

## Jim Crow Legislation Overview

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*"There is no wonder that we die," an Alabama woman sighed,  
"The wonder is that we persist in living."*

"The Negro Problem," *The Independent*, September 18, 1902

More than 400 state laws, constitutional amendments, and city ordinances legalizing segregation and discrimination were passed in the United States between 1865 and 1967. These laws governed nearly every aspect of daily life, from education to public transportation, from health care and housing to the use of public facilities. African-American children got their first taste of racial discrimination when they found themselves barred from attending school with white children, and being sent, instead, to inferior facilities.

Growing up, these children learned that their lives were equally restricted outside the classroom. They were forbidden from sharing a bus seat with a white passenger or to ride in the same compartment of a train. They were denied access to public parks and restaurants, and, in some states, were forced to enter public amusements like the circus through a separate entrance. Black movie theater patrons were seated in the balcony, separated from white customers in what was commonly referred to as "Nigger heaven." When they went to work, African Americans were forced to use separate entrances and bathrooms and to collect their paychecks at separate windows. Even in death, legislation ensured that the races would remain separate. Several states prohibited hearses from carrying both races, and cemeteries were required to maintain separate graveyards.

While the majority of Jim Crow laws discriminated specifically against African Americans, other minority groups also were frequently targeted. Western states routinely passed discriminatory legislation against Asians and Native Americans, passing 51 Jim Crow laws, 12 percent of the nation's total. Outside the South, California passed more Jim Crow laws (17) than any other state in the country.

**Miscegenation** statutes, intended to prevent racial interbreeding, led the list of Jim Crow laws enacted. At least 127 laws prohibiting interracial marriage and cohabitation were passed between 1865 and the 1950s nationwide, with 37 percent of the statutes passed outside the South. Western states enacted 33 such laws (27 percent). Both whites and blacks who ignored the law could receive sentences for up to ten years hard labor in the penitentiary in a number of states. Punishment for miscegenation in state statutes was still in force in the 1960s in Delaware, Florida, Indiana, Maryland, Mississippi, and North Carolina.

Further testament that racism existed nationwide is evident in education laws. States outside the South enacted 23 percent of the laws that authorized segregated schools. Likewise, seven of the 12 laws that required race to be considered in adoption petitions were passed outside of the South.

Although the 1954 U.S. Supreme Court *Brown v. Topeka Board of Education* decision formally made segregation illegal, southern states continued to pass Jim Crow legislation well into the 1960s, particularly in the area of school segregation. Historian C. Vann Woodward estimated that 106 new segregation laws were passed between the *Brown* decision and the end of 1956. By May 1964, the South had enacted 450 laws and resolutions to frustrate the Supreme Court's decision. Many of these statutes were passed at the local level and were particularly dehumanizing. In 1960, the city of Danville, Virginia, attempted to maintain segregated library facilities by establishing a "stand-up-pick-up-your-books-and-go" policy. Tables and chairs were

removed from the library so that patrons could not sit down. The cost of a library card was \$2.50 and new applicants (blacks) were required to furnish two credit references and two character witnesses. As late as 1967, the city of Sarasota, Florida, prohibited blacks and whites from using the same beaches and authorized police to clear the area if such mixing occurred.

Here is a breakdown of the laws compiled for this Web Site.

<u>Legislation Topics</u>	<u>Total Number Enacted</u>
<b>Segregation Statutes</b> (includes adoption, business licenses, health care, housing, prisons, public accommodation, public carrier, school and race classification)	283
<b>Miscegenation Statutes</b>	127
<b><u>Voting Rights</u></b>	<u>29</u>
<b>Total</b>	<b>439</b>

As you can see from the table below, miscegenation and school segregation laws dominated the types of statutes passed.

<u>Type</u>	<u>Number</u>	<u>% of Total Statutes Passed</u>
Miscegenation	127	29
Education	112	25
Public carrier	71	16
Public accommodation	34	8
Voting rights	29	6

Other categories of Jim Crow segregation laws compiled for this Web Site include:

<u>Category</u>	<u>Number on this Web Site</u>
Adoption	12
Alcohol sales	1
Business Licenses	1
Employment	4
Health Care	19
Housing	5
Military	3
Land ownership	1
Prisons	5

Race Classification	7
Recreation	4
Sports	1
Vital Records	1

Not surprisingly, the South legislated the greatest percentage of Jim Crow laws (79 percent). Louisiana passed more Jim Crow laws than any state in the nation (29). Alabama and Georgia, with 27 statues each, were close behind. Here's a look at the laws from all categories (segregation, miscegenation and voting rights) by region:

<u>Region</u>	<u>Number of Laws</u>	<u>% of Total</u>
South	342	78
West	59	13
Midwest	27	6
Northeast	11	3

In September 1949, only 15 states had no segregation laws in effect. These included Connecticut, Illinois, Iowa, Maine, Massachusetts, Rhode Island, Pennsylvania, Ohio, Michigan, Minnesota, New Hampshire, New Jersey, Rhode Island, Vermont, Washington, and Wisconsin. Of the remaining states, 30 states prohibited mixed marriages and "race mixing." Twenty states proscribed separate schools for blacks and whites. Fourteen states permitted or required separate railroad accommodations.

By September 1949, only 18 states had laws prohibiting discrimination in places of public accommodation. These states included California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington, and Wisconsin. This Web Site includes 215 laws that protected civil rights.

Go to **Jim Crow Inside the South Map**.

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