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Legal Status

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Caulkers	1	Messengers	85	Tanners	15
Coachmen	25	Moulders	1	Teamsters	80
Cooks	270	Musicians	8	Upholsterers	10
Coopers	10	Nurses	55	Undertakers	1
Clerks	10	Oyster Dealers	35	Variety Stores	2
Drivers	110	Packers	2	Waiters	410
Dyers	2	Painters	15	Watchmen	8
Engineers	10	Photographers	3	Washwomen	168
Expressmen	2	Physicians	8	Well-diggers	5
Farmers	15	Plasterers	35	Wheelwrights	7
Feed Dealers	8	Policemen	5	Whitewashers	50
Firemen	15	Porters	220	Woodsawyers	50

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Legal Status

The Negroes in the District of Columbia were confronted with problems of the same magnitude relative to the law as found elsewhere, and even more, for the final word, on every concession made to them or every right withheld from them, was the voice of the law. The crux of the whole question was the inference that the framers of the Constitution did not legislate with the Negro in view as a citizen but chattel, and the statutes that were placed in the Constitution dealing with the inalienable rights of citizens did not apply to the Negroes. For the Negro to assert his claim to equal justice before the law was a recognition not at once granted by those who labored under apprehensions as stated above in reference to the Constitution.

This was the situation that obtained in the District of Columbia during the Reconstruction. The first attempt to elevate Negroes to legal basis of equality with the whites in the District was made by Charles Sumner who presented a bill in Congress validating Negro testimony in the District Courts.[100] This was a bold stroke at legal justice for a class of people who were considered below the level of citizenship. The introduction of this bill in Congress provoked an unusual discussion. After long drawn out arguments arising from this clash of opinion, the bill passed and became a law April 3, 1862. This law was a direct check on the whites in bringing and disposing of cases before the courts to the satisfaction of their own prejudices without a single dissenting voice from the colored constituency. A further step in the same direction was taken when the right to serve on juries was accorded the Negroes. This gave them the opportunity to

[100] U. S. Commissioner's Report on the D. C., pp. 319-322. 1868.

throw the weight of their judgment against bias decisions which invariably imposed severe penalties.

The segregation laws had long held sway in the District of Columbia prior to 1864. These laws kept the colored people out of positions of honor and trust and subjected them to the most embarrassing treatment. On railroads and street car lines the segregation rules were carried to the extreme, even when the general deportment of the victims was far superior to that of the white man who accused them. This good behavior on the part of the masses was a challenge to the friends of the race who desired to elevate them as rapidly as they proved themselves capable of rightly using the privilege granted.

One of the cases was that of the Washington and Alexandria Rail Road where all kinds of brutal treatment was meted out to colored citizens who paid the same fare as those receiving the best treatment and accommodations. Negroes were forced to ride in cars occupied by cattle and the sanitary conditions were the same for both classes of passengers. This situation could not always obtain where a sense of justice prevailed, so a bill was presented to Congress by Charles Sumner who advocated abolishing segregation on the line mentioned. With the usual force of argumentation Mr. Sumner brought Congress to the conviction of the better thinking white people who held that segregation had outlived its usefulness. As a result Congress passed the Act which eliminated all discrimination on the Washington and Alexandria Rail Road, July 1, 1864. Henceforth Negroes received first class accommodations.[101]

The next evil that was discovered crouching at the very door of Congress was the horrible conditions that the colored people had to face on the Metropolitan Rail Road in the District of Columbia. Since the law against segregation had been effected on the Washington and Alexandria road, it seemed highly feasible to abolish segregation on a line whose terminus was within the bounds of the District, the seat of the national law-making body. Congress again went on record in abolishing segregation on this line also. Following this action, the Daily Chronicle called attention to the fact that the colored citizens of the District had vindicated the wisdom of the decision rendered in the previous cases by their orderly conduct and deportment on the street car lines.

The following is an account given by the Chronicle: "Because we could not see any sense or reason in the childish prejudices which existed against colored people, we were not sorry when the law was passed giving the right to other travelers on public transportation. Moreover we believe that the colored people would be, in every respect,

except that of color, as pleasant and unintrusive traveling companions as whites. In this opinion we have been confirmed by the unvarying good conduct of the blacks who ride on F Street cars. They are generally tidily dressed and always well balanced and civil. Those who ride on our street cars have often been annoyed by the drunkenness and profanity of white men, but we have yet to learn of the first instance where a colored person has behaved in the cars with insolence, rudeness, or impropriety." [102]

The Chronicle further commented upon the inconsistency of such a view as that held by the sympathizers of the segregation laws, in that they are willing to admit the colored nurse to travel with the family in the same cars, meet with the same Negroes in the streets, mingle with them in the churches and other social centers and no one makes any objection, but when he enters a car he finds this same nurse or the same class he meets on the street obnoxious to his presence. "Is it grossly improper," asked the Chronicle, "to go into a room with a free Negro and at the same time the right thing to sit on the seat with a slave?" [103] These arguments inspired Congress to pass the bill eliminating segregation on the Metropolitan Rail Road March 3, 1865.

On the same day that Congress passed the bill stated above it also repealed the segregation law of forty years standing which prevented the Negroes from carrying the mail in the District of Columbia. This law was passed March 3, 1825, and repealed by Congress March 3, 1865. These measures did much to stimulate new legislation in interest of the colored group.

Charles Sumner, the champion of legal rights for the freedmen, encouraged by the past acts of Congress nerved himself for the greater issues. This was seen in the bill he introduced into Congress having for its object the elimination of the word "white" from all legal statutes and ordinances that governed the District of Columbia. The bill carrying this provision read as follows: "Be it enacted that the word white wherever it occurs in the laws relating to the District of Columbia or in the charters or ordinances of the cities of Washington or Georgetown and operates as a limitation to the rights of any elector of said District or either of said cities to hold any office or to be elected to serve as jurors, be and the same is hereby repealed, and it shall be

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[101] U. S. Commissioner Report for the D. C., pp. 319-322, 1868.
[102] The Daily Morning Chronicle, March 30, 1865.
[103] Ibid.

unlawful for any person or officer to enforce or attempt to enforce said limitations after the passage of the act." [104]

Prior to the passage of these measures, the Negro had proved his worth to the legal professions of the District in a commanding way, and had already filled, with dignity, the highest offices in the District Courts. For instance, on the first day of February, 1865, John S. Rock of Boston, Mass., was admitted to practice law in the Supreme Court of the United States. Mr. Rock was formerly a member of the Supreme Court of the State of Massachusetts. He was received into the Supreme Court by Chief Justice Chase with a cordial welcome.[105] The National Intelligencer carried a long editorial on the graphic scene in the Court room when this, "nigger took his seat among the Solons of America." Quite a number of the dailies picked up the news and gave it to the public.

In the same Court on January 17, 1867, the Hon. James Garfield, a member of the Bar and a Representative in Congress from the State of Ohio, moved to admit John M. Langston of Ohio as an Attorney-at-Law. This motion was carried and Langston following in the illustrious foot-steps of Mr. Rock, assumed the role as Associate Justice in the highest tribunal of the land.[106]

These are some of the evidences that prove the worth of the Negroes in the District to the legal profession. There were many other efforts put forth to raise the legal status of the colored people in the District of Columbia but the time was not ripe for all these measures to become law. This was evident in another bill introduced into Congress by Mr. Sumner which provided for an equal representation on all juries. The following is an excerpt of this bill: "Be it enacted by the Senate and House of Representatives that in the Courts of the United States, in any State whereof according to the census of 1860 one sixth part or more of the population are of African descent, every grand jury shall consist of one-half of persons of African descent who shall possess the other qualifications required by law." [107]

In view of this legal step, many suspected that Congress was catering to the radical element who desired the executive and legislative jurisdiction in the District of Columbia to be vested in the colored people.[108]

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[104] The Daily Morning Chronicle, November 22, 1867.
U. S. Commissioner for the D. C., pp. 319-322. 1868.
[105] Statutes and Statements of the Education of Colored People, p. 48.
[106] Statutes and Statements of the Education of Colored People, p. 48.
[107] The National Intelligencer, January 12, 1866.
[108] Ibid.