The following year the Voting Rights Act was passed and signed by the President. These two pieces of legislation marked the official end of Jim Crow Segregation. However, the words in these documents meant nothing without enforcement, as many in the South had already shown their willingness to ignore decisions made in Washington D.C. The struggle for Civil Rights in practice persisted, even as Civil Rights on paper were achieved.

It is important too to understand the brutality of this struggle and the lives that were lost in pursuit of equal justice and equal rights. Most famously, the leader of the Southern Christian Leadership Conference, Dr. Martin Luther King Junior, was assassinated in 1968, but his death came after scores of people had died before him. Struggles for African American rights began as soon as Africans arrived here in the first slave ships. Rebellions and other tactics of undermining the system of slavery persisted as long as the system of slavery did. In the years after the Civil War, unknown numbers of formerly enslaved people died from starvation, extra-judicial violence, and other abusive actions. This number should be added to the number of people of all races who died during the Civil War fighting for and against the Union and the preservation of slavery.

Death and murder under the Jim Crow system did not end with the phase of pervasive lynchings in America. Lynchings and other forms of execution used to terrorize African Americans and their allies continued throughout the twentieth century at least, even after Jim Crow segregation was proclaimed legally dead. The Ku Klux Klan, the first iteration of which died once the South was “redeemed” and the group became unnecessary, reformed in the early years of the twentieth century. The modern KKK originated in the 1920s at Stone Mountain in Georgia. Many attribute its reformation to the release of D.W. Griffith’s 1915 film *Birth of a Nation*. The film depicted African Americans, played by white actors in black face, as marauding savages emboldened by the ruthless Union military and the carpetbaggers from the North. The Klan emerged as the heroes of the film at one point even rescuing a white woman from a presumed rape by an African American.

Klansmen and their sympathizers continued to commit atrocities against African Americans throughout the Jim Crow era. Fourteen-year-old Emmett Louis Till was tortured and murdered in the summer of 1955. Nine years later, volunteers Cheney, Goodman, and Schwerner, who were working during “Freedom Summer” to register African Americans to vote, were murdered and their bodies dumped in a shallow grave. State officials and law enforcement played their own role in the brutality against Civil Rights advocates. Bull Connor, a Birmingham Sheriff, and the men under his command, terrorized African Americans in that city with fire hoses and attack dogs. Police also brutalized marchers attempting to cross the Edmund Pettus Bridge from Selma to Montgomery in 1965.

In sum, Jim Crow was a durable and extensive systems of laws and practices that propped up racial segregation and aided racial violence. It officially ended with the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, but this legislation alone is not to be credited with its demise. The people who were brutalized, intimidated, and murdered deserve the credit for finally sending Jim Crow to his grave.
