

FROM SLAVERY TO CIVIL RIGHTS

On the Streetcars of New Orleans
1830s–Present

Hilary Mc Laughlin-Stonham



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*To Matt and Matilda
with love,
and for Dad and Jeffrey*

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Introduction

From the early 1830s until the present, New Orleans has been the urban centre of the longest continuously running streetcar system in the world. For almost half that time, segregation, first as company policy and then as law, segregated white and black passengers in the streetcars. This sectarian system was signed into laws by a succession of governors and maintained throughout the parishes by local governments. Together with the actions of their white constituents, the conduct of officials was often influenced by factors such as tradition and custom. Racial decisions were local decisions and the role of the conductor, supported by the driver, was paramount in deciding and maintaining the racial line. What is more, the role and conduct of conductors and the ‘place’ of black and white passengers mirrored racial relations in the city and were impacted by events both locally and nationally. Analysis of New Orleans streetcars opens up key questions that are explored in the unfolding chapters. Within these chapters the origins and motivation for segregation laws in the state are considered, as is the degree to which they were implemented *de facto* and *de jure*. The chapters also consider commitment by the state and to what extent influential personalities were responsible for a distinctive political and social culture that led to particular values being coded into segregation laws. The chronological order of the chapters and application of the focus to New Orleans streetcars illustrate how these aspects of segregation unfolded over the entire segregation period. Nonetheless, within the chapters several themes such as the malleability of race and the importance of class distinctions, or a lack thereof, on streetcars are recurrent, as these were common themes throughout the era. The aim of this book is not to glamorise or castigate the proprietors of Jim Crow but to examine Louisiana’s principle politicians behind the legislation, determining what drove them to restrict

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and keep black citizens subjugated within their jurisdiction. The book uses the streetcars to question why politicians maintained and revised some laws more readily than others and if they were in lockstep with their mainly white constituents. By appraising the major city of importance in Louisiana, this book examines how laws trickled down and influenced common-place behaviour towards the statutes in the parish of Orleans and how this presented in the public space of the streetcars both during and after slavery. This is accomplished by demonstrating how the reality of life within the legislation was both in keeping with and far removed from the dictates of the governor and the Legislature. The social and traditional factors that led to tolerance and intolerance of extra-legal behaviour lead to conclusions on how effectively Jim Crow was maintained in Louisiana and how committed the governors were to segregation. This is achieved through the medium of the streetcars.

Jim Crow Laws

For most black Americans, the end of slavery brought on a new era of opportunity, political, civil and, to some extent, social equality. During the turbulent years of Reconstruction, blacks in Louisiana served as governor, lieutenant governor, state representatives, mayor, policemen, businessmen and all manner of influential roles which allowed them to secure equal rights under the law. After the withdrawal of federal troops in 1877, a slow shift began. Prompted by the 1883 Supreme Court decision to reverse perceived unconstitutional civil rights legislation, this shift culminated in the advent of Jim Crow, the legal, social and often extra-legal order that segregated and often isolated blacks from mainstream Louisiana society.¹ Louisiana was not the only state to enforce Jim Crow restrictions on its black community. Jim Crow laws acted as guidelines for race relations all over the United States of America between 1890 and 1965. Northern and Southern states recognised Jim Crow legislation, but the laws were more predominant in the eleven former Confederate states, where there was a history of slavery and a much larger black population. 'Jim Crow' was the name of a black-faced minstrel character played by white showman Thomas Rice in the 1830s. This caricature of a black male resonated with white audiences and became synonymous with the laws that attempted to solve the 'problem' of the black intruder in an exclusive white society.²

1 Catherine Lewis and J. Richard Lewis, *Jim Crow America: A Documentary History* (Fayetteville: The University of Arkansas, 2009) xi.

2 Blair L.M. Kelley, *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy V. Ferguson* (Chapel Hill: University of North Carolina, 2010) 16.

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Laws against the black population were not a new phenomenon. Slavery, legalised and regulated for centuries, only detrimentally affected the slaves, who were by definition black. Free blacks had also existed in this environment, often having their own wealth and influence, always, however, under the shadow and caprices of white lawmakers. Jim Crow laws differed across the former Confederate states as did the experience of whites and blacks in those states. Virginia and North Carolina, for example, forbade fraternal beneficiary societies from admitting both black and white members whereas Texas Jim Crow laws did not allude to fraternal societies but specifically outlawed mixed boxing matches. Likewise, many of the states passed similar laws regarding marriages between blacks and whites but the punishments for infringing these laws differed greatly.³ In 1915 North Carolina and Alabama passed laws prohibiting white nurses from attending black male patients. Violation of the act in North Carolina held a fine of \$50 while in Alabama punishment extended to six months hard labour.⁴ One law that was passed by all Southern states was segregation on public transport which was recognised in every Southern state by 1900.⁵ This illuminates the early 1900s as a time when a harsher system of white supremacy developed across the South. As the character of white supremacy evolved to merge separation of the races and the subjugation of blacks, this was reflected on public transport with the segregation of the streetcars. Again, the origins, motivation and application of this law differed depending on the state, with penalties that ranged from no action to small and large fines, and in some cases prison.

Race History in Louisiana

Examining the laws of Louisiana society, their origins and motivations, makes it possible to gain a reflection of what that population experienced and the reality of race relations within this legislation. Exploring Jim Crow laws in this case provides a window to the people and events of the time because they mirror the concerns and social issues of the period. They also highlight how committed this society was to real change rather than appearances. A state that enacts anti-miscegenation laws but has high numbers of mixed-race couples indicates that the government is making

3 Pauli Murray, ed., *States' Law on Race and Color and Appendices Containing International Documents, Federal Laws and Regulations, Local Ordinances and Charts* (New York: The Woman's Division of Christian Service, 1951) 18, 443, 475.

4 F. Johnson, *The Development of State Legislation Concerning the Free Negro* (New York: Arbour Press, 1919) 67, 160.

5 Ibid. 65, 71, 86, 93, 133, 158, 178, 185–189, 194–195.

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a statement rather than showing real incentive to prohibit miscegenation. In turn, high numbers of arrests can indicate low compliance among the public regardless of government policies and, vice versa, low numbers of arrests can indicate either a lack of enthusiasm on the government's part or real compliance with the law by citizens. Transport laws in particular reflected how changing technologies offered real social concerns for whites. The Separate Car Act (1890) was the first segregation law in Louisiana after Reconstruction, when the recovery of the South was interlaced with the rise of the railroad and the expansion of the New Orleans streetcar routes. Streetcar protests by former free blacks and the freedmen immediately after the Civil War were successful in fully integrating this type of transit in New Orleans. However, the subsequent legal challenge to the validity of the Separate Car Act (1890) in the Supreme Court led to the 'separate-but-equal' precedent that opened up legal segregation not just in Louisiana but across the states.⁶ Segregating railway carriages rather than streetcars indicates a cautious and methodological approach by white legislators to segregation on transport in general, before targeting more visible transport in the cities. Focusing on transportation laws also highlights social concerns in other areas of segregation, such as miscegenation. Whites feared the close quarters found on trains and streetcars would lead to impropriety and inflated ideas of black social equality, such as black passengers travelling first class or taking prominent seats at the front of a streetcar.

An examination of the motivation and evolution of the Jim Crow transport laws requires a focus on one state from a top-down perspective and the particular events there that led to the Jim Crow transport laws. The development of Jim Crow in each state merits viewing that state as the focal point of the research. However, in order to ensure close scholarly analysis of the voluminous amount of sources, the laws surrounding transport with a particular focus on the New Orleans streetcars were chosen for this book.

Louisiana was chosen for this study from among the eleven former Confederate slave states because, while still conforming to the norms of a Southern political state, many aspects of its social and legal history set it apart from the rest of the South. Although it ranked seventh amongst the states in its total number of slaves, about half of all slaves lived in only nine parishes, which meant Louisiana was the forerunner in states with holdings of seventy or more slaves. The population of slaves made up over seventy percent of the total population in each of these parishes.⁷ Overall, slaves outnumbered whites

⁶ *Plessy v. Ferguson*, 163 U.S. 537 (1896), *Justia US Supreme Court*, 2016, Web. 9 Aug. 2016.

⁷ Joseph K. Menn, *The Large Slaveholders of Louisiana—1860* (New Orleans: Pelican, 2000) 1–4.

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in thirty-three of the forty-eight parishes making it comparable to other slave states such as Mississippi or South Carolina. However, when figures for New Orleans were included, whites as a whole outnumbered blacks by over 7,000 in 1860. There are other aspects of Louisiana's history that make it distinct from the other Southern states. Free blacks in antebellum Louisiana were free but not equal to whites, though existing scholarship has shown that the free black population in Louisiana was the biggest in the Deep South. With social, economic and legal positions that far exceeded even substantial comparable communities in other states, these free blacks were concentrated in New Orleans.⁸ After the Civil War, Louisiana also stood apart in that Reconstruction policies lasted longer than in the majority of Southern states and when the first Jim Crow laws were passed half of the electorate were black, as were eleven members of the state Legislature.⁹ Though surrounded on all sides by slave-owning states in the Deep South, Louisiana's cultural heritage contrasted with that of other Southern states. Unlike Florida which also experienced Spanish rule, Louisiana's history lacked the Anglo-Saxon heritage of its neighbours and was predominantly Roman Catholic when it joined the states in 1812.¹⁰ Prior to the Civil War, *plaçage* also formed part of the unique social hierarchy of Louisianan society. These were contracts drawn up between white men and quadroon women that were formally recognised by the courts as binding relationships and again this was concentrated in New Orleans.¹¹ Furthermore, the French and Spanish languages continued to be spoken widely, particularly in the mid and southern parishes, reflecting the state's colonial history.¹² Despite these differences Louisiana still ranked behind Virginia and North Carolina in numbers of free blacks across the South. In addition, Protestant Germans and Scots-Irish developed large settlements in the northern parishes reflecting the ethnic and cultural qualities of many neighbouring Southern states.

The formalised mixed racial relationships were overlapped by legal marriages after the Civil War and miscegenation legislation developed in a similar vein to that of other states. Union authorities experimented with

8 Laura Foner, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies," *Journal of Social History* 3.4 (1970): 406–430.

9 Riley E. Baker, "Negro Voter registration in Louisiana: 1879–1964," *Louisiana Studies* 18.4 (1965): 332–349.

10 Laurel Clark Shire, *The Threshold of Manifest Destiny: Gender and National Expansion in Florida* (Philadelphia: University of Pennsylvania, 2016) 213.

11 Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974) 267–268.

12 Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge: Harvard UP, 2007) 73–118.

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Reconstruction policies in Louisiana first during the Civil War, setting a distinct political pace.¹³ Not the first to instigate Jim Crow legislation, Louisiana had the most laws and was home to the Plessy case which founded separate-but-equal legislation.¹⁴ Moreover, the Southern states cannot be generalised as a collective. As the century passed, Louisiana in the twentieth century grew a less traditional form of politics in that independents gained power as governor at the expense of the regular Democratic Party. In 1928 under Governor Huey Long, the state was transformed into a bi-factional state with Long and anti-Long factions but remained under the power of the Long family influence for almost forty years.¹⁵ Other states such as Virginia and Tennessee were uni-factional while the remainder, with the exception of Alabama, could be classified as multi-factional. Only Georgia offered a comparison to Long politics in the form of Eugene Talmadge and his son. However, Long was a reformist who often enforced public welfare and generally avoided race issues in politics in contrast to Talmadge, who had little interest in changing the public system and used race as his ticket for election.¹⁶

In 1960 it was Louisiana women who brought attention to the state in the manner of the cheer ladies. These women, while boycotting the schools in the Ninth Ward in New Orleans, harassed not only black children and parents who were attempting to enter the school but also intimidated white parents and children. This publicly highlighted the social constraints and pressure that many whites in Louisiana lived under, fearing reprisals from other whites for breaking the Jim Crow codes. Until this point, race issues had been subtle in Louisiana politics. Whoever enfranchised blacks controlled the black vote but risked the loss of the white vote. It was an ants' nest no-one wanted to disturb, and one which created a political situation which sought to keep the black population on board while keeping them segregated and disenfranchised at the same time. Jim Crow laws in Louisiana at times had more to do with the perceived racism of the voters than the personal beliefs of politicians seeking election or re-election. This type of racism developed at the end of the Redeemer period in the late

13 Justin A. Nystrom, *New Orleans After the Civil War: Race Politics and a New Birth of Freedom* (Baltimore: Johns Hopkins UP, 2010) 28–51; Kimberly Hanger, *Medley of Cultures: Louisiana History at the Cabildo* (New Orleans: Louisiana Museum Foundation, 1996) Chapter 9: 1–2.

14 *Plessy v. Ferguson*, 163 U.S. 537 (1896), *Justia US Supreme Court*, 2016, Web. 9 Aug. 2016.

15 Walter G. Cowan and Jack B. McGuire, *Louisiana Governors: Rulers, Rascals, and Reformers* (Jackson: University Press of Mississippi, 2008) 167.

16 Richard K. Scher, *Republicanism, Race and Leadership in the Twentieth Century* (New York: M.E. Sharp, 1997) 67–78.

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1880s. Prior to this, the special position of the free people of colour also known as *Gens de Couleur Libre* in the southern parishes allowed for greater malleability in the racial caste system after Reconstruction ended in 1877. 'Creole' was a term used by whites to mean racially white descendants of French and Spanish settlers while to blacks it also meant those with racially mixed ancestry and/or French and Spanish cultural attributes. Antebellum creole whites had been more accepting of miscegenation which, in contrast to other states like Virginia, persisted much longer in Louisiana.¹⁷ By 1910 the Legislature removed the last distinctions between dark-skinned and light-skinned blacks yet up to 1951 some creoles of colour were still living a separate existence from black communities particularly in places like Frilot Cove in Evangeline parish. In 1951, sociologists J. Hardy Jones and Vernon Parenton described creoles of colour as resentful of whites and as such identifying themselves with blacks, whilst nevertheless being deeply desirous to be identified with whites rather than blacks.¹⁸ The mixed heritage of some blacks allowed them to become *Passé Blanc*, to pass for whites, which for many blacks displayed as ludicrous the separation of the races through Jim Crow. Many whites ignored Jim Crow infringements by blacks for fear of drawing attention to their own heritage, giving strength to a comment by Governor Huey Long that the number of 'pure whites' in Louisiana could be 'fed with a nickel's worth of red beans and a dime's worth of rice.'¹⁹

Race History in Louisiana: Religion and the Klan

Huey Long also drew attention to the lack of reform in the state for whites as well as blacks. After the Redeemer period at the turn of the century, bankers and businessmen, members of the Regular Democratic Organization, dominated state government, preventing reform and centralising power within this one organisation. The Populist movement and Farmers' Alliance, organisations for social change which had made headway in other states during the 1880s and 1890s, were crushed in Louisiana. Extra-legal social control in the form of lynching was common practice throughout the Reconstruction period and, though most victims were black, whites too were lynched for crimes such as murder and horse theft.²⁰ However, after 1903,

17 Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915–1972* (Athens: University of Georgia, 2008) 2–3.

18 J. Hardy Jones and Vernon J. Parenton, "The People of Frilot Cove: A Study of Racial Hybrids," *American Journal of Sociology* 57.2 (1951): 145–149.

19 Fairclough, *Race* 17.

20 Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Champaign: University of Illinois Press, 2004) 161–178.

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lynching took place predominantly in the more northern parishes, though it continued throughout the state intermittently until the late 1940s. The southern parishes, particularly the sugar regions, manipulated the criminal justice system to sustain racial control, though in poorer Cajun south-western parishes, blacks were targeted as competitors.²¹ The sugar region lacked the industrialisation and urbanisation that occurred in the northern parishes at the turn of the twentieth century, which were accompanied by racial violence. In the northern parishes where free blacks had been in the extreme minority, they were absorbed into the cotton and accompanying industries alongside former slaves with no distinction of their previous social status. In the southern parishes too, former free black property holders lost their agriculture subsistence and joined former slaves to work for white cotton and sugar owners.²² Debt peonage, described by Charles Otken at the end of the nineteenth century as keeping poor black and white share croppers and tenant farmers in a state of servitude to large sugar and cotton dealers, was still being investigated in Louisiana into the 1940s.²³ After World War Two the Justice Department re-codified peonage laws and prosecuted involuntary servitude but the labour-intensive system of agriculture had already begun mechanisation. Tenancy and sharecropping were being replaced by wage labour systems and were in decline.²⁴ Differences in judicial processes distinguished extra-legal violence in north Louisiana from the southern area of the state.²⁵ Southern parishes tended to inflict harsher punishments on black defendants for non-capital crimes. They frequently applied the death penalty in comparison to northern parishes, with the exception of those with a black majority, where the death penalty was less readily applied. There is also evidence to suggest that the fluctuating price of cotton and the number of blacks lynched were directly related whereby, as the former dropped, the latter increased between 1880 and 1930.²⁶

The divide between the traditional Catholic south and the Anglo-Protestant north may also have factored in race relations in the state.

21 Michael J. Pfeifer, "Lynching and Criminal Justice in South Louisiana, 1878–1930," *Louisiana History: The Journal of the Louisiana Historical Association* 40.2 (1999): 155–177.

22 Pfeifer, "Lynching and Criminal Justice" 155–177.

23 Charles H. Otken, *The Ills of the South or Related Causes Hostile to the General Prosperity of the Southern People* (New York: G.P. Putnam's Sons, 1894) 10–11; Pete Daniel, ed., *The Peonage Files of the U.S. Department of Justice 1901–1945* (Bethesda, MD: University of America Publications, 1989) 11–12.

24 Daniel, *The Peonage files* v–viii.

25 Pfeifer, "Lynching and Criminal Justice" 155–177.

26 E.M. Beck and Steward E. Tolney, "The Killing Fields of the Deep South: The Market for Cotton and the Lynching of Blacks, 1882–1930," *American Sociological Review* 55.1 (1990): 103–116.

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While the Catholic Church was segregated and practised white supremacy within the Church hierarchy, it was less amenable to the rigid racial codes that more suited the conservative evangelical Protestantism of the northern Scots-Irish and German influenced parishes.²⁷ Militant segregation was much more significant in the predominant northern parishes where the state's largest Protestant denomination, the Louisiana Baptists, endorsed segregation, barred black church membership and restricted Louisiana College to white students. In Protestant areas, black voter registration was half that of Catholic areas, echoing a stronger commitment to the subjugation of black communities.²⁸ The Catholic Church was slow to segregate at the beginning of the twentieth century and there was an interrelationship between high levels of black voter registration and Catholicism. However, in the 1950s desegregation in Catholic schools was slow and there was strong opposition from congregations towards the Church hierarchy attempting integration.²⁹ The 'wait-and-see' policy of the Church weakened integration and strengthened Catholic segregationist groups.³⁰ Where the Catholic Church did have influence indirectly on race relations, it was in its opposition to the Ku Klux Klan. Though south-western Louisiana was overwhelmingly Catholic, the Klan successfully opened chapters in every south-western parish in the early 1920s. The Klan appealed to the south Louisianan white population on different levels, particularly in its appeals for patriotism and morality in the wake of World War One. However, its presence in the area was short lived and ineffectual due to cross co-operation of religious, civic and political leaders to reject it.³¹ Though the first Klan chapter was 'Old Hickory Klan Number 1' in New Orleans, the Klan state headquarters were established in Shreveport in the northern parish of Caddo. Although New Orleans was the largest city in the state, and indeed one of the largest in the South, it was one of only two large Southern cities to resist Klan encroachment.³² In Shreveport, the organisation was much more successful, spreading across northern towns and cities. At its climax in 1924, membership for the whole state was between twenty-five and thirty-five thousand and

27 Pfeifer, "Lynching and Criminal Justice" 155–177.

28 Mark Newman, "The Louisiana Baptist Convention and Desegregation, 1954–1980," *Journal of the Louisiana Historical Association* 42.4 (2001): 389–418.

29 Fairclough, *Race* 132.

30 Justin D. Poche, "The Catholic Citizens' Council: Religion and White Resistance in Post-War Louisiana," *U.S. Catholic Historian* 24.4 (2006): 47–68.

31 Yvonne Brown, "Tolerance and Bigotry in Southwest Louisiana: The Ku Klux Klan, 1921–1923," *Journal of the Louisiana Historical Society* 47.2 (2006): 153–168.

32 Kenneth T. Jackson, *The Ku Klux Klan in the City, 1915–1930* (New York: Oxford University, 1967) 86–87.

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the leadership was in some cases Protestant religious leaders, such as Exalted Cyclops Dr E.L. Thompson of the Central Christian Church in Shreveport.³³ Membership in both the north and south was often professional and state representative Thomas Depaoli declared some of New Orleans' 'best citizens' as members.³⁴ Its decline in the state was due in part to its policy of social control. Though the black community had a lot more to fear, the Louisiana Klan also targeted whites who opposed its authority and when two white men were killed by the organisation, public outcry eventually led to its proscription in the state.

Race History in Louisiana: Law and Violence

Violence towards black communities throughout Louisiana was a major contributor to the great waves of migration by the rural populations to the urban areas within the state or to Northern and North-western states throughout the twentieth century. The lynching of blacks and black mobility in the South were reciprocally linked especially during the period of 1910 to 1930.³⁵ Whites also migrated but in much lower numbers, and between 1882 and 1968 Louisiana was among the top four states in America responsible for black lynching.³⁶ Other factors such as the boll weevil infestation of cotton crops after 1903 and mechanisation in agriculture lowered the need for agricultural labour, making wages less competitive. Moreover, immigration from Europe had been halted to the cities by World War One, creating job opportunities for black labourers from 1914 onwards. Black migration in rural Louisiana was a result of a long gravity period in which rural black workers, moving between plantations until World War One, were offered greater opportunities in the cities. Furthermore, the War Department's 1918 'work or fight' rule was manipulated by planters to further control black labour and freeze wages, increasing the need to move, though black men volunteered and were drafted into the armed forces.³⁷ The Great Depression of the 1930s slowed the mobility of earlier migration but it revived during World War Two when 1.5 million of the black populace

33 Bernadette J. Palombo et al., *Wicked Shreveport* (Charleston: History Press, 2012) 41–42.

34 Jackson, *The Ku Klux Klan* 86.

35 Beck and Tolney, "The Killing Fields" 103–116.

36 Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Society* (New York: Harper and Brothers, 1944) 191; Monroe Work, "Lynchings by State and Race, 1882–1968," *Tuskegee University Archives*, 2010, Web. 9 Sept. 2013.

37 Greta De Jong, *A Different Day: African American Struggles for Justice in Rural Louisiana, 1900–1970* (Chapel Hill: University of North Carolina Press, 2002) 19, 71–75, 115.

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left the South in the 1940s alone.³⁸ Until 1940, the majority of the United States' black population lived in rural areas but by 1950 this was less than half the black population. Northern parishes in Louisiana showed more loss than southern parishes, but there was an increase in urban populations from rural areas both within and outside of Louisiana.³⁹ Southern states, including Louisiana, had been showing a decline in population as the century progressed and by 1970 Louisiana had lost 38 percent of its black population. Surprisingly, however, 80 percent of the black community in New Orleans were from Louisiana, in contrast to other major cities like Atlanta, Georgia or Houston, Texas which have lower numbers of black people of state origin.⁴⁰

World War Two was a stimulus for social change such as black soldiers training for skilled occupations, higher wages and mobility, and increased black political organisation. By the 1950s, black policemen were employed in major cities and a few smaller towns across the South while lynching decreased dramatically and voter registration increased in all but four parishes, giving Louisiana the highest black state electorate in the South.⁴¹ Despite this, the median income for the black population in Louisiana was less than half that of whites while the percentage of blacks who received no formal education was 16.6 percent compared to whites who made up the majority of the population at 5.9 percent.⁴² Civil Rights groups, Church and Christian groups, white supremacist groups such as the Citizens' Council and the Ku Klux Klan, who were often self-proclaimed Christians, all competed for change through various methods. The NAACP utilised the legal system and, as the next two decades progressed, had various degrees of success through the courts. Since the 1940s, the Congress of Racial Equality (CORE) had been calling on indirect and direct action, though it was not effectively involved in Louisiana until the 1960s. It then played a huge part in student protest for desegregation and eventually became more militant.⁴³ The Deacons of Defence, a black

38 James N. Gregory, "The Second Great Migration: A Historical Overview," *An African American Urban History: The Dynamics of Race, Class and Gender Since World War II*, eds. Joe W. Trotter and Kenneth L. Kusmer (Chicago: University of Chicago, 2009) 24–26.

39 United States Census Bureau, Characteristics of the Population "Table 1–9: Louisiana: Number of Inhabitants: 1950," *United States Census 1950* (Washington: US Census Bureau, 1952), Web. 12 Mar. 2015.

40 Gregory, "The Second Great Migration" 24–26.

41 Newman, *Louisiana Baptist* 389–418.

42 United States Census Bureau, Characteristics of the Population, "Table 32a, 42–44: Louisiana: Characteristics of the Population: 1950," *United States Census 2000* (Washington: US Census Bureau, 1952) Web. 12 Mar. 2015.

43 Fairclough, *Race* 342.

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armed resistance movement, shared the same aims as CORE. Confrontations throughout the state culminated in Bogalusa, Washington Parish in 1964–1965, the years of the Civil Rights Act and Voting Rights Act. Local and national civil rights groups engaged in violent public clashes instigated by the Ku Klux Klan and police as protestors attempted to integrate public facilities. Despite this, day-to-day life in Louisiana parishes such as Orleans which contained the largest metropolitan areas and traditional plantation areas could be repressive or unrestrictive depending on the day. Court records show the minute testimony of individuals within parish populations often strayed from stereotypes of whites and blacks living in this environment. Tolerance and racism ran side by side and were often decided ad hoc depending on contributory factors. However, the history and demographics of this state and indeed the specific area of New Orleans within it did have an impact on the experience of the day-to-day lives of black and white Louisianans and their experience of Jim Crow on transport within their state.

Streetcars and New Orleans

Louisiana stands out as both a typical Southern state for analysis and as a distinctive Southern state, which confirms the difficulty of generalising about the Jim Crow South. New Orleans, the largest city in Louisiana, was chosen from among the other Louisianan cities such as Shreveport and Baton Rouge for a number of reasons, the first being that it has the oldest continuously operating streetcar in the world.⁴⁴ Secondly, streetcars in other cities were replaced by buses much earlier than in New Orleans and so do not provide a timeline over the entire course of the Jim Crow period. In New Orleans, an exploration of the city's streetcar history places the city's motivation and enforcement of transport segregation laws within the long legacy of segregated life within the 'Pelican State'. Though there was resistance to segregation on the earliest mule-drawn streetcars from the 1830s, the first successful protests against segregation on transport took place on the New Orleans streetcars in the years immediately preceding 1867. The infamous *Plessy v. Ferguson* (1896) case which ultimately led to legal approval of Jim Crow segregation by whites across the South also originated in New Orleans. Further boycotts on New Orleans streetcars in 1902 highlight the city as the hub of early black opposition towards Jim Crow and the place of origin for many legal statutes. Streetcars remained a contentious race issue throughout the century, especially during the transitional events of two world wars when black and northern white

⁴⁴ Norta.com, "About the RTA," *New Orleans Regional Transport Authority*, 2015, Web. 18 Mar. 2015.

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GIs put compliance pressure on segregated city transport. Yet as other Southern cities replaced streetcars with buses, New Orleans retained the streetcars, which when compared to public transport in other areas across the South, desegregated relatively uneventfully. Segregation signs were simply removed in 1958 after a successful lawsuit brought about by the New Orleans Improvement League, though *de facto* integration took longer.⁴⁵ The long-drawn-out vocal and often violent response by white New Orleans residents to integration in other areas, such as schools and public facilities like swimming pools, was in stark contrast to streetcar integration. This begs the question of how transport in the city was perceived by politicians and residents who took up the cause of militant segregation in other areas yet responded to streetcar integration less aggressively. These factors and the black legal history of New Orleans support the analysis of streetcars and the chapters that follow place it well within research already completed in the field of Jim Crow study in Louisiana.

To illustrate the origins and motivation for Jim Crow streetcar legislation in New Orleans, Chapter 1 begins by looking at historical concepts of law in the United States and then examines racial relations prior to emancipation. This illuminates the antebellum roots and justification for Jim Crow in the era that followed. Jim Crow legislation came a mere twenty-five years after the end of the Civil War. The historical relationships between whites and blacks, as slaves, free blacks and the complex position of the elite black creoles in antebellum New Orleans are examined in this first chapter. Though the background for this chapter looks at the French and Spanish codes for reference to the origins of the American Codes, the focus is on the American laws composed of the 'Digest 1808' and the 'Code 1825', both of which are derived from the colonial codes. The black *de facto* position in this community is compared and contrasted to established law through newspaper reports, court cases and eyewitness accounts particularly in relation to transport and early streetcar segregation but also in day-to-day life.

Chapter 2 focuses on post-Civil War boycotts and protest on streetcars in the years leading up to 1867. It then identifies *de jure* and *de facto* transport segregation based on newspaper reports, transport records and litigation after transport was integrated in 1867. This identifies how blacks were perceived by whites through Reconstruction and the Redeemer period and how this was reflected in the law.

This conclusion sets the scene for Chapter 3, which examines the legislative motivation behind the first Louisiana Separate Car Act (1890) in light of

⁴⁵ Thomas J. Ward Jr., *Black Physicians in the Jim Crow South* (Fayetteville: University of Arkansas Press, 2003) 289.

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the burgeoning white-supremacist ideology that continued to grow in the decades that followed. It examines this growth in New Orleans and how it influenced legal segregation in a city that was integrated *de jure*. It then considers how segregation legislation progressed from a bargaining tool in 1890 and culminated into a 'separate-but-equal' legislative strategy in 1896 through state journals, correspondence and newspapers. To determine the level of public support for increased segregation, arrest records are analysed to determine black and white compliance after the laws passed. It also considers segregation on trains and waiting rooms as a gradual precursor to streetcar segregation and the environment in which streetcar segregation was legislated in 1902.

Chapter 4 examines the demise of the three-cast racial system in an age of growing white-supremacist ideology. It explores compliance in a period of extra-legal violence and how streetcar segregation remained fixed but to pushing point in the extraordinary conditions of World War One, growing urbanisation and 'normalcy' prior to the Great Depression.

Finally, Chapter 5 leads into the paternalist period and the motivation for the passing of the Public Carrier Act in 1929. Through the Journals of the House of Representatives, newspapers, arrest and transport data, it establishes white support for strengthened transport legislation in New Orleans and reactions to non-compliance on streetcars during the Great Depression and World War Two. It then looks forward from the 1950s and establishes the impact of the Baton Rouge bus boycotts on New Orleans protest. It determines the growth and influence of white oppositional groups to civil rights and the lead up to the integration of New Orleans streetcars. It then analyses the reaction of whites to *de jure* integration on streetcars in light of heightened racial tensions in New Orleans, particularly between 1960 and 1963 when sit-ins at lunch counters and the integration of schools caused flashes of violence and arrests.

A conclusive chapter summarises the motivation for and origins of the boundaries set by Louisiana whites on the black population through the medium of the streetcars. It illustrates the significance of the streetcars in the context of understanding and analysing New Orleans and Louisiana history. The final epilogue brings the streetcars up to date and analyses the impact of victories of the past on the present.

Concepts of Colour

From the first, concepts of colour in New Orleans determined status within first the slaveholding society and, after emancipation, free populations. The 1860 population census of Louisiana divided the population into 'white', 'black' or 'mulatto', the latter two having a prefix of 'slave' or 'free

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colored'.⁴⁶ Initially slaves outnumbered both whites and free people of colour and were designated 'black' in that they did not have the appearance of north European ancestry. In contrast, those designated 'mulatto', which described those having the appearance of both European and African ancestry, dominated the free people of colour group. In short, 'black' came to be associated with slavery while 'mulatto' was correlated with free people of colour. Yet in New Orleans being designated black or white did not necessarily mean having the appearance of, but rather the status of such. Runaway slaves in New Orleans advertisements were usually pictured as a black-skinned male or female character running. Yet the description of the individuals concerned recounted characteristics associated with white individuals such as blonde hair, blue eyes and very fair skin. Described as 'white negroes', a term that would last into the early twentieth century, this illustrated the concept of black and white as types of status rather than actual physical attributes. Similarly, in the twentieth century, when a Shreveport woman was segregated to the 'black' section of the streetcar by the conductor who determined her features as 'negro or black', she successfully sued and established her whiteness contrary to her appearance.⁴⁷ Concepts of colour, black and white were considered highly important social and legal tools to determine position and entitlements over the time period in New Orleans. Throughout the following chapters, the terms 'black', 'white' and 'people of colour' are used in this context to underscore the importance of these legal, social positions as interpreted by this society.

Much of the research generated by this book has relied on traditional archival research in the United States. However, the growth of digitised books and materials previously only available on microfiche or in print means the scope of materials now accessible extends far beyond what was available through manual searches.⁴⁸ Despite advances in optical character recognition (OCR) since the mid-2000s, this process is not without its critics regarding accuracy of word recognition.⁴⁹ Moreover, being aware of the types of newspapers that generated results was important. The white *Daily Picayune*, which became the *Times Picayune* in 1914, was and remains a large established major paper for New Orleans that also reports from

46 U.S. Census Bureau (1860), *Census of Population, Nativity and Occupation, United States Census 1860*. Washington: United States Census Bureau 1864, Web. 12 Mar. 2015.

47 "\$200 Reward," *Daily Picayune* 22 Aug. 1846: 1; "Carriers of Passengers. Insult of Passenger by Conductor. Assignment of White and Colored Races to Separate Coaches. *May v. Shreveport Traction Co.*, 53 So., 671 (La.)." *Yale Law Journal* 20.7 (1911): 587.

48 Donald M. MacRaild, "'No Irish Need Apply': The Origins and Persistence of a Prejudice," *Labour History Review* 78.3 (2013): 269–299.

49 Bob Nicholson, "The Digital Turn," *Media History* 19.1 (2013): 59–73.

around the U.S. In contrast, the *Chicago Defender*, another major publication outside of the state, featured reports of events concerning black individuals and communities in New Orleans that the *Times Picayune* did not respond to. Both carried original stories that were picked up by smaller publications and reprinted. Searching for arrest records and articles often generated the same report in two or three papers which was then compared in order to be accurate. Most newspaper searches focused on New Orleans except where it was pertinent to look at the state as a whole, as in the case of the Baton Rouge bus boycott, for example. Newspapers have their pitfalls. They can be inaccurate, exaggerative and biased. However, using a variety of data such as legislative journals, letters, court transcripts and census data alongside newspapers provides convergence and corroboration and reduces the pitfalls of using newspapers alone.⁵⁰

On considering the scope of this book, there were clear gaps in the literature in relation to how Southern segregationist history has been examined. Most historical analysis of Southern American Jim Crow laws addresses either the resistance of the African-American community or the political coalition that championed racial equality.⁵¹ Many historians approach the Jim Crow laws from a top-down position, examining concepts of racial hierarchy broadly across the South.⁵² Others steer towards the bottom-up perspective of life under Jim Crow, examining specific events while crisscrossing the old Confederacy.⁵³ Others still have focused on key aspects of Jim Crow

50 Glenn A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9.2 (2009): 27–40.

51 There are exceptions such as Gunnar Myrdal's highly influential research in the 1940s funded by the Carnegie Institute of New York. However, this study examined problems facing black Americans throughout the nation and focuses on the general north and the general south. See: Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Society* (New York: Harper and Brothers, 1944).

52 These include: Charles Wynes, *Forgotten Voices: Dissenting Southerners in an Age of Conformity* (Baton Rouge: LSU, 1967); Neil R. McMillen, *The Citizens' Council: Organized Resistance to the Second Reconstruction, 1954–64* (Champaign: University of Illinois, 1994); Richard K. Scher, *Republicanism, Race and Leadership in the Twentieth Century* (New York: M.E. Sharp, 1997); Grace Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Pantheon, 1998); Sharon Smith, *Subterranean Fire: A History of Working-class Radicalism in the United States* (Chicago: Haymarket Books, 2006) 41–44; Blair Kelley, *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy V. Ferguson* (Chapel Hill: University of North Carolina, 2010); Jarod Roll, *Spirit of Religion: Labor and Religion in the New Cotton South* (Illinois: University of Illinois, 2010).

53 Christopher Bigsby and Roger Thompson, "The Black Experience," *Introduction to American Studies*, eds. Malcolm Bradbury and Howard Temperly (Upper Saddle River: Longman Group, 1989); Richard Wormser, *The Rise and Fall of Jim Crow: The*

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legislation and the civil rights movement while manoeuvring between the actions of white politicians and politicised blacks in the generic south.⁵⁴ There are also various accounts of Jim Crow being explored and recorded by historians within varying boundaries and subjects specifically within Louisiana.⁵⁵ However, despite an enormous amount of research devoted to Jim Crow, only a limited number of works analyse the origins of this

African-American Struggle Against Discrimination, 1865–1954 (New York: Frank Watts, 1999); William Chafe, Raymond Gavins and Robert Korstad, *Remembering Jim Crow: African Americans Tell About Life in the Segregated South* (New York: W.W. Norton and Co., 2001); Adam Fairclough, *Better Day Coming: Blacks and Equality, 1890–2000* (New York: Penguin, 2002); Jessica Adams, *Wounds of Returning: Race, Memory and Property on the Postslavery Plantation* (Chapel Hill: University of North Carolina, 2007); Darleen Hine, William Hine and Stanley Harrold, *The African-American Odyssey* (New Jersey: Pearson Education, 2008).

54 Numan Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950s* (Baton Rouge: LSU, 1969); Aldon Morris, *The Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: Free Press, 1984); Herbert Haines, *Black Radicals and the Civil Rights Mainstream, 1954–1970* (Knoxville: University of Tennessee Press, 1988); Sara Bullard, *Free at Last: A History of the Civil Rights Movement and Those Who Died in the Struggle* (New York: Oxford University, 1994); Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Belknap, 2003); Kevin Kruse and Steven Tuck, *The Second World War and the Civil Rights Movement* (New York, Oxford University, 2012); Leslie V. Tischauser, *Jim Crow Laws* (Santa Barbara: Greenwood, 2012). Some too have examined the role of governors, their relationship with their constituents and the role of Jim Crow in southern state politics. Bartley, *The Rise of Massive Resistance*; Richard Scher, *Republicanism, Race and Leadership in the Twentieth Century* (New York: M.E. Sharp, 1997); Brent Aucoin, “Thomas Goode Jones and African American Civil Rights in the New South,” *Historian* 60.2 (1998): 257–271; Anders Walker, *The Ghost of Jim Crow: How Southern Moderates Used Brown v Board of Education to Stall Civil Rights* (New York: Oxford University, 2009); Joseph Crespino, *Strom Thurmond’s America* (New York: Hill and Wang, 2012).

55 Mark Carleton, *Politics and Punishment: The History of the Louisiana State Penal System* (Baton Rouge: LSU, 1971); John Blassingame, *Black New Orleans 1860–1880* (Chicago: University of Chicago, 1973); Virginia Dominguez, *White by Definition: Social Classification in Creole Louisiana* (New Brunswick: Rutgers UP, 1986); Giles Vandal, “Property Offences, Social Tension and Racial Antagonism in Post-Civil War Rural Louisiana,” *Journal of Social History* 31.1 (1997): 127–153; Phillip Johnson, “The Limits of Interracial Compromise: Louisiana, 1941,” *Journal of Southern History* 69.2 (2003): 319–348; Michelle Brattain, “Miscegenation and Competing Definitions of Race in Twentieth-century Louisiana,” *Journal of Southern History* 71.3 (2005): 621–658; Walter G. Cowan and Jack B. McGuire, *Louisiana Governors: Rulers, Rascals, and Reformers* (Jackson: University Press of Mississippi, 2008); Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana. 1915–1972* (Athens: University of Georgia Press, 2008).

legislation and the climate in which it was born and maintained.⁵⁶ The value of examining the origins of Jim Crow, its subsequent government and the reaction of the populace from a white perspective is demonstrated in these studies, as is the need for further research.⁵⁷ Examination of changes in

56 Very little research looks at the role of Louisiana governors and parish officials and their role in creating and maintaining the status quo from its beginnings in the late nineteenth century until the end in the 1960s. Many works have approached the topic with an all-encompassing view of the South, while a few examined it more closely, in individual states and in biographies, reflecting the role of particular governors in creating and maintaining Jim Crow and usually over a short period. See: A.J. Liebling, *The Earl of Louisiana* (New York: Simon and Schuster, 1961); Earl Black, *Southern Governors and Civil Rights: Racial Segregation as a Campaign Issue in the Second Reconstruction* (Cambridge: Harvard University, 1976); Joseph Dawson, *The Louisiana Governors: From Iberville to Edwards* (Baton Rouge: Louisiana State University, 1990); Steven Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina, 2000); J. Douglas Smith, *Managing White Supremacy: Race, Politics, and Citizenship in Jim Crow Virginia* (Chapel Hill: University of North Carolina, 2002); Frank Lambert, *The Battle of Ole Miss: Civil Rights v. State's Rights* (New York: Oxford University, 2010). One study which covers New Orleans and indeed streetcars is Michael Mizell-Nelson's PhD thesis "Challenging and Reinforcing White Control of Public Space: Race Relations on New Orleans Streetcars, 1861–1965". However, this research is by and large a study of labour history and gender, topics which Mizell-Nelson agreed received special attention. Where race is discussed it is as a catalyst for conflict rather than an analysis of the roots of the friction or the presence of segregation. The study is isolated and while set in New Orleans avoids social or political context outside of the streetcar except in relation to labour and unionism. Moreover Mizell-Nelson's study, carried out in 2001, shows the limits of microfiche, and several of his newspaper sources are clippings from archives, cited from other secondary sources or taken from modern newspapers which refer to the past. This affects his conclusions, particularly on the limited role that streetcar conductors and drivers took in policing segregation which OCR searches now show to be highly involved, dominant roles. While Mizell-Nelson's research is compelling for insight into labour and gender research on the streetcars, the significant drawback of his thesis is the scope of his study. He lacks insight into the impact of slavery on developing black stereotypes and subsequent white reactions while his thematic approach impedes a chronological examination on the evolution of segregation. Mizell-Nelson released a documentary entitled *Streetcar Stories* which originally premiered in 1995. It includes interviews which are referred to in this research but in which the methodology or control environment of recording the oral testimony is unknown. See: Michael Mizell-Nelson, *Streetcar Stories* (DVD: WYES, 2012).

57 George Lewis writing about civil rights in the South noted that many studies which recognise the opposing white population are shallow while a lack of interest in segregationists means they are ignored or only briefly mentioned in passing. He argues that they are portrayed as one dimensional, their state-by-state variation overlooked in preference for a monolithic whole. See: George Lewis, *Massive Resistance: The White Response to the Civil Rights Movement*. (New York: Oxford UP, 2006) 4. One striking

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Jim Crow policies from the 1950s onwards shows that Southern governors did not speak for all Southern whites. It is rare for books on the South to highlight these 'Atticus Finch' types; instead, 'what we get are portrayals of the more familiar violence prone, cruel, angry white men.'⁵⁸ These views compound the argument that an 'asymmetrical' bias towards those who championed the arrest of Jim Crow is understandable.⁵⁹

At the end of the nineteenth century, the United Daughters of the Confederacy, a chapter of which formed in New Orleans in 1896, was established with the purpose of 'waging war against ignorance as regards facts of a mighty struggle for Southern independence.'⁶⁰ This was compounded by white-supremacist novels presented as fact becoming popular at the turn of the century.⁶¹ From the early 1950s as revisionist historians pointed towards

exception is Jason Sokol who wrote an excellent account of white Southerners in the age of civil rights. Sokol covered many Southern states but his narrative lacks insight into why the experiences of blacks and whites were geographically different. See: Jason Sokol, *There Goes My Everything: White Southerners in the Age of Civil Rights, 1945–1975* (New York: A.A. Knopf Publishers, 2006).

58 While Heleniak's comments feature more towards Mississippi and Alabama, he also positively compares events in Louisiana such as early integration in state colleges and the actions of governors as decisive in avoiding the extreme violence associated with other states during the same period. See: Roman Heleniak, "Welcome to the New South: A Latter Day Fool's Errand," *Louisiana History* 45.4 (2004): 390.

59 Moving the spotlight of Southern history away from the white perspective and examining the role of black Southerners with their own memoir was ethically and morally justifiable. Yet essentially, the larger story of the South remains untold because the vantage point is one sided, that of the movement with the opposition by and large discounted. This view considers how historians have told the story of the Jim Crow South from within the civil rights movement. See: Charles Eagles, "Towards New Histories of the Civil Rights Era," *Journal of Southern History* 66.4 (2000): 815–848.

60 The UDC shaped the content of history books, particularly school textbooks through the preservation of Confederate documents. See: Harrison W. Littleton, *History of the Louisiana Division: The United Daughters of the Confederacy February 17, 1899– May 12, 1967* (Louisiana: UDC, 1967) 3. Karen Cox explains how the UDC shaped Southern history by ensuring the state adoption of a white supremacist Confederate view of the civil war. They afforded grants and scholarships, printed in the *Journal of Southern History* to Southern-bias historians. These included B.I. Wiley, a student of U.B. Phillips (1877–1934), Wiley's generation's pre-eminent historian of the plantation South and a proslavery ideologist. Karen Cox, *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (Gainesville: Florida University, 2003); William Edward Burghardt Du Bois, *Black Reconstruction in America* (New York: Russell & Russell, 1956); "Historical News and Notices," *Journal of Southern History* 1.4 (1935): 535–544; John D. Smith, "Ulrich Bonnell Phillips: The Southern Progressive as Racist," *Yale University Library Gazette* 56.3/4 (1982): 70–75.

61 The popular trilogy and bestselling novels by Thomas Dixon (1864–1946)

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the realities of life under Jim Crow, media coverage shared civil rights footage with millions of Americans creating a cause célèbre.⁶² However, it is the responsibility of historians to examine all sides of any event regardless of their sense of justice.

romanticised the antebellum South and portrayed the Ku Klux Klan as protectors against the lawlessness of newly freed slaves. His work culminated in the feature film *Birth of a Nation* in 1915 which stereotyped blacks as unintelligent, would-be rapists and featured white male actors in black face playing blacks of both sexes. The glorification of the Ku Klux Klan in the film is often linked to the rise of the new-era Klan in the same year and David Rylance describes it as the ‘culminating moment in an ongoing process of historical revisionism.’ See: David Rylance, “Breech Birth: The Receptions of D.W. Griffith’s *The Birth of A Nation*,” *Australasian Journal of American Studies* 24.2 (2005): 5.

62 Comer Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford UP, 1955); Kenneth Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York: Alfred A. Knopf, 1956). It became difficult to equate the mild-mannered stereotypical white Southerner with police dogs, baton charges and naked vehemence. G.M. Foster describes the South of the 1950s as a place where journalists and academics began to characterise the South as home to Klansmen and rednecks. See: Gaines M. Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause and the Emergence of the New South, 1865–1913* (New York: Oxford University, 1987) 198. White segregationists became the unpopular spectres in the story of freedom and equality, and as Charles Eagles so rightly points out, few civil rights historians have experience of a world apart from the movement. See: Eagles, “Towards New Histories of the Civil Rights Era,” 815–848.

1

Legal and Social Colour Distinctions in Antebellum Louisiana

The legislative history of streetcars in New Orleans and the social and racial history of the city are closely intertwined, and the legal status of all people of colour influenced their treatment on transport. This means looking at the formation of legal rights from the foundation of the United States and New Orleans and into the legal treatment of blacks, slave and free, over the segregation era. Examining the social and legal position of blacks and how colour became engrained in American law from the eighteenth century allows for an analysis of the association between colour and status. It determines why whites felt compelled to legislate even free blacks separately from whites and the perceived logic behind such legislation. It also illuminates how early legislation formed the traditions of subsequent centuries and consequently justified Jim Crow. However, examining the legal and social position of antebellum blacks also helps to determine how they moved from this vulnerable position to become agitators of a later united movement against transport segregation. It examines the roots of prejudice where the social and the legal crisscrossed leading to white resistance both during and after the antebellum period.

For entrepreneurs, immigrants and those escaping religious persecution, America afforded a new start and potential opportunities in a land of inexhaustible possibilities. In their wake travelled indentured servants and slaves, and while to these individuals America took on a context of hardship and punishment, it also offered the sporadic opportunity of metamorphosis into prosperity. Later, as the colony developed and became more autonomous, concepts of law in America began to reflect the struggle for independence from Britain. The perceived harsh treatment under colonial rule became justification for rebelling against King George III. In 1776 the notion that no-one was above the law was popular during the founding of

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the United States. Thomas Paine, the political theorist and revolutionary wrote: ‘in America, the law is king. For as in absolute governments the King is law, so in free countries the law ought to be king; and there ought to be no other’.¹ The law, when it was relinquished by the British in the Treaty of Paris (1783) and put in the hands of the newly independent thirteen colonies, was anticipated as a tool of justice and freedom for all, in public and private through the federal government and the state. When James Madison wrote the American Constitution (1787) he was following in the footsteps of his friend and fellow founding father Thomas Jefferson in ideas of freedom, both individually and as a nation, applying equally to all men. However, as a nation expanding and developing with the use of slave labour and the transatlantic slave trade, and frequently in conflict with indigenous natives, this interpretation of freedom was narrow in its application to non-whites. Jefferson penned the Declaration of Independence and, as the author of American democracy, is often described as the embodiment of the American Spirit.² For this reason current biographers have argued that it is this reverence by historians that has prevented criticism of him, his deeds or the ideas of Americanism that he conceptualised.³ That he was a contradiction on race matters both privately and as president incorporated a defence of racism into the American concept of nationhood while defending liberal ideas of white paternalism and black inferiority. Jefferson was critical of the Atlantic slave trade in the Declaration of Independence but these excerpts were later removed by other committee members.⁴ Later as president he called for an end to what he termed ‘the violations of human rights’ in the transatlantic slave trade, consequently outlawed by America in 1808.⁵ As America developed as a nation and defined freedom and citizenship, contradictions of both would continually follow slaves and their descendants for Jefferson was also a slave owner and held white-supremacist beliefs. In addition, he was a gradualist who believed that with training and in small numbers, blacks could be freed but feared large numbers of manumission could lead to slave revolts. Yet he also held what he termed as ‘suspicions’ that blacks were both

1 Thomas Paine, *Common Sense* (Kansas: Appeal Publishing, 1920) 58.

2 Joyce Appleby, *Thomas Jefferson* (New York: Times Books, 2003) end paper.

3 Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville: University Press of Virginia, 1997) vii; Annette Gordon-Reed and Peter S. Onuf, *Most Blessed of the Patriarchs: Thomas Jefferson and the Empire of the Imagination* (New York: Liveright, 2016) xv, xi–xxv.

4 Julian P. Boyd, *Papers of Thomas Jefferson*, Vol. 1 (Princeton: Princeton UP, 1950) 426.

5 W.E.B. Du Bois, *The Suppression of the African Slave Trade to the United States of America*. 1896, reprint (New York: Dover, 1970) 97–98.

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physically and mentally inferior while simultaneously maintaining a black mistress and black children.⁶ His children with Sarah Hemings were the only slaves he ever freed. Jefferson was among those founding fathers who made up the revolutionary leadership and went on to hold high level posts post-revolution.⁷ As such, the disparity of his legacy was either ignored or lost in ‘an aura of divinity’ which formed around the founding generation and carried through to subsequent generations.⁸ In 1837 the New Orleans *Picayune* newspaper carried an article alongside runaway slave adverts which described Jefferson as ‘the patriot... the lover of liberty, the eloquent, bold and masterly advocate of the rights of mankind.’⁹

Louisiana Law

Louisiana stands alone in that its civilian laws are based on Spanish and Napoleonic codes established in 1804. Once it became part of the American system, President Thomas Jefferson ensured that basic American liberties and judicial principles were pursued by administrators but allowed civil-law traditions to be retained.¹⁰ Historically and legitimately, as long as Louisiana did not step outside the boundaries of the Constitution, its mode of law was not in conflict with the American system and did in fact display the individual identity of the States. The history of anti-federalism and the physical size of America have made statehood comparable with nationhood. While identifying as American, populations have strongly identified with an area and the resulting cultural identity linked to that geographical sphere. This in part resulted in concepts of the South as an idealised white

6 Appleby, *Jefferson* 140.

7 Richard B. Morris, *Seven Who Shaped Our Destiny: The Founding Fathers as Revolutionaries* (New York: Harper Collins, 1973) 2.

8 Gordon S. Wood, *Revolutionary Characters: What Made the Founders Different* (New York: Penguin, 2007) 4.

9 “Monticello,” *Daily Picayune* 11 Aug. 1837: 2. For a more complete overview of the American system see: Jethro K. Lieberman, *A Practical Companion to the Constitution: How the Supreme Court has Ruled on Issues from Abortion to Zoning* (London: University of California, 1999) 1–14. Just as the American revolutionaries had made much of John Locke’s theory of the natural rights of man, constitutionalists developed the ideas of French theorist Montesquieu. Conceptualised at the beginning of the French Revolution, power would rest between the King, the Church and the nobility in order that they would simultaneously check each other. See: John Locke, *Two Treatises of Government* (London: Whitmore and Fenn, 1821); Whitmen Maurice Cranston, “Ideas and Ideologies,” *History Today* 39.5 (1989): 10–14; “Primary Documents in American History: The Bill of Rights,” Web Guides, Library of Congress, 2 Jun. 2015.

10 Mark Fernandez, *From Chaos to Continuity: The Evolution of Louisiana’s Judicial System* (Baton Rouge: Louisiana State UP, 2001) xi–xviii.

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society of the antebellum age crushed but still independently struggling under federal modernisation.¹¹ Ultimately this also crossed into acceptable codes of behaviour and state laws which became identified with particular states such as segregation and *de facto* Jim Crow modes of conduct. Even before Jim Crow laws appeared, cracks in the tripartite system had begun to materialise. Those who created the Constitution and the Bill of Rights assumed that, by having three separate influences within the government, these would check each other. However, the Civil War had shown how the states could unite factionally against each other to splinter the federation, despite the role of the executive as the president of all states. Moreover, the election of Jefferson Davis in 1861 and the resulting Civil War exhibited graphically the result, morally and economically, when the states were in disaccord.

After Reconstruction, for reasons that were a complex mix of sympathy for whites in the South, concern for the economic stability of the country as a whole and anxiety at the direction of Southern politics, the executive looked to the Supreme Court to sooth the feathers of the Southern states. Jim Crow was allowed to creep into law as the U.S. Supreme Court contradicted itself repeatedly to ensure that Southern states stayed united with the North. From a legitimate point of view, allowing Jim Crow to be codified into law ensured the treatment of blacks during the segregation period was interpreted as traditionally and judicially American. It was both interpreted within the realms of the Constitution and the traditional rights of states to treat them as a separate group. Legally separated from the whites that Thomas Jefferson had declared free and equal, blacks were not free to enjoy the same entitlements as other Americans, which socially led to the obvious conclusion that they were not genuinely American. And the straightforward conclusion of this method of rationality meant that states could deny blacks such inalienable rights in matters of voting or holding legislative office and believe it was the American way, opinions that were carried over from those of the antebellum judiciary.¹²

The streetcar protests that followed the Civil War in New Orleans were remarkable when the legal and social status of slaves and the free black community in the preceding antebellum period are considered. The continual fear of revolts by slaves meant that all persons of colour were held under suspicion and restricted in any form of protest. Slaves and free people of colour were regularly arrested for illegal assembly or insubordinate behaviour and their citizenship, and all that entailed,

11 Cox, *Dixie's Daughters* 1–7.

12 Judge Spofford dissenting in *State vs. Harrison 1856*: “no colored person can be a citizen” (“The State v. Harrison, A Slave,” *Daily Picayune* 22 Jan. 1857: 4).

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withheld. Of the many social and legal segregation stipulations, transport, particularly streetcars, was the ideal vehicle to display white superiority and serve as a daily reminder to blacks of their subordinate position in white society. Northern blacks framed the issue in 1848 when black abolitionist C.L. Redmond addressed a committee of the legislature in Massachusetts: 'the wrongs inflicted and injuries received on railroads by persons of color... do not end with the termination of the route, but in effect, tend to discourage, disparage, and depress this class of citizens.' In New Orleans, although not outlined in law, streetcar segregation was practised as company policy from its inception on mule-drawn trams in the 1830s. Discussion regarding the need for a suburban railway began in the mid-1820s and the Pontchartrain Railway Company was incorporated to commence laying tracks in 1830. The first successful run on the five miles of track took place in 1831 and horses pulled six cars with double tracks completed in 1838. However, these initial cars were more suburban railway than streetcar and, though steam cars were introduced in 1832, horse- or mule-drawn cars ran alongside them as routes developed in the city. The Carrollton line, which would later become the St. Charles line, was served in 1835 by both steam and horse/mule while only horse or mule cars served the Poydras-Magazine lines. More lines developed but, as early as 1838, steam cars were seen as a 'considerable inconvenience in the neighbourhood... due to built-up thickly inhabited streets.' Yet steam and horsepower continued into the next decade with the New Orleans and Carrollton Railroad offering horse and locomotive cars alternatively throughout the day in 1847. Streetcars were extremely popular, particularly in the hotter seasons, as opposed to the poorly ventilated omnibuses. Used by all classes, they facilitated a cheap and safe means of transport for ladies travelling alone, servants with children, and businessmen going to and from work. Alternative forms of transport such as omnibuses excluded black travellers altogether while others allowed nurses with white children.

Star cars, streetcars marked with a black star, were put in place to transport people of colour but were infrequent, usually every third or fourth car and, unlike white streetcars, were not segregated. The Star car came to represent the person of colour in society; it was vulnerable to white incursion, only partially and infrequently represented and while it offered black passengers the same transport rights, such rights were marred with inconvenience. Running a business, offering services and the general functions of existing in an urban environment were made all the more difficult by the presence of the Star cars, while whites expounded on the merits of their streetcars. Such an arrangement caused friction and black commuters resisted segregation, sometimes passively passing for white or violently confronting drivers.



Figure 1. Pencil drawing by Mr. Kilburn, from a photo by James Andrews.

This is an 1857 view of Canal Street, looking almost due north from about Carondelet and Bourbon Streets. The image shows the wide neutral ground as it existed before street railroads were built and there are numerous omnibuses running in every direction.

Kilburn, View in Canal Street, New Orleans. 1857. Pencil Drawing. Image courtesy of the Boston Public Library, Boston. Ballou's Pictorial, Vol. 13:5. (Boston: M.M. Ballou, 1857) 8. Internet Archive, Web. 24 Jul. 2019.

How whites viewed blacks and their status in white society was reflected via streetcars, which illuminated regulated social separation between the races. While emancipation had outdated the conduct of the majority of founders such as Washington and Jefferson as slaveholders, their iconic place in American ideology meant that their personal beliefs continued to hold a solid place in many aspects of American interpretations of what was traditionally acceptable. This can be seen in the number of states that enforced Jim Crow laws outside the traditional slave states.¹³ Legal challenges by blacks to unequal treatment, before Jim Crow was institutionalised in Louisiana, occasionally found in favour of the plaintiff. For example, cases in the early 1860s show that the 8th Avenue Railway Company only escaped prosecution after ejecting Peter S. Porter, a black passenger, by 'admitting colored persons.' By the 1870s, the New Orleans Bulletin was complaining

13 Two-thirds of the American states had Jim Crow laws though they were primarily concentrated in the eleven former Confederate states.

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of passengers instituting proceedings and recovering damages should they be 'ejected from a streetcar or any other public convenience'.¹⁴ The Josephine Decuir transport case in the mid-1870s also found for the black plaintiff. This indicates that equal rights established during Reconstruction were functioning in the state courts before being overturned by the federal courts. Though the Supreme Court, with the collusion of the executive and congress, allowed this treatment of blacks after Reconstruction, it had not been in the history of the Southern slave states to treat blacks equally to whites regardless of their position as free or slave.

The legal history of blacks in the American states during the slavery period varied from state to state but in slave states such as Louisiana, blacks, despite their disparity of position, were strictly codified into law as a separate group from whites. Louisiana's social and legal history displays the typical and atypical characteristics of a Southern state. While it grew financially and socially prosperous alongside its Southern neighbours in what is considered the 'Deep South', its history ensures that it stands apart. The most prosperous and populous city, New Orleans, grew and thrived in much the same manner as other state cities in the South but was viewed as culturally diverse and contained the most affluent group of upper-class free blacks in the South. New Orleans was the first city in the Americas to have a black majority from its inception, forgoing the usual route taken by most cities using white indentured servants. New Orleans from the first was a slave society.¹⁵

Louisiana and Slavery

Louisiana had a long history of colonisation, first by the French from 1699, then the Spanish in 1763. Named for the Sun King, Louis XIV, Louisiana is also known as 'The Pelican State'. These birds have long nested along the Gulf of Mexico, which lies to the south coast, and along the Mississippi shores, the river which runs the entire length of the state. It was returned to France in 1803 and sold to America twenty days later. The original colony expanded 3,000 miles from the mouth of the Mississippi, north to Canada. Initially, it was a 'territory' until present-day Louisiana was separated,

14 "Riding in City Cars," *New Orleans Tribune* 26 Jul. 1864: 2; "A Voice from the North," *New Orleans Bulletin* 29 Jul. 1874: 3. *Mrs. Josephine Decuir v. John G. Benson*, 1877, 27 La. Ann. 0001, *LASC Case Files*, Louisiana and Special Collections, Earl K. Long Library, University of New Orleans.

15 Thomas N. Ingersoll, *Mammon and Manon in Early New Orleans: The First Slave Society in the Deep South* (Knoxville: University of Tennessee Press, 1999) 68; Rothman, *Slave Country* 28.

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enhanced by parishes annexed from Florida and became a state in 1812.¹⁶ Louisiana retained many of its colonial traits, including the French and Spanish languages and the division of the state into parishes instead of counties. Established as the state capital by the French and retained as such by the Spanish, New Orleans was, and remains, the most populated area in the state (though it is no longer the state capital). Since the city government dominated the parish, they were consolidated in 1805.¹⁷ The only population outside the city listed in the 1860 census was Algiers city but plantations and homes existed on the city boundaries, particularly sugar plantations along the Mississippi river known as ‘The River Road’.¹⁸ West Orleans parish was partitioned into a new parish, Jefferson, in 1825. When General Banks ordered maps to be made of the city in 1863, Orleans parish was made up of New Orleans city, swamps and bayous.¹⁹

On a crescent-shaped bank one hundred miles from the mouth of the Mississippi, New Orleans replaced Biloxi as the capital of Louisiana in 1722.²⁰ Despite complaints about the number and type of settlers arriving from France, the number of skilled artisans increased and the city quickly grew.²¹ The bulk importation of African slaves began in 1719 but not in any significant numbers after 1732, and it was not until the last decades of the century that Louisiana was repopulated by slaves from Africa and the French West Indies.²² In 1808 the American Constitution forbade the importation of foreign slaves but interstate slave trading continued as did illegal imports, so much so that in 1850 the largest markets for slave commercialism in the South took place in New Orleans.²³ Though slaves

16 Bennett H. Wall and John C. Rodrigue, eds., *Louisiana: A History* (Chichester: John Wiley and Sons, 2014) 26–128.

17 Richard J. Richardson, *Orleans Parish Offices: Notes on a City Parish Consolidation* (Orleans Parish: Bureau of Governmental Research, 1961) 5–6.

18 U.S. Census Bureau (1860), Population of the United States, “Tables 1–5: Louisiana: Classified Population of the States and Territories by Counties: 1860,” *United States Census 1860* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

19 United States, Army Military History Institute, *The Official Military Atlas of the Civil War: Map of New Orleans no. 5* (Washington: GPO, 1983).

20 Jerry Carrier, *Tapstry: The History and Consequences of America’s Complex Culture* (Algora: New York, 2014) 78.

21 John G. Clark, *New Orleans 1718–1812: An Economic History* (Baton Rouge: Louisiana State UP, 1970) 5–23.

22 Gwendolyn Midlow Hall, *Africans in Colonial Louisiana* (Baton Rouge: Louisiana State UP, 1995) 57–95; Gilbert C. Din, *Spaniards, Planters and Slaves: The Spanish Regulation of Slavery in Louisiana, 1763–1803* (College Station: Texas A&M UP, 1999) 5–10, 122.

23 James E. Alexander, *Transatlantic Sketches*, Vol. 2 (London: Richard Bentley, 1833) 26.

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made up just less than half the population, they constituted three-fifths of the population outside of New Orleans.²⁴ From 1724 Louisiana used the French *Code Noir* based on regulations already in force in the French territories of the Caribbean.²⁵ Some of these laws changed as time went by, such as the ability of a slave to own property, to purchase their freedom or to be manumitted. However, aspects of this *Code Noir* remained in force throughout the slave period such as the proscription of miscegenation and the inability to bear witness or to make contracts.²⁶ These laws ensured that slaves were not in a position of legal equality with whites of any class and as slavery and abolition became the issues of the day, restrictions on slave movement and rights increased. On the eve of the Civil War, slaves in Louisiana could not be manumitted, either by their own purchase or on their master's request. For almost one hundred and forty years Louisiana law gave permission to slave owners to compel productive labour and use force if necessary, though it usually set limits on what force was permitted.²⁷ Slave rebellions occurred all over the South and Louisiana was no exception. In 1811 approximately 500 slaves from the plantations around New Orleans unsuccessfully attempted to take the city. The revolt was quashed but served as a warning to white Louisianans to increase vigilance amongst their slaves and put prohibitions on their everyday life.²⁸ Rebellion simmered among slaves in a variety of ways from individual physical acts of rebellion to theft from masters. In the 1830s the English soldier and traveller J.E. Alexander recorded handbills being passed around inciting slaves to rise against their masters despite or maybe because of the circumscription of freedoms.²⁹

About half of all slaves lived in only nine parishes. The parishes with the largest plantations were in the north east but large plantations were also situated in central and southern Louisiana. The population of slaves made

24 U.S. Census Bureau (1860), *Census of Population, Nativity and Occupation* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

25 "Code Noir 1724" in B.R. French, *Historical Collections of Louisiana: Embracing Translations of Many Rare and Valuable Documents Relating to the Natural, Civil, and Political History of that State* (New York: D. Appleton, 1851) 89–95.

26 Thomas G. Morgan, ed., *Civil Code of the State of Louisiana with the Statutory Amendments from 1825 to 1853 Inclusive and References to the Decisions of the Supreme Court of Louisiana to the Sixth Volume of Annual Reports* (New Orleans: Bloomfield and Steel, 1861) 14, 28.

27 Thomas D. Morris, *Southern Slavery and the Law: 1619–1860* (Chapel Hill: University of North Carolina Press, 1996) 1.

28 Daniel Rasmussen, *American Uprising: The Untold Story of America's Largest Slave Revolt* (New York: Harper Collins, 2011) 83–114.

29 Alexander, *Transatlantic* 19.

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up over seventy percent of the total population in each of these parishes.³⁰ The highest number of slaves per parish was in the north-east cotton areas and southern sugar parishes, particularly in the south east. The highest number of slaves was held in the central parish of Rapides, which produced high volumes of both sugar and cotton. The lowest number was in the undeveloped parish area of Calcasieu in the south west, which in contrast to Rapides also had a higher number of free blacks.³¹

The state was traditionally divided between the Catholic south, with its French and Spanish influences, and the Protestant north, from the English, German and Scots-Irish persuasion. Though both north and south experienced areas of growth using slave labour on plantations, they also contained large numbers of whites who were non-slave-owning. The state capital was moved to Baton Rouge in 1849 in order to move political power to a more state-centralised city. The New Orleans population was also growing too large and outbreaks of yellow fever were becoming more frequent. Louisiana's integration into the Atlantic mercantile system and its increasing prosperity in the nineteenth century led to sharpened class and race divisions. As Louisiana became more Americanised there was a boom in commercialised sugar and cotton, and successful white planters and merchants became richer and more politically influential than any other group in the state.³² Of the sugar parishes in the south, Orleans parish had the smallest number of holdings containing slaves at ten.³³ A breakdown of the Orleans population prior to the Civil War in 1860 shows that the majority of both Orleans parish and the city of New Orleans were white. The census refers to most free blacks as 'mulattos', people of mixed black and white ancestry, while the majority of slaves were classified as 'black', with little or no white ancestry. However, this was not the rule as newspaper adverts throughout the antebellum period continually refer to slaves who were black, yellow or could pass for white.³⁴ One runaway girl

30 Joseph K. Menn, *The Large Slaveholders of Louisiana—1860* (New Orleans: Pelican Publishing Company, 2000) 1–5.

31 U.S. Census Bureau (1860), Population of the United States, "Tables 1–5: Louisiana: Classified Population of the States and Territories by Counties: 1860," *United States Census 1860* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

32 Bennett, *Louisiana* 42–43, 149–155, 165–166.

33 Menn, *Large Slaveholders* 7.

34 "In the Parish Court," *Orleans Gazette and Commercial Advertiser* 12 Apr. 1820: 1; "In the Parish Court," *New Orleans Argus* 13 Apr. 1825: 3; E.G. Lemaitre, "Ten Dollar Reward," *Abeille* 17 Nov. 1830: 2; Jas Taylor, "Caution to Shipmasters and Masters of Steamboats," *Daily Picayune* 8 May 1837: 3; J.A. Vance, "\$100 Reward," *Daily Picayune* 19 Jun. 1845: 3; "Ran Away—The Negro Boy JOE," *Daily Picayune* 3 Nov. 1855: 4.

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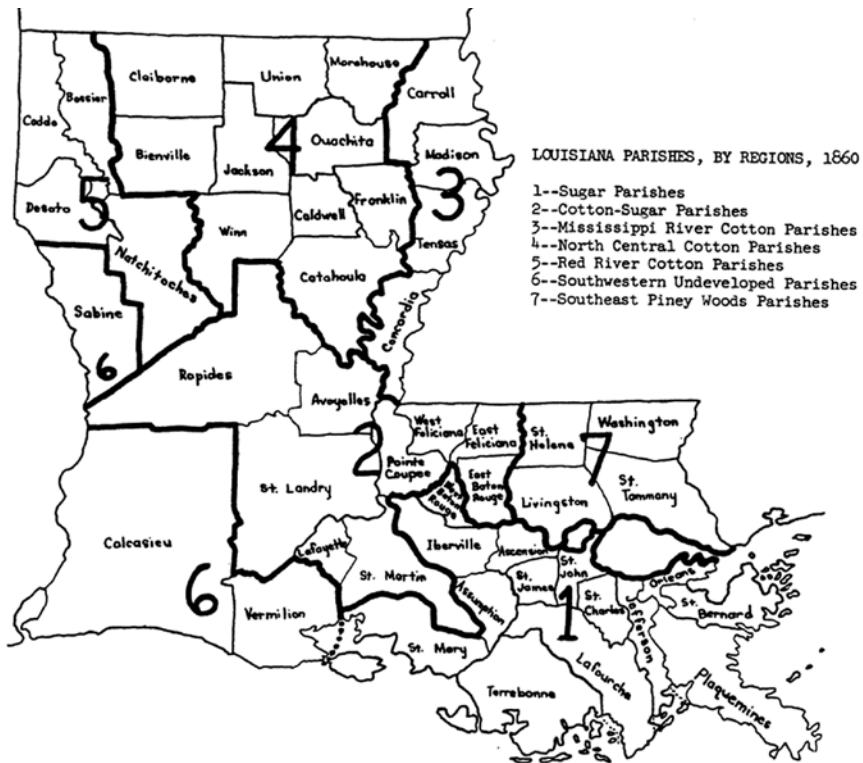


Figure 2. Map of the Parishes of Louisiana, 1860.

Menn, Large Slaveholders 5. Image by kind permission of Kathleen C. Nettleton.

in New Orleans was described as having auburn hair and the appearance of a German girl.³⁵ Furthermore, less than eight percent of slaves and less than three percent of free blacks in the parish resided outside the city across the river in Algiers city, which in 1870 became part of New Orleans, forming the fifteenth Ward.³⁶ Tables 1 and 2 show that while the majority of Louisiana's population remained enslaved and legally black, the New Orleans majority was white and free.³⁷

35 Judith K. Schafer, "New Orleans Slavery in 1850 as Seen in Advertisements," *Journal of Southern History* 47:1 (1981): 33–56.

36 U.S. Census Bureau (1860) Table 3: Louisiana, "Table 1–5: Louisiana: Classified Population of the States and Territories by Counties: 1860," *United States Census 1860* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

37 U.S. Census Bureau (1860), *Census of Population, Nativity and Occupation* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

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Table 1. Population of Orleans Parish and New Orleans, 1861

| Population | Orleans Parish | New Orleans City |
|--------------------------|----------------|------------------|
| White | 149,063 | 144,001 |
| Free Mulatto | 8,459 | |
| Free Black | 2,480 | |
| Slave Mulatto | 3,593 | |
| Slave Black | 10,891 | |
| Total Mulatto | 12,052 | |
| Total Black | 13,371 | |
| Total Black/Mulatto Free | 10,939 | 10,689 |
| Total Slave | 14,484 | 13,385 |
| Total: | 174,491 | 168,075 |

Table 2. Population of Louisiana outside Orleans Parish, 1860

| Population | Parishes Outside Orleans |
|---------------------|--------------------------|
| Total White | 208,561 |
| Free Mulatto | 6,699 |
| Free Black | 1,009 |
| Total Free Coloured | 7,708 |
| Slave Mulatto | 29,030 |
| Slave Black | 288,212 |
| Total Slave | 317,242 |
| Total | 533,511 |

Colonial Slavery and the Law

The French *Code Noir* was introduced in 1724 and grouped people of colour, regardless of status or class, as one homogeneous group. In law, slave and free persons, either freeborn or manumitted, came under the black code, setting the tone for the next century. It prohibited miscegenation, the gathering of slaves in groups, the ability to own or inherit and demanded respect both physically and verbally for whites, particularly for previous masters if slaves had gained freedom. However, the law also stipulated certain codes of conduct for masters towards slaves, such as not working them on Sundays or forcing them into unwanted marriages with other slaves. Provisions had to be given to slaves regarding clothing, food and

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care in times of illness. Masters also had to pay for the keep of slaves that had been abandoned. Slave spouses could not be separated if owned by the same master and children under fourteen could not be sold away from mothers.³⁸ In the Spanish colonial period (1762–1799) free blacks became more numerous because of policies designed to enable slaves to buy their freedom. When the Spanish crown introduced a standard code, the *Código Negro*, in the late 1770s, planters saw the legislation as a challenge to their personal authority with slaves as it expanded the rights of free blacks. Though similar in most aspects to the *Code Noir* which it replaced, the Spanish code reflected a more religious mediation with slaves and required masters to facilitate slave marriages even if it meant purchasing a spouse. The compulsory practice of *Coartacion* that allowed slaves to manumit themselves at a price or have their freedom bought by others was a divergence from the restrictive manumissions under the *Code Noir*.³⁹ While in practice slaves and free blacks had access to legal redress, Spain continued the practice of holding slaves and free blacks together as a homogeneous group under the law. Planters dissatisfied with the legal position of slaves created the *Code Noir Ou Loi Municipale*, a more restrictive version of the *Code Noir*, but though sanctioned by the planter councillors of the Calibo, it was never endorsed by the governor.⁴⁰ Historians dispute to what extent the *Código Negro* was implemented but evidence from court records show that compulsory manumission was in use until it became defunct in 1794.⁴¹ The unpopularity of the Spanish slave codes among masters across the colonies meant they were enforced but that due to their unpopularity local customs would have remained in use. New Orleans planters would have used local customs in the form of that which was acceptable to the Calibo since the council had approved the *Code Noir Ou Loi Municipale*. The status of slaves in the colonies and their treatment under different regimes has long been debated historically.⁴² In New Orleans the presence of so many masters of

38 “Code Noir 1724” in B.R. French, *Historical Collections* 89–95.

39 Jennifer M. Spear, *Race, Sex and Social Order in Early New Orleans* (Baltimore: Johns Hopkins UP, 2009) 104–107.

40 Spear, *Race* 104.

41 “Suit by Free Negro to Purchase Freedom of Brother 23 Sept. 1784,” Colonial Documents, *Louisiana Historical Collection*, Louisiana State Museum; “Suit by Slave to Purchase Emancipation 19 Nov. 1784,” Colonial Documents, *Louisiana Historical Collection*, Louisiana State Museum; Ingersoll, *Mammon* 235; Spear, *Race* 104; Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard UP 2000) 221. Ingersoll, Spear and Berlin argue to different extents how the *Código Negro* was implemented.

42 See H. Johnson, *The Negro in the New World* (London: Methuen, 1910) 89; Frank Tennenbaum, *Slave and Citizen: The Negro in the Americas* (Boston: Beacon, 1946) 127.

different nationalities with a contested law system would make the slave experience one that depended on the compliance of the master to the law and the willingness of the law to intervene.

American Slavery

When American Louisiana sought to determine its own codes in 1808 these resembled the *Code Noir*, but the interests of the slave were restricted and vague. The religious emphasis that was heavily present in the *Codigo Negro* was notably absent. Miscegenation remained illegal, but while free blacks could marry slaves in colonial times, it was forbidden in the American system. Slaves could no longer become tutors or claim manumission. Redress for slaves with cruel masters was available, but the mechanism of how that was possible was neglected. As in the colonial era, punishment for slaves was to be administered by the authorities but while the French system dictated how masters could punish slaves for non-criminal infringements, the American system vaguely suggested refraining from punishment with 'unusual rigor.'⁴³ One change was the removal of *Coartacion* so masters were no longer compelled to free their slaves. In fact laws passed between 1825 and 1853 show that manumission became increasingly difficult.⁴⁴ Masters had to pay for their transfer to Africa and manumitted slaves had to leave the states within a year. Slaves could not be freed before the age of thirty and their masters also had to reach the age of thirty or else seek a court order. More restrictions followed which required any slave freed to be a native of Louisiana and masters were required to remain financially responsible for slaves they manumitted should they become destitute or ill, a requirement that was clearly discouraging.⁴⁵ The New Orleans Ordinances that were in place throughout the antebellum period continued to treat free persons of colour and slaves as one group.⁴⁶

Alongside accounts from newspapers, travel writers and observers, these laws provide insight into the status of black people as slaves and their place in New Orleans society both *de jure* and *de facto*. They also provide a picture of how slaves pushed against these laws on a daily basis, providing the

43 *A Digest of the Civil Laws Now in Force in the Territory of Orleans with Alterations and Amendments Adapted to its Present System of Government* (New Orleans: Bradford and Anderson, 1808) Book 1, Title VI, Chapter III.

44 Morgan, *Civil Code* 28.

45 Morgan, *Civil Code* 28–33.

46 Henry J. Leovy, *The Laws and General Ordinances of the City of New Orleans: Together with the Acts of the Legislature, Decisions of the Supreme Court and Constitutional Provisions Relating to the City Government: Revised and Digested Pursuant to an Order of the Common Council* (New Orleans: E.C. Wharton, 1857).

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groundwork for protest of their status when emancipation eventually came. That slaves were entirely in the power of the master by law was not disputed, but how far a master's power extended also depended on slaves. Slaves' cases brought to court were occasionally dismissed and punishment left to the discretion of masters; descriptions of runaway slaves in advertisements highlighted cruel treatment.⁴⁷ Despite this, William Goodell, writing on the American slave codes in 1853, described the Louisiana law codes as 'refreshing' in that slaves were 'real estate' and 'immoveable objects' so that, at least in law, slave families could not be separated. He largely put this down to the progressiveness of the Spanish and French slave policies.⁴⁸ J.E. Alexander raised the same point of law on his visit to New Orleans, but found the *de facto* to be the opposite, for slaves rarely had an avenue of legal redress and most judges and juries were slaveholders themselves.⁴⁹ On the other hand, masters could not abandon old or infirm slaves and were compelled to pay for their keep should this happen. Unfortunately, this was something that led masters to anonymously dump aged slaves on the streets of New Orleans, a practice condemned by local white newspapers as 'inhumane'.⁵⁰

Newspaper reports and advertisements for slaves listed them in domestic service, trade, dock work or other urban occupations, or as slaves on the surrounding plantations. Lists of occupations that appeared with slaves for sale or as fugitives in New Orleans newspapers often described slaves who held skilled positions such as mechanics, engineers, printing office rollers, blacksmiths, coopers, locksmiths, barbers and tailors.⁵¹ The black code granted all wages earned by slaves to their owner. However, New Orleans Ordinances assumed that slaves did have independent earnings. Selling alcohol to slaves was prohibited and renting anything or buying anything over \$5 from a slave was forbidden. Yet newspapers reported slaves buying stolen goods and drinking, and masters could stipulate small independent earnings by the slave.⁵² This independence was widely debated

47 "Discharged," *Daily Picayune* 1 Sept. 1852: 2; Judith K. Schafer, "New Orleans Slavery in 1850 as Seen in Advertisements," *Journal of Southern History* 47.1 (1981): 33–56.

48 William Goodell, *The American Slave Code in Theory and Practice: Its Distinctive Features Shown by Its Statutes, Judicial Decisions, and Illustrative Facts* (New York: American and Foreign Antislavery Society, 1853) 46–48.

49 Alexander, *Transatlantic* 193.

50 "Inhumane," *Daily Picayune* 14 Jan. 1857: 8; "Black Woman Found Dead," *Daily Picayune* 28 Aug. 1853: 5.

51 Schafer, "New Orleans Slavery" 33–56.

52 Goodell, *Slave Code* 90; "City Council of New Orleans," *Louisiana Advertiser* 11 Dec. 1820: 4; "Selling Liquor to Slaves: Fined \$100," *Daily Picayune* 14 Jul. 1853: 1;

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among plantation owners in agricultural periodicals as planters struggled with the concept of granting small plots, gifts or liberty to trade to their slaves. These practices varied with each master and could strain the bonds between master and slave as ‘cash economics brought hope to the enslaved and made resistance more tenable’.⁵³ These small independences were also curtailed by the authority of the law, which demanded the master’s written permission before allowing a slave to mount a horse or be out after the slave curfew. Slaves theoretically could not verify the permission slip as teaching a slave to read or write in Louisiana carried a penalty of one-year imprisonment. However, masters reported literate runaways they suspected could forge their own passes.⁵⁴ Occupations such as dray driver allowed slaves to develop their own autonomy. The business of collecting and delivering involved no supervision and accounts of slaves challenging white drivers or racing their horses frequented the papers.⁵⁵ One slave, on being threatened by a white driver, replied ‘Massa own my Head... you break him, you pay for him.’⁵⁶ The other white driver was forced to give way because the law also compensated damage or assault on slaves, which occasionally worked in the slave’s favour.⁵⁷

Slave work within the cities allowed freedmen to contract paid labour after emancipation and provided a training ground for skilled occupations. It seems that slaves were used by the streetcar companies but not on the actual cars. When it was alleged in 1849 that a white boy was pushed off a car by a ‘negro belonging to the company’ the court found for the New Orleans and Carrollton Railroad which was able to show they never had ‘a negro employed on the horse-cars; that their negroes only worked on the locomotives and at the depots’.⁵⁸ This is in contrast to the railways that would crisscross the South and where ‘slaves were excluded from only a small minority of skilled positions such as engineer or stationmaster’.⁵⁹ For female slaves, domestic training resulted from roles allocated as household servants and nannies, and as a result many slave women lived in close contact

“Selling Liquor to Slaves,” *Daily Picayune* 11 Jan. 1854: 2; “Demoralization of Servants,” *Daily Picayune* 6 Oct. 1858: 2.

53 Kathleen M. Hilliard, *Masters, Slaves and Exchange: Power’s Purchase in the Old South* (New York: Cambridge UP, 2014) 15–17.

54 Goodell, *Slave Code* 90; “Runaway,” *Orleans Gazette* 5 Oct. 1807: 1.

55 “Another Ethiopian Fracas,” *Times Picayune* 21 Jun. 1837: 2; “Home Department,” *Daily True Delta* 21 Aug. 1859: 5.

56 “The Weather-Our City,” *Daily Picayune* 8 Dec. 1849: 4.

57 “City Intelligence,” *Daily Picayune* 4 Sept. 1855: 4.

58 “The Courts,” *Daily Picayune* 23 Jun. 1849: 2.

59 Aaron Marrs, *Railroads in the Old South: Pursuing Progress in a Slave Society* (Baltimore: Johns Hopkins UP, 2009) 8, 55–57.

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domestically and interacted closely with white society due to the responsibilities of childcare. Female servants used the streetcars to take children around the city and a special 'servant (slave's ticket) fare' was equal to the children's fare of 10 cents.⁶⁰

The terms 'servant' and 'slave' were interchangeable in antebellum New Orleans and 'servants' who worked in hotels and resorts or households were often advertised for sale at auction.⁶¹ Due to its size and large black population, New Orleans offered considerable freedom for slaves regardless of the law.⁶² Slaves were often in close enough contact with rich masters to emulate their lifestyle and masters allowed household slaves to hold balls. The law forbade slaves to gather without permission except on Sundays and not at balls with free blacks. All of this was disregarded frequently as large numbers of slaves were continually arrested for illegal gatherings.⁶³ The size and anonymity of the city also facilitated escape from servitude. Many slaves simply stopped returning to their masters and when physically returned would leave again. In 1828, the *New Orleans Argus* printed long lists of runaway slaves in the city.⁶⁴ English traveller and writer Robert Everest reported that one percent of fugitive slaves arrested in New Orleans in 1853 were continually absent from their owners and census records for 1850 show Louisiana had the second-highest number of fugitive slaves among the slave states.⁶⁵ Though many slaves would run out of the city, others could simply move to another district and claim to be free. Unless questioned by police or reported, this was often a viable option to set up independently, though arrests of large numbers of slaves from around the city were recurrent.⁶⁶ The *Daily Picayune* reported the arrest of 'Jane' in 1848, a slave who had passed herself off as free, the story making the papers

60 "Reduction of the Fare," *Jeffersonian Republican* 16 Dec. 1846: 4; "From Carrollton," *Daily Picayune* 22 Mar. 1854: 4.

61 "For Sale as House Servants," *Abeille* 18 Apr. 1831: 2; "Sales at Auction," *New Orleans Commercial Bulletin* 11 Nov. 1833: 3.

62 John Blassingame, *Black New Orleans, 1860–1880* (Chicago: University of Chicago, 1973) 8.

63 "The City," *Daily Picayune* 3 Jan. 1846: 2; "Master and Slave," *Daily Picayune* 31 Jul. 1850: 2; "The City," *Daily Picayune* 11 Jan. 1857: 1; "Ordered (Drowned)," *Times Picayune* 2 Aug. 1858: 1; "The City," *Daily Picayune* 24 Aug. 1858: 1.

64 "Runaway Negros," *New Orleans Argus* 16 Aug. 1828: 1.

65 Robert Everest, *Everest's Journey Through the United States and Parts of Canada* (Carlisle: Applewood Books, 1855) 108–110; U.S. Census Bureau (1860) Table 5: "Louisiana. Classified Population of the States and Territories by Counties: 1860," *United States Census 1860* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

66 "City Intelligence," *Daily Picayune* 1 Sept. 1852: 2.

because she had lived in the next municipality to her master for seven years without capture.⁶⁷ The large number of free blacks who often shared the same professions and streets with slaves provided a cover that slaves could escape to, provided they lived quietly and went unchallenged. Yet some refused to run or be constrained by inferior status. The 'Buck Darkies' that asserted their independence on city streets irked one newspaper editor into devoting a full article on their behaviour, attire and demeanour. Though slaves, these extremely well-dressed 'bucks' spent their days on street corners in groups, showing no deference to white men or women, smoking cigars and insulting the dress and appearance of passers-by. Other slaves were arrested for physical attacks on masters, masters' families or the police. One case where a slave was hanged for murdering his master caused a small riot by whites against the executioner because he aroused their sympathy.⁶⁸

Slaves also found in religion a haven to vent their emotions, fears, frustrations and happiness. Masters often instructed slaves in religion, and though Voodoo held measurable sway over a large section of the black community, slaves also attended Methodist and Baptist churches which were worth in excess of \$5,000 in 1860. These churches would form the foundations of the black communities as the Civil War came to an end and help to reunite black families after the war. Whites were suspicious of assemblies of blacks and free black churches had to have a police officer present in order to quell any antagonistic preaching against masters.⁶⁹ Majority black Catholic congregations began developing in the years before the Civil War, though no such resources were available to free and enslaved blacks in the river parishes or anywhere in the state outside of New Orleans.⁷⁰

Despite the freedoms that city slavery often offered, slave family life suffered the same fractures as plantation families. While the law prohibited the sale of children under ten years of age without mothers, such children were often advertised as such and the rarity of whole family groups sold together under the master's stipulation indicates that slave families were highly vulnerable to dislocation through sale.⁷¹ A severe strain also resulted from ownership of slave women by white masters in a city where white men outnumbered white women by almost 6,000 while slave women

67 "City Intelligence," *Daily Picayune* 9 Mar. 1848: 4.

68 "City Intelligence," *Daily Picayune* 22 Oct. 1847: 2; "City Intelligence," *Daily Picayune* 9 Jun. 1848: 2; "Striking With A Stone," *Daily Picayune* 5 Sept. 1850: 2; "Execution of a Murderer," *Daily Picayune* 22 Sept. 1855: 2; "Unlawful Assemblies," *Daily Picayune* 2 Dec. 1857: 4.

69 Blassingame, *Black New Orleans* 6-7.

70 Lori R. Pastor, "Black Catholicism: Religion and Slavery in Antebellum Louisiana," diss. Louisiana State University and Agricultural and Mechanical College, 2005: 25.

71 Schafer, "New Orleans Slavery" 33-56.

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outnumbered slave men by 2,621.⁷² Despite these figures, reports in New Orleans newspapers complained that hundreds of domestic slaves set up households with little interference from masters.⁷³ However, the reality of the high number of people with mixed ancestry in the city suggests slave women, married or otherwise, were at the will of white masters. This situation and the nineteenth-century belief that black women were inherently sexually aggressive led in part to white moral justification for segregation, particularly on transport, after Reconstruction. Stereotypes of black promiscuity and inferiority would continue to undermine the black family for future generations.⁷⁴

Despite the obstacles slaves in New Orleans faced, their successful acclimatisation to freedom was aided by their relative independence in contrast to plantation slaves. The size of New Orleans as a city and a seaport meant that owners could not exercise the same stringent control as plantation masters where slaves were easily recognisable and generally static. Their skills and often their autonomy in the workplace allowed them the ability to function independently and provide for themselves and their families after the Civil War. The presence of free blacks further eased their transition to freedom as whites were accustomed to independent black traders, business people and black people of means. That slaves were compelled to wear badges in the city identifying themselves reveals the anonymity the city allowed blacks both free and as slaves, while the balls and the churches allowed at least a modicum of independent culture and an expression of freedom. Despite these factors in New Orleans, the shift from slavery to freedom was not an easy transition. Louisiana seceded from the Union in January 1861 but was distinct among the Southern states in that it had strong economic ties with the North and supported many of the taxes and tariffs that other Southern states resented. However, it was begrudgingly tied tightly to the North for credit and banking, and took exception to the intrusion of the North on the slavery system, which had become part of the culture of the state. By 1862, New Orleans and Baton Rouge were successfully taken by Union soldiers, though larger areas of Louisiana held out. Though the important ports at New Orleans and Baton Rouge helped divide the Confederate army, Louisiana did not officially surrender until 1865. The law regarding slaves

72 U.S. Census Bureau (1860) Table 1–2: Louisiana, Classified Population of the States and Territories by Counties: 1860, *United States Census 1860* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

73 “Master and Slave,” *Daily Picayune* 27 Jan. 1859: 1.

74 Edward E. Baptist, “‘Cuffy,’ ‘Fancy Maids,’ and ‘One Eyed Men’: Rape, Commodification, and the Domestic Slave Trade in the United States,” *American Historical Review* 106.5 (2001): 1619–1650.

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was ambiguous, as many refugees left the plantations and moved into New Orleans city which struggled to hold them. By March 1863 twenty-nine percent of the slaves from fifteen plantations around New Orleans were fugitives.⁷⁵ Union General Nathaniel Banks dealt with this by rounding up black 'vagrants' and placing them on plantations to work for wages. Though in theory free labour, this amounted to peonage and blacks were subjected to many of the same treatments they had experienced under slavery. When not returned to the plantations, slaves could also be rounded up in and out of plantations and conscripted. Free blacks were also caught up in the net as conscription officers entered their homes. Not until the beginning of the next year in January 1864 did Banks finally suspend slavery in the state. After the war ended, depression and poverty remained but freedmen soon found their way in the New Orleans economy. Skills gained as slaves meant they were able to compete successfully in non-professional occupations and many had become literate as a result of army service. Of the 200,000 black troops that served in the Union forces, 24,000 were from Louisiana, the largest number from any one state.⁷⁶ The occupations of many freedmen included work in retail groceries, cigar factories, tailoring shops and brokerage houses where they remained until frozen out by white unions in the twentieth century.⁷⁷ General Benjamin Butler and General Nathaniel Banks, who succeeded him, both administered martial law in the city during 1862 to 1865 and, though this caused white resentment, the policies extended more severely to people of colour regardless of slave or free status. This involved returning slaves to their plantations either as slaves or as contracted workers, and withholding relief to black families to encourage compliance.⁷⁸ Treating slaves and free blacks in the same manner ensured free blacks were aware of their alignment by white authorities to slaves, rather than other free whites, an experience that would unite all people of colour after the war.

Free People of Colour

Writing thirty years after the end of slavery, the Marquis De Gournay, former editor of the *Daily Picayune*, highlighted the distinct social separation between blacks who had gained their freedom through manumission and

⁷⁵ Blassingame, *Black New Orleans* 26. In 1860, Orleans parish had only twelve large plantations with three further large slaveholdings owned by brick masons and builders. See: Menn, *Large Slaveholders* 86, 98.

⁷⁶ Charles Vincent, *The African American Experience in Louisiana: From the Civil War to Jim Crow* (Lafayette: University of Southwestern Louisiana, 2000) 122.

⁷⁷ Blassingame, *Black New Orleans* 49.

⁷⁸ Blassingame, *Black New Orleans* 25–47.

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the black aristocracy who had been free for generations.⁷⁹ These creoles of colour counted blacks amongst their number but were generally mulatto, though often having the appearance of whites.⁸⁰ De Gournay describes them as descendants of French colonialists, whose property they had inherited as well as their names. Wills from the colonial period show Andre Destrehan Jung left his children from both free black women and slaves thousands of pounds in 1784.⁸¹ During the colonial period, French and Spanish men took black women as their mistresses and wives, openly living with them, recognising their mulatto children and furnishing them with land and financial assistance.⁸² Letters from leading citizens to the governor cited complaints that ranged from black dominance of artisan trades, miscegenation and impudence towards ladies to opulent displays of wealth that threatened the distinctions between the races.⁸³ At the end of the colonial period, Ira Berlin describes free blacks standing apart from their counterparts in revolutionary America in position and privileges.⁸⁴ As their numbers grew so did white resentment due to fears that white dominance would be blurred by this separate class of people who often appeared white, were of means and education, yet who were classed separately and whose inheritance usually resulted from illegitimate birth. Despite local *Code Noirs*, free blacks in Louisiana were protected by colonial rule because France and Spain imposed their rule firmly, often protecting free black rights because whites often posed more of a threat to metropolitan rule from Europe.⁸⁵

Though all the cities in Louisiana were imprinted with the mixed cultures that lived in them, New Orleans in particular was home to many French-speaking free blacks, whose numbers had increased as a result of the Haitian revolution. Free blacks were also known as free people of colour, *Gens de Couleur Libre*, free mulatto or creoles of colour and predominantly habituated in the southern parishes.⁸⁶ Approximately 6,000 were spread across the southern parishes before the Civil War with just under 1,000 in

79 Paul F. De Gournay, "The Free Men of Color of Louisiana," *Lippincott's Monthly Magazine* (April 1894): 511–517.

80 Creoles were whites and blacks descended from French and Spanish colonialists.

81 "Andre Destrehan Jung Succession 14 Sept. 1784," Colonial Documents, *Louisiana Historical Collection*, Louisiana State Museum.

82 Loren Schwenger, "Antebellum Free Persons of Color in Postbellum Louisiana," *Louisiana History* 30.4 (1989): 345–364.

83 Ingersoll, *Mammon* 232.

84 Berlin, *Slaves* 108.

85 Berlin, *Slaves* 108–131; Ingersoll (*Mammon* 232) argues that this was not the case and free blacks were not a 'buffer' class in colonial Louisiana.

86 Free people of colour usually had "f.m.c." (free man of colour) or "f.w.c." (free woman of colour) affixed after their name.

the north–south border parish of Natchitoches and the remainder of just over 500 free blacks scattered across the northern parishes.⁸⁷ Governor Étienne Périer, the eighth governor of Louisiana, freed a small group of black Africans for their service in killing peaceful indigenous natives in 1729. This policy was successful in demonstrating to slaves that they would have to kill and make enemies of the natives in order to obtain freedom, while simultaneously ensuring that natives and slaves did not form alliances against whites. Prior to this the first recorded free blacks arrived in New Orleans in 1719. A mixture of domestic servants, labourers and men of money, they were able to petition the courts successfully against whites.⁸⁸ The status of freedom, however, was revocable and re-enslavement could be used as a punishment for harbouring slaves.⁸⁹ As the century progressed, slaves became an expensive, often-scarce commodity due to the inability of planters to produce enough goods to buy them. As a result, manumissions were infrequent and French attitudes to free blacks as a ‘disorderly social element’ were no less condescending than their counterparts in the English colonies.⁹⁰ Attempts were made to segregate free blacks from slaves by employing them as overseers, which set them physically and mentally apart, an unpopular position that continued well into the American period.⁹¹ Under the Spanish colonial period from 1762 to 1799, free blacks became more numerous because of policies designed to enable slaves to buy their freedom. However, their precarious position in slaveholding society became no more stable as planters continued to enforce racial hierarchies.

Free People of Colour in American Louisiana

Wealth was influence but for free blacks it had restrictions from the early days of American Louisiana. The rise of the planter class as the political elite resulted from opposition formed to Thomas Jefferson’s appointed Governor Claiborne, a Tennessee planter. From the first, free black militiamen, formed under French then Spanish rule, lobbied Claiborne for recognition, and the unusual existence of an armed free black group in an American

87 U.S. Census Bureau (1860) Table 1–4: “Louisiana. Classified Population of the States and Territories by Counties: 1860,” *United States Census 1860* (Washington: United States Census Bureau, 1864) Web. 12 Mar. 2015.

88 *Bernard v. Dumanoir*, 26 Jul., 20 Sept. 1724, Colonial Documents, *Louisiana Historical Collection*, Louisiana State Museum.

89 “Code Noir 1724” in B.R. French, *Historical Collections* 89–95.

90 Ingersoll, *Mammon* 137.

91 “Negro Overseer Killed,” *Daily Picayune* 17 Apr. 1849: 2; “Free Negro Overseer Killed by Slave,” *Daily Picayune* 14 Jul. 1853: 1.

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state antagonised American legislators.⁹² Gradually, because of Claiborne's animosity and later support, they lost official standing and their leverage for equal treatment with whites.⁹³ While French and Spanish whites were divided among themselves opposing new white immigrants, they also united with white Americans to prevent free blacks entering politics and opposed the experimental transatlantic slavery ban in 1804, a ban that was abandoned in 1805.⁹⁴ Slaveholders in other states quickly saw slaveholders in Louisiana as their allies and the transition from colony to state was relatively smooth, being cemented in 1815 when they defended Louisiana as an American state in the Battle of New Orleans. Free blacks also established their position to some extent as free black battalions also fought successfully in the battle, both as officers and men (albeit under the command of senior white officers).

By 1820, the black population both free and slave still outnumbered the white population. Segregating the early streetcars was a reaction to white minority status as it allowed them to assert their privileged position visually throughout the city. By early 1825, a railroad line from downtown New Orleans to Lake Pontchartrain had been conceived and was achieved in 1831. Six cars were pulled by horses to what would become a thriving resort on the lake.⁹⁵ By 1833, cars to the lake advertised 'separate cars for persons of colour'.⁹⁶ Among the free black population free women outnumbered free men by a ratio of three to two, a trend that would continue into the next century.⁹⁷ Despite restrictions imposed in the decade after the Louisiana purchase which denied free blacks political rights and curtailed their civil liberties, an important aspect of the transition from colony to American state for free blacks was their ability to enjoy the same property rights as whites which had passed through from the original *Code Noir*. This motivated black real-estate investment and for many free blacks influence accompanied wealth. Existing scholarship figures indicate that while much has been made of the wealth of free people of colour it was concentrated into small numbers

92 Kimberly Hanger, *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans 1769–1803* (Durham: Duke University, 2002) 171–176.

93 James G. Hollandsworth, *The Louisiana Native Guards* (Baton Rouge: Louisiana State UP, 1998) 2–3; Bernard C. Nalty, *Strength for the Fight: A History of Black Americans in the Military* (New York: Free Press, 1986) 23–25.

94 Ingersoll, *Mammon* 244–245.

95 L.C. Hennick and E.H. Charlton, *The Streetcars of New Orleans* (Gretna: Jackson Square, 2005) 5.

96 "Railroad," *New Orleans Commercial Bulletin* 9 Nov. 1833: 4.

97 U.S. Census Bureau (1820), Population of the United States, "Louisiana: Aggregate Amount of Each Description of Persons in the United States and their Territories: 1820," *United States Census 1820* (Washington: United States Census Bureau, 1821) Web. 12 Mar. 2015.

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of the elite and was only 2.2 percent of the city's wealth.⁹⁸ However, this is a substantial accumulation considering that on the eve of the Civil War the entire free black community represented just five percent of the population. De Gournay and other contemporary sources declare larger figures, with De Gournay citing one-fifth of taxable property in New Orleans in the hands of free people of colour a few years before the War.⁹⁹ Free people of colour were proportionally less likely to accumulate wealth than whites in New Orleans or Louisiana, but they were better off in economic terms than whites in the North East, North West and foreign-born Americans.¹⁰⁰ Louisiana's free black population was the biggest in the Deep South with social, economic and legal positions that far exceeded even substantial comparable communities in other states. Although perhaps the opulence of the free black elite may have made them noteworthy, by 1860 only ten percent of free blacks in New Orleans were classified as common labourers. Instead, they dominated trades such as mechanics, carpenters, shoemakers, barbers and tailors.¹⁰¹ This was despite competition from large numbers of Irish and German immigrants who came to New Orleans during and after the 1840s. In contrast to slaves, they were free to bring civil actions against whites, had equal protection of property and contract rights, and could engage in all business. In 1856 the Louisiana Supreme Court found laws relating to slaves and free coloured persons unconstitutional because, 'free people of colour are with the exception of jury service, military service, political rights and certain social privileges all the different from the slave than they are from a white person'. Dissenting Judge Spofford summed up what these exceptions meant in New Orleans: 'No white person can be a slave, no colored person a citizen.'¹⁰² Spofford's argument, however, depended on there being a clear distinction between the two races, whereas the lived reality was quite different, a difference that would later put streetcar conductors in a bind since they had to judge the racial makeup of their passengers.

Despite these restrictions and the growing limitations put on manumissions prior to the Civil War, free blacks continued to grow in numbers and prosper, and their position in slave society was well

98 Paul Lachance, "The Limits of Privilege: Where Free Persons of Colour Stood in the Hierarchy of Wealth in Antebellum New Orleans," *Against the Odds: Free Blacks in the Slave Societies of the Americas*, ed. Jane G. Landers (London: Frank Cass, 1996) 72–74.

99 Schweninger, "Antebellum Free Persons" 345–364; De Gournay, "The Free Men" 511–517.

100 Schweninger, "Antebellum Free Persons" 345–364.

101 Laura Foner, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies," *Journal of Social History* 3.4 (1970): 406–430.

102 "Supreme Court of Louisiana," *Daily Picayune* 22 Jan. 1857: 4.

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maintained. This resulted from an affinity between older established white French and Spanish residents and free blacks who shared language, culture and customs in contrast to incoming Anglo Saxon Americans, Irish and Germans.¹⁰³ Cajuns, French settlers from Canada, spoke a French dialect when they too settled in the south west of the state. In contrast to New Orleans, blacks in the area were never considered Cajun, yet they shared language, similar music, cuisine and religion. De Gournay explains that middle-class free men of colour had to be identified as coloured to strangers to explain their lack of participation socially. Being white but classed as black and thereby banned from public transport caused resentment that often bubbled over.¹⁰⁴ However, prior to 1861 there were four streetcar routes in operation which were run by the Carrollton Railroad Company. Anglo-American emigrants gravitated to the uppermost block of the city, gradually outnumbering the French surnames in this area and bringing English language, Protestantism and race concepts with them. All four streetcar routes were run in this newest, aptly named 'American Quarter' of the city and would not expand outside this area until the 1860. The more affluent merchants of New Orleans nurtured a culture that discouraged modernisation, hence the lack of development of street rail and their 'inept efforts to promote local construction' outside the American business district.¹⁰⁵ Slaves employed here used the streetcars as did whites. The lack of numerous reports of conflict with free people of colour on the cars was because they were less likely to live there, instead residing in the creole lower city. Here, from the 1830s to the 1850s, racial lines within the French Quarter and the faubourgs of Marigny and Tremé remained blurred and remained staunchly rooted in French and creole culture and tradition.¹⁰⁶ However, businessmen who were free people of colour would have reason to travel in the business district and infrequent cars marked with stars on the front and back developed on the lines for this purpose.¹⁰⁷

At the advent of the Civil War, Ursuline nuns had taught free black children in separate classrooms to whites and this type of segregation was

103 Foner, "The Free People of Color" 406–430.

104 De Gournay, "The Free Men" 511–517.

105 Hennick and Charlton, *The Streetcars* 9; Scott P. Marler, *The Merchants' Capital: New Orleans and the Political Economy of the Nineteenth-Century South* (Cambridge: Cambridge UP, 2013): 5.

106 Richard Campanella, "An Ethnic Geography of New Orleans," *Journal of American History* 94.3 (2007): 705; Amy R. Sumpter, "Segregation of the Free People of Color and the Construction of Race in Antebellum New Orleans," *Southeastern Geographer* 48.1 (2008): 705.

107 "Negroes in City Cars," *Daily Picayune* 9 Nov. 1864: 2; Roger A. Fischer, "Racial Segregation in Ante Bellum New Orleans," *American Historical Review* 74.3 (1969): 932.

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common. The 'John McDonogh' schools were the result of money left by a millionaire in 1850 to set up schools for free blacks and whites. However, only one was completed before the Civil War due to the state making free-black state education illegal. As early as 1842, the Catholic Church in Louisiana had incorporated 'The Sisters of the Holy Family', an order of black nuns, who taught free blacks in a Louisiana parochial school while those free blacks that could afford it continued to send their children to France to be educated.¹⁰⁸ Prosperous creoles of colour owned large sugar plantations and slaves, and lived in affluent houses in the city usually on the same street as other successful people of colour. They built churches, socialised together and intermarried, strengthening their collective wealth and community.¹⁰⁹ Creoles of colour were successful enough to motivate white politicians, who were generally fellow planters and businessmen, to push successfully for laws aimed at restricting free blacks in the 1840s and 1850s. Laws were passed to arrest free blacks who were not natives of Louisiana and newspaper reports show these laws were implemented.¹¹⁰ Furthermore, trains travelling both within the state and to neighbouring states put travel restrictions on slaves and free people of colour. The New Orleans, Jackson and Great Northern Railroad, like railroads across the South, insisted on slave passes signed in person by the owner at the station and similar passes signed by 'some respectable white person' for free people of colour.¹¹¹ Further unsuccessful pleas by Louisiana planters followed to prohibit property purchases and curb the ownership of slaves by free blacks as 'repugnant to the laws of good society, good government, Nature and Natures God.'¹¹²

Free blacks as slaveholders in Louisiana did not differ in character or method from white slaveholders. They competed in cotton, livestock and sugar markets and used the same methods of slave management as white competitors. In order to move up in society they had to distance themselves from slaves and low-class blacks. This behaviour was encouraged by whites who feared an uprising in the style of the Haitian rebellion, which occurred between 1791 and 1804 when slaves and free blacks rose successfully against whites on the French island of Saint Domingue, now known as

108 Michael E. Crutcher, *Tremé: Race and Place in a New Orleans Neighborhood* (Athens: University of Georgia, 2010) 29–31.

109 Blassingame, *Black New Orleans* 11.

110 "City Intelligence," *Daily Picayune* 23 Jul. 1841: 2; "City Intelligence," *Daily Picayune* 8 Apr. 1850: 4; "Free Woman of Colour in State Illegally," *Daily Picayune* 9 Jun. 1853: 2.

111 "New Orleans, Jackson and Great Northern Railroad," *Daily Picayune* 16 Dec. 1858: 5; Marrs, *Railroads in the Old South* 152.

112 Henry E. Sterkx, *The Free Negro in Antebellum Louisiana* (Madison: Fairleigh Dickenson UP, 1972) 298.

Haiti.¹¹³ Black slaves also commented that the distance between black masters and slaves, allowing for free blacks who often purchased relatives, was exactly the same as between white masters and slaves.¹¹⁴ Yet the New Orleans papers continually reported the arrest of free people of colour charged with harbouring slaves or free blacks arrested at illegal assemblies of slaves. This indicates that there was less distance between blacks of the lower classes who were often engaged in the same professions.¹¹⁵ The two decades before the war have been described as a levelling-off period as free-black ownership of slaves and real estate declined in New Orleans, but estimates show this reflects growths in other parishes and the withdrawal of some New Orleans free blacks to Haiti. For those that remained, however, the value of their real-estate holdings continued to increase.¹¹⁶

Degrees of Integration

The Marquis Paul De Gournay, who married into antebellum creole society, characterises white reactions to aristocratic free blacks and provides insight into the behaviour of both free blacks and whites. Despite showing his own prejudice in descriptions of black women drawn to the ‘superior race’ at quadron balls and descriptions of the ‘ignorance’ of free ex-slaves, he does reserve praise and perhaps empathy for the free-black aristocracy. This may have been in recognition of their status and wealth in society but also because he identifies them as creoles and acknowledges their relationship to their white creole ‘cousins’.¹¹⁷ Eliza Potter, a free-black hairdresser to the upper classes of New Orleans’ antebellum society, recorded examples of elite free-black men marrying elite white women illegally and openly without question because of a Paris education, and ‘on account of his millions and his father, nothing was said.’¹¹⁸ Despite the antebellum law forbidding marriage between blacks and whites, and the civil laws of New Orleans that banned it again in 1808, there are reports of white women of good standing marrying rich free men of colour, so money often overcame the law.¹¹⁹

113 Carolyn E. Fick, *The Making of Haiti: The Saint Domingue Revolution from Below* (Knoxville: University of Tennessee, 1990).

114 Schweninger, “Antebellum Free Persons” 345–364.

115 For examples of harbouring slaves see: “City Intelligence,” *Daily Picayune* 15 Oct. 1846: 2; “City Intelligence,” *Daily Picayune* 14 Nov. 1847: 2; “City Intelligence,” *Daily Picayune* 19 Oct. 1852: 2; “City Intelligence,” *Daily Picayune* 14 Jan. 1853: 2.

116 Schweninger, “Antebellum Free Persons” 345–364.

117 De Gournay, “The Free Men” 511–517.

118 Eliza Potter, *A Hairdresser’s Experience in High Life* (Cincinnati: Cincinnati Press, 1859) 154–155.

119 Blassingame, *Black New Orleans* 20.

De Gournay raises the behaviour of the elite free blacks above those of other classes, including whites, citing their insignificant numbers among crime figures in the city and their sobriety and appetite for education. De Gournay also provides insight into the social relationships between higher-class whites and blacks, indicating they were treated as equals in matters of business. This included shaking hands, inviting them into white offices to sit, and white and black businessmen passing time chatting of business and news. Potter agrees that between wealthier upper-class whites and blacks 'there is a great deal of sociability.'¹²⁰ De Gournay argues that there were still social lines drawn. They did not eat or drink together nor visit each other at home.

Partly because black men were not perceived as equals, whites could not demand satisfaction in this duello society though blacks duelled among themselves. The *Daily Picayune* contended in 1850 that because people of colour occupied a vulnerable status it was unacceptable to use violence against them. This followed the trial of a white man found guilty after killing a free man of colour.¹²¹ People of colour, despite their free status, were vulnerable to various types of assaults by whites. Though whites were arrested for knocking over free blacks, they were often afraid to hit back or were unable to defend themselves even in a court of law.¹²² For example, in 1853 a large number of blacks claiming to be free people of colour were brought to court in New Orleans after they claimed to have been kidnapped and forcibly enslaved. Since the 'owner' had records of the sale, the judge dismissed habeas corpus but reserved the right to bring an action for freedom, a difficulty as they were being held against their will.¹²³ As a result of the status of blacks, whites were forced by etiquette to provide all courtesy to free blacks lest they be seen as cowardly. Not duelling with blacks did not deter whites from lending support occasionally at duels among free people of colour.¹²⁴

Integration on these levels seems far removed from later Jim Crow etiquette but De Gournay emphasises the segregation of theatres, where the upper tier or the gallery was allotted to blacks, usually slaves and poorer people of colour. The Opera at the St. Charles Theatre had cheap

120 Potter, *Hairdresser's Experience* 159.

121 "The State of Louisiana vs. Jose Fuentes Appellant-Appeal from the First District Court of New Orleans," *Daily Picayune* 19 May 1850: 6.

122 "A White Man Arrested for Abusing and Threatening Police," *Daily Picayune* 26 Nov. 1848: 2.

123 "A Large Number of Colored People Claiming to be Free," *Daily Picayune* 25 Mar. 1853: 2.

124 "Almost Another Duel," *Daily Picayune* 1 Sept. 1852: 2.

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seventy-five cent seats in the gallery but also more expensive two-dollar 'quadroon boxes' for more affluent blacks.¹²⁵ However, upper-class blacks, unless afforded a private box, would stay away. In contrast, De Gournay classifies lower-class free people of colour as ignorant and unsophisticated. He interpreted the quadroon balls as the ruin of the free black women who participated in them, though allowed that it was an acceptable part of society as long as white men, creoles and foreign men did not break with etiquette in taking mistresses and their children out in public.

De Gournay also concedes that immorality was not general among the lower-class free blacks but underestimates the benefits to the free women of colour who participated in quadroon balls. Legislation passed during the Spanish period allowed dances for black residents to be held in the city. The balls were organised by Auguste Tessier, a St. Domingue refugee who in 1805 held balls that excluded white women and black men in order to remove any obstruction for white males.¹²⁶ Known as 'quadroon balls' and a rarity outside of New Orleans, these dances were open to free women of colour. Though the name suggests these women were a quarter black, this may not have been the reality. Travellers' accounts of quadroon balls indicate that the cost of keeping a quadroon woman was upwards of fifteen hundred dollars a year, contracted by mothers and generally for a stipulated period. The patronage of white men of means allowed these women to establish themselves in business or investments since the relationship was an economic transaction and generally could not lead to marriage.¹²⁷ The nationalities of white male and free black women involved in these relationships indicate a strong French influence on the male side, eighty-six, followed by fifty-six men from Louisiana and the remainder from Spain. Of the females, forty-seven percent were from Louisiana followed by St. Domingue at thirty-five percent. The relationships appear not to have been as transitory as described by visiting travellers to the city. At least seventy-one percent lasted over two years while as many as thirty-three percent lasted more than ten years.¹²⁸

The lore of the quadroon balls was largely part of American fantasy. It was free Haitian quadroon refugees who engaged in the balls, rather than established free black creoles. Free women of colour in New Orleans were just as likely to choose marriage as white women and their wealth and education

125 "Amusements," *Daily Picayune* 4 Mar. 1854: 3.

126 Kenneth Aslakson, *Making Race in the Courtroom: The Legal Construction of Three Races in Early New Orleans* (New York: New York UP, 2014) 107–110.

127 Kenneth Aslakson, "The 'Quadroon-Plaçage' Myth of Antebellum New Orleans: Anglo American (Mis) interpretations of a French Caribbean Phenomenon," *Journal of Social History* 45.3 (2012): 709–734.

128 Aslakson, "Quadroon-Plaçage" 709–734.

meant, despite the ratio of women to men, that they would marry within their own class and community. There is no dispute that free women of colour established relationships with white men but rather that plaçage was not the norm for these privileged women.¹²⁹ In this vein, De Gournay may have been correct in that poorer women of colour used the quadroon balls as a means for establishing economic security outside elite black creole society. Of the data available, the occupations of the men who contracted these relationships were more likely to be artisans, small and large brokers and merchants, professionals and plantation managers and overseers. Only seven percent were classified as planters or gentlemen. Many of the women also brought their own economic contributions and entered into business with their white partners, with the result that they both benefited from the relationship.

From other travellers' accounts it appears that public balls were only segregated in theory and masked balls were notoriously hard to police.¹³⁰ This suggests that most levels of society were not strictly segregated. However integrated New Orleans was, blacks of any class were not equal to whites in law and free blacks often had to prove their status and right to be in the state. Colour caused confusion as one New Orleans judge highlighted when freeing a person of questionable status named Charles Clarke f.m.c.¹³¹ The judge 'knew of no law that would authorize the sending of a person of as light a complexion as the prisoner to jail in order to compel them to prove their freedom.'¹³²

The reality of the punishments for black insubordination to whites was often relatively light considering that the courts had discretion. Sometimes punishments were a ten-dollar fine, a few weeks in prison or simply a discharge without punishment.¹³³ Despite the courtesies shown to black elites, this was probably not the case among lower-class free blacks and whites. Animosity fired up among street and dock workers with blacks holding their own against white violent behaviour with no consequences.¹³⁴ Occasionally cases involving free blacks made headlines as in the case of Ophela Evans f.w.c., who sued successfully for assault against the white nephew of the city recorder resulting in \$2,000 damages.¹³⁵ Enough free

129 Emily Clark, *The Strange History of the American Quadroon: Unmasking the Plaçage Complex* (Chapel Hill: University of North Carolina, 2013) 28–101.

130 Aslakson, "Quadroon-Plaçage" 709–734.

131 Free people of colour usually had "f.m.c." (free man of colour) or "f.w.c." (free woman of colour) affixed after their name.

132 "City Intelligence," *Daily Picayune* 17 Aug. 1848: 2.

133 "The Discharge of Joseph Matton," *Daily True Delta* 26 Jan. 1858: 3.

134 "Levee Scenes," *Daily Picayune* 22 Jan. 1840: 2.

135 "The Case of Ophelia Evans. First District Court--Before Judge McHenry. Ophelia Evans, f.w.c.," *Daily Picayune* 22 Dec. 1847: 4.

Legal and Social Colour Distinctions in Antebellum Louisiana

people of colour appeared in the courts over the antebellum period to suggest they were represented well in the courts. However, political life was closed to them completely, as Francois Varion, a white citizen, found when the council refused to admit him as an alderman on suspicion of being black. He was admitted after successfully suing twice to establish his whiteness, a case that highlights that despite degrees of integration, wealth or influence, free people of colour did not exist on a level of true equality.¹³⁶

The antebellum laws show the status of slaves and free people of colour but accounts of the reality of these laws suggest it was adhered to and implemented on an ad hoc basis. Slaves held legal redress in the law, but judges and juries were slaveholders with a biased interest in the outcomes. While the law dictated the care of slaves, masters often neglected or abandoned slaves, though white responses in newspapers indicated that certain levels of care were expected. Despite restrictions, slaves were prepared for free society because of skills gained during slavery. Their small measure of autonomy was evident in prohibitions against buying from or selling to slaves. The presumption of slaves as ignorant stemmed from restrictions on literacy but descriptions of slaves as literate show that this was not always the case. Occupations such as dray driver and the number of blacks of all status employed in the trade provided training both in skill and in attitude for dealing with whites once free. Slaves resisted ownership and the city provided a safe cover for runaways due to the large number of free black residents. This was despite police roundups and newspaper reporting. The presence of 'buck darkies' further demonstrates that open resistance was possible but despite the freedoms the city held, the black community suffered fractures from sale or vulnerability. Accusations of promiscuity and the vulnerability of women would lead to justification for segregation in the coming century. The Civil War did, however, offer opportunities for skills and literacy but also highlighted that slaves and free people of colour would be treated homogeneously despite their different status, highlighting to both blacks and whites the gulf between the races. Despite their status through inheritance or manumission, free blacks offered a threat to white dominance, which goes some way to explaining white prejudice. As free people of colour rose in position and privilege, their appearance, often white, was ignored over their inherent blackness or even rumours of such. When Judge Spofford claimed a white person could never be black he declined to expand on what it meant to be white. In contrast, when the judge freed Charles Clark he cited his skin colour rather than his heredity

136 "District Court- Francois Varion vs. J.F. Barthelemy," *Daily Picayune* 30 Jun. 1844: 2.

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as proof of his freedom. Yet another example of the definition of colour was offered by Francois Varion, who despite being white had to prove it in law.

Regardless of segregation between whites and blacks, miscegenation thrived through the quadroon balls and research suggests that it was the lower-middle and upper-working classes that participated, adding to the free black population that undermined slavery. Fears among whites that free blacks subverted slavery were to some extent true, as the frequency of arrests of free blacks harbouring slaves attests. This was further undermined by free blacks owning slaves as it blurred the colour line between master and slave. Despite these fears, etiquette that forbade duelling with or insulting free people of colour existed due to their perceived vulnerability. That this was extended only to upper-class blacks is probable, particularly since their white appearance may have helped restrain behaviour. This also explains the 'quadroon boxes' or the 'quadroon balls' where legally black people who appeared white were extended certain courtesies, civilities that did not extend to the streetcars or other forms of transport.

The ability of free people of colour to sue and defend themselves successfully in court indicates that the law was adjudicated to some extent fairly. This is in contrast to the inability of slaves or even 'free people' held as slaves to apply for justice. Yet holding free blacks and slaves as one homogeneous group in law undermined this justice. The treatment of blacks after the Civil War changed, as did the etiquette that De Gournay describes. Whites saw blacks as vulnerable as long as they were not in a position to assert themselves or question the white status quo. Resistance to white status by all classes of blacks after the war focused on what was withheld from them in the antebellum period: political and social equality, carried on the seat of a streetcar.

2

Streetcars and Protest

Prior to 1800, the population of New Orleans remained racially mixed throughout the districts of the city. This continued even after Anglo-Americans came to the city in greater numbers after the purchase of Louisiana by the United States in 1803. Slaves and black servants lived with or near masters or employers, giving the city a salt and pepper racial pattern.¹ Between 1830 and 1860, New Orleans grew at an exceptional rate of 366 percent, primarily through immigration. Irish immigrants formed the new working class in the years preceding the Civil War and this did not tail off until the 1880s when Sicilian migrants replaced them.² Creoles of colour lived alongside white creoles in and around the French quarter, particularly Tremé and Marigny. Here, free blacks outnumbered slaves while Anglo-Americans tended to live uptown, in what would become the business district, where slaves outnumbered free people of colour. In the downtown creole districts, a three-caste system prevailed unlike the two-caste system that operated in uptown New Orleans. When large numbers of slaves left the plantations and moved into the city after 1862, they lived in the least-desirable, high-risk, high-nuisance areas at the back of the city.³

At the turn of the twentieth century, the American biracial system would win out in New Orleans as Jim Crow crept into law and Anglo-American culture and customs dominated. New Orleans retained many aspects of its former French and Spanish heritage, but it was growing as an American city. Simultaneously, whites would begin moving to

1 Campanella, "Ethnic Geography" 704–715.

2 Elizabeth Fussell, "Constructing New Orleans, Constructing Race: A Population History of New Orleans," *Journal of American History* 94.3 (2007): 846–855.

3 Campanella, "Ethnic Geography" 704–715.

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the suburbs as land-drainage techniques reclaimed and improved former swamps around the city. However, in 1861 divisions remained between even the most affluent blacks and the poorest whites since only whites could ride the streetcars, relegating blacks to the Star cars. The decision to expand the streetcar network in 1860 brought with it protest by free blacks who pushed against the introduction of Star cars on the new lines. The successful protest that led to the integration of the streetcars spanned the Civil War and set the precedent for black expectations on transport throughout the Reconstruction period.

The protest that led to the successful integration of streetcars in the 1860s had its origins in antebellum slave society. Reasons for white resistance to integration in the period after 1860 and through Reconstruction also lie in the slave era. Factors such as class, geography and the changing status of the black population both contributed to streetcar integration and affected transport as a whole. Consequently, this made the streetcars a target for protest and also explains why later protest on other transport links was less successful. Exploring Integration on transport up until the first transport segregation law of 1890 and examining black protest on trains and steamboats shows how the mode of protest differed and why streetcar integration was more successful.

Civil War and Streetcars

Up until 1860, omnibuses provided the only public transport in New Orleans outside of the New Orleans and Carrollton Railroad. Debate began regarding the need for a city-wide street railway service in the early 1850s and in June 1860 the New Orleans City Railroad was chartered to undertake the project.⁴ On 1 June 1861, despite the outbreak of the Civil War, the first lines were opened and it was in anticipation of this line that Star cars were launched in newspaper advertisements.⁵ The Star cars were streetcars for the use of coloured people, who were banned from using cars without the black star displayed. However, white customers faced no such restraints and could ride on all streetcars. Existing scholarship has suggested that the Star cars were reintroduced in 1862 to control the increasing population

4 "City Railroad Project," *Daily Picayune* 23 Dec. 1852: 2.

5 "Star Cars," *Daily True Delta* 21 Jun. 1861: 1; "The Street Rail Cars En Route," *Daily Picayune* 17 May 1861: 1; Michael Mizell-Nelson relies on sources that indicate 1860 or post 1862 as the year Star cars were re-launched. However, he argues that both sources are unsubstantiated. See: "Challenging and Reinforcing White Control" 54.

of freed slaves in New Orleans.⁶ However, newspapers clearly report the introduction of the Star cars on the new lines while New Orleans was under strong Confederate control in 1861 and slaves had not left the plantations in any significant numbers.

Furthermore, free people of colour were actively protecting their investments, interests and position in the state by ostensibly endorsing the Confederacy. This took the form of offering their military services against the Union army, undermining any efforts to segregate contributors to the Confederate cause.⁷ New Orleans had a history of armed black regiments that had in the past expected levels of equality in return for service.⁸ Some of these veterans were now leading the coloured regiments and such expectations rose. It is arguable that Confederate authorities only ever intended the Native Guard as a public relations exercise in the Confederate media.⁹ However, black regiments raised and supported themselves, which meant that those who joined had to reasonably be able to afford it.¹⁰ Moreover their position as a black militia overseen by black officers roused the patriotic public to laud their efforts, ‘Gallant... they are with us... a fine looking company of our free colored friends.’¹¹ Black women also received praise, ‘the thanks of the public’ and ‘gratitude’ from white indigent families in New Orleans for their charitable endeavours to the war effort.¹² Free people of colour were in a precarious position in the Confederacy. As a group already viewed as ‘other’, failure to endorse the Confederate cause would have placed them under suspicion. Any suggestion of subversive behaviour would have had consequences. While endorsing the Confederacy also strengthened their position for citizenship and rights, there was little alternative.

The advent of the Civil War and the subsequent absence of white men coincided with black militias in the city. The Star cars were not just continuing the precedent set by the horsecars throughout the antebellum period; they were marking clear lines of segregation on transport in a time

6 Kelley, *Right to Ride* 51.

7 For formation under Confederacy see: James G. Hollandsworth, *The Louisiana Native Guards: The Black Military Experience During the Civil War* (Baton Rouge: Louisiana State UP, 1998) 7; see also as armed regiment: 7–8.

8 William E. Alt and Betty Sowers Alt, *Black Soldiers, White Wars: Black Warriors from Antiquity to the Present* (Westport: Praeger, 2002) 28–29.

9 Hollandsworth, *Louisiana Native Guards* 7–11.

10 Herbert C. Covey and Dwight Eisonach, *How the Slaves Saw the Civil War: Recollections of the War through the WPA Slave Narratives* (Santa Barbara: Praeger, 2014) 131.

11 “The Free Soldiers of Baton Rouge,” *Daily True Delta* 22 Aug. 1861: 2.

12 “Colored Ladies Fair,” *Daily Picayune* 24 Nov. 1861: 2.

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of absent white authority and empowered free men of colour.¹³ White women were now perceived to be either at the mercy of black impudence or open to new freedoms without white male interference. Notably, New Orleans had high numbers of free blacks of varying status and wealth. White women in less urban areas were left behind on plantations in the care of the trusted 'legions of black men', slaves whose subordination and loyalty were expected.¹⁴ They offered a striking comparison to the free blacks in New Orleans who were often educated, of means and of white appearance.

By December 1861, legislation was being considered to increase sentences for white males or females who fornicated with free coloured people.¹⁵ Scandal had rocked upper-class New Orleans in 1860 when a free coloured musician was found guilty of seducing many of his upper-class white clients.¹⁶ Arrests of black men and white women accused of miscegenation punctuated the courts throughout the 1850s, increasing fears of miscegenation among whites.¹⁷ Relationships between black men and white women were not accompanied with the same level of deadly violence by whites in the South as would occur later. Instead, they would be accompanied by scandal as laws against interracial marriage meant that these relationships were prosecuted under fornication or adultery.¹⁸ The Star cars were not just continuing the precedent set by the horsecars throughout the antebellum period; they were marking clear lines of segregation on transport in a time of absent white authority and empowered black men. Once again, the streetcars were a public display of white superiority and black subjugation.

In 1862, Union troops entered New Orleans and shortly afterwards General Butler deployed regiments of black soldiers who would remain after Northern white troops had been demobilised and sent home. The Confiscation Acts of 1861 and 1862, which at first confiscated and then freed slaves in Confederate-controlled areas, excluded New Orleans. However, General Banks conscripted so many slaves that planters began complaining and the draft was suspended during harvest season.¹⁹ Free

13 "The City," *Daily Picayune* 21 Nov. 1861: 2.

14 Preston King and W.E. Fluker, eds., *Black Leaders and Ideologies in the South: Resistance and Non-Violence* (New York: Routledge, 2005) 143; Charles P. Roland, *Louisiana Sugar Plantation During the Civil War* (Baton Rouge: Louisiana State UP, 1997) 24, 31.

15 "The Progress of Legislation," *Daily True Delta* 22 Dec. 1861: 2.

16 John Blassingame, *Black New Orleans* 19.

17 "Shameful Business," *Daily Picayune* 27 Jan. 1851: 3; "Practical Amalgamation," *Daily Picayune* 25 Jul. 1854: 2; "City Intelligence," *Daily Picayune* 2 Dec. 1857: 4.

18 Martha Hodes, *White Women, Black men: Illicit Sex in the Nineteenth Century South* (New Haven: Yale UP, 1997) 10, 77–79.

19 Blassingame, *Black New Orleans* 38.

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blacks also volunteered or were conscripted and black affluent upper-class officers continued to lead the Louisiana Native Guards. The presence of black troops heightened tense segregation policies on streetcars because their uniforms put them in a position of authority in a controlled city. They were also armed in large numbers and could force the issue if required. This made a distinct change from the antebellum period where protest was sporadic and blacks were occasionally armed but not organised in any numbers to have an impact on transport. General Butler ordered that black soldiers in uniform be admitted to streetcars and such soldiers often levelled their rifles on white drivers who refused black passengers.²⁰ In October 1862, a Captain Hannibal Carty was arrested on the direction of the streetcar driver for boarding the car. The judge found in favour of Carty, deciding that ‘the railroad company had no right to turn coloured persons out of their cars, much less have them arrested for being on their cars’ but blacks remained excluded from cars.²¹

Division in the Ranks

Despite New Orleans being excluded from the emancipation proclamation of 1862, slaves began running away when Union troops entered the city. By early 1863, twenty-nine percent of slaves on fifteen Orleans plantations were fugitives.²² Differences between dark-skinned slaves and lighter-skinned free mulattos became exacerbated rather than resolved by emancipation. A Union abolitionist officer wrote that free blacks ‘with all their admirable qualities, have not yet forgotten that they were, themselves, slaveholders.’²³ In fact, forty percent of free black heads of families were slaveholders in Louisiana and the haughty airs of affluent free blacks were a continuing source of disunity within black ranks.²⁴ The first black newspaper in the South, *L’Union*, was opened in 1862 by two creoles of colour who primarily spoke to empower the established free community within New Orleans. Financed by Dr Louis Charles Roudanez and edited by Paul Trévigne, the paper was in French until 1863 when it began to produce some English editions.²⁵ Using French was a clear message that

20 Blassingame, *Black New Orleans* 190.

21 “A Case of Some Interest,” *Daily Delta* 17 Oct. 1862: 2.

22 Blassingame, *Black New Orleans* 26.

23 Berlin, *Slaves* 387.

24 T.J. Pressly, “The Known World of Free Black Slaveholders: A Research Note on the Scholarship of Carter G. Woodson,” *Journal of African American History* 91.1 (2006): 81–87; Berlin, *Slaves* 390.

25 About *L’Union*, (Nouvelle-Orléans [La.]) 1862–1864, *Chronicling America, Historic American Newspapers: Library of Congress*, Web. 15 Mar. 2015.

the paper was directed exclusively to the creole community rather than English-speaking slaves from 'American' Louisianan plantations, or those brought in or owned by American masters. The division between uptown American blacks and downtown creoles of colour is a reality that has carried through to the present day.²⁶ These divisions, which are attributed to the domestic nature of urban slavery, meant that slaves often lived in the same environs or close to their masters, a pattern found in many Southern cities.²⁷ What was more unusual in New Orleans is that Anglo-American slaves habituated the Anglo-American English-speaking uptown area of the city while free blacks habituated the French-speaking downtown area around the French Quarter. Furthermore, members of the black population uptown were more likely to be slaves while free blacks downtown greatly outnumbered slaves. Despite this however, Trévigne advised unity in the black community, albeit citing the education and training that slaves and former slaves required. Leadership would need to come from the elite, the free people of colour.²⁸

In 1864, the *L'Union* was replaced by the *Tribune*, which was in English and French, indicating the changing tide of black unity and the need to address whites outside of the black community. The education, wealth and skill within a free society empowered free blacks to grab political positions in New Orleans. All but twenty of the one hundred and eleven black delegates of the 1865 Louisiana Republican convention were freeborn.²⁹ From the start, black newspapers targeted the streetcars as a physical symbol of white repression that displayed the social and political inequalities that blacks experienced. Whether a black man could vote or send his children to public school was not argued or displayed every day on the street in the same way that black passage was prohibited on a streetcar, but it amounted to the same thing. Throughout 1862 and 1863, Trévigne called for the suffrage of free blacks only, just as antebellum free black property owners had done.³⁰ As early as September 1862 free blacks were entering streetcars, insisting on travelling, and beating up drivers who tried to remove them. The black elite focused on voting rights during this period at the expense of the streetcars.³¹ However, white newspapers complained that such events

26 John D. Arena, "Repression, Racism and Resistance," *Race and Ethnicity*, ed. Rodney D. Coates (Boston: Koninklijke, 2004) 374.

27 Campanella, "Ethnic Geography" 704–715.

28 Charles Vincent, *Black Legislators in Louisiana During Reconstruction* (Baton Rouge: Louisiana State UP, 1976) 16–18.

29 Berlin, *Slaves* 385.

30 Paul F. De Gournay, "The Free Men of Color of Louisiana," *Lippincott's Monthly Magazine*, Apr. 1894: 511–517.

31 Mizell-Nelson, "Challenging and Reinforcing White Control" 58.

were becoming more common. The complaints ranged from the violence originating ‘among certain classes of corrupted negroes’ to laying the responsibility on ‘men, who pretend to be white... [but] wait for the “star cars” that they may have the enjoyment of the negro’s society’ on the few Star cars running. Arrests in 1863 of free blacks entering streetcars show that protest continued.³²

Yet in July 1864, *L’Union* still spoke in paternalistic tones with caution towards the ability of ‘the Negro’.³³ The message was insightful in recognising that slaves had a reputation for ‘shirking’ because their industry was never rewarded and warned that this behaviour would be difficult to change since it was institutionalised. Clearly the streetcar protest was aimed towards the free blacks of New Orleans rather than slaves since slavery did not officially end in New Orleans until 1864. Until this point, masters bought streetcar tickets for slaves and urban masters were allowed to recover slaves from army camps until 1863, while wayward slaves were imprisoned and flogged in the city.³⁴ Free blacks, often accused of being runaways, voiced their protests to military authorities, which helped bring about emancipation. In October 1863 a New Orleans court, in the case of a runaway slave named Araminta and her five children, gave an ambiguous interpretation of Lincoln’s proclamation and found in favour of the slave. Concerned at the ‘diversity of opinion and bearing of the decision’ rendered by Judge Atocha, the *Daily Picayune* reported the full findings.³⁵ Judge Atocha, summing up, prioritised freedom over the master’s right to hold a slave and to all intents and purposes declared slavery illegal. Under pressure from the free black press and reports of ongoing confusion in the policy toward slaves, the new General Nathaniel Banks used the court case as an opportunity to suppress slavery in New Orleans.³⁶ In December he had all signs regarding sales and imprisonment of slaves removed, thereby freezing the slave economy physically. He then legalised his efforts in January 1864 by suspending the constitution that allowed it. Slaves were able to volunteer for military service on entering the city in 1863 but after 1864 all blacks could enter the Union ranks.³⁷

32 “The Negroes in the Cars,” *Daily Picayune* 24 Sept. 1862: 2; “Before Recorder Leaumont,” *Daily Picayune* 7 Dec. 1863: 2.

33 “An Experiment in Free Labor,” *L’Union* 19 Jul. 1864: 3.

34 Adam Rothman, *Beyond Freedom’s Reach: A Kidnapping in the Twilight of Slavery* (Cambridge: Harvard UP, 2015) 85; Blassingame, *Black New Orleans* 30–31.

35 “The City-Decision of Judge A.A. Atocha,” *Daily Picayune* 6 Oct. 1863: 2.

36 “The Question,” *L’Union* 1 Aug. 1863: 3; “Proclaim Liberty Throughout the Land,” *L’Union* 1 Dec. 1863: 2; “The Mechanics of England, Germany and France,” *L’Union* 1 Aug. 1863: 4.

37 Blassingame *Black New Orleans* 32–33.

From Slavery to Civil Rights

When General Banks allowed soldiers in uniform on the cars in 1864 this included former slaves who joined the Union ranks and the car protest became a united black movement. Initially, influential wealthy free people of colour lobbied for their own right to vote without inclusion of the lower classes or slaves.³⁸ However, doubtful over their success with white politicians, including the newly appointed Governor Hahn, free blacks used *L'Union* to demand universal black suffrage, which consolidated the streetcar movement. Free black fears were well founded. The 1864 constitution abolished slavery but withheld citizenship and voting rights from all blacks with a vague clause that would allow future whites to decide which blacks got the vote. From 1865 some streetcars allowed blacks and whites to travel on the same cars, which were segregated by compartment on the lower deck though integrated on the upper deck. This led to renewed calls for either separate cars or reinforced segregation.³⁹ This was echoed, despite the passing of the Thirteenth Amendment in 1865, which freed all slaves, in newspaper editorials that sought gradual rights for blacks but acceptance of their inferior status in white society.⁴⁰

Resistance

General Butler had ordered the omnibus lines to integrate in 1862 but this was successfully challenged in court and Butler's successor General Banks allowed the ruling to stand. Banks then ordered the integration of the streetcars in 1865 and, for two weeks, the Star cars disappeared until once again the rail companies, eager to please their white customers, successfully challenged the court and the Star cars reappeared.⁴¹ The Star car issue festered for another two years until it finally erupted on the first weekend in May 1867. A month before, the *New Orleans Tribune*, successor of *L'Union* and consequently under the control of the black middle classes, heightened the streetcar campaign and linked it further to civil rights. At the same time, white conservatives saw white radical Republicans as part of the problem with the streetcars as they 'preach homilies on Star cars, separate schools and other little matters which, though distinctions, are scarcely differences.'⁴² The *Tribune* reported the arrest of William Nicholls

38 James G. Hollandsworth, *An Absolute Massacre: The New Orleans Race Riot of 1866* (Baton Rouge: Louisiana State University, 2001) 17–18.

39 "The Town Talk-Why is it?" *New Orleans Times* 12 Oct. 1865: 2.

40 "The Colored People," *New Orleans Times* 24 Dec. 1865: 8.

41 "The Car Question Again," *New Orleans Tribune* 21 May 1865: 2; "Gen. Bank's Record," *New Orleans Tribune* 10 Jun. 1865: 2.

42 "Race Antagonisms," *New Orleans Times* 1 May 1867: 6.

who attempted to enter a streetcar in April as 'of vast importance, for it will settle all the other questions under the Civil Rights Bill.' At this point Congress did not have enough constitutional power to enact this law but for the black population of New Orleans this was a good test. Charges were brought and dropped in order to avoid the legality of segregation being debated in the courts. Nicholls deliberately counter-sued a driver after the charges were dropped. Once the car question was settled, he too dropped his charges claiming his objective was to bring the streetcar issue before the courts. This would become a tactic of later protest against segregated rail and, in this case, was successful. 'A number of colored' had entered the cars but the rail companies had become alert to legal cases and had advised drivers to resist passively by stopping the car until the black person left.⁴³

During the weekend of 4 and 5 May, the 'ruder and more reckless portion of our negro population' began forcing its way onto streetcars as crowds of men and boys gathered and cheered.⁴⁴ The white newspapers evidently supposed these crowds to be lower-class blacks working on instructions from more influential black leaders or inspired by the *Tribune* rather than organised themselves. The police contained the disorder but the next day scattered armed fights broke out between bands of blacks and whites. As numbers increased and events escalated, Mayor Heath was forced to meet the large numbers of blacks who had now congregated on Congo Square, the traditional meeting place for slaves.⁴⁵ Heath would still be mindful of the 30 July riot in 1866 when over two hundred people died, which changed radically the direction of Reconstruction in Louisiana.⁴⁶ Furthermore, the regiments in New Orleans contained black soldiers who had shown they would use force to aid New Orleans blacks against white troops.⁴⁷ Heath realised that another riot over streetcars was likely to escalate further than the 1866 New Orleans convention because blacks were expecting it. In light of this, calling out the troops would have been highly unpopular and carry political repercussions for Heath's career from powerful factions in Washington.⁴⁸

43 "The Star Cars," *New Orleans Tribune* 4 May 1867: 4.

44 "The Car Question," *New Orleans Times* 7 May 1867: 2.

45 Blassingame, *Black New Orleans* 3–5.

46 Hollandsworth, *An Absolute Massacre* 3.

47 In one particular case black troops opened fire on white troops who confronted black citizens: "A Riot Between Colored and White Troops," *New Orleans Times* 30 May 1865: 2.

48 Roger A. Fischer, "A Pioneer Protest: The New Orleans Streetcar Controversy of 1867," *Journal of Negro History* 53.1 (1968): 219–233.

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During the on-going protest, blacks had written to newspapers highlighting their distinct groups and complaining of white reporters confusing the terms 'negro' and 'coloured'.⁴⁹ White newspapers drew the same distinctions when complaining of the protesters, suggesting lower-class blacks, most likely to be poor or former slaves, as the chief protestors.⁵⁰ Whether they could regularly afford to ride the streetcars or not, momentum grew as the protest drew more and more blacks to Congo Square. Finally, despite calls from the railroad companies insisting he should 'insure the preservation of the public peace', Heath decided not to call out federal forces but rather appealed to the black community for peace until he could settle the matter with railroad representatives.⁵¹ On 6 May 1867, Mayor Heath and General Sheridan, now commander of New Orleans, met the railways and came to an agreement. The companies were still requesting military back up to enforce segregation but Sheridan refused, as long as the Mayor could keep the peace, and the Star cars were abandoned.⁵² To enforce integration, the police chief issued orders in the newspapers that passengers, presumably white, were not to eject other passengers on account of colour or they would be arrested.⁵³ Many of the white newspapers dismissed or gave little coverage to the success of the streetcar protest but the *Daily Picayune* saw it as 'the introductory step to more radical innovations, which must materially alter our whole social fabric.'⁵⁴ There was little incidence after the passing of integration, though minor skirmishes were reported later that year. Blacks were initially reticent once the law was passed but within weeks the stars were painted over and the *New Orleans Tribune* had moved onto school integration.⁵⁵

The success of the streetcar protests has been attributed to a combination of radical Republican organisers and 'negro' resentment.⁵⁶ However, this neglects the class element of the protest, referring to all blacks as 'negroes', which fails to examine not only the reasons behind early protest but discounts the factors that united former free people of colour with former slaves. Furthermore, by failing to examine the roots of protest during the secession and early Union occupation of New Orleans, it misses the

49 "Letter from a Dusky Man," *Daily Delta* 8 Aug. 1862: 1.

50 "The Car Question," *New Orleans Times* 7 May 1867: 2.

51 Fischer, *Protest* 219–233.

52 Fischer, *Protest* 219–233; "The Republican and the Cars," *New Orleans Tribune* 7 May 1867: 4.

53 "The Car Question," *New Orleans Tribune* 8 May 1867: 4.

54 Fischer, *Protest* 210–233.

55 "Negro Outrages," *Daily Picayune* 21 Dec. 1867: 2; "Leaven Working," *New Orleans Times* 14 May 1867: 10.

56 Fischer, *Protest* 219–233; Roger A. Fischer, "Racial Segregation in Ante Bellum New Orleans," *American Historical Review* 74.3 (1969): 926–937.

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motivation of whites who resisted integration and ignores how the presence of blacks in the military changed the dynamics of protest.

Integration

The united protest bolstered black political strength and many of the middle-class free people of colour would become the leaders of protest on transport segregation later in the century. However, the protests ultimately undermined the separate sphere carved out by free blacks in this white society. When whites deprived the black middle class of the vote, they had denied them their special position above lower-class blacks and some whites. As a result of this, black middle-class commitment to the streetcar protests clearly defined them in opposition to traditional whites and aligned the political future of the entire black community. Resistance by whites was clearly aimed at preventing miscegenation but was also opposed to empowered black males in uniform. The social and legal divisions between slaves and free blacks in the antebellum period often mirrored those between whites and slaves. That such differences in the status of freedmen and free blacks were overcome is significant in understanding the black communities' exigency to overcome inequality and the symbolism of the streetcars after the Civil War. The status of free blacks often meant they were restrained by etiquette to seek redress in the courts while the freedmen's prior status and resistance nurtured in slavery meant they faced no such constraints.

In reality, the success of the streetcar protests was a result of united black resistance, orchestrated and publicised through the media by the middle classes but with the often-violent physical protest of the lower classes. Moreover, only once slaves were in a position to enter the sphere of quasi-citizenship that free people of colour had occupied could they unite. These factors, coupled with Mayor Heath and General Sheridan's unwillingness to use military force, put black protestors in a powerful counter position to those of railway companies and resisting whites. The law may have been on the side of white opposition but the ability to implement the law was absent—a situation that would rarely favour blacks as Reconstruction unfolded. However, in this case, the integration of the streetcar, as the insightful *Daily Picayune* stated, was the introductory step to more radical innovations such as integrated schools and over thirty black members in the Louisiana House of Representatives the following year.⁵⁷ On this verge of Reconstruction, black agitators would rarely be in such a powerful position of protest again.

57 "The City," *Daily Picayune* 7 May 1867: 8; Charles Vincent, *Black Legislators* 71.

Transport and the Reality of Reconstruction

Reconstruction in the South lasted from 1867 until 1877 but radical policies such as voting rights and the integration of public amenities lasted longer in Louisiana than in any of the other post-Confederate states.⁵⁸ Unlike the other ten states, Louisiana was *de jure* a fully integrated state until 1890, though random segregation on public carriers was the reality. In fact, Jim Crow laws on transport, miscegenation or education passed earlier in every other Southern state.⁵⁹ This was in part because of the forward-looking constitution of 1868, which guaranteed blacks equal public access and eradicated the black codes.⁶⁰ With transport now fully integrated, accounts from the period suggest that black passengers preferred to sit with other black travellers but more refined, well-dressed black customers sat with their white equivalents forward of the car.⁶¹ In just this behaviour lay the problem for whites who, while willing to concede political and civil rights to coloured citizens, were unwilling to recognise social equality. Complaints from whites began as early as 1867 with the *New Orleans Times* complaining of coloured people ‘who know their rights’ sleeping on streetcars and being obnoxious to whites who wakened them.⁶² Blacks were obviously expecting confrontation from whites but also asserting their right to travel on streetcars. However, transport integration in general throughout Louisiana and the South depended on the conductor, other passengers, and rail and steamship policy.

In 1871, newspapers began reporting on the U.S. Civil Rights Bill or Enforcement Act which Republicans were trying to pass and which would eventually become law in 1875. As well as providing equal rights in other social spheres, the act would prohibit segregation on public transport, something for which the Constitution of Louisiana already provided. Though it was intended for states where equal rights were not guaranteed, black newspapers claimed there was a gap in what the Constitution of Louisiana provided for and how the law was implemented. In 1872, Lieutenant Governor Pinchback, who would go on to become the first black governor of Louisiana, stated that what was needed were not more laws but the proper spirit to grapple with the

58 Murray, *States' Law* 170–195.

59 See: Murray, *States' Law* 21–34, 77–117, 170–195, 329–352, 406–422, 427–457, 461–491.

60 See Article 13 in: Constitution Adopted by the State Constitutional Convention of the State of Louisiana, March 7, 1868 (New Orleans: Republican Office, 1868) 2.

61 Fischer, *Protest* 219–233; A.R. Holcombe, “The Separate Street-Car Law in New Orleans,” *Outlook* 28 (1902): 746–747.

62 “Sleeping Cars on our City Railroads,” *New Orleans Times* 11 Dec. 1867: 1.

difficulties of implementing the present one.⁶³ Difficulties also arose not just in enforcing the law in Louisiana but also resolving the issue on interstate travel. This problem was graphically highlighted on the occasion of coloured members of the Louisiana Legislature being expelled to the smoking car while travelling to Louisiana from Alabama. The conductor had ensured no interference with their travel from Louisiana but on the return journey they were reminded that they were not in Louisiana but Alabama and ‘would not be permitted to mix as they liked with white people.’⁶⁴ Pinchback himself was already pressing suit against the New Orleans, Jackson and Great Northern Railroad for refusing his family passage on a Pullman berth, a lawsuit he let linger in order to ensure his future passage. The *Daily Picayune*, from which the *Louisianan* took the story, suggested the separate-but-equal concept on transport and felt transport companies should determine where passengers sat. The *New Orleans Times* also condemned coloured politicians who refused to recognise the social colour line but, interestingly, did so by using the argument that these politicians thought themselves above self-segregating and antebellum blacks.⁶⁵

The Decuir Case

Different forms of transport in the Reconstruction era offered comparisons with streetcar travel. Steamboats highlighted the difficulties transport authorities had in ascertaining race and the extent to which they segregated non-white passengers. The Decuir case (1877) in particular highlights the economic and social motivation for company owners to segregate and the difficulties of interpreting the colour line in Louisiana. Furthermore, within the case itself, arguments made direct comparatives with streetcars and displayed the technical aspects of segregation that allowed streetcars in the same era to remain integrated.

Despite the law providing for equal treatment on transport, steamboats advertised quite plainly that they segregated. The *Wade Hampton* and the *Texas Steamer* offered what was called ‘a freemen’s bureau’, providing berths and meals for black passengers. The *Natchez* assured its white passengers that the black facilities were ‘altogether separate and distinct from the main cabin.’⁶⁶ This was the case when Josephine Decuir stepped aboard the *Governor Allen*

63 “St. Joseph’s Day-Pinchback,” *Weekly Louisianan* 10 Sept. 1875: 8.

64 “More Indignity: Expulsion of Members of the Louisiana Legislature from the Passenger Cars of the Chattanooga Railroad,” *Weekly Louisianan* 9 Jul. 1871: 2.

65 “Too Good for the Place,” *New Orleans Times* 10 Mar. 1875: 1.

66 “The River,” *Daily Picayune* 4 Mar. 1870: 2; “The River,” *Daily Picayune* 7 Dec. 1871: 3; “The River,” *Daily Picayune* 22 Dec. 1869: 3.

on 20 July 1872 on an overnight voyage from New Orleans to Pointe Coupee parish. From there the steamboat would progress to Mississippi. Josephine Decuir was a wealthy black creole woman with plantations and land in Pointe Coupee that she had overseen since her husband's death. By 1871 the plantation which had included slaves, cattle and machinery culminating in excess of \$150,000 was being sold to cover debts accumulated during the war.⁶⁷ Decuir was also sister to the state treasurer, Antoine Dubuclet, and by association had good social standing. Black travellers rightly associated access with social class and this remained an ongoing argument against segregation on all types of transport. She had spent years in Paris and spoke primarily French, was described as being of 'yellow' complexion and easily identified as non-white though her lawyer disputed this.⁶⁸

Nine days after completing her voyage, Decuir petitioned the court for \$75,000 in damages from the owner of the *Governor Allen*, Captain John Benson, citing her treatment and segregation on board the vessel as cause. On board the steamship a separate cabin existed for white passengers with private berths where they slept with rooms opening onto a shared white dining room. The cabin for black travellers was beneath this cabin and generally reflected the white facilities but was smaller, colder in winter and less ventilated. According to testimony from captains and crew on other ships, this was generally the rule on all steamships on the Mississippi river, although the coloured facilities on other vessels were often substandard in comparison to that of whites.⁶⁹ Decuir had engaged a lawyer in New Orleans to travel back with her to Pointe Coupee to put her late husband's estate in order. The lawyer, E.K. Washington, was white and attempted to secure the return trip on her behalf on board the *Governor Allen* in the white compartment. His partner advised him against using this boat as it would segregate but by this stage Mme. Decuir was already on the boat. She was refused entrance to the white cabin and she refused the coloured cabin. As a result, she travelled overnight on a chair in a separate recess room and was served food separately after the white passengers had eaten. Decuir claimed she was denied the equal rights and privileges granted to all persons irrespective of race and colour under the provisions of Article 13 of the Constitution of Louisiana.

67 Loren Schwenger, "Antebellum Free Persons of Color in Postbellum Louisiana," *Journal of the Louisiana Historical Association* 30.4 (1989): 345–364.

68 *Mrs. Josephine Decuir v. John G. Benson*, 1877; K. Page, "Defiant Women and the Supreme Court of Louisiana in the Nineteenth Century," *A Law Unto Itself? Essays in the New Louisiana Legal History*, eds. W.M. Billings and Mark F. Fernandez (Baton Rouge: Louisiana State UP, 2001) 178–190.

69 *Mrs. Josephine Decuir v. John G. Benson*, 1877.

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What is interesting in this case is that Captain Benson never denied that he had segregated Josephine Decuir. His initial defence claimed the court had no jurisdiction since only Congress could regulate commerce. Once this petition was set aside, Benson then claimed tradition as grounds for segregation regulations. He alleged that the coloured cabin

is now and always has been a well-known regulation on the steamer *Governor Allen* as well as other boats... that colored persons are not placed in the same cabin as white persons or allowed to eat at the same table with them, that this regulation is reasonable, usual and customary... and has been well known to her for many years previous.⁷⁰

As it was usual and customary, and with so many other captains and crews of steamboats all testifying to this rule being implemented comprehensively state-wide, Benson saw no necessity of any further explanation. However, when Washington cross-examined Benson on this point further, not only did issues of transport mode arise but also white attitudes to integration and concepts of race. Benson's defence claimed that his business would be detrimentally affected because white passengers would not stay in rooms after blacks had stayed there and that there was a prejudice on the part of white passengers that would detrimentally affect business if he did not segregate.⁷¹ At this point streetcars became an issue since they also provided public transport but did not segregate the races. D.E. Grove was the clerk of the *Governor Allen*. On cross-examination, Decuir's defence stated that resistance from whites had occurred on the streetcars but once they were integrated whites submitted to the law. Washington's argument was that streetcar integration provided an example for all transport and overrode any protest against integration: 'Colored people travel in streetcars, and the business of the streetcars is not materially informed by that, is it?'⁷² However, Grove's response shows surprising insight into why integration worked in some areas and not in others. Grove claimed that people would only travel on business, when half the travel was for pleasure and not actual necessity. Streetcar travel was, by and large, a necessity for both races and, while the experience may have been pleasurable, it was also seen as unavoidable. If Grove's argument holds then white motivation for transport segregation may have been because blacks were seen to be invading the social sphere of leisure. In this case, the streetcars were a necessary convenience while the steamships, though necessary for business travel, also provided a leisure

70 Ibid. 18–19.

71 Ibid. 52.

72 Ibid. 84–85.

commodity. Streetcars were for short distances while steamships and the new Pullman carriages provided for sleeping and dining, areas traditionally segregated. Exceptions were made for extremely prominent blacks and they were allowed to sleep in the white cabins specifically set aside for wealthy or influential blacks. However, the door leading to the dining room was locked and meals were only provided in their rooms.⁷³ Even when Lieutenant Governor Dunn travelled by steamboat he was allocated a state room in the coloured cabin; but the real issue rested on whether the passenger was known as or appeared to be black.⁷⁴

A witness called A. Duconge, a man of light complexion, appeared as a witness for Decuir. He had travelled on steamboats but had slept and dined in the white cabin. This is where the prosecution attempted to define whiteness and blackness, which highlights the confusion in what it meant to be white. Duconge confirmed that he was legally black despite Benson's lawyer arguing that he had all the appearance of whiteness and must surely pass for white in the city. This was the argument for why he had been allowed to travel in the white cabin. Asked if his travelling companion was white, Duconge replied that he was unsure how to answer since his companion was also legally black but was of a similar complexion. When asked if he was as white as another coloured man with fair complexion, he replied that he was 'of the same race'. In exasperation, Benson's lawyer asked if the witness had the features peculiar to the coloured race to which Duconge replied, 'As far as I know of the colored population here in New Orleans, I have the same features that they have, I have the same features as a colored person.'⁷⁵ Duconge's response goes some way to demonstrate why integration and segregation was ad hoc in New Orleans given the racial makeup of the city, something that would be reflected on the streetcars when they were eventually segregated.

Judge Emerson's summing up found in favour of Decuir but his reasons for doing so are both in line with the law and the Constitution of Louisiana that framed it but also with the prejudice that Benson claims whites had on his boat. In his reasoning for finding in favour of Decuir, the judge takes into account the complexion of Josephine Decuir as having a bearing on the case. He describes her behaviour as genteel, therefore giving Benson no actual reason for refusing service, but the physical description seems to indicate that because she is so close to being white, refusal on Benson's part was unjust; 'Her features are rather delicate with a nose which rather indicates a decided preponderance of the Caucasian and Indian blood. The

73 Ibid. 100.

74 Ibid. 90.

75 Ibid. 174.

blackness and length of the hair, which is straight, confirms this idea.⁷⁶ Judge Emerson continued to describe her previous status as free born and that of her ancestors as also being free born. Since Decuir had brought this case under Article Thirteen of the Constitution of Louisiana, which forbade prejudice on account of race, her former status as free was irrelevant and Emerson's findings were immaterial to the law.⁷⁷ However, by Judge Emerson's reasoning, Josephine Decuir was deemed white enough to receive justice as a white woman. However, Emerson contradicts himself again and perhaps demonstrates his capacity for equality in the subsequent remark, 'The courts cannot make distinctions where the law does not.'⁷⁸ Yet his language highlights the reality of the black place in white society despite equality law since her petition may not have been as effective if her former status had been a slave and her complexion darker. Furthermore, the laws regarding equal privilege on transport had been in place for five years at this point yet steamboats had not only refused to recognise that equality, they had actively engaged in state-wide segregation.

It was not until segregation was challenged, as in Decuir's case, that it was revealed. Benson had been secure enough in his position to offer no defence of his segregated quarters, relying instead on commerce, jurisdiction and custom. Segregation was widely employed on the rivers and most people were aware of it. Decuir herself was aware of it since she had previously been allocated a reserved coloured berth in the white cabin and refused entrance to dine with whites on other ships. Benson interpreted her agitation as irrelevant in the face of his authority to make rules he saw as reasonable. Since in his opinion integration affected his business, segregation was reasonable. Despite his own prejudices, Judge Emerson here identified the distinction between custom and law making clear that custom regarding blacks no longer had standing in Louisiana since it 'is clearly opposed to and subversive of the plainest meaning of the law and can be recognised neither as the law of the land, nor as a guide to the courts... Illegal customs cannot have weight and courts cannot recognise them, however long they have been established.'⁷⁹

76 Ibid. 218.

77 Constitution Adopted by the State Constitutional Convention of the State of Louisiana, March 7, 1868 (New Orleans: Republican Office, 1868).

78 Mrs. Josephine Decuir v. John G. Benson, 1877, 222.

79 Ibid. 224–226.

The Impact of Decuir

The findings of this court were upheld by the Louisiana Supreme Court but were overturned by the U.S. Supreme Court in 1878, which declared the Louisiana statute 'unconstitutional and void' since it interfered with interstate commerce.⁸⁰ With the states gradually settling into reunified peace and with war wounds still raw, the Supreme Court began keeping the peace at the expense of its black citizens. This was transparent in 1878 when the court overturned the decision of the Louisiana Supreme Court of 1877. The U.S. Supreme Court decided that the state of Louisiana could not interfere with interstate commerce as the ship also sailed onto Mississippi even though Decuir had only travelled between points in Louisiana. Compelling the steamship to desegregate was the role of Congress, not the state, even when congressional action was absent. This precedent stayed on the books even after the exact opposite was found in 1890 in the *Louisville, New Orleans and Texas Ry Co. v. Mississippi* case.⁸¹ It was conspicuously obvious that the U.S. Supreme Court was setting clear precedents that segregation was lawful and, in the case of *Hall v. Decuir*, ruling against the state of Louisiana as it tried to uphold equal rights on interstate travel even when it was within the boundaries of the state.

The overturning of this case and the voiding of the statute legally reversed the rights of coloured travellers to equal transport rights. Just as equality laws were not implemented fully, as the example of the steamships indicates, nor were they voided completely after 1878. The Louisiana statute was voided but the U.S. Civil Rights Act of 1875 remained and it too provided for the 'Full and equal employment of the accommodations, advantages, facilities, and privileges of Inns, public conveyances on land and water...'⁸² The laws providing equality up until 1878 were often ignored until challenged and when the law was reversed this pattern continued. Blacks continued to contest inequality just as white businesses continued to apply integration on an impromptu basis. As for steamboats, in 1878 the *New Orleans Times* reported the 'Peerless' *John W. Cannon* steamer arriving at New Orleans, designed two years previously with illegal separate coloured cabins, suggesting the outcome of the Decuir case had little or no impact on the 'customs' of the Mississippi river.⁸³ In general, integrated transport as

80 *Hall v. Decuir*, 95 U.S. 485 (1878), Supreme Court of the US.

81 *Louisville, New Orleans and Texas Ry Co. v. Mississippi*, 133 U.S. 587 (1890), Justia US Supreme Court, 2016, Web. 9 Aug. 2016.

82 "A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774–1875," *Statutes at Large*, 43 Congress, 2nd Session, 18:3: 335–336.

83 "Another Palace of the Mississippi," *New Orleans Times* 21 Jun. 1878: 6.

a whole was continually under attack from both sides. The question of Star cars rose again in the wake of Decuir's success. Former Governor Henry Warmouth attacked both editors of the *Daily Picayune* and the *Bulletin* on the proposition of re-establishing the Star-car system.⁸⁴ His motivation may have been to re-establish his popularity among 'coloured voters', its opportune timing coinciding with renewed gubernatorial aspirations in the state, but it also shows that streetcar and integrated travel in general were far from settled topics.

Integration: New Orleans and Louisiana

Geography and demographics in the nineteenth and early twentieth centuries had an impact on the level of integration on streetcars and other forms of transport. This also influenced the acceptance of streetcar integration among whites and the ability of black travellers to reverse encroaching segregation policies in transport as a whole. New Orleans' population demographic stood apart from those of the two other metropolitan centres in Louisiana, which was reflected in the experience of the coloured population. The northern city of Shreveport, in the predominantly black parish of Caddo, differed in that only 2.4 percent of its native population were foreign born in 1880 while almost 20 percent of Orleans was foreign.⁸⁵ The capital parish of East Baton Rouge also experienced a majority black population by 1880. The capital city, Baton Rouge, had a larger white population though lower numbers of foreign born at five percent while again the majority of the black population lived in the rural parish areas.⁸⁶ The presence of a foreign-born population meant white supremacy was not the norm or expectation of some whites or blacks. Low numbers of foreign born in East Baton Rouge and particularly Caddo meant the continuation of antebellum supremacist policies was more acceptable and foreign influences less likely to make an impact.

Despite frequent grievances in the press from disgruntled blacks who were charged first-class fares but relegated to substandard carriages, the situation was not settled.⁸⁷ Interracial mixing was not uncommon during the 1880s in leisure and sports areas, but it was dependent on the attitudes of private

84 "Ex Governor Warmoth," *New Orleans Times* 24 Dec. 1874: 4.

85 In Caddo parish, the largest number of foreign-born residents came from the German Empire and France. In East Baton Rouge parish, the highest number of foreign born came from the German Empire and Ireland. In Orleans parish, the highest number of foreign-born residents came from the German Empire and Ireland.

86 U.S. Census Bureau (1880), Population of the United States, "Tables 1-4: Louisiana: Classified Population of the States and Territories by Counties: 1880," *United States Census* (Washington: United States Census Bureau, 1880) Web. 12 Mar. 2015.

87 "The Railroads. Coaches for Colored Travelers," *Daily Picayune* 5 Jan. 1887: 6.

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business owners. Theatres and racecourses often segregated, which did not break the law as long as they did not exclude black patrons. However, the situation in rural and urban areas differed. Racial violence and peonage built up well-defined social barriers that prevented challenges by blacks to segregation in rural areas.⁸⁸ Among the northern parishes, the largest number of blacks resided in Caddo parish. Though the black population was just under 20,000, fewer than 5,000 lived in the city though they still outnumbered Shreveport's white population of 3,219. Researchers at the beginning of the twentieth century found a distinct undercurrent of fear among blacks in northern parishes which, although not absent, was less perceptible in southern parishes.⁸⁹

In New Orleans, racial policies and white attitudes were not inflexible or exclusive of blacks. City life blurred social distinctions and fostered a spirit of tolerance, which seldom appeared in the rural south, and urban whites were less inclined to insist upon total black subjugation.⁹⁰ While it can be argued that the higher percentage of blacks in Caddo and East Baton Rouge should have made integration more common, it often had the opposite effect of making whites feel more threatened. Whites in Caddo parish had come out of the Civil War generally undamaged and so did not feel defeated. This made change in political and public rights for blacks all the more difficult to accept.⁹¹ Steamship captains along the red river in Caddo often refused blacks transport out of the area, at the behest of plantation owners to prevent labour shortages.⁹² In contrast, at the beginning of the twentieth century, New Orleans whites were initially opposed to segregated streetcars because not enough black passengers were perceived to use them to warrant whites having to be inconvenienced. They would be left waiting for white cars or squeezed into white compartments while black compartments lay empty. Yet despite Reconstruction legislation that had prohibited exclusion based on race on public carriers, railways continued to assign black passengers to special cars. Nevertheless, this was not uniform and a white reporter for the *Atlantic Monthly* who was travelling extensively throughout the South described how 'well-dressed

88 Dale A. Somers, "Black and White in New Orleans: A Study in Urban Race Relations 1865–1900," *Journal of Southern History* 40.1 (1974): 19–42.

89 Greta De Jong, *A Different Day: African American Struggles for Justice in Rural Louisiana, 1900–1970* (Chapel Hill: University of North Carolina, 2002) 11.

90 Somers, "Black and White in New Orleans" 19–42.

91 Giles Vandal, "Bloody Caddo: White Violence Against Blacks in a Louisiana Parish, 1865–1876," *Journal of Social History* 25.2 (1991): 373–388.

92 Solomon K. Smith, "The Freedmen's Bureau: The Struggle for Control of the Red River District," *Journal of the Louisiana Historical Association* 41.4 (2000): 435–465.

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negroes' travelled with the 'first class whites' and 'poor whites or working folk' travelled in the 'negro car'.⁹³

In contrast, blacks continued to use streetcars freely after the Supreme Court voided the transport equality statute and the Civil Rights Act 1875 until the next century. Regardless of this, 'White' and 'Colored' signs were in Louisiana railway waiting rooms as early as 1882, though they were removed after pressure was brought by the black newspaper, the *New Orleans Weekly Louisianan*.⁹⁴ It is clear that despite integration in many areas, gradual segregation by white companies was creeping in as the 1880s progressed, though tempered by black protest. By 1890, New Orleans newspapers were complaining about 'the indiscriminate commingling of races in travel' making it clear that this was an issue to whites.⁹⁵ Yet black legislators were in the same year complaining that railroads were routinely directing black men, women and children into the male-dominated smoking car or 'such other worn out boxes as the railroads may have on hand'.⁹⁶ As the 1880s drew to a close, half of the Louisiana electorate were black as were eleven members of the Legislature.⁹⁷ This put Louisiana's black population in a strong position to oppose the transport segregation already in place in other Southern states.

Throughout the 1880s, the Supreme Court had gradually limited the scope of post-Civil War amendments so that the individual rights of black citizens were moving into the hands of state governments. It was no coincidence that the *Decuir* case was overturned only after the end of Reconstruction in 1877 but in this case, it removed the authority of the state to interfere on behalf of its black citizens. In 1883, the Supreme Court had declared the Civil Rights Act of 1875 unconstitutional thereby preventing the federal government interfering in cases of discrimination by private citizens.⁹⁸ The *Civil Rights Cases* of 1883 overturned the Civil Rights Act of 1875, paving the way for Southern states to establish

93 Jonathan B. Harrison, "Studies in the South," *Atlantic Monthly* (Nov. 1882): 623–634.

94 "The Louisville and Nashville Depot," *Weekly Louisianan* 25 Feb. 1882: 2; "Local," *Weekly Louisianan* 4 Mar. 1882: 3; "Local-That Sign," *Weekly Louisianan* 25 Mar. 1882: 3.

95 Henry C. Dethloff and Robert R. Jones, "Race Relation in Louisiana, 1877–98," *Journal of the Louisiana Historical Association* 9.4 (1968): 301–323.

96 Representative Brown. See: Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1890* (Baton Rouge: The State, 1890) 202.

97 Riley E. Baker, "Negro Voter Registration in Louisiana: 1879–1964," *Louisiana Studies* 18.4 (1965): 332–349.

98 *Civil Rights Cases*, 109 U.S. 3 (1883), Supreme Court of the US, Justia US Supreme Court, Web. 20 Jun. 2014.

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Jim Crow cars. This effectively prevented first-class travel for blacks on any public conveyance.

As had been seen during the summing up of the Decuir case, behaviour that was deemed below the genteel standard was grounds for non-service to white as well as black passengers. Access to first-class travel effectively prevented active protest since any challenge to the conductor undermined the expected refined behaviour and played to white stereotypes of lower-class blacks. This was the reason protest against first-class segregation took the form of court action. Since the streetcars had only a standard fare they remained relatively unaffected yet always in the shadow of the Star cars.⁹⁹ This was because during the 1870s and 1880s ordinary citizens, black and white, formulated personal codes of racial conduct based on day-to-day needs, a flexibility which disappeared as the century drew to a close. As the streetcars were used at least twice daily and were functional as opposed to luxurious travel, the argument ran that acceptable behaviour between blacks and whites differed from that which was required on rail or steamboats.

With the advent of the Redeemer period in 1877, segregation began to creep into public institutions such as schools and hospitals, although discriminatory legislation did not appear until 1890. The powerful voting block which blacks maintained even after the withdrawal of federal troops in 1877 ensured that their political and civil rights could not be completely withdrawn. However, since they represented only a fourth of the city's population, they lacked the capability to demand more.¹⁰⁰

Railroads and Redemption

Rail was still a new technology in 1880s south-west Louisiana. It inspired interest in the potential for trade and travel alongside cautious scepticism as to what railroad links would mean for existing trades such as steamships and communities. In 1880 the railroad was finally completed between New Orleans and Houston, leading the editor of the *Opelousas* in Louisiana to comment on the effect it had on ordinary citizens: 'No one ever thinks of taking a walk in any other direction from that leading to the railroad tracks... They are rapidly casting aside their old rustic country ways, and are becoming metropolitan-like in appearance and deportment.'¹⁰¹

The Texas to New Orleans railway was continually being sued by black passengers who were refused first-class passage after buying first-class

99 Somers, "Black and White in New Orleans" 19–42.

100 Ibid. 19–42.

101 Donald J. Millet, "Southwest Louisiana Enters the Railroad Age: 1880–1900," *Louisiana History: The Journal of the Louisiana Historical Association* 24.2 (1983): 165–183.

tickets.¹⁰² Promises from the railroad company to provide separate first-class cars of the same standard for blacks only were met favourably and the suits were dropped in anticipation of this accommodation. However, in light of the outcome of the *Civil Rights Cases* of 1883, the railroad no longer felt obligated to provide first class for blacks and relegated them to second class. Political and commercial cooperation between blacks and whites since 1872 took the form of the Unification movement in New Orleans which advocated the acceptance of black civil rights and generally accepted the legal equality of the races. It originated in the chaos surrounding the Kellogg–McEnery disputed governorship as an alternative to corruption and violence, though the party failed to secure any mass black support. The white sponsors were primarily from business, legal and journalistic backgrounds while black sponsors were primarily creoles of colour. It was endorsed by some leading figures like the Catholic Archbishop Perché and gained popularity and support in New Orleans but much less so in outlying rural areas and even urban centres like Shreveport. Despite the support and media build up, the first public meeting held not only highlighted the lack of equal rights for blacks but also the lack of compromise and the divisions among black and white members on the platform. The Unification movement failed at its first hurdle and never recovered. However, its very existence highlights that the early 1870s raised issues of reform and cooperation in the city, and indicates the high level of support and popularity for a working equality and reform between the races in New Orleans.¹⁰³

After 1877 and until the loss of the vote for black citizens in 1898, the laws that protected blacks and the laws that upheld inequality were inconsistent; or as Dethloff and Jones describe it, there was an ‘absence of system’. Minor politicians sought the black vote and in return could not display blatant white supremacy; ‘Everybody wanted the Negro’s vote, and everybody was soliciting it.’¹⁰⁴ The change from radical rule to the redemptive period in 1877 brought little perceptible modification in policy. The most significant aspect in the conversion from Radical to Redeemer rule was the absence of outstanding change.¹⁰⁵ What is significant was that until 1890, when the first Jim Crow law in Louisiana passed, black voters outnumbered whites. Once the black majority vote was weakened, so were rights to equality. George Washington Cable, a white social commentator and champion

102 “Houston,” *Daily Picayune* 21 Sept. 1883: 1.

103 T. Harry Williams, “The Louisiana Unification Movement of 1873,” *Journal of Southern History* 11.3 (1945): 349–369.

104 Dethloff, “Race Relations” 301–323.

105 Garnie McGinty, *Louisiana Redeemed: The Overthrow of Carpet-Bag Rule, 1876–1880* (New Orleans: Pelican, 1941) 248.

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of black rights, highlighted the differences that blacks experienced on steamboats and trains: 'In Louisiana certain railway trains and steamboats run side by side, within a mile of each other, where in the trains a Negro or mulatto may sit where he will, and on the boats he must confine himself to a different quarter'.¹⁰⁶

While some degree of integration seems to have been the rule on most Louisiana railroads, opinions to the contrary existed among some prominent black politicians.¹⁰⁷ Writing of the conditions of blacks in 1884 John Webre, highlighted the startling differential treatment of the black community in different areas of Louisiana. In parishes where blacks could vote freely, they also experienced fair trials by jury. However, he was clear that: 'We do not ride in the same steamboat cabin or the same car as white people, neither do we enjoy hotel accommodation in any part of the state.'¹⁰⁸ Webre went on to describe the two 'districts' in Louisiana: the southern sugar districts where blacks voted freely, were respected and enjoyed a fair trial by jury; and the contrasting northern cotton parishes. He described the treatment of blacks in northern parishes as 'revolting to humanity', though conceded that some southern sugar parishes such as Pointe Coupee also harassed blacks. This was the parish where Josephine Decuir lived and where she had also prospered as a plantation owner. Consequently, while conditions in the southern parishes may have been more favourable to blacks, travel remained restricted and the case of Pointe Coupee both proves this point and illuminates that harassment in southern parishes also occurred.

The violence and fraud associated with black electoral rights during both Reconstruction and Redemption by white paramilitary groups undermined not only civil rights but also aspirations of social equality. The White League in New Orleans, the Knights of the White Camelia and a further intimidation group, the Regulators, also active in other states, weakened integration in all aspects of society.¹⁰⁹ Advances made in integrating transport were continually undermined by the suppression of blacks in other areas. It is clear from reports of the Regulators that they were active not just in New Orleans but in other southern parishes such as Iberia, St. Martins, St. Landry and Lafayette.¹¹⁰ Despite Webre's descriptions of two districts, with the

106 Arlin Turner, ed., *The Negro Question: A Selection of Writings on Civil Rights in the South* by George W. Cable (New York: Doubleday, 1958) 17.

107 Dethloff and Jones, "Race Relations" 301-323.

108 John Webre, "Letter to R.A. Hitchcock," 22 Aug. 1884, *George Washington Cable Papers*, Louisiana Research Collection, Tulane University, New Orleans.

109 "South Carolina-Regulators," *Daily Picayune* 12 Sept. 1885: 1.

110 "Monroe, La.," *Daily Picayune* 31 Jul. 1878: 8; "The Iberia Trouble," *Weekly Pelican* 2 Feb. 1889: 3; "The 'Regulators' Arrested," *Daily Picayune* 31 Jul. 1889: 4; "From

southern aspect of the state being more congenial to blacks, violent white response to black civil rights was state wide. This was in conjunction with the growing support for the suppression of miscegenation in the state, known as Anti-Amalgamation. The Anti-Amalgamation movement began in the northern Claiborne parish as an effort to prevent white males from engaging with black women. According to the organisation, amalgamation was on the increase and was to be prevented as 'a serious and disgraceful crime against the laws of nature, society and civilization.'¹¹¹ Editorials supporting this view began appearing at the same time in New Orleans papers. The *Daily Picayune* published one article that stated that amalgamation among 'pure' blacks and whites was on the decrease though not among mulattoes, who were becoming increasingly white as a result.¹¹² The tone of the articles supports anti-amalgamation, subordination of blacks and a continued reliance on the white race for guidance and rule. Interestingly the *Daily Picayune* comments on the division in occupations between mulatto and black populations in the city and the self-segregation between them, adding further credence to the ongoing divisions in the black community.

Black newspapers also reported the Anti-Amalgamation movement but not favourably, having the foresight to see that it would lead to consequences in other areas of society. They challenged: 'We shall vigorously oppose any law that will prevent the intermingling of the Caucasian and African blood.'¹¹³ The supposed inferiority of the 'negro' intellect was assumed by white editorials and fear that a mulatto race would absorb the white race loomed towards the end of the 1880s.¹¹⁴ This was backed up by the speeches of powerful individuals such as cohorts of Governor McEnery.¹¹⁵ In response to an article by George Washington Cable, the *Daily Picayune* directly linked miscegenation to 'the mingling of the two races' in, among other places, 'railway coaches and steamer landings.'¹¹⁶ In reality, by 1880 there were 176 white men married to black women and a mere twenty-nine white women married to black men in New Orleans.¹¹⁷ The census, however, does not list lovers or liaisons where the number may have been much higher. It was the shielded and secretive nature of these relationships that raised

St. Martins Parish," *Weekly Pelican* 24 Aug. 1889: 2; "Bloodshed in St. Landry," *Daily Picayune* 21 Apr. 1896: 1.

111 "Anti-Amalgamation Movement," *Daily Picayune* 13 Aug. 1888: 4.

112 "Race Differences Among Negroes," *Daily Picayune* 11 Jan. 1889: 4.

113 "Ku Klux Klan," *Weekly Pelican* 12 Feb. 1887: 2.

114 "How Shall We Help the Negro?" *Daily Picayune* 5 Jun. 1885: 4.

115 "The Louisiana Policy," *Weekly Pelican* 5 Nov. 1887: 1.

116 George W. Cable, "The Freedman's Case in Equity," *Century Magazine* (Jan. 1885): 409-418; "In Plain Black and White," *Daily Picayune* 29 Mar. 1885: 4.

117 Blassingame, *Black New Orleans* 206-207.

concerns among white conservatives about illicit relationships conceived on integrated transport. The impending separate-but-equal mandate of the Supreme Court in the next decade was in keeping with the 'spirit of the age' but while social equality held images of miscegenation for whites, for blacks it meant access to equal accommodations and not 'domestic intimacy... and no one is idiotic enough to demand it.'¹¹⁸ By the 1880s, social equality had taken on new meaning for whites and the compunction to segregate was consistent with fears of the 'Promiscuous mixing' of the races.¹¹⁹ Social equality, while it remained cloaked in miscegenation and private intrusion, became a hurdle for equal access to public accommodations despite the law. For while the *Civil Rights Cases* legitimised the private exclusion of people according to race, the law still prevented public exclusion. However, what constituted public and private business was vague. Just like Captain Benson in the Decuir steamboat case, many proprietors saw their business as a personal and therefore private enterprise despite being open to the public.

Yet the colour line in New Orleans remained unfixed as the *Weekly Louisianan* proclaimed in 1875 that hundreds of 'Coloreds' had been recorded as whites in the census and that even in the ranks of the White League there were 'tinges of African or negro blood.'¹²⁰ This made it impossible to police segregation, though later parish and state regulators would attempt to do so in the next century. Yet blacks continued to be stereotyped as troublesome, poor and lower class. Complaints abounded regarding black streetcar passengers' uncouth and inappropriate behaviour in the presence of white ladies. Reports make the point that ladies were often unaccompanied and at the mercy of 'Insulting' behaviour. Ladies on the Prytania and Carrollton lines were particularly vulnerable since the cars ran through the most fashionable parts of the city and 'as the cars were well kept, they attract ladies'. However, the cars terminated in the city limits where 'the black population is large, and they are extensively patronised by negroes.'¹²¹

Black washer women were also targeted as disease-carrying individuals likely to contaminate other passengers.¹²² What is telling about such articles is the emphasis on the increasing powers of drivers and conductors, whose role was envisaged as the authority on the car. Though conductors on

118 Charles A. Lofgren, *The Plessy Case: A Legal-Historical Interpretation* (New York: Oxford UP, 1987) 197; "Social Equality," *Weekly Louisianan* 27 May 1882: 2.

119 Blassingame, *Black New Orleans* 196–197.

120 "The Census," *Weekly Louisianan* 4 Sept. 1875: 3; "A Not Unexpected Phase of Public Inquiry," *Weekly Louisianan* 26 Dec. 1875: 2.

121 "Unruly Conduct in Streetcars," *Daily Picayune* 24 Dec. 1889: 4.

122 "Foul Clothing in Cars," *Daily Picayune* 31 Dec. 1889: 4.

Streetcars and Protest

Southern railroads had ultimate authority over the trains since 1853, this highlights the early seeds of the role that streetcar drivers and conductors would play in the next century in determining the race and passage rights of passengers in urban areas.¹²³ Yet blacks continued to use the cars unmolested and on occasion for recreational purposes. Coloured persons visiting Spanish Fort, a resort at Pontchartrain Lake, noted no segregation on the streetcar there or back but only at the resort itself, where blacks found it difficult to get served even by black business owners.¹²⁴ The inconsistency of integration was further highlighted by recommendations that coloured patrons instead take a streetcar to the West End resort where blacks were served: ‘It is not strange to see colored gentlemen and ladies mingle freely with southern white ladies and gentlemen upon the cars... but as soon as a glass of refreshment is ordered the politest answer you can get is “we don’t sell to colored people”.’¹²⁵ Existing scholarship concurs that irregular segregation depended not just on the willingness of business but also on the readiness of blacks to exercise their rights of access. Successful integration lay in blacks asserting their rights while whites were still unsure how to react.¹²⁶ Early forceful action on the streetcars had proved effective and while blacks sued and argued their way onto first-class accommodation on railways, it was sporadic, inconsistent and lacked the force of numbers behind the streetcar protests. Steamboat protest was also unorganised; while the Decuir case was legally successful, it lacked the organised and forceful protest of the streetcars. Despite increasing segregation on steamboats and trains throughout Louisiana, the streetcars in New Orleans remained integrated and free from the random segregation that ran alongside them elsewhere.

The integration of transport throughout the Reconstruction and Redemption period in Louisiana and particularly in New Orleans was a triumph despite its sporadic and random implementation. Of all types of transport, streetcars were the most successful and this was down to organised protest through the courts, the media and the streets. The timing of streetcar protest on the streets was opportune in the wake of recent unrest and the advantages of a black military presence. The combined leadership of the free blacks and the efforts of freedmen, though initially separated by legal status and then by class, illuminates the streetcar protests as a symbol of the black condition, combining it with citizenship and equal rights. The forward-looking constitution of 1868 enabled Louisiana to remain the only fully integrated state until 1890 but the *de facto* reality was a state fractured

123 Marrs, *Railroads in the Old South* 88–89.

124 “A Car,” *New Orleans Item* 6 Nov. 1880: 2.

125 “Our Lake Resorts,” *Weekly Louisianan* 23 Jul. 1881: 2.

126 Blassingame, *Black New Orleans* 196.

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by geographical influences that would inhibit total integration. White supremacist movements and the contrast in urban and rural experiences of black rights combined to limit the acceptance of black civil rights by whites.

Furthermore, the custom of segregation that had existed in the antebellum period continued on steamships which, due to the nature of their infrequent usage by and accommodation of blacks, avoided the attention of organised black protest. When action was taken, it highlighted the motivation behind segregation. The ship's captain and many other witnesses from the river trade firmly believed that integration would detrimentally affect their business since integrated sleeping and eating crossed lines of social equality that whites found unacceptable. It also displayed the difficulty not only of policing the colour line but of the inconsistent definition of colour to whites. Judge Emerson's summing up included Decuir's pale complexion, hair and features having bearing on the case. The value of Decuir's case is that it provides a close interpretation of the law. Emerson's judgement clearly defined the relationship between the court and the law, and it was the law that had to be upheld regardless of any enduring custom in place. Custom in this case won out when the U.S. Supreme Court overturned the Louisiana Court's decision after Redemption was in place. Left in the hands of the Louisiana courts, segregation would have been halted but the influence of the Supreme Court ensured Louisiana stayed on the same path to Jim Crow as other Southern states.

After the Civil Rights Act (1875) was found to be unconstitutional in 1883, railway and steamboats no longer upheld the pretence of first-class travel for blacks. The court cases brought by blacks against the Texas to New Orleans railway show a concerted effort to use pressure to enforce the law, but the subsequent voiding of the Civil Rights Act meant that all promises for first-class accommodation were not upheld. That black plaintiffs had dropped their cases in anticipation of change shows confidence in the law but also weak organised protest. That the cases sought to integrate first-class accommodation is a strong indicator that only middle-class blacks were affected or protesting about rail segregation, which narrowed the margin of impact.

Yet protest could be effective without taking to the streets. The response to segregated waiting rooms shows that focused black public outrage in the media could be effective. That streetcars remained fully integrated while segregation crept into almost every other public accommodation was a testament to the type of protest that had integrated them initially. The combined efforts of middle- and lower-class blacks allowed them to wage a war on segregation on different levels. It was also effective because lower-class blacks would confront whites in a way that the middle classes would not since it went against their codes of behaviour and raised fears

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of being associated with lower-class behaviour in the eyes of whites. These factors ensured success on the streetcars but their absence in rail and steamship protest weakened any impact on white lawmakers veering towards Jim Crow.



Figure 3. Stereo-card image by J.F. Jarvis circa 1880. St. Charles Street Railroad horsecar 17 is turning from Canal Street into the centre layover track, where another horsecar ahead of car 17 is awaiting its departure time.

Photograph courtesy of H. George Friedman Jr. Photograph 54 "Canal Street: A Street Railway Spectacular," cs.illinois.edu, University of Illinois at Urbana-Champaign, 2014, Web. 4 Dec. 2018.

3

The Rise of White Supremacy

The Road to Segregated Streetcars

Between 1890 and 1902 the State of Louisiana segregated all aspects of public travel, a process culminating in the segregated Street Car Act of 1902. Until this point, streetcars in New Orleans had continued to be fully integrated despite the Separate Car Act (1890) the Separate Waiting Room Act (1894) and restricted voting rights (1898). Unlike trains, streetcars had standardised fares which prevented restrictions based on class or wealth and were used by all classes of society. Though some sources claim affluent passengers generally sat forward of the car, this was not implemented as policy or restricted to white affluent passengers as was the case with train carriages.¹ The complaisant racial and class dynamics created by streetcar fares and the free-seating policy reduced racial friction through to the beginning of the twentieth century. However, the same was not true of railway carriages, which socially elevated affluent blacks in first-class carriages that financially and socially excluded poorer whites prior to 1890.

While whites in other states across the South responded to growing white-supremacist ideology by passing Jim Crow segregation laws, Louisiana resisted until 1890. Then growing religious and social reform movements began incorporating supremacist and separatist ideology, tying it to religious and social campaigns within the state. As reform enveloped every aspect of society, so too did segregation. That trains were segregated in the late nineteenth century while streetcars were not is important as it shows that motivation for segregation was initially social separation rather than the physical separation of train carriages. That whites were willing to mix with black passengers on streetcars but not trains shows they were focused on

1 Roger A. Fischer, "A Pioneer Protest: The New Orleans Streetcar Controversy of 1867," *Journal of Negro History* 53.3 (1968): 219–233.

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elevating their own social position but less concerned with the physical proximity of black passengers. This would change in the twentieth century, where blacks were physically separated in all aspects of society. It also confirms the early 1900s as a time when 'a new, harsher system of white supremacy... tightened its grip on the South.'² As the character of white supremacy evolved to merge separation of the races with the subjugation of blacks, this too was reflected on public transport with the segregation of the streetcars.

Legislative motivation behind the first Louisiana Separate Car Act (1890) lay in burgeoning white-supremacist ideology. The growth of white supremacy in New Orleans influenced legal segregation in a city that was integrated *de jure*. However, segregation legislation progressed from a bargaining tool in 1890 and culminated in a 'separate-but-equal' legislative strategy in 1896. The changing nature of segregation illuminates how the urge to segregate grew in the period between 1890 and 1902. The level of public support for increased segregation is reflected in the arrest records, which determine black and white compliance after the law is passed. This shows the extent to which segregation legislation was implemented, which illustrates commitment on behalf of the state and those charged with its application. Consequently, the extent transport segregation was successful, *de jure* and *de facto*, is determined by looking at the level of arrests of both whites and blacks. This draws on both the willingness of white society to implement transport segregation and actual compliance as it was reflected on streetcars.

White Supremacy and the New South

Segregation had been practised across the South for years prior to 1890.³ The lack of transport segregation legislation in Louisiana before 1890 is conspicuous in light of burgeoning white-supremacist ideology, associated evangelical social reforms and the presence of informal segregation policies. It was clear after Reconstruction that many Southern states were segregating and discriminating against black citizens despite equality laws formulated after the Civil War. States such as Tennessee and Virginia had enforced segregation laws since 1870 and by 1880 eight of the eleven former Confederate states had such laws in place. Florida and Arkansas followed within the next

2 Charles H. Martin, *The Rise and Fall of the Color Line in Southern College Sports, 1890–1980* (Springfield: University of Illinois Press, 2010) xvi.

3 Comer Vann Woodward, *The Origins of the New South 1877–1913* (Baton Rouge: Louisiana State UP, 1951) 211–212.

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decade, leaving Louisiana alone without segregation.⁴ By 1890 Louisiana was the last of the former Confederate states to enact Jim Crow laws. The Louisiana Separate Car Act (1890) was based on U.S. Supreme Court findings that separate train carriages for whites and blacks in Mississippi did not interfere with federal law on interstate commerce.⁵ This affected train carriages only and streetcars remained integrated.⁶

Prior to 1890 New Orleans newspapers had complained of ‘the indiscriminate commingling of races in travel’ making it clear that this was an issue to whites.⁷ Contrary to this black legislators were, in the same year, complaining that railroads were routinely directing black men, women and children into the male-dominated smoking car.⁸ These contested interpretations of the reality of integrated travel highlight that segregation was in place at some level regardless and/or that sections of this society felt socially segregated. When a society is divided by sharp cleavages, in this case social equality and race, the political pressures towards middle-of-the-road policies are absent.⁹ Political stability between blacks and whites in Louisiana depended on overlapping inclusiveness and loyalties which were eroded by growing white supremacy and its ties to social reform. The result made segregation a gradual inevitability as whites felt the rights of blacks could be ignored in the name of reform.¹⁰

The ‘New South’, a phrase coined in the early 1870s by Southern post-Civil War intellectuals and journalists, encouraged Louisianans to look towards an economic revitalisation and new Southern identity.¹¹ The New South was unrepentant for its past or the ‘lost cause’ but looked forward

4 F. Johnson, *The Development of State Legislation Concerning the Free Negro* (New York: Arbour Press, 1919) 71, 86, 182–183, 193.

5 *Louisville, New Orleans and Texas Ry Co. v. Mississippi*, 133 U.S. 587 (1890), Justia US Supreme Court, 2016, Web. 9 Aug. 2016.

6 Johnson, *The Development of State Legislation* 114.

7 Dethloff, “Race Relations” 301–323.

8 Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1890* (Baton Rouge: The State, 1890) 202.

9 Arend Lijphart, “Consociational Democracy,” *World Politics* 21.2 (1968): 207–225; B. O’Leary, “Debating Consociational Politics: Normative and Explanatory Arguments,” *From Power Sharing to Democracy: Post Conflict Institutions in Ethnically Divided Societies*, ed. S. Noel (Montreal and Kingston: McGill-Queen’s UP, 2005) 3–43; R.C. Taras and R. Ganguly, *Understanding Ethnic Conflict*, 4th ed. (Oxon: Routledge, 2016) 11–13.

10 “Judge Fenner on the Race Problem,” *Daily Picayune* 25 May 1890: 4; “The Separate Cars Bill,” *Daily Picayune* 10 Jul. 1890: 4.

11 Edward L. Ayers, *The Promise of the New South* (New York: Oxford UP, 1992) 20–21. National press reports popularised the term. See: Paul M. Gaston, *The New South Creed: A Study in Southern Mythmaking* (Montgomery: New South Books, 1970) 37; “The New South. Her Future as the Centre of the Cotton Manufacturing Industry,” *New*

‘glad... that human slavery was swept forever from American soil.’¹² Often nurtured amid the burgeoning influences of evangelicalism, Southern white supremacy aroused Northern sympathies through novels that romanticised plantation slavery, glorifying the South without criticising the North.¹³ As a result of this ‘cavalier literature’ and the growing lost-cause ideology of the late 1880s, which romanticised the antebellum South, Northerners would become more tolerant of Southern racism in the 1890s, identifying it as part of the social culture of the area.¹⁴ Publications such as *Flower De Hundred*, ‘the story of a Virginia Plantation’, or *Monsieur Motte*, ‘picture of a Louisiana Plantation’, were popularly sold both in Louisiana and New York in the late 1880s and portrayed what was becoming a stereotyped Southern culture.¹⁵

This was highlighted in the mid-1890s when the U.S. Supreme Court found segregation on transport legally acceptable with ‘reference to the established usages, customs, and traditions of the people.’¹⁶ The same traditions and customs established to segregate free blacks from whites on transport in the antebellum period were now given full Supreme Court approval. This dramatically contrasted with earlier Louisianan Reconstruction policies which established that tradition could not conflict with law.¹⁷ However, research in legal and social theory has shown that where tradition and law are intertwined, past laws give an authoritative significance to the present ones where race is concerned. This explains how the lower status and segregation of black passengers was seen as natural in this white society as it was in the past. ‘[The past of law] is simply “obvious” or “natural”... [The past of law] is an authoritative significant part of its present.’ The past can be ‘recognised and appropriated in a specifically traditional way, when it is known or thought to be the past of one’s race... and is considered to be of continuing significance.’¹⁸ Such significance was clear in Louisiana as white supremacy was announced rather than debated in newspapers from the 1880s onwards.¹⁹

Orleans Times 24 Sept. 1875: 8; “The Young South,” *New Orleans Times* 23 Aug. 1877: 4.
12 Ayers, *The Promise* 21.

13 Joseph L. Cocker, *Liquor in the Land of the Lost Cause: Southern White Evangelicals and the Prohibition Movement* (Lexington: University of Kentucky, 2007) 135–136.

14 Cocker, *Liquor* 135–136.

15 “Recent Publications,” *Daily Picayune* 13 May 1888: 7; “Recent Publications,” *Daily Picayune* 21 Dec. 1890: 15.

16 *Plessy v. Ferguson*, 163 U.S. 537 (1896), *Justia US Supreme Court*, 2016, Web. 9 Aug. 2016.

17 *Mrs. Josephine Decuir v. John G. Benson*, 1877, 27.

18 Martin Krygier, “Law as Tradition,” *Law and Philosophy* 5.2 (1986): 237–262.

19 “McEnery at Monroe,” *Weekly Pelican* 22 Oct. 1887: 2; “A New White Man’s Party,” *Daily Picayune* 5 Feb. 1881: 4; “Race Relations in the South,” *Daily Picayune* 13 Nov. 1890: 4.

Reform and Segregation

The sentiment of the New South found favour among evangelical reformers who looked forward to a reformed, 'dry' South. Between 1880 and 1910 a movement dominated by southern Baptists and Methodists pushed for prohibition by tying it to social reform and improving race relations. By the late 1880s this was achieved by increased political activism and support for political social reformers. As the decade moved toward the 1890s, the New South's rhetoric engaged African Americans, though it was always in an inferior role. White social gospel leaders were racist and ignored their black counterparts, such as Southern reformer Ida B. Wells-Barnett, who criticised their behaviour.²⁰ In the nationalistic heyday of the South, taking a position defending the rights and dignity of African Americans was usually not possible. Noted exceptions were New Orleanian George Washington Cable and Louisiana Episcopal Rector Quincy Ewing.²¹ Evangelical attitudes towards African Americans changed between the 1880s and 1890s as reform took a segregationist path as was the case with the Separate Car Act (1890).²²

In Louisiana, segregation was continually in debate and newspaper articles during this period highlight that segregation of the races was conceived as best for both races, in some cases black citizens in particular.²³ These attitudes would escalate by the 1900s as black males were stereotyped as drink-fuelled would-be rapists of white virtue in an effort to highlight the temperate cause.²⁴ In New Orleans this was reflected in newspapers which criticised any defence of black men against the word of white women and recorded flippantly the lynching of blacks accused of rape.²⁵ The year 1890 was a turning point in Southern race relations as dominant Republicans began congressional investigations and introduced the Lodge Bill to allow military oversight of Southern elections. Fearing Northern carpetbaggers' interference in Southern race policies, Southern evangelical

20 Darryl M. Trimiew, "The Social Gospel Movement and the Question of Race," *Social Gospel Today*, ed. Christopher Hodge Evans (Louisville: Westminster John Knox, 2001) 31–32.

21 Gary Dorrien, *The New Abolition: W.E.B. Du Bois and the Black Social Gospel* (New Haven: Yale UP, 2015) 60–63.

22 Cocker, *Liquor* 4, 137–138.

23 "The Freedman's Case in Equity," *Daily Picayune* 6 Jan. 1885: 4; "In Plain Black and White," *Daily Picayune* 29 Mar. 1885: 4; "A Reasonable View," *Daily Picayune* 23 Dec. 1889: 4.

24 Cocker, *Liquor* 4–5.

25 "Domestic," *New Orleans Item* 14 Mar. 1881: 1; "Crime That Must Be Crushed Out," *Daily Picayune* 17 Aug. 1887: 4; "Mississippi," *Daily Picayune* 23 Aug. 1887: 1; "Union City," *Daily Picayune* 14 Apr. 1887: 2.

reformers reacted by interpreting temperance as the prerogative of whites and lamenting slavery as an enforced temperance on blacks.²⁶ Even national reformers such as Frances Willard, National President of the Women's Christian Temperance Union from 1879 to 1898, opposed the Lodge Bill and publicly characterised Southern blacks as 'a great dark faced mob' with 'the grog-shop... the centre of its power.'²⁷ With such white-supremacist attitudes gaining strength in mainstream Southern churches, conservative politicians took up the charge of morality, and Southern politicians and evangelical moralists became intertwined.²⁸

This movement fitted comfortably into progressive-era Louisiana and most reform movements in Louisiana originated in New Orleans.²⁹ Reports of black violence in relation to 'grog shops' punctuated newspaper reports.³⁰ Indeed, throughout the period 1888 to 1890 the *Daily Picayune* devoted pages to race and reform. Among its articles on police and prison reform, the temperance movement and reforming organisations, were articles on the 'race question'.³¹ However, the lottery question both overshadowed and incorporated many of these issues. When the controversial charter came up for renewal amid this environment of social and moral improvement, lottery officials attempted to strong-arm the Legislature into enshrining the Louisiana lottery into the state constitution of 1890. With strong opposition from Governor Nicholls and his successor, Senator Murphy J. Foster, the lottery question began splitting the Democratic Party.³²

In the city, religious denominations united in their anti-lottery support but differed in their attitudes towards race, though segregation was gaining

26 Carpetbaggers and Scallywags were Northerners and Southern Republican supporters who came south during reconstruction.

27 Trimiew, "The Social Gospel Movement" 31–32.

28 Cocker, *Liquor* 123–174.

29 Justin A. Nystom, "Progressive Era in Louisiana," *KnowLA Encyclopedia of Louisiana*, ed. David Johnson, Louisiana Endowment for the Humanities, 30 Mar. 2011, Web. 5 Apr. 2016.

30 "The Courts," *Daily Picayune* 16 Aug. 1881: 2; "A Woman Murdered," *Daily Picayune* 17 Aug. 1883: 1; "The Coal Wheelers," *Daily Picayune* 4 Feb. 1884: 8; "A Temperance Day," *Daily Picayune* 15 Mar. 1885: 2.

31 "A Good Police Force and Reform," *Daily Picayune* 20 Jul. 1888: 4; "The Grand Jury and Prison Reform," *Daily Picayune* 5 Dec. 1890: 4; "National Women's Christian Temperance Union," *Daily Picayune* 14 Sept. 1889: 4; "The Reform Circle. Inauguration of its Club Rooms on St. Louis Street," *Daily Picayune* 26 Feb. 1888: 8; "Race Relations," *Daily Picayune* 9 Jun. 1889: 4.

32 "Anti-Lottery Meeting of the Opponents of the Lottery in Grunewald Hall," *Daily Picayune* 29 Apr. 1890: 8; "Anti-Lottery," *Daily Picayune* 8 Aug. 1890: 1; "No Time for Dangerous Divisions," *Daily Picayune* 16 Jul. 1890: 4; "A Democratic Protest," *Daily Advocate* 21 Oct. 1890: 2.

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ground.³³ The support of the churches was critical for the anti-lottery movement, many of whom were already ardent segregationists. The desire for separate churches for the races was typical of most Southern white evangelicals and Presbyterians created different churches for their black members while Baptists segregated after emancipation.³⁴ However, the breakaway of black members from bi-racial churches after the Civil War planted the seeds for evangelical racism. Whites were left open to reactionary elites and segregation became entrenched in religious foundations.³⁵ This situation was generally true of Louisiana where freedmen built black-dominated Baptist and Methodist churches after emancipation which resulted in almost one black-dominated church in every plantation community.³⁶ Though Catholic churches also experienced an exodus after emancipation, they remained integrated until the 1890s. French-speaking Catholic freedmen had not generally joined the exodus out of the Catholic Church.³⁷ However, segregation would take its toll on most religious affiliations as the 1890s progressed. The passing of segregation legislation on trains at the beginning of that decade reflected growing divisions between the races despite streetcars remaining integrated. Blacks and whites would no longer mix freely in Roman Catholic churches and while the Methodist Episcopal churches in New Orleans remained bi-racial, others did not.³⁸ Religious reform would have a lasting impact on social and physical intimacy that would later lead to streetcar segregation.

In New Orleans temperance, white supremacy and the lottery were often consolidated under individual reformers. As Frances Willard presided over the Women's Christian Temperance Union, her protégé Caroline Merrick became the New Orleans and Louisiana chapter president. Merrick recorded her support for white supremacy as early as 1890, denying the need for Grandfather Clauses when the South obviously wanted 'a model for a just and legal white supremacy.'³⁹ Merrick supported the overthrow of the Louisiana

33 "Anti-lottery: The Clergy and the Laity Address a Public Meeting in Carondelet Street Church," *Daily Picayune* 2 May 1890: 8.

34 James B. Bennett, *Religion and the Rise of Jim Crow in New Orleans* (Princeton: Princeton UP, 2005) 16.

35 Ivan Evans, *Cultures of Violence: Racial Violence and the Origins of Segregation in South Africa and the American South* (Manchester: Manchester UP, 2009) 125.

36 S. Eagin and M. Culbertson, *Louisiana: Its Land and its People* (Gretna: Pelican, 2006) 337.

37 See: Edward Magdol and Jon L. Wakelyn, *The Southern Common People* (West Port: Greenwood, 1980) 35–50.

38 Bennett, *Religion* 169.

39 Caroline E. Merrick, *Old Times in Dixie Land: A Southern Matron's Memories* (New York: Grafton Press, 1901) 215.

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lottery and in the year of *Plessy v. Ferguson* (1896) organised the Era Club which appealed to legislators for state's rights and white supremacy.⁴⁰ Prior to 1890 other prominent reformers such as Beverly Carradine, pastor of the New Orleans St. Charles Street Methodist Episcopal Church, attacked the morality of the Louisiana lottery and led ministers in a campaign to pressure politicians to clean up society.⁴¹ While Governor Francis T. Nicholls was best known as leader of the anti-lottery campaign, he was also the son of the temperance crusader Thomas Clark Nicholls, the first president of the Louisiana State Temperance Association.⁴² He, like Carradine, was a member of the Methodist Episcopal Church and went on to head the Anti-lottery League, which formed as a result of a campaign for its demise among ministers in the city.

White supremacy, Christian reform and temperance had become part of the social fabric of New Orleans when Governor Nicholls signed the Separate Car Act in 1890. However, whites still had to purposely establish legal segregation, which did not emerge smoothly or inevitably as a pattern of religious or racial organisation.⁴³ This was true of Louisiana as segregation was continually in debate following the Supreme Court's decision to uphold Mississippi's Separate Car Act (1890). State-wide newspapers showed support for similar practices in Louisiana. The north Louisiana paper the *Homer Guardian* reported that a similar separate car bill would probably be offered in the coming Louisiana Legislature, adding: 'Such a law has been declared constitutional and will doubtless meet the approval of most white people.'⁴⁴ The *Weekly Messenger* in St. Martinsville also commented on the Mississippi case, concluding, 'the next legislature of the state will probably pass a law to that effect.'⁴⁵ Similarly the *Opelousas Courier* asked why the Legislature could not 'give us separate coaches on railroads for whites and blacks as Mississippi has done.'⁴⁶ In New Orleans, the *Daily Picayune* reported that the Mississippi case 'should influence the people of Louisiana to require legislative action to secure a like regulation in their own state.'⁴⁷

40 Miki Pfeffer, *Southern Ladies and Suffragists: Julia Ward Howe and Women's Rights at the 1884 New Orleans World's Fair* (Jackson: University Press of Mississippi, 2014) 218.

41 Gaines M. Foster, *Moral Reconstruction: Christian Lobbyists and the Federal Legislation of Morality, 1865–1920* (Chapel Hill: University of North Carolina, 2002) 123–124.

42 "Thomas Clark Nicholls" in G.R. Conrad, ed., *A Dictionary of Louisiana Biography*, Vol. 2 (Lafayette: University of Southwestern Louisiana, 1988) 603.

43 Bennett, *Religion* 12.

44 "There Will Probably be a Bill Offered," *Homer Guardian* 14 Mar. 1890: 2.

45 "Local News," *The Weekly Messenger* 15 Mar. 1890: 1.

46 "Correspondence," *Opelousas Courier* 10 May 1890: 1.

47 "Separate Cars," *Daily Picayune* 12 Mar. 1890: 4.

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Though segregation was ad hoc before 1890, it was supported by custom because many whites were uncomfortable with, and opposed to, social equality. While it continued in custom only it would remain open to challenge and a contentious issue. Support for segregation often came from lower-class whites who needed social segregation to differentiate them from the black men and women they competed with economically in order to advance ahead. Arguably, legal segregation in the 1890s came from middle and upper-class Democrats to appease lower-class whites.⁴⁸ Moreover, segregation had to have been publicly supported to some extent in Louisiana as segregation must have been *de facto* for it to become *de jure*. However this was outside the sphere of streetcars, which remained integrated until segregation in 1902.⁴⁹ Segregation by statute must logically be prefaced by its general acceptance in local custom.⁵⁰ However, custom in Louisiana was geographical—but even northern cities like Shreveport maintained integrated streetcars, though primary sources indicate that blacks were more rigidly subjugated in less cosmopolitan areas of Louisiana.⁵¹

Despite evidence of integration in urban areas in this era, the positive morality of white supremacy was discussed in editorials and letters as if it was the established norm in the state. Regardless, the anti-lottery meetings solicited black support but ensured that white women and blacks did not attend the same meetings.⁵² Local custom in areas of the state often favoured segregation and at times this was organised by blacks to accommodate whites, even in more southern parishes. Even before the Separate Car Act (1890) was passed, black church picnics in the south east, on extending invitations to whites, ensured ‘a special coach will be provided for white people.’⁵³ Further evidence suggests that segregation often occurred at the behest of blacks eager to consolidate their own customs and community. However, in the case of the Separate Car Act (1890), it was against the appeals of the black community via the *Crusader*, the American Citizen’s

48 Woodward, *Origins of the New South* 205–234; Woodward, *The Strange Career* 31–110.

49 Howard Rabinowitz, *Race Relations in the Urban South* (Athens: University of Georgia Press, 1996) 125–127; Howard Rabinowitz, “Segregation and Reconstruction,” *The Facts of Reconstruction: Essays in Honor of John Hope Franklin*, eds. Eric Anderson and Alfred A. Moss (Baton Rouge: Louisiana State UP, 1991) 79–97.

50 John W. Cell, *The Highest Stage of White Supremacy* (New York: Cambridge UP, 1982) 82–170.

51 “White Savages,” *Weekly Louisianan* 3 Jan. 1880: 2; “A Convenient Charge,” *Weekly Louisianan* 5 Jun. 1880: 2; “The Outrage Mill in North Louisiana,” *Weekly Louisianan* 27 Aug. 1881: 2; “Trouble with Negro Immigrants,” *Daily Picayune* 17 Jul. 1890: 4.

52 “Last Week Our Anti-Lottery Friends,” *Opelousas Courier* 26 Jul. 1890: 1.

53 “The Colored Baptist Church,” *St. Tammany Farmer* 17 May 1890: 2.

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Equal Rights Association and later the *Comité des Citoyens*.⁵⁴ The protests against the Star cars prior to Reconstruction and the twentieth-century streetcar boycotts further demonstrate that transport segregation was at the behest of whites and protested by blacks.

Bargaining with Segregation

The reform movement targeted different aspects of immorality and in 1890 the Louisiana Legislature considered a law to ban all places of moral corruption, ‘all dance houses, free and easy gambling dens, barrel houses, and shandangoes.’⁵⁵ The Louisiana lottery was a bigger issue but part of the same anti-corruption movement. That the anti-lottery movement was combined with growing white-supremacist ideology among evangelicals and reformers made it almost inevitable that segregation would creep into legislative debate that year. In 1890, Republicans in the U.S. Congress declined to pass the Lodge Bill in order to ally with Southern Democrats on economic issues they considered more important.⁵⁶ However, reactions to the bill by whites in the South helped solidify growing antagonism towards blacks in Louisiana. Even Louisiana Republicans such as Hamilton Coleman argued that the bill only served to bolster the solid South and exacerbate racial problems.⁵⁷ Reactions in New Orleans were similar, with one newspaper describing it as the ‘evils of the very worst character’ and ‘an obnoxious measure’.⁵⁸ The *New York Herald* was quoted in the *Daily Picayune* condemning the bill and justifying the disenfranchisement of blacks in Southern states as a consequence: ‘they are driven to it by the menace of the force Bill.’⁵⁹

In reality, even a vigorously enforced Lodge Bill could not have turned the tide of racial subordination by whites in the South.⁶⁰ However, it did

54 The *Daily Picayune* reported speakers from the African-American-organised Negro Colonization Movement as supporting segregation saying, ‘it was impossible for distinct races to live together’. See: “The Race Question. A Colored Editor Advises Against Emigration,” *Daily Picayune* 21 Sept. 1889: 2; Rabinowitz, *Race Relations* 50.

55 “It May Be for Something Good,” *Daily Picayune* 19 Aug. 1890: 4.

56 Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944–1969* (Lanham, MD: Lexington Books, 1999) 8.

57 Thomas A. Upchurch, *Legislating Racism: The Billion Dollar Congress and the Birth of Jim Crow* (Lexington: UP of Kentucky, 2004) 101–102.

58 “The Election and the Force Bill,” *Daily Picayune* 9 Nov. 1890: 4; “The Debate on the Federal Election Law,” *Daily Picayune* 30 Jun. 1890: 4.

59 “The Southern Problem,” *Daily Picayune* 31 Aug. 1890: 4.

60 Stuart Chinn, *Recalibrating Reform: The Limits of Political Change* (New York: Cambridge UP, 2014) 207–208.

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prove an excellent rallying cry for white supremacists as senators protested the lack of Northern knowledge and hence allowance for ‘the instinct of racial repugnance.’⁶¹ It played to the lost cause stereotypes and the Southern identity that were groomed in cavalier literature. This was the social, racial and political climate when the state legislature met in 1890. For many legislators, the principle employ was the re-chartering of the state lottery, which was strongly opposed by Governor Nicholls in his opening speech.⁶² Nicholls had a lot invested politically in opposing the lottery including alliances which directed potential political challenge from the Populist Party into channels controlled by the Democratic Party. This goes some way to explaining Nicholls’ reaction to black legislators who were identified as a group challenge to the anti-lottery movement and hence the Democratic Party.⁶³

Auspiciously, as the furore continued, a Separate Car Bill was presented by Representative Joseph St. Amant of Ascension parish as an act ‘to promote the comfort of passengers in railway trains.’⁶⁴ The bill as it was presented would strictly separate blacks and whites on all rail journeys throughout the state. Initially, it did not consider servants or nurses and made no exceptions for interracial couples, of which there were at least two hundred recorded in the New Orleans census of 1880.⁶⁵ Black legislators voted for the lottery in order to tie up the Senate with debates that would distract from the Separate Car Bill.⁶⁶ That it was intended to leverage votes from black legislators on the lottery question seems most likely as Amant was later arrested on lottery bribery charges, though he was subsequently acquitted. Furthermore, letters to Senator Foster from black ministers concerned by the Separate Car Bill but supportive of the anti-lottery campaign asserted that pressure was on black representatives to vote against the lottery.⁶⁷ Other bills on miscegenation and the preservation of the purity of the elections

61 Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888–1908* (Chapel Hill: University of North Carolina, 2001) 43.

62 Louisiana Legislature, *Official Journal of the House* (1890) 16–32.

63 Donna A. Barnes, *The Louisiana Populist Movement: 1881–1900* (Baton Rouge: Louisiana State UP, 2011) 21.

64 Louisiana Legislature, *Official Journal of the House* (1890) 50.

65 Blassingame, *Black New Orleans* 206–207, 240–241.

66 Tim McNeese, *Plessy v. Ferguson: Separate but Equal*, Great Supreme Court Decisions (New York: Chelsea House, 2007) 52.

67 “Rep St. Amant,” *Louisiana Democrat* 25 Jun. 1890: 2; “Representative St. Amant,” *Louisiana Democrat* 25 Jun. 1890: 2; “The Trial of St. Amant,” *Louisiana Democrat* 2 Jul. 1890: 2; Willard F. Mallalieu, Letter to Senator Foster, 31 Aug. 1890, *Foster (Murphy J. and Family) Papers, 1884–1912*, Louisiana and Lower Mississippi Valley Collections Special Collections, Louisiana State University Libraries, Baton Rouge.

were also portentously put forward but withdrawn as the Separate Car Bill went forward to the Senate.⁶⁸ White conservatives endorsed these motions, insisting that not just railroads should be ‘kept pure from African Taint.’⁶⁹ However, while custom in Louisiana allowed for segregation, not all white legislators supported it. The motivation for and against the Separate Car Bill was strongly influenced by the lottery but some legislators also elaborated on their feelings towards the transport question, indicating that reactions were also racially motivated. White representatives such as W.C. Harris of Desoto parish and S.S. Patten of Orleans parish questioned the need for such a bill since the railroad had full power and control over passengers. Nonetheless, Harris voted for it because he feared its failure would cause race conflicts while his co-representative Patten voted against it because he opposed caste legislation. A final vote of fifty-six to twenty-three sent the measure to the Senate.⁷⁰

In comparison to the lottery debate, the Separate Car Bill did not dominate the news outside of New Orleans, and then it was as a short comment and/or a mention of support. However, black papers in other states such as the *Indianapolis Freeman* carried separate car articles questioning the foresight of the black legislators voting on sugar duty before ensuring that sugar men in the Legislature would stand behind them. Moreover, the act would ‘brand their families as social outcasts.’⁷¹ By May, a protest was read before the house by the American Citizen’s Equal Rights Association that had formed in New Orleans to lobby against the passage of the Separate Car Bill and was supported by the eighteen black members of the Legislature.⁷² The black New Orleans *Crusader* reported on the progress of the Separate Car Bill every step of the way but it was solitary in its reports. The tone of the *Crusader* was at times cautionary towards the railroads, threatening that ‘colored people have largely patronized the railroads heretofore; they can withdraw that patronage from these corporations and travel only by necessity.’⁷³ The *Daily Advocate* recorded its introduction by St. Amant and its description in full but without comment.⁷⁴ White newspapers in general

68 Louisiana Legislature, *Official Journal of the House* (1890) 37–39, 48–50, 126–134, 180–201.

69 Thomas J. Davis, *Plessy v. Ferguson* (California: Greenwood, 2012) 148.

70 Louisiana Legislature, *Official Journal of the House* (1890) 203–204.

71 “Our Journalists and Literary Folks,” *Indianapolis Freeman* 31 May 1890: 6.

72 Louisiana Legislature, *Official Journal of the House* (1890) 127–128.

73 The *Crusader* was established by Louis Martinet, who would later form part of the team that brought the *Plessy v. Ferguson* case to trial. “Speech of Hon. Henry Demas, on the Separate Car Bill,” *Crusader* 19 Jul. 1890: 4; “The Separate Car Bill,” *Crusader* 19 Jul. 1890: 2; “The World Will Move,” *Crusader* 19 Jul. 1890: 1.

74 “By St. Amant,” *Daily Advocate* 16 May 1890: 4.

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remained preoccupied with the lottery and the divisions it was creating in the Democratic Party.⁷⁵

Despite the press's optimism that it become law, the Separate Car Bill was put to a vote and buried in a Senate commission.⁷⁶ Antagonistically, in defiance of strong opposition from Governor Nicholls, the Lottery Bill passed. The Governor threatened to veto the bill ten days before the end of the legislative session and as he did so, the Separate Car Bill was once again revived. Black leaders beseeched black and sympathetic white senators to withhold their vote on the veto until the Car Act was finally obliterated. Unfortunately, the natural death of black Senator Smith meant they could not outvote Nicholls. Leverage was gone and with it the unity between the pro-lottery black and white senators. The lottery was not the sole reason for disunity. Initially, the concept of separate but equal was not obviously racist on the surface. It purported to reduce friction between the races and black passengers were to be treated to an equal standard despite the separation. However, as time passed the actual intent of laws to separate blacks from their racial 'superiors' became apparent to the black senators in Louisiana who opposed them.⁷⁷ To the white senators who received only the perceived benefits of first-class travel, it was easy to cite the merits of separate but equal and reject the objections of their black peers.

After the Governor's veto failed to overturn the Lottery Bill, the conservative white Democratic Party showed a united front against the black legislators with which they served. Until this point, Senator Foster had resisted calls by the white-supremacist faction of the Democratic Party to swap lottery votes for a white-only primary to decide the lottery fate.⁷⁸ Now, smarting from defeat, he rallied his forces and focused all his influence on retribution for those black legislators who favoured the lottery. Senator Hampton, who had previously voted against the Separate Car Bill, raised it for reconsideration and when he did, eight senators who had absented themselves from voting or voted against it now voted for it.⁷⁹ The *Times Democrat*, as the voice of the Democratic Party, had still felt the need to

75 "No Time for Dangerous Divisions," *Daily Picayune* 16 Jul. 1890: 4; "Anti-lottery. Grunewald Hall Crowded with People to Hear Speeches in Opposition to Re-chartering the Lottery," *Daily Picayune* 18 May 1890: 8; "Anti-lottery: The Clergy and the Laity Address a Public Meeting in Carondelet Street Church," *Daily Picayune* 2 May 1890: 8.

76 "Separate Car Bill," *Homer Guardian* 13 Jun. 1890: 2; Louisiana Legislature, *Official Journal of the Proceedings of the Senate of the State of Louisiana 1890* (Baton Rouge: The State, 1890) 139, 257.

77 Tim McNeese, *Brown V. Board of Education: Integrating America's Schools* (New York: Infobase, 2007) 24–25.

78 Keith Medley, *We as Freeman: Plessy v. Ferguson* (Gretna: Pelican, 2003) 98–99.

79 *Ibid.* 102.

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cajole reluctant white legislators into voting for the bill. This signifies that the Democratic Party was not as united towards segregation in 1890 as it would be later, and that racist white supremacy was not as entrenched in Louisiana politics as it would become.⁸⁰ On 10 July 1890, Governor Nicholls signed the Separate Car Act into Louisiana law. That same day, when the *Daily Picayune* reported that there was ‘almost unanimous demand on the part of the white people of the state, for the enactment of the law’, it did not entirely ring true.⁸¹

The Separate Car Act (1890) opened the gate for segregation in other areas that decade. The Miscegenation Act would be successful four years later, while an Act for the Purity of Elections would disenfranchise the majority of black voters before the decade was complete. The successful passing of the Separate Car Act (1890) was not inevitable at this time and, had the lottery outcome differed, then the bill would quite probably have remained buried in commissions or been resisted by the Governor, as the white primaries were. However, it would have remained a spectre in the Louisiana Senate and would eventually have been resuscitated in return for support on other issues. Elements within the Democratic Party were already offering their votes in exchange for segregation of primary elections and social custom was already segregating the railways. Popular support for segregation in the media combined with the opportunity for white legislators to use it as leverage would have been irresistible. Whites did believe that these measures were in the name of reform, as ‘many whites somehow deceive themselves into thinking that by advocating collective hypocrisy, they were reformers.’⁸² Growing support for white supremacy and calls for racial reforms in other areas such as miscegenation and the purity of the voting system in the Legislature show that the integrated public space was highly vulnerable to segregation legislation and, while not inevitable in 1890, it was on borrowed time. The way was now open to segregate in any and all public places. When Martinet chronicled the events in the *Crusader*, he made it clear that it was revenge on the part of Senator Foster and Governor Nicholls against black legislators, who had voted for the lottery:

There are good reasons for believing that had the coloured members divided on the lottery question his [the Governor’s] course would have been different... Senator Murphy J. Foster is reported as having said that

80 Thomas J. Davis, *Plessy v. Ferguson* (California: Greenwood, 2012) 190–191.

81 “The Separate Cars Bill,” *Daily Picayune* 10 Jul. 1890: 4.

82 Claude H. Nolen, *The Negro’s Image in the South: The Anatomy of White Supremacy* (Lexington: University of Kentucky, 1968) 84.

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if the coloured senators had stood with his side as firmly against the lottery as they stood by it, he would have suffered his body to be cut in pieces before he allowed the infamous bill to go through.⁸³

In white parish newspapers, pronouncements on the Lottery Bill continued into the autumn but the Separate Car Act (1890) stimulated less controversy. The *Louisiana Democrat* in northern Rapides simply mentioned it in a small notice among the town and parish news, as did the south-eastern *Weekly Messenger*.⁸⁴ The central Louisiana *Opelousas Courier* carried a similarly short note, except it emphasised that whites were segregated also: ‘There will be no intermingling; the whites are specially prohibited from entering cars provided for colored people and vice versa.’⁸⁵ This reflected the opinion of legislators that separation rather than subjugation was the aim of segregation in 1890, in order to avoid race conflict. Arguably, segregation was in a different form by 1890 since pre-Reconstruction whites had been free to enter black Star cars whilst the reverse was prohibited. While many may have felt that the law was only seriously directed at black passengers, the later compensation of a black female passenger for being compelled to travel in the ‘colored’ car to Tennessee and the subsequent arrest of a white Louisiana Sheriff for travelling in the ‘colored’ car show that the law was not clearly directed.⁸⁶

Application of the Law

Despite the Separate Car Act (1890) the situation in New Orleans in the early 1890s was not one of an oppressive white-supremacist society. Governor Nicholls proved more moderate in comparison to fellow governors in the Deep South or indeed to his state’s Democratic Party.⁸⁷ Regardless of the growing popularity of white supremacy, Mayor Shakspeare continued to recruit black policemen into the force, who would patrol in the city. Until 1913, this same police force had an inclusive policy that would exist alongside segregation legislation.⁸⁸ As enforcers of the law, officers were required to implement segregation legislation but the presence of black officers within the force most likely cooled the zeal of the force to implement legislation

83 “Was it a Measure of Revenge?” *Crusader* 19 Jul. 1890: 1.

84 “On the First of October,” *Louisiana Democrat* 24 Sept. 1890: 3; “Local News,” *Weekly Messenger* 19 Jul. 1890: 1.

85 “New Iberia Enterprise,” *Opelousas Courier* 19 Jul. 1890: 4.

86 “The Jim Crow Car,” *Daily Picayune* 11 Apr. 1893: 4. See also, *Abbott v. Hicks* (1892) for the arrest of a white conductor not segregating.

87 Medley, *We as Freemen* 116–117.

88 Vanessa Flores-Robert, “Black Policemen in Jim Crow New Orleans,” diss. University of New Orleans, 2011, Web. 20 Feb. 2016.

or at least implement it with universal application. This is evident in how the new law was applied, indicating a laid-back approach to segregation on the part of both black and white passengers and the railway companies. The *Daily Picayune* alongside other state-wide newspapers criticised the method of separating the races, as railways were enforcing the act by simply using a curtain to separate the white seats from those ordained for blacks in the same carriage.⁸⁹ Application of the statute was now minimising the seating allocation for both races which meant that whites and blacks continued to travel together regardless of the restricting seating plans. The same publication noted earlier resistance on the part of railways prior to the passing of the Act, bemoaning the fact that the white-owned railways were not pushing for segregation and had ‘forgotten about Louisiana’s liberality and laws’.⁹⁰ Evidently, the same railways that crowded blacks into smoking cars now resented the Separate Car Act (1890) as state intrusion. Economically the railroads did begrudge legislative interference, as explained by Senator Henry on the railroad’s behalf. He pointed out that they could not afford the separate-but-equal measures as they were already laying out huge amounts of money in struggles with the waters of the Mississippi damaging their property.⁹¹

Traditional forms of pre-Reconstruction segregation were not assumed to be appropriate to the new legislation, which emphasised separation rather than subjugation (though undoubtedly, subjugation and separation were intrinsically linked). There was debate over the issue of black nurses travelling with white children or patients. As was always the case, black servants were permitted to travel in the white sections. However, the confusion associated with this aspect of the law highlights that whites anticipated a new rigid form of segregation that was not the norm in the antebellum period.⁹² The Separate Car legislation was presented as an act to promote the comfort of passengers and many newspapers made clear that this included the comfort of black passengers. When the railway failed to create substantial separate accommodations, it attracted complaints from passengers who claimed that proper segregation was ‘a right to which the negroes are entitled equally with

89 “Separation of the Races on Railway Trains,” *Daily Picayune* 14 Oct. 1890: 4; “Items of Interest,” *Opelousas Courier* 1 Nov. 1890: 1; “Business Mention,” *St. Landry Clarion* 25 Oct. 1890: 4.

90 “The Separate Cars Bill,” *Daily Picayune* 10 Jul. 1890: 4.

91 Louisiana Legislature, *Official Journal of the Proceedings of the Senate of the State of Louisiana 1890* (Baton Rouge: The State, 1890) 421.

92 “The Separate Car Law,” *Daily Advocate* 23 Oct. 1890: 2; “Separation of the Races on Railway Trains,” *Daily Picayune* 14 Oct. 1890: 4; “Mr. Seals in the Chair House Business Resumes Speaker Henry in the Chair,” *Daily Advocate* 4 Jun 1890: 4; “A Boorish Conductor,” *New Orleans Item* 6 Nov. 1891: 2.

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the whites'.⁹³ In addition, the rights of blacks were not perceived to be under attack; rather, they were protected on the same terms as whites. As the *Daily Picayune* explained, 'it was not intended nor desired to discriminate against the colored people... but was designed to secure to people of each race equal and well ascertained and carefully protected rights.'⁹⁴

Reports a year later suggest that the curtains remained the mode of segregation, which also, according to the *Daily Picayune*, benefitted blacks as much as whites since the curtains were moved to accommodate the majority.⁹⁵ However, the editorial reaction in the *Crusader* indicates that blacks saw this as a return to antebellum etiquette. Newspaper editor Rodolphe Desdunes declared that the law was motivated to discriminate in order to degrade, further characterising it as 'that badge of negro inferiority'.⁹⁶

When the *Comité des Citoyens* sought to test the validity of the Separate Car Act (1890), problems had already arisen with enforcing the legislation on white passengers. Though the *Comité des Citoyens* superseded the American Citizens' Equal Rights Association (ACERA), cooperation continued among the two groups in the early 1890s.⁹⁷ The action was typical of the type of legal cases brought against the railways at the beginning of the twentieth century which sought to highlight the distress inferior treatment by railroad staff caused towards individuals.⁹⁸ Race designation had consequences for conductors who had to determine where passengers were allowed to sit and, as such, had repercussions for the railways. Though antebellum railroad corporations held conductors responsible for segregation rules and, throughout Reconstruction, conductors had allocated race designation informally, with the force of law they were now held liable.⁹⁹ Yet poorly paid and overworked, white male conductors had little regard for the social aspirations of the passengers they encountered. Mistaking a white person for black led to ramifications as later cases would show but inaction also had consequences as the case of *Abbott v. Hicks* (1892) highlights.¹⁰⁰ A white train conductor named W.C. Hicks had been arrested for failing to

93 "Separation of the Races on Railway Trains," *Daily Picayune* 14 Oct. 1890: 4.

94 "The Separate Cars Law," *Daily Picayune* 14 Jul. 1890: 4.

95 "Separate Cars for the Races," *Daily Picayune* 17 Jun. 1891: 4.

96 Medley, *We as Freemen* 116.

97 Bennett, *Religion* 86–87.

98 Samantha Barbus, "The Social Origins of the Personality Torts," *Rutgers University Law Review* 67.2 (2015) 393–440.

99 Marrs, *Railroads in the Old South* 101, 153, 157.

100 *May v. Shreveport* 1910; see: Kelley, *Right to Ride* 74. For *State of Louisiana ex rel. Abbott v. Hicks*, 44 La. Annual 770 (1892) see: Robert Johnson, *Race Law and Public Policy: Cases and Materials on Law and the Public Policy of Race*, 2nd ed. (Baltimore: Inprint Editions, 2003) 76.

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segregate a black passenger in a white car on the Texas and Pacific Railway. The company was keen to eliminate the expenses of approximately \$500,000 per annum for separate-but-equal facilities. The attorneys they provided for Hicks argued that since the black passenger was travelling between two states, either the Louisiana law did not apply to interstate travel or, if it did, then it was unlawful under the Interstate Commerce Act. The case worked its way through courts until 1892 when the Louisiana Supreme Court agreed that regulations of the Separate Car Act (1890) could not apply to interstate passengers.¹⁰¹ Interestingly, as Francis Nicholls' term as governor had ended, he was appointed a Louisiana Supreme Court judge by incoming Governor Foster and had helped form this opinion, an indication that he was not invested in the Separate Car Act (1890).

Yet the changing function and structure of the railways meant that friction between passengers and conductors was frequent, regardless of race. The railroads at the end of the nineteenth century were so important for public transportation that they held the status of a public utility despite being privately owned. They flourished as a discriminating social setting enforced by seating arrangements, dress and treatment by the conductor. The social gaps between the working-class white conductors dealing with middle-class patrons, black and white, resulted in perceived slights and rudeness.¹⁰² The nature of the conductor's job, its scale and rigid organisation alongside its competing responsibilities, often compromised conductors' capacity to treat passengers courteously.¹⁰³ This applied to white passengers as well as black, as the arrest of high-profile Sheriff Broussard attests. Broussard of Lafayette parish attempted to sit in the non-smoking section of a compartment set apart for black passengers after he chained his black prisoner in the smoking section of the compartment. He was told by the conductor not to sit in the black compartment unless he was sitting with his prisoner and on refusal was ejected from the train. He later lost his case against the train company, but other complaints from whites in newspapers in 1891 show that blacks were still entering white cars while white men were entering the smoking car set aside for black passengers.¹⁰⁴

It is interesting that from its inception the Separate Car Act (1890) never proposed to include the streetcars, whose integration had united

101 Davis, *Plessy v. Ferguson* 150–155.

102 Barbus, "The Social Origins" 393–440.

103 Amy Richter, *Home on the Rails: Women, the Railroad, and the Rise of Public Domesticity* (Chapel Hill: University of North Carolina, 2005) 123.

104 "Jim Crow Cars: A Sheriff having a Prisoner in Charge Cannot Violate the Law," *Daily Picayune* 27 Apr. 1893: 10; "Letter from the People," *New Orleans Item* 29 May 1891: 4.

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the freedmen and creoles of colour. The standard fare of streetcars did not threaten the social and racial order in the same way that first-class carriages did on trains. First-class black train passengers were elevated socially above poor whites who could not afford the fare. This put some blacks in a superior position to some whites. However, middle- and working-class passengers, black and white, were on an equal footing on the streetcars because everyone paid the same fare. Yet former black candidate for governor, Aristide Mary, organiser of the *Comité des Citoyens*, assessed the Separate Car Act (1890) as a test of the waters and a harbinger of things to come.¹⁰⁵ Despite the lack of legislation regulating streetcar segregation there were still occasional calls for it among the white press, going as far as calling for Star cars to be reinstated. The Carrollton streetcar line was particularly targeted, primarily because it served the upper-class region of the city known as St. Charles Avenue and took black labourers to and from work every day, causing offence to white ladies because of their dirty condition.¹⁰⁶ However, the impact of the first Star car protests throughout the 1860s restrained segregationist legislators from targeting the streetcars first. The minority of blacks that first class excluded ensured weaker resistance on trains than on streetcars. Streetcar segregation affected larger numbers from the black community, who had shown they could protest, including the more influential black middle classes and creoles of colour. Despite seeing themselves as distinct communities, the political concerns of creoles of colour and the now-established black middle class united these two groups by 1890.¹⁰⁷ This united front, led by creoles of colour, had also been the case when streetcars were desegregated in 1867 and the resulting street protests cautioned the zeal of segregationists in 1890.¹⁰⁸ In 1891, Aristide Mary called for a *Comité des Citoyens* to form with the aim of repealing the Car Act. Though blacks would also make up the group, it was dominated by French- and English-speaking Catholic creoles of colour from Tremé, Faubourg and New Marigny, and the French Quarter. Many were law graduates and politicians described as ‘a sort of talented tenth’ coalition of New Orleans. They were not representative of the black population of the city, but this highlights that they were also exactly the people who would be affected by first-class segregation.¹⁰⁹

105 Medley, *We as Freemen* 118.

106 “Unruly Conduct in Streetcars,” *Daily Picayune* 24 Dec. 1889: 4.

107 Kelley, *Right to Ride* 60.

108 Davis, *Plessy v. Ferguson* 149.

109 Medley, *We as Freemen* 117–125.

Segregation and Disquiet

Despite the legislation, segregation continued to be applied ad hoc amid growing political and social unrest. Streetcar drivers and conductors were the first to strike successfully early in 1892, gaining a closed shop for their union and shorter working hours. Later that year, a general workers' strike followed and, despite tactics by newspapers, the board of trade and employers to cause racial friction among black and white workers, particularly those of the 'Triple Alliance Union', workers remained generally united regardless of race. The use of racial stereotypes by New Orleans newspapers to scaremonger unions into submitting indicates that the spectre of blacks attacking whites was still considered an effective scare tactic used to stir up racial unrest among whites.¹¹⁰ This was the social climate in which the black community under the leadership of the *Comité des Citoyens* and the guidance of the *Crusader* began legally challenging its access to white cars. Though the *Abbott v. Hicks* (1892) case proved to undermine segregation, it also made the position of blacks on transport less defined and more precarious. It meant that some blacks could travel on integrated trains since they were going out of state while blacks travelling within Louisiana could not. Ultimately, while segregation on interstate and state travel was at odds, this would cause problems for black passengers and their treatment would continue to depend on other white passengers, the conductor and the station. While urban blacks could safely refuse to acquiesce to a social system that denied political or civil equality, the trains ran through rural areas where such opportunities were more difficult.¹¹¹

To test the law, the *Comité des Citoyens* choose Homer Plessy, a shoemaker and non-principle member of the *Comité des Citoyens*. His light complexion undermined segregation and illustrated the difficulty of implementing it. On 7 June 1892, in a prearranged plan, Plessy advised the conductor that he was a black man in a white carriage and was duly arrested.¹¹² The *Plessy v. Ferguson* (1896) case shows that despite the law, segregation was not well established and the successful outcome of the *Abbot v. Hicks* (1892) case shows that the railways' lawful obligation to segregate was weakened. Railways were not in agreement about their treatment of black passengers.

110 "Sugar and Rice. The Great Louisiana Industries, Feel the Effect of the Strike," *Daily Picayune* 4 Nov. 1892: 6; "Strikes from the Shoulder," *Daily Picayune* 29 Oct. 1892: 9; "Race Recognition," *Daily Picayune* 1 Nov. 1892: 4; Daniel Rosenberg, *New Orleans Dockworkers: Race, Labor, and Unionism 1892–1923* (New York: State University of New York Press, 1988) 32–37.

111 Somers, "Black and White in New Orleans" 19–42.

112 Davis, *Plessy v. Ferguson* 157.

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Though the separate signs were in place and blacks were directed towards separate cars, conductors were instructed not to ‘be violent in any way’ to black passengers that refused. However, while some railroad companies opposed the new law, ‘they fear to array themselves against it.’ Other companies vigorously enforced the law, dangerously expelling blacks while trains were moving.¹¹³

After his arrest, Homer Plessy’s case received little attention in white newspapers as labour conflicts, the rise of the Populist Party and the launch of the presidential conventions dominated the news. Response to Plessy’s trial varied in the newspapers. The *New Orleans Item* and the *Daily Picayune* both recorded the hearings, yet apart from mentioning that Plessy was coloured, made no other comment.¹¹⁴ Plessy’s case under Judge Ferguson predictably found in favour of the state and passed through the courts until it reached the Louisiana Supreme Court. When it was apparent that Judge Nicholls would sit on the Plessy case, Martinet, by his own words, had reason to anticipate a fair outcome as, prior to the Separate Car Act (1890), Martinet believed Nicholls had been a fair governor who had denounced race bigotry.¹¹⁵ Nicholls had proved he was more than willing to veto an act he could not condone, as in the case of the lottery, and in his own words, ‘as at no time and under no circumstances will I permit one of my hands to aid in disregarding what the other had lost in seeking to uphold—the honour of my native state’.¹¹⁶ Yet he signed the Separate Car Bill (1890) into law despite having shown little interest in it as a bill or as a social issue. Consistently, he found against Plessy, whose case unsuccessfully passed on to the U.S. Supreme Court.

Progression to Streetcars

With the separate-but-equal question settled by the Louisiana court, it was only a matter of time before segregation stretched its tentacles into other aspects of transport. In 1894, several acts passed which would reflect both the failure of *Plessy v. Ferguson* in the Louisiana courts and the rising tide of white supremacy and separatism. From their introduction alongside the Separate Car Act (1890), miscegenation bills had continued to appear in

113 Medley, *We as Freeman* 133–135.

114 “Jim Crow Car Law,” *New Orleans Item* 28 Oct. 1892: 4; “Jim Crow Car Law,” *Daily Picayune* 19 Nov. 1892: 3.

115 Comer Vann Woodward, “The Case of the Louisiana Traveler,” *Quarrels that Have Shaped the Constitution*, ed. John A. Garraty (New York: Harper & Row, 1987) 157–174.

116 “The Lottery Bill Vetoed,” *New York Times* 8 Jul. 1890: 3.

the Legislature. The atmosphere in the 1890s changed in New Orleans and, as the decade progressed, it did not bode well for civil rights.¹¹⁷ In 1892, the *Comité des Citoyens* had fended off attempts to pass the miscegenation legislation but the failure of the Plessy case in the Louisiana Supreme Court ensured its passage in 1894.¹¹⁸ Indeed, 1894 saw the passage of several acts which would create further legal and social divisions between whites and blacks. Across the South, the ‘mob mentality’ that had fuelled assaults by white passengers on African Americans seated in first-class cars now also governed Southern state legislatures.¹¹⁹ House Bill 261 passed sixty-two to eight, which required further amendments to the Separate Car Act (1890).¹²⁰ It seems likely that concerns continued over the administration of segregation on trains since the new amendments defined the duties of conductors and directed them to assign passengers to carriages based on race. More interestingly, in light of the failure of the Plessy case, it protected conductors from blame or damages which they might incur in that duty. Though Plessy’s case would not go to the U.S. Supreme Court until 1896, this bill sought to eradicate the balancing act that railroads were taking between the law and black passengers.

Two other bills that also passed into law that year highlight the link between fears of miscegenation and travel. The Separate Waiting Rooms Act and two miscegenation bills passed through the House unanimously and the governor signed two of them within days of each other.¹²¹ Miscegenation Bill 250 in particular highlights the links between separatism and subjugation as motivation for segregation that year.¹²² This antebellum miscegenation law was revived despite having been repealed in 1868 and was based on the language of 1808.¹²³ It harkened back to the days of slavery and the quasi-citizenship of free blacks and was clearly based on subjugation. Racial intermarriage did not require separation for the comfort of black and white members of the public, nor to prevent racial incidences. It was private and the bill was purely based on racist ideology. However, unlike the Separate Waiting Room Act, miscegenation received loud criticism in the House. Though other states already had miscegenation laws in place,

117 Medley, *We as Freemen* 111.

118 Ibid. 149.

119 Kelley, *Right to Ride* 73.

120 Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1894* (Baton Rouge: The State, 1894) 226.

121 Louisiana Legislature, *Official Journal of the House* (1894) 35, 662, 361–362, 614.

122 Louisiana Legislature, *Official Journal of the House* (1894) 361–362.

123 Peggy Pascoe, *What Comes Naturally: Miscegenation and the Making of Race Law in America* (Oxford: Oxford UP, 2009) 330.

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Representative Bourgeois feared it would make Louisiana 'odious among her sister states'. He further described Bill 250 as calculated 'to breed and legalise immorality... and render unlawful the holy sacraments of marriage.'¹²⁴ A further Bill, number 434, forbade even cohabitation between blacks and whites and it also passed through the House undeterred but would not become law until 1908.¹²⁵

The miscegenation that the *Daily Picayune* had attributed to the commingling of the races on railway coaches in the 1880s was now legally repressed.¹²⁶ However, Governor Foster restrained the House in passing bills to segregate jails and committees in the House itself prevented bills that would limit the franchise from passing.¹²⁷ Yet a little tellingly, the same Representative Grinage who introduced the bill to tighten up the law on separate carriages also introduced a bill to enhance the duties of conductors on streetcars and provide them with 'certain Police authority', though this bill was later withdrawn.¹²⁸ This indicates that legislators who were concerned with train segregation also had an eye on streetcars, presumably, even at this early stage, with a view to segregation.

Current scholarship argues that the growing number of statutes on transport segregation was a reaction of lower-class whites who sought to increase their status through the subjugation of blacks. However, it is also arguable that segregation came from the elites whose view of a prosperous South was determined by the black population's compromised, tightly circumscribed role and unchallengeable white leadership: 'The most influential account of the rise of formal segregation locates the origins of the system in elite attempts to deflect an interracial, third-party challenge to the New South social order in the 1890s.'¹²⁹ Both these views are supported since many segregation laws were adopted by legislatures containing Farmers' Alliance politicians who supported the poorer white lower classes. Furthermore, Governor Foster formed a pact with the blossoming white Populist Party in order to prevent the dispersal of white votes. Foster was triumphant but like his predecessor passed no acts pertaining to blacks in his first years in power. The railways preferred integrated travel to paying damages to black passengers who continually sued the company and so legislators were forced to compel the railroads to comply with the blossoming Southern etiquette

124 Louisiana Legislature, *Official Journal of the House* (1894) 361–362.

125 Louisiana Legislature, *Official Journal of the House* (1894) 662.

126 "In Plain Black and White," *Daily Picayune* 29 Mar. 1885: 4.

127 Louisiana Legislature, *Official Journal of the House* (1894) 907.

128 Louisiana Legislature, *Official Journal of the House* (1894) 357.

129 Brian Kelly, "Labor, Race, and the Search for a Central Theme in the History of the Jim Crow South," *Irish Journal of American Studies* 10 (2001): 55–73.

on segregation. However, the blacks who sued were viewed by some as ‘a younger generation, unschooled in traditional etiquette’ and more aggressively litigant. This perspective falls short in light of the continually litigant black passengers active since the 1860s on streetcars and first-class passage. While it makes the point that black passengers were now a new generation brought up without slavery, it fails to consider those middle-class free blacks who had dominated litigation on earlier first-class trains and who had not been slaves but resisted ‘traditional etiquette’.¹³⁰

When Homer Plessy’s final appeal failed in 1896 before the U.S. Supreme Court, segregationist conditions became more oppressive. The separate-but-equal statute of Louisiana now had federal backing and the failure of the *Comité des Citoyens* to pass the first test case in federal courts set a precedent for any further cases. It is arguable whether any contrary outcome in the Plessy case would have made any significant difference to the plight of African Americans on transport. Such a ruling would have been unenforceable in the climate of the mid 1890s and the oppression of blacks would have been carried out by forces other than the law.¹³¹ In Louisiana this was true in the form of lynching, which was primarily aimed at blacks and reached its peak between 1891 and 1892.¹³² When *Plessy v. Ferguson* was heard in 1892, twenty-five of the twenty-six lynchings were of blacks, though these took place overwhelmingly in the more northern parishes and none were in New Orleans. This does not detract from the impact that lynching had on the black community of New Orleans, but it indicates that it was less of a real threat in this urban area and confirms that urban blacks were safer and more empowered than in rural areas. However, there had been whites lynched in New Orleans in 1891, which shows that there was a willingness to engage in mob violence when incited.¹³³ In the nineteenth century, the authority to control crime lay in neighbourhoods and communities.¹³⁴

130 Michael Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford: Oxford UP, 2004) 18.

131 Klarman, *From Jim Crow* 22.

132 Michael J. Pfeifer, *Rough Justice: Lynching and American Society 1874–1947* (Champaign: University of Illinois Press, 2004) 161–178.

133 In 1891, eleven white Italians were lynched in New Orleans in response to accusations of Mafia involvement in the death of Police Chief Hennessy. See: Richard Gambino, *Vendetta: The True Story of the Largest Lynching in U.S. History* (Buffalo: Guernica, 2000).

134 Christopher Waldrep, “National Policy, Lynching and Constitutional Change,” *Journal of Southern History* 75.3 (2008): 589–626. In 1905, despite the testimony of Governor Blanchard, a grand jury still refused to indict anyone in the lynching of an African American in Ponte Coupe because of the community’s perceived right to lynch. See: Jared Y. Sanders, Letter to Senator Murphy J. Foster, 15 Jul. 1905, *Foster (Murphy*

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Lynching demonstrates that, but whites opposing the seating of blacks in first-class carriages also demonstrated that the law often lay in the hands of the public rather than the train companies. Reports throughout the 1870s and 1880s in the Louisiana press confirm that the public often used extra-judicial violence to seek what they considered justice.¹³⁵ Whites would have continued to eject black passengers on trains despite the law since this practice was already in force. However, extra-legal violence was not the only force in place. The 1896 *Plessy v. Ferguson* U.S. Supreme Court decision was predicated on the assumption that non-whites were inferior to whites, despite the majority of the court purporting to ‘deny that undeniable fact.’¹³⁶

By the late 1890s, white supremacy was an instrument to unite whites and disenfranchise blacks in the name of reform. While poor whites were also disenfranchised in 1898, they were simultaneously elevated socially by the status granted by segregation. Poor working-class whites could sit where wealthy middle-class blacks could not. The Populist Party that emerged as the political wing of the Southern Farmers’ Alliance between 1881 and 1900 made headway in most Southern states and posed a threat to Democratic dominance. In Louisiana, the movement, which at times both united and segregated black farmers, offered a threat to white supremacy but struggled to spread into the southern parishes, which limited its impact. When the 1898 state constitution disenfranchised struggling rural whites and most blacks, it circumscribed the populist movement’s public reception as a valid political movement. The ‘reforms’ of the constitution in 1898 consolidated the power of the Democratic Party without alienating poor whites because they gave credit to white-supremacist ideas of the black place as subordinate and separate.¹³⁷

One of the notable evolving changes in the 1898 Legislature was the language of white supremacy. It did not disenfranchise blacks with the same vague act regarding comfort or equality that originally instigated train segregation. The language of reform had become more direct and any reference to the rights of blacks was absent, particularly in speeches by Governor Foster: ‘The White Supremacy for which we have so long struggled at the cost of so much precious blood and treasure is now crystallized into

J. and Family) Papers, 1884–1912, Louisiana and Lower Mississippi Valley Collections Special Collections, Louisiana State University Libraries, Baton Rouge.

135 “Busted Tried to Enforce Civil Rights,” *Daily Picayune* 19 Aug. 1874: 2; “Another Humiliation,” *Weekly Louisianan* 31 Jul. 1875: 1; “Who is Roberts? A New Orleans Negro on His Travels,” *Daily Picayune* 3 Jun. 1876: 4; “A Colored Preacher,” *Daily Picayune* 25 Jan. 1889: 2.

136 Michael J. Perry, *The Constitution in the Courts: Law or Politics?* (Oxford: Oxford UP, 1994) 145.

137 Barnes, *The Louisiana Populist* 137, 212–265.

the constitution... and honestly enforced, there need no longer be any fear as to the honesty and purity of our future elections.¹³⁸

Ironically, this was the year that Storyville, the infamous red-light district famous for sex across the colour line, was legalised. Despite miscegenation legislation being in place for years, sex across the colour line was, according to a prominent citizen in the 1910s, Storyville's 'notorious attraction.'¹³⁹ Research on black employment shows that white Southerners from the late 1890s until the 1950s progressively preferred the subjugation of blacks rather than separation so interracial prostitution was to some extent permissible since those involved were on the lowest social tiers of employment.¹⁴⁰ In addition, condensing prostitution into a small area of the city isolated blurred race lines from the rest of the city, though segregated trains would eventually draw into a new terminal in the interracial Storyville.¹⁴¹ As the century drew to a close, the streetcars that served Storyville and the rest of the city were an issue for segregation again. When blacks were disenfranchised, the preference for segregation among whites rose and segregation ordinances passed more readily.¹⁴²

Streetcars and Segregation

The motivation for streetcar segregation in some states was more striking than in others. In Atlanta, Georgia for example, though streetcar segregation had been law since 1891, it was ignored until the shooting of a white man by a black man in 1900. Up to that point, Georgia's streetcar companies had a definite policy of not segregating seats racially, which fits the pattern of streetcar integration across the South. Attempts to persuade streetcar companies in Savannah, Georgia to segregate also proved difficult and accounts show that streetcar companies across the Southern states, such as Texas, Florida, Alabama and Tennessee, were opposed to segregation. The company's opposition generally pre-empted the streetcar boycotts which followed but was by and large economic in its resistance.¹⁴³ This counters the

138 Louisiana Legislature, *Official Journal of the Proceedings of the House of Representatives of the State of Louisiana 1898* (Baton Rouge: The State, 1898) 49.

139 Emily E. Landau, *Spectacular Wickedness: Sex, Race and Meaning in Storyville, New Orleans* (Baton Rouge: Louisiana State UP, 1969) 171.

140 Donald Dewey, "Negro Employment in Southern Industry," *Journal of Political Economy* 60.4 (1952): 279–293.

141 Gary Krist, *Empire of Sin: A Story of Sex, Jazz, Murder and the Battle for Modern New Orleans* (New York: Broadway Books, 2014) 179–180.

142 Jennifer Roback, "The Political Economy of Segregation: The Case of Segregated Streetcars," *Journal of Economic History* 46.4 (1986): 893–917.

143 Roback, "The Political Economy" 893–917.

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theory that *de jure* segregation replaced exclusion.¹⁴⁴ Though to some extent this was true for trains, and even here it was ad hoc prior to the Separate Car Act (1890), the theory does not fit streetcars. Streetcars were well integrated throughout the South and because streetcar segregation was unfamiliar, it was not well received by whites, who often seated themselves by class rather than race.¹⁴⁵ The streetcar companies opposed segregation but legislation at the turn of the century came not just at a time of Southern white hostility and Northern indifference, but when accommodationist philosophy was making headway in ‘Negro thought and action.’¹⁴⁶ From 1900, a number of Southern cities passed segregation ordinances on streetcars. However, Louisiana was the first state to pass a mandatory statute affecting every city in 1902. In the same way that trains became segregated as they technologically and luxuriously improved, so too did the streetcars. Mule-drawn streetcars lacked the sophistication, and therefore the need for segregation, that the electric cars prompted. This confirms a statement by the *New Orleans Republican* that it took ‘a great strain of the imagination to make a mule car appear a place of social resort.’¹⁴⁷ After 1893, all six streetcar companies were gradually electrified and in 1902 the companies were consolidated into the New Orleans Railways Company. When New Orleans bought ‘luxurious “Palace” cars’ in 1902, state legislators called for a gate to be fitted which segregated the races.¹⁴⁸ Segregated streetcars were seen as an emblem of progress, as ‘segregation was simply a part of reforming and improving their cities.’¹⁴⁹

Though calls for segregated cars had been made in the Legislature in 1900, several factors made the state wait until 1902 before passing the Bill. Firstly Henry D. Wilson introduced Bill 82, ‘An act to promote the comfort of passengers on street railways’ and this divided white opinion in the city.¹⁵⁰

144 Howard Rabinowitz, *Race Ethnicity and Urbanization: Selected Essays* (Columbia: University of Missouri, 1994) 51–53.

145 Roback, “The Political Economy” 893–917.

146 When Booker T. Washington addressed the large, predominantly white audience at the International Exposition in Atlanta in 1895, he claimed that claims for social equality were ‘the extremist folly’. See: Louis R. Harlan, ed., *The Booker T. Washington Papers*, Vol. 3 (Urbana: University of Illinois Press, 1974), 583–587; August Meier and Elliott Rudwick, “The Boycott Movement Against Jim Crow Streetcars in the South, 1900–1906,” *Journal of American History* 55.4 (1969): 756–775.

147 Fischer, “Protest” 219–233; “Democratic Tolerance,” *New Orleans Republican* 24 Dec. 1874: 2.

148 Hennick and Charlton, *The Streetcars* 29; Kelley, *Right to Ride* 89.

149 Kelley, *Right to Ride* 60.

150 Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1900* (Baton Rouge: The State, 1900) 83.

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A federation of white unions supported it but only the *Daily States* newspaper actively supported it and a public order committee showed divisions among those that supported or opposed it.¹⁵¹ The streetcar companies also opposed it and, largely due to their influence, it was buried in the Senate.¹⁵² However, white supremacy was gaining more ground and Representative Wilson later made it clear that the purpose of the Bill was white superiority rather than a separation of the races.¹⁵³ At the same time, the *Daily Picayune* was printing articles that described the ‘average [Louisiana] plantation negro’ as

ignorant, degraded in mind and morals and present[ing] a low type of humanity. None who knows them can dispute. Chastity is unknown among the women, while the men are just what must be expected, under such social conditions. The terrible criminal assaults so often made by them tell their own story.¹⁵⁴

Further stories highlighting the ‘The Negro Problem’ fuelled racial debate and supported segregation.¹⁵⁵ As an indication of rising racial tension among whites, a series of eugenics articles by Dr Gustav Keitz on the sterilisation of blacks filled the pages of the *Times Democrat* just before the Robert Charles riot in July that year. Articles on the negative attributes of blacks in the city by Dr Keitz would continue to appear early in the same year that the streetcar legislation was passed.¹⁵⁶ The near-passage of the Streetcar Bill had the effect of opening up an old racial wound in the city which indirectly contributed to the Robert Charles riot a few weeks later. During this riot, black passengers were attacked and thrown from streetcars.¹⁵⁷

Contrary to these assertions, however, other traditionally white newspapers such as the *Daily Picayune* clearly objected to the Streetcar Act (1902), arguing that there were not enough police to enforce it and that ‘there is no evidence to show that the white people object to riding in the street cars.’¹⁵⁸ Others cited the equality and benefits to blacks that segregation offered as they had done with the Separate Car Act in 1890: ‘There is nothing in the

151 “Separate Cars on Local Lines,” *Daily Picayune* 18 Oct. 1900: 2.

152 William I. Hair, *Carnival of Fury: Robert Charles and the New Orleans Race Riot of 1900* (Baton Rouge: Louisiana State UP, 1976) 139.

153 Hair, *Carnival of Fury* 139.

154 “A New England Contention on the Negro Question,” *Daily Picayune* 9 Jun. 1900: 4.

155 “Education and the Race Problem,” *Daily Picayune* 7 Jun. 1900: 4; “The Negro Problem,” *Daily Picayune* 9 Apr. 1900: 9; “Conditions which Cause Hideous Crimes,” *Daily Picayune* 5 Jun. 1900: 4.

156 G. Keitz, “Mr. Hoar and Lynching,” *New Orleans Item*, 5 Jan. 1902: 4.

157 Hair, *Carnival of Fury* 140; Kelley, *Right to Ride* 97.

158 “The Separate Street Car Bill,” *Daily Picayune* 2 Jun. 1902: 4.

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Figure 4. The intersection of Canal and Dauphine streets, 1898, showing early electric cars on all five tracks.

Photograph courtesy of H. George Friedman Jr. Photograph 90 “Canal Street: A Street Railway Spectacular,” cs.illinois.edu, University of Illinois at Urbana-Champaign, 2014, Web. 4 Dec. 2018.

language of the law that discriminates against either race, and if the best classes of colored people will realise that there is no discrimination, they will have no good reason to feel aggrieved.¹⁵⁹ The demarcation of race was of concern as it was held that ‘there is no city in the world where it is more difficult to draw the line as to race.’¹⁶⁰ Legislators had doubts because ‘there were so many people who were nearly white that it would be hard to determine their color. It would be a hardship on them.’¹⁶¹

The bill that passed in the Senate in 1902 reflects the impact that disenfranchisement had made on the Legislature.¹⁶² Little resistance was made on behalf of blacks, who had now little to offer in the way of voting support in return. Legislators raised concerns that the legislation had originated outside

159 “Protest Against the Separate Car Law,” *Daily Picayune* 27 Jul. 1902: 4.

160 “Separate Cars,” *New Orleans Item* 31 May 1902: 4.

161 “The Separate Street Cars Passed by the House,” *Daily Picayune* 4 Jun. 1902: 9.

162 Louisiana Legislature, *Official Journal of the Proceedings of the Senate of the State of Louisiana 1902* (Baton Rouge: The State, 1902) 220.

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of New Orleans and that there was no real push for it within the city, but the majority still voted for it. Already segregated on trains and without the franchise to change or influence this decision, blacks could do little legally to avert streetcar segregation. The Separate Streetcar Act passed in 1902 because of the amendment to the bill which allowed portable screens to segregate the cars as opposed to permanent compartments.¹⁶³ This seems likely to have been a concession to the streetcar companies since ‘the trolleys served a predominantly white clientele even without segregation’.¹⁶⁴ A moveable screen, while it encumbered conductors with the often difficult task of race allocation, did not require a loss of white or black business, though this was not supported by the Street Car Union. Many motor men and conductors felt that segregation would increase their workload while others felt a return to the Star car would increase employment. However, they refused to support or condemn separate cars on behalf of the companies, fearing they would be used as pawns and stating ‘Let the companies fight it out. We don’t want to butt in. They never worked for us.’¹⁶⁵

It is difficult to determine if whites overwhelmingly rode the cars that blacks could not afford to ride or if black riders in New Orleans constituted a large portion of the streetcar traffic. Figures cite numbers closer to one-in-ten passengers being black.¹⁶⁶ While newspaper articles both support and negate these suppositions, the 1900 census shows that while whites continued to outnumber blacks by a ratio of three to one, the majority of blacks were literate and likely to be prosperous enough to buy a streetcar ticket.¹⁶⁷ Furthermore, enough of the black community used streetcars to warrant legislation by whites who complained of the large numbers of blacks returning from work on the cars. Numbers were also large enough to propose an alternative, though unaccomplished, black-run streetcar service.¹⁶⁸ Ethnic

163 Fischer, “A Pioneer Protest” 219–233.

164 Hair, *Carnival of Fury* 139.

165 “The Street Railway Votes to Keep Hands Off in the Matter of Separate Cars,” *Daily Picayune* 3 Jun. 1902: 11.

166 Germaine A. Reed, “Race Legislation in Louisiana: 1864–1920,” *Louisiana History: The Journal of the Louisiana Historical Association* 6.4 (1965): 379–392.

167 United States Census Bureau, Total and Negro Population in 1900, 1890 and 1880, and Negro Population in 1900 Distributed According to School, Militia and Voting Ages, and Illiteracy, “Table 29: Louisiana: 1900,” *United States Census 1900* (Washington: US Census Bureau, 1902) Web. 14 Nov. 2015.

168 Kelley, *Right to Ride* 215; “Screen Separates the Races in Street Cars,” *Daily Picayune* 4 Nov. 1902: 3; “McDonagh has His Eye on the Hall and Goes into Inefficient Cars and Separate Cars,” *Daily Picayune* 9 Nov. 1902: 23; “Colored People Organize to Fight Separate Cars, and Propose to Run Vehicles to Carry Passengers,” *Daily Picayune* 25 Jul. 1902: 9.

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maps of New Orleans between 1850 and 1910 show that while many areas in the city were mixed, some areas had predominantly African-American business and residences. When this is compared to rail routes it indicates that the streetcars generally would have had to serve both black and white customers on all routes at some point. This concurs with newspaper reports that indicate that, despite black passengers staying off the cars during the boycott, white customers were in abundance, undermining the impact of the boycott.¹⁶⁹ The concession of a screen rather than separate cars meant that streetcar companies did not have the added expense of extra cars and could avoid totally alienating black customers. This fits with the theory that cases where employers, or in this case streetcar companies, 'deliberately sacrificed profits in order to indulge in animosity towards negroes are extremely rare.'¹⁷⁰ Furthermore, while there is evidence to suggest streetcar companies anticipated the boycotts and their reduced services to black areas to compensate for losses, New Orleans was not generally a segregated city, which lessened the impact of the boycott.¹⁷¹

Outside the city, Baton Rouge companies had expressed the same doubts over segregation as those in New Orleans but eventually followed suit.¹⁷² In contrast to New Orleans, however, the Shreveport Belt Railway Company lines in the northern city were the first to comply with preparations for segregation with eagerness that promoted the comfort of white passengers who 'prefer keeping the full social distance'.¹⁷³

Boycotts were organised in the city shortly after the passing of the 1902 Separate Streetcar Act. This peaceful but active protest lacked the radical action of the 1860s and fitted the conservatism of southern black leaders in a period of accommodation.¹⁷⁴ However, it is also likely that active protest was avoided in the aftermath of the Robert Charles Riot of 1900.¹⁷⁵ This course of action was logical in light of the failure of the Plessy case, which had made clear the futility of legal action in the city against

169 Campanella, "Ethnic Geography" 704–715; Hennick and Charlton, *The Streetcars* 63–104; "Screen Separates the Races in Street Cars," *Daily Picayune* 4 Nov. 1902: 3.

170 Dewey, "Negro Employment" 287.

171 Kelley, *Right to Ride* 105.

172 "President Fisher of the Baton Rouge Street Railway Company," *New Orleans Item* 4 Jun. 1902: 1.

173 "The First to Comply," *Daily Advocate* 20 Jul. 1902: 2.

174 Meier and Rudwick, "The Boycott Movement" 756–775.

175 Robert Charles was an African American whose altercation with the police led to a race-based riot in which twenty-eight people were killed during a week of violence. Both the mayor and governor called in the special police force and the state militia to quiet the white mob violence which aggressively attacked and lynched blacks. See: Hair, *Carnival of Fury*.

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segregation. This was echoed in Rev. E. Sim's speech in protest against separate cars: 'Past experience has shown that the colored man always get the fag end of the law when he appeals to the tribunals on questions of law and equality.'¹⁷⁶ The disenfranchisement of the majority of blacks now made their protests quieter since they had less sympathetic allies in government.¹⁷⁷ However, boycotts were effective in playing to the fears of the streetcar companies, which had opposed segregation for economic reasons such as loss of black business, boycotts and less seating.

Yet unlike in the 1860s, when *L'Union* and the *Tribune* provided support, the city's only black newspaper in 1902 was quiet on the topic of protest. The *South-Western Christian Advocate* edited by Isaiah B. Scott complied with the streetcar company when it appealed for conservative reports on the boycott movement in order to try a test case opposing segregation legislation. While the paper reported on movements around the country, it remained conservative in its reports on New Orleans while the test case proceeded. Criticised at the time for its inaction, the paper removed one of the vital elements in the success of the previous streetcar protests in the 1860s. Protest was particularly difficult without the support of the city's primary black press.¹⁷⁸ Newspapers were used to disseminate information, publicise calls for mass meeting and fuel morale, without which the boycott was prone to fracture. It is arguable that the protests found an ally in the white press, which pointed to the difficulties of enforcing segregation on the streetcars.¹⁷⁹ However, the reports simply disparaged the incompetence of the law and its inconvenience to whites rather than supporting blacks.

On the contrary, comments about blacks were derogatory while whites were portrayed as sensible but disgruntled.¹⁸⁰ In October 1902, streetcar workers commenced a fifteen-day strike, accompanied by city-wide violence in order to pressure the new company to increase pay and recognise their union.¹⁸¹ This put pressure on the first-year profits of the company, which had anticipated a boycott by blacks, but was still reeling from the strike when the new law commenced in November and so was slow to enforce the

176 "Colored People Organize to Fight Separate Cars, and Propose to Run Vehicles to Carry Passengers," *Daily Picayune* 25 Jul. 1902: 9.

177 The last black Louisiana senator left office in 1890 and the last black representatives in 1900. See: Vincent, *Black Legislators* 220.

178 For the impact of the press and African-American boycotts, see: Lawrence Glickman, *Buying Power: A History of Consumer Activism* (Chicago: University of Chicago Press, 2009) 127–129.

179 Kelley, *Right to Ride* 108–109.

180 "Screens Separate the Races in Street Cars but the Effect of the Law was to Give the Negros Comfort," *Daily Picayune* 4 Nov. 1902: 3.

181 Hennick and Charlton, *The Streetcars* 29.

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law. Company President Pearson and many of his corporate officers were arrested for violating the act by failing to erect screens, instead using ropes to segregate the cars.¹⁸² That same week, few blacks were reported on the cars as whites stood alongside the empty seats allocated to blacks. The streetcar company had initial success when the criminal court found in their favour, proclaiming the law unconstitutional, but in March 1903 the Louisiana Supreme Court found in favour of the Separate Streetcar Act (1902).¹⁸³

The sprawl of the city, which the streetcars had allowed to grow, was now a death knell for the boycott. If blacks wanted opportunities for new homes and employment they would have to travel by streetcar.¹⁸⁴ Screens were erected on the cars and, despite enthusiasm for the boycott and belated support by the black media, the black community was eventually forced to use the cars for lack of long-term alternatives.¹⁸⁵ Despite descriptions of the cramped conditions for black passengers behind screens, which became the norm in the next decade, it is clear that conductors continued to segregate whites as well, much to passengers' irritation.¹⁸⁶ The language of such complaints indicates that white superiority in behaviour was replacing the separate-but-equal concept in the minds of white passengers.¹⁸⁷ Furthermore, pressure on conductors to collect fares from disgruntled blacks 'jammed in the rear of the car' at times spilled over into violence. This strongly suggests that blacks, though screened off from whites, were not fully compliant or docile in their subservient position.¹⁸⁸

Compliance

Almost as soon as the segregated streetcar law went into operation on 3 November 1902 there were reports of violations. Though newspapers claimed that 'more people obeyed than violated', in a few cases 'no regard was given to it by white passengers who apparently belong to the better

182 Kelley, *Right to Ride* 109; "Jim Crow Law Put in Effect Yesterday, But Enforcement Was Impossible Because Not Enough Cars," *Daily Picayune* 14 Oct. 1902: 3.

183 Kelley, *Right to Ride* 114.

184 Kelley, *Right to Ride* 115; "Jim Crow Prevents A Colored Celebration," *Daily Picayune* 27 Apr. 1903: 3.

185 "Pistol Persuasion Tried By Striking Longshoremen Against Nonunion Workers, But the Bullet Misses the Negroes," *Daily Picayune* 4 Sept. 1903: 4.

186 "The Open Court, Arbitrary Street Car Conductor," *Daily Picayune* 15 Jul. 1908: 13.

187 A white passenger questioned whether the conductors had the right to move them so that black passengers could sit down. See: "Fine Point in Jim Crow," *Daily Picayune* 1 Nov. 1904: 11.

188 "Conductor Kills Negro," *Daily Picayune* 8 Mar. 1905: 5.

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classes' and who conductors did not wish to report because of their elevated position. Violations of the law continued 'with entire impunity' by officials of the railway, conductors and 'passengers of both races' who did so 'with entire confidence that nobody will punish them for it.'¹⁸⁹ Despite suspicions that conductors would contrive with white passengers, they were among the first arrested for violations of the car law. The movable screens which reduced the seating in each car caused friction with the conductor because white passengers had to stand while vacant seats were within view. One of the first arrested was a white man named Weiss who paid the fine of twenty-five dollars for refusing to vacate the last available seat on the streetcar, which was in the 'colored' section.¹⁹⁰ Yet class obviously did play a part in who could sit in which section, as was displayed by the arrest of Steve Johnson, a black man arrested for refusing to move seats from the white section. On the arresting officer's testimony that he 'behaved himself like a gentleman' and that he was a United States Inspector, Johnson was discharged without punishment.¹⁹¹ Contrary to this, a drunk black man arrested for refusing to leave the white section was charged with drunkenness, disturbing the peace, using obscene language and reviling the police, which amounted to \$100 in fines or thirty days in jail before the Jim Crow charges were even brought. Yet the sympathy of the court was evident when it fined Joe Regler, a black man who had absentmindedly sat in the white section because he did not notice the screen.¹⁹² On the other hand, there was little of the same sympathy for a black woman who was fined when the conductor moved the screen which placed her in the 'white' section, from which she refused to move.¹⁹³ Determination of colour continued to confuse conductors and in some cases passengers themselves. Jacob Moses, who the papers described as 'Arab... dark with Caucasian features... and no evidence of being African', originally travelled in the 'colored' section but was advised by a friend who was also Arab to travel in the 'white' section. He was arrested and, though the judge took it under advisement, he was eventually fined.¹⁹⁴

189 "Jim Crow Car Law," *Daily Picayune* 4 Nov. 1902: 4; "The Sanctity of the Law," *Daily Advocate* 20 Nov. 1902: 2.

190 "Against Mr. Weiss," *New Orleans Item* 28 Nov. 1902: 2; "Jim Crow Law Violated," *Daily Picayune* 1 Dec. 1902: 3.

191 "Violated Jim Crow Law," *New Orleans Item* 12 Oct. 1903: 2. There are no further details on what the role of 'US Inspector' entailed but it may have involved a functional role in the city.

192 "Saloonists in Court," *New Orleans Item* 7 Sept. 1906: 1.

193 "First City Criminal Court," *Daily Picayune* 7 Apr. 1905: 5; "Violating Jim Crow Law," *Daily Picayune* 17 May 1905: 8.

194 "Violating the Jim Crow Law," *Daily Picayune* 21 Mar. 1906: 4; "Sentenced," *Daily Picayune* 31 Mar. 1906: 5.

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Two years after the law was implemented, the *New Orleans Item* claimed to be 'deluged with letters' and personal complaints about the lack of application of the law. These complaints were that only obviously black people and 'Griffs' were partitioned, while 'white negroes, known to be so, are allowed to seat themselves among the whites'.¹⁹⁵ The paper also claimed that blacks maintained that the screens separated the 'Simon pure negro' from the 'white negroes... and there is none to say him nay'.¹⁹⁶ No doubt, as the newspapers report, conductors were reticent in questioning the race of people who appeared white for fear of offence and litigation.¹⁹⁷ This and deference to whites of elevated social positions indicate that arrests for non-observance among whites and blacks provide only a very conservative estimate of non-compliance.¹⁹⁸ It is also indeterminable whether or not people were removed from cars without being subsequently arrested. However, as few arrests as there were generally resulted in a fine or jail, which shows that

195 'Griff' is a slave term for slightly lighter-skinned blacks. See: Walter Johnson, "The Slave Trader, the White Slave, and the Politics of Racial Determination in the 1850s," *Journal of American History* 87.1 (2000): 13–38.

196 "Complaints Made About Railways," *New Orleans Item* 27 May 1903: 1. Contrary to this, Michael Mizell-Nelson also covers some of this era in detail but ignores the presence of the 'white negroes', divisions between light-skinned and dark-skinned blacks and their treatment by whites because of this. Furthermore, he claims that after the advent of the screens, newspapers, streetcar employees and passengers were less concerned with race issues. See: "Challenging and Reinforcing White Control" 132.

197 In 1910, a streetcar company was held liable when a conductor 'misjudged' a white woman for black. See: "Carriers of Passengers. Insult of Passenger by Conductor. Assignment of White and Colored Races to Separate Coaches. *May v. Shreveport Traction Co.*, 53 So., 671 (La.)." *Yale Law Journal* 20.7 (1911): 587.

198 There were thirteen arrests recorded in the *Daily Picayune* between the Years 1902 and 1910 (three appeared in the *New Orleans Item* which were not a repeat of the *Daily Picayune*) that related to streetcars. Four of these appear unrelated to the Jim Crow Law and are for the use of bad language, arguing with a conductor, standing in the wrong place in the correct section and smoking. See: "Jim Crow Law Violated," *New Orleans Item* 1 Dec. 1902: 3; "Arrested Violating the Jim Crow Law," *Daily Picayune* 21 Jan. 1903: 4; "Violated Jim Crow Law," *New Orleans Item* 12 Oct. 1903: 2; "R.E.N. Bucholz Sentenced," *Daily Picayune* 3 Jan. 1904: 13; "A Negress Fined \$25 for Violating the Separate Car Law," *Daily Picayune* 30 Aug. 1904: 4; "Emma Bernard," *Daily Picayune* 23 Jan. 1905: 7; "First City Criminal Court," *Daily Picayune* 7 Apr. 1905: 5; "A Recorder's Busy Class in Human Nature Study," *Daily Picayune* 15 Oct. 1905: 7; "Motorman Cut Trying to Put Unruly Negro Out of His Car," *Daily Picayune* 23 Oct. 1905: 8; "Jim Crow Law," *Daily Picayune* 7 Nov. 1905: 4; "Violating Jim Crow Law," *Daily Picayune* 21 Mar. 1906: 4; "Saloonists in Court," *New Orleans Item* 7 Sept. 1906: 1; "Jim Crow Bullies," *Daily Picayune* 12 Oct. 1906: 13; "He Butted In: Negro Championed Comrade, Who Paid Up And Got in Jail," *Daily Picayune* 1 Aug. 1908: 4; "Street Car Smoking," *Daily Picayune* 25 Jan. 1907: 24.

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there was commitment by the state government to enforce the law once it was brought to the public's attention through the arrest procedures.

Despite being the last former Confederate state to implement Jim Crow laws, segregation in Louisiana was inevitable. Middle of the road policies were less likely to be implemented because of the divisions caused by informal segregation, black legislative support for the lottery, and the segregationist outlook adopted by evangelical and temperance groups. The unstable position of black citizens was further weakened by the rise in plantation romanticism, lost-cause idealism and white-supremacist ideology that became culturally acceptable to a more tolerant North. The Lodge Bill of 1890 also exacerbated race relations as whites moved towards a nationalistic era, where the rights of blacks could be and were ignored in the name of reform and a new Southern identity. Reform that included white supremacy alongside religious and temperance movements for the betterment of society exhibited segregation as a benefit to both blacks and whites.

All of these state and national issues were reflected in New Orleans, as most reform movements originated there. However, despite the push for segregation in the media across the state, legislators still had to implement segregation, which did not develop inevitably through informal practices. However, while ad hoc segregation on trains may have made legal segregation easier to implement, the same theory did not apply to streetcars, which remained integrated even in northern cities in the state. That the Separate Car Act (1890) passed as a consequence of voting patterns on the lottery is clear, though calls for racial reforms in other areas made it inevitable that it would eventually have passed in later legislatures in the same way as miscegenation.

Resistance to segregation was apparent at once by both the railways and white passengers, who often struggled to comprehend the full meaning of the law in respect to antebellum segregation laws. Segregation in the 1890s differed from later segregation as the sentiment was separation rather than subjugation on the part of whites. Resistance to the act shows this was not how the black community interpreted it, yet they still struggled to find a compliant railway company to implement the segregation law to bring a test case. Commitment by the former governor who had signed the separate car law was demonstratively weak when Judge Nicholls found segregation inapplicable on interstate travel. Furthermore, the case of Sheriff Broussard of Lafayette Parish demonstrates that friction between passengers and conductors was complicated by class and race issues, and the burdensome role of the conductor often meant he fell afoul of white as well as black passengers. That trains publicised social differences by offering different services to different groups meant they would inevitably elevate people on social grounds rather than racial grounds, which in light of rising

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white supremacy would cause friction. Consequently, despite the failure of the Plessy case, newspaper reports and complaints from white passengers indicate that the Separate Car Act (1890) continued to be applied but not proscribed as intended by segregationists throughout the 1890s.

The streetcars remained integrated because they lacked the social elevation that the trains cultivated. The standard fare prevented class and race friction because it prevented social elevation. However, as streetcars improved technologically, calls for segregated streetcars increased as eugenics and white racism heightened racial tension. The racial mixing that the streetcars allowed continually came under attack and, as the 1890s progressed and segregation came to mean subjugation, further segregation legislation weakened the position of the streetcars. Though traditionally white papers such as the *Daily Picayune* objected to the Streetcar Act (1902), its passing reflected the impact of the loss of franchise on the black community. The lack of support by other pertinent groups such as the streetcar union further weakened the cause of the integrated streetcar. The unsuccessful boycott that followed fell under the restraining shadow of the Robert Charles riot and lacked the protest and vibrancy of the streetcar protests of the 1860s. White passengers were in the majority and all routes were mixed at some point, meaning that while there was a shortage of black passengers, white passengers continued to make the streetcars economically viable in an integrated city. Furthermore, the protest lacked leadership in the black media to coordinate and publicise the protest in an era of conservative black leadership. The apparent futility of legal redress compounded inaction as the expanse of the city gradually brought black passengers back onto the streetcars. Like the train conductors of the 1890s, streetcar conductors segregated whites in the same manner as blacks though the social class of both continued to be a factor of segregation implementation. It also explains the descriptions of integrated cars alongside so few arrest records as conductors were reluctant to question race or the authority of class in a social arena where litigation was becoming more common. It also suggests that social tolerance for lighter-skinned blacks, in contrast to the traditional slave appearance of darker-skinned blacks, was still the custom despite the rise of the black middle class in the city. These factors influenced non-compliance by black passengers, though arrests of those of doubtful origin, such as Jacob Moses, show that conductors were enforcing the law where there appeared to be blatant crossing of the colour line (Jacob was known to travel in the black section). All in all, that almost every arrest ended in a judicial punishment shows that there was commitment on the part of the government to implement segregation, though the low numbers of arrests amid reports of flagrant non-compliance suggest that *de facto* segregation was not reflective of the *de jure*.



Figure 5. Hotels supplied local streetcar route maps such as this one from circa 1910.
Map courtesy of Jack Stewart, Private Collection, New Orleans.

Opposite page: Figure 6. 1904 New Orleans streetcar map shows how the streetcars spread across the city.
Map of New Orleans Showing Street Railway System of the New Orleans Railways Company, Map, New Orleans: Walle & Co. Ltd., 1904. From the American Geographical Society Library, University of Wisconsin-Milwaukee Libraries, Web. 26 Aug. 2019.

4

Streetcars and the End of Colour

As the first decade of the twentieth century drew to a close, the state of Louisiana was emerging as the most prolific legislator of Jim Crow Laws in the South. Despite its position as a late-segregating state, it was leading the way in 1909 with laws regarding segregated transport, waiting rooms, education, marriage, cohabitation and public accommodations.¹ Yet while Louisiana continued to promote the state as segregationist, resistance, both passive and active, continued among black and white residents in the state's most populous city of New Orleans. The laws of segregation, according to the Supreme Court of 1896, were based on tradition. Yet in New Orleans there was a traditional acceptance of a fluid space for the black community between the rigid black and white spheres. This prevented segregation, particularly on streetcars, from being fully implemented. The omission that allowed light-skinned black passengers to sit in white sections of the cars existed because conductors feared the litigious implications of race designation. It also existed because white passengers tolerated it and allowed it to happen.

This concept of race as fluid was reflected in *State of Louisiana v. Treadaway* (1910) when the court found that an Octoroon was not a Negro within the meaning of the miscegenation statute.² This reflected the antebellum tradition of a three-tier society in Louisiana which recognised traditionally

1 F. Johnson, *The Development of State Legislation Concerning the Free Negro* (New York: Arbour Press, 1919) 111–116.

2 "The Negro Defined," *Yale Law Journal* 20.3 (1911): 224–225; See also: *State v. Treadaway et al.*, (1910) 126 La. 300 in *The Southern Reporter: Containing all the Decisions of Supreme Courts of Alabama, Florida, Louisiana, Mississippi*, Vol. 52 (St. Paul: West Publishing, 1910) 500–512.

free people of colour as distinct from dark-skinned ‘black persons or negroes.’³ It legitimised the presence of lighter-skinned black passengers in the white sections of the streetcars despite legislation to the contrary. However, as a result of growing white-supremacist ideology in the previous two decades, legislators moved to delineate the black and white races and eradicate special privileges for lighter-skinned blacks.

Between 1910 and 1929, race in New Orleans was narrowly defined to include ‘the colored races’ among the ‘negro’ or ‘black race’ of earlier legislation.⁴ This occurred largely in response to the Treadway case of 1910, and though reforms were primarily concerned with miscegenation, they concurred with the legislation already in place on streetcars. This review of the law, and the consequences of ‘one-drop rule’ cases which legally defined who was black or white, saw a change in the white public attitude towards the black community and negated earlier, less rigid concepts of race. Once the ambiguous position of people of colour was defined as Negro, tolerance was unnecessary and segregation on streetcars became characterised as black and white. As the colour line in New Orleans became more rigid, it was supported and compounded by the unfolding events of World War One in Europe and at home. Louisiana’s legislative and judicial history during the first part of the twentieth century reveals how the one-drop rule contributed to the emergence of a rigid colour line. This would affect millions of people who had previously been socially accepted as mixed race or white.⁵

The opportunities that the war produced for bolstering the Southern economy also presented labour shortages that prompted whites to increase black subordination in an effort to maintain a workforce and prevent wages from rising. This was compounded by rural migration to New Orleans, which

3 *State v. Treadway et al.*, (1910) 126 La. 300. Three-tier societies also existed in South Carolina where free people of colour were also numerous and affluent, but tolerance was also eroded at the end of the nineteenth century. Naomi Zack also states that Georgia allowed free people of colour the same rights as whites with the exception of voting and sitting in the state assembly. See Naomi Zack, *Race and Mixed Race* (Philadelphia: Temple UP, 1993) 80–82. For more on tolerance of ‘mulattoes’ within the upper and lower south see: Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* (New York: Free Press, 1980) 26–27. For response by the ‘mulatto elite’ in the upper and lower South see: John C. Inscoe, ed., *Georgia in Black and White: Explorations in the Race Relations of a Southern State* (Athens: University of Georgia, 1994) 106–127.

4 Louisiana Legislature, *Calendar of the House of Representatives: Official Journal of the House of Representatives Louisiana 1902* (Baton Rouge: The State, 1902) 12.

5 Erica Cooper, “The Whiteness of the Twenty First Century: The Decline of the One-Drop Reasoning in Jurisprudence after 1980,” *Construction of Whiteness: An Interdisciplinary Analysis of Race*, eds. Stephen Middleton, David R. Roediger and Donald M. Shaffer (Jackson: University Press of Mississippi, 2016) 124.

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created labourer shortages outside of the city. On streetcars within the city, reports of increased violent interactions became more frequent as the black population swelled and led to increased black streetcar usage. In turn the competition for space between white and black passengers exacerbated racial friction. Heightened vigilance towards segregation policies on streetcars during the war period reflected an approach toward the black population that white-supremacist propaganda and support for the increasingly popular Ku Klux Klan promulgated. As race riots erupted in cities across America in 1919, racial tension in the city increased and streetcars were viewed as arenas for potential unrest. While lynch law occurred generally in rural areas, it gradually reached the city and was an ever-looming threat to black passengers who stepped over the colour line. Calls for equality were inflammatory as federal fears of spreading communism led to open suspicion of any radical behaviour that reflected black empowerment or calls for black equality on the streetcars.⁶ In an effort to subdue public displays of radical behaviour, streetcar conductors increasingly confronted black customers over any perceived inappropriate behaviour. The heavy-handed response by streetcar conductors in an era of overcrowding and suspicion ensured that rigid segregation on streetcars became institutionalised prior to the Great Depression.

The rigid racial environment of New Orleans progressively increased in the first decades of the twentieth century and this was reflected on the streetcars. The racial push and pull on segregated streetcars increased through the great Southern migration as New Orleans transport buckled under the strain of an increased black populace. The impact of growing Ku Klux Klan membership on race relations in the urban setting of New Orleans and the consequences of its popularity and ideology were reflected on segregated streetcars. In addition, World War One stretched segregation policies on streetcars due to the city's increased population and influenced African Americans to push against them as ideas of equality in the form of the New Negro and organisations such as the NAACP blossomed after the war. Finally, binary segregation brought about a gradual etiquette on the streetcars that demanded deference from black travellers that went beyond the legal requirements of Jim Crow legislation.

6 "Negro Radicals in Plot to Stir Race Hatred: Government Reports Show Bolsheviki Under Way," *Patriot* (Pennsylvania) 5 Nov. 1919: 22; "Troops Hunt Negro Arms," *New Orleans Item* 3 Oct. 1919: 1-2.

The One-Drop Rule

New Orleans in the twentieth century was becoming a *de jure* segregated city. Despite the legal directives regarding segregation, integration continued on streetcars and in other aspects of society. The colour line in New Orleans was adjustable and the city was reputed to have given to America ‘more “passer pour blanches” (people who pass for white) than any other city in our country.’⁷ Throughout the nation, one-drop rule cases used evidence based primarily on rumour and association to establish the race of plaintiffs. Out of such cases grew a fear by whites, who might otherwise have tolerated loose terms of segregation, of race definition by association. The one-drop rule cases were not a narrow focus on race but part of a larger, federal government initiative to classify race nationally. As a result of an act of Congress in 1907 which defined the duties of the specially formed Immigration Commission, a dictionary of people and races was published in 1911 as part of a report released by the commission.⁸ The one-drop rule cases in this period were not a purely Southern phenomenon. Throughout the 1920s and 1930s, non-Southern states such as Oklahoma, Nebraska, North Dakota, Indiana and Missouri all developed one-drop equivalents.⁹ This culminated in the Census Bureau removing the term ‘Mulatto’ from the records in 1930 by instructing enumerators that ‘a person of mixed white and Negro blood should be returned as a Negro, no matter how small the percentage of Negro blood. Both black and mulatto persons are to be returned as Negroes, without distinction.’¹⁰

Race classification was a national response to fears that black social equality and immigration would pollute the ‘political system now viewed as a product of evolution and of the superiority of Nordic, or Aryan, blood.’¹¹ In Louisiana, one-drop rule cases would establish these same clear lines of race classification and this would be displayed publicly by increased enforcement on the streetcars in the first decades of the twentieth century. In 1910, two court cases reached the Louisiana Supreme Court which contradicted the

7 Michelle Brattain, “Miscegenation and Competing Definitions of Race in Twentieth-century Louisiana,” *Journal of Southern History* 71.3 (2005): 621–658.

8 Immigration Commission. *Dictionary of Races or Peoples* (Washington: Government Printing Office, 1911).

9 Murray, *States’ Law* 150, 254, 263, 351, 372.

10 U.S. Department of Commerce Bureau of the Census, *Instructions to Enumerators: Population and Agriculture* (Washington: Government Printing Office, 1930) 2.

11 Donna R. Gabaccia, “Race, Nation, Hyphen: Italian Americans and American Multiculturalism in Comparative Perspective,” *Are Italians White?: How Race is Made in America*, eds. Jennifer Guglielmo and Salvatore Salerno (New York: Routledge, 2003) 56.

definition of race in Louisiana and would lead to legislation that specifically determined 'colored' to be synonymous with 'black'. This was significant since the establishment of a large free coloured community in New Orleans over the centuries had created a buffer that prevented rigid race policies from being fully implemented towards those regarded as non-white. Recognition by white society of 'colored' people as neither white nor black had allowed some degree of integration on streetcars despite a specific proscription against 'the colored races.'¹² The Lee (1910) and Treadaway (1910) cases are compelling because they were examples of 'one-drop rule' cases within the boundaries of Orleans.¹³ The cases explored the concept that one drop of African blood could define black identity entirely, despite physical appearances to the contrary. Though the legal definition of 'black' was in circulation from the eighteenth century, the concept of 'invisible blackness' or 'one-drop rule' spread across the South in the late nineteenth century, reaching Louisiana at the beginning of the twentieth century.¹⁴ It coincided with Jim Crow laws which were becoming more restrictive for blacks but which also demanded white conformity. Whites such as Samuel Lee's children were vulnerable to accusations of being coloured since it was often difficult to prove the reverse to be the case. The more restrictive definitions of race also served to control whites who felt outrage at the treatment of blacks.¹⁵

In 1910, Sam Lee sued the New Orleans Railroad Company when they evicted his two children from a white-only train carriage.¹⁶ Lee and his wife claimed to be white, but the conductor had evicted the children on the basis that they were not white. Lee lost the case after the jury failed to find the children positively white. On appeal to the Louisiana Supreme Court, Justice Land claimed that in the case of transport, unlike concubinage laws, the state drew distinctions between whites and persons of colour.¹⁷ He also argued that 'since emancipation that term has been used as synonymous with negro.'¹⁸ To all intents and purposes, this case classified 'colored' as Negro

12 Louisiana Legislature, *Calendar of the House of Representatives 1902*, 12.

13 Lee et al. v. New Orleans Great Northern RR, (1910) 125 La. 236 in *The Southern Reporter: Containing all the Decisions of Supreme Courts of Alabama, Florida, Louisiana, Mississippi*, Vol. 51 (St. Paul: West Publishing, 1910) 182–184; *State v. Treadaway et al.*, (1910) 126 La. 300.

14 Francis Sweet, *Legal History of the Color Line: The Rise and Triumph of the One-drop Rule* (Palm Coast: Backintyme, 2005) 11.

15 *Ibid.* 11.

16 Lee et al. v. New Orleans Great Northern RR, (1910) 125 La. 236.

17 '[S]eparate but equal accommodations for the white and colored races'. See: Louisiana Legislature, *Calendar of the House of Representatives: Official Journal of the House of Representatives Louisiana 1890* (Baton Rouge: The State, 1890) 12–13.

18 Lee et al. v. New Orleans Great Northern RR, (1910) 125 La. 236.

on all transport including streetcars, a classification that would be applied in all areas of society. However, that same year saw the successful discharge of Octave Treadaway, a white man from Orleans Parish accused of concubinage with Josephine Lightell, who was described as ‘a woman of colour’, and the two cases were tied together in the newspapers.¹⁹ In *State v. Treadaway* (1910) Justice Provosty found that ‘negro’ had never been synonymous with people of colour. This case was prosecuted under the 1908 law that stipulated that ‘concubinage between a person of the Caucasian race and a person of the negro race [was] a felony.’²⁰ The language of the law failed to include the word ‘colored’. What specifically established ‘colored’ as separate from ‘negro’ was Provosty’s conclusion that it is the case that ‘a negro is necessarily a person of color; but not that a person of color is necessarily a negro.’²¹ The court in the Treadaway case was aware of the motivation in using different terms in the statutes pertaining to race in both transport and concubinage: ‘one consideration which readily suggests itself is that without separate car statutes the whites would be brought into contact with the colored no matter how objectionable the proximity might be to them, whilst their concubinage or illicit commerce with them could only be voluntary.’²²

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The Treadaway case was significant because it illustrated that the concept of race was open to interpretation and that there was in New Orleans the continued legal and social tradition that separated ‘negroes’ and ‘people of colour’. Despite the wording of the Separate Car Act and Judge Land arguing for a two-tier social system since Reconstruction, binary segregation had never been implemented on streetcars in New Orleans. This recognition of people of colour as distinct from black or Negro explains why whites tolerated lighter-skinned black passengers sitting in the ‘white’ section of streetcars. Furthermore, it firmly establishes that legal segregation on the streetcars was social as well as physical because, regardless of the tolerance of lighter-skinned black passengers, the law excluded them specifically.²³ That

19 *State v. Treadaway et al.*, (1910) 126 La. 300; “Says Concubinage Law Does Not Mention Octoroon,” *New Orleans Item* 25 Feb. 1910: 4.

20 Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1908* (Baton Rouge: The State, 1908) 870.

21 *State v. Treadaway et al.*, (1910) 126 La. 300.

22 Alecia P. Long, *The Great Southern Babylon: Sex, Race and Respectability in New Orleans, 1865–1920* (Baton Rouge: Louisiana State UP, 2004) 209–210.

23 [S]eparate but equal accommodations for the white and colored races’. See: Louisiana Legislature, *Calendar of the House of Representatives: Official Journal of the House of Representatives Louisiana 1890* (Baton Rouge: The State, 1890) 12–13.

the same exclusive wording in relation to 'persons of color' was not applied six years later to concubinage highlights that legislators feared social contact publicly on the streetcars with people of colour who could be mistaken for white, rather than private liaisons. The status of a well-dressed passenger of questionable racial origins was more threatening to white streetcar customers than light-skinned women living in questionable moral circumstances where association was by choice. In the case of Treadaway, there were several witnesses who had not come forward until his father, Antoine Treadaway, a 'large planter... prominently connected in Plaquemine parish' and his brother George brought the charge.²⁴ In addition, white passengers may have tolerated lighter-coloured passengers in the 'white' section but they could capriciously remove them if they desired. For Louisiana, the 1910 Treadaway case was crucial in expressing the dilemma of transition from a ternary system of race classification to a binary one.²⁵ However, the traditional tolerance of lighter-skinned 'people of colour' was brought to an end in 1910 when the Louisiana Legislature amended the anti-concubinage law to include people of colour. The original 1908 bill had included a definition of race which was struck out by the House committee: 'a person who is as much as one thirty-second part negro shall be... a person of the negro race.'²⁶ This reflected the changing ideological climate prior to World War One and would narrow the sphere in which black people could manoeuvre in white New Orleans Society.²⁷

White Conformity

The malleable concept of segregation was not only evident in white passengers' tolerance of lighter-skinned people of colour on the streetcars. The arrests of two white men on a Carondelet streetcar in 1911 suggest that some white passengers were openly sympathetic to black travellers. The two men were arrested as a result of urging the successful escape from police custody of a black passenger who had moved the race screen.²⁸ White enforcement in

24 "Committed to Criminal District Court," *Daily Picayune* 1 Dec. 1910: 5.

25 Virginia R. Dominguez, *White by Definition: Social Classification in Creole Louisiana* (New Brunswick: Rutgers UP, 1986) 32.

26 See Original Bill: Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1908* (Baton Rouge: The State, 1908) 320, 355; Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1910* (Baton Rouge: The State, 1910) 82; David T. Goldberg, Michael Musheno and Lisa C. Bower, eds., *Between Law and Culture: Relocating Legal Studies* (Minneapolis: University of Minnesota, 2001) 186.

27 Dominguez, *White by Definition* 32.

28 "A Jim Crow Mix up," *Daily Picayune* 6 Feb. 1911: 7. The moveable race screen separated the 'colored' and 'white' sections of the streetcar.

public allowed Jim Crow to continue instead of dying out in a generation. Studies of race or 'one-drop rule' cases that reached the courts found that little evidence was required to cast doubt on legal whiteness, and rumour and association were often enough.²⁹ However, despite what legislators or the judiciary said in public, and the continued prosecution of the one-drop rule cases, 'the educated elite knew that white southerners were actually mixed.'³⁰ Segregation was an effective tool in keeping wages in the South low and this confirms that segregation came from the elites whose view of a prosperous South was determined by the population's acceptance of its unchallenged white leadership. This was used to capitalise on a racial system 'that combined *de jure* segregation with the hyper-exploitation of black and white labour.'³¹

Studies of miscegenation in Louisiana also cast light on the significance of continued prosecutions. Findings show that although miscegenation laws frequently failed to prevent sex across the colour line, they 'served an equally significant function in the twentieth century: a tool to monitor racial boundaries.'³² One-drop cases, which were frequently also miscegenation cases, defined blackness. When the amended Louisiana Concubinage Act (1910) is considered, the theory that one-drop cases ensured white enforcement is valid since it established that those whites who were even a thirty-second-part black would now fall under legislation that restricted blacks. However, the majority of Jim Crow laws were applied to African Americans who presented as black rather than those with the appearance of white. This is evident in the very few whites who were designated black in comparison with the number of blacks who passed each year as white.³³ Whites were vulnerable, however, as definitions of race across the nation became more defined: 'Having being recognised as white for one purpose or another did not guarantee that a "white" identity was secure... Even people recognised as Caucasian might find their security as whites shattered.'³⁴ This does not mean though, that Jim Crow laws were directed at whites or that it was part of some 'nefarious conspiracy.' Rather, it was a manifestation of group ideological self-preservation.³⁵ However, Jim Crow legislation also

29 Sweet, *Legal History* 447–450.

30 Ibid. 462.

31 Brian Kelly, "Labor, Race, and the Search for a Central Theme in the History of the Jim Crow South," *Irish Journal of American Studies* 10 (2001) 55–73.

32 Brattain, "Miscegenation" 621–658.

33 For a breakdown of statistics see: Sweet, *Legal History* 446.

34 Peter Wallenstein, "Identity, Marriage and Schools: Life along the Color Line/s in the Era of Plessy v. Ferguson." *The Folly of Jim Crow: Rethinking the Segregated South*, eds. Stephanie Cole and Natalie J. Ring (Arlington: Texas A&M UP, 2012) 35.

35 Sweet, *Legal History* 460.

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served to elevate whites and subjugate blacks. Jim Crow legislation overcame class by resting entirely on racial dictates in which 'the lowest white man could "count more than the highest negro."' ³⁶ Both of these views are legitimate since segregation and definitions of blackness had long existed in these societies before they became legalised: 'Jim Crow Laws alone did not create segregation in the South, they just legalised it and made it more legitimate.' ³⁷ However, the one-drop rule cases and Jim Crow legislation provided validation and perpetuated each other. Moreover, 'the one-drop rule triumphed and became accepted nationwide in the first three decades of the twentieth century'. ³⁸

The effect of the one-drop rule was twofold. It served to unite whites as a collective, identifying them as an exclusive group. The threat of being ostracised from this group and the benefits of remaining within it ensured that whites demanded segregation in order to protect their white identity. This in turn prevented open sympathy towards blacks and effectively made Jim Crow socially acceptable. For whites, segregation became necessary as it ensured their survival as a member of white society.

An example of this was evident in New Orleans when the Treadaway case (1910) surfaced again as the brother of the original defendant was arrested in a separate incident in 1911. The defendant in this case, Octave Treadaway's brother, George Treadaway, was arrested for the attempted murder of a man named Henry Fiorelo, whom he knew from Plaquemine parish. George had previously had Fiorelo removed from a white train carriage after he identified him as a black. Fiorelo told the conductor that he was white but as he had been talking for a few minutes to a black man who had entered the carriage, the conductor ordered him out of the carriage. George Treadaway persisted in his claim that Fiorelo was black and shot him in the back on the street in New Orleans. Fiorelo survived but claimed that he had been brought up by a black woman in Alabama since infancy and could prove he was white. He further stated that Treadaway 'has a bug for calling people negroes.' ³⁹ The case petered out after Treadaway was released on bond and Fiorelo mysteriously disappeared after discharging himself from hospital. He could still not be located a month later. ⁴⁰ This case signifies how accusations

36 Martin Schoenhals, *Intimate Exclusion: Race and Cast Turned Inside Out* (Lanham: UP of America, 2003) 107.

37 Leslie V. Tischauser, *Jim Crow Laws* (Santa Barbara: Greenwood, 2012) 36.

38 Sweet, *Legal History* 463, 441.

39 "Fatal Shooting Follows Charge that Fiorelo was of Negro Blood," *Daily Picayune* 11 Jul. 1911: 4.

40 "Child of Fiorelo, Shot by Treadaway, Lost her Life," *Daily Picayune* 19 Aug. 1911: 5.

of colour had consequences. Fiorelo was removed from a train carriage on Treadaway's word and because he had associated even briefly with a black man. Though Fiorelo was not deemed 'colored' in the media and had the appearance of a white man, this accusation was mentioned with his name in almost every story about the case, which in turn associated him with colour. It was an important element of each story because Fiorelo's race was unclassified at a time when lynching was common and could have changed the dynamics of the story from attempted murder to lynching. Often perceived as community-led extra-legal action rather than crime, attempts to lynch blacks who dared to enter 'white' sections of trains were often reported as inevitable in the New Orleans papers. S.W. Green, the Supreme Officer of the Colored Kings of Pythias, a fraternal organisation, was dragged off a train on his way to New Orleans by a mob for sitting in the 'white' section and only saved by the sheriff's intervention.⁴¹

White Anxiety and the Mulatto

Cases like Fiorelo's and *State v. Treadaway* caused 'white anxiety' that made the public obsessed with biological ancestry.⁴² Whites of questionable ancestry were less likely to be litigious in light of Sam Lee's experience, but occasionally cases of mistaken identity had to go to court for fear of being assumed black. One such case was that of Miss Ritchel, who successfully sued a railway company in Indiana and laid to rest any question of her ancestry.⁴³ However, such cases became rare since one-drop cases involved high risks. This is significant since it meant that streetcar conductors saw litigation as less of a deterrent to rigid segregation. Literature surfaced in this period which sought to portray the increasing paranoia that racial identity 'anxiety' created. These novels highlighted the fear that invisible blackness would always surface.⁴⁴ Early-twentieth-century Louisianan writers such as Kate Chopin and Ruth McEnery Stuart exemplified public perceptions of invisible blackness as a tragedy for the white community and both

41 "Chancellor is a Victim of Mob," *New Orleans Item* 27 May 1913: 1. A week after Fiorelo was shot, the Sheriff of Claiborne parish failed to prevent a lynching by unmasked men. See: "Mule in Lynching: Negro Who Shot Four Whites too Weak to Stand, Mounts Animal," *Daily Picayune* 25 Jul. 1911: 13.

42 Abby L. Ferber, *White Man Falling: Race Gender and White Supremacy* (Lanham: Rowman and Littlefield, 1998) 39–40.

43 "Girl Forced to Ride in Jim Crow Car Gets \$3750 Verdict," *New Orleans Item* 11 Oct. 1912: 1.

44 Ferber, *White Man Falling* 39–40; John G. Mencke, *Mulattoes and Race Mixture: American Attitudes and Images* (Ann Arbor: UMI Research, 1979) 175–209.

stereotyped and elevated blacks who remained in subordinate positions.⁴⁵ Chopin in particular was described as ‘one of the most popular women in New Orleans... Her literary reputation added to her social success.’⁴⁶ Books reviewed in the New Orleans *Daily Picayune* in 1910 contained titles such as *What is a Negro?* and *Intermarriage and Miscegenation*, which stated that ‘the real tragedy of the negro is readily grasped as one reads these pages.’⁴⁷ Alongside this are advertisements for *Pearson’s* magazine, a national publication, which promised to highlight miscegenation as the ‘evil which is generally supposed to be distinctly Southern.’⁴⁸ Scientists backed up these fears, sanctioning the wisdom of segregated public places, such as streetcars, in order to prevent miscegenation.⁴⁹ Women’s organisations also called for more streetcars at a time when the black population of New Orleans was steadily increasing so that women ‘may be spared the indignity of promiscuous crowding... in the interests of decency.’⁵⁰ It was the work of Thomas Dixon Jr. in *The Clansman* (1906) that explicitly went beyond the visible aspects of race to the unseen.⁵¹ Such literature had a significant impact in compounding racist thought: ‘novelists, pseudo historians, and popularisers like Thomas Dixon Jr. simplified and broadcast the racism of their “scientific” colleagues.’⁵² *The Clansman*, which was the second part of a trilogy, was propaganda to justify and ensure segregation, highlighting the savage nature of Southern blacks and the need for social control. Also, many of the themes of the plot highlight that which earlier novels lacked, such as the deceptive nature of mulattoes and the threat to whites that miscegenation posed.⁵³ The message was clear: the unseen black was to be feared and isolated. Segregation of light-skinned blacks on streetcars reduced the fear of accidental association, but also removed the uncomfortable fact that these

45 See: Kate Chopin, “Desiree’s Baby”, *Bayou Folk* (Boston: Cambridge, 1894) 147–158; Ruth McEnery Stuart, *Napoleon Jackson, the Gentleman of the Plush Rocker* (New York: The Century Company, 1910).

46 “Mrs. Kate Chopin,” *Daily Picayune* 23 Aug. 1904: 3.

47 “Race Distinctions in American Law,” *Daily Picayune* 30 Oct. 1910: 40.

48 “Why Miscegenation Flourishes in the North,” *Daily Picayune* 23 Mar. 1910: 3.

49 “A Student of the Negro Problem,” *Daily Picayune* 12 Mar. 1911: 43.

50 “Working Girls Object to Local Service,” *New Orleans Item* 27 Jun. 1914: 1.

51 Cathy Boeckmann, *A Question of Character: Scientific Racism and the Genres of American Fiction, 1892–1912* (Tuscaloosa: University of Alabama, 2000) 85.

52 Charles C. Alexander, “Review of ‘Jim Crow’s Defense: Anti-Negro Thought in America, 1900–1930’ by I.A. Newby,” *Florida Historical Quarterly* 45.2 (1966): 186–189. Studies in 1929 continued to show findings consistent with white supremacy. See: Paul Campbell Young, “Intelligence and Suggestibility in Whites and Negroes,” *Journal of Comparative Psychology* 9.5 (1929): 339–359.

53 Boeckmann, *A Question of Character* 85–88.

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people were also partially white. Articles in New Orleans papers reflected attitudes towards mulattoes, stating that under miscegenation laws 'it is hoped that mixed bloods will disappear in the South.'⁵⁴ Mulattoes were also condemned for causing racial strife, but the light-skinned slave was elevated in articles that romanticised slavery. Other articles condemned the scenes from Canal Street Station where the concubinage law was flaunted on Basin Street and closely associated miscegenation with vice.⁵⁵

The Clansman was well received in book form and the Tulane theatre in New Orleans ran the play in 1906 after a successful performance the previous year. Unlike other Southern cities, such as Macon in Georgia and Montgomery, Alabama, acting Mayor McRacken refused to ban it on the grounds that it would cause racial disturbances.⁵⁶ This was despite racial conflict occurring in the same week in Atlanta which lasted for days. The play ran annually and letters from the public lauded *The Clansman*, adding 'we men born since the war have a right to know the facts, and the Clansman tells them.'⁵⁷ Yet opposition to it also made the pages of the *Daily Picayune*, which argued that 'such plays could not help but engender race prejudice.'⁵⁸ Such opposition did not prevent Dixon from being well received after appearing to lecture on the play at the Dauphine theatre in 1911.⁵⁹ Dixon's reception would mirror the reaction of New Orleans to *The Clansman* inspired Ku Klux Klan a few years later and would heighten racial tension in the city.

Nativism Reawakened

The narrowing definition of race in Louisiana and the progressive subjugation of blacks prior to and during World War One were both supported and compounded by the reawakening of Nativism in the previous decade. Nativism was a form of ethno-centralism which asserted that previous residence or ancestor residence constitutes superiority in culture and a claim to a higher class of citizenship. It was based on ideas of racial, religious and lingual stereotypes.⁶⁰ In this case, white Anglo-Saxon

54 "The Colored Population," *Daily Picayune* 3 Sept. 1912: 6.

55 "We Seek to Clean Up Basin Street," *New Orleans Item* 1 Feb. 1910: 8; "Syrian Colony at Opelousas Aroused: Mulattress Would Wed One of Them," *Daily Picayune* 19 Jul. 1910: 3; "The Olden Days: A Glimpse at the Gentler Side of Slavery," *Daily Picayune* 5 May 1912: 40.

56 "No Objection Here," *Daily Picayune* 26 Sept. 1906: 8.

57 "From the People," *New Orleans Item* 23 Sept. 1907: 12.

58 "The Open Court," *Daily Picayune* 27 Sept. 1906: 12.

59 "The Clansman at the Dauphine Theatre," *New Orleans Item* 23 Oct. 1911: 13.

60 "Nativism," *Encyclopedia of Race and Racism*, ed. John Hartwell Moore,

English-speaking Protestants reflected the early English settlers as a link to an ancestral American past and a justification for Anglo-white superiority in the present. Nativism was not a new concept in Louisiana. Between 1835 and 1856, Anglo-American elites and supporters of the Whig Party organised the Louisiana Native American Association (LNAA) in an effort to prevent Irish immigrants from gaining citizenship. Their goal was to prevent Catholic French-speaking support of the Democratic Party from dominating Louisiana politics. Though ultimately unsuccessful, the LNAA was one of the first Nativist groups to emerge in the United States.⁶¹ The rise of Nativism in the late nineteenth century was a response to immigration that swelled in the 1890s bringing immigrants from primarily non-English-speaking Catholic and non-Christian countries. Nativism declined with the progressive movement but World War One and the post-war Red Scare revived it.⁶² While Nativism raised the profile of whites as the established Americans, it failed to unite whites as a cohesive group in New Orleans.

The influx of Irish in the nineteenth century had contributed to Roman Catholic numbers within the city, yet religion was the only tie to the established Catholics who were of French, Spanish and Italian descent. In fact, the English-speaking Irish probably had more in common with their Anglo-American neighbours than established non-English-speaking Catholics.⁶³ In addition, fear of the foreign criminal element had led to the lynching of eleven Italians in New Orleans suspected of being members of the Mafia in 1891, an event that would reoccur in 1924.⁶⁴ The city's Anglo and Roman Catholic whites of various mixed European descent had much to divide them. On the contrary, African Americans felt more established as true Americans than first- or second-generation whites in the city and

Vol. 2 (Detroit: Macmillian Reference: USA, 2002) 358–361, U.S. History in Context, Web. 10 Nov. 2016.

61 Brett R. Todd, "The 'True American': William H. Christy and the Rise of the Louisiana Nativist Movement, 1835–1855," diss. University of New Orleans, 2016: 2, 3.

62 "Nativism", *Encyclopedia of Race* 358–361.

63 On cultural conflict between immigrant Catholic Irish and established Catholic creoles see: Michael Doorley, "Irish Catholics and French Creoles: Ethnic Struggles within the Catholic Church in New Orleans, 1835–1920," *Catholic Historical Review* 87.1 (2001): 34–54; Matthew W. McConnell, "Schism, Plague, and Last Rights in the French Quarter: The Strange Story Behind the Supreme Court's First Free Exercise Case," eds. Richard W. Garnett and Andrew Koppelman, *First Amendment Stories* (New York: Thomas Reuters, 2012) 51–52.

64 Six Italians were legally executed after being accused of burglary in Tangipahoa Parish in 1924. The six men were accused of links to the Mafia. See: John V. Baiamonte, *Spirit of Vengeance: Nativism and Louisiana Justice, 1921–1924* (Baton Rouge: Louisiana State UP, 1986).

proved they were not immune from Nativist ideology. Black journalists, such as James B. Lafourche, who would later write on the Louisiana Federal Writers Project in the 1930s, argued that, ‘unlike the myriads of hyphenates, who infest our countries shores, the Negro is the solid American’.⁶⁵ Such attitudes raised suspicions in New Orleans against German Americans who resisted assimilation and promoted the German language in schools.⁶⁶ In 1918, the state Legislature prohibited the display or participation in any aspect of German culture or goods.⁶⁷ The New Orleans black community used anti-German propaganda to raise the status of blacks as patriots. Black organisations such as the Colored Ministers Convention held in New Orleans pushed the role of black soldiers in combating the German threat as justification for more adequate and favourable provision on the railroads, ‘in view of the untarnished record of negro soldiers to reaffirm our loyalty to the country.’⁶⁸

Violence and Jim Crow

Jim Crow segregation in the early twentieth century was not just social and legal separation. It progressively involved a social etiquette that was often enforced with violence, ‘including beatings, lynchings and property destruction in order to keep black residents of rural and urban communities in their racialized “place”’.⁶⁹ Though the lynching of blacks remained primarily a rural concern, the behaviour of whites and their lack of culpability reminded urban blacks of their ‘place’ in white Louisianan society. The behaviour of urban whites in positions of power also demonstrated white authority over blacks, particularly on the streetcars. Arrests between 1910 and the beginning of the war in 1914 are low but incidences of friction between conductors and passengers often did not result in arrests for Jim Crow violations. John Watson, described as a ‘Jim Crow Warrior’, was arrested under a drunk and disorderly charge but the report suggested friction against segregation.⁷⁰ The case of the two

65 Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915–1972* (Athens: University of Georgia, 2008) 6.

66 Ellen C. Merrill, *Germans of Louisiana* (Gretna: Pelican, 2005) 12.

67 Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1918* (Baton Rouge: The State, 1918) Calendar; 237.

68 “German Names and Language,” *Times Picayune* 18 May 1918: 8; “Colored Patriots,” *Times Picayune* 1 Jun. 1918: 8; “Negro Ministers Close Institute,” *New Orleans States* 26 Jul. 1918: 6.

69 Joe Feagin, *Systematic Racism: The Theory of Oppression* (New York: Routledge, 2006) 151.

70 “A Jim Crow Warrior,” *Daily Picayune* 16 Nov. 1910: 5.

white men arrested in 1911 for reviling the police after they encouraged a black passenger to escape also indicates that any resistance to segregation was often perceived as a break with Jim Crow etiquette and arrests were made for any infraction regardless of whether segregation law was actually broken.⁷¹ However, when white William Flaspoller and black Leon Vignes went into opposite 'race' sections, they were both arrested and found guilty under the Jim Crow law in 1912. The case was pressed by white attorney Loys Charbonnett, who also defended Octave Treadaway and would later represent the NAACP in New Orleans.⁷² This case appears to have been orchestrated probably on behalf of the Colored Civic and Protective League, a forerunner of the NAACP in New Orleans. This organisation had been lobbying for more stringent enforcement of the segregation law to prevent whites entering the already overcrowded 'colored' section on streetcars.⁷³ Yet blacks such as Charles Davis and Hannibal Glen continued to be arrested for straightforward breaches under the Jim Crow Law such as sitting in the white section or moving the screen.⁷⁴ In contrast, accounts of beatings and violence between conductors and black passengers often either did not lead to arrest or led to arrest under other offences such as 'assault' or 'wounding'. The violence between conductors and black passengers was also often striking in its ferocity and at times was reported as unprovoked. Conductor Louis A. Darret, for example, was hit by an 'unknown negro' who jumped onto his car, hit him with a brick and then ran off. Accounts of revenge show that provocation was likely as black passengers waited for opportunities to seek retribution. One account of an unnamed 'negro' shows that he threatened a conductor with a revolver after the conductor failed to stop. A fellow passenger fired on him and he too escaped.⁷⁵ Studies of racial physical conflict have shown how whites smouldered with latent violence in the post-Civil War period towards newly freed blacks who moved out of their perceived 'place'. This does explain the level of violence that existed between white conductors and resisting black passengers who

71 See: 'White Conformity' section earlier in the chapter ("A Jim Crow Mix Up," *Daily Picayune* 6 Feb. 1911: 7).

72 August Meier and Elliot Rudwick, *Along the Color Line: Explorations in the Black Experience* (Champaign: University of Illinois, 2002) 140.

73 "A Jim Crow Mix Up," *Daily Picayune* 6 Feb. 1911: 7; "Colored Civic and Protective League," *New Orleans Item* 16 Jul. 1911: 3; "A Jim Crow Puzzle," *Daily Picayune* 21 Mar. 1912: 3; "First City Criminal Court," *Daily Picayune* 24 Apr. 1914: 5.

74 "Jim Crow Arrest," *Times Picayune* 8 Apr. 1912: 2.

75 "Money is Recovered, Robber is Caught," *New Orleans Item* 30 May 1911: 5; "Negro Tried to Take Revenge on Conductor with Revolver," *Daily Picayune* 3 Oct. 1911: 7; "Hits Conductor with a Brick," *New Orleans Item* 25 Jan. 1911: 14; "Negro Identified," *New Orleans Item* 25 Jun. 1914: 3.

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often, in this overcrowded, racially rigid environment, had little alternative means of redress.⁷⁶

Studies on the theory of oppression in relation to blacks in this era highlight that African Americans responded to probing white questions towards everyday issues with deception.⁷⁷ Concealment of rebellious thoughts towards the system contributed to personal and economic safety but also 'had a liberating effect on the minds of many [blacks].'⁷⁸ This effect of masking behaviour and opinions was to convince many whites, not just that blacks accepted their 'place' but that they did not question it. This allowed whites in New Orleans to enforce streetcar segregation on the justification that it was acceptable to both blacks and whites. Such masking was clear when black organisations such as the Colored Civic and Protective League made complaints about white disrespect on streetcars. They framed such complaints within segregation, asking for stricter observance of the 'colored' section by whites.⁷⁹ Reporters who asked black travellers about segregation directly were given assurances that black individuals believed they should be separated from white passengers.⁸⁰ When the shooting of a conductor by a black man on a New Orleans railway train made headlines, black community leaders blamed the lack of accommodation and the mingling of blacks and whites together as the cause of friction.⁸¹ Yet the voice of the black community was not always united and some protested against the call for stricter observance of the segregation laws, presumably fearing more rigid segregation of blacks as a consequence.⁸²

Migration and Overcrowding

Many of the streetcar complaints after 1910 were about overcrowding on the cars, a result of the increasing population of New Orleans. The Great Migration, the movement of large numbers of rural blacks into the cities prior to World War One, increased the black population of New Orleans and was the result of various factors. The boll weevil reached Louisiana in 1903 and struck hardest in the area around Shreveport between 1906

76 Mark Smith, *How Race is Made: Slavery, Segregation and the Senses* (University of North Carolina Press, 2006).

77 Feagin, *Systematic Racism* 151.

78 Ibid. 151.

79 "Colored Civic and Protective League," *New Orleans Item* 16 Jul. 1911: 3; "Protest Changing of the Streetcar Route," *New Orleans Item* 16 Jul. 1911: 3; "Negro Patrons on the Car," *New Orleans Item* 21 May 1913: 4.

80 "The Point of View," *Daily Picayune* 21 Apr. 1912: 42.

81 "Blame Shooting on Lack of Cars for Negroes," *New Orleans Item* 10 Sept. 1912: 3.

82 "Jim Crow Law," *Daily Picayune* 10 May 1912: 3.

and 1910, with cotton yields not returning to normal until 1914. Black movement outnumbered white as ‘mobility rates among black farmers exceeded those of their white counterparts because blacks constituted a disproportionately large segment of the most mobile group... share tenants.’⁸³ However, white efforts to control blacks may explain the large number of blacks migrating as ‘the boll weevil infestation was neither a necessary nor a sufficient condition underlying the Great Migration.’⁸⁴ White efforts at social control in this era ‘only fuelled black dissatisfaction and stimulated the migratory impulse’, though the weevil was a contributory factor.⁸⁵ Southern cities like New Orleans became concentration points for blacks travelling onwards to Northern cities but these cities also saw an increase in their black populations as many stayed.⁸⁶ Between 1910 and 1920, some reports indicate that the black population of New Orleans rose by 20,668.⁸⁷ In this migratory, transitory environment though, the 1920 census indicates a rise of just 11,668. Native whites also increased by 38,210 but the number of foreign-born whites actually declined in these years.⁸⁸ Accounts of overcrowding on the streetcars also provide insight into the limits of segregation in the years prior to World War One. White passengers complained about the ‘insolent conductors’ who ‘abuse’ white passengers who move the screen back, despite the ‘colored’ section not being filled. The moving of screens became a contentious issue and signs had appeared as early as 1911 instructing passengers not to move them. It seems that this was not an issue prior to 1910 because overcrowding was not yet an issue and because segregation was more fluid.⁸⁹ Yet accounts continue into the decade of passengers moving the screen much to the

83 J.R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago, 1989) 28–29.

84 Robert Higgs, “The Boll Weevil, the Cotton Economy, and Black Migration 1910–1930,” *Agricultural History* 50.2 (1976): 335–350.

85 Jo William Trotter, ed., *The Great Migration in Historical Perspective: New Dimensions of Race, Class and Gender* (Bloomington: Indiana UP, 1991) 6.

86 Trotter, *The Great Migration* 6.

87 Earl Lewis, “Expectations, Economic Opportunities, and Life in the Industrial Age: Black Migration to Norfolk Virginia, 1910–1945,” *The Great Migration in Historical Perspective: New Dimensions of Race, Class, and Gender*, ed. Joe W. Trotter (Bloomington: Indiana UP, 1991) 23.

88 U.S. Census Bureau, Population of the United States, “Table 2: Louisiana: Classified Population of the States and Territories by Counties: 1910,” *United States Census 1910*, Washington: United States Census Bureau, Web. 1 Jan. 2016; U.S. Census Bureau, Population of the United States, “Table 10: Louisiana: Classified Population of the States and Territories by Counties: 1920,” *United States Census 1920*, Washington: United States Census Bureau, Web. 1 Jan. 2016.

89 “Separation of the Races on the Streetcars,” *Daily Picayune* 5 Sept. 1911: 6.

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annoyance of conductors, who came to be seen as the source of authority on the car.⁹⁰ The behaviour of black travellers was regularly condemned as ‘back platforms are always crowded with negroes who show no respect for white girls’. In turn, black passengers complained that seating in the ‘colored’ section was often inadequate, sometimes only four seats, ‘and these were lengthwise so white people stood over them.’⁹¹ Despite Loys Charbonnett’s successful prosecution of white and black commuters, it had little impact on streetcar segregation.⁹² By 1913, the New Orleans Rail and Light Company was accused of only loosely applying the law as conductors attempted to provide accommodation by allocating seats verbally rather than using ‘any separation between the races.’⁹³ Streetcars were not alone in this practice as the New Orleans Ferries also struggled with overcrowding and did not segregate on class or race due to a lack of space.⁹⁴ On the streetcars, both white and black passengers described similar conditions whereby passengers of both races stood in the aisle, with white passengers often standing in the ‘colored’ section but they generally did not sit down as, ‘both ends of the car are crowded making it difficult to get off either end.’⁹⁵ Black passengers complained that it was whites who violated the law by standing and sitting in the ‘colored’ section but it was only ‘negroes’ who were arrested.⁹⁶ However, complaints from whites indicate that black customers would urge them to move if they were behind the screen.⁹⁷ One account described streetcar segregation as a ‘farce’ because ‘the law is violated every morning and evening for whites and blacks stand side by side on the rear platform.’⁹⁸ Yet despite accounts of a blurred colour line on the streetcars, reports also indicate that blacks had to visually appear in their ‘place’. Streetcars often drove past black women despite being ahead of schedule and not overcrowded: ‘often these cars are ahead of schedule and go on to rest at the next stop... often two

90 In 1914, Hannibal Glen was arrested for moving the screen forward to enlarge the ‘colored’ section despite there being seats available therein. See: “Jim Crow Arrest,” *Daily Picayune* 8 Apr. 1912: 2.

91 “Negro Patrons on the Car,” *New Orleans Item* 21 May 1913: 4.

92 “Court Decision May Alter Jim Crow,” *New Orleans Item* 10 May 1912: 1; “Jim Crow Law,” *Daily Picayune* 14 Apr. 1912: 10.

93 “Wants Law Reinforced,” *New Orleans Item* 30 May 1913: 8.

94 “No Distinction Between Classes is Made by New Orleans Ferry Managers,” *New Orleans Item* 8 Jul. 1913: 16.

95 “Crowded Streetcars,” *Times Picayune* 23 Oct. 1914: 8.

96 “The Negroes Complaint,” *New Orleans Item* 28 Sept. 1910: 6.

97 “Jim Crow Reversed,” *New Orleans Item* 21 Mar. 1912: 10.

98 “Poor Girls Nickel is 5 cents, She Says,” *New Orleans Item* 9 Nov. 1911: 7; “This Man Wants to Sit Down,” *New Orleans Item* 11 Nov. 1914: 4.

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or three cars pass them by'. Similar reports describe black women shaking their fists at cars as they refused to stop but also of conductors stopping for black women who 'bowed' at the approaching car, rather than raising their hand as was custom.⁹⁹ This indicates that some drivers chose to disregard black customers completely or demand subservience in a humiliating form in order to reinforce white supremacy publicly.

The unknown rural black traveller on the streetcar became an apprehensive sight for whites, who feared that uneducated 'foreign' people of colour would add to the diseases they already characterised the urban black community as carrying. State health trains were already travelling across the region in 1910 with special lectures for the black population.¹⁰⁰ Conferences held in New Orleans attracted the president of the American Health Association with the view of 'inspiring the health of the colored population'.¹⁰¹ Conclusions of the conferences held race to be a factor in the high morbidity rates of blacks in comparison to whites. However, articles in New Orleans newspapers also blamed whites who rented unsanitary houses to black tenants with unhygienic results, 'not merely because they are shiftless and careless but because the owners of the properties in which they live make it impossible for them to be otherwise.' This articulated the fears of whites who feared contact with increasing numbers of black passengers on the streetcars, stating 'every case of contagious disease in the lowest negro hovel is a menace to the wealthiest, most aesthetic home on St. Charles Avenue'.¹⁰² While the outbreak of World War One in Europe led to a boom for the city as manufacturing increased, race relations remained strained as a consequence of overcrowding and New Orleans was not alone in this. Fears about civil unrest in a time of war escalated and armed black men were seen as the source of trouble. In Mobile, Alabama, the director of streetcars was ordered to enforce segregation strictly in order to avoid friction between the races in 1918, following the shooting of a 'negro deputy sheriff' by a policeman for refusing to obey segregation regulations on a Mobile streetcar. That same year, a black sergeant killed a conductor on an Anniston streetcar in Alabama after being ejected.¹⁰³ An outbreak of rioting between black Texas soldiers and locals was deemed

99 "The Point of View," *Daily Picayune* 21 Apr. 1912: 42; "Negro Servants and Street Cars," *Times Picayune* 8 Jun. 1914: 14.

100 "State Health Train Clears the Track for Sanitation," *Daily Picayune* 24 Nov. 1910: 11.

101 "Health of Negro is Theme of Conference," *New Orleans Item* 24 Apr. 1914: 3.

102 "Death Rate and Housing," *New Orleans Item* 28 Apr. 1914: 8.

103 "Negro Soldier Ejected from White Seat Kills Conductor," *New Orleans States* 16 Dec. 1918: 2.

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to be, among other issues, because the soldiers ‘violated Jim Crow law on streetcars at will’.¹⁰⁴ Within the state, white passengers feared the implementation of one-man cars in Shreveport because the Jim Crow law would not be observed.¹⁰⁵

War Economy

As with early segregation, collusion from whites in Northern states, who accepted racial stereotypes of Southern blacks, allowed segregation to endure.¹⁰⁶ This came from the very top down with Theodore Roosevelt, U.S. president until 1909, justifying the subjugated position of blacks as a result of a ‘lack of intellectual development’ rather than ‘all the acts of oppression of white men put together’.¹⁰⁷ Yet these acts of oppression were painfully clear in Louisiana as the number of lynchings rose and fell in the first decade of the period until the relatively quiet year of 1910 when one person, a white man in Richland parish, was lynched. Thereafter, all lynching victims were black until the close of the decade, with the number of people killed peaking at the beginning and end of World War One.¹⁰⁸ Analysis of the South in the interim war period highlights the unexpected opportunities that war-related demands offered to the Southern states. The rise of commodity prices and increased economic opportunities stimulated economic growth.¹⁰⁹ New industries such as oil, salt and natural gas stimulated the Louisiana economy after 1900 with refineries, factories and chemical plants providing employment. The preference for white employees in sought-after positions meant that blacks were not able to reap the same economic benefits.¹¹⁰ With the outbreak of war, farm prices rose dramatically, particularly from 1915 onwards, in response to war-related demands in Europe. Cotton prices tripled throughout 1918 and employment opportunities rose with the creation of eleven major military installations in the state.

104 “Negro Soldiers Broke Laws, Witnesses Testify,” *New Orleans Item* 29 Aug. 1917: 5.

105 “1-Man Car Violated City Law,” *New Orleans Item* 5 Aug. 1917: 21. One-man cars had no conductors, leaving segregation to passengers or the distracted driver.

106 Feagin, *Systematic Racism* 161.

107 Ibid. 161.

108 Michael James Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Champaign: University of Illinois Press, 2004) 161–178.

109 Janet G. Hudson, *Entangled by White Supremacy: Reform in World War I-Era South Carolina* (Lexington: UP Kentucky, 2009) ii–iii.

110 By 1915, attorneys and planters at the oil fields of Red River Parish were appealing for federal help to prevent attacks on black workers. See: “Fear Race War in Red River Parish,” *Times Picayune* 18 Feb. 1915: 16.

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In New Orleans, U.S. government-led expansion in maritime infrastructure attracted labourers and, despite a decline in Louisiana's African American population between 1910 and 1920, the city's black population grew.¹¹¹

However, for white segregationists the new opportunities offered new challenges in Louisiana as black migration, labourer shortages and rising wages accompanied pressure on segregation. Throughout this period, complaints of overcrowding on the streetcars meant that segregation was stretched beyond what passengers could tolerate. Arrests show whites and blacks were sitting in opposite sections as the demand for seats grew.¹¹² Despite white fears that the training of black soldiers and their overseas experience would raise expectations of equality in 1918, the Louisiana State Council for Defence ruled many urban jobs traditionally held by blacks in New Orleans as non-essential occupations.¹¹³ Barbers, shoe-shines and porters were now all entitled to be enlisted. In addition, the Selective Services Director issued a 'work or fight' order that mandated all able-bodied men in America to either join the armed forces or be put to work in necessary civilian occupations.¹¹⁴ Louisiana eagerly enforced this order on black men throughout the state in an effort to prevent the further migration of labour and keep blacks in a subordinate position. Belligerent attitudes towards black soldiers continued and would last long after the war.¹¹⁵

These obstacles meant the National Association for the Advancement of Colored People (NAACP) struggled to survive outside of New Orleans. Since chapters opened in Louisiana in 1914, it had continued to grow in the city where traditionally integrated neighbourhoods and labour solidarity contrasted sharply with the plantation and segregation system outside the city. In 1915, the *Times Picayune* described the organisation in benign terms and associated it with 'uplift work' and as 'a strong factor in developing the

111 Matthew Reonas, "World War One," *KnowLA Encyclopedia of Louisiana*, ed. David Johnson. Louisiana Endowment for the Humanities, 16 Nov. 2011, Web.

112 "Violated 'Jim Crow' Law," *Times Picayune* 7 Dec. 1915: 19; "Charged With Violating Jim Crow," *Times Picayune* 28 Aug. 1916: 5.

113 "Representative T.S. Jones Points to Difficulty Involving Negro Soldiers," *Times Picayune* 31 May 1918: 9; "Labor Board has Announced List of Non-Essential Jobs," *State Times Advocate* 30 Aug. 1918: 5.

114 *Acts Passed by the General Assembly of the State of Louisiana at the Regular Session 1918* (Baton Rouge: The State, 1918) 237.

115 Greta de Jong, *A Different Day: African American Struggles for Justice in Rural Louisiana, 1900–1970* (Chapel Hill: University of North Carolina Press, 2002) 69–75; "War Hero is Arrested in New Orleans," *Chicago Defender* 11 Apr. 1925: 4. In the year following the armistice, ten black soldiers were lynched, one in Louisiana's Washington Parish. See: Adriane Lentz-Smith, *Freedom Struggles* (Massachusetts: Harvard UP, 2009) 178–179.

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intellectual and industrial efficiency of the present generation of colored people.¹¹⁶ By 1918, the NAACP was protesting lynching, igniting the ire of Governor Pleasant, and was closely associated with the New Negro Movement.¹¹⁷ The New Negro Movement was a concept born during Reconstruction but the phrase was widely popularised by a book of the same title in 1925. It was closely associated with the Harlem Renaissance and the reconstruction of the African-American identity. It complemented the objectives of the NAACP for improving conditions through the criminalisation of lynching and increased black voter registration in relation to citizenship rights.¹¹⁸ The NAACP was seen to be creating an environment that would lead to further conflict on the streetcars as blacks demanded equality and moved out of the black 'place'.¹¹⁹

Post-War Environment

The focus on lynching by the NAACP was a response to the post-World War One era in Louisiana being one of the most violent for African Americans.¹²⁰ The influx of soldiers and sailors throughout the war brought friction into the port city and the culture of lynching African Americans also reached it.¹²¹ At the same time, the Mayor of New Orleans was receiving petitions from white streetcar passengers who protested against lax segregation laws and claimed 'that the cars are so crowded with negroes that there is little space for whites'.¹²² Anxiety over communism after the Russian revolution led to paranoia against any progressive social movements that went against the establishment. The Louisiana State Legislature voiced concern that the state would be left in a serious situation once black soldiers returned as they would inevitably demand the vote.¹²³ Encouraged by 'Red Scare' propaganda

116 "Negroes to Mark Progress Since Emancipation," *Times Picayune* 24 Oct. 1915: 27;

"NO Negroes Protest Governor Against Lynching," *New Orleans Item* 23 Apr. 1918: 3.

117 "Gov. Pleasant Fair with Both Races," *Times Picayune* 30 Apr. 1918: 7.

118 J. Martin Favor, *Authentic Blackness: The Folk in the New Negro Renaissance* (Durham: Duke UP, 1999) 1–23.

119 Alain Locke, *The New Negro* (New York: A & C Bonni, 1925).

120 De Jong, *A Different Day* 83.

121 "Army Lieutenant Advertises Lynching by Prompt Action," *Times Picayune* 12 Nov. 1918: 6.

122 "National Colored Body Protests Lynching," *New Orleans Item* 19 Mar. 1918: 5; "Why Texas Rebelled," *New Orleans States* 30 Aug. 1919: 4; "Seek Equal Rights for Negro People," *Times Picayune* 1 Jun. 1919: 27; "Complain to Mayor," *Times Picayune* 14 Jul. 1918: 10.

123 "Representative T.S. Jones Points to Difficulty Involving Negro Soldiers," *Times Picayune* 31 May 1918: 9.

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after World War One, business owners and politicians moved often violently against any threat to the established racial order and, while whites responsible for lynching black victims were apprehended and charged, sentences were lenient.¹²⁴ Though streetcar conductors in general had reputations for 'persistent discourtesy' towards passengers of both races, the intensity of the war, overcrowding and fear of anarchy heightened their reactions towards white as well as black passengers.¹²⁵ Having ejected a white drunk, one conductor shot into a crowd that came to the inebriated man's aid and was charged with 'shooting at with intent to kill'.¹²⁶ In general, however, the treatment of black passengers on streetcars after the war was more severe and black travellers responded with similar violence. This in turn justified the behaviour of the conductor or motorman in the press. Though more incidents were reported in the press in 1919 than in the year before or after, reports depended upon the conductor or passenger reporting an incident or making a complaint. One incident titled 'Whites and Negroes Shot' relates to an unreported attack on a conductor by black passengers a week previously.¹²⁷ Generally, white passengers sided with conductors and only on extreme provocation by inappropriate behaviour would they move against a conductor. In one such case, a conductor repeatedly punched a 'negro girl' in the face after a fare dispute, prompting three white male passengers to intervene, though no charges were brought.¹²⁸ The pervading tension in the city increased as black empowerment and conservative white values clashed.

124 One account describes the attempted lynching of a black train passenger who shot a train conductor and was only saved from a mob when transported to New Orleans for trial by 'the firmness of the Sheriff'. See: "Train Conductors Negro Assailant," *New Orleans States* 30 Jul. 1919: 5.

125 "Rowdies Hurl Bricks at Car," *Times Picayune* 14 Feb. 1918: 5; "Visitor Says Car Men Impolitely Answer Questions," *Times Picayune* 6 Jan. 1918: 17; "NO Courtesy is tested by Questions," *New Orleans Item* 10 Jun. 1918: 16.

126 "Conductor Arrested for Shooting in Air," *Times Picayune* 16 Dec. 1918: 9.

127 "Conductor Stabbed," *Times Picayune* 30 Jul. 1918: 17. In this article, the report mentions 'other race trouble was narrowly averted several times yesterday' but does not elaborate on these events. "Negro Assaults Conductor," *Times Picayune* 27 Mar. 1919: 9; "Throws Pickaxe at Conductor in Poland Car Barn," *New Orleans States* 1 Apr. 1919: 6; "Negro Loses Out in Car Argument," *New Orleans States* 13 May 1919: 4; "Conductor Uses Gun when Negro Refuses Fare," *New Orleans Item* 23 Jun. 1919: 13; "Seek Negro who Fired Upon Conductor," *Times Picayune* 30 Jun. 1919: 5; "Trolley Conductor Beat Him, Negro Says," *Times Picayune* 1 Oct. 1919: 9; "Negro Shoots at Y. & M. Conductor, Joseph Rogers," *Times Picayune* 5 May 1919: 13; "Officer Tells of Nabbing and Disarming Negro," *Times Picayune* 17 Dec. 1920: 20; "Whites and Negroes Stabbed and Shot," *Times Picayune* 31 Mar. 1920: 17.

128 "Magazine Conductor Beat Negro Girl, Passengers Say," *Times Picayune* 20 Jun. 1920: 14.

Joshua Blanton, author of the 1919 article “Men in the Making”, recorded the feelings of white representatives in New Orleans who were addressing blacks after the raising of war bonds: ‘You niggers are wondering how you are going to be treated after the war. Well, I’ll tell you, you are going to be treated exactly like you were before the war, this is a white man’s country and we expect to rule it.’¹²⁹

The ‘Red Summer’ of 1919 reiterated this white-supremacist position across the nation. Sparked by housing and employment post-war tensions following the demobilisation of veterans, white mobs attacked and killed hundreds of African Americans in incidents across the United States from May until October that year. During these months, media coverage of the events justified the killings, linking the civil rights movement directly with anarchy and anti-Bolshevik fears that replaced anti-German sentiment.¹³⁰ Federal authorities appreciated that African Americans took their military service as evidence of equality and had returned fighting for their rights.¹³¹ This federal paranoia was reflected in the media, which spoke of conspiracies and exploded during the summer of 1919. The Military Intelligence Division claimed to have uncovered a black-supremacist plot originating in West Africa with the aim of exterminating white rulers. One aspect of this alleged plot mirrored the plot of *The Clansman* and involved light-skinned African Americans posing as whites in order to buy and stockpile weapons on the pretext of defending themselves from rioting blacks.¹³²

New Orleans did not escape the heightened racial tension of 1919. Streetcars were seen as a source of racial stress throughout the rioting states and similarly, in New Orleans, newspapers described friction between white and black travellers on streetcars as ‘race rioting’.¹³³ This interpretation

129 Joshua E. Blanton, “Men in the Making,” *Southern Workman* 48 (Jan. 1919): 20.

130 “Probe of Red Activity in New York State,” *New Orleans Item* 14 Mar. 1919: 10; “The Corner Post Philosopher,” *New Orleans Item* 30 Jun. 1919: 15; “American Negroes I.W.W. Catspaws Says Congressman,” *Times Picayune* 26 Aug. 1919: 1–2.

131 “Negroes Organize Lincoln League: Regulations Set Forth Position of the Race in Southern States,” *New Orleans States* 18 Jun. 1919: 7; David F. Krugler, 1919, *The Year of Racial Violence: How African Americans Fought Back* (New York: Cambridge UP, 2015) 196–212.

132 “Negro Radicals in Plot to Stir Race Hatred: Government Reports Show Bolsheviki Under Way,” *Patriot* (Pennsylvania) 5 Nov. 1919: 22; “Negroes Join to Slay All Whites,” *Aberdeen American* (South Dakota) 6 Dec. 1919: 2; “Trace Negro Revolt Plot,” *Kansas City Star* 4 Oct. 1919: 17; “Arkansas Blacks Plotted to Kill White Residents,” *Times Picayune* 6 Oct. 1919: 1; “Arkansas Jury Convicts Negro Slayer Caught Here: Was Leader in Black Insurrection Against Whites,” *Times Picayune* 18 Nov. 1919: 1; “Troops Hunt Negro Arms,” *New Orleans Item* 3 Oct. 1919: 1–2.

133 “Fearing Riots, One-Man Cars Barred at Beaumont,” *New Orleans States* 24 Jul. 1919: 8; “Seven Die in Chicago: Race Riots as Battles Rage in ‘Black Belt,’”

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in light of the riots that followed that summer affected the behaviour of conductors towards black passengers who challenged car authority in any way. Reported violent interactions between streetcar conductors and black passengers occurred in the same months that riots were taking place in other cities and continued until October that year when the riots petered out.¹³⁴ Fear of riots spread from the cars to other situations where blacks would be present in large numbers. The New Orleans chief of police contacted the War Department in July 1919 to request troops for an anticipated riot. The cause for concern was a speech by Milton J. Marshall who was an agent of Marcus Garvey's Universal Negro Improvement Association (UNIA). What the Bureau of Investigation agent found particularly 'inflammatory' was that the content of the advertised lecture would reference African-American war contributions and black safety in the U.S. Subsequently, Marshall was persuaded by the mayor and chief of police to leave New Orleans after they halted the meeting.¹³⁵ It seems likely, however, that this was merely an attempt to stem black political growth in the city since the NAACP had already organised for black war correspondents from the *Chicago Defender* to speak to veterans the previous month. The topics included 'social equality' and 'social association' which, given the anti-communist rhetoric of the period, should have been just as 'inflammatory'.¹³⁶ The event had coincided with 2,500 new members joining the NAACP.¹³⁷ However, the NAACP and the UNIA also vied for membership and the *Times Picayune* reported that prominent black citizens within the city had complained about Marshall to the police chief.¹³⁸ Given that friction existed between leading members of the two organisations and that the NAACP had already held a similar meeting without interference, it is likely Marshall's departure was a combined effort of police paranoia and NAACP targeting. However, the presence of the Bureau of Investigation's report coincides with a federal campaign to link the Red Scare with racial conflict. This was part of a larger conspiracy

Times Picayune 29 Jul. 1919: 1; "Negro Takes Seat on White Woman's Lap," *New Orleans States* 14 Apr. 1919: 10.

134 "Negro Assaults Conductor," *Times Picayune* 27 Mar. 1919: 9; "Throws Pickaxe at Conductor in Poland Car Barn," *New Orleans States* 1 Apr. 1919: 6; "Negro Loses Out in Car Argument," *New Orleans States* 13 May 1919: 4; "Conductor Uses Gun when Negro Refuses Fare," *New Orleans Item* 23 Jun. 1919: 13; "Seek Negro who Fired Upon Conductor," *Times Picayune* 30 Jun 1919: 5; "Trolley Conductor Beat Him, Negro Says," *Times Picayune* 1 Oct. 1919: 9.

135 Krugler, 1919, *The Year of Racial Violence* 196–212.

136 "Simmons Speaks to New Orleans," *Chicago Defender* 28 Jun. 1919: 18.

137 "Negroes to Hear of Their Part in the War," *New Orleans Item* 8 Jun. 1919: 7.

138 "Oppose Speech by Negro," *Times Picayune* 2 Aug. 1919: 9; Fongot K. Kinni, *Pan Africanism* (Barmenda: Langa Research and Publishing, 2015) 151–154.

to disarm African Americans and vilify any type of black resistance such as that of armed black resistance on the streetcars of New Orleans.¹³⁹

The Ku Klux Klan

The violent suppression of African Americans during the Red Summer of 1919 was effective in highlighting the ineffectiveness of challenging white hierarchy. However, the reaction of whites was not uncharacteristic in the climate of the blooming Ku Klux Klan. Its presence in Louisiana, though felt more acutely in the rural parishes, was effective in subduing protest against segregation policies on the streetcars in New Orleans. Protest on the streetcars would never be as openly rebellious as it had been in the 1860s. Reports of unpoliced violence toward blacks throughout Louisiana reached New Orleans and, though still associated with rural mob violence, had the desired restraining effect on the urban black population; but individual spontaneous protest continued. Despite the popularity of the Ku Klux Klan in this period of Nativism and post-war anti-communist propaganda, the inroads it made in New Orleans are surprising given the traditional Roman Catholic presence. Its success coincided with the growth of the American Legion, a war-time veteran's organisation formed in 1919 that aimed to perpetuate one-hundred-percent Americanism. This patriotism quickly mutated into an anti-immigration, anti-communist movement which, due to its large membership of ex-servicemen, quickly gained political support from various parties whilst committing its support to none.¹⁴⁰ It can be seen that Warren G. Harding's election to the White House in 1921 was a response to the social dislocation and intolerance brought about by fear of dissent. Harding's platform of 'normalcy' echoed white America's longing for pre-war stability among blacks in an inferior place in society and at the back of the streetcar.¹⁴¹

Fuelled by conservatism which sought pre-war 'normalcy' and conservative anti-communist values, the Klan appealed to conservative Roman Catholics in the south of the state as well as traditional protestant areas in the north. In 1923, murders by the Klan in Morehouse parish in Northern Louisiana

139 Krugler, 1919, *The Year of Racial Violence* 198; "Drunken Negro Ejected from Car Starts Fight," *Times Picayune* 15 Apr. 1919: 20; "Negro Gets Rough on Claiborne Car: Shoots at Man, Hits Another and is Captured after Chase," *Times Picayune* 22 Oct. 1920: 26.

140 John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick: Rutgers, 1983) 194-233.

141 Kidada E. Williams, *They Left Great Marks on Me: African American Testimonies of Racial Violence* (New York: New York UP, 2012) 169.

attracted national attention. The *Chicago Defender* stated that the success of the Klan in this area was due to racial targeting since ‘there was too much Roman Catholicism in the parish and the state for the Klan to thrive on religious objections.’¹⁴² Though formally disbanded in all states by 1873, the Knights of the White Camellia, as the Klan was known in Louisiana, retired their membership in 1869. However, some members moved to the ‘White League’ which operated throughout the 1870s and were absorbed into the state militias and National Guard after the 1877 presidential compromise.¹⁴³ In 1915, *Birth of a Nation*, the film version of Baptist Minister Thomas Dixon Jr.’s popular novel and play *The Clansman*, was popularly received nationally and contributed to the rebirth of the Ku Klux Klan.¹⁴⁴ Louisiana was a central point for hosting the film, attracting audiences from Mississippi and Alabama. Three hundred thousand people were reputed to have viewed the film at the Tulane theatre in New Orleans between 1915 and 1916.¹⁴⁵ Unlike the Klan of the Reconstruction period, the new Ku Klux Klan was popular outside its traditional Southern stronghold. Between 1920 and 1925 nearly three million people across the nation from Ohio to Oregon joined the Klan, making it a powerful political and social force.¹⁴⁶ Revision of Klan history in the 1980s no longer associated the new Klan members of the 1920s as ‘rural, bigoted and predominately fundamentalist’ but rather as ‘socially and economically stable, civic minded, from a mainstream Protestant church, and likely to live almost anywhere, including large cities.’¹⁴⁷ Yet in Louisiana this had always been the case. The original Knights of the White Camellia was comprised of ‘many prominent citizens’ as were the ‘White Leagues’ that followed it.¹⁴⁸

The new Klan claimed to uphold traditional values and conservatism while it pushed for the enforcement of prohibition laws, the elimination of gambling and prostitution, and the revival of quality education.¹⁴⁹ Moreover, the Klan opposed the threat of big industrialists who lacked a commitment

142 “Long List of Quiet Killings in Mer Rouge,” *Chicago Defender* 6 Jan. 1923: 3.

143 James K. Hogue, *The 1873 Battle of Colfax: Paramilitarism and Counterrevolution in Louisiana*, Paper presented at the Southern Historical Association conference in Atlanta 6 Nov. 1997: 21, 28, Web. 12 Mar. 2015.

144 *The Birth of a Nation*, dir. D.W. Griffith, Epoch, 1915, Film, Web. 12 Feb. 2015.

145 “‘Birth of a Nation’ Ends Tulane Season,” *Times Picayune* 29 Apr. 1916: 5.

146 Robert Neymerer, “The Ku Klux Klan of the 1920s in the Midwest and West: A Review Essay,” *Annals of Iowa* 51.6 (1992): 625–633.

147 Neymerer, “The Ku Klux Klan” 625–633.

148 James Gill, *Lords of Misrule: Mardi Gras and the Politics of Race in New Orleans* (Jackson: UP of Mississippi, 1997) 87; Milburn Calhoun, ed., *Louisiana Almanac, 2008–9* (Gretna: Pelican: 2008) 183.

149 Neymerer, “The Ku Klux Klan” 625–633.

to the community and replaced the traditional business leaders of towns and cities.¹⁵⁰ New Orleans was by far the biggest urban place south of the Ohio River until after World War Two.¹⁵¹ It also reflected growing industrialisation, with ground being broken in 1918 for the Industrial Canal which would facilitate 'deep water locations for manufacturing plants, ship building plants and other similar enterprises.'¹⁵² Around the state, oil-related companies employed thousands and many more were employed in service-related industries, including many out-of-state workers.¹⁵³ After 1920, New Orleans was promoted as a tourist destination, boosting construction and growth of the city with new hotels, increased parks facilities and an airport.¹⁵⁴ Tourists thronged to the Southern states throughout the twenties, to what became known as the 'Sunbelt'. Prohibition was well implemented in New Orleans and damaged the restaurant business because of the restrictions on wine.¹⁵⁵ However, bootlegging was rife and New Orleans was renowned as the easiest place to find alcohol.¹⁵⁶

The city had all the elements that the Klan sought to eradicate. New Orleans was one of only two large Southern cities to resist the encroachment of the Klan and its brand of one-hundred-percent Americanism.¹⁵⁷ In November 1920, the first chapter in Louisiana opened in New Orleans as Old Hickory No. 1 and was followed by the infamous Shreveport chapter that would head the Klan in Louisiana. Two other chapters followed, Algiers Klan No. 45 and Al-Gre-Har Chapter No. 50. Meetings were held in rented halls such as the Shalimar Grotto Hall on Dauphine Street and lectures were given in Carrollton Presbyterian church. State representative Thomas Depaoli boasted that 'the best citizens of New Orleans' were Klansmen. Initiations were often held in a field opposite the Algiers Naval Base.¹⁵⁸

150 Leonard J. Moore, *Citizen Klansmen: The Ku Klux Klan In Indiana, 1921–1928* (Chapel Hill: University of North Carolina, 1991) 80–108.

151 Steven S. Birdsall, Eugiene Palka, Jon C. Malinowski and Margo L. Price, *Regional Landscapes in the US and Canada* (New Jersey: John Wiley and Sons, 2009) 200.

152 Richard Campanella, *Time and Place in New Orleans: Past Geographies in the Present Day* (Gretna: Pelican, 2002) 74.

153 Tonja Koob Marking and Jenifer Snape, *Louisiana's Oil Heritage* (Charleston: Arcadia, 2012) 7.

154 Richard Campanella, *New Orleans: A Time Line of Economic History* (New Orleans: New Orleans Business Alliance, 2012) 9.

155 Anthony Stanonis, *Faith in Bikinis: Politics and Leisure in the Coastal South Since the Civil War* (Athens: University of Georgia, 2014) 17, 180.

156 J. Anne Funderburg, *Bootleggers and Beer Barons of the Prohibition Era* (Jefferson: McFarland, 2014) 174, 280–286.

157 Kenneth T. Jackson, *The Ku Klux Klan in the City, 1915–1930* (New York: Oxford University, 1967) 86.

158 Ibid. 86–87.

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However, despite the publicity of the Klan as a business, progressive and fraternal order, its grip began to tighten around the political and legal aspects of state government. By 1922, Governor Parker was appealing for presidential assistance via the Bureau of Investigation. Bureau memos show that Parker believed the mail, the telegraph and the telephone in the state had been compromised because of the involvement of prominent officials and businessmen, among them postmasters and the State Attorney General Adolphe Coco. Furthermore, two House representatives for New Orleans were implicated and the governor also believed that ‘Sheriffs, Prosecuting Attorneys, and Judges have all been reached’.¹⁵⁹ In his compromised position, the governor’s initial plea came via a Washington correspondent for the *Times Picayune*. Matters in Louisiana had been brought to a head when two white men, Watt Daniels and Thomas Richards, were kidnapped and murdered after daring the Klan to enter their village of Mer Rouge. Despite Parker’s assistance from the Justice Department, the Morehouse Parish Grand Jury refused to indict those arrested. As a result of what was perceived as Parker’s bold actions, he was invited to speak at Chicago’s American Unity league, a primarily Roman Catholic organisation opposed to the Klan. The result of the rally was to further publicise the Klan in an ill light nationally and undermine its moral crusade, though its influence in Louisiana would remain for years.¹⁶⁰

As Table 3 shows, in the immediate years after World War One streetcar usage increased and reached record levels in the mid-1920s.¹⁶¹

Table 3. Population and Ridership in New Orleans

| Year | Population | Passengers Carried | Rides per Capita |
|------|------------|--------------------|------------------|
| 1915 | 364,000 | 83,184,938 | 229 |
| 1920 | 387,219 | 109,927,440 | 206 |
| 1924 | 422,000 | 145,156,000 | 344 |
| 1925 | 430,000 | 145,676,056 | 338 |
| 1926 | 435,000 | 148,488,286 | 340 |

Overcrowding on streetcars continued and pamphlets and conferences on Negro Welfare continued to approve segregation and to view

159 United States, Dept. of Criminal Justice, Bureau of Investigation, *J. Edgar Hoover to Mr. Burns*, 25 Sept. 1922, Bureau File WWG: JWM, Web. 30 Nov. 2013.

160 Lewis Baker, *The Percys of Mississippi: Politics and Literature in the New South* (Baton Rouge: LSUP, 1999) 101–104.

161 Hennick and Charlton, *The Streetcars* 224.

miscegenation and the unsanitary conditions of the general black population as a menace to the white race. They also called for an end to lynching, preferring the judicial alternative.¹⁶² Governor Parker's stand against the Klan in 1922 was not an indication of his sympathy towards minorities but reflected his perceived powerlessness against an organisation which threatened his white constituents and his autonomy as governor. Governor Parker himself had participated in the lynching of eleven Italians in 1892 and signed the death warrants of six Italians who were tried on flimsy evidence amid rumours of the Mafia and the 'Black Hand' in 1924. It was also made clear in letters to the governor from the public that Lieutenant Governor Johnson and the primary judge in the case 'as you know are both Kluckers'.¹⁶³ Furthermore, various lynchings had taken place prior to the Daniels and Richards murders which received little or no attention from the governor, leading the *Chicago Defender* to state that 'the Klan has had its way because it has disturbed or harmed no one of influence'.¹⁶⁴ The reputed involvement of the judiciary and highly placed people of influence in Klan activities affected the effectiveness of black protest on the streetcars. It indicates that protesters were vulnerable to reprisals from positions of authority, both political and judicial. It may also explain why protests were spontaneous rather than organised.

Massive post-war strikes across the nation encouraged American authorities to undertake repressive policies against labour organisations perceived as leftist. Integrated unions were a threat since links between the NAACP, the New Negro and communism were made. Events in Bogalusa in 1919 had led to the deaths of four whites trying to defend black trade unionists. Described as a riot, the Great Southern Lumber Company applied for and was supported by state troops.¹⁶⁵ Louisiana timber workers formed

162 Peggy Scott Laborde, *Canal Street: New Orleans' Great Wide Way* (Gretna: Pelican, 2006) 159; "Negro Welfare in Louisiana: Program for Negro Welfare Adapted by a Conference of White Citizens at Alexandria, La.," 16 Jun. 1920. Vertical File: Reel 98, *Natural Resources, / Negro Segregation*. Louisiana and Lower Mississippi Valley Collections Special Collections, Hill Memorial Library, Louisiana State University Libraries, Baton Rouge.

163 Alan Gauthreaux, "An Inhospitable Land: Anti-Italian Sentiment and Violence in Louisiana, 1891–1924," *Louisiana Legacies: Readings in the History of the Pelican State*, eds. Janet Allured and Michael S. Martin, 2nd edn. (Chichester: Wiley-Blackwell, 2013) 164–176; John V. Baiamonte, *The Spirit of Vengeance: Nativism and Louisiana Justice, 1921–1924* (Baton Rouge: Louisiana State UP, 1986) 184–185.

164 "Louisiana Klan Hits Snag When It Kills White Men," *Chicago Defender* 6 Jan. 1923: 13.

165 "Saving the Negro for the Socialist Democracy," *Cleveland Gazette* 31 May 1919: 2; "Many Sign Bonds of Thirteen Men Involved in Riot," *Times Picayune* 8 Dec. 1919: 1;

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integrated unions prior to World War One and in New Orleans black and white longshoremen had an integrated union since 1901 in the International Longshoremen's Association (ILA).¹⁶⁶ Though the union was integrated, the local meetings were segregated. However, cooperation and unity between the two organisations created a united front.¹⁶⁷ Changes during World War One led to segmentation and ultimately the destruction of the union. The arrival of the high-density cotton press greatly reduced the need for screw men who also had a racial history of alliance between their unions.¹⁶⁸ The competition for jobs after the war led to a series of strikes organised by whites who sacrificed blacks in their unions in an effort to save their own jobs. This left the integrated unions powerless as employers used racism to undermine integration and cooperation. Increased segregation was a factor in the demise of black autonomy and unionism as, 'sustained by white-black cooperation, dock unionism persisted beyond World War I, succumbing over time to the open shop and the tightening noose of segregation.'¹⁶⁹ Workers on the levees had been showing support for segregation on the streetcars as early as 1917, having workmates whom they suspected were not white arrested for sitting in the 'white' section.¹⁷⁰

Streetcars in the Twenties

By 1924, the Ku Klux Klan in New Orleans had 'shrivelled in shame' and the crescent city was without an active Klan chapter.¹⁷¹ Existing scholarship argues that 'in general the Klan was not concerned with immigration, the Jewish problem or white supremacy.'¹⁷² While Klansmen, at least in Northern Louisiana, carried and distributed 'do you know' cards which listed anti-Catholic messages, their existence in the south of the state

Krugler, 1919, *The Year of Racial Violence* 189–194; Matteo Pretelli, "Italians and Italian American," *Immigrants in American History: Arrival, Adaptation, and Integration*, ed. Elliot Robert Barkan (Santa Barbara: ABC-CLIO, 2013) 444; Theodore Kornweibel, *Seeing Red: Federal Campaigns Against Black Militancy, 1919–1925* (Bloomington: Indiana University, 1998) 19–35, 54–75.

166 James R. Green, *World of the Worker: Labor in Twentieth Century America* (Urbana: University of Illinois, 1998) 65, 86–87.

167 Daniel Rosenberg, *New Orleans Dockworkers: Race, Labor, and Unionism, 1892–1923* (New York: State University of New York Press, 1988) 31.

168 Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class and Politics, 1863–1923* (Illinois: University of Chicago, 1994) 166–167.

169 Rosenberg, *New Orleans Dockworkers* 164.

170 "Charged Under Jim Crow Law," *Times Picayune* 6 Mar. 1917: 8.

171 Jackson, *The Ku Klux Klan* 86–87.

172 B.J. Palombo et al., *Wicked Shreveport* (Charleston: History Pres, 2012) 42.

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points to a less obviously antagonistic presence.¹⁷³ However, the influence of heightened racism in New Orleans within the New Orleans Railway and Light Company was very clear after 1920. Streetcar conductors were given direct instructions not to eject black passengers from cars themselves but rather to call the police. Yet they were to favour white patrons by personally moving black passengers to seat whites.¹⁷⁴ This largely depended on the conductor, as reports by disgruntled white passengers indicate that this did not always happen. On the request of one passenger that black patrons be moved along the car, the conductor responded ‘these people [blacks] could occupy half of the car if they wanted, and if I would like to have them move to ask them myself.’¹⁷⁵

By 1921, the streetcar labour union known as the New Orleans Street Railway Union had moved to separate black and white members into separate charters despite the protest of black trackmen, though it initially claimed it had the support of black members.¹⁷⁶ By 1925, company bosses in New Orleans were employing ‘spotters’ to inform on union activities and a letter among union papers suggested this could be remedied by sending the company managers ‘a KKK notice he would ha[u]l freight out your town at once.’¹⁷⁷ Yet, the Klan rarely sided with unions, though ‘KKK’ letters were used periodically to frighten residents.¹⁷⁸ However, the impact of the white-supremacist policies of the Klan was evident by 1926 when the streetcar union was advocating new contracts for whites only and negotiating for black workers under a separate charter.¹⁷⁹ The plight of black passengers and black streetcar union men was highlighted in 1929 during the streetcar strike. ‘Jitney’ buses were driven by black and white independent drivers to compensate for the loss of transport. White drivers refused to pick up black

173 Palombo et al., *Wicked* 42.

174 New Orleans Public Order No. 1128. 1928. *New Orleans Street Railway Union Records, 1902–1948*. La/RC Collection 26. Box 15 Folder 4. Louisiana Research Collection, Tulane University, New Orleans.

175 “Courtesy,” *Times Picayune* 23 Dec. 1920: 8.

176 Mosley, George. Letter to W.D Mahon, 15 Aug. 1921. *New Orleans Street Railway Union Records, 1902–1948*. La/RC Collection 26. Box 2 Folder 1. Louisiana Research Collection, Tulane University, New Orleans.

177 Letter to Local Union of New Orleans. 1925. *New Orleans Street Railway Union Records, 1902–1948*. La/RC Collection 26. Box 2 Folder 5. Louisiana Research Collection, Tulane University, New Orleans.

178 “‘Ku Klux’ Letters Warn Orleans Negroes to Move,” *New Orleans Item* 20 Aug. 1921: 8.

179 President. Letter to W.D. Mahon, 4 May 1926. *New Orleans Street Railway Union Records, 1902–1948*. La/RC Collection 26. Box 3 Folder 1. Louisiana Research Collection, Tulane University, New Orleans.

passengers, who had to wait for black-driven jitneys to stop. Appeals from black union men to their white peers were made to encourage the jitney drivers to cooperate as blacks could not get to the streetcar protests in the city centre.¹⁸⁰

Compliance and Resistance

By 1929, complaints about the manner of segregation had generally disappeared from the media. This suggests, as does the limited number of arrests, that segregation was well established and that both races generally complied or at least accepted the limits of segregation on a streetcar where the screen was movable. Yet arrests on streetcars for non-Jim Crow offences show black travellers resisting conductors for possible Jim Crow infractions. This, however, led to arrests under different charges such as ‘disturbing the peace’ or assault. In 1921, Adolph Crosby hit a conductor in the mouth during an argument which may have involved a segregation breach, but he was charged with assault and battery. Similarly, a streetcar conductor was arrested in 1922 for ‘striking and wounding a negro woman’ in a dispute over change but reports do not elaborate on whether the woman entered the white section to get change or if there were other racial connotations involved in the event.¹⁸¹ In 1920, Morgan Smith was arrested for violation of car segregation when he sat in the ‘white’ section and refused to move. The *New Orleans Item* described the case as ‘the first case of its kind in New Orleans for years.’¹⁸² Yet just a year earlier there were reports of black passengers going forward of the screen, sitting among and, in one case, on white passengers. Since both white and black passengers left the car, no charges were brought in this instance.¹⁸³ Likewise, in 1921 a black passenger sat in the ‘white’ section after removing the screen despite the availability of seats in the ‘colored’ section. After refusing to move, he was ejected from the car, but the police were not called.¹⁸⁴ In 1922, James McKay was arrested under the segregation law for sitting in the ‘white’ section and refusing to move on the directions of the conductor. This was because the conductor called the police and followed

180 George J. Theophile, Letter to Edwin Peyro. 1929. *New Orleans Street Railway Union Records, 1902–1948*. La/RC Collection 26. Box 7 Folder 3. Louisiana Research Collection, Tulane University, New Orleans.

181 “Conductor Arrests Passenger,” *Times Picayune* 24 Jan. 1921: 5; “Streetcar Conductor Arrested,” *Times Picayune* 16 Oct. 1922: 4.

182 “Violating Jim Crow is Charged to Negro,” *New Orleans Item* 17 May 1920: 17.

183 “Negro Takes Seat on White Woman’s Lap: Fight Follows,” *New Orleans States* 14 Apr. 1919: 10; “Drunken Negro Ejected from Car Starts Fight” *Times Picayune* 15 Apr. 1919: 20.

184 “The Case of the Car Ejection,” *New Orleans States* 27 May 1921: 6.

segregation policy. However, other cases show clearly that conductors ignored policy and dealt with passengers themselves. An inquest in 1928 into the death of Lester Joseph, a fifteen-year-old black paperboy, held the conductor responsible for his death after he ordered the boy to jump off the car while it crossed a bridge and he subsequently drowned.¹⁸⁵

In general, the charges brought against black passengers depended on the conduct of the conductor in regard to how he decided to handle the situation. Arrests did not naturally follow, though many cases describe the conductor giving chase accompanied by motormen and sometimes police. The urban environment and the burgeoning black community meant that black passengers did sometimes disappear after a violent altercation with a conductor.¹⁸⁶ Violence was a continual theme between black travellers and conductors. The law defined segregation on streetcars, but it could not delineate the social etiquette that was expected of blacks and was often accompanied with violence. Altercations arising from the wrong change or not following the conductor's instructions often lead to a violent response, and possibly arrest. In the early twenties, black and white passengers continued to complain of overcrowding and of the continual challenges to segregation that resulted.¹⁸⁷ By the latter half of the twenties, such complaints had become less frequent, most likely as a result of buses being introduced in the city and a rise in automobile use. In 1920, there were 20,000 motor cars in New Orleans. This rose to 70,000 by the end of the decade. The 1921 Convention recognised the increasingly large number of motor cars and levied a tax to provide for roads.¹⁸⁸

What is significant, however, is that violent interactions between black passengers and conductors overall remained a continual theme. This suggests that segregation was perceived by conductors to involve more than simply the separation of the races. It required deference by black passengers in their public dealings with white authority in the form of the conductor. This coincides with the change in language that newspapers used when reporting incidents involving black patrons on streetcars. The term 'colored' gradually disappeared in streetcar reports at the beginning of World War One and was almost entirely replaced with 'negro' by 1929. The removal of

185 "Conductor Blamed in Newsboys Death," *Times Picayune* 13 Mar. 1928: 16.

186 "Beats Conductor and Takes Fare," *New Orleans States* 12 Aug. 1927: 12.

187 "Races on Streetcars," *New Orleans States* 19 Feb. 1921: 6; "Car Seats and the Law," *Times Picayune* 24 Oct. 1921: 8.

188 Blaine A. Brownell, "A Symbol of Modernity: Attitudes toward the Automobile in Southern Cities in the 1920s," *American Quarterly* 24.1 (1972): 20–44. See: Louisiana Legislature, *Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana* (Baton Rouge: The State, 1921) 1010–1011; Hennick and Charlton, *The Streetcars* 38.

the term 'colored' in relation to the streetcars rigidly divided whites from non-whites and reflected the binary society which would exist on the census records of 1930.

The one-drop rule cases in New Orleans were successful in galvanising white support for segregation on the streetcars. High-profile cases such as *Lee et al. v. New Orleans Great Northern Rail Road* and *State v. Treadaway* in 1910 show how conflicting interpretations of colour allowed segregation to remain fluid. They also explain why integration was tolerated on the streetcars. Enforcement remains evident as blacks and whites continued to resist and be arrested. The fear of association and an attitude of entitlement among whites ensured that reports of light-skinned black commuters ceased as segregation became more rigid on the cars. Cases of whites mistaken for black travellers became rare and litigation was less of a deterrent to conductors. White conformity and a lack of the previously exhibited tolerance resulted from white fears of association, and literature that heightened the anxiety of invisible blackness. Coupled with overcrowding and suspicion of the rural black population as bearers of disease, rigid segregation gradually became the expected norm. This was compounded by black improvement groups such as the Colored Civic and Protective League which were forced to work within the boundaries of segregation in the city instead of directly confronting authorities. Black travellers generally masked their feelings towards the streetcar when pushed, but the Jim Crow arrests in this era show that some blacks openly resisted.

The lynching of Italians and anti-German feeling indicated that New Orleans was not a united white city. However, the city's appetite for *The Clansman* and its subsequent film version, *Birth of a Nation*, combined with articles that romanticised slavery indicate support for white supremacy and the tolerance of people of colour only within the safe confines of the black 'place'. These factors were significant in New Orleans, which emerged at the end of World War One as a binary society, reflected particularly via the streetcars. Overcrowding on New Orleans streetcars stretched and highlighted the limits of segregation, especially as the black population grew as a result of migration, the war economy and employment opportunities. Complaints of whites entering the 'colored' sections were prevalent, though white commuters complained that blacks did not show due deference. These reports show black commuters working within the framework of segregation to demand heightened separation while white complaints show support for segregation and its blossoming etiquette. Despite black writers such as James B. Lafourche arguing for the Negro as the solid 'native' American, whites feared that returning black soldiers would demand equality. Furthermore, the association of the black community with perceived radical groups such as the NAACP, notably after the Red Summer of 1919, meant that blacks

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in New Orleans were held as a threat to the established order and normalcy. This was supported by federal paranoia and conspiracy stories. Reports of black passengers sitting in the 'white' section and causing disturbances on streetcars are significant as they show that blacks did attempt to threaten the established order, but on an individual basis. Rigid segregation on the cars reflected increasing segregation in unions and workforces across the city, and the streetcar union itself would gradually put the needs of black unionists behind them.

The role of the Ku Klux Klan in increasing segregation on the cars is evident. The Klan certainly established itself well in 1920 and there is evidence that it had influence on the streetcar union, but its impact appears to have been in increasing white supremacy. The era of prohibition and the city's reputation for vice meant that it was just the type of environment in which the Klan thrived. The urge for normalcy meant that many whites supported the conservatism that the Klan claimed to uphold. Its presence in the city, while less pronounced than that of the chapters in the north of the state, was still a reminder of white enforcement, particularly because of well-reported lynchings in north Louisiana and the attempted lynching of a black man in the city in 1918. In addition, the reputed involvement of judges and politicians in Klan activities created an environment where protesting black patrons were placing themselves in a vulnerable position, which illustrates why protest was spontaneous rather than organised. The case of George Treadaway in 1910 shows that whites felt entitled to kill blacks whom they perceived to be crossing the racial boundary, in this case on transport. While the Klan disappeared from the city in 1924, the etiquette of Jim Crow was firmly established in the behaviour of conductors.

By the late 1920s, black passengers continued to resist on an individual level by sitting in the 'white' section but most resistance was reported as altercations with conductors. The behaviour of conductors was paramount in determining how resistant black travellers were arrested, if indeed they were. Conductors who complied with policy had commuters arrested for infringement of segregation, while violence was usually the outcome for those who confronted passengers. That friction did not stop with the advent of buses and cars suggests that black passengers continued to resist the subservient role demanded by Jim Crow segregation. It is also indicative that conductors no longer saw observation of segregation alone as compliance and reacted to patrons who did not show deference or comply with Jim Crow etiquette. By the end of the decade, segregated New Orleans streetcars had moved from a fluid racial space into a rigid dual territory. Despite black patrons resisting, segregation was publicly upheld *de jure* and *de facto*, and Jim Crow was firmly established in what was now a binary society.

5

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The Return of Integrated Streetcars

In 1958, New Orleans streetcars were integrated after fifty-six years of segregation. Until that point, *de jure* and *de facto* white authority had held the two races apart and legislators both circumvented and ignored the findings of *Brown v. Board of Education of Topeka, Kansas* (1954).¹ That streetcars were eventually integrated quietly and with little public resistance in comparison with other public facilities is significant. As public ‘theatres’ they were visual displays of separation and subjugation throughout the Great Depression and World War Two. Yet blacks had always had a presence on the overcrowded streetcars in a way that was absent in the city’s swimming pools and schools, which resisted or closed rather than integrate.

Early in the twentieth century, streetcars bridged the gap between new technologies and segregation and in 1928 the state passed legislation in response to bus transportation that also updated streetcar segregation. From the 1920s, white supremacy was not only the norm, it was politically unassailable in Louisiana. Key politicians continued to espouse its merits until the late 1950s when the black community made gains both by litigation and with federal support. Only then could segregation face organised opposition. While litigation was required to compel integration on the streetcars, the surreptitious attitude towards integration by influential politicians such as Governor Earl Long and Mayor deLesseps Morrison was crucial in avoiding the conflict that blighted other facilities for years. It is significant that Morrison cloaked streetcar integration in an inevitable

¹ *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), *Justia US Supreme Court*, 2016, Web. 9 Aug. 2016. This case reversed the findings of *Plessy v. Ferguson* (163 U.S. 537 (1896), *Justia US Supreme Court*, 2016, Web. 9 Aug. 2016) which gave federal authority to segregation.

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lawsuit while privately supporting it. This illustrates the balance that was required by some politicians that required public support for segregation while retaining a liberal position among black lobbyists and voters. It also illustrates that streetcar integration was interpreted by some Louisiana politicians and whites as inevitable. It was an adjustment they preferred to do quietly, with token resistance that would not attract the controversy and protest it had on earlier transport protests both in Louisiana and other states. This challenges the notion that ‘massive resistance’ was motivated solely by opponents of integration and highlights the complex political tightrope that Southern white politicians walked in order to keep the growing number of black and established white voters loyal.

The political motivation behind the Louisiana Separate Transport Act (1928) is evident in what became an unassailable supremacist state. Here, politicians recognised the boundaries of their reach regardless of their personal views. However, segregation on streetcars progressed from a solid state during the Great Depression to become an elastic contentious boundary. The impact of the Servicemen’s Readjustment Act (1944), in conjunction with rationing and male absence, culminated in racial fear that led whites to link black empowerment to communism. The changing nature of segregation during the war determined how the authority of the motorman and conductor was replaced by that of the police. The occasional use of deadly force by the police on streetcars motivated blacks to push for representation in law enforcement, though their impact was limited. Consequently, growing black influence through protest and boycotts encouraged key politicians to go against established, though unstable, public support for white supremacy highlighting the reality of *de jure* and *de facto* integration and what was required to achieve this.

Keeping Segregation Alive

New Orleans streetcars reached their peak in 1926 and Table 4 shows that from then onwards usage would decline as buses and motor cars gradually replaced the lines.²

In 1928, the Legislature expanded rail and streetcar segregation to all public carriers ‘on buses and other conveniences using the public highway’. The bill used the same language as previous segregation legislation to ‘promote the comfort of passengers’ in what was now established legislation.³ This transport law reflected the expanded use of buses in the city and the

2 Hennick and Charlton, *The Streetcars* 39, 224.

3 Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1928* (Baton Rouge: The State, 1928) 581–582.

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Table 4. Population and Ridership in New Orleans

| Year | Population | Passengers Carried | Rides per Capita |
|------|------------|--------------------|------------------|
| 1926 | 435,000 | 148,488,286 | 340 |
| 1929 | 450,000 | 96,898,277 | 211 |
| 1930 | 458,762 | 116,207,798 | 253 |
| 1935 | 474,000 | 102,000,000 | 215 |
| 1940 | 494,537 | 124,000,000 | 250 |
| 1945 | 520,000 | 246,668,635 | 474 |

growing motor industry but also renewed legislation already in place on streetcars as public carriers. Due to the smaller size of buses, legislators initially wanted separate vehicles for the races, to which the bus companies were in opposition. It was noted that the same type of segregation would not be applied to streetcars.⁴ The companies won out and segregation was applied in a similar method to streetcars. A moveable sign separated the 'white' and 'colored' sections and applied segregation to the new technology of bus transport in the same way it was employed on older streetcar transit.⁵ Although buses were not legislated until this point, earlier reports of black commuters on New Orleans buses place them in the back, reflecting the same practices as streetcars and bringing *de jure* legislation in line with *de facto* practice.⁶ Reports from other cities across the South provide similar accounts of bus segregation mirroring that of streetcars. However, some accounts reveal more restrictive practices in Atlanta in the 1920s and 1930s. When the buses there were introduced, black passengers had to wait until all white passengers were seated and only allowed on if there was room.⁷ The *Chicago Defender* published an exposé in 1927 which reflected similar discriminatory practices in Chicago.⁸ Accounts of the Jim Crow system on buses in New Orleans suggest it was less rigid than that of Atlanta and mirrored segregation on the streetcars. The crush of the streetcars may have been avoided on Georgia buses by seating only white passengers but black

4 "First Bills Sent to the House Hopper in Quiet Session," *Times Picayune* 16 May 1928: 9.

5 "Bus Lines to Fight 2 Bills," *New Orleans States* 18 May 1928: 19; "Next Week to See All Bills in Legislature," *State Times Advocate* 1 Jun. 1928: 8.

6 "Relatives Identify Negro Woman's Body," *Times Picayune* 25 Sept. 1928: 16.

7 Benjamin E. Mays, *Born to Rebel: An Autobiography* (Athens: University of Georgia, 1971) 80.

8 Albert A. Libby, "Exposes Bus Segregation in Chicago," *Chicago Defender* 19 Nov. 1927: 1.

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and white passengers in Louisiana stood in the gangway in the same manner as on the streetcars. On occasion, one section may have been full while the other was empty.⁹

The late 1920s witnessed white supremacy established as a politically unassailable norm in Louisiana. Legislation that updated segregation on trains and streetcars to include motorised buses faced little opposition and Governor Huey Long signed it without the controversy or excitement that had accompanied previous transport legislation. While often perceived as a liberal whose policies aided poor illiterate blacks, Long was not beyond using racism to secure white conservative votes.¹⁰ The segregation of bus transport was barely debated in New Orleans newspapers except to determine what form it would take and most white politicians were expected to support it.¹¹ Ever the politician, Long conformed to white supremacist expectations and criticised any liberal policies towards black communities if it was to his advantage. Roy Wilkins of the NAACP described him as a man who ‘wouldn’t hesitate to throw Negroes to the wolves if it became necessary; neither would he hesitate to carry them along if the good they did him was greater than harm.’¹² By the late 1920s, Long’s views were reflective of white society north and south of the Mason–Dixon line. While backing the oppositional presidential candidate Al Smith in 1928, Long accused Herbert Hoover of sympathy for African Americans. As its secretary, Hoover had desegregated a section of the Department of Commerce prior to the 1928 election. Though successful, Hoover like other Republican presidents between 1921 and 1933 did not oppose Jim Crow statutes. Aware of rising racism and *de facto* segregation in Northern cities as migration continued, Republicans did not want to alienate white voters, North or South.¹³ When Long attacked Hoover’s integration of federal departments he was referring to a candidate who as president exhibited, at best, a paternalistic attitude to African Americans. Hoover perceived

9 Samuel Claude Shepherd, *New Orleans and Urban Louisiana: Part C 1920–Present* (Lafayette: University of Louisiana, 2005) 324.

10 “New \$15,000,000 State Bond Issue Proposal Is Made,” *State Times Advocate* 21 Jan. 1930: 8; Alan Brinkley, *Voices of Protest: Huey Long, Father Coughlin and the Great Depression* (New York: Vintage, 1983) 32–33; Fairclough, *Race* 23.

11 “First Bills Sent to the House Hopper in Quiet Session,” *Times Picayune* 16 May 1928: 1; “Code Principle Approved,” *Times Picayune* 31 May 1928: 7; “Road and Race Bills Feature in Legislature,” *State Times Advocate* 2 Jun. 1928: 10; “Act No. 209,” *State Times Advocate* 21 Jul. 1928: 20.

12 Glen Jeansonne, *Messiah of the Masses: Huey P. Long and the Great Depression* (New York: Longman, 1993) 129.

13 Desmond King, “Black Americans and the Federal Government,” *Democracy and North America*, ed. Alan Ware (New York: Routledge, 2013) 80–81.

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African Americans as ‘the lower races’ who could be aided if they were ‘deserving’.¹⁴ Long’s response to Hoover’s actions clearly identified his own fervent racial stance: ‘We believe this is a white man’s country and we are not willing to turn it over to negroes.’¹⁵

However, regardless of his racial views, Long could not have vetoed the transport bill without forfeiting any political future in the state. Segregation, now legally established for almost four decades, could not be politically swept aside by one governor, had he wanted to or not. Long was already dealing with the anti-Long contingent in the Legislature, known as the Dynamite Squad.¹⁶ Vetoing a segregation bill would have made him vulnerable to the same accusations of black sympathy. This would remain a political concern in the Governor’s career. In an article in the *Crises* a few years later, Long was clear that he should not be portrayed as helping black Americans specifically. As he highlighted his assistance to the black community, he argued that ‘a lot of guys would have been murdered politically for what I’ve been able to do quietly for the niggers.’ However, he was clear that ‘there are some things even Huey Long can’t get away with.’¹⁷ Racism’s growth after World War One in Louisiana was fostered in the normalcy and conservatism of the twenties, which left no integration platform for politicians at the end of the decade. Despite this, there were still twelve legislators who voted against the transport bill amid reports that segregated buses were ‘unfair and discriminatory to bus companies’ who could not fill to capacity if one race was in the majority.¹⁸ The seventy-three legislators who voted for it indicated that opposition to segregation was in a minority.¹⁹

Streetcar Decline

In addition to the wider use of buses and automobiles, the decline of the street railways was compounded by a violent streetcar strike in 1929. Unable to agree over a closed shop and protection for the discharge of men, New Orleans Public Service Inc. (NOPSI) and striking employees clashed in

14 Donald W. Whisenhunt, *President Herbert Hoover* (New York: Nova Science, 2007) 57–58.

15 Richard White, *Kingfish: The Reign of Huey P. Long* (New York: Random House, 2006) 40.

16 William Ivy Hair, *The Kingfish and his Realm: The Life and Times of Huey P. Long* (Baton Rouge: Louisiana State UP, 1991) 163–165.

17 Roy Wilkins, “Huey Long Says—An Interview with Louisiana’s Kingfish,” *Crisis* (February 1935): 41, 52.

18 “Code Principle Approved,” *Times Picayune* 31 May 1928: 7.

19 Louisiana Legislature, *Official Journal of the House of Representatives Louisiana 1928* (Baton Rouge: The State, 1928) 581–582.

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violence which saw attacks on streetcars and the physical overturning of cars by striking crowds and sympathisers.²⁰ Although the unions and the company reached agreement in October that year, forty million fewer passengers rode the New Orleans streetcars in 1929 compared to the previous year and five lines were terminated to be replaced by buses and trackless trolleys.²¹ The Great Depression had a significant impact on city transport systems throughout North America.²² Unemployment reduced regular ridership which in turn hastened their abandonment and conversion to much more adaptable transport such as the trackless trolleys and buses. Nationally, ridership on all city transit fell sharply from 1930 hitting its lowest point in 1933, the year that national unemployment peaked.²³

In New Orleans, transportation was seen as a luxury by many African Americans during the Great Depression who reported walking miles to work despite the presence of the streetcars.²⁴ By the early 1930s, approximately half of the black population in the South were on state and federal welfare. New Orleans relief payments for blacks were lower than whites and while they constituted only a third of the population, they made up half of the unemployment statistics and two-thirds of the families on welfare.²⁵ Those who did use streetcars were forced to move repeatedly during a journey as white passengers got on.²⁶ Blacks and whites experienced the hardship of unemployment in this period but the now-ingrained nature of white supremacy was obvious when whites working on relief projects complained that their wages were those of the 'negroes who worked on the Mississippi river.'²⁷ New Deal policies reduced the hours of industrial workers which saw a decline in work travel on Saturdays. That transit companies were unable to replace worn-out equipment and rolling stock is evident on the New Orleans lines. Lines that were not replaced with buses and continued after World War Two used the same cars bought in the

20 The name was changed in 1922 to reflect the corporate consolidations of 1902–1903. See Hennick and Charlton, *The Streetcars* 29; "Hundreds Riot in Streets as Trolleys Attempt to Run," *Times Picayune* 6 Jul. 1929: 3.

21 Hennick and Charlton, *The Streetcars* 39. Trackless trolleys were buses powered by overhead power lines.

22 David W. Jones, *Mass Motorization + Mass Transit: An American History and Analysis* (Bloomington: Indiana UP, 2006) 60–61.

23 *Ibid.* 62.

24 Allyson W. Neal, *Algiers: The Untold Story: The African American Experience* (New Orleans: Beautiful Zion Baptist Church, 2001) 21.

25 Fairclough, *Race* 42.

26 Neal, *Algiers* 82.

27 Roman Heleniak, "Local Reactions to the Great Depression in New Orleans 1929–1933," *Louisiana History* 10.4 (1969): 289–306.

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1920s.²⁸ Despite financial upheaval from the Wall Street Crash of 1929, the city and NOPSI oversaw the largest financial and physical lighting and architectural improvements on Canal Street in work that cost three and a half million dollars in 1930. It proved a false high. Two streetcar lines ended in 1931 with five more retired in 1932 when car barns began to close.²⁹ By 1940 only 58.3 percent of NOPSI vehicle miles were made up from streetcars yet they were responsible for 73.7 percent of the revenue.³⁰ This suggests that overcrowding was a continual theme that filtered through the entire first half of the twentieth century and was exacerbated by the decline in streetcar lines.

War and Women

Throughout World War Two there was a huge increase in passengers, which artificially peaked in 1945 on streetcars, buses and trackless trolleys.³¹ The urban population in the war years expanded as defence-industry workers, servicemen and women, and the static population crowded on streetcars once rationing and war production diminished private-car and taxi use. Despite pressure from the NAACP, federal officials refused to suspend segregation.³² Although cities such as Washington D.C. and Chicago employed ‘Negro bus and streetcar operators’, the situation in New Orleans led to a ‘constant threat of racial outbreaks’ because car crews were white and favoured white passengers when allocating seats. It became a common occurrence for streetcars to pass waiting black passengers.³³

As in many professions around the states, women were recruited to replace conductors and motormen who were on military service. Initially only the wives of serving motormen and conductors were employed but between 1943 and 1946 more than two hundred white women from rural and urban backgrounds were employed as conductorettes and motorettes on the streetcars.³⁴ Women trained alongside male recruits and were responsible for the same duties such as impromptu maintenance and enforcing segregation. The introduction of women as conductors did

28 Jones, *Mass Motorization* 61; Hennick and Charlton, *The Streetcars* 42.

29 Car barns were sheds in which streetcars were stored and repaired.

30 Hennick and Charlton, *The Streetcars* 39.

31 Ibid. 40.

32 Michael Mizell-Nelson, “WWII Conductorettes and Motorettes,” *New Orleans Historical*, Web. 28 Feb. 2017.

33 “Transit Jobs Won in Many Large Cities,” *Chicago Defender* 6 Mar. 1943: 8; “Negro Street Car Men,” *Times Picayune* 24 Oct. 1943: 11; Fairclough, *Race* 82.

34 “Women Conductors to Start on Streetcars Next Month,” *Times Picayune* 13 Mar. 1943: 3; “Women Everywhere,” *Times Picayune* 20 Jun. 1943: 52.

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not lessen racial conflict on the cars. Some conductorettes claimed the race signs were benign and ‘never caused anybody any problem.’³⁵ Clear instructions were given during the war years to all staff on the crowded streetcars to treat all passengers in a ‘courteous, friendly, human way’ in order to avoid conflict. In contrast, they were also advised to embarrass passengers who refused to move into their designated racial spheres, suggesting it was a continual problem. Conductors and conductorettes were also instructed to call for the police as a last resort rather than take action themselves.³⁶ Occasionally, violence towards black passengers was perpetuated by conductorettes. One black female traveller, Alice Burke, was arrested after throwing a conductorette out of a streetcar window when she attempted to strike Alice with an iron door handle. Burke was subsequently charged and convicted of aggravated assault.³⁷ Conductorettes also described racially mixed military groups, unaccustomed to segregation, resisting division on the streetcars: ‘You’d say, “you’re not allowed to sit with each other here” and that’s when they threw the sign out of the window’. White soldiers clashed with police when they too refused to comply with segregation.³⁸ Military police as well as regular police provided support for male and female workers and arrested soldiers who did not comply.³⁹ Jim Crow had a significant negative impact on ordinary whites. White conformity on streetcars was necessary and this usually meant a suppression of white dissenters including the white soldiers fighting for ‘freedom’ abroad.⁴⁰ New Orleanians were aware of this irony and local publisher Stuart Omer Landry attempted to distance segregation and white supremacy from Nazi Germany by claiming it was millennia old.⁴¹

35 “Interview with Brenda Quant,” *Streetcar Stories* (DVD: WYES, 2012).

36 “New Orleans Public Service Inc. Manual for Conductors,” *Ibid*.

37 “Woman Conductor Thrown Out of Car,” *Times Picayune* 29 Jul. 1944: 2; “Woman is Guilty in Assault Case,” *Times Picayune* 5 Oct. 1944: 20.

38 “Interview with Marie Finhold,” *Streetcar Stories* (DVD: WYES, 2012); “Soldier Kicks Officer in the Ribs: Throws Car Screen Out and Clash Follows,” *Times Picayune* 3 Jun. 1943: 6.

39 Michael Mizell-Nelson, “WWII Conductorettes and Motorettes,” *New Orleans Historical*, Web. 28 Feb. 2017; “Soldiers Arrested in Streetcar Case,” *Times Picayune* 15 Apr. 1943: 4; “Two Wounded in Streetcar Scuffle,” *Times Picayune* 22 Apr. 1946: 2; “Conductor’s Assailant Booked,” *Times Picayune* 23 May 1946: 16; “Charges Filed After Row with Conductor,” *Times Picayune* 15 Jun. 1946: 3.

40 Joe R. Feagin, *White Party, White Government: Race, Class and U.S. Politics* (New York: Routledge, 2012) 48.

41 Stuart Omer Landry, *Cult of Equality: A Study of the Race Problem* (New Orleans: Pelican, 1945) 50–89.

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The FBI singled out transport as an important platform for both blacks and whites to act out their resentment. The *Survey of Racial Conditions in the United States* found that segregation greatly reduced the amount of transport available to black passengers. This 'scarcity', alongside an assertive change in attitude among blacks, was responsible for 'minor clashes and fights between negroes and whites throughout the south.'⁴² Rather than focus on the problem of transport, J. Edgar Hoover, as director of the FBI, saw black empowerment as the problem and specifically targeted newspapers that were sympathetic to the black community. Claiming they undermined the war effort with reports of racial dissension and demands for civil liberties, a ban on black newspapers at New Orleans military installations was only lifted after five months.⁴³ Black newspapers did highlight racial discrimination alongside racial progress made on transit around the country.⁴⁴ Alongside national newspapers, specific New Orleans newspapers that were targeted by the FBI as 'inflammatory of nature' were the *Louisiana Weekly* and the New Orleans edition of the *Pittsburgh Courier*.⁴⁵ This illustrates that black dissent and the empowerment that would challenge streetcar segregation were evident in the black community press from the early war years.

Violence on the streetcars was common during the war.⁴⁶ Crowding on the cars meant blacks and whites encountered each other more frequently, and physically. The Fair Employment Practices Commission, a result of President Roosevelt's executive order 8802 (1941) which prevented discrimination in the defence industries, empowered black workers to assert themselves against discrimination. The streetcars were described as 'theatres' for racial conflict during the overcrowded war period. Despite white aggression, resisting blacks had a 'captive' audience, and both black and white passengers were forced to witness defiance and frustration with Jim Crow.⁴⁷

42 Robert A. Hill, *The FBI's Racon: Racial Conditions in the United States during World War II* (Boston: Northeastern UP, 1995) 254.

43 Patrick S. Washburn, *A Question of Sedition: The Federal Government's Investigation of the Black Press during World War II* (Oxford: Oxford UP, 1986) 192; Patrick S. Washburn, *The African American Newspaper: Voice of Freedom* (Evanston: Northwestern UP, 2006) 143–178.

44 "Chicago 'L' and Buses to give Jobs to Negroes," *Chicago Defender* 6 Nov. 1943: 12; "New Orleans D.A. to get Police Brutality Case," *Chicago Defender* 20 Mar. 1943: 9.

45 Hill, *The FBI's Racon* 316–317.

46 Karen Ferguson, "The Politics of Exclusion," *The Second Wave: Southern Industrialization from the 1940s to the 1970s*, ed. Philip Scranton (Athens: University of Georgia, 2001) 51–52.

47 *Ibid.* 51–52; Robin Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York: Free Press, 1994) 55–76.

Overcrowding and *de Facto* Integration

Overcrowding on Louisiana streetcars and buses was not confined to the stress of the population boom during the war. In 1940, the Louisiana Legislature agreed to carry out a study of the state's schools in response to pressure from concerned groups such as the Louisiana Parent-Teacher Association. They hired Charles S. Johnson, an African American sociologist from Fisk Integrated University, to oversee it. The researchers had 'unusual freedom of movement in Louisiana's segregated world and easy access to white leaders, many of whom spoke with surprising candour during interviews.⁴⁸ Johnson's unlikely recruitment by the Legislature was a result of underfunding of the study. Other candidates had refused as it was insufficiently financed. Johnson, however, saw an opportunity to undermine the segregation system and the information gathered provided a broader picture of segregation rather than just the state school system. Researchers found resistant behaviour towards segregation evident in parishes, such as Franklin and Monroe, that were not experiencing the same population growth as urban New Orleans. Although blacks were aware of their 'place', they also saw segregation as separation rather than just subordination and insisted that whites respect their personal space. Researchers saw black passengers sitting ahead of whites on buses without challenge. Local whites attributed such behaviour to previous black violence and threats towards the white community in preceding years.⁴⁹ Johnson viewed segregation as a position that black southerners always struggled against rather than accepted.⁵⁰

Black soldiers in particular chafed against segregation on transport as, despite being in uniform, they were relegated to a subordinate position publicly. One New Orleans bus driver drove straight to the police station when a black soldier refused to move from the front seat despite the bus having no white passengers. The soldier, along with the twenty-four other black passengers, was arrested. In another incident a black bus passenger received ten and a half years of hard labour at the state penitentiary for resisting being moved, declaring 'nobody is going to move me back'. He was charged with attempted manslaughter after he stabbed the driver in the arm.⁵¹

48 Phillip J. Johnson, "Confronting the Dilemma: Charles J. Johnson's Study of Louisiana's Black Schools," *Louisiana History* 38.2 (1997): 133-155.

49 Phillip J. Johnson, "The Limits of Interracial Compromise: Louisiana, 1941," *Journal of Southern History* 69.2 (2003): 319-348.

50 Charles S. Johnson, *Growing Up In the Black Belt: Negro Youth in the Rural South* (Washington D.C.: American Council on Education, 1941) 327.

51 Fairclough, *Race* 83; "Gets Prison Term in Knifing on Bus," *Times Picayune* 6 Nov. 1943: 16.

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Many blacks looked forward with apprehension to peace time as whites in Louisiana were no more willing to extend concessions in Jim Crow practices than they had before the war.⁵² In fact, many blacks feared a repetition of the red summer of 1919 with its accompanied white violence and lynching. The police practice of rounding up black citizens *en masse* at night as suspects for alleged offences heightened the oppressive atmosphere in Jim Crow New Orleans.⁵³ The NAACP believed that the National Home Guard now filled the position of the Ku Klux Klan in anticipation of heightened calls for equality by returning black soldiers after the war. The National Guard was increasingly used to quell racial riots which had occurred in Detroit, Harlem and Birmingham during the war.⁵⁴ The *Chicago Defender* also raised awareness of the continued existence of the Klan itself by publicising politicians affiliated with it.⁵⁵ However, opposing views existed and the four hundred thousand blacks that joined the NAACP during the war were reported as being 'aroused as never before, and... expect[ing] to see great things come from this awakening'.

This response was influenced by changes in segregation policy from the federal government.⁵⁶ In 1939, President Roosevelt created a civil rights section in the Justice Department to combat lynching. Although it had little success with prosecutions, by 1942 Roosevelt had specifically ordered an investigation of all black deaths where lynching was suspected.⁵⁷ It is arguable that the existence of a civil rights section within the Justice Department prevented a repeat of the red summer of 1919 because 'lynching communities faced the certainty of a federal investigation'.⁵⁸ Throughout the 1940s lynching investigations increased, which gave a recognition of injustice to black deaths that had been absent in the past. The dependence

52 Fairclough, *Race* 109.

53 "Police Arrest 20 Loiterers, Suspects," *Times Picayune* 3 Sept. 1943: 2; "Work Or Jail Orders Faced By Loiterers," *Times Picayune* 26 Aug. 1943: 1; "Ship Fitter Robbed Of \$63," *Times Picayune* 20 Aug. 1943: 5.

54 Barry M. Stentiford, *The American Home Guard: The State Militia in the Twentieth Century* (College Station: Texas A&M UP, 2002) 176.

55 Fairclough, *Race* 109; "Ku Klux Klan Boasts 25,000 Georgia Members," *Chicago Defender* 8 Dec. 1945: 2; "Bilbo Admits Ku Klux Klan Membership," *Chicago Defender* 17 Aug. 1946: 1; "The Ku Klux Klan: A Threat to America," *Chicago Defender* 7 Dec. 1946: 14.

56 Michael J. Klarman, *Unfinished Business: Racial Equality in American History* (Oxford: Oxford UP, 2007) 131.

57 Laura Wexler, *Fire in the Canebrake: The Last Mass Lynching in America* (New York: Scribner, 2003) 107.

58 Adam Fairclough, "Racial Repression in World War Two: The New Iberia Incident," *Louisiana History* 32.2 (1991): 183–207; "Five Arrested in Lynching Case," *Times Picayune* 18 Oct. 1946: 8.

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of the Justice Department on the FBI to investigate violence towards blacks made prosecutions difficult, however. The Bureau was wary of endangering its close relationship with local law enforcement and this made prosecutions for police brutality less likely.⁵⁹ Investigations were further complicated because FBI inquiries into communism among blacks and black leftist organisations in New Orleans were more likely to overshadow lynching.⁶⁰

Racial reform was increasing in the South, however, where black voter registration increased fourfold in the 1940s. Even in Deep Southern states like Georgia, Mississippi and Louisiana, voter registration rose sharply in the 1940s.⁶¹ The Servicemen's Readjustment Act, known as the GI Bill, was passed in 1944 and provided low-interest mortgages, access to education and low-interest bank loans to World War Two veterans. The GI Bill would eventually produce a large middle class of educated homeowners across America. Although it was a congressionally federalised program, it was run through the states. Additionally, 'the path to job placement, loans, unemployment benefits and schooling was tied to local Veterans Affairs centres, almost entirely staffed by white employees, or through local banks, and both public and private education institutions.'⁶² Discrimination came not with the GI Bill but by Southern state administration. Blacks, however, continued to lobby for inclusion and legal cases, particularly in education, led to the integration of colleges and universities by the U.S. Supreme Court.⁶³ In New Orleans it would take a court order to force 'voluntary' integration at Tulane University but in states like Maryland in the periphery of the South, Catholic schools and swimming pools desegregated. In St. Louis and Washington D.C. some theatres and lunch counters integrated and medical societies admitted black doctors.⁶⁴

Described after 1945 as a unique city for its residential integration, New Orleans' blacks and whites often lived on the same block, across the street or even next door to each other, and streetcar usage reflected this salt and

59 Fairclough, "Racial Repression" 183–207.

60 Fairclough, "Racial Repression" 183–207; "Curran Charges Communist Plot to Control NMU: Says New Orleans One of Active Strongholds," *Times Picayune* 11 Sept. 1947: 1; "Minority Groups Held Red Target," *Times Picayune* 14 Jul. 1949: 1; "Trapolin Blasts at Czech Exhibit," *Times Picayune* 30 Apr. 1949: 18.

61 In Georgia, the numbers of black registered voters rose from 20,000 to 125,000 between 1942 and 1947. In Louisiana, numbers rose from 8,000 in 1948 to 107,000 in 1952 and, in Mississippi, numbers rose from 2,500 to 20,000 between 1946 and 1950. See: Klarman, *Unfinished Business* 136.

62 Ira Katznelson, *When Affirmative Action Was White* (New York: Norton, 2006) 128.

63 Klarman, *Unfinished Business* 135–136.

64 Cheryl Cunningham, "The Desegregation of Tulane University," diss. University of New Orleans, 1982, Web. 20 Feb. 2016.

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pepper pattern.⁶⁵ Eyewitnesses reported that black and white passengers in the lower Ninth Ward often got on streetcars together and continued conversations from opposite sides of the screen.⁶⁶ After World War Two, streetcar historians describe the drop in streetcar usage as a result of a growth in motor car usage that was blossoming prior to the Wall Street Crash.⁶⁷ This 'frantic' return to automobiles occurred despite the low streetcar fares which statically sat at seven cents. However, the Office of Defence Transportation (ODF), formed during World War Two, was responsible for ensuring the survival of the streetcars during the war era. The ODF commanded all streetcars to remain in service so that trackless trolleys and buses could be re-routed to act as feeders for the rail lines. By 1948, the Desire line, immortalised by Tennessee Williams' 1947 play *A Streetcar Named Desire*, was discontinued. All that remained by 1952 was the Canal and St. Charles line, though eighty-five cars still served these two routes.⁶⁸ The St. Charles was reduced to South Carrollton and South Claiborne Street and it was the only line to survive after 1964.⁶⁹ The decline in streetcars concerned the Streetcar Union which, worried about the loss of employment for streetcar operators, appealed unsuccessfully to Mayor deLesseps Morrison for intervention.⁷⁰ Even after integration, New Orleans streetcars were reported to be in decline by two percent per year. This was attributed to motor car usage and the 'stay at home' allure of television. Sources from the period describe streetcars being used as entertainment for children by busy parents or to get to the movies or the park. By 1950 there were forty thousand television sets in New Orleans, a number which continued to boom as the 1950s progressed. After 'the highly engaged WWII generation', television 'seduced generations to stay home' by reducing the need for outside entertainment.⁷¹

65 A. Lee Levert, "Playing with Jim: Children's Challenges to Segregated Recreational Space in New Orleans, 1945-1949," *Entering the Fray: Gender Culture and Politics in the New South*, eds. Jonathan Daniel Wells and Sheila R. Phipps (Columbia: University of Missouri, 2010) 99.

66 "Interview with Raphael Casimer Jr.," *Streetcar Stories* (DVD: WYES, 2012).

67 Hennick and Charlton, *The Streetcars* 38.

68 Kenneth C. Springirth, *New Orleans Fabulous Streetcars* (Louisiana: America Through Time, 2014) 5.

69 Hennick and Charlton, *The Streetcars* 39-45.

70 Executive Committee of the Local Division, Letter to deLesseps Morrison, 1956, *Amalgamated Association of Streetcar, R/R and Motor Coach Employees*, Box 1, Manuscripts Division, Louisiana Division, New Orleans Public Library.

71 Dominic Massa, *New Orleans Television* (Charleston: Arcadia, 2008) 7; "Motorist, TV Viewers Depopulate Streetcars," *Times Picayune* 20 Sept. 1958: 11; "Interview with Danny and Louise 'Lu' Blue Barker," *Streetcar Stories* (DVD: WYES, 2012); "Interview

Racial Reform, Lynching

Southern whites were apprehensive after World War Two and craved the normalcy that would return blacks to their 'place', just as the Harding administration had promised after the First World War.⁷² Lynching figures had dropped to zero between 1928 and 1933, though both lynching and attempted lynching often went unreported.⁷³ The number of black people lynched rose again during the Depression though none are listed between 1938 and 1946.⁷⁴ That lynching returned to Louisiana in 1946 after a period of eight years without any reported incidents indicates that whites were concerned with black empowerment. Confrontations between black citizens and white authorities confirm this apprehension. Reports of arrests or violence by police authorities toward blacks who appeared to be moving out of their 'place' became common across Louisiana in 1946 and thereafter.⁷⁵ One particular lynching that led to the death of John Cecil Jones, an army veteran, was investigated by the NAACP and the FBI in Webster parish in 1946. It led to the indictment of six deputies, though all were subsequently acquitted. This case in particular established a conspiracy between the police and sheriff's department, the coroner and several prominent white individuals in the community.⁷⁶ It is significant because

with Michael Lonerman," *Streetcar Stories*; Stanley C. Pelkey and Anthony Bushard, eds., *Anxiety Muted: American Film Music in a Suburban Age* (New York: Oxford, 2015) 8.

72 Klarman, *Unfinished Business* 135.

73 Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Champaign: University of Illinois, 2004) 178. For example, figures for Louisiana do not include the failed lynching attempt of John Creag (See: "Negro With Rope Around His Neck Is Saved From Lynching By Ruse," *Daily Picayune* 30 May 1911: 7) and the *State Times Advocate* records the names of four 'negroes' who were lynched in 1911 (See: "Two Whites and 58 Negroes is Lynching Record for 1911," *State Times Advocate* 30 Dec. 1911: 2) while current sources place it at two.

74 Pfeifer, *Rough Justice* 178.

75 Fairclough, *Race* 110; "Police Told to be Courteous to All Visitors," *Times Picayune* 2 Feb. 1941: 8; "Arrest of Truck Helper Follows Dig at Police in Slot Loot Probe," *Times Picayune* 31 May 1941: 1; "Alleged Beating of Negro Woman Put Before Jury," *Times Picayune* 13 Mar. 1941: 7; "Cops Fired: Chief Says 'Brutality in Any Form' Out," *Times Picayune* 17 Dec. 1949: 1; "Mayor Answers on Negro Police: Says Any Qualified Citizen Can Take Test," *Times Picayune* 15 Apr. 1949: 18; "Police to Press Fight on Gaming," *Times Picayune* 7 Jun. 1949: 42; P. Rayfield Brown III, Letter to deLesseps Morrison, 25 Jul. 1956, Police 1956 Folder, *DeLesseps S. Morrison Collection, 1946–1961*, Carton 556-29, Manuscripts Division, Louisiana Division, New Orleans Public Library.

76 Fairclough, *Race* 113–118; "Negro Slaying Near Minden is Being Probed," *Advocate* 16 Aug. 1946: 1; "Sheriff Sued for not Protecting Negro from Mob," *Advocate* 16 Aug. 1947: 6.

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it identified what African Americans feared: that justice was unobtainable and protest ineffectual, if not dangerous. Within New Orleans this violence was also present in reports that identified the killing of black prisoners as 'normal police practice'.⁷⁷ By 1961 the U.S. Commission on Civil Rights would report that although mob violence in New Orleans was a response to campaigns for civil rights, 'unlawful violence by the police remains... not a regional but a national shame.'⁷⁸

In 1949, New Orleans was one of only four of the largest Southern cities without black police officers.⁷⁹ By 1950, it was the only large city in the South without an integrated police force. Since 1946, African American men had been taking the police exam but were continually passed over for recruitment. Then in 1949, Carlton Pecot, a World War Two veteran and university graduate, passed the test with a sufficiently high score to place him in the top ten. The New Orleans Police Department passed over him and recruited white officers with lower scores. In response, the NAACP filed suit against the department. By then, a new district attorney and police superintendent had been appointed, both of whom expressed their willingness to appoint black police officers in light of the pending suit. In 1950, Carleton Pecot and John Raphael became the first black police officers since 1913. In what has been described as the 'second coming' of police officers in New Orleans, African Americans looked forward to improved race relations. The black community looked to the advent of black policemen as the only effective solution to violence against them.⁸⁰ Pecot and Raphael, however, would make little impact on the treatment of blacks on transport. Relegated to the juvenile bureau and without uniforms, the officers worked in black areas of the city only. Streetcar conductors could only complain to recognisable police in uniform or they took their issues to police precincts. The two officers were hardly noticed and white conductors in this age of mature white supremacy were unlikely to look to them for authority even if they were in uniform. Elsewhere in Louisiana, cities such as Shreveport and Monroe also accorded inferior status and segregated facilities to black officers.⁸¹

New Orleans police brutality was interpreted as 'legal lynching' and explains the lack of support and response by black Louisianan's to a transport

77 Fairclough, *Race* 122.

78 *United States Commission on Civil Rights, Department of Justice. Voting: 1961*, United States Commission on Civil Rights Report 1 (Washington: GPO, 1961) 5.

79 The others were Charleston, Montgomery and Mobile; Fairclough, *Race* 153.

80 W. Marvin Dulaney, *Black Police in America* (Bloomington: Indiana UP, 1996) 45; Vanessa Flores-Robert, "Black Policemen in Jim Crow New Orleans," diss. University of New Orleans, 2011, Web. 20 Feb. 2016; Fairclough, *Race* 123.

81 Edward F. Haas, *DeLesseps S. Morrison and the Image of Reform: New Orleans Politics, 1946-1961* (Baton Rouge: Louisiana UP, 1974) 76-78.

boycott organised in 1947 by the Congress of Racial Equality (CORE).⁸² CORE organised freedom riders to test interstate bus segregation after the U.S. Supreme Court ruled it unconstitutional in *Morgan v. Virginia* (1946), though they eventually restricted their resistance to the upper South.⁸³ In 1948, Roy Syrus Brooks was shot dead on the street in the Gretna area of New Orleans by Patrolman Bladsacker when he got into an altercation with a bus driver. Though charged with manslaughter, Bladsacker was acquitted after seven minutes by the jury.⁸⁴ To would-be Jim Crow protesters on the streetcars and the buses that replaced them, events such as this signalled the possible consequences of stepping out of their 'place'. The perceived illogical nature of streetcar segregation would continue to cause resentment among blacks and convince some whites to lobby for integration. Streetcars in the 1950s did not have a permanent front or back. When the car came to the end of the line on St. Charles Avenue and passengers alighted, the seats and the 'colored' sign were reversed and the back became the front of the car.⁸⁵ In effect, white passengers sat in the 'colored' section on the return journey. White eyewitnesses recalled occasions where white parents controlled children from running to the back of the bus or streetcar by telling them they would 'turn colored'.⁸⁶

White confidence in segregation, however, continued to remain high. Between 1928 and 1950, the Louisiana Legislature passed three segregation laws which, despite friction on transport during the war years, points to white confidence in both *de jure* and *de facto* segregation. The Miscegenation Act 1910 was refined in 1932 to prevent recognition of such marriages in other jurisdictions. Residential areas were also segregated that year, a reflection of the upheaval and population movements of blacks and whites during the Depression. Only a healthcare law, which segregated 'old age homes', passed in the 1940s. In contrast, the 1950s saw a white backlash against successful court cases brought by the black community which legally weakened segregation.⁸⁷ Nationally, President Truman passed Executive Order 9811 in 1948 integrating the armed forces which, although it took

82 Fairclough, *Race* 110; Fred D. Grey, *Bus Ride to Justice: The Life and Works of Fred D. Grey* (Montgomery: New South Books, 1995) 172–173.

83 *Morgan v. Com. of VA.*, U.S. 704 (1946), *Findlaw*, US Supreme Court, 2016, Web. 3 Aug. 2016.

84 "Gretna Officer Kills Attacker," *Times Picayune* 28 Feb. 1948: 7; Fairclough, *Race* 122.

85 "Remembering Jim Crow," *American RadioWorks from American Public Media*, American Public Media, 2017, Web. 28 Feb. 2017.

86 *Ibid.*

87 David Rapaport, "Jim Crow Laws," *Finding Sources*, 2012, Web. 25 Jan. 2016; Charles A. Reynard, "Segregation," *Louisiana Law Review* 19.1 (1958): 114–128.

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until 1954 to be fully implemented, 'was an act of symbolic importance to many African Americans'.⁸⁸ Locally, Thurgood Marshall, leading NAACP council, retained A.P. Tureaud as local counsel on local education cases such as *Joseph P. McKelvin v. Orleans Parish School Board* (1942), which equalised the pay gap between black and white teachers.⁸⁹ After the case, Tureaud entered private practice and continued to specialise in segregation cases, supporting the NAACP's mandate of weakening the separate-but-equal premise. In 1949 he helped found the Orleans Parish Progressive Voters' League. That same year he convinced Mayor Morrison to open a black-only park and Morrison convinced whites that opposing it would lead to a desegregation of all city parks.⁹⁰ As attorney for the New Orleans Chapter of the NAACP, Tureaud was active in opposing all segregation in the city and successfully filed suits against Louisiana State University in 1950 and 1951 forcing them to admit black students.⁹¹

Such success caused white resentment and the pattern of racial legislation in response reflects white opposition to integration in the state. Between 1951 and 1952 the miscegenation law was revised twice, once as a statute and also as a state code, to leave no doubt that the terms 'black' and 'persons of color' were synonymous. Also in 1951, a new statute forbade interracial adoptions and, in response to *Brown v. Board* (1954), segregated education was revised and adopted in 1954.⁹² The acts between 1954 and 1960, however, show almost white hysteria in reaction to burgeoning civil rights movements in the state and beyond. In response to court cases against segregated schools, local black lobbying for integrated parks and rising black voter registration, all aspects of recreation, education, employment, public accommodations and voting procedures were revised and confirmed with legislation that included labelling the race of blood donors. Transport legislation was again revised in 1956 during the year-long Montgomery bus boycott.⁹³ Though a bus boycott had successfully achieved a measure

88 Sylvia Ellis, *Freedom's Pragmatist: Lyndon Johnson and Civil Rights* (Tallahassee: University Press Florida, 2013) 51–52.

89 *Joseph P. McKelvin v. Orleans Parish School Board* (1942) was eventually settled out of court. See: Turry Flucker, *African Americans in New Orleans* (Charleston: Arcadia, 2010) 33.

90 Kevin G. McQueeney, "Playing With Jim Crow: African American Private Parks in Early Twentieth Century New Orleans," diss. University of New Orleans, 2015, Web. 13 Jan. 2017.

91 Nikki Brown, "A. P. Tureaud," *knowlouisiana.org Encyclopedia of Louisiana*, ed. David Johnson, Louisiana Endowment for the Humanities, 12 Feb. 2016, Web. 6 Mar. 2017.

92 Murray, *States' Law* 18; David Rapaport, "Jim Crow Laws," *Finding Sources*, 2012, Web. 25 Jan. 2016.

93 David Rapaport, "Jim Crow Laws," *Finding Sources*, 2012, Web. 25 Jan. 2016.

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of integration on buses in Baton Rouge in 1953, it was localised and had a limited impact on surrounding areas in raising awareness or stimulating protest. The Montgomery boycott illustrated what could be achieved on a larger scale in an age of television where manufacturers turned out over six million TVs a year and Martin Luther King Jr. was making headlines.⁹⁴ A year earlier, the Federal Interstate Commerce Commission (FICC) had excluded segregation on interstate travel, narrowing the scope of acceptable segregation. The Louisiana legislation of 1956 targeted this legislation and circumvented the FICC mandate by ordering that the waiting rooms for interstate passengers became part of the ‘colored’ segregated waiting room for intrastate passengers. A ‘white’ waiting room for intrastate passengers could still be used by white interstate travellers. This ensured that local whites would not mix with blacks from other states and that black passengers entering Louisiana would be in no doubt that segregation was present, despite legally mandated integrated transport. Previously, Governor Kennon had faced legislative criticism for ordering resistance to the ICC Bill as opposed to legislating against it. His successor that year, Governor Earl Long, signed a bill which legislated against it, but stated that his motivation was purely to avoid criticism that he was ‘courting the colored people’.⁹⁵

Early Integration

It is no coincidence that transport, as the ‘public theatre’ and long-time source of contention in Louisiana, rose high on the agenda of civil rights organisations within the state. The 1953 Baton Rouge bus boycott was part of a ‘pattern of defiance that was emerging in many parts of the South.’⁹⁶ When Baton Rouge City Council passed Ordinance 222, which allowed a first-come, first-served arrangement, it was following the initiative of several Southern cities that allowed the bus companies to encourage more passengers without breaking with segregation. Black passengers moved forward from the rear as the bus filled and whites moved back from the front leaving no empty seats instead of having allocated seats. Since passengers of different races could not share a seat, the segregation law remained intact. The City Council was able to ‘integrate’ the bus more fully because the vestige of segregation remained intact and a bus boycott was

94 Edmund Lindop, *America in the 1950s* (Minneapolis: Twenty-First Century Books, 2010) 89.

95 “Kennon Defies ICC Order on Waiting Rooms,” *Advocate* 11 Jan. 1956: 1, 6; “Segregation Bills Signed By Governor,” *State Times Advocate* 23 Jun. 1956: 18.

96 Fairclough, *Race* 158.

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avoided. Ordinance 222 was conceivable because Baton Rouge Council was not invested in bus segregation. It cost nothing to compel black passengers to sit at the back of the bus, and bus companies in 1928 had thwarted any attempts by the state to enforce dual buses. Ironically, sources on 'Negro' education in 1951 had argued that Jim Crow was less likely to disappear on intrastate travel since it cost the state 'nothing extra to compel Negroes to occupy designated seats in a streetcar' in contrast to the cost of a dual education system.⁹⁷

However, unlike segregated schools, where a dual system had long required investment by the state and rationalisation to justify taxpayers' investment, buses and streetcars required only vigilance by willing drivers, conductors or members of the public to enforce segregation. Relaxing segregation on public transport caused no upheaval in terms of cost or organisation. In this case, the all-white bus drivers proved they were more than willing to segregate and went on strike. They had the support of the state attorney general, Fred Le Blanc, who argued that Ordinance 222 was in conflict with segregation. In response, the ordinance was repealed and the drivers returned to work operating on a strict segregation policy. Under much the same conditions as the Montgomery boycott would operate two years later, the black community organised alternative transport and boycotted the buses. The protesters, now organised under the United Defence League (UDL), accepted a new ordinance within two weeks. The first-come, first-served system was replaced by Ordinance 251, which reserved the first two seats for whites and the last seat for blacks. The protest was weakened by the acceptance of this compromise so quickly instead of holding out for full integration. Though the UDL filed suit to challenge the state attorney general ruling, this was dismissed and momentum was lost. The willingness of black passengers to protest *en masse* and continue with the protest despite the acceptance of the compromise indicates that the black community was galvanised for change but any compromise by city officials was a step forward.⁹⁸

If the Montgomery protestors had been offered such a proposal in the early days, they too may have accepted it. Such an argument highlights that in the Louisiana state capital, the white City Council was open to

97 Milton R. Konvitz, "The Extent and Character of Legally Enforced Segregation," *Journal of Negro Education* 20.3 (1951): 425–435.

98 "New Ordinance On Bus Seating Is Kept Secret," *Advocate* 23 Jun 1953: 1; "City Council Passes New Bus Ordinances; Bond Election Called," *Advocate* 25 Jun. 1953: 1; "Negroes Here Plan to Test Seating Laws," *Advocate* 25 Jun. 1953: 1; "15 Bus Drivers Leave: Announce New Schedules," *State Times Advocate* 15 Jul. 1953: 1, 6; "City Bus Ordinance Is Upheld," *State Times Advocate* 20 Nov. 1953: 1.

compromise in this pre-*Brown v. Board of Education, Topeka* (1954) period, even if it lacked strong *de jure* incentive.⁹⁹ That the protest did not spread to New Orleans is indicative of logistics rather than momentum. Ministers preaching against segregation in New Orleans in 1956 had no intention of organising a boycott since ‘everybody knew that the widely dispersed black population in New Orleans would make a Bus Boycott difficult to organise’. The Baton Rouge strike by bus drivers was expected but what was significant is the City Council’s compromise on segregation. This was reflective of the same compromise with white bus drivers in New Orleans, where buses and streetcars often allowed passengers to move the race screen.¹⁰⁰ Furthermore, the Baton Rouge protest also demonstrated that compromise was possible within the segregation mandate. Moreover, white passengers were often responsible for enforcing Jim Crow *de facto*, either by alerting the driver or confronting black passengers on buses. It was less straightforward for bus drivers to confront passengers while operating the bus at the same time, though accounts show that they were capable of such action. This helps explain why white passengers on buses were more likely to confront black passengers on buses while accounts indicate streetcar confrontations were with the conductors or police. In contrast, streetcars continued until the 1970s to be two-man, with a motorman to operate the car and a conductor to deal with passengers.¹⁰¹ It would be five years before segregation on New Orleans streetcars would be challenged and then protest would be through the courts.

The Citizens’ Council

The 1954 *Brown v. Board of Education* (1954) decision may have signposted the road to change for the black community but to whites it marked the beginning of a struggle to maintain segregation or risk losing their privileged position in every aspect of society. This would change in 1954 as Louisiana, like the other Southern states of Mississippi, Georgia and South Carolina, created a Joint Legislative Committee on Segregation.¹⁰² Intent on preserving segregation within the state, this state-funded commission

99 Lori L. Martin and Raymond A. Jetson, *South Baton Rouge* (Charleston: Arcadia, 2017) 91–92; Fairclough, *Race* 158–162.

100 Fairclough, *Race* 212; Mizell-Nelson, “Challenging and Reinforcing White Control” 267–268.

101 Mizell-Nelson, “Challenging and Reinforcing White Control” 267–291; E.W. Hampton Jr., *The Streetcars of New Orleans: 1964–Present* (Gretna: Pelican, 2010) 57–59.

102 Kari A. Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932–1968* (Chapel Hill: University of North Carolina, 2001) 233–234.

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was headed by Senator William Rainach, who also formed a branch of the Southern Citizens' Council throughout Louisiana. States such as South Carolina and Georgia were already trying to improve black schools and embed segregation in school regulations in order to avoid compulsory integration prior to *Brown v. Board of Education* (1954). Commitment by the behaviour of the Baton Rouge City Council towards transport segregation appears weak prior to *Brown* case. The formation of the Committee on Segregation post-*Brown* shows that there was increased commitment to segregation, though the level of engagement by Governor Earl Long once he was elected in 1956 is disputable.¹⁰³ Long may have abandoned blacks as he signed anti-integration bills in the Legislature but he did caution against 'a lot of segregation bills even though I would favour them,' as they would inevitably be invalidated by the U.S. Supreme Court. Long's governorship and lack of vitriol were inevitably a factor in motivating blacks to integrate the streetcars.

The Citizens' Council in Louisiana was involved in 'purges' of the voter registration rolls and the intimidation of both blacks and whites in order to maintain segregation. It was highly organised and active in New Orleans, but by 1957 had experienced a drop in membership.¹⁰⁴ Southern Louisiana was more permissive towards civil rights because of the larger number of registered black voters in Catholic parishes and because the majority of integrated colleges were also in South Louisiana.¹⁰⁵ Despite its Catholic presence, New Orleans was the centre for the second branch of the Citizens' Council formed in Louisiana in 1955. In 1956, under the founder and president of the Citizens' Council in Louisiana, Senator Rainach, and with the support of Leander Perez, reputed 'boss' of St. Bernard and Plaquemine parishes, the New Orleans organisation was described as 'the largest Citizens' Council in the nation.' Perez was an ardent anti-communist and had led the prosecution of prominent white political figures such as Hale Boggs on accusations of communism.¹⁰⁶ As in previous decades,

103 Michael S. Mayer, *The Eisenhower Years* (New York: Facts on File, 2010) 440; Bruce Adelson, *Brushing Back Jim Crow: The Integration of Minor-League Baseball in the American South* (Charlottesville: University Press Virginia, 1999) 170–172.

104 Neil R. McMillen, *The Citizens' Council: Organized Resistance to the Second Reconstruction, 1954–64* (Champaign: University of Illinois, 1994) 64–69; Yasuhiro Katagiri, *The Mississippi State Sovereignty Commission: Civil Rights and States Rights* (Jackson: University Press of Mississippi, 2001) xiv, 22, 152, 217–218.

105 McMillen, *The Citizens' Council* 64. See also: John H. Fenton and Kenneth N. Vines, "Voter Registration in Louisiana," *American Political Science Review* 51.3 (1957): 704–713.

106 Gary Boulard, *The Big Lie: Hale Boggs, Lucille May Grace, and Leander Perez* (Gretna: Pelican, 2001) 45.

integration and black political movements were coupled by segregationists as communist and subversive to the American way of life.¹⁰⁷ Members of the Citizens' Council in New Orleans throughout the state included 'the south's "best citizens" who were not only able to resist integration but use their combined skills to overcome resistance in the form of black voters and the NAACP.'¹⁰⁸ In 1956, Rainach and his supporters had used Fuqua's Law to demand the membership lists of the NAACP.¹⁰⁹ Naturally fearing the intimidation of its members, the NAACP declined and was legally enjoined from organising or holding business or meetings. The Citizens' Council was then free to purge voter registrations disenfranchising black voters, effectively stemming the base from which pressure for integration would arise.

107 Glen Jeansonne, *Leander Perez: Boss of the Delta* (Jackson, University Press of Mississippi, 2006) 223. Perez had a good foundation for opposing black civil rights in New Orleans. The city was the location of a series of communist hearings by Mississippi Senator James Eastland in 1954, which were described as a 'McCarthy-like spectacle'. See: "Never Reds, William Durrs Tell Eastland," *Times Picayune* 20 Mar. 1954: 21; "Ex-High Ranking Red to Aid Hearing in NO," *Times Picayune* 14 Mar. 1954: 1; Jason Sokol, *There Goes My Everything: White Southerners in the Age of Civil Rights, 1945–1975* (New York: Alfred A. Knopf Publishers, 2006) 39. Paradoxically, Eastland had been appointed chairman of the U.S. Senate's judiciary's subcommittee on civil rights in 1949. See: "Eastland Heads Unit in Charge of Civil Rights," *Times Picayune* 15 Sept. 1949: 2; Dorothy M. Zellner, "Red Road Show: Eastland in New Orleans 1954," *Louisiana History* 33.1 (1992): 31–60; Sarah Hart Brown, "Redressing Southern 'Subversion': The Case of Senator Eastland and the Louisiana Lawyer," *Louisiana History* 43.3 (2002): 295–314; Frank J. Looney and Leander Perez, RE: Segregation, Oct. 1954, Speeches and Pamphlets by L.H. Perez, *Leander H. Perez Papers, 1954–1969*, Box 1, Manuscripts Division, Louisiana Division, New Orleans Public Library.

108 Justin D. Poche, "Religion, Race, and Rights in Catholic Louisiana, 1938–1970," Diss., Notre Dame University, Indiana, 2007: 164, Web. 20 Feb. 2017; District Attorney, Letter to Senator Eastland, 26 Oct. 1955, NAACP Folder, *Leander H. Perez Papers, 1954–1969*, Box 1, Manuscripts Division, Louisiana Division, New Orleans Public Library. For perceived direct links between Louisiana NAACP and communism see: *United States Commission on Civil Rights, Department of Justice. Voting: 1961*, United States Commission on Civil Rights Report 1 (Washington: GPO, 1961) 44, 220.

109 Known after the governor who framed it, Fuqua's Law was conceived to unmask the KKK in 1924 by directing that membership lists of organisations in the state be made public; "NAACP is Banned," *Times Picayune* 25 Apr. 1956: 2; "State is Ready in NAACP Case," *State Times Advocate* 3 Oct. 1956: 1.

Grassroots Protest and the Road to Integration

Despite the success of *Brown v. Board of Education* (1954), popular support for the NAACP was lower in the mid-fifties than it had been in 1948.¹¹⁰ The Organisation's insistence on only representing cases which set judicial precedents meant that popular support was not galvanised by cases which would have united the black community. There were expressions of rising militancy throughout the state, such as boycotts against the Boy Scout Parade in 1955, which placed black scouts at the back. Boycotts were also held by blacks against talent shows held in white auditoriums with no black facilities and the contentious segregated McDonogh school's ceremony held in New Orleans to commemorate the school founder. Black parents complained that white children led the ceremony while black children were left neglected and without facilities, until the end of events. The NAACP failed to unite this rising tide of protest and so local memberships declined.¹¹¹ In contrast in 1956, the Citizens' Council seemed unstoppable. While Governor Kennon had withheld the state money in 1955 that Rainach wanted to use on black schools in order to justify segregation, he made \$100,000 available for the state to legally defend segregation.¹¹² This financial aid and the censorship of the NAACP by state legal systems show state commitment to segregation.

Then almost as dramatically as its inception and in a pattern that was reflected in almost every other Southern state, popular support for resistance declined in 1957. By the next year, when segregation signs were removed from streetcars, Citizens' Council officials complained that popular interest was very low.¹¹³ This apathy was due to a number of issues, in particular the lack of high-profile federal legislation to continue the momentum that the *Brown* case had generated. The 1955–1956 gubernatorial candidates, Mayor deLesseps Morrison and Earl Long, both sought to widen their black appeal despite Senator Rainach's purge of black registered voters.¹¹⁴ In order to run in the 1959–1960 gubernatorial race, Rainach resigned from the Citizens' Council, which then fragmented into splinter groups. Public apathy had

110 Fairclough, *Race* 189; "NAACP to List La. Numbers," *Times Picayune* 31 Dec. 1956: 15.

111 Fairclough, *Race* 188–191; "Schools Honor John McDonogh," *Times Picayune* 8 May 1954: 12.

112 "Injunction Suit Filed By NAACP: Block of Segregation Fund Sought by Group," *Times Picayune* 1 Sept. 1955: 42.

113 McMillen, *The Citizens' Council* 68–69.

114 Glen Jeansonne, "DeLesseps Morrison: Why He Couldn't Become Governor of Louisiana," *Louisiana History* 14.3 (1973): 255–269; Wayne Parent, *Inside the Carnival: Unmasking Louisiana Politics* (Baton Rouge: Louisiana State UP, 2006) 72–73.

already weakened the organisation and this was further exacerbated by the U.S. Supreme Court, which upheld the rule of law in *Cooper v. Aaron* (1958). This stated that official and community resistance could not justify delays implementing integration.¹¹⁵ When the direct challenge to streetcar segregation came, the timing was favourable.

In this racially contested environment, the streetcars continued to run a segregated service across the city. *Brown v. Board of Education* (1954), however, was already having an impact on segregation which, though small, was significant. The new Union Passenger Terminal, which opened just sixteen days before the *Brown* ruling, had separate but ‘unmarked’ restroom facilities for white and black passengers. The same was true of the new city hall in 1957 but while it is significant that they were unmarked in an era of ambiguous legal segregation, the existence of separate facilities indicates that Jim Crow etiquette continued where Jim Crow laws were less defined.¹¹⁶ While public apathy may have caused the Citizens’ Council to stagnate in 1957, the suppression of the NAACP opened a void that the Southern Christian Leadership Council (SCLC) moved to fill. Initially called the Southern Leadership Conference, the organisation grew out of the Montgomery bus boycott and offered an organised response to growing black militancy. Its foundations in transport integration also provided a stimulus for streetcar and bus protest.

An umbrella under which local movements could organise, the Southern Leadership Conference attracted Abraham Lincoln Davis, a New Orleans Minister reputed to be Mayor Morrison’s most influential supporter in the black community. In June 1956, Davis and other influential black leaders founded the New Orleans Improvement League (NOIL) to sustain the mission of the NAACP.¹¹⁷ Davis was an unexpected contender in the segregated transport dispute with good reason. He was not reputedly an NAACP supporter, but was in a position to make gains for the black community by keeping deLesseps Morrison on good terms. Davis had been a political activist in the late forties as a campaigner for black voter registration and was president of the New Orleans Parish Progressive Gubernatorial Voters League and founder of the Inter-denominational Ministerial Alliance.¹¹⁸ As an influential supporter, he was in a key position to make demands that would have made less impact from an outsider. In 1956, Davis began to preach, not just against the race screens

115 *Cooper v. Aaron*, 358 U.S. 1 (1958), *Justia US Supreme Court*, 2016, Web. 9 Mar. 2016.

116 Mary L. Widmer, *New Orleans in the Fifties* (Gretna: Pelican, 2004) 104.

117 “League Forms Speaker Unit,” *Times Picayune* 6 Mar. 1958: 77.

118 Fairclough, *Race* 212; Widmer, *New Orleans* 103.

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on streetcars, but also against Leander Perez and the Citizens' Council.¹¹⁹ Letters from deLesseps Morrison to constituents show that the Citizens' Council had already attacked Morrison's character as a 'Nigger Lover etc. etc.' By speaking against the Citizens' Council, Davis was showing his usual support for Morrison.¹²⁰ While raising money in New Orleans to support the Montgomery boycott, the NOIL agreed to wait for the outcome of *Browder v. Gayle* (1956) which would settle the Montgomery bus segregation dispute.¹²¹

Davis was supported by Dr William R. Adams, another leading member of the NOIL who would be the co-plaintiff in the lawsuit against Morrison and the streetcars. Adams was a doctor in New Orleans, who found himself and other black doctors barred from joining the county medical society which had 'a lock out law against negroes.' As a result, they could not gain appointments in the local hospitals as either 'interns, residents or staff men'.¹²² Undeterred he decided to attack the restrictions on blacks in the state through the NOIL and encouraged fellow physicians to do the same. Though not previously involved in civil rights, Adams' medical mentor, Dr George Lucas, had been the president of the Louisiana NAACP in the 1920s. While Adams and Davis saw the role of the NOIL to 'go underground and do the same work as the NAACP', it was doubtful that a local transport challenge would stimulate a federal court case.¹²³ Since the *Brown* decision, it was easier for the city to have dissenting blacks arrested and then drop the charges, rather than give momentum to a lawsuit. This was the case early in 1956 when a group of Xavier University students boarded a city bus and sat in the front seats. They were arrested and then the charges of 'disturbing the peace' were dropped.¹²⁴ However, the apathy of

119 "N.O.I.M.A. Slaps At Segregation," *Times Picayune* 18 Mar. 1956: 13; "\$3000 Aid Raised For Bus Battle," *Times Picayune* 19 Mar. 1956: 22.

120 Fairclough, *Race* 212; DeLesseps Morrison, Letter to Mrs. Cicely Knibb Allen, 27 Jun. 1957, A-L Miscellaneous Folder, *DeLesseps S. Morrison Collection, 1946-1961*, Carton 556-1, Manuscripts Division, Louisiana Division, New Orleans Public Library; Mrs. Cicely Knibb Allen, Letter to deLesseps Morrison, 24 Jun. 1957, A-L Miscellaneous Folder, *DeLesseps S. Morrison Collection, 1946-1961*, Carton 556-1, Manuscripts Division, Louisiana Division, New Orleans Public Library.

121 *Browder v. Gayle*, 142 F. Supp. 707 M.D. Ala. (1956), *Justia US Supreme Court*, 2016, Web. 9 Aug. 2016.

122 William R. Adams, "Inhotep National Conference on Hospital Integration," *Journal of the National Medical Association* 49.5 (1957): 354.

123 Thomas J. Ward Jr., *Black Physicians in the Jim Crow South* (Fayetteville: University of Arkansas Press, 2003) 289.

124 "Bus Disturbance In N.O. Results in 73 Arrests," *State Times Advocate* 5 Jan. 1956: 10; "Judge Clears 72 in Bus Incident," *Times Picayune* 6 Jan. 1956: 2.

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the Citizens' Council and the momentum of the NOIL made 1957 the ideal time for a lawsuit against streetcar segregation. Instead of waiting for blacks to be prosecuted for ignoring segregation, a case was pressed to prevent deLesseps Morrison from enforcing it. The findings of the Montgomery transport case in *Browder v. Gayle* (1956) held:

that the statutes and ordinances requiring segregation of the white and colored races on the motor buses of a common carrier of passengers in the City of Montgomery and its police jurisdiction violate the due process and equal protection of the law clauses of the Fourteenth Amendment to the Constitution of the United States.¹²⁵

It was confirmed in November 1956 by the Federal Supreme Court, which effectively outlawed streetcar and bus segregation in every state. Additionally, in early 1957 the Southern Leadership Conference on Transportation and Non-Violent Integration met in New Orleans, providing momentum for challenging segregation on streetcars and buses in this particular city.¹²⁶

Long, Morrison and the Streetcars

In January 1957, Mayor deLesseps Morrison was faced with the dilemma of losing white support by integrating city transport or, by segregating, facing a lawsuit and losing the support of the black community. Since 1952 Morrison's dilemma was not unique, as Governor Long had experienced the same push and pull against Rainach and his supporters. The Joint Legislative Committee on Segregation, of which Rainach was chairman, was a frequent source of bills to prevent integration. As the purge of black voters became more prevalent, Long began to see the erosion of his black voting base as a threat. In ensuring his own non-racial policies, such as the repeal of the Right-to-Work Act, he had used up all his political favours and debts. He lacked the political strength to combat segregation. Instead, he signed almost every Joint Legislative Committee bill in an effort to contain criticism from segregationist voters.¹²⁷ In contrast, he favoured interracial sport and offered to finance a lawsuit surreptitiously in opposition to its proscription in the state.¹²⁸

125 *Browder v. Gayle* (1956).

126 Glenda A. Rabby, *The Pain and the Promise: The Struggle for Civil Rights in Tallahassee, Florida* (Athens: University of Georgia, 1999) 52.

127 Long vetoed one bill which would have required couples to produce birth certificates to procure a marriage in order to prevent miscegenation; Fairclough, *Race* 206.

128 Fairclough, *Race* 206.

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Morrison's strategy for maintaining votes from both blacks and whites reflected Long's. In January 1957, he publicly promoted the segregation of the streetcars and buses while promising the NOIL peaceful integration once a federal court order compelled him to do so.¹²⁹ Ironically, after almost a century of instilling into both blacks and whites the consequences of moving out of one's racial place, white politicians were now victims of their own ideology. Described as racial moderates, both Morrison and Long could not administer over blacks or whites within their spheres as they wished, despite being the primary administrators of the law.¹³⁰ Ingrained white etiquette, cultivated in the state for years, meant both politicians were restricted and forced to oppose the Supreme Court. In turn, this discredited the Jim Crow system which had for years relied on the morality of upholding the law of the Supreme Court of the United States. This was illustrated when a group of white ministers of various affiliations within the state presented a petition requesting integration on public transport to NOPSI in February 1957. They demanded an end to segregation as 'to ignore or attempt to circumvent what must come would give strength to lawlessness and make eventual outcome far from peaceful.'¹³¹ NOPSI rejected the petition, citing state law but was now in the inconceivable position of having to refuse white local groups who demanded integration, as opposed to outside agitators. Ideas of lawlessness ensured that some whites would, where possible, try to quietly dismantle segregation without drawing the unwanted attention that the Montgomery bus boycott had attracted. Morrison appeared to be such a man and later received both criticism and praise for allowing Martin Luther King Jr. to be brought to the city to give momentum to streetcar integration and to speak in New Orleans.¹³² Morrison defended his position

129 "Orleans Bus Segregation Will Continue," *Times Picayune* 10 Jan 1957: 12; Fairclough, *Race* 212.

130 Clive Webb, *Massive Resistance: Southern Opposition to the Second Reconstruction* (Oxford: Oxford UP, 2005) 59.

131 "Group of White Ministers Asks Bus Integration," *Advocate* 20 Feb. 1957: 11. Southern Baptist progressives had been active since the early 1950s in promoting integration. See: Mark Newman, *Getting Right with God: Southern Baptists and Desegregation* (Tuscaloosa: University of Alabama Press, 2001) 65–86.

132 George V. Foltz, Letter to deLesseps Morrison, 31 Jan. 1957, Martin Luther King Folder, *DeLesseps S. Morrison Collection, 1946–1961*, Carton 556-15, Manuscripts Division, Louisiana Division, New Orleans Public Library; Horace C. Bynum, Letter to deLesseps Morrison, 17 Feb. 1957; Donald E Nicodemus, Letter to deLesseps Morrison, 31 Jan. 1956; O.G. Serpas, Letter to deLesseps Morrison, 30 Jan. 1957; Lee Lanier, Letter to deLesseps Morrison, 22 Mar. 1956, LE Miscellaneous Folder, *DeLesseps S. Morrison Collection, 1946–1961*, Carton 556-15, Manuscripts Division, Louisiana Division, New Orleans Public Library.

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of allowing integrationist speakers a permit by both claiming ignorance and upholding American values: 'Regarding the segregation problem, I can't throw any light on who was responsible for inviting certain people to come to New Orleans to discuss racial issues... It would certainly be a violation of the constitution if I chose to interfere with the rights and privileges of free speech'.¹³³

When the Southern Leadership Conference became the Southern Christian Leadership Council in 1957, Martin Luther King Jr. was elected president and Abraham Lincoln Davis vice president.¹³⁴ This strengthened Davis's position for negotiating with Morrison, and Martin Luther King Jr.'s visit to New Orleans in February 'gave impetus to the Negro movement locally'.¹³⁵ In turn, Morrison's commitment to streetcar segregation was weakened because the *Brown* decision now set the precedent for integration. Nationally, Lyndon B. Johnson, a Southern politician and senate majority leader, was now supporting the Civil Rights Bill that would both show federal support for the *Brown* ruling and pacify, to some extent, Southern democrats. Ostensibly a voting rights bill which had failed in 1956, Johnson's support now strengthened its prospects and those of black voters in New Orleans. As a result, Davis's role in the Progressive Voters League took on new dimensions for Morrison. He would need to diligently court the black vote if the legislation passed and was effective. When the Civil Rights Act (1957) passed later that year, L.B. Johnson described it as 'effective legislation that seeks to advance the rights of all Americans. It is national—rather than sectional—legislation'.¹³⁶ In reality, the Civil Rights Act of 1957 lacked teeth and, while it allowed the prosecution of registrars that denied African Americans the vote, it generally relied on private litigation.¹³⁷ The Little Rock School crisis later that year illustrated clear federal commitment to integration at a national level. Morrison had received 50 percent of the black vote in the 1956 Louisiana Democratic Primary that was, by and large, divided between himself and Governor Long.¹³⁸ The proposed

133 DeLesseps Morrison, Letter to Lee Lanier, 27 Mar. 1956, LE Miscellaneous Folder, *DeLesseps S. Morrison Collection, 1946–1961*, Carton 556-15, Manuscripts Division, Louisiana Division, New Orleans Public Library.

134 Norman R. Smith, *Footprints of Black Louisiana* (Bloomington: Xlibris, 2010) 87.

135 "Desegregation Drive is Backed," *Times Picayune* 11 Jan. 1957: 2.

136 Ellis, *Freedom's Pragmatist* 96.

137 Wayne Parent, *Inside the Carnival: Unmasking Louisiana Politics* (Baton Rouge: Louisiana State UP, 2006) 15; *Public Law 85-315, Civil Rights Act 1957, September 9, 1957*, L. Mendis Rivers Papers, Special Collections at Addlestone Library, College of Charleston, Charleston.

138 Hanes Walton, Sherman C. Puckett and Donal R. Deskins, *The African American Electorate: A Statistical History* (Thousand Oaks: CQ, 2012) 504.

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increased black voter registration that the Civil Rights Act (1957) envisaged would place Morrison in a precarious position, balanced between the black and white vote. Continued black support would depend on the degree of opposition that he offered to integration, while continued white support demanded opposition, at least legally. That was a compromise that Morrison accepted when Abraham Lincoln Davis and Dr William R. Adams filed suit against Morrison personally on the first of February 1957 in order to prevent him enforcing segregation on the streetcars and buses.

While awaiting the outcome, friction over the colour line continued. In April, a black sailor and a white metal worker came to blows on a New Orleans streetcar over segregated seating when the white man refused to move forward and the sailor sat down next to him. The motorman had moved the race screen forward to seat the sailor, putting the metal worker in the coloured section. When the motorman called the police, both were arrested for disturbing the peace.¹³⁹ The behaviour of the motorman and the police suggests that all those concerned with transport in New Orleans had been advised to diffuse situations that might add controversy to the impending judgement. The arrest of the white metal worker in particular illustrates that fairness had to be seen to be applied, which helped to avoid a Rosa Parks scenario. The streetcar and bus integration suit was successful in May 1957, but it would take a further twelve months for the Supreme Court to uphold the decision.¹⁴⁰ During that period, George Dinwiddie, president of the New Orleans Public Services, continued to maintain segregation on the streetcars.¹⁴¹ Despite Morrison's legal stand against integration, he continued to be accused by competitors of integrating New Orleans and being 'a traitor to the white man'. His integration of the police force and his association with Davis weakened his public pronouncements against streetcar integration, though he continued to exhaust all legal avenues.¹⁴² On February 1958, the U.S. Court of Appeals found for the plaintiffs and a further rehearing was denied on 26 May of the same year.¹⁴³ Morrison was as good as his word and without publicity had all signs and segregation paraphernalia removed

139 "Bus Seating Incident Brings Arrest of Two," *State Times Advocate* 25 Apr. 1957: 43. (N.b. while the title of the article uses 'Bus', the incident is described as happening on a streetcar with a motor man rather than a driver.)

140 *Morrison v. Davis*, 252 F.2d 102 (1958), *Google Scholar*, 2017, Web. 9 Mar. 2017.

141 "Ruling to Halt NO Bus Law is Upheld," *Times Picayune* 20 Feb. 1958: 1; "High Court Denies N. O. Racial Appeals," *Times Picayune* 27 May 1958: 1.

142 "Mayor Rapped on Race Issue," *Times Picayune* 2 Feb. 1958: 23; "Gary Hails Ike-Faubus Talk," *Times Picayune* 13 Sept. 1957: 14; "Orleans Bus Segregation will Continue," *Times Picayune* 10 Jan. 1957: 12.

143 *Morrison v. Davis*, 252 U.S. 102 (1958), *Ravel Law*, US Court of Appeals for the Fifth Circuit, 2017, Web. 9 Mar. 2016.

from streetcars on 31 May 1958. The state attorney general, Jack Gremillion, opposed integration and would later call for massive resistance citing its success during Reconstruction to prevent full integration on railways and streetcars. On this occasion, however, he declined to comment, declaring in terms closer to blame that 'the case was handled almost entirely by the New Orleans city attorney's office'. Governor Earl Long also tried to distance himself from the case and avoided comment in his last attempt to remain publicly non-committal on integration.¹⁴⁴

Despite the gradually declining number of streetcars, the city had continued to invest in the lines throughout the court case. The neutral ground on Canal Street was resurfaced and old worn-out tracks replaced. The work was completed in January 1958, though it is unlikely that it would have been carried out if the city had not already decided to widen the automobile lanes on Canal Street.¹⁴⁵ Nonetheless, the improvements to the track show a commitment to the continued use of the streetcars in the city. However, by the time the streetcars were integrated, the St. Charles and Canal Street lines were the last in operation.

Integration

DeLesseps Morrison's integration of the streetcars was low key. NOPSI management organised the burning of the signs in order that drivers and conductors could not resist the streetcar integration as they had in the Baton Rouge bus boycott years earlier.¹⁴⁶ Eyewitnesses reported later that '[t]hey didn't want any of them to be in existence the next morning, they wanted them all gone'.¹⁴⁷ Removing the segregation signs at night and announcing integration of the cars quietly in the newspapers ensured that segregation *de facto* continued. The Louisiana press was quiet on the topic, with only a few information notices on the subject prior to the day of integration on 31 May. In what was evocative of police orders to enforce integration almost one hundred years before, Police Superintendent Dayries ordered all New Orleans police departments to obey the order to integrate.¹⁴⁸

Many passengers, both black and white, acted unaware of the new policy though drivers were advised not to interfere with passengers seating arrangements based on race. By July, Rainach as Senate segregation leader

144 "Atty. Gen. Gremillion Declines to Comment," *Times Picayune* 31 May 1958: 8.

145 H. George Friedman Jr., "Canal Street: A Street Railway Spectacular," cs.illinois.edu, University of Illinois at Urbana-Champaign, 2014, Web. 20 Mar. 2017.

146 Mizell-Nelson, "Challenging and Reinforcing White Control" 291.

147 "Interview with John Bagot," *Streetcar Stories* (DVD: WYES, 2012).

148 "Dayries Cites Court Order: Officers Duty," *Times Picayune* 31 May 1958: 8.

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moved to reverse integration on the streetcars. Streetcar Seating Bill H1144, which would allow passengers to select their seating partners, was approved unanimously. Black passengers would have to ask whites if they could sit next to them, the assumption being that whites would both refuse such requests and would not themselves sit next to black passengers. George Dinwiddie supported the measure in order to stave off alternatives proposed by Dr Emmett Lee Irwin, leader of the Citizens' Council for Greater New Orleans. Irwin had suggested jitneys be put in place to transport whites at, undoubtedly, a loss to the streetcar company. Yet, Dr Irwin himself did not support Bill H1144 because '77 per cent of our bus and streetcar passengers are Negroes in New Orleans... You see Negroes sitting by every window which means that if I want to sit down—which is not likely—I must bend down to the Negro and politely ask'. Irwin furthermore claimed that the buses were at present 90 percent black because whites were not riding the buses or streetcars.¹⁴⁹ Governor Long vetoed Bill H1144 to 'Amend revised statutes relative to seating of passengers on buses and streetcars' on 16 July in order to prevent scenes repetitive of Montgomery during the bus boycott.¹⁵⁰ This in effect gave the integration of streetcars the governor's approval and acts 261 and 262 (1958) repealed state laws that segregated streetcars and buses.¹⁵¹ By November, newspapers carried stories of congestion blamed on integrated streetcars because 'hordes of shoppers prefer riding segregated autos' and cars were offered for sale with the ambiguous slogan 'Tired riding streetcars-buses?' At the same time, NOPSI had to put on extra streetcars and buses for annual sale days in the city to cope with the crowds, which suggests that the cars continued to be patronised.¹⁵²

Newspapers from around the nation reported on the streetcar and bus integration in New Orleans. Streetcars were integrated as blacks sat 'among and by the side of white persons'.¹⁵³ Resistance continued passively as some whites ensured they sat together rather than let blacks sit next to them. There was only one reported incident of a white man violently pushing a black woman who had sat next to him on the bus and days later the *Chicago*

149 "Streetcar Seating Bill Approved," *Times Picayune* 8 Jul. 1958: 1; "Rainach Drops Bill On Vote Registrars As Opposition Rises," *Advocate* 2 Jul. 1958: 1.

150 Charles Vincent, *The African American Experience in Louisiana: From Jim Crow to Civil Rights* (Lafayette: University of South Eastern Louisiana, 2002) 243; "Louisiana Legislative Digest," *Times Picayune* 17 Jul. 1958: 51–52.

151 "Louisiana Legislative Digest," *Times Picayune* 11 Jul. 1958: 19.

152 "Tired Riding Streetcar-Buses," *Times Picayune* 18 Aug. 1958: 51; "Dollar Day Promotions TO END Community Bargain Days," *Times Picayune* 13 Aug. 1958: 1; "Public Transit," *Times Picayune* 6 Nov. 1958: 17.

153 "Mixed Buses Tense, Quiet," *Omaha World-Herald* 1 Jun. 1958: 48; "New Orleans Buses Are Desegregated," *Richmond Times Dispatch* 1 Jun. 1958: 7.

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Defender claimed New Orleans transit was calm as ‘Negroes sat next to whites and whites sat next to Negroes for the first time in its history.’ However, there were relatively few cases of racial mixing and the reports indicated a pattern where adult black men, and middle aged and older black women, continued to go deliberately to the back. Racial mixing came from younger white and black women.¹⁵⁴ Black men who did move up the aisle into the white section describe the reaction of whites that continued for years after integration: ‘You’d see little old white ladies with their rosary beads and you’d sit next to them... but as soon as you’d sit down, they’d jump up and change seats or even stand’.¹⁵⁵

The Citizens’ Council was not yet ready to let the streetcar issue go. Jim Crow and white supremacy etiquette ensured that many whites in Louisiana who publicly upheld segregation as a way of life could not then publicly integrate. This explains why, when the streetcars were integrated, Leander Perez and his supporters attempted to have them re-segregated. In February 1960, arguably under Leander Perez’s tutelage, the Citizens’ Council requested that Mayor Morrison and others named in the segregation suit should file to have the streetcar injunction lifted. Segregation, they argued, had been repealed on buses and streetcars in 1958 and it was unfair that ‘thousands of people here should have to submit to forced racial integration in the uses of buses and streetcars under the coercive powers of a federal court injunction’. In reality, segregation could then be reinstated under ‘regulations for the seating of passengers’. The Citizens’ Council had the support of large numbers of whites and submitted a petition signed by 50,000 New Orleanians, whom they argued were afraid to ride the integrated streetcars.¹⁵⁶ Perez would later be involved in the controversial ‘reverse’ freedom rides in 1962 which offered free tickets and expenses for, primarily, blacks on welfare and/or with criminal records from Louisiana to travel to Northern cities prominent in promoting integration.¹⁵⁷

Yet Perez was unsuccessful in overturning integration on the streetcars. The regional Citizens’ Council had been in decline since 1957, when Little Rock High School was integrated with federal oversight, and by 1964 barely existed. New Orleans Citizens’ Council followed the same pattern, especially

154 “New Orleans Reports First Bus Incident,” *Arkansas Gazette* 13 Jun. 1958: 23; “New Orleans Calm as Rider Bans Fall,” *Chicago Defender* 7 Jun. 1958: 1–2.

155 Elizabeth Mullener, “Civil Rights Movement: Leaders on Both Sides Smoothed Way to Integration,” *Nola.com*, 16 Jun. 1993, *Nola.com Media Group*, Web. 9 May. 2017.

156 “Citizens Group Asks Ban Ended,” *Times Picayune* 6 Feb. 1960: 24; Glen Jeansonne, *Leander Perez* 237–238. In the context of New Orleans, the population figures for the city in 1960 show 627,525 of which rides per capita were 261, which also saw car registration at its height of 180,000. See: Hennick and Charlton, *The Streetcars* 224.

157 Jeansonne, *Leander Perez* 238.

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after struggling with school integration crises after 1960. The school crises brought segregation fervour to the fore in ways streetcar segregation never did. Integrated streetcars had always carried overtures of miscegenation in a confined space. However, blacks had always been present both physically and visually on the car, and segregation lines were crossed daily in the crush of passengers. The shared facilities in schools and swimming pools crossed many of the segregated lines such as bathroom facilities, changing rooms, lunch counters and health fears that streetcars never did. White flight and the preoccupation with toilet segregation during the New Orleans school boycotts symbolised this.¹⁵⁸ These fears were also reflected in the conversion of City Park swimming pool into a seal pool and monkey house, and the closing of the Olympic-sized pool in Audubon Park when integration was enforced in 1962. One pool that was integrated attracted letters from whites to Mayor Shiro, Morrison's successor, that suggested only 'white trash' would swim with blacks, an attitude that was not shared on the streetcars.¹⁵⁹ The *Times Picayune* observed in 1961 that 'most Southerners strike two chords—"a lot of Negroes down here are dirty or sick" and "that kind of mixing would lead to intermarriage."' ¹⁶⁰ These types of attitudes heightened resistance in areas where blacks had traditionally been absent. In the early 1960s the Ku Klux Klan reappeared with burning crosses in the state, for what reports claimed was the first time for fifty years. A spokesman for the Klan announced that it had reactivated in Louisiana in response to integration and the FBI launched an investigation into Klan intimidation.¹⁶¹

By this time, streetcars had been integrated for two years but the company continued to employ only white motormen and conductors on streetcars and buses. As a result, blacks remained in the same deferential position to the white authority of the motormen and bus drivers as they always had. Then, in 1961, the New Orleans Consumer league, organised by Abraham Lincoln Davis in 1959, threatened a boycott of buses and streetcars in conjunction with a gas and electricity service boycott if NOPSI did not hire black streetcar and bus drivers. The threat of a boycott alone would have been ineffectual but the success of the sit-ins at segregated lunch counters in the city and the boycotts of shops on Canal Street that discriminated

158 Alan Wieder, *Race and Education: Narrative Essays, Oral Histories, and Documentary Photography* (New York: Peter Lang, 1997) 80; "Duvio Reveals School plans," *Times Picayune* 1 Sept. 1961: 22.

159 Richard M. Bernard and Bradley R. Rice, *Sunbelt Cities: Politics and Growth Since World War II* (Austin: University of Texas, 1983) 128; Edward F. Haas, *Mayor Victor H. Schiro: New Orleans in Transition, 1961-1970* (Jackson: UP of Mississippi, 2014) 265-290.

160 "Social Integration Held Big Fear of Southerners," *Times Picayune* 11 Jul. 1961: 7.

161 "KKK Vs. FBI in La. Showdown," *Chicago Defender* 4 Sept. 1962: 2.

against black customers carried weight. Additionally, appeals against the convictions of black protestors for 'disturbing the peace' by Louisiana courts were making their way to the U.S. Supreme Court, which since *Brown* had consistently favoured integration.¹⁶² The company capitulated and, in October 1961, black employees were promoted to drivers.¹⁶³ As a result, 1961 was the year that *de jure* and *de facto* integration finally materialised on New Orleans streetcars and buses. The streetcars once again stood apart, as segregation ordinances in other spheres such as public accommodations would continue until 1969.¹⁶⁴

When streetcars finally integrated, it was as a result of legal action and black political pressure rather than any change in white attitudes. However, the role of conductors and motormen did change as the century progressed. While blacks continued to complain of preferential treatment afforded to whites during the Great Depression, generally black passengers became more assertive during the war period. World War Two renewed the importance of the streetcar, and shortages and rations increased passenger use, furthering racial friction between competing customers. Whites feared blacks were moving out of their 'place' during the war period and the behaviour of blacks, burgeoned by federal legislation and their contributions to the war effort, confirmed this. The 'theatre' of the streetcar symbolised black empowerment and their threat to whites as they engaged with upward social mobility. The modified behaviour of conductors and conductorettes during the war period shows that, while they were still capable of violence towards black passengers, the presence of dissenting blacks and whites increased reliance on the police, particularly as support to female staff. This was a reliance that NOPSI encouraged in their directives to staff, but which also encouraged conductors and conductorettes to use racial etiquette to embarrass passengers into moving into their allocated racial places.

Increased reliance on the police moved violence directed at black passengers from the cars to the streets and contributed to the call for black police officers. Though initially ineffectual, black police became part of a slow movement by the NAACP and local urban organisations to integrate public services gradually. Integration, however, continued to require federal

162 "Sit-Ins Threatened at Orleans Counters," *Advocate* 27 Aug. 1960: 16; "Eight Post Bond In Leaflet Case in New Orleans," *State Times Advocate* 15 Dec. 1960: 27; "Trio Questioned After NO Sit-in," *Times Picayune* 16 Oct. 1960: 4; "Negro Sit-Ins Ignored at BR Lunch Counters," *State Times Advocate* 12 Dec. 1961: 10. See also: Jeff Wiltse, *Contested Waters: A Social History of Swimming Pools in America* (Chapel Hill: University of North Carolina, 2007) 154–180.

163 "Racial Boycott Date for N.O. Set by Group," *Advocate* 14 Jul. 1961: 22; "New Orleans Drops Bus Driver Bar; Hires 2," *Chicago Defender* 16 Oct. 1961: 8.

164 Fairclough, *Race* 428.



Figure 7. A South Claiborne car on Carondelet Street at Howard Avenue, 1951. Photograph courtesy of H. George Friedman Jr., Photograph 9-38, "Collection of H. George Friedman, Jr.," New Orleans Streetcar Album, Web. 4 Dec. 2018.

direction in the U.S. Supreme Court as politicians such as Earl Long and deLesseps Morrison became victims of the white supremacy they enforced. Any move towards integration without such legislation would continue to threaten the same political suicide that Huey Long had cited in the 1920s or that Earl Long avoided by signing separate waiting rooms legislation. The burning of the segregation signs allowed Morrison to ensure the city's directive did not weaken, as had occurred during the Baton Rouge boycotts. It also illustrated his commitment to integration on the streetcars. Earl Long's veto of renewed segregation legislation shows a clear separation from the social constrictions of white supremacy that had restricted his brother Huey's abilities in the 1920s.

Despite legislation in 1958, integration was not instantaneous and the presence of black males in traditionally white seats would continue to cause disquiet for years after integration. NOPSI had also continued to resist integration by supporting re-segregation legislation, though Dinwiddie's support of Bill H1144 was likely financially motivated. NOPSI's hiring of black drivers by 1961 came at a time when only two streetcar lines were in existence (and the Canal Street cars would disappear by 1964). Furthermore, it was in response to growing militancy and boycotts in the city rather than

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any progressiveness on the company's behalf. Yet the integration and hiring of black drivers symbolised the end of subjugation and deference on the cars, and consequently allowed blacks truly to move out of the black 'place' on the streetcars.

6

Conclusion

The history of the politics surrounding streetcars reflects the adversity experienced through discrimination and violence by African Americans across the United States and in New Orleans in particular. Yet grievances directed at black travellers in the late nineteenth and throughout the twentieth century by whites were not unexpected, nor was passive resistance by whites on integrated streetcars in the 1950s. The river captains of segregated steamships in the nineteenth century claimed to be driven by financial concerns, citing integration as a detriment to business. In addition, it signifies how white passengers viewed black social equality, but also illustrates that definitions of colour were not strictly codified into law as they would be in the next century. Considerations of skin tone and hair texture played a part in the outcomes for plaintiffs who sued for equal treatment on transport.¹ Such cases also illustrate the part played by the Supreme Court, which overruled Louisiana Courts in supporting segregation. The mixed signals of the courts allowed ad hoc segregation absent on streetcars to continue on other forms of transport. Tolerance of lighter-skinned black passengers on streetcars at the turn of the century, however, was part of the same custom that treated darker-skinned passengers as inferior. Once the colour line between darker- and lighter-skinned blacks disappeared, early in the twentieth century, all black streetcar passengers were drawn homogeneously within white stereotypes.

The former status of slaves would continue to haunt the black community and provide examples for white segregationist ideology in the future. The lack of educational opportunities for slaves, the fracturing of the traditional family unit that resulted from slavery, and poverty after emancipation gave

1 See: *Mrs. Josephine Decuir v. John G. Benson*, 1877, 18–19.

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rise to accusations of ignorance and disease toward the black community in the next century. The former practice of plaçage and the vulnerability of slave women allowed insinuations of promiscuity among blacks to flourish. Such allegations, rooted in slave society, would provide justification amongst whites for segregation on the overcrowded streetcars as the centuries unfolded. Moreover, while the practice of treating blacks homogeneously became the catalyst for black resistance during and after the Civil War, it also became a standard that segregationist whites could look back on for consistency in the present and which relegated all blacks to the back seats of the streetcars.

While whites looked to the past for traditions on the streetcars, so too did the black community. Free blacks had thrived in New Orleans creating an upper and middle class that were in a position to address segregation legally and question the legitimacy of Star cars through the press. They gave voice to calls for black equality through the *Tribune* and *L'Union* newspapers. This would not have been possible had free blacks not held a firm economic and social standing in the antebellum city. Consequently, the cars would not have taken on such important symbolism for the black community had it not been for the exclusion of the upper echelons of black society, who protested it through 'passing' and by violence. Fears among whites that free blacks would subvert the slavery class became a reality as it was through the leadership of the upper classes that both the freedmen and the free men of colour eventually united to protest the streetcars in 1867. Free blacks undermined the status of the slave by gaining wealth and education, and blurring the racial lines by taking on roles in business and as slave-owners that whites found incompatible with a slave society. Whites could only define obscured racial lines by segregating all people of colour from the streetcars in order to elevate whites publicly over blacks. Whites themselves dealt with blacks in an ad hoc manner, prosecuting and punishing some for infringing racial etiquette and laws, but letting others go. The courtesy that was shown to middle- and upper-class blacks in the antebellum period was influenced by their appearance as whites, yet this did not extend to the streetcars. As such, the streetcars were defined as white spaces to display white authority and superiority over the black community at all levels. This would continue into the twentieth century as the same ideology was applied on segregated streetcars, in which white privilege was endorsed and black subordination enforced through the violence of the conductor or motorman. Yet the tradition of litigious protest that had proved successful in the nineteenth century when employed by educated black leaders in positions of influence continued. It would take the form of the NAACP, grassroots organisations and, eventually, Abraham Lincoln Davis and Dr William Adams, who would co-plaintiff the suit to integrate the streetcars in 1958. Furthermore, the subjugation of black soldiers by the seating arrangements on the cars

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contributed to the antagonism that would keep protest alive throughout the century. Just as they were in the 1860s, ideas of sacrifice in war and segregation were glaringly inconsistent and efforts to integrate streetcars remained linked to citizenship and equal rights.

While *de jure* equality was procured when streetcars integrated in 1958, social, *de facto* equality was only achieved when black drivers were employed by NOPSI in the early 1960s. While precipitating the Civil Rights Act of 1964 and the Voting Rights Act of 1965, it was part of the same ideology to ensure *de facto* behaviour met *de jure* policy. As the streetcars integrated, they continued to reflect society in New Orleans, which gradually integrated with sporadic resistance by whites. Though the police force was under orders to enforce integration, white passengers continued to segregate passively through co-operative seating behaviour or standing. Initially, black travellers supported this behaviour by remaining at the back of the vehicle but reports of gradual mixing suggest that a lack of confrontation by drivers and conductors reduced cautious restraint by black passengers. Black leaders were aware, however, that while the historic role of the conductor and driver as implementers of the law remained white, blacks could not occupy a position equal to that of white travellers on the streetcars. Preference would always be given to white passengers though, as happened on the streetcars during Reconstruction, black travellers may have generally been left to their own devices. Integration on streetcars in both 1867 and 1958 occurred after periods of black subjugation, in the nineteenth century after slavery and in the twentieth century once Jim Crow laws were undermined by the Supreme Court. While New Orleans slave society had also produced free blacks with recognised standing, decades of racism and burgeoning white supremacy that spanned two centuries under Jim Crow confined all blacks to a subjugated position. It is arguable then to what extent integration would have been possible on the streetcars in the latter half of the twentieth century had black drivers not been appointed. Undoubtedly, racist habits would have crept back into the behaviour of NOPSI employees after a short period. White resistance in other areas of New Orleans such as swimming pools and schools would have made the equal treatment of black passengers less reasonable to white conductors and drivers. When black employees were placed in the position of authority on vehicles, *de facto* integration matched *de jure* legislation that eliminated segregation on the streetcars. In nineteenth-century New Orleans, integration of the streetcars signalled the start of citizenship rights for blacks. In 1960s New Orleans, it signified black authority in a central role in the day-to-day routine of the city that reflected the same expectations of blacks as calls for civil rights grew louder.

This is significant as the role of the conductors and motormen since the 1830s had remained stable. They were the authority of policy and law as it

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applied on streetcars over the entire period. Drivers in the antebellum period evicted black passengers or those suspected of 'passing' just as they did in the period after the Civil War until integration. As technology advanced and drivers became motormen teamed with conductors, their authority remained intact as the direction of the law veered towards segregation. These men and later women were a product of the values of their society, which they sought to replicate on the streetcar. Streetcars were reflective of New Orleans society because the conductors and motormen applied these values in what was often a condensed, highly pressurised version of life outside the streetcar windows. When working-class black passengers sat at the back of the integrated streetcars prior to segregation, they reflected their position in the world beyond the car, just as middle-class black patrons did when they sat among white passengers of their own class at the front. The conduct of motormen and particularly conductors also reflected the world beyond. At the outset of segregated streetcars, conductors were reticent to identify black travellers in this litigious environment.² They also tolerated light-skinned black commuters because white passengers tolerated them, and because there was a custom that differentiated between blacks of slave heritage and people of colour who were traditionally free.

Violence towards all black travellers became more common as the status of disenfranchised, segregated blacks increasingly diminished and tolerance of people of colour gradually disappeared. As World War One ended and whites feared the social changes returning black soldiers might demand, conductors segregated streetcars completely as newspapers reported the arrests of 'Negroes' in this increasingly binary society. Significantly, in this era of readjustment, blacks confronted white supremacy on the streetcars but on an individual basis. The Red Summer of 1919, federal paranoia, the presence of the Ku Klux Klan and numerous lynchings in north Louisiana had a restraining effect on protest. Streetcar conductors came to embody the Jim Crow enforcement of rigid segregation that was reflected in the city by the end of the 1920s. As Jim Crow became defined as an etiquette that moved beyond the *de jure*, conductors saw any question of their authority by black passengers as an affront, one to which they responded violently. Throughout the Great Depression, conditions worsened as streetcars became an unjustifiable expense for many and the required deference to whites made journeys less appealing. World War Two, however, brought not just changes to the role of the conductor but also in the challenges they would have to face. White soldiers unfamiliar with segregation on streetcars at times resisted and continued to sit with black soldiers. Conductors, now female, came to rely on the police for enforcement of segregation laws. The need

2 See: *May v. Shreveport* 1910.

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for military police to support the role of the police is indicative that this was an ongoing problem. Moreover, the gender of conductors did remove the penchant for violence towards black passengers entirely. Fears of racial outbreaks compelled NOPSI to enforce a policy that would discourage violence by staff and, by the end of World War Two, police were taking a more involved role in dealing with non-conformist passengers. However, the role of the conductor remained paramount to segregation and how it was enforced. Clearly, all segregationist paraphernalia had not just to be removed but destroyed in order to ensure the compliance of the conductors. The level to which the Baton Rouge bus boycott was undermined in the early 1950s by drivers striking in protest and the destruction of the segregation signs on streetcars indicate the influence which drivers and conductors wielded on the streetcars. Black leaders were correct to push NOPSI to employ blacks in positions of authority as the lack of segregation signs on streetcars was not proof of the end of segregation *de facto*.

For white leaders and politicians throughout the period, segregation moved from the legislation of custom in the 1890s to an unassailable legal and social standard. Early governors, though the instigators of segregation, were far removed from the racist concepts that would later proliferate in Louisiana politics. As leaders they personified the values held by the state. These values were in little doubt given the racial overtones of most governors until the 1950s. No doubt the economic value of a large cheap black labour force in a segregated society was influential, as were the ideas of progress that segregation offered that could be showcased on the streetcars in the largest city in the state. It remains difficult to ascertain government commitment to segregation as the low number of arrests show it was never enforced methodologically, particularly in the early part of the twentieth century. Yet the legislative authority granted to conductors meant that it was enforced through violence and, to a lesser extent, by prosecution, with the outcome that segregation was maintained. The parishes, as sociologist Charles S. Johnson found in the 1940s, were responsible for the level of segregation applied on transport.³ Indeed, when New Orleans streetcars were eventually integrated it was Mayor Morrison, in collusion with black leaders, who was responsible for the manner in which it occurred and the lack of massive resistance.⁴ Furthermore, the destruction of segregation paraphernalia shows commitment to integration once Morrison chose his path, though streetcars were of much less pressing concern as they were headed for almost complete decline.

3 Charles S. Johnson, *Growing Up In the Black Belt: Negro Youth in the Rural South* (Washington D.C.: American Council on Education, 1941) 327.

4 *Morrison v. Davis*, 252 F.2d 102 (1958), *Google Scholar*, 2017, Web. 9 Mar. 2017.

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From the horsecars of the 1820s to the luxury of the 'palace' cars in 1902, the streetcars were the main source of transport in the city and used by all classes of society regardless of segregation. The 1920s saw both the peak and decline in the streetcars. Under use during the Great Depression meant lines and barns closed, which increased overcrowding and resulted in friction between black and white passengers during the interwar years. This continued during the war years as the consequent rationing stopped people using private automobiles as frequently. This friction allowed both blacks and whites to witness the changing place that blacks occupied in society, both in New Orleans and nationally. The advent of television and the stay-at-home culture that followed, combined with ever-increasing car manufacture, saw a continued decline in streetcars as buses replaced them. The vitality of the streetcars declined, but as 'theatres' of society they continued to illustrate the growing discontent among black passengers with the unceasingly oppressive nature of Jim Crow. The measure of their important symbolic value to both blacks and whites was illustrated by the integration of the streetcars in both 1867 and 1958 as harbingers of change in society.

Civil rights followed closely behind both events, but only once the visual repression of the streetcars was overcome did equality legitimately roll through the streets of New Orleans.

Epilogue

Streetcars continue to run through New Orleans today. While transport in New Orleans integrated in 1958, race remained a contentious issue in other areas such as education and the New Orleans schools' crises lasted well into the mid-1970s. Some neighbourhood's such as the Ninth Ward were traditionally integrated but white flight throughout this period culminated in a rise in the black population of New Orleans from 37 percent in 1960 to 45 percent in 1970. Not all areas of New Orleans were affected by white flight but by 1980 black residents held a majority in the city of 55 percent.¹ In 2014, Ride New Orleans reported racial disparities on transit caused by the city prioritising and investing in streetcars as opposed to buses after Hurricane Katrina.² Streetcars have long been part of the social fabric of New Orleans, which has the longest-running streetcar system in the world, and are a popular landmark in the city.³ Tourists and residents continue to use the cars today but the lines chiefly run through selected affluent and business areas. The St. Charles line, which has been extremely popular with tourists since its restoration in the 1970s, runs primarily past the dozens of mansions that line much of the uptown section of the boulevard which also houses Tulane University, Loyola University and the Garden District. The

1 C.L. Bankston, "New Orleans: The Long-term Demographic Trends," *Sociation Today* 8.1 (2010); J. Landphair, "Sewerage, Sidewalks and Schools: The New Orleans Ninth Ward and Public School Desegregation," *Journal of Louisiana Historical Association* 40.1 (1999): 35–62.

2 Ride New Orleans, "The State of Transit in New Orleans: The Need for a More Efficient, Equitable, and Sustainable System," (2014): 11–12, Web. 6 Sept. 2016.

3 NORTA, "About the RTA," New Orleans Regional Transit Authority, 2015, Web. 18 Mar. 2015.

other lines, Canal Street, Rampart–St. Claude and the Riverfront cars, all run to and through what Richard Campanella has identified, post-Katrina, as gentrifying areas of the city.

Gentrification hot-spots today may be found along the fringes of... a relatively wealthy and well-educated majority-white area... in uptown New Orleans, around Audubon Park and Tulane and Loyola universities, with a curving spout along the St. Charles Avenue/Magazine Street corridor through the French Quarter and into the Faubourg Marigny and Bywater. Comparing 2000 to 2010 census data, the teapot has broadened and internally whitened, and the changes mostly involve gentrification. The process has also progressed into the Faubourg Tremé.⁴

The 2010 census shows that areas such as Tremé remain integrated, but the number of black residents has fallen while the number of white residents has increased.⁵ These areas may not yet be described as affluent but gradual gentrification will increase rent and house prices.⁶ Streetcars are more regular, can be more energy efficient and are more aesthetically pleasing, which attracts tourists. They are also convenient for those who work within the city. Furthermore, research suggests that real estate built adjacent to streetcars is worth billions of dollars, which is an inviting investment for a recovering city.⁷

Ride argues that transport continues predominantly to favour white residents because of priority investment in streetcars at the expense of buses. Progressively, most streetcar lines were replaced by buses from 1924 until 1964 with only the St. Charles street line running after it was given historic landmark status. Then between 1988 and 2004, lines were slowly restored under the New Orleans Regional Transport Authority but buses historically were the main mode of transport, especially among those who could not afford their own transport.⁸ As streetcars did not historically enter areas where large black populations resided such as East New Orleans, African Americans in these poorer areas have become dependent on the bus. By 2014, NORTA still favoured the streetcar and increased its frequency while

4 R. Campanella, "Gentrification and its Discontents: Notes from New Orleans," 2013, Web. 6 Sept. 2016.

5 The Data Centre, "Independent analysis for informed decisions in southeast Louisiana," *Nonprofit Knowledge Works*, 2016, Web. 6 Jun. 2017.

6 L. Lees, T. Slatter and E. Wylie, *Gentrification* (New York: Routledge, 2008) 219.

7 A. Wiener, "Why streetcars aren't about transit: The economic development argument for trams," *Next City*, 12 Jan. 2014, Web. 8 Sept. 2016.

8 NORTA, "About the RTA," New Orleans Regional Transit Authority, 2015, Web. 18 Mar. 2015.

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some black neighbourhoods had been left without even one bus despite 53 percent of the pre-storm population returning.⁹

In predominantly African American districts such as East New Orleans and the Ninth Ward, recovery has been slower than in the rest of the city. Recovery aid programmes were based on the market value of houses that required construction. Affluent neighbourhoods received more aid even if construction costs were equal to those in poorer districts. Black middle-class residents encountered similar financial barriers that resulted from a legacy of racial discrimination and inequality.¹⁰ However, in 2010 the U.S. Department of Housing and Urban Development settled a lawsuit that alleged it had discriminated against African Americans.¹¹ Ride has argued that investment in streetcars is compounding the problems faced by African Americans because the money should be invested in buses to these recovering areas.

Neighbourhoods with high percentages of non-white residents have experienced a greater decrease in transit availability than neighbourhoods where greater proportions of white residents reside. After controlling for population change, there remains a significant negative correlation between a neighbourhood's percentage of non-white residents and the percentage change in weekly transit volume between 2005 and 2012.¹²

Ten years after Hurricane Katrina, bus services remained at 35 percent of what they had been while streetcars predominated in white residential areas.¹³ However, this is a problem with bus services to almost all areas of New Orleans which experienced decline in transit between 2005 and 2012 and it appears to be a lack of prioritising to areas most in need rather than active discrimination against non-whites. The reality is, though, that non-white areas tend to be those most vulnerable in relation to employment, income and transport needs. Areas of East New Orleans which are at least eighty percent African American are also the areas with the lowest incomes. Their inhabitants are also the least likely to own their own vehicles and are dependent on buses, in contrast to areas like Lakeview, where car ownership is high. In 2014, a large percentage of predominantly African American

9 A. Cohen, "New Orleans Transit System Disproportionately Serves Whiter and Wealthier Neighborhoods," *Next City* 16 Jul. 2014, Web. 5 Sept. 2016.

10 F.D. Gifford, "Rebuilding the Park: The Impact of Hurricane Katrina on a Black Middle-Class Neighborhood," *Journal of Black Studies* 41.2 (2010): 385–404.

11 M.A. Fletcher, "HUD to pay \$62 million to La. homeowners to settle Road Home Lawsuit," *Washington Post* 6 Jul. 2018, Web. 5 Sept. 2016.

12 Ride New Orleans, "The state of transit in New Orleans: The Need for a More Efficient, Equitable, and Sustainable System," (2014): 19–20, Web. 6 Sept. 2016.

13 Ride New Orleans, "The State of Transit 2015: Ten years after Katrina," (2015): 1, 4–5, Web. 6 Sept. 2016.

East New Orleans had no access to public transport.¹⁴ Only the West End neighbourhood, which includes the affluent white area of Lakeview that was also severely flooded but had more rapid housing recovery, experienced an increased service (of 12 percent).¹⁵ This suggests that rate of recovery and transport access are linked.

However, by 2016 Ride conceded that NORTA had shown real progress in transit recovery. Investment in streetcars continued with more streetcar lines and services available but areas in East New Orleans previously without transport now had bus routes running through them. In 2016, NORTA expanded and invested both in streetcar and bus services to the wider community, adding \$5 million worth of services to the bus network. All fixed-route buses and most streetcars are also equipped to pick up mobility-challenged passengers.¹⁶ Moreover, transit in the Ninth Ward has now outpaced household recovery.¹⁷ However, most bus services in New Orleans are still not back to pre-Katrina levels and this is affecting access to jobs. In 2010, Mayor Landrieu stated: ‘It’s absolutely a fact that African American men have not had the same opportunities and that this country has done a terrible job of connecting them with jobs.’¹⁸ However, while Landrieu is keen to create jobs for African Americans, transport is hindering the process. In Louisiana, only 28 percent of high-school students go on to complete at least an associate degree.¹⁹

More than 42,000 jobs are being created in the energy sector—the majority of which will be available to jobseekers with just a high-school degree. These well-paying jobs cannot be accessed without a car. With a strong transit connection, these jobs could help to solve New Orleans’ long-standing poverty and unemployment issues.²⁰ Despite significant investment in bus networks, the link between transport and jobs continued to be identified as a concern a year later as reports showed that the majority of jobs in the area remained inaccessible without a car.²¹ However, with streetcars now functioning above pre-Katrina levels and bus transportation

14 Ride New Orleans, “The State of Transit in New Orleans,” 2014, 20–22.

15 Ride New Orleans, “The State of Transit in New Orleans,” 2014, 17.

16 Ride New Orleans, “The State of Transit 2016: Access Accelerate Achieve,” (2016): 6, Web. 6 Sept. 2016; NORTA, “We Spend the Day with Paratransit and Learn it’s so Much More Than a Ride,” *Regional Transit Authority*, 2017, Web. 8 Aug. 2017.

17 Ride New Orleans, “The State of Transit 2016,” 6–7, 16.

18 A.F. Campbell, “Don’t Call Mitch Landrieu the White Mayor of Black New Orleans,” *Atlantic* 21 Oct. 2014, Web. 9 Sept. 2016.

19 K. Reckdahl, “Forget Shop Class: New Orleans is Trying to Train Black Youth for a Constantly Changing Job Market,” *Hechinger Report* 2015, Web. 6 Sept. 2016.

20 Ride New Orleans, “The State of Transit 2015,” 22.

21 Ride New Orleans, “The State of Transit 2016,” 10.

Epilogue

on the rise, transport and its links to employment in New Orleans will inevitably increase.

Conclusively, while patterns of discrimination on transportation are identifiable in New Orleans, there are clear distinctions between the past and the present. Segregation was inevitable on transport in the late nineteenth century because of growing white-supremacist ideology in an era of reform. Segregation was seen as part of these reforms but was not a foregone conclusion. The Separate Car Bill (1890) was used by black and white legislators as leverage in order both to distract and to encourage votes supporting the lottery. Resistance to segregation came not just from black legislators but also whites who were reluctant to pass race legislation. However, its continued debate and the reoccurrence of bills related to race legislation indicate that segregation was inevitable as the 1890s progressed. In modern post-Katrina New Orleans, racial discrimination has been alleged in aid from the U.S. Department of Housing and Urban Development. However, it is arguable that the lack of transit to these areas has resulted from slow recovery since areas with more rapid recovery, such as Lakeview, have increased transit. Moreover, continued investment in streetcar lines has not prevented gradual transit progression to outlying areas such as East New Orleans and the Ninth Ward, though conceivably the pace of progress would have increased had investment in streetcars and buses been equitable from 2005. The link between job access and transport for these vulnerable large black populations continues, however, and will remain a concern until transit figures have fully recovered in New Orleans. It begs the question of whether this will have been a pyrrhic victory if long-term achievements on transport are negated. Yet the integration successes of the twentieth century remain significant to the current position of African Americans on and off the streetcars. These transport victories changed the nature of how whites viewed and interacted with the black population in public spaces. They chipped away at racism in a way that legislation alone never could. They put into practice not just the rights of African Americans to occupy the same public space as whites, but physically put them into that space. This was groundbreaking before the advent of civil and voting rights legislation in the 1960s and laid the seeds for African Americans to move into the political public spaces that, like the streetcars, had been dominated by whites. Moreover, while the streetcars of today reflect many of the past transit challenges that placed access out of reach, as in the past, compliance does not reflect approval.

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