Race and the Law

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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." 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. The Jim Crow laws of segregation passed in several states from 1890 to 1945. Those laws were enacted "to subordinate blacks as a group to whites and to enforce rules favored by dominant whites." 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
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, embarrass-
ments, and to make his trip more enjoyable.” This book could al-
most be called a variation of the concept of the Underground Rail-
road. The case of Loving v. Virginia, eliminating the ban on
interracial marriages, has been acknowledged as the ultimate de-
feat of the Jim Crow laws.

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 Amer-
ican named Macon Allen passed the bar exam in Maine in 1844,
twenty-four years before the passage of the Fourteenth Amend-
ment. The first African American police officer came on board in
1886 in California. 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 work-
ing 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.

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 DEPT, http://www.lap-
donline.org/home/content_basic_view/47101 (last visited Apr. 27, 2017).