



**READING PACKET FOR APRIL 5<sup>TH</sup> | *BOOKS THAT CHANGED THE NATIONAL CONVERSATION:*  
*THE STRANGE CAREER OF JIM CROW***

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**SOURCE:** Woodward, C. Vann. *The Strange Career of Jim Crow*. Oxford University Press, 1968. Digitized by the Internet Archive in 2019 with funding from Kahle/Austin Foundation.

**CORE READING 1:** [Excerpt 1: pgs 22-29](#) (Ch. 1, Sec. 3); **On the emergence of black codes and fears of Black freedom**

**ASSOCIATED PRIMARY TEXT:** Laws of the State of Mississippi, passed at a Regular Session of the Mississippi Legislature, held in the City of Jackson, October, November and December, 1865 (Jackson: J. J. Shannon & Co., State Printers, 1866), 82–85, 86–89, 90–91, 165–167. Available at <https://goo.gl/cJfW5k>.

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**An Act to Confer Civil Rights on Freedmen, and for Other Purposes**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That all freedmen, free Negroes, and mulattoes may sue and be sued, . . . may acquire personal property . . . and may dispose of the same in the same manner and to the same extent that white persons may: [but no] freedman, free Negro, or mulatto [shall] rent or lease any lands or tenements, except in incorporated towns or cities, in which places the corporate authorities shall control the same.

Sec 2. Be it further enacted, That all freedmen, free Negroes, and mulattoes may intermarry with each other in the same manner and under the same regulations that are provided by law for white persons . . .

Sec 3. Be it further enacted, That all freedmen, free Negroes, and mulattoes who do now and have heretofore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes. That it shall not be lawful for any freedman, free Negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free Negro, or mulatto; and any person who shall so intermarry shall be deemed guilty of felony and, on conviction thereof, shall be confined in the state penitentiary for life; and those shall be deemed freedmen, free Negroes, and mulattoes who are of pure Negro blood; and those descended from a Negro to the third generation inclusive, though one ancestor of each generation may have been a white person . . .

Sec 5. Be it further enacted, That Every freedman, free Negro, and mulatto shall . . . have a lawful home or employment, and shall have a written evidence thereof, as follows, to wit: if living in any incorporated city, town, or village, a license from the mayor thereof; and if living outside of any incorporated city, town, or village, from the member of the board of police of his beat, [§1](#) authorizing him or her to do irregular and job



work, or a written contract, as provided in Section 6 of this act, which licenses may be revoked for cause, at any time, by the authority granting the same.

Sec 6. Be it further enacted, That All contracts for labor made with freedmen, free Negroes, and mulattoes for a longer period than one month shall be in writing and in duplicate, attested and read to said freedman, free Negro, or mulatto by a beat, city, or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one; . . . and if the laborer shall quit the service of the employer before expiration of his term of service without good cause, he shall forfeit his wages for that year, up to the time of quitting.

Sec 7. Be it further enacted, That every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free Negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause, and said officer and person shall be entitled to receive for arresting and carrying back every deserting employee aforesaid the sum of five dollars . . . and the same shall be paid by the employer, and held as a setoff for so much against the wages of said deserting employee . . . .

. . .

### **An Act to Punish Certain Offenses Herein Named, and for Other Purposes**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That no freedman, free Negro, or mulatto not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry firearms of any kind, or any ammunition, dirk,<sup>[2]</sup> or Bowie knife . . . .

Sec 2. Be it further enacted, That any freedman, free Negro, or mulatto committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language, or acts, or assaults on any person, disturbance of the peace, exercising the function of a minister of the Gospel, without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor the punishment of which is not specifically provided for by law shall, upon conviction thereof in the county court, be fined not less than ten dollars and not more than one hundred dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days.

[Source: David Tucker, ed., *Slavery and Its Consequences*:  
<https://teachingamericanhistory.org/document/black-codes-of-mississippi-2/>]



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**CORE READING 2:** [Excerpt 2a: pgs.100-102](#) (End of Ch. 3, Sec. 5, first para: “Residential segregation in cities...”); and [Excerpt 2b: pgs.113-116](#) (Ch. 4, Sec. 1); The “southern way” has become the “American way.”

**ASSOCIATED PRIMARY TEXT:** Jessie Fauset, “Some Notes on Color,” *The World Tomorrow* (March 1922), 76–77. Available at <https://babel.hathitrust.org/cgi/pt?id=hvd.ah6h7m&view=1up&seq=82>.

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*Jessie Fauset (1882–1961) played a pivotal role in the Harlem Renaissance. A notable author in her own right, she used her position as literary editor of The Crisis to nurture the early careers of future luminaries, including Langston Hughes (1902–1967). Fauset was born in Philadelphia and studied languages at Cornell University. Before joining The Crisis in 1919 she taught at the M Street High School in Washington, DC. Bucking the traditional tendency to offer only vocational instruction to Black students, the M Street High School taught a classical curriculum to nurture educated Black leaders who could advance the race (the so-called [Talented Tenth](#)). Her status as a member of the Talented Tenth did not insulate Fauset from racial discrimination. In this 1922 essay, Fauset explored how racial prejudice and the fraught nature of American race relations impacted her daily life. “It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others,” [wrote civil rights activist and scholar W. E. B. Du Bois](#) (1868–1963) in *The Souls of Black Folks* (1903). Fauset gave voice to the meaning of Du Bois’s statement for Black women.*

—Jennifer D. Keene

A distinguished novelist said to me not long ago: “I think you colored people<sup>1</sup> make a great mistake in dragging the race problem into your books and novels. It isn’t art.”

“But good heavens,” I told him, “it’s life, it’s colored life. Being colored is being a problem.” . . .

. . . [A]lways the inference is implied that we live objectively with one eye on the attitude of the white world as though it were the audience and we the players whose hope and design is to please.

Of course we do think about the white world, we have to. But not at all in the sense in which that white world thinks it. For the curious thing about white people is that they expect us to judge them by their statute-books and not by their actions. But we colored people have learned better, so much so that when we prepare for a journey, when we enter on a new undertaking, when we decide on where to go to school, if we want to shop, to move, to go to the theater, to eat (outside of our own houses) we think quite consciously, “If we can pull it through without some white person interfering.”

I have hesitated more than once about writing this article because my life has been spent in the localities which are considered favorable to colored people and in the class which least meets the

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<sup>1</sup> In the first part of the twentieth century, “colored” and “Negro” were considered polite terms to use when referencing African Americans, part of an effort to eradicate common usage of the n-word. The legacy of these terms persists in the names of premier civil rights organizations such as the National Association for the Advancement of Colored People (founded in 1910) and the United Negro College Fund (founded in 1944). Since the 1960s “Black,” “African American,” and more recently “people of color” have become the preferred terms of usage in American society.



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grossest forms of prejudice. And yet—I do not say I would if I could—but I must say I cannot if I will forget the fact of color in almost everything I do or say in the sense in which I forget the shape of my face or the size of my hands and feet.

Being colored in America at any rate means: Facing the ordinary difficulties of life, getting education, work, in fine getting a living plus fighting every day against some inhibition of natural liberties.

Let me see if I can give you some idea. I am a colored woman, neither white nor black, neither pretty nor ugly, neither specially graceful nor at all deformed. I am fairly well educated, of fair manners and deportment. In brief, the average American done over in brown. In the morning I go to work by means of the subway, which is crowded. Presently somebody gets up. The man standing in front of the vacant place looks around meaning to point it out to a woman. I am the nearest one, “But oh,” says his glance, “you’re colored. I’m not expected to give it to you.” And down he plumps. According to my reflexes that morning, I think to myself “hypocrite” or “pig.” And make a conscious effort to shake the unpleasantness of it off, for I don’t want my day spoiled.

At noon I go for lunch. But I always go to the same place because I am not sure of my reception in other places. If I go to another place I must fight it through. But usually I am hungry. I want food, not a lawsuit. And, too, how long am I to wait before I am sure of the slight? Shall I march up to the proprietor and say, “Do you serve colored people?” or shall I sit and drum on the table for fifteen or twenty minutes, feel my anger rising, prepare to explode only to have the attendant come at that moment and nonchalantly arrange the table? I eat but I go out still not knowing whether the delay was intentional or not. The white patron would be annoyed at the delay. I am, too, but ought I to be annoyed at something in addition to that? I can’t tell. The uncertainty beclouds my afternoon.

An acquaintance—a white woman—phones me that she can accept a long-standing invitation of mine for luncheon. We meet and I suggest my old standby. “Let’s go somewhere else,” she urges. “I don’t like that place.”

Ruefully but frankly I stammer, “Well you see—I’m not quite sure—that is—” “Oh, yes,” she rejoins in quick pity. “I forgot that. I’m so sorry.”

But I hate to be pitied even so sincerely. I hate to have this position thrust upon me.

All of us are passionately interested in the education of our children, our younger brothers and sisters. And just as deliberately, as earnestly as white people discuss tuition, relative ability of professors, expenses, etc., so we in addition discuss the question of prejudice. “Of course he’ll meet some. But would they let it interfere with his deserts? I don’t know. I guess I’d better send him to A instead of B. They don’t cater as much to the South as at B.”

I think the thing that irks us most is the teasing uncertainty of it all. Did the man at the box-office give us the seat behind the post on purpose? Is the shop-girl impudent or merely nervous? Had the position really been filled before we applied for it? What actuates the teacher who tells Alice—oh, so kindly—that the college preparatory course is really very difficult. Even remarkably clever pupils have been known to fail. Now if she were Alice—

Other things cut deeper, undermine the very roots of our belief in mankind. In school we sing “America,” we learn the Declaration of Independence, we read and even memorize some of the passages in the Constitution. Chivalry, kindness, consideration are the ideals held up before us—

Honor and faith and good intent,



But it wasn't at all what the lady meant.<sup>2</sup>

The lady in this case being the white world. The good things of life, the true, the beautiful, the just, these are not meant for us.

So much is this difference impressed on us, "this for you but that quite other thing for me," that finally we come to take all expressions of a white man's justice with a cynical disbelief, our standard of measure being a provident "How does he stand on the color question?"

I am constantly amazed as I grow older at the network of misunderstanding—to speak mildly—at the misrepresentation of things as they really are which is so persistently cast around us. Sometimes it is by implication, sometimes by open statement. Thus we grow up thinking that there are no colored heroes. The foreign student does hear of Garibaldi, of Cromwell, of Napoleon, of Marco Bozzaris.<sup>3</sup> But neither he nor we hear of Crispus Attucks.<sup>4</sup> There are no pictures of colored fairies in the storybooks or even of colored boys and girls. "Sweetness and light" are of the white world.

Native Africans are "savages" owing their little knowledge of civilization to the kindly European traveler who is represented as half philanthropist, half savant. How much do we learn of indigenous African art, culture, morals? We are told of the horrors of polygamy without a word of the accompanying fact that prostitution in Africa was comparatively unknown—until the whites introduced it.

We are given the impression that we are the last in the scale of all races, that even other dark peoples will have none of us.<sup>5</sup> I shall never forget how astonished I was to see in London at the second Pan-African Congress<sup>6</sup> the very real willingness of Hindu leaders to cast in their lot with ours.

More serious still, we are constantly being confronted with a choice between expediency and an intellectual dishonesty, intangible, indefinable and yet sometimes I think the greatest danger of all. If persisted in it is bound to touch the very core of our racial naturalness. And that is the tendency of the white world to judge us always at our worst and our own realization of that fact. The result is a stilted art and a lack of frank expression on our part. We find "The Emperor Jones" wonderful, but

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<sup>2</sup> Fauset was quoting from a poem by Rudyard Kipling (1865–1936), "The Vampire."

<sup>3</sup> Giuseppe Garibaldi (1807–1882) was an Italian general whose military victories led to the creation of a unified Italy in 1861. In the English Civil War (1642–1651), Oliver Cromwell (1599–1658) led the rebellion against the monarchy that established a Puritan commonwealth. Napoleon Bonaparte (1769–1821) was a French military general and statesman who modernized France and during the Napoleonic Wars (1801–1815) temporarily conquered most of Europe. General Marco Bozzaris (in Greek, Markos Botsaris, 1788–1823) was a key leader during the Greek War of Independence (1821–1832) against the Ottoman Empire.

<sup>4</sup> Crispus Attucks (1723–1770), a sailor of African and Native American descent, was shot and killed during the Boston Massacre, the first American to die in the American Revolution. He became an icon of the antislavery movement in the nineteenth century.

<sup>5</sup> Popular pseudoscientific racial theories created hierarchical rankings based on the supposed innate traits and abilities of different racial and ethnic groups. These rankings usually placed American-born Caucasians at the top, followed by Northern Europeans, Southern Europeans, and Asians, with people of African descent at the very bottom.

<sup>6</sup> The Second Pan-African Congress in 1921 (which held meetings in London, Brussels, and France) brought together delegates from the United States, Africa, Europe, and European colonial possessions to discuss collective international solutions to end racial discrimination and colonial rule.



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why couldn't O'Neill have portrayed a colored gentleman?<sup>7</sup> We wish he had. "Batouala"<sup>8</sup> is a marvelous piece of artistry, but we are half glad it is written in French so that the average white American won't insist that here is the true African prototype.

Someone will say: "These are trifles." What have I to complain of as compared with the condition of Negroes in South Africa, in Georgia, in the Portuguese possessions? I do not have to fear lynching, or burning, or dispossession.

No, only the reflex of those things. Perhaps it is mere nervousness, perhaps it is something more justifiable. Often when I am sitting in a crowded assembly I think, "I wish I had taken a seat near the door. If there should be an accident, a fire, none of these men around here would help me." *Place aux dames*<sup>9</sup> was not meant for colored women.

I have not been dispossessed, but I have had to leave Philadelphia—the city of my birth and preference, because I was educated to do high school work and it was impossible for a colored woman to get that kind of work in that town. So I, too, have assisted in the Negro Exodus which the student of Sociology considers in class-room and seminary.

And so the puzzling, tangling, nerve-wracking consciousness of color envelops and swathes us. Some of us, it smothers.

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<sup>7</sup> "The Emperor Jones" by white playwright Eugene O'Neill (1888–1953) was a box-office hit in 1920. The play involves a working-class African American man who, after committing a murder, flees to a Caribbean island where he exploits the ignorance and superstitions of the local residents to become emperor. Eventually his subjects rebel and he escapes into the jungle.

<sup>8</sup> *Batouala* (1921), by René Maran, recounts the life of an African chieftain who battles another man for the affections of one of his nine wives. The book, which openly criticizes French colonialism, won the Prix Goncourt, France's highest literary honor, making Martinique native Maran the first Black author to receive the award.

<sup>9</sup> *Place aux dames* is a French phrase meaning "ladies first."



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**CORE READING 3:** [Excerpt 3a: pgs.160-163](#), (Ch. 5, Sec. 2, final para: "As yet there were no 'teeth'..."); [Excerpt 3b: pg. 167-168](#) (Ch. 5, Sec. 3, first para: "In the meanwhile..."); **Concerted efforts by whites to combat civil rights successes in the wake of *Brown v. Board of Ed*, 1954.**

**ASSOCIATED PRIMARY TEXT:** Southern Manifesto on Integration (March 12, 1956) From Congressional Record, 84th Congress Second Session. Vol. 102, part 4. Washington, D.C.: Governmental Printing Office, 1956. 4459-4460.

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*In 1956, 19 Senators and 77 members of the House of Representatives signed the "Southern Manifesto," a resolution condemning the 1954 Supreme Court decision in *Brown v. Board of Education*. The resolution called the decision "a clear abuse of judicial power" and encouraged states to resist implementing its mandates. In response to Southern opposition, in 1958 the Court revisited the *Brown* decision in *Cooper v. Aaron*, asserting that the states were bound by the ruling and affirming that its interpretation of the Constitution was the "supreme law of the land."*

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decision of the Supreme Court in the school cases as clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the states and the people.

The original Constitution does not mention education. Neither does the Fourteenth Amendment nor any other amendment. The debates preceding the submission of the Fourteenth Amendment clearly show that there was no intent that it should affect the systems of education maintained by the states.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were thirty-seven states of the Union. Every one of the twenty-six states that had any substantial racial differences among its people either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same law-making body which considered the Fourteenth Amendment.

As admitted by the Supreme Court in the public school case (*Brown v. Board of Education*), the doctrine of separate but equal schools "apparently originated in *Roberts v. City of Boston* (1849), upholding school segregation against attack as being violative of a state constitutional guarantee of equality." This constitutional doctrine began in the North—not in the South—and it was followed not only in Massachusetts but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania and other northern states until they, exercising their rights as states through the constitutional processes of local self-government, changed their school systems.



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In the case of *Plessy v. Ferguson* in 1896 the Supreme Court expressly declared that under the Fourteenth Amendment no person was denied any of his rights if the states provided separate but equal public facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in *Lum v. Rice* that the "separate but equal" principle is "within the discretion of the state in regulating its public schools and does not conflict with the Fourteenth Amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the states and confirmed their habits, customs, traditions and way of life. It is founded on elemental humanity and common sense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the court, contrary to the Constitution, is creating chaos and confusion in the states principally affected. It is destroying the amicable relations between the white and Negro races that have been created through ninety years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the states.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers.

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the states and to the people, contrary to established law and to the Constitution.

We commend the motives of those states which have declared the intention to resist forced integration by any lawful means.

We appeal to the states and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them, may be the victims of judicial encroachment.

Even though we constitute a minority in the present congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the states and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our states and to scrupulously refrain from disorder and lawless acts.

Signed by:





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Members of the United States Senate:



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Alabama-John Sparkman and Lister Hill.

Arkansas-J. W. Fulbright and John L. McClellan.

Florida-George A. Smathers and Spessard L. Holland.

Georgia-Walter F. George and Richard B. Russell.

Louisiana-Allen J. Ellender and Russell B. Lono.

Mississippi-John Stennis and James O. Eastland.

North Carolina-Sam J. Ervin Jr. and W. Kerr Scott.

South Carolina-Strom Thurmon and Olin D. Johnston.

Texas-Price Daniel.

Virginia-Harry F. Bird and A. Willis Robertson.

Members of the United States House of Representatives:

Alabama-Frank J. Boykin, George M. Grant, George M. Andrews, Kenneth R. Roberts, Albert Rains, Armistead I. Selden Jr., Carl Elliott, Robert E. Jones and George Huddleston Jr.

Arkansas-E. C. Gathings, Wilbur D. Mills, James W. Trimble, Oren Harris, Brooks Hays, F. W. Norrell.

Florida-Charles E. Bennett Robert L. Sikes, A. S. Her Jr., Paul G. Rogers, James A. Haley, D. R. Matthews.

Georgia-Prince H. Preston, John L. Pilcher, E. L. Forrester, John James Flint Jr., James C. Davis, Carl Vinson, Henderson Lanham, Iris F. Blitch, Phil M. Landrum, Paul Brown.

Louisiana-F. Edward Hebert, Hale Boggs, Edwin E. Willis, Overton Brooks, Otto E. Passman, James H. Morrison, T. Ashton Thompson, George S. Long.

Mississippi-Thomas G. Abernethy, Jamie L. Whitten, Frank E. Smith, John Bell Williams, Arthur Winsted, William M. Colmer.

North Carolina-Herbert C. Bonner, L. H. Fountain, Graham A. Barden, Carl T. Durham, F. Ertel Carlyle, Hugh Q. Alexander, Woodrow W. Jones, George A. Shuford.

South Carolina-L. Mendel Rivers, John J. Riley, W. J. Bryan Dorn, Robert T. Ashmore, James P. Richards, John L. McMillan.

Tennessee-James B. Frazier Jr., Tom Murray, Jere Cooper, Clifford Davis.

Texas-Wright Patman, John Dowdy, Walter Rogers, O. C. Fisher.

Virginia-Edward J. Robeson Jr., Porter Hardy Jr., J. Vaughan Gary, Watkins M. Abbitt, William M. Tuck, Richard H. Poff, Burr P. Harrison, Howard W. Smith, W. Pat Jennings, Joel T. Brothill