



CALIFORNIA SUPREME COURT

Historical Society

NEWSLETTER • FALL/WINTER 2014



Let Freedom Ring!



It was a confluence of historic events: the 150th anniversary of the Emancipation Proclamation and President Abraham Lincoln's Gettysburg Address and the 50th anniversary of Martin Luther King's "I Have a Dream" speech. All three milestones in the struggle for freedom were celebrated in the "Let Freedom Ring!" exhibit presented at the 2013 State Fair by the Third Appellate District and published for the first time on the following pages. Now the exhibit — and its mission to increase public understanding of the judicial system — continues in a new incarnation. See "Creating a Chronology of Freedom," page 10.

IMAGES & LAYOUT COURTESY OF E.REPUBLIC

Freedom's Promise

1789 – 1865

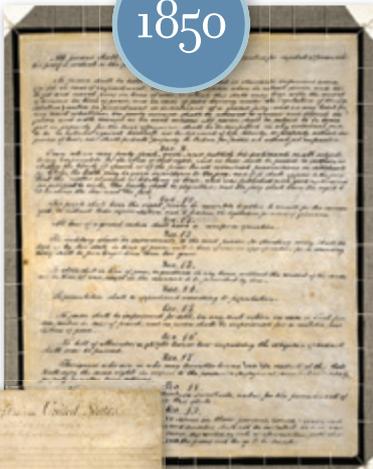
The U.S. Constitution's Bill of Rights and California's Declaration of Rights guaranteed fundamental freedoms when they were adopted, but only California prohibited slavery.

Broken Promise/ Promise Restored: *The Fugitive Slave Act*

Despite the constitutional prohibition on slavery, the Fugitive Slave Act of 1852 authorized the capture and return of persons who came to California with their slave masters.

Documents of Freedom

1850



California's Declaration of Rights, 1849. California was admitted to the Union in 1850, a free state.

The Bill of Rights, the first 10 amendments to the U.S. Constitution, 1789.



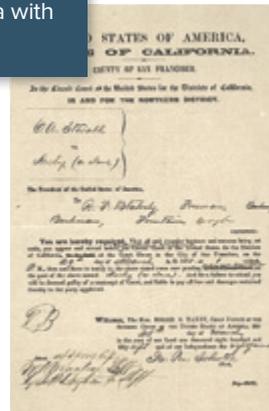
1851



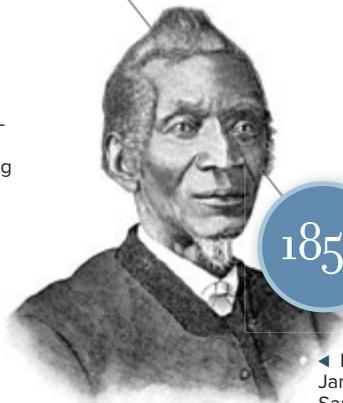
In 1851, Bridget "Biddy" Mason came to California with her family and her master, Robert Smith. When Smith decided to return to a slave state Mason went to court and won her freedom.

Mason became a successful midwife, entrepreneur and philanthropist. Los Angeles honors her with the Biddy Mason Wall at the Spring Street site of her first property.

photo courtesy of Los Angeles Public Library Photo Collection

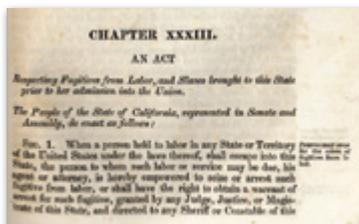


Archy Lee came to California with his master, Charles Stovall, but worked as a free man. When Stovall attempted recapture, Lee's supporters encouraged him and after five hearings in court, he was released, a free man.



1852

Reverend John Jamison Moore, a San Francisco civil rights advocate, supported Archy Lee through 5 court battles.



The Fugitive Slave Act, 1852.



The owner of slaves in Mississippi brought them voluntarily into California before the adoption of the Constitution by the State. The slaves asserted their freedom, and for some months were engaged in lawsuits for themselves. Afterwards the Act of 10 April, 1852, was passed by the Legislature, the 6th section of which in substance enacts, that slaves who had been voluntarily introduced into the State before the adoption of the Constitution, and who refused, upon the demand of their owner, to return to the State where they were labouring, &c. should be deemed to be fugitives from labour; and give the owner the same remedies for their recapture as are provided for the recovery of such fugitives. The owner, under the provisions of the above Act, brought them before a Justice of Peace who allowed the claim of the owner, and ordered them into his custody. The slaves then petitioned for this writ of habeas corpus, which came before the Supreme Court; and after hearing the case, the Court ordered that the writ be granted, and the slaves remanded to their owner.



Colton Hall in Monterey, the site of California's 1849 constitutional convention.



Colton Hall in Monterey today, on Pacific Street.

Guardian of Freedom:

President Lincoln, the Emancipation Proclamation, the Thirteenth Amendment and the Gettysburg Address

One hundred and fifty years ago, on January 1, 1863 President Abraham Lincoln issued the Emancipation Proclamation, releasing slaves from captivity and outlawing slavery forever. In November he traveled to Gettysburg, Pennsylvania where he acknowledged freedom's sacrifices in words that America remembers today. The Thirteenth Amendment to the Constitution, outlawing slavery, was adopted in 1865.

◀ Handwritten draft of the Emancipation Proclamation.



◀ Frederick Douglass is often regarded as the "father of civil rights." This mural, from the Recorder of Deeds Building, Washington, DC, is by William Edouard Scott. Entitled *Frederick Douglass Appealing to President Lincoln and his Cabinet to Enlist Negroes*, it is a memorial to Douglass's leadership and commitment to the cause of freedom and to President Lincoln's confidence in him.



An early photo of the gathering at Gettysburg.

First reading of the Emancipation Proclamation before President Lincoln's cabinet.

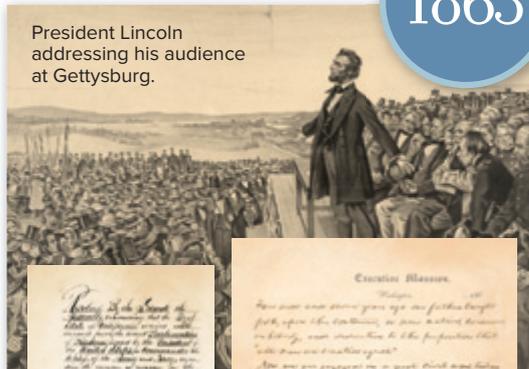


Emancipation Proclamation and the heritage of slavery.



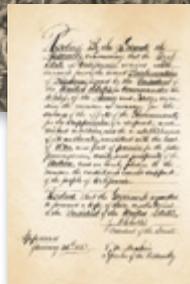
1863

President Lincoln addressing his audience at Gettysburg.

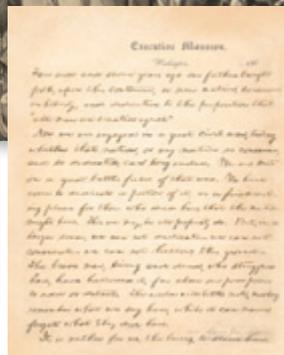


Emancipation Proclamation.

◀ Even though the **Perkins brothers, Carter and Robert**, had resided in California since 1849 the California Supreme Court returned them to their master in accord with the Fugitive Slave Act, a controversial decision.



The California Senate endorses the Emancipation Proclamation.



Handwritten draft of the Gettysburg Address, 1863.



California ratifies the Thirteenth Amendment, 1865. photo courtesy of Beinecke Rare Book and Manuscript Library, Yale University

Challenges to Freedom

1868 – 1967

Although slavery was illegal, Californians continued to meet challenges in their everyday lives, in transportation, education, housing and marriage.

Freedom to Learn

Denied the freedom to educate their children in public schools of their choice, parents brought their cases to court.

Freedom to Travel

The Thirteenth Amendment did not guarantee freedom to travel. In 1868 the San Francisco Municipal Railway refused to permit Mary Ellen Pleasant to board a railway.

Broadway School, San Francisco, California, 1898.



In 1872 the Broadway School refused to enroll eleven year-old Mary Frances Ward because she was a "person of color." The California Supreme Court heard her case, ruling that separate schools could be equal schools, and the discriminatory law was upheld.

San Francisco History Center, San Francisco Public Library

1868

Jan 1868.] *Pleasant v. S. F. & N. P. R. Co.* 189
Notes of the Court - Circuit, 2.

By the Court, CHASE, J.

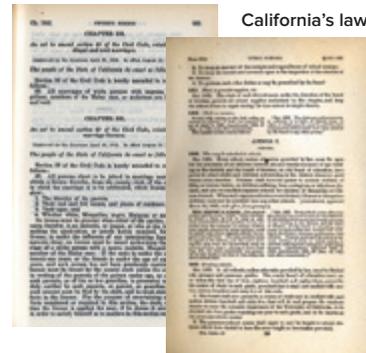
The facts of this case are that the female plaintiff, (who is a woman of color,) being desirous to take passage on one of the street cars of defendant, called the Conductor and requested him to take her on board; that he discomported her again and failed to do so, and by means of his refusing to carry her was unable to get upon the car. It was also proved, under objections from the defendant, that the Conductor on being asked by a help passenger standing in the car to stop the car for the plaintiff, replied: "We don't take colored people in the cars;" and it was further proved that there was ample room for the plaintiff, and that she was provided with the usual passage tickets, and was ready and willing to pay the fare. There was no proof of any special damage; and the jury having returned, without any charge from the Court, a verdict for the plaintiff for five hundred dollars.

The defendant asked the Court to charge the jury in substance:

First--That unless the plaintiff had suffered special damage the jury could only find nominal damages; second--that unless it appeared that the plaintiff had suffered damage, the defendant was entitled to a verdict; third--that if the defendant, by the Conductor, refused to receive the female plaintiff on the car, such a refusal was merely a violation of duty on the part of the company, and does not entitle the plaintiff to exemplary damages; that they are entitled to nominal damages, or the actual damage they sustained;

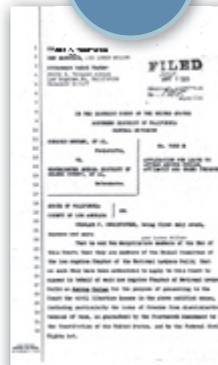
Fourth--that the Conductor was not bound to stop his car at other than the usual places of stopping, nor unless he saw the person who desired to get on board; fifth--that the plaintiff was not entitled to exemplary damages unless it was shown to the satisfaction and proof that the defendant acted with actual malice and ill will towards the plaintiff personally; that there is no such allegation, and that therefore the jury will exclude from their finding any verdict.

California's law.

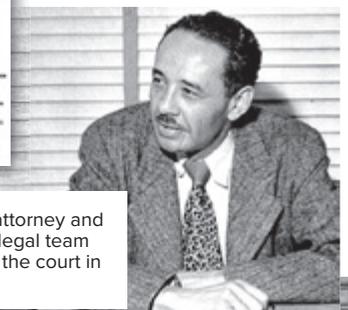


In 1885, the law was changed and school districts were required to admit all children ages of 6 to 21 residing within their boundaries.

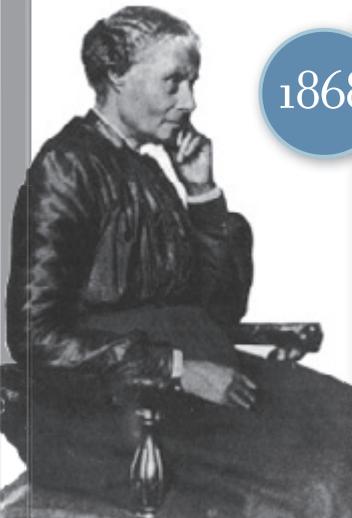
1947



◀ In 1947 a California federal court case, *Mendez v. Westminster*, affirmed the rights of Mexican American children in Orange County to equal protection of the laws and to education in the schools of their choice.



Loren Miller, California attorney and member of the NAACP legal team appeared as a friend of the court in the Mendez case. ▶



Mary Ellen Pleasant.

Active in support of civil rights, she sheltered Archy Lee when he was pursued as a runaway slave.

"We don't take colored people." Refused permission to board, Pleasant sued successfully in district court, where she was awarded damages. On appeal the California Supreme Court denied the damage award.



◀ "Her finest hour." She called the suit her finest hour, but this San Francisco plaque commemorates her many contributions.

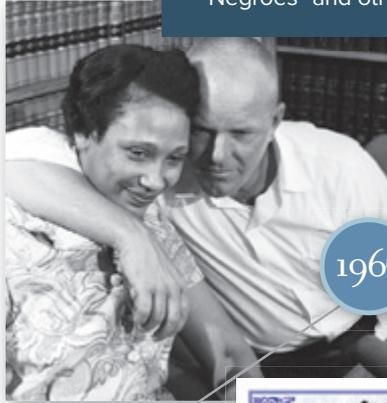
Freedom to Marry

Laws in many states prohibited all marriages between “white persons and Negroes” and other persons of color.

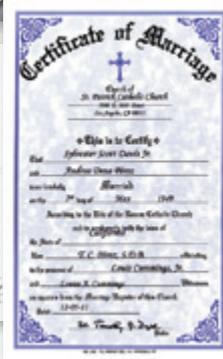
◀ In 1959 Mildred Jeter, an African American, and Richard Loving, a white man, were married in the District of Columbia. When they moved to Virginia, where interracial marriages were prohibited, warrants were issued for their arrest.

In 1967, the U.S. Supreme Court heard their case, ruling that Virginia’s law was discriminatory and unconstitutional.

Francis Miller/The LIFE Picture Collection/ Getty Images



1967



◀ Andrea Perez and Sylvester Davis met while working in the World War II defense industry, fell in love and decided to marry. When the county clerk refused to issue a marriage license to them, they took their case to court.

The California Supreme Court ruled the law unconstitutional, and Perez and Davis were married at St. Patrick’s Church in Los Angeles on May 7, 1949.

Visalia “Colored School”



In 1888 when Arthur Wysinger went to register at the public school in Visalia he was denied admission even though the new state law permitted him to enroll. When his case was heard, the California Supreme Court ruled that he must be admitted to the public school of his choice.

Annie R. Mitchell History Room, Tulare County Library, Visalia, California

Monroe Elementary School, Topeka, KS.



Second-graders in class at Monroe Elementary School.



Brown v. Board of Education of Topeka (1954)

In this landmark 1954 case, the U.S. Supreme Court ruled that segregated schools were unlawful because they denied African American children equal protection of the laws. Separate educational facilities, said the Court, are inherently unequal, and segregation in public schools was prohibited by the Court’s ruling.

When Frank Drye, a decorated veteran of World War II, purchased a home in an upscale Los Angeles neighborhood white neighbors tried to enforce a restrictive covenant to keep the Drye family from moving into their new home.

Kansas State Historical Society



Freedom of Choice in Housing

In many white neighborhoods, property deeds prohibited the sale of homes to African Americans. When suits were brought to enforce the deeds, courts were called upon to enforce the discriminatory prohibitions, called restrictive covenants, in the deeds.



In 1947 Judge Stanley Mosk ruled that the restrictive covenant was unconstitutional and could not be enforced by the Los Angeles court.



In 1948, the U.S. Supreme Court also ruled deed restrictions on sale to African Americans unconstitutional, in the case Shelley v. Kraemer.

Francis Nancy

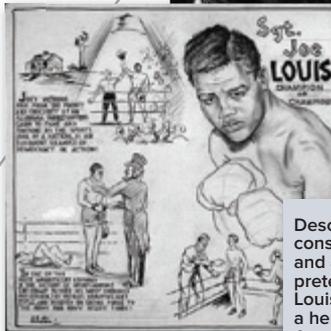
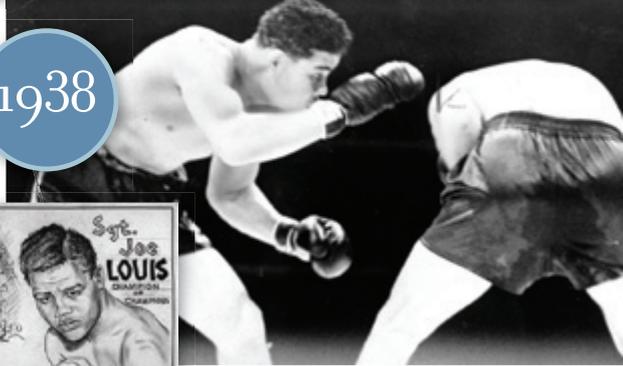
Freedom to Play:

African American Leaders in Sports, 1930 – 1950

Champion of Champions: Joe Louis

Born in Alabama and later educated in Detroit, Joe Louis knew poverty. He studied cabinetmaking as a very young man, but soon learned that boxing was his talent and his calling. After winning an amateur title in 1934 he began his professional boxing career. He defended his title successfully in 25 bouts and reigned as world champion from 1936 until 1949.

1938



Described as a considerate man and a man without pretense, Joe Louis remains a hero for all Americans.

"I don't want nobody to call me champ until I beat Schmeling." Hitler considered German boxer Max Schmeling the ideal of German manhood. In a 1936 bout, Schmeling defeated Louis but in a 1938 re-match, Louis defeated Schmeling in a 2-minute, 4-second rout.

In the U.S. Army from 1942 to 1945, he served as a physical education instructor and staged 96 boxing exhibitions before two million soldiers.

"The World's Fastest Human": Jesse Owens

Jesse Owens, the first American to win four gold medals in the Olympic Games, set a record at the 1936 games in Berlin that was not matched until 1984, almost 50 years later.

1936



Hitler wanted to show the world that German youth were superior by their wins at the 1936 Olympic Games in Germany. Jesse Owens proved him wrong by winning gold medals in four contests: men's long jump, 100-meter and 200-meter dash and as the lead-off man in the 400-meter relay.

A dreamer who helped make others' dreams come true, Owens served underprivileged youth during his lifetime, and was a well-known inspirational speaker. In 1976, President Gerald R. Ford awarded Owens the Presidential Medal of Freedom.

A First in Football: Kenny Washington

A superstar at UCLA, where he played the backfield with Jackie Robinson, Kenny Washington was the natural choice for the Rams when they moved to Los Angeles. He signed with them in 1946.

1947



Washington's goal: set a good example by being the best he could be. Despite the challenges of integrating the sport, he was a major force on the field, averaging 6.1 yards per carry and holding a team record for a 92-yard touchdown rush against the Chicago Cardinals in 1947.

Woody Strode, a UCLA teammate, signed two weeks later.

Los Angeles Times Photographic Archive, Department of Special Collections, Charles E. Young Research Library, UCLA

Los Angeles Daily News Collection, Department of Special Collections, Charles E. Young Research Library, UCLA

A First in Baseball: Jackie Robinson

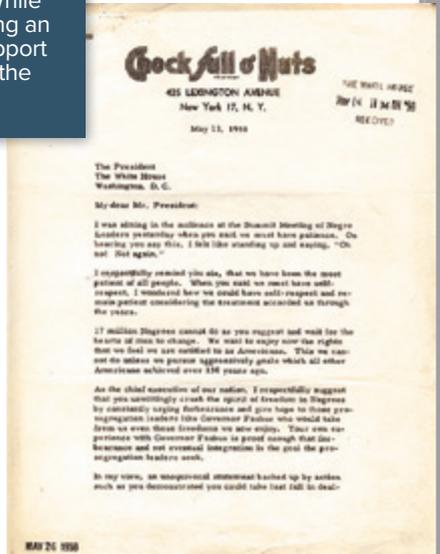
Jackie Robinson, the first African American to play in Major League Baseball, was a natural for the game and the challenge of integrating the sport. He lettered in four sports — baseball, football, basketball and track — at UCLA. While in the Army during World War II, he succeeded in opening an Officer Candidate School to African Americans, with support from Joe Louis. After the Army, he signed to play with the Kansas City Monarchs, a Negro League team.



◀ Branch Rickey had a life-long engagement with baseball as a player, a manager and an owner, and a keen interest in civil rights. In 1945 Robinson signed with him to play for the Montreal Royals, a Brooklyn Dodgers farm team.



A major advocate of civil rights, he expresses his concern about the spirit of freedom in this 1958 letter to President Dwight D. Eisenhower. ▶



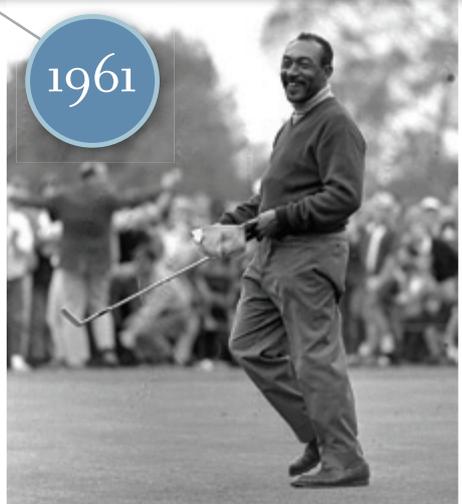
1950

1950, A new start for Major League Basketball

In 1950 five African Americans signed to play on National Basketball Association teams: Nat "Sweetwater" Clifton, New York Knicks; Chuck Cooper, Boston Celtics; Hank DeZonie, Tri-City Hawks; Harold Hunter and Earl Lloyd, Washington Capitols

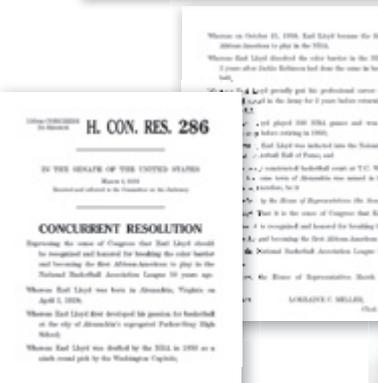
Charlie Sifford, the PGA and Attorney General Stanley Mosk

In 1961, California Attorney General Stanley Mosk advised the Professional Golfers Association that segregated play was not permitted in California. The Southern California tournament was played at a city-owned course in Long Beach. Charlie Sifford, who had not been permitted to play in 1960, became the first African American member of the PGA.



Charlie Sifford wins the 1969 Los Angeles Open.

Los Angeles Times Photographic Archive, Department of Special Collections, Charles E. Young Research Library, UCLA



On October 31, 1950 Earl Lloyd became the first African American to play in the NBA and a Congressional resolution honors his achievement.



Vice-President Joe Biden and Earl Lloyd at the White House, October 27, 2010.

Freedom's Dream:

Tragedy and Triumph,
1955 –

The last full measure
of their devotion:

freedom's martyrs

Many have died for the cause of freedom. Loss of innocent life is not new in human history but it should never be forgotten.



On June 12, 1963 Medgar Evers, a civil rights activist and field secretary for the NAACP in Mississippi, was shot in the back while walking to his house. His two small children were witnesses to the murder. White supremacist Edgar De La Beckwith was twice set free by all-white juries although his fingerprints were on the gun and he bragged about the murder at KKK meetings. In 1990, new evidence was produced through the efforts of the Jackson, Mississippi newspaper and Evers' widow, Myrlie Evers-Williams. The case was re-opened and De La Beckwith was convicted of murder.

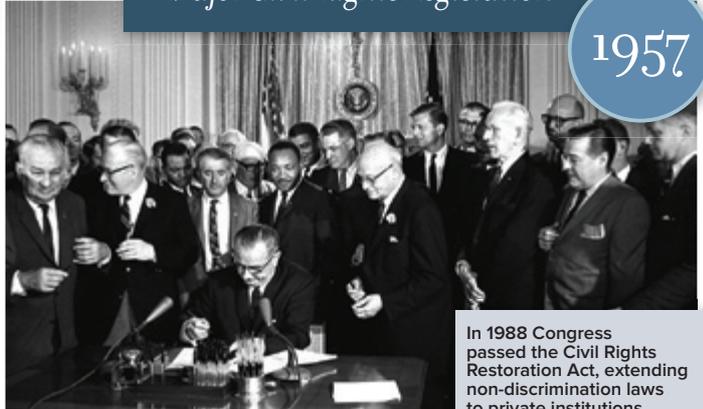


On June 4, 2013, Evers-Williams met with President Obama to commemorate the 50th anniversary of the death of Medgar Evers.

In 1955, 14 year-old Emmett Till was lynched for allegedly whistling at a white woman. Two of his confessed murderers died in 1994 and the case was officially closed in 2004 for lack of additional evidence.

The Dream Becomes Law: Major Civil Rights Legislation

1957



The Civil Rights Act of 1957, the first major civil rights legislation in the 20th century, established the U.S. Civil Rights Commission.

"All persons within the jurisdiction of this state are free and equal, and are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."

The Civil Rights Act of 1964, America's benchmark civil rights law, prohibits discrimination on the basis of race, color, religion, sex or national origin. In 1965 President Johnson issued Executive Order 11246 prohibiting discrimination in employment. Discrimination in housing was prohibited by the Civil Rights Act of 1968.

In 1988 Congress passed the Civil Rights Restoration Act, extending non-discrimination laws to private institutions receiving federal funds. The Civil Rights Act of 1991 strengthened laws prohibiting discrimination in employment.



On September 15, 1963 four little girls — Denise McNair, Cynthia Wesley, Carole Robertson and Addie Mae Collins — died in the bombing of the Sixteenth Street Baptist Church in Birmingham.



On May 24, 2013 President Obama signed a bill conferring the Congressional Gold Medal to commemorate the young lives lost 50 years earlier.



One day in December 1955, Rosa Parks declined to give up her seat in the "colored" section of a Montgomery bus to a white man. Her calm dignity inspired the Montgomery Bus Boycott, 389 days of quiet resistance to segregated buses. Dr. King was encouraged to assume leadership in the boycott, a first step in his pathway to non-violent resistance.

Freedom to Vote is Fundamental

1965



LBJ signing 1965 Voting Rights Act

Black and white people marched together for voting rights and, in 1965, Congress passed the Voting Rights Act, outlawing literacy tests for voting and authorizing the presence of federal examiners to assure equal access to the polls.



The First Vote

In 1870 the Fifteenth Amendment to the Constitution extended the right to vote to African American men, but many States kept them from the polls by requiring literacy tests or payment of a poll tax. In 1964, the Twenty-Fourth Amendment outlawed the poll tax.

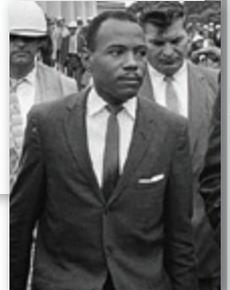
Freedom in Education

School desegregation became the focus for resistance to change in American society and violence was too often the response to integration in public schools.



In 1957 nine African American students registered to attend Little Rock High School. Because the "Little Rock Nine" were in constant danger, President Dwight D. Eisenhower sent the U.S. Army troops and the National Guard for their protection throughout the entire school year.

James Meredith, a veteran who had completed two years of college, attempted to register to attend the University of Mississippi and was rejected. Courts intervened and he registered, but only after a violent confrontation between students and deputy U.S. Marshals. For the next year, deputy marshals provided 24-hour protection to assure Meredith's safety. On the March Against Fear in 1966, Meredith was shot and wounded three times. The shooter, later convicted of the crime, claimed "I only want Meredith."



I have a Dream:

The life and legacy of Rev. Dr. Martin Luther King, Jr.

Martin Luther King led a non-violent movement to secure civil rights for African Americans. In 1964, when he was just 35, he was awarded the Nobel Peace Prize. His famous writings include his "I Have a Dream" speech and "Letter from Birmingham Jail", both counted among the greatest documents in American history.



2011



On August 28, 1963 more than 200,000 people walked in the March for Jobs and Equality on Washington. "I have a dream" was Dr. King's message that day and his message remains an inspiration around the globe today.



On June 21, 1963 three civil rights workers — two white, one black — were arrested for speeding and jailed until nightfall. Then James Chaney, Andrew Goodman and Michael Schwerner were released to KKK members, who murdered them and buried their bodies. A federal investigation produced enough evidence to bring 18 men to trial and convict seven of them in 1964. Forty-one years later, in 2005, a final conspirator was tried and convicted on three counts of manslaughter.

[Transcript of the "I Have a Dream" speech]

...I have a dream that one day this nation will rise up and live up to the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

...I have a dream that one day the state of Mississippi, which has been called the "Mississippi Goddam," will be transformed into a state where Negro and white boys walk hand in hand, and the Negroes and whites sit together at the same table in the restaurants and at the same bus stop.

...I have a dream that one day the state of Alabama, which has been called the "Birmingham Goddam," will be transformed into a state where Negroes and whites are treated equally.

...I have a dream that one day the state of Georgia, which has been called the "Wall State," will be transformed into a state where Negroes and whites are treated equally.

...I have a dream that one day the state of Louisiana, which has been called the "Bogalusa Goddam," will be transformed into a state where Negroes and whites are treated equally.

...I have a dream that one day the state of South Carolina, which has been called the "Palmetto State," will be transformed into a state where Negroes and whites are treated equally.

...I have a dream that one day the state of Florida, which has been called the "Sunshine State," will be transformed into a state where Negroes and whites are treated equally.

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On April 4, 1968 Martin Luther King was murdered by a bullet aimed at the motel where he was staying. Shocked and bereaved the nation grieved then and still mourns his loss today.

On February 1, 1968 two African American sanitation workers were crushed to death by defective equipment. Sanitation workers had long been frustrated by lack of attention to their warnings about safety, and they went out on strike. On April 3, in the final speech before his death, Dr. King assured them that "we've got to give ourselves to this struggle to the end." On April 29, 2011 eight survivors of the strike met with President Obama at the White House.