

Title: Transportation Discrimination

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Transportation discrimination

Deenial of equal access, services, or treatment in modes of public transportation, such as coaches, boats, trains, and buses.

Throughout American history, members of MINORITY GROUPS have confronted systematic DISCRIMINATION and SEGREGATION on modes of transportation. In every region of the country, AFRICAN AMERICANS, LATINOS, and ASIAN AMERICANS have been denied equal access to systems of public conveyance. In the NORTHERN STATES the separation of whites and blacks on stagecoaches, steamboats, and trains was commonplace before the CIVIL WAR. During the 1830's and 1840's white and African American ABOLITIONISTS in Massachusetts moved to abolish JIM CROW transportation. Through consistent pressure, a change in public opinion, and proposed government intervention, railroad companies abandoned the practice in that state. In 1849 the noted black journalist Frederick DOUGLASS wrote that "not a single railroad can be found in any part of Massachusetts, where a colored man is treated and esteemed in any other light than that of a man and a traveler."

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Segregation persisted in other areas of the North. One English observer described the trend toward segregation as, "in effect, two nations—one white and another black—growing up together within the same political circle, but never mingling on a principle of equality." With the introduction of streetcars in Philadelphia in 1858, African Americans were permitted to ride on only the front platforms. This practice continued until a local ordinance in 1867 ended segregation in public transportation there.

Southern Patterns In the post-Civil War SOUTHERN STATES, the northern customs of segregation quickly spread throughout the region. For example, the state of MISSISSIPPI enacted a law that prohibited African Americans from riding in railroad cars "set apart, or used by, and for white persons." However, only a few other southern states passed similar laws during this period, and those laws that were passed were quickly overturned with the introduction of Radical Republican control of the southern states under RECONSTRUCTION. The separation of races that did take place in public transportation during Reconstruction were based on customs and patterns. As in the North, African Americans in the South often had to ride on the open platforms of streetcars, or in specially marked cars—some designated by black stars. Although they paid the same fare as whites, African Americans had to sleep on the open decks of steamboats and eat

with members of the crew. On railroads they were barred from the first-class cars and were often assigned to unventilated boxcars with wooden planks as seats.

African American Response Also as in the North, blacks in the South did not quietly submit to the new Jim Crow measures. From the beginning, they challenged the system of separate transportation in the region's urban areas. In Nashville, Mobile, New Orleans, Richmond, Baltimore, and other southern cities, African Americans fought regulations, company mandates, and customs in streetcar segregation. "For as long as distinctions will be kept on in public manners," the editor of an African American NEWSPAPER wrote, "these discriminations will react on the decisions of juries and courts, and make impartial justice a lie." Under Reconstruction rule, African Americans successfully challenged segregation through court rulings and the decisions of Union Army officials. Nevertheless, following Reconstruction, the customs, practices, and laws of Jim Crow were quickly reinstated.

In 1881 Tennessee's state legislature passed the first permanent law separating the races in railroad cars for first-class passengers. Between 1887 and 1907 every other southern state, except Missouri, passed similar laws requiring the separation of races on trains and in railroad waiting rooms.

Plessy v. Ferguson and Reaction In 1891 New Orleans African Americans organized a citizen committee to devise a strategy to overturn a Louisiana law calling for SEPARATE-BUT-EQUAL facilities on all passenger trains in the state. The group hired a lawyer, who proposed a test case in the courts. A French-speaking Louisianan with one-eighth African blood, Homer Plessy, agreed to challenge the law. After Plessy was arrested for refusing to give up his seat in a white-only railroad coach, his case made its way to the U.S. SUPREME COURT. On May 18, 1896, the Court ruled, in PLESSY V. FERGUSON, that Louisiana's law had not violated Plessy's constitutional rights. This decision entrenched segregation in the South—leading to more laws separating blacks and whites in almost every walk of life.

Laws mandating racial discrimination on street cars were passed during the first decade of the twentieth century. A North Carolina law regarding public streetcars was typical of those found in southern states. It required that

all street, inter-urban railway companies, engaged as common carriers ... shall ... set apart so much of the front portion of each car operated by them as shall be necessary, for occupation by the white passengers therein, and shall likewise provide and set apart so much of the rear part of said car as shall be necessary, for occupation by the colored passenger therein....

Passengers or employees who violated the law were ejected and could be found guilty of a misdemeanor and fined up to fifty dollars and thirty days in jail. The only stipulation was for nonwhite nurses tending white children.

Even in the face of increasing violence by southern whites and the apparently conservative leadership of black educator Booker T. WASHINGTON, African Americans continued to fight actively against discrimination and separation in public transportation. During the first decade of the twentieth century, blacks led BOYCOTTS of streetcar lines in at least twenty-five southern

cities. "In every city where it has been found advisable to separate the races in the street cars the experience has been the same," the Mobile *Daily Register* reported in 1903. "The negroes ... have invariably declared a boycott." Using the same tactics that would be employed in the MONTGOMERY BUS BOYCOTT of some fifty years later, African Americans walked to work, school, or to shop in retail stores. They also called into service private carriages and horse for hire services to transport people across southern cities. In other areas of the region, community leaders formed rival transit companies and purchased motor buses. At first wildly popular among the black community, the boycotts cost white-owned streetcar companies thousands of dollars in lost revenue. The Houston, Texas, electric company reported that after five months, black protests had crippled their business. In Jacksonville, Florida, and in Montgomery and Mobile, Alabama, protesters forced the companies to abandon Jim Crow for a time (although they the policies were later quietly reinstated).

In 1907 Oklahoma passed a state law providing for segregated coaches. Five African Americans fought the law and sought a court injunction against the railway company. The resulting case, *McCabe v. Atchison, Topeka & Santa Fe Railway Company*, made its way to the U.S. Supreme Court, which unanimously ruled that the Oklahoma law applied only to commerce within the state, and thus did not violate the U.S. CONSTITUTION's interstate commerce clause or the Fourteenth Amendment. Although African Americans continued to find segregated travel degrading and inconvenient, WORLD WAR I, the Great Depression, and other events interrupted organized agitation for the next twenty-five years.

New Activism With rising political status during the New Deal, African Americans again began actively to fight Jim Crow laws through the federal INTERSTATE COMMERCE COMMISSION and in the nation's court system. In April, 1937, Arthur Mitchell, a black member of the U.S. House of Representatives from Chicago, was denied Pullman accommodations while traveling by train to Hot Springs, Arkansas. Despite his having purchased a first-class ticket, he was ordered to the black coach to comply with local laws after the train crossed into Arkansas. Mitchell filed a complaint with the ICC, alleging unjust discrimination in providing accommodations to black passengers. In late 1938 the ICC dismissed his complaint, so he appealed the case to a federal district court in Chicago. That court upheld the ICC's decision, so the congressman next appealed to the U.S. Supreme Court. In *Mitchell v. United States* (1941), the Court ruled that segregated accommodations in interstate travel violated the Interstate Commerce Act because they were unequal to those provided to white passengers. "The discrimination shown," the Court ruled, "was palpably unjust and forbidden by the Act." The case paved the way for future efforts at ending Jim Crow transportation.

Calling for a "Double Victory" over racism abroad (against Germany and Japan) and at home, the fight to end segregation increasingly became a high priority for many African Americans during WORLD WAR II. The large crowds traveling on public transportation during the war years led to increasing tensions between whites and blacks. Incidents of shouting, shoving, and fighting on buses, streetcars, and trains became daily occurrences throughout most southern cities. During this time, the NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) began a series of broad-based legal attacks on transportation discrimination in interstate travel and on other forms of segregation.

By this time a more liberal U.S. Supreme Court was willing to consider more cases in the areas of civil liberties and civil rights. In 1946 the Court handed down a landmark decision in *MORGAN V. COMMONWEALTH OF VIRGINIA*. Two years earlier, Irene Morgan, a black woman traveling from Baltimore to Virginia had refused to give up her seat on a Greyhound bus to a white couple and was convicted under Virginia law, which required all passengers on buses to "separate without discrimination" so that seats would never be occupied by "persons of different races at the same time." The Virginia NAACP argued before Virginia supreme court that the state law's provisions applied only to *intra* state travel and not to Morgan, who had been traveling between states. Virginia's supreme court rejected the request and the association's lawyers quickly appealed to the U.S. Supreme Court; this was the first segregated transportation case the NAACP brought to the Court. In a 7-1 vote, the Court, citing an undue burden on interstate travel, struck down the Virginia law that required segregation while traveling within the state.

New Tactics Despite the Supreme Court's *Morgan* decision, most southern states continued to enforce segregation on interstate and intrastate modes of mass transportation. Meanwhile, a new civil rights organization, the CONGRESS OF RACIAL EQUALITY (CORE) sought to use nonviolent direct action to end segregation and racial discrimination in the region. CORE officials planned a "Journey of Reconciliation" (a model for the later FREEDOM RIDES) through the upper South to force implementation of the *Morgan* decision. Leaving Washington on April 9, 1947, two groups of black and white men spent two weeks riding through Virginia, North Carolina, Tennessee, and Kentucky on Trailways and Greyhound buses. By the end of their excursions, they had tested segregation ordinances some twenty-six times—leading to twelve arrests—and only one incident of violence.

By 1950 the U.S. Supreme Court struck down segregation in railroad dining cars under the Interstate Commerce Act in *Henderson v. United States*. The Court slowly and steadily continued to chip away at the walls of segregation and moved closer to striking at the heart of the *Plessy* decision. African Americans continued to hope for a broad ruling on segregation, while many white southerners began to grumble about federal government efforts to destroy states' rights.

In 1954 the Supreme Court announced its landmark ruling on public school segregation in *BROWN V. BOARD OF EDUCATION OF TOPEKA, KANSAS*. Although the case dealt specifically with the field of public education—striking down the principle of SEPARATE-BUT-EQUAL schools—the decision was the beginning of the end for constitutional support of Jim Crow laws. Chief Justice Earl Warren noted that "any language in *Plessy v. Ferguson* contrary to this finding is rejected." In the wake of the *Brown* decision and the Court's indication that the ruling would extend to other fields, the ICC ruled that the Jim Crow system separating interstate passengers on trains, buses, and in waiting rooms was unlawful and ordered strict new rules for integration by January 10, 1956. The segregated South, however, would have to be forced by direct action and economic boycott to comply.

Montgomery, Alabama Only a few days after the ICC's 1955 ruling, a black seamstress, Rosa PARKS quietly refused to give up her bus seat to a white man in Montgomery, Alabama. Arrested and jailed, she became a test case for leaders in the local black community who sought to end

Jim Crow laws in Alabama's capital city. E. D. Nixon led the campaign to mount a legal challenge to the segregated bus system, and he solicited the help of two young ministers, Ralph ABERNATHY and Martin Luther KING, JR., to help lead a boycott of city buses. On December 5, 1955, the Montgomery bus boycott began as the city's black community began finding other means of getting to work.

Black leaders organized the Montgomery Improvement Association (MIA) and selected King as its leader. The young pastor quickly emerged as an inspiration to the black community and folk hero and media celebrity to many Americans—both black and white. King urged blacks in Montgomery to keep moving. "If you can't fly, run," he said, "if you can't run, walk; if you can't walk, crawl—but, by all means keep moving." The boycott's economic impact on the city's bus line was highly effective. Montgomery's black community forced the layoffs of several employees of the bus company, whose revenues steadily declined. In addition, business at many downtown stores declined.

The legal case behind the Montgomery bus boycott was *Browder v. Gayle* (1956), in which a federal district court ruled that bus segregation violated the U.S. Constitution. The court ruled in a two-to-one decision, that there was "no rational basis" upon which the separate-but-equal doctrine could be validly applied to public carrier transportation in Montgomery or in Alabama. After an appeal by the city, the Supreme Court affirmed the lower court's decision in the fall of 1956. After a 381-day boycott, African Americans had their first experiences riding in the fronts of buses.

The *Browder* decision convinced several other southern cities to desegregate their own bus lines voluntarily. Meanwhile, the black communities of several cities, such as Tallahassee, Florida, and Rock Hill, South Carolina, organized bus boycotts. African Americans also continued to challenge Jim Crow laws in railway transportation. The NAACP led the way in litigation—winning cases that ended transportation discrimination in Miami, Miami Beach, Tampa, New Orleans, and ATLANTA. Other cities, however, such as BIRMINGHAM, Mobile, and Memphis held on to segregation in public transportation until the end of the 1950's.

Sit-ins and Freedom Rides With the beginning of the student sit-in movement in 1960, the Civil Rights movement began a new phase of activism. Gone were the days of relying simply on court cases to fight Jim Crow. News of a direct-action campaign by students in Greensboro, North Carolina, in February, 1960, quickly spread across the South, and SIT-INS at lunch counters, restaurants,Page 855 | [Top of Article](#) and waiting rooms in rail, bus, and air terminals became popular. By the end of 1960, the Supreme Court had handed down another landmark decision in *Boynton v. Virginia*—ruling that a restaurant located in a Trailways bus terminal serving interstate passengers could not refuse service to blacks. Thus by the early 1960's Jim Crow transit had been outlawed throughout the South. Regardless of the law, the customs continued and were often violently enforced.

To help make bus desegregation—and the *Boynton* decision—a reality, "instead of merely an approved legal doctrine," CORE again organized a bus trip through the region that was called a freedom ride. Among the participants were James FARMER, John Robert LEWIS, and James Peek. Throughout Alabama, the riders received brutal beatings at the hands of whites in

Anniston, Birmingham, and Montgomery. When they finally reached Jackson, Mississippi, most of the riders were arrested. The violence that freedom riders experienced helped to persuade the administration of President John F. Kennedy to ask the ICC for new rules regarding segregation in transportation. These rules included a ban on segregation on interstate buses; the posting of signs declaring that "seating aboard this vehicle is without regard to race, color, creed or national origin, by order of the Interstate Commerce Commission"; and the forbidding of Jim Crow terminal facilities—including waiting rooms, rest rooms, and restaurants.

Although segregation continued for a few more years, legal transportation discrimination was effectively outlawed by the federal government. Passage of the CIVIL RIGHTS ACT OF 1964 prohibited racial discrimination in all public accommodations, and the long fight to end Jim Crowism in public transportation was effectively over.

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