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# RACE AND THE LAW

*Cassandra Conover \**

When one looks at the topic “Race and the Law,” as this applies to African Americans, the first question that comes to mind is this: Do we want to examine how race and the law have worked together or apart? The answer(s) could be lengthy either way. “Black skin was filled with so many barriers, so many restrictions, so many.”<sup>1</sup> What could those barriers and restrictions be?

There was a time the law used the color of our skin for many reasons, to include the notion that our color made us inferior to others. Although white men worded the Fourteenth Amendment in 1868 specifically so newly freed slaves would be protected citizens against unjust state actions, the acceptance of African Americans as 5/5 of a person versus the 3/5 of a person still contained in the Constitution was a bitter pill for many to swallow.<sup>2</sup> The Jim Crow laws of segregation passed in several states from 1890 to 1945.<sup>3</sup> Those laws were enacted “to subordinate blacks as a group to whites and to enforce rules favored by dominant whites.”<sup>4</sup> Those laws were so strongly supported throughout the South.

Thanks to having the backing of the law, businesses were free to treat blacks almost any way they wished. For example, African Americans during this time could not just stop while traveling on the highways to eat or use a restroom at any establishment. Some

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1. RANDI PINK, INTO WHITE 77 (2016).

2. *July 28, 1868: 14th Amendment Adopted*, HISTORY.COM, <http://www.history.com/this-day-in-history/14th-amendment-adopted> (last visited Apr. 27, 2017).

3. David Pilgrim, *What Was Jim Crow*, FERRIS STATE U., <http://www.ferris.edu/jimcrow/what.htm> (last visited Apr. 27, 2017).

4. J. Morgan Kousser, *Jim Crow Laws*, in 4 DICTIONARY OF AMERICAN HISTORY 479 (Stanley I. Kutler ed., 3d ed. 2003).

places were extremely hostile. A solution was the publication of a green book. Appropriately named the “Negro Motorist Green Book,” this handy document gave “the Negro traveler information that will keep him from running into difficulties, embarrassments, and to make his trip more enjoyable.”<sup>5</sup> This book could almost be called a variation of the concept of the Underground Railroad. The case of *Loving v. Virginia*, eliminating the ban on interracial marriages, has been acknowledged as the ultimate defeat of the Jim Crow laws.<sup>6</sup>

Over the years, we as a people have not let our race keep us from entering the legal field. Although the Constitution did not recognize African Americans as being whole, a free African American named Macon Allen passed the bar exam in Maine in 1844, twenty-four years before the passage of the Fourteenth Amendment.<sup>7</sup> The first African American police officer came on board in 1886 in California.<sup>8</sup> The integration of African Americans has continued to expand to all facets of the law.

Here I stand on the shoulders of giants as an African American female District Attorney of twenty-seven years, looking forward to retiring in one month, with concerns. The giants struggled so hard for me and others. However, there appears to be generations of African Americans who either do not know or do not appreciate those struggles. Whereas we have more African Americans working in the legal field as probation officers, policemen and women, lawyers, and judges, we also continue to have African Americans being killed in the name of the law, by black and white officers. The dialogue of “Race and The Law” must continue and take on these new and strange dynamics.

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5. Mark S. Foster, *In the Face of “Jim Crow”: Prosperous Blacks and Vacations, Travel and Outdoor Leisure, 1890–1945*, 84 J. NEGRO HIST. 130, 142 (1999).

6. See *Loving v. Virginia*, 388 U.S. 1, 12; Kousser, *supra* note 4, at 479.

7. *Macon Bolling Allen*, BIOGRAPHY.COM, <http://www.biography.com/people/macon-bolling-allen-21342461> (last updated Apr. 2, 2014).

8. *125 Years of African-Americans in LAPD*, L.A. POLICE DEP’T, [http://www.lapdonline.org/home/content\\_basic\\_view/47101](http://www.lapdonline.org/home/content_basic_view/47101) (last visited Apr. 27, 2017).