

Consolidating Support for a Law "Incapable of Enforcement": Segregation on Tennessee Streetcars, 1900–1930

By JASON L. BATES

ON SEPTEMBER 19, 1905, A SHELBY COUNTY CRIMINAL COURT GRAND jury in Memphis, Tennessee, indicted Mary Morrison for violating the state's recently enacted streetcar segregation statute. The indictment charged that ten days earlier, Morrison, an African American, had boarded a car of the Memphis Street Railway Company and refused to take a seat designated for "colored passengers." Her trial, four months later, attracted attention throughout the state, with Tennessee's white press—which described Morrison as "belonging to the society element of her race"—reporting that she had violated the law to test its constitutionality. After the court decided against Morrison and fined her the \$25 penalty provided by the statute, she appealed. Though a number of whites feared her challenge would become streetcar segregation's undoing, her suit was unsuccessful. The Tennessee Supreme Court upheld the new law in August 1906.¹

¹"An Act to promote the comfort of public travel by providing for and securing the separation of white and colored passengers on street cars," April 4, 1905, chap. 150 of *Acts of the State of Tennessee Passed by the Fifty-Fourth General Assembly, 1905* (Nashville, 1905), 321–23 (first quotation on 321); hereinafter cited as *Tenn. Pub. Acts* (1905), chap. 150; "'Jim Crow' Test Case Now On," *Memphis Commercial Appeal*, January 25, 1906, p. 4 (second quotation); Summary of Proceedings, p. 1, *State v. Mary Morrison* (1906), Section J, Shelf 6, Box 995, Tennessee Supreme Court Trial Case Files, 1796–1955, Record Group 170 (Tennessee State Library and Archives, Nashville, Tenn.); *Morrison v. State*, 95 S.W. 494 (1906). Morrison was one in a long line of African American women who took center stage in the fight against segregation generally—and against segregation on common carriers in particular. Evelyn Brooks Higginbotham, Glenda Elizabeth Gilmore, and Kevin K. Gaines, among others, have described upper- and middle-class black women's efforts to improve their fortunes through adherence to the norms of respectability and by forging cross-racial, intraclass alliances with white women. When those efforts came to naught on segregated railroads, as Barbara Young Welke, Kenneth W. Mack, and Mia Bay have demonstrated, black women often took a leading role in combating segregation, refusing to abide by laws they viewed as a slight to their race and to their status as women. See Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black*

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Morrison's suit capped a seven-year period of legislative and judicial deliberation over streetcar segregation in Tennessee. After the court's decision, racial separation on public conveyances outlasted streetcars as a fixture of life in the state. Taken as a means to explore Jim Crow more generally, *Morrison v. State* (1906) suggests an orderly expansion of segregation in Tennessee. As they had for schools, hospitals, and railroads, the state's white legislators came to see racial separation aboard streetcars as necessary for "the comfort of the public"—an explanation the state supreme court accepted in its review of the law. Like those who participated in Morrison's action as parties, jurists, and witnesses, Tennesseans supported or opposed the statute depending on their side of the color line. And streetcar conductors, given the authority under the law to enforce the statute, both could and dutifully did exercise that power.²

While the court's opinion in *Morrison* might be taken as evidence of de jure segregation's linear spread, it obscures a counternarrative of suppressed knowledge, political and legal calculations, and feigned enforcement that marked this turn-of-the-twentieth-century segregation fight. The legislators who passed, the jurists who upheld, and the white public who came to insist on streetcar segregation did so despite acknowledging problems they foresaw—or experienced—with racial separation on street railways. White Tennesseans approved of streetcar segregation over the objections of both street railway companies and African Americans, even as they admitted the impossibility of complying with its strictures. They devised strategies to avoid its requirements and made political compromises to lessen the consequences of non-compliance. They also recognized the poor fit between mainstream conceptions of bifurcated racial difference, on the one hand, and the range of faces they encountered daily, on the other. The counternarrative lurking behind *Morrison* reveals a white public acting not in ignorance

Baptist Church, 1880–1920 (Cambridge, Mass., 1993); Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896–1920* (Chapel Hill, 1996); Kevin K. Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill, 1996); Barbara Young Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865–1920* (New York, 2001); Kenneth W. Mack, "Law, Society, Identity, and the Making of the Jim Crow South: Travel and Segregation on Tennessee Railroads, 1875–1905," *Law and Social Inquiry*, 24 (Spring 1999), 377–409, esp. 383–93; and Mia Bay, "From the 'Ladies' Car' to the 'Colored Car': Black Female Travelers in the Segregated South," in Stephanie Cole and Natalie J. Ring, eds., *The Folly of Jim Crow: Rethinking the Segregated South* (College Station, Tex., 2012), 150–75. I am indebted to Gary Gerstle and Dan Sharfstein for their assistance in reading multiple iterations of this essay. I am also grateful to the *Journal of Southern History's* anonymous referees for their helpful suggestions.

² *Morrison v. State* (S.W.), at 494 (quotation), 495.

of Jim Crow's impracticality but in full knowledge of it, bringing into relief the chasm between cultural knowledge and political consensus during the period.

The fissures in Tennesseans' embrace of racial separation aboard streetcars offer a window to consider what W. Fitzhugh Brundage has called the "exceptions, contradictions, and unintended consequences" that underlay segregation.³ Historiographical attention to such matters is largely a development of the last several decades. For nearly half a century, two questions drove the study of the post-Reconstruction South: when did the region turn to Jim Crow, and did that pivot owe more to legal codification or to a culture of racial separation that predated legal change?⁴ While that debate demonstrated Jim Crow's contingency and continues to be productive, social and cultural historians in the 1990s turned their attention elsewhere.⁵ They uncovered, among other things, the relationship between sexual anxieties and Jim Crow's enforcement, the contributions of black women in contesting segregation, and the efforts of white elites to use segregation to shore up the meaning of "whiteness." These scholars also demonstrated that African Americans

³ W. Fitzhugh Brundage, "Introduction," in Cole and Ring, eds., *Folly of Jim Crow*, 1-16 (quotation on 4).

⁴ C. Vann Woodward and Joel Williamson set the terms of this debate. Woodward saw the late-nineteenth-century passage of segregation statutes as evidence that a period of flexible race relations followed Reconstruction. The political and economic crises of the 1890s, in Woodward's view, led to southern "capitulation to racism." Williamson argued that "[w]ell before the end of Reconstruction, separation had crystallized into a comprehensive pattern." Especially after southern whites had regained political power, Williamson claimed, "there was little need to establish legally a separation which already existed in fact." C. Vann Woodward, *The Strange Career of Jim Crow* (3rd rev. ed.; New York, 1974), 67-109 (first quotation in note is the title of chap. 3); Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction, 1861-1877* (Chapel Hill, 1965), 275-99 (second quotation in note on 275; third quotation in note on 298). While studies supporting or disputing the so-called Woodward thesis flourished, others offered competing arguments that made the debate even more complex. Howard N. Rabinowitz, for one, contributed to and challenged this story by arguing that in some contexts segregation "ironically often signified an improvement" over exclusion, especially in "welfare services, education, and militia service." Howard N. Rabinowitz, *Race Relations in the Urban South, 1865-1890* (Urbana, 1978), 127. See also Howard N. Rabinowitz, "More Than the Woodward Thesis: Assessing *The Strange Career of Jim Crow*," *Journal of American History*, 75 (December 1988), 842-56.

⁵ Both Edward L. Ayers and William Cohen, for instance, see the antecedents of de jure segregation in whites' treatment of African Americans during Reconstruction. Edward L. Ayers, *The Promise of the New South: Life After Reconstruction* (New York, 1992), esp. chap. 6; William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge, 1991). Janette Thomas Greenwood, in contrast, provides evidence to confirm Woodward's thesis, seeing in the African American "better classes" of Charlotte, North Carolina, in the 1880s and early 1890s—and their success at forging alliances with the better classes of whites—"forgotten alternatives" to the Jim Crow regime. Janette Thomas Greenwood, *Bittersweet Legacy: The Black and White "Better Classes" in Charlotte, 1850-1910* (Chapel Hill, 1994), 3.

resisted racial separation in hitherto unacknowledged ways.⁶ What emerges from these studies is a complex, messy account in which competing motivations, timelines, and degrees of success marked the expansion of segregation in the turn-of-the-twentieth-century South.⁷

Studies of segregated conveyances followed suit, primarily by detailing wellsprings of opposition to legally mandated racial separation. Walter E. Campbell, for instance, has argued that a group of Savannah businessmen—selling electricity in competition with the city's Boston-controlled streetcar and power system—aroused popular support for segregation to turn public opinion against the “foreign-owned” railway company, which resisted segregation for the costs it imposed.⁸ African American opposition to racial separation on street railways has also proved to be a subject of interest to historians in the past decade. Blair L. M. Kelley's study *Right to Ride*, for one recent example, makes clear the scope of black resistance to streetcar segregation in cities across the South and also illuminates these activists' organization and tools.⁹ Together, these works challenge the supposition of unanimous white support for segregation, undercut the characterization of the black middle class as accommodationist, and reveal that southern courts occasionally proved receptive to the complaints of African American streetcar passengers.

This article builds on these studies and on the recent historiography of Jim Crow by demonstrating that, when personal knowledge confronted racial politics, popular commitment to segregation in some areas of life did not automatically translate into support for new legal and

⁶ See, for example, Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven, 1997); Gilmore, *Gender and Jim Crow*; Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York, 1998); and Robin D. G. Kelley, “‘We Are Not What We Seem’: Rethinking Black Working-Class Opposition in the Jim Crow South,” *Journal of American History*, 80 (June 1993), 75–112.

⁷ And scholars continue to elaborate on these themes. See, for example, Jane Dailey, Glenda Elizabeth Gilmore, and Bryant Simon, eds., *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights* (Princeton, 2000); and Cole and Ring, eds., *Folly of Jim Crow*.

⁸ Walter E. Campbell, “Profit, Prejudice, and Protest: Utility Competition and the Generation of Jim Crow Streetcars in Savannah, 1905–1907,” *Georgia Historical Quarterly*, 70 (Summer 1986), 197–231 (quotation on 197).

⁹ Blair L. M. Kelley, *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy v. Ferguson* (Chapel Hill, 2010). For the classic consideration of African American resistance to streetcar segregation, see August Meier and Elliott Rudwick, “The Boycott Movement Against Jim Crow Streetcars in the South, 1900–1906,” *Journal of American History*, 55 (March 1969), 756–75. For other accounts of black resistance, see Kenneth W. Goings and Brian D. Page, “African Americans Versus the Memphis Street Railway Company: Or, How to Win the Battle But Lose the War, 1890–1920,” *Journal of Urban History*, 30 (January 2004), 131–51; and Robert Cassanello, *To Render Invisible: Jim Crow and Public Life in New South Jacksonville* (Gainesville, Fla., 2013), 92–104.

political projects.¹⁰ While whites in Tennessee eventually “capitulated” to the imperatives of white supremacy, many thought streetcar segregation to be a fool’s errand—an unworkable, unnecessary bother—both before and after its enactment.¹¹ Their view had its genesis not in progressive racial attitudes, intraracial economic or class differences among whites, or political allegiances, but instead in their experiences as streetcar riders and in their awareness of African Americans’ and streetcar companies’ opposition. White Tennesseans understood well that, because of the rough rides, crowded cars, and short trips that characterized street railway travel at the time, a law mandating racial separation aboard streetcars would prove all but impossible to enforce. Street railways and African Americans’ fiscal and rights-focused arguments compounded white Tennesseans’ concern. For a period at the beginning of the twentieth century, whites in Tennessee assumed the races could not be separated on street railways and showed little interest in making the sacrifices that would render segregation more feasible.

While white Tennesseans came to support streetcar segregation despite their commonsense objections, the problems they anticipated with the new law nevertheless materialized. Enforcing the color line aboard streetcars forced railroad conductors to make ad hoc racial determinations in the few minutes a passenger remained aboard.¹² From press accounts, court records, and comparable cases in other jurisdictions it becomes apparent that conductors in Tennessee made mistakes when determining races—and voiced an awareness of the difficulty of identifying passengers as “white” or “colored.” Moreover, faced with liability for making mistakes and a criminal penalty for failing to sort passengers, conductors developed strategies to lessen their exposure and rarely used the courts to carry out the statute’s dictates. More than a case study in uneven support for segregation, street railways

¹⁰ That a handful of southern states, Tennessee among them, saw fit in the 1880s to segregate railroads yet expressly exempted street railways from coverage for decades afterward suggests that popular and legislative attention to streetcar segregation and its potential pitfalls was long-standing.

¹¹ I use a formulation of Woodward’s term here to call attention to the secondary historiographical argument that runs beneath much of the article: my research supports Woodward’s thesis of a period of less rigid race relations followed by a hardening of racist ideology. Despite a pervasive culture of racial separation, streetcars represented a gap in which interracial mingling occurred at least until the middle of the twentieth century’s first decade. After tolerating this racial mixing for decades, Tennessee lawmakers capitulated to the logic of white supremacy and moved to make the practice illicit—even if they could not actually end it. Woodward, *Strange Career of Jim Crow*, chap. 3.

¹² Railroad conductors, charged with moving and removing passengers to comply with segregation statutes, have played prominent roles in accounts of Jim Crow transportation. For a classic account of conductor cruelty, see Alfreda M. Duster, ed., *Crusade for Justice: The Autobiography of Ida B. Wells* (Chicago, 1970), 18–20.

present a means to consider segregation's jagged enforcement and to witness early acknowledgment of the fluidity of racial identity and the imprecision of racial categories.

This article relates neither a story of clefts in white supremacy nor one of whites begrudgingly accepting inconveniences in the service of Jim Crow. Instead, it is a tale of white supremacy's ability to overcome common sense and of white Tennesseans' support for formalizing a law they knew could not be fully enforced in practice. It makes clear that Jim Crow amounted to more than the sum of its parts: its reach stretched beyond the physical separation of races and their hierarchical ordering. Jim Crow was also an ideology that allowed little room for naysaying. It compelled streetcar companies to realize fewer profits and African Americans to experience its degradations, to be sure, but it also required whites to substitute its logic for their own and transformed the state's crowded streetcars from mere conveyances into symbolic spaces where power relations were reworked before an audience.¹³ And Jim Crow proved protean, with its advocates supplying a mix of justifications for its mandates, most rooted in claims of African Americans' lack of civility and suggestions of their sexual aggression. As these relations of power came to the fore, segregation advocates were able to consolidate support because they succeeded in casting racial strife on streetcars as a declaration of equality by African Americans, all but ensuring whites in Tennessee would rally to claim control over this newly important site.

Jim Crow travel did not arrive in the South in one fell swoop. Instead, when southern legislatures began mandating railroad segregation in the 1880s, nearly all the resulting laws excluded street railways. While later generations would draw a parallel between the two, policy makers and the public initially emphasized the differences between railroads and streetcars. The crowds, noise, and duration of journeys, as well as the very design of the cars on which Tennesseans rode—all facets of ridership that passengers knew well—marked streetcars as distinct. While, for almost twenty-five years, Mary Morrison had been officially prohibited from riding in sections of railroad cars reserved for whites, she took whatever seat she wished on Memphis's streetcars.

¹³The suggestion that streetcars, buses, and railroad cars served as stages where power relations were contested and performed comes from, among others, Robin D. G. Kelley, *Race Rebels: Culture, Politics, and the Black Working Class* (New York, 1994), 55–75; and Erik S. Gellman, "'Carthage Must Be Destroyed': Race, City Politics, and the Campaign to Integrate Chicago Transportation Work, 1929–1943," *Labor: Studies in Working-Class History of the Americas*, 2 (Summer 2005), 81–114.

Even as southern legislatures enacted a complex of Jim Crow statutes, in other words, they accepted that interracial commingling would occur in some sites. Owing to a litany of considerations grounded in the commonsense experience of streetcar riders, streetcars remained one of those spaces even after the turn of the century.

Street railways first appeared in Tennessee in the 1860s and quickly proliferated. Initially, the South Nashville Street Railroad Company—Nashville's first line, which began operation in 1866—used mules to pull its cars over track extending two miles from the city's center. Within three years, two additional companies had formed, adding five miles of track to the city's total. Street railways first appeared in Memphis in 1866 as well.¹⁴ Tennessee's street railroads received corporate charters from the General Assembly and rights-of-way from the state as well as from the cities where they operated.¹⁵

The last decade of the nineteenth century brought electricity to Tennessee's street railways and a corresponding expansion in service. Nashville was among the earliest cities in the United States to have electric streetcars when, in April 1889, the United Electric Railway began running a car through the city's streets. Within a decade, mule-driven cars had disappeared in Memphis, Nashville, Chattanooga, and Knoxville. As they converted to electricity, Tennessee's street railroads added track and increased the number of cars they ran. This expansion turned streetcar travel into a way of life for urban Tennesseans.¹⁶

While expansion in service allowed Tennesseans to traverse their cities more easily, turn-of-the-century streetcar passengers experienced travel conditions that exposed the difficulty of enforcing the color line aboard street railways. More than any other aspect of ridership, Tennesseans complained about the crowds with which they

¹⁴ "History of the Street Railway System of Nashville, Tennessee," n.d., p. 1, Box 3, MTA (Metropolitan Transit Authority) Collection, 1880–2000 (Metropolitan Government Archives of Nashville and Davidson County, Nashville Public Library); *King's Nashville City Directory* (Nashville, 1866), 70–71; *King's Nashville City Directory* (Nashville, 1869), 65; Charles E. Röbert, *Nashville and Her Trade for 1870* (Nashville, 1870), 328–30; Memphis Merchants Exchange, *Annual Statement: Trade and Commerce of Memphis, Tennessee for the Year Nineteen Hundred and Four* (Memphis, 1904), 51.

¹⁵ For a catalog of the charters, franchises, and rights-of-way that Nashville's streetcar companies received from the state, county, and city, see George A. Frazer, comp., *Charters, Amendments, County Grants, City Franchises and Private Property Rights of Way of the Nashville Railway and Light Company and the Preceding Street Railway Companies Heretofore Operating in the City of Nashville and Davidson County, Tennessee, from February 29th, 1860, to May 1st, 1911* (n.p., 1911).

¹⁶ "History of the Street Railway System of Nashville," 2; *American Street Railway Investments*, 7 (1900), 146, 159, 54–55, 128; "Tennessee," *American Street Railway Investments*, 13 (1906), 377–82.

had to contend while on board. Memphians reported that cars grew sufficiently "crowded so as to be very uncomfortable," with passengers standing in the aisles waiting for seats to open. Riders complained that crowding had also become the "normal condition" of streetcars in Nashville, where the presence of black manual laborers caused at least one dispute. An extra car was added to the West Nashville line to answer complaints concerning the black employees of Nashville's fertilizer plants and the odors they brought onto streetcars. With cars packed beyond their capacities in many instances, the notion that passengers would be able or willing to move to designated sections in an orderly fashion must have seemed a folly to many Tennesseans.¹⁷

At least through the turn of the century, when Tennesseans boarded their cities' crowded streetcars, they entered a public space that brought them into close contact with people of every description.¹⁸ When they could find a seat at all aboard the state's bustling railways, Tennesseans, black and white, took open seating for granted, a situation about which many whites complained in their accounts of African American riders. The editors of the *Memphis Commercial Appeal*, for instance, claimed that African Americans boarding cars "almost invariably crowd into" seats occupied by whites. While this complaint suggests that African Americans sat where they wished, newspapers in Nashville and Memphis expressed doubts as to whether white passengers could be made to comply with a segregation statute. The *Nashville American*, for instance, opined that "the whites themselves" would "be the first to violate" the law, as "age, sex, color and previous condition of servitude cut no ice" in the "race for street car seats." For many denizens of Tennessee's cities, finding what comfort they could aboard crowded streetcars trumped worry over interracial contact.¹⁹

The rough and noisy ride aboard streetcars no doubt increased passengers' concern for finding seats. In 1903 one newspaper compared

¹⁷"Enough Jim Crow," *Memphis Commercial Appeal*, April 10, 1905, p. 6 (first quotation); "The Negro on the Streetcars," *Nashville American*, March 2, 1904, p. 4 (second quotation); Lester C. Lamon, *Black Tennesseans, 1900-1930* (Knoxville, 1977), 20-22.

¹⁸Unlike in some southern states and cities, where custom required racial separation, passengers in Tennessee appear to have selected whichever seat they wished. By custom as well as by street railway rule, streetcars in Birmingham were segregated. See *Bowie v. Birmingham Railway and Electric Company*, 125 Ala. 397 (1899). For a study of the degree to which white and black passengers rode together on streetcars in the absence of legislation, see Jennifer Roback, "The Political Economy of Segregation: The Case of Segregated Streetcars," *Journal of Economic History*, 46 (December 1986), 893-917.

¹⁹"Silly Negroes," *Memphis Commercial Appeal*, August 1, 1905, p. 6 (first quotation); "Legislative and Otherwise," *Nashville American*, February 10, 1903, p. 4 (remaining quotations); "The Car Service," *Memphis Commercial Appeal*, February 8, 1903, p. 4; untitled editorial, *Memphis Commercial Appeal*, June 8, 1903, p. 4.

riding in Memphis's cars to "traveling with a cyclone." "The car," it maintained, "seems to be pounded with sledge hammers as long as it is in motion, or to be receiving the attention of a hundred billygoats who have a personal grievance against it." More than noise was at issue. Tennesseans, calling streetcars "cataclysms on wheels," complained also of how the cars "rock[ed] and bang[ed]" about city streets. The *Memphis Commercial Appeal* contended, "An electric car ought to glide as smoothly as if it were greased."²⁰

While the large crowds and rough rides aboard streetcars forced passengers of different races to ride alongside each other, the design of streetcars stood as another obstacle to compliance with a segregation statute. At least through the first decades of the new century, street railways in Tennessee carried passengers in three types of cars: open, closed, and semi-convertible. Closed, or box, cars, suitable for winter travel, allowed no air to flow into the car from the outside. Open cars, in contrast, had no walls. Semi-convertible cars, which were only beginning to appear as Tennesseans considered segregation, had windows that could be lowered or raised depending on the weather. In open cars, including those manufactured by the J. G. Brill Company, "benches generally ran from side to side, seating five or six passengers per bench." The design of open cars, which lacked a center aisle, meant that any request that a passenger move required that he or she crawl over seatmates and either move along the car's running board or wait until the car stopped at the next station. While closed cars typically featured a center aisle and thus did not require this hassle, during these years open cars remained in prominent use in Tennessee's cities, especially in the warm months.²¹

If conditions on streetcars made racial separation a difficult prospect, the short time most passengers spent on board lessened Tennesseans' interest in the enterprise. A traffic survey conducted for the Nashville Railway and Light Company in 1921 offers some insight into a Tennessean's typical streetcar journey. The traffic engineer who authored the report concluded that, systemwide, Nashvillians rode streetcars an average 1.91 miles per ride.²² The state's dailies emphasized that the

²⁰ "The Car Service," *Memphis Commercial Appeal*, February 8, 1903, p. 4.

²¹ James R. Cravath, *Electric Railways, Part I: Instruction Paper* (Chicago, 1906), 67–69; Debra Brill, *History of the J. G. Brill Company* (Bloomington, Ind., 2001), 71–77 (quotation on 71). As late as 1914, for instance, Memphis Street Railway Company ran 109 open cars. "Tennessee," *McGraw Electric Railway Manual*, 21 (1914), 295–300, esp. 298.

²² Ross W. Harris, *Traffic Survey—The Nashville Railway and Light Co.* (Nashville, 1921), 69. While this survey was prepared in 1921, the Nashville railway had expanded service slightly in the second decade of the twentieth century. Figures from 1921 should thus somewhat overstate the situation in the opening years of the twentieth century.

short length of streetcar rides made segregation less necessary there than aboard railroads: it was "one thing to be forced to travel for hours or days with negroes on railway trains and quite another to ride with them for a few minutes on a street car," claimed the *Nashville American*.²³ These short trips did more than minimize passenger concern with racial separation; they also meant that the number and composition of a car's passengers fluctuated by the minute. This constant boarding and alighting of passengers made it more difficult for even willing conductors to police the color line.

These conditions help explain why in two consecutive legislative sessions, in 1899 and 1901, the Tennessee General Assembly rejected proposed streetcar segregation laws.²⁴ As the legislature debated the issue again in 1903, public attention focused on New Orleans. Many saw the Crescent City's experiences with Louisiana's 1902 statute as evidence that segregation would prove more bother than benefit. The *Nashville American* concluded that segregation in New Orleans had proved wholly unsatisfactory. When enforced, the law resulted in the "sections of the cars reserved for white people" being "always jammed, while the negro sections" sat empty. Such inconvenience made the law unenforceable in New Orleans, as white passengers simply moved to the "section set aside for negroes" when seats filled. If New Orleanians could not enforce streetcar segregation, Tennesseans would do no better: New Orleans's "heavy negro population," combined with the longer distances passengers rode, provided "stronger reason for such a law." New Orleans's experience, claimed the *American*, demonstrated that it was "almost an impossibility" to carry out a Jim Crow law on streetcars. Support for segregation remained uneven in Tennessee, as many continued to argue that the realities of streetcar ridership made separation of the races both unworkable and unnecessary.²⁵

While some Tennesseans vocally opposed segregation on the basis of news out of New Orleans, Tennessee's legislators proved impervious to calls raised against Jim Crow. Choosing to credit neither the evidence

²³ "Jim Crow Law," *Nashville American*, June 15, 1903, p. 4.

²⁴ *Journal of the House of Representatives of the Fifty-First General Assembly of the State of Tennessee* (Nashville, 1899), 210, 225; *House Journal of the Fifty-Second General Assembly of the State of Tennessee* (Nashville, 1901), 133, 180, 392, 456.

²⁵ "Jim Crow' Car Law Attacked," *Nashville American*, January 23, 1903, p. 1 (first and second quotations); "'Jim Crow' Street Cars," *ibid.*, January 24, 1903, p. 4 (third, fourth, and fifth quotations); "Jim Crow Law," *ibid.*, June 15, 1903, p. 4 (sixth quotation). For Louisiana's 1902 law, see "Separation of Races on Street Railroads: Act 64, 1902, p. 89," in Solomon Wolff, comp., *Constitution and Revised Laws of Louisiana, Containing the Constitution of 1898, and the Revised Statutes of the State . . .* (2nd enl. ed.; 2 vols.; New Orleans, 1904), 2:1501-2.

coming from Louisiana nor the public's reaction to that news, and ignoring the practical local experience of ridership, the General Assembly followed Louisiana's model in 1903 when it passed Tennessee's first streetcar segregation statute, applicable only to Shelby County (Memphis)—home to the state's largest black population. At least one legislator from Shelby County supported the statute's limited applicability because, he argued, cities with small black populations "should [not] be burdened with laws applicable to the [negro] race."²⁶ While some jurists had earlier suggested that continuous interracial contact made segregation unnecessary in the "civilized" cities, by 1903 white policy makers in Tennessee had come to see a large black population as rendering racial separation indispensable.²⁷

Indeed, support for segregation appears to have been strongest in Memphis, though even in their greater support white Memphians demonstrated their knowledge of segregation's limitations. Nearly everyone in Memphis, reported one legislator, "had clung about his neck insisting upon" segregation, expressing a desire for legislation mandating separate cars for white and black passengers. White Memphians, concerned with crowding on streetcars as well as with racial mixing, hoped a separate car bill would solve both problems. Public support dwindled when it became clear that the new law would require not separate cars but only the installation of screens to separate passengers. Three of Memphis's five representatives voted against the measure, though their opposition proved insufficient to defeat the bill. Soon after the assembly passed this statute, rumors surfaced that a group of locals would sue to enjoin its enforcement. After a trial in the Shelby County Criminal Court went against the streetcar company, the Tennessee Supreme Court struck down the law, with little discussion, on procedural grounds. Memphians greeted the decision with

²⁶ *House Journal of the Fifty-Third General Assembly of the State of Tennessee* (Nashville, 1903), 90, 93, 125, 245-46; *Senate Journal of the Fifty-Third General Assembly of the State of Tennessee* (Nashville, 1903), 42, 48, 63, 193, 209, 228; U.S. Bureau of the Census, *Negroes in the United States* (Washington, D.C., 1904), 21, 232; "Collier on Jim Crow Bill," *Memphis Commercial Appeal*, February 8, 1903, p. 3 (quotation); Lamon, *Black Tennesseans*, 21.

²⁷ In arguments during *Plessy v. Ferguson*, for instance, counsel for Louisiana defended against charges that the state's railroad segregation statute would lead inexorably to ridiculous ends by arguing that streetcar segregation made little sense: "street railroads are only possible in thickly populated centres, where the white and colored races are numerically in a ratio of equality, enjoy a more advanced civilization, and where the danger of friction from too intimate contact is much less than it is in the rural and sparsely settled districts." Alexander Porter Morse, "Brief on Behalf of Defendant in Error," *Plessy v. Ferguson*, in the Supreme Court of the United States, October 1895, at 5; see Philip B. Kurland and Gerhard Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*, Vol. 13 (Arlington, Va., 1975), 135-49 (quotation in note on 140).

relief, and the state's dailies suggested the law—nearly identical to that which would go into effect in 1905 with statewide application—would have proved cumbersome for Memphis's streetcar riders and "incapable of enforcement."²⁸

When the General Assembly reconvened in January 1905 and once again considered Jim Crow streetcar legislation, it did so in full knowledge of these challenges to the practicability of segregation. For at least a half dozen years the state legislature had heard plenty about the experiences of streetcar riders, who understood the impossibility of an orderly color line aboard Tennessee's crowded cars; the purported desires of white Memphians, who believed that only separate cars could guarantee racial separation; and the observations of those paying attention to streetcar segregation elsewhere who viewed such experiments as failures. Despite the public's and the legislature's shared knowledge of these concerns, whites across the state by 1905 had come to voice stronger support for racial separation on street railroads. The *American*, once a strong opponent of streetcar segregation, opined that "most people want separation." The *Commercial Appeal* also described widespread support for a segregation law among whites in Memphis, though many there continued to push for a separate car law. Putting aside years of public and legislative discourse regarding segregation's limitations, and overlooking evidence that segregation on streetcars would prove "incapable of enforcement," the General Assembly enacted a statute that required street railways in Tennessee "to set apart and designate" one portion of their car or cars for whites and another for "colored passengers."²⁹

²⁸ "Jim Crow Bill," *Memphis Commercial Appeal*, February 3, 1903, p. 6; "Jim Crow Bill Almost a Law," *ibid.*, February 6, 1903, p. 2 (first quotation); "Jim Crow," *ibid.*, April 26, 1903, p. 7; "Jim Crow Law," *ibid.*, May 6, 1903, p. 7; "Jim Crow Law," *ibid.*, May 30, 1903, p. 7; "Fine of \$200," *ibid.*, May 31, 1903, p. 6; *House Journal of the Fifty-Third General Assembly*, 245-46; *Memphis Street Railway Co. v. State*, 75 S.W. 730 (1903); Memorandum Brief for the State, pp. 1-2, *State v. Memphis Street Railway Co.*, 1903, Section E, Shelf 6, Box 871, Tennessee Supreme Court Trial Case Files; "Jim Crow Law," *Nashville American*, June 15, 1903, p. 4 (second quotation).

²⁹ "Jim Crow Bills," *Nashville American*, January 7, 1905, p. 4 (first quotation); "Jim Crow Law," *ibid.*, June 15, 1903, p. 4 (second quotation); "The Negro on the Street Cars," *ibid.*, March 2, 1904, p. 4; "Street Car Etiquette," *ibid.*, March 5, 1904, p. 4; "It Is Right. It Is Wise," *ibid.*, March 8, 1904, p. 4; "'Jim Crow' Street Cars," *ibid.*, January 16, 1905, p. 4; "Jim Crow Bill Guillotined," *Memphis Commercial Appeal*, March 15, 1905, p. 10; "New Law Wednesday," *Nashville American*, July 3, 1905, p. 3; *Tenn. Pub. Acts (1905)*, chap. 150, at 321 (third and fourth quotations). For a time in early 1905, the General Assembly advanced two streetcar bills: a separate car bill for Memphis and a bill that applied to the rest of the state and required only partitions within cars. Eventually, however, the legislature tabled the special bill for Memphis and made the partition bill applicable to the entire state. "Jim Crow Bills," *Nashville American*, January 7, 1905, p. 4; "Fahey's Car Bill," *Nashville American*, February 5, 1905, p. 4.

What pushed public and legislative opinion to converge on streetcar segregation after so many years of acknowledging well-founded concerns regarding its workability? The state's changing demographics certainly played a role, as Tennessee's largest counties experienced vast growth in their black populations between 1890 and 1910. The pace of black migration to Memphis also helps explain why white Memphians led the charge. While the relative size of the African American populations of Nashville (Davidson County) and Chattanooga (Hamilton County) began to shrink before the turn of the twentieth century, and even as white migration to cities picked up steam, Memphis's black population continued to grow relative to its white population. Broader calls for streetcar segregation emerged during this time of rapid population change, and those whose voices rang loudest lived in Shelby County—by 1900, a majority-black county.³⁰

While demographic changes no doubt led some white Tennesseans to set aside earlier hesitations, population shifts fall short of explaining support for a law that most conceded would be nearly impossible to enforce. To garner greater support for streetcar segregation, Jim Crow's proponents pointed to the congestion aboard streetcars and characterized them as spaces marked by interracial and cross-sex intimacy. As a result of streetcars' crowded conditions and the lack of any formal law prohibiting it, they lamented, black men sat alongside white women and even refused to give up their seats while white women stood. In so claiming, Jim Crow advocates relied on two versions of the trope of white womanhood—one highlighting black sexual advances and one focusing on protecting women from incivility—to consolidate greater public approval of the proposed law. A member of Shelby County's delegation to the legislature put this concern in its starkest terms, explaining to legislators from other parts of the state, "When your mother and sister have to sit side by side with these brutes, it is a question that comes home to each one of you." By 1905, at least some white Tennesseans could no longer tolerate the presence of a space where such contact occurred both visibly and licitly.³¹

³⁰ U.S. Bureau of the Census, *Negroes in the United States*, 11, 20–21, 28, 33, 286–87; U.S. Bureau of the Census, *Thirteenth Census of the United States, 1910: Population by Counties and Minor Civil Divisions 1910, 1900, 1890* (Washington, D.C., 1912), 508–9.

³¹ "Jim Crow Bill Guillotined," *Memphis Commercial Appeal*, March 15, 1905, p. 10. Four years earlier, the *Nashville American* reported on the trouble that ensued on a crowded car of the city's street railway one evening when an African American man refused to give up his seat for any of the "ladies" standing in the car. Two of the white passengers succeeded in getting "the negro's head out of the car window" before the police intervened. When the legislature was considering a bill in 1903 that would have applied to the entire state, one Nashvillian explained

Proponents of racial separation on streetcars proved adept at using multiple arguments to support their position. To buttress their call for segregation, advocates raised complaints of the general offensiveness of black riders to whites. They described class differences among African American riders and disparaged the behavior of those they perceived as less refined. In explaining the need for the enacted law, for example, one Nashvillian claimed that the presence and actions of the "filthy, impudent, self-assertive negro and not the clean, well-behaved class" motivated white Tennesseans to support the law. The *Memphis Commercial Appeal* echoed these concerns, bemoaning the presence on many streetcars of "some saucy negro woman" or a "negro man" who "[became] offensive" to fellow (white) passengers. Complaints about African American behavior also included a purported tendency to "crowd into seats where there is no room for them." In the congested spaces streetcars had become, whites' claims that African Americans engaged in such behaviors raised critical questions of whose idea of proper deportment deserved enforcement.³²

Jim Crow advocates' success at securing public approval suggests that more was at stake than the actual passenger experience aboard the state's street railways. Arguments consolidating support for streetcar segregation gathered force because they called attention to more than the conditions of travel for short street railway trips. As Robin D. G. Kelley has argued, streetcars in the South came to represent "moving theaters" during this period, where the squabbles aboard were on display for passengers as well as for the casual bystanders who observed the cars as they passed down bustling streets. The forced intimacy on streetcars and their public visibility added symbolic weight to any disagreement aboard, suggesting both the possibilities and the limitations of racial contest. Under these circumstances, whites began to see in every act of insolence a claim by African Americans to social equality.³³ That is, because streetcars forced Tennesseans of every variety to have contact and because disputes aboard played out before audiences, disagreement over black ridership laid bare the power relations at stake in

his support for the law with a question: "if a negro" is "very offensive to a white man, what, indeed, must they be to his wife and daughters?" "Negro Kept His Seat," *Nashville American*, July 25, 1901, p. 5 (first and second quotations in note); "Favor Separate Car Bill," *Nashville American*, January 20, 1903, p. 4 (third and fourth quotations in note). On the importance of images of white women as the paragons of domestic virtue in the Jim Crow South, see Gilmore, *Gender and Jim Crow*; and Hale, *Making Whiteness*.

³² "Separate Seat Law," *Nashville American*, June 30, 1905, p. 4 (first quotation); "Enough Jim Crow," *Memphis Commercial Appeal*, April 10, 1905, p. 6 (second, third, and fourth quotations); "The Car Service," *Memphis Commercial Appeal*, February 8, 1903, p. 4 (fifth quotation).

³³ Kelley, *Race Rebels*, 55-75 (quotation on 57).

Jim Crow: would white Tennesseans succeed in using law to impress their will on African American passengers?

Supporters of streetcar segregation proclaimed that black Tennesseans sought to maintain the status quo to support their claim to "social equality." By the middle of the twentieth century's first decade, many whites feared that African Americans desired this measure of equality, a goal so inflammatory that black Tennesseans often disclaimed it publicly. A belief in their social equality, whites began to suspect, lay at the root of African Americans' desire to act how they wanted aboard streetcars and their insistence that they be permitted to sit alongside whomsoever they wished, regardless of whose sensibilities they bristled. From this vantage point, failure to segregate amounted to a de facto recognition of African Americans' equality. As black opposition to the new law continued, white Nashvillians claimed a "mania for social equality" had "possessed the negro," propelling African Americans' resistance to the segregation law. With that threat firmly in mind, whites could not let such a stance go unanswered—regardless of their views on the feasibility of the solution.³⁴

Ridership aboard streetcars, then, alerted the public to the difficulties of segregating street railways. Political and popular support for streetcar segregation weathered another storm in the vocal protests of streetcar companies and black Tennesseans. These two constituencies were the most vociferous opponents of the General Assembly's plan to segregate, and they made their opposition a matter of common knowledge.³⁵ Tennessee's streetcar companies, beholden to far-flung

³⁴ "A Dispassionate Statement of the Position of the Negro," *Nashville American*, March 5, 1900, p. 4; "Silly Negroes," *Memphis Commercial Appeal*, August 1, 1905, p. 6 (first quotation); "Jim Crow Transportation Company," *Nashville American*, September 1, 1905, p. 4 (second and third quotations).

³⁵ There is a rich scholarship on African Americans' and streetcar companies' resistance to segregation. August Meier and Elliott Rudwick first described such resistance, in Tennessee and elsewhere, more than forty-five years ago. Highlighting black opposition in southern cities, they concluded that a regional "boycott movement" emerged that was "conservative" in its methods and its leaders' rhetoric. Meier and Rudwick, "Boycott Movement Against Jim Crow Streetcars in the South," 770–71 (quotations in note on 770). In *Right to Ride*, Blair L. M. Kelley finds much to laud in Meier and Rudwick's study; she calls attention, though, to the participation of working-class African Americans in the boycotts and argues that the movement's leaders chose the language and methods that they believed were most politically expedient. Kelley, *Right to Ride*, 6–10. Other historians have described Tennessee's Jim Crow statute as legislating against both custom and streetcar companies' wishes; argued that black Memphians' lawsuits against the city's streetcar company succeeded in the short term but consolidated images of African Americans that served ultimately to shore up Jim Crow; and demonstrated that African Americans in some localities waged a hard-fought battle to prevent segregation on streetcars but may have suffered additional political setbacks as a result. See Roback, "Political Economy of Segregation," 914–16; Goings and Page, "African Americans Versus the Memphis Street Railway Company"; Campbell, "Profit, Prejudice, and Protest"; and Cassanello, *To Render Invisible*, 92–104.

investors and focused on the bottom line, raised fiscal concerns about segregation statutes. Black Tennesseans also opposed streetcar segregation, openly challenging the racial hierarchy it codified. As white policy makers and the white public abandoned their initial reservations and came to support segregation, they did so despite broad discussion of this opposition to Jim Crow.³⁶

By the time Morrison's lawsuit reached the Tennessee Supreme Court, streetcars had become big business, emblematic of the modernization that had at long last reached the South. Several rounds of corporate consolidation occurred in the late nineteenth century, and this consolidation went hand in hand with northern and eastern capital's growing presence in the financing of southern street railways. Consolidation and investment capital allowed Tennessee's streetcar companies to expand service dramatically in the first decade of the twentieth century, making streetcars central to the economies of Tennessee's urban centers. And street railways, as they expanded, became both major employers and major purchasers. By 1905, for instance, the Nashville Railway and Light Company employed more than eight hundred Nashvillians. It also maintained a stock of repair parts valued at \$40,000, many purchased from local manufacturers. When streetcar companies resisted segregation legislation, they threw the heft of their capital and their centrality to local economies against the prerogatives of Jim Crow.³⁷

And resist they did. While the General Assembly debated the 1903 statute, the Memphis Street Railway Company made public its opposition. Two company representatives testified before the Tennessee House Committee on Railroads in opposition to the bill in January 1903. As the *Nashville American* reported, Shelby County delegates to the General Assembly registered their surprise that the street railway enterprise opposed the measure "after Memphis had given the company so many valuable franchises," referring to rights-of-way granted to the railway

³⁶ I include streetcar companies' and African Americans' opposition neither to suggest that such resistance followed a different course in Tennessee nor to call into question previous scholars' work on the topic. Instead, I highlight public responses to these voices of dissent to demonstrate that they represented widely broadcast cultural discourses. Tennesseans heard and participated in these discussions, compounding the concerns they already felt about the workability of streetcar segregation as a result of their experiences aboard the state's street railways. Here, the criticisms made by railway executives and black Tennesseans represent not only protests by particular groups of interested parties, but also part of a chorus of voices that expressed uncertainty about the difficulties of requiring racial separation on streetcars.

³⁷ "History of the Street Railway System of Nashville," 2-5; *American Street Railway Investments*, 7 (1900), 146, 159; "Tennessee," *American Street Railway Investments*, 13 (1906), 377-82; "Work of Financing the Nashville Company," *Street Railway Journal*, 22 (July 11, 1903), 76.

company by the city, "and this was the first thing the city had asked of the company."³⁸

Two sources of anticipated financial loss drove the street railroad's opposition. First, the statute required the railway to make capital outlays to purchase screens and other necessary equipment. Second, the railway feared a potential loss from a reduced ridership. Not only did company officials fear that black passengers would refuse to ride in Jim Crow streetcars, but also they worried that cordoning off streetcars would leave fewer seats open to whites, leading them to travel by other means. When the statute's validity was later in question before a Tennessee trial court, the railway's only witness forecast both of these consequences. He testified that the law would "cost the [railway], in preparing the equipments [*sic*] for the separate accommodations provided for by said Act, and in losses to its business, many thousands of dollars."³⁹

Despite testifying before the General Assembly and making repeated public statements in opposition to the 1903 bill, representatives of the Memphis Street Railway Company insisted it would comply with the statute. Amid persistent rumors of Memphians' displeasure with the new law's limited scope—its failure to require fully separate cars—and reports that some planned to sue to enjoin enforcement of the statute, however, the railway never installed the required screens. Instead, the company played a leading role in the constitutional challenge that convinced the Tennessee Supreme Court to overturn the statute.⁴⁰

Two years later, as the General Assembly considered statutes that would apply to railways across the state, the consolidation of legislative and public support for segregation forced streetcar companies to compromise. Yet, even then, streetcar companies angled publicly to secure the most advantageous position possible. As the legislature debated the merits of the bills before it, streetcar officials lobbied against them, and the rancor between legislators and the street railroads'

³⁸ Judge John Allison, ed., *Notable Men of Tennessee: Personal and Genealogical, with Portraits* (2 vols.; Atlanta, 1905), 2:68–69; "Jim Crow Hearing," *Memphis Commercial Appeal*, January 30, 1903, p. 2; "The Car Service," *Memphis Commercial Appeal*, February 8, 1903, p. 4; "The Solution," *Memphis Commercial Appeal*, February 10, 1903, p. 4; "Memphis 'Jim Crow' Bill," *Nashville American*, February 6, 1903, p. 2 (quotations).

³⁹ Certified Transcript of Cause, pp. 9–10 (quotation on 10), *State v. Memphis Street Railway Co.*, 1903, Section E, Shelf 6, Box 871, Tennessee Supreme Court Trial Case Files; "The Solution," *Memphis Commercial Appeal*, February 10, 1903, p. 4; "Jim Crow Cars," *Memphis Commercial Appeal*, March 27, 1903, p. 6.

⁴⁰ "Jim Crow Cars," *Memphis Commercial Appeal*, March 27, 1903, p. 6; "Jim Crow Law," *ibid.*, May 6, 1903, p. 7; "Jim Crow Law," *ibid.*, May 30, 1903, p. 7; "Memphis' Jim Crow Cars," *Nashville American*, March 27, 1903, p. 7.

representatives grew. Beginning in March, the state's newspapers raised calls for both sides to make concessions. Acknowledging broadening public support for segregation, the press called the legislators who continued to demand separate car legislation "hot-heads," whose zealotry would doom the proposed statutes, as there was not a company that could "keep out of the hands of a receiver if forced to operate" separate cars. Faced with the possibility of financial calamity, the railways mobilized around the bill that eventually became law, which called for separate seating for white and black passengers but not for separate cars. In the end, to foreclose consideration of what they believed to be a bankrupting alternative, the railways agreed to segregate. More to the point was the public's and policy makers' eventual demand for segregated street railways, notwithstanding the streetcar companies' pronouncement of the potentially devastating economic effects that such segregation might have.⁴¹

While the executives of Tennessee's street railways compromised with the General Assembly, black Tennesseans were less willing to do so. In the wake of the 1905 law, black Tennesseans protested, calling it, in the words of the Nashville *Clarion*, "an eternal disgrace." Nashville publisher Richard Henry Boyd, who played an instrumental role in black protest against the statute, made clear four years later, in a book summarizing railway segregation laws throughout the South, that black Tennesseans continued to view the law as designed "for the purpose of humiliating and degrading the Negro race in the eye of all the civilized world."⁴²

Black Tennesseans reacted to the statute by waging a repeal campaign and by calling for a statewide boycott of streetcars. At a meeting of the Nashville chapter of the National Negro Business League, members resolved "to raise money, which should be used in conjunction with other cities, in the endeavor to have the law repealed." The same week, a group of black Memphians announced they had already raised a fund of \$5,000 to support a repeal effort. As they laid plans to fight the law, black Tennesseans also called for African Americans to boycott street railways across the state. Upon implementation of

⁴¹ "Jim Crow Bills," Nashville *American*, January 7, 1905, p. 4; "'Jim Crow' Street Cars," Nashville *American*, January 16, 1905, p. 4 (quotations); "Jim Crow Bill Guillotined," Memphis *Commercial Appeal*, March 15, 1905, p. 10; "Enough Jim Crow," Memphis *Commercial Appeal*, April 10, 1905, p. 6.

⁴² "Fighting 'Jim-Crowism' in Nashville," *Literary Digest*, 31 (October 7, 1905), 474-75 (first quotation on 474); R. H. Boyd, *The Separate or "Jim Crow" Car Laws; or, Legislative Enactments of Fourteen Southern States* (Nashville, 1909), 5 (second quotation).

the new law, black Tennesseans began making journeys on foot and avoiding streetcars, a fact noted in the national black press as well as by local whites. More than three months after the segregation law went into effect, the African American newspaper the *Nashville Clarion* reported—in a bit of hyperbole that nonetheless underscored the depth of black resistance to Jim Crow—that, while there were “40,000 Negroes in Nashville,” it was confident “that the street car companies do not haul 200 of them in the course of a week.”⁴³

African American business leaders in Nashville and Chattanooga were determined to press their opposition further. In August 1905 a group of black Nashvillians incorporated the Union Transportation Company (UTC). With an initial capitalization of \$25,000, the company’s incorporators purchased five steam wagons. Each car could accommodate fifteen passengers—far fewer than the thirty-foot cars Tennessee’s existing streetcar companies began deploying after the turn of the century. The UTC allowed whites and blacks aboard its cars. Richard Henry Boyd proclaimed that, if the UTC succeeded, it would ease tensions between the races and provide a model for southerners to form their own transportation companies.⁴⁴ During the same month, black business leaders in Chattanooga had already formed a similar venture. “Nine prominent colored men” in that city sought a charter for the Transfer Omnibus Motor Car Company, planning to run automobiles along the same routes on which the streetcar company ran its cars.⁴⁵

African Americans across the country expressed admiration for the stand taken by black Nashvillians. The black-owned *Voice of the Negro*, in Atlanta, wrote about the UTC in December 1905. It praised

⁴³ “Money to Fight Jim Crow Law,” *Nashville Banner*, August 1, 1905, p. 7 (first quotation); “Silly Negroes,” *Memphis Commercial Appeal*, August 1, 1905, p. 6; “‘Jim Crow’ Street Cars,” *Cleveland (Ohio) Gazette*, July 29, 1905, p. 2; “New Car Law Is in Effect,” *Knoxville Journal and Tribune*, July 6, 1905, p. 5; “New Jim Crow Law Seems to Work Well,” *Knoxville Journal and Tribune*, July 7, 1905, p. 5; “Walk a Little Longer,” *Nashville Clarion*, reprinted as “Bought ‘Autos,’” *Cleveland Gazette*, October 14, 1905, p. 1 (second and third quotations).

⁴⁴ “Will Fight ‘Jim Crow’ Cars,” *Cleveland Gazette*, October 7, 1905, p. 2; “Fighting ‘Jim-Crowism’ in Nashville,” *Literary Digest*, 31 (October 7, 1905), 474–75; “Negro Automobile Line,” *Nashville Banner*, September 27, 1905, p. 6; “Automobiles Have Arrived,” *Nashville Banner*, September 29, 1905, p. 9. Boyd’s participation in the National Negro Business League may have been instrumental to the formation of the UTC. At the 1904 general convention, materials highlighted the streetcar segregation ordinance in Jacksonville, Florida, and the efforts by African Americans there to run a competing transportation line. Official Program, “Fifth Annual Convention, Indianapolis, Indiana, August 31–September 2, 1904,” *Records of the National Negro Business League, Part 1* (microfilm; Bethesda, Md., 1994), reel 1.

⁴⁵ “Motor Omnibuses,” *Chattanooga Daily Times*, August 30, 1905, p. 8 (quotation); “Negroes Charter Company,” *Nashville American*, August 30, 1905, p. 3; “Granted Charter,” *Nashville American*, September 7, 1905, p. 5.

"[t]he spark of manhood in the breasts of the masses of the colored people in Nashville," which "has been fanned into a flame by the inauguration of the Jim Crow car law." The formation of the UTC, the *Voice* concluded, proved "that there is a limit to the patience of the Negro with the impudence and arrogance of the white man."⁴⁶

As important, the boycotts and competing companies succeeded in registering black Tennesseans' dissatisfaction with Jim Crow. In the summer and fall of 1905, observers across the state reported a decline in the number of African Americans aboard city streetcars. This drop in ridership drew the attention of white Tennesseans and railway executives, and the formation of the UTC suggested to some that revenues from black riders might be permanently lost. Regarding the UTC, the *Nashville Banner* asked, "Did Jim Crow Law Cause This?" It described the company's plans to expand service, and it proclaimed the incorporators' confidence that Nashville's African Americans would regularly patronize the new system. Despite black Tennesseans' initial hope and whites' initial fear, operational challenges—including the cars' difficulty traversing Nashville's hilly terrain—led to the UTC's demise. By May 1907, the company had begun selling its cars to other interests.⁴⁷ While what became of the Transfer Omnibus Motor Car Company is less clear, its absence in subsequent public discourse and press coverage suggests the venture shared a similar fate. Despite their mobilization, black Tennesseans returned to segregated streetcars, forced to endure conductors' and passengers' efforts to police a legally and politically constructed color line.

Support for segregation among white Tennesseans, in other words, came despite broad public knowledge of African American resistance and the real prospect that black Tennesseans would opt out of the existing transportation infrastructure. While such threats at an earlier point might have led white Tennesseans to rethink streetcar segregation, in the months after enactment of the new law they came to view black opposition as a signal that more was at stake for African Americans

⁴⁶ "Nashville's Revolt Against Jimcrowsism," *Voice of the Negro*, 2 (December 1905), 827–30 (first and second quotations on 828; third quotation on 830).

⁴⁷ "Separate Car Law," *Nashville American*, July 6, 1905, p. 10; "New Car Law Is in Effect," *Knoxville Journal and Tribune*, July 6, 1905, p. 5; "New Jim Crow Law Seems to Work Well," *Knoxville Journal and Tribune*, July 7, 1905, p. 5; "They Ride in Hacks," *Chattanooga Daily Times*, July 26, 1905, p. 6; "Hack Lines Losing Out," *Chattanooga Daily Times*, July 28, 1905, p. 8; "Did Jim Crow Law Cause This?," *Nashville Banner*, August 28, 1905, p. 9 (quotation); "Union Transportation Co.'s Interesting Meeting," *Nashville Globe*, April 12, 1907, p. 1; "Union Transportation Co. Sold Eight of Its Large Electric Automobiles," *Nashville Globe*, May 3, 1907, p. 1.

than where they stood or sat aboard railway cars. An editorial in the *Nashville American* is emblematic of how whites responded. Calling Memphians' plan to challenge the law a "foolish action," the paper claimed an African American man's opposition to segregation amounted to "an argument that he is ashamed of being a negro, and would like to be a white person." While the editorial cast black protest as evidence of race shame rather than a claim to equal rights, it linked streetcar opposition to the "defiant resolutions" of some "negroes at Buffalo" under the direction of W. E. B. Du Bois, a reference to the founding principles of that summer's Niagara movement.⁴⁸ White Tennesseans came to see black opposition to streetcar segregation as evidence that African Americans desired social equality—further proof, in whites' eyes, that they had been correct to support racial separation in this very public space.

Tennessee's legislators, then, enacted streetcar segregation despite the objections raised by company executives and African Americans and over broadly discussed public reservations concerning its practicability. Yet, for all that it might have accomplished, formal enactment neither ended the debate surrounding racial separation on street railways nor guaranteed such separation. Instead, the law marked interracial commingling aboard streetcars as illicit and left conductors and passengers to work out when and how to enforce the new law. Mary Morrison's appeal to the Tennessee Supreme Court, heard only a few months after the new law's passage, called attention to the ad hoc determinations required by the new statute. Among other points she made in her challenge, she highlighted the law's delegation of authority to conductors, who were authorized by the statute to adjust seating to maintain racial separation and ensure "the comfort or convenience of passengers." As Morrison's suit predicted, this provision of the new law proved troublesome to many Tennesseans—both the African Americans who were the targets of the separation mandate and the conductors tasked with enforcement.⁴⁹

Some streetcar conductors may have objected to their new obligation. Rumors abounded among employees of the Nashville Railway

⁴⁸ "Foolish Action," *Nashville American*, August 1, 1905, p. 4. On the Niagara movement, see W. E. B. Du Bois, "The Niagara Movement," *Voice of the Negro*, 2 (September 1905), 619–22; and Susan D. Carle, *Defining the Struggle: National Organizing for Racial Justice, 1880–1915* (New York, 2013), 174–92.

⁴⁹ *Tenn. Pub. Acts* (1905), chap. 150, at 322 (quotation); *Morrison v. State* (S.W.), at 494; Defendant's Motion to Quash Indictment, pp. 6–7, *State v. Mary Morrison*, 1906, Section J, Shelf 6, Box 995, Tennessee Supreme Court Trial Case Files.

and Light Company that some intended to leave their positions. "It was said by several conductors," the *Nashville American* reported the day after the statute went into effect, "that some of the men intend to quit their places, through timidity or because they dislike to tell the negroes where to sit." Such conductors, one street railroad employee told the newspaper, wished not to "discriminate against colored people." Though it may have overstated the extent of these rumors, the *American* had unwittingly stumbled on a surprising reserve of white Tennesseans who foresaw the potential for challenges in segregating streetcars.⁵⁰ At least some of the conductors tasked with segregation's enforcement recognized the difficulty of separating white from black, and more resented their exposure to liability in the exercise of their duties. While the general public may have remained unaware of conductors' complaints, at least some Tennesseans heard them—and many bore witness to the acts of nominal compliance that conductors used to negotiate their position.

Like those of its sister states, Tennessee's 1905 statute assumed without qualification that conductors could tell "white" and "colored" passengers apart and that they would discharge their new duty as a matter of course. Yet, as lawsuits throughout the South reveal, conductors encountered difficulty in locating passengers on this circumscribed range of racial identities, and passengers resisted conductors' calls. Moreover, when conductors blundered, at least some passengers responded by suing, and courts often found conductors' misidentifications actionable.⁵¹ These misidentification trials make clear that, at least on occasion, conductors erred in their determinations, assigning passengers to sections of cars that did not match those passengers' understandings of their identities. However natural or self-evident southern legislators believed race to be, the experiences of streetcar conductors demonstrated otherwise.

Streetcar conductors in Tennessee, too, made mistakes as they made racial determinations, a fact recounted in the black press. In September 1905 the *Cleveland Gazette*, an African American

⁵⁰ "Separate Car Law," *Nashville American*, July 6, 1905, p. 10.

⁵¹ In an essay published in the *Boston Evening Transcript* in 1901, African American writer Charles W. Chesnut recorded a conversation he had with a Virginia railroad conductor. Chesnut, who was fair-skinned and sat in the car reserved for whites, asked the conductor whether he encountered difficulties in classifying passengers according to race. "Oh, yes, often," the conductor answered. In those instances, he gave "the passenger the benefit of the doubt," treating a passenger in the white car as white regardless of his suspicions. Charles W. Chesnut, "The White and the Black," in Joseph R. McElrath Jr., Robert C. Leitz III, and Jesse S. Crisler, eds., *Charles W. Chesnut: Essays and Speeches* (Stanford, 1999), 139–44 (quotations on 141).

newspaper that often carried items of interest to black Tennesseans, ran an editorial concerning Tennessee's new law. The *Gazette* pulled no punches, describing the law as "one of the most foolish and disgraceful enactments on record." It highlighted conductors' errors as among the problematic features of the law: "Fair-skinned Afro-Americans are now oftentimes commanded to occupy seats with the whites and when properly known are fined for doing so." At the same time, "Dark skinned white men, too, are sometimes forced to sit on seats among our people" and later "fined when the real truth is known."⁵² While the *Gazette's* editorial may have contained a fair amount of exaggeration, it nonetheless suggests that conductors in Tennessee made racial misidentifications, and perhaps responded to streetcar segregation, in a manner similar to that of conductors in the rest of the urban South.

To the dismay of conductors, courts proved unwilling to grant them leeway because of the statutory imperative placed on these railway employees. In several cases, the conductor or railway company defended against a claim of racial misidentification by arguing that the conductor made a reasonable mistake in the discharge of a statutory duty and should be excused from liability. In almost all of these cases, courts refused to excuse the conductor or the railway from liability on these grounds. In *May v. Shreveport Traction Company* (1910), for instance, a Louisiana streetcar company argued that state law required the conductor to determine passengers' races and that the "method adopted was the least objectionable" alternative. The Louisiana Supreme Court declined to excuse the error, holding that "he who makes the mistake, and not the victim," must "be made to suffer the consequences." The existence of a statutory duty, in other words, gave neither the conductor nor the street railway a defense against a passenger's claim. Conductors could thus be held liable for errors they made in making racial determinations to segregate passengers, on the one hand, but were also subject to criminal fines for failing to enforce segregation statutes, on the other.⁵³

Racial misidentification cases suggest that conductors devised a number of strategies to negotiate their tort exposure with their statutory

⁵² "Jim Crow' Cars," *Cleveland Gazette*, September 23, 1905, p. 2.

⁵³ *May v. Shreveport Traction Company*, 127 La. 420 (1910), at 424–25 (first quotation on 424; second quotation on 424–25; third quotation on 425). At least one court in the South found that a plaintiff could not recover damages for racial misidentification in isolation of some other compensable injury. See *Little Rock Railway and Electric Company v. Putsche*, 104 S.W. 554 (1907).

duty to separate passengers.⁵⁴ Court records in these cases offer an obviously small sample, yet similarities among them hint at the ways that conductors dealt with their tenuous position. First, conductors appear to have attempted a nominal compliance with segregation statutes that left their passengers unmolested. In both *May* and *Lee v. New Orleans Great Northern Railroad Company* (1910), for example, the passengers suing a street railway and railroad, respectively, reported confusion concerning the conductor's initial directions. They also claimed that the conductor, having uttered incomprehensible orders, moved on without ensuring passenger compliance. The plaintiff in *May*, who identified as white, took "her seat in that part of the car assigned to white passengers" and was soon "asked by the conductor, 'Don't you belong over there?'" Either because the plaintiff had difficulty hearing or because the conductor did not make his question audible, the plaintiff did not comprehend the conductor's question and asked him to repeat it. Rather than respond to the plaintiff's question, the conductor "moved on, towards the front of the car, and collected some other fares," only reengaging with the plaintiff at her insistence that he repeat his earlier question. Having formally requested that the plaintiff move, the conductor twice endeavored to avoid a confrontation over his request, even if that meant that the allegedly offending passenger did not understand his commands. The trial transcript in *Lee* details a similar song-and-dance between passenger and conductor.⁵⁵

May points to a second strategy conductors used to negotiate their competing burdens: permitting passengers who protested to remain aboard without moving. In *May*, for instance, the court described the plaintiff's agitation after the conductor insinuated that she was black.

⁵⁴ This is not to say that conductors generally opposed Jim Crow or had any reservations about enforcing the segregation legislation when a passenger's race appeared clear. Rather, my point is that some conductors, on the handful of occasions when they could not determine a passenger's race, looked for a solution that insulated them from liability for failing to segregate without exposing them to lawsuits from passengers angry about being misidentified.

⁵⁵ *May v. Shreveport Traction Company* (La.), at 422–23 (first and second quotations on 422; third quotation on 423); *Lee v. New Orleans Great Northern Railroad Company*, 125 La. 236 (1910). In *Lee*, fourteen-year-old Belle Lee and her sister took seats reserved for white passengers. When the conductor collected their tickets, he "said something, we could not understand what it was." The conductor then proceeded to other sections of the car, coming back to inform the two girls that they had to move into "the negro box." Trial Record, *Sam Lee v. New Orleans Great Northern Railroad Company* (1910), p. 51 (quotations in note), Docket Number 17,590, Subseries IG, Historical Archives of the Supreme Court of Louisiana (Earl K. Long Library, University of New Orleans); hereinafter cited as *Lee v. New Orleans Great Northern Railroad Company* Trial Record. That the plaintiffs in these two cases were women may have compounded the conductors' difficult position, forcing them to cross lines of decorum predicated on both race and gender.

It also noted that, upon seeing the plaintiff's anger, "the conductor was disposed to drop the subject, and did so, so far as he was allowed" by the plaintiff. If not for the plaintiff's attention to the matter, the conductor would have simply permitted her to remain in her chosen seat. Similarly, in *Little Rock Railway and Electric Company v. Putsche* (1907), the conductor demanded that the plaintiff "go back and sit among the negroes." The plaintiff "did not accede to his demand, but continued her journey on the car among the white passengers without further molestation from the conductor." These cases suggest that, especially in light of the threat of liability for misidentifying a passenger's race, conductors may not have insisted on segregation when passengers were unwilling to comply.⁵⁶

Conductors' use of these strategies extended to situations other than when a passenger's race remained in doubt. An editorial in the *Nashville Globe* in 1907 called attention to whites' disregard of the segregation statute. While the *Globe* acknowledged that some conductors ordered white passengers to different seats, the newspaper argued that "as a general rule no attention is paid to the transgressors of the law if they perchance belong to the white race." Conductors' discomfort ordering whites to different seats is also suggested by an editorial in the *American* lamenting the conductors' habit of allowing "white passengers to sit in the rear seats when there are no negro passengers aboard," which the editors claimed then created friction when black passengers boarded.⁵⁷ It requires no great leap of imagination to guess at the responses conductors received when trying to usher a white passenger to a designated section of a car. In fact, nearly a decade after the law's enactment, two white passengers of the Memphis street railway challenged conductors' authority to force white riders from seats reserved for African Americans. While the state's supreme court ultimately upheld conductors' power to insist that white passengers move, a Memphis trial court and an appellate court awarded the two passengers \$1,000 in damages each.⁵⁸ That white passengers felt entitled, ten years after the Jim Crow law's passage, to sit where they wished indicates how rarely conductors enforced the law against white riders. It also suggests that conductors, just as they did when they feared misidentifying a

⁵⁶ *May v. Shreveport Traction Company* (La.), at 423 (first quotation); *Little Rock Railway and Electric Company v. Putsche* (S.W.), at 554 (second and third quotations).

⁵⁷ "Breaking the Jim Crow Law," *Nashville Globe*, February 1, 1907, p. 4 (first quotation); "Separate Seat Law," *Nashville American*, August 3, 1905, p. 4 (second quotation).

⁵⁸ "Damages Awarded White Men Ejected from Memphis Car," *Nashville Tennessean and American*, March 21, 1915, p. 7A; "Tennessee Supreme Court Construes Jim Crow Statute," *ibid.*, June 30, 1915, p. 5.

passenger's race, may have often made a superficial showing of compliance when white passengers insisted on a particular seat.

Conductors' ability to resort to one of these strategies on any given streetcar came up against a constraint in the mix of passengers, who also played a role in enforcing Jim Crow. In many of the racial misidentification cases, conductors indicated that it was other passengers who first brought to their attention a potential violation of the segregation statute. In *Southern Railway Company in Kentucky v. Thurman* (1906), for instance, it was other passengers' complaints that first alerted railroad personnel to the possibility that a black passenger had chosen a seat in a white car. The same held true in *Lee* and in *Louisville and Nashville Railroad Company v. Ritchel* (1912).⁵⁹

While these trial transcripts and published opinions reveal conductor strategy and passenger enforcement, they also make clear that conductors could prove intransigent even after passenger intervention and that a sizable number of white passengers did not speak up to enforce the law. Both passengers and conductors made on-the-spot decisions as to how segregation should operate in daily life. More than we might have expected, some conductors did what they could to avoid liability and minimize their personal burden, a fact of which streetcar passengers were only too aware.

While court materials suggest conductors were occasionally loath to enforce Tennessee's statute, other evidence elucidates just how rarely conductors used the legal system and also how infrequently municipal authorities intervened to police racial separation aboard streetcars. The records of the Davidson County Criminal Court, which had jurisdiction over criminal actions in Nashville, provide one measure of how rarely such enforcement transpired. Between July 1905, when the segregation statute took effect, and January 1921, the Nashville streetcar company was never indicted for a violation of the segregation statute. Then, between January 1921 and December 1922, grand juries indicted the street railroad on at least fourteen separate charges of unlawfully permitting interracial commingling aboard cars. After this two-year period of activity, the street railroad was never again, at least through 1930, indicted on this charge. Criminal fines against passengers for failing to sit where instructed follow a similar pattern, with a two-year burst of activity in the early 1920s resulting in eight indictments against passengers.⁶⁰

⁵⁹ *Southern Railway Company in Kentucky v. Thurman*, 90 S.W. 240 (1906); *Lee v. New Orleans Great Northern Railroad Company* Trial Record, 90; *Louisville and Nashville Railroad Company v. Ritchel*, 147 S.W. 411 (1912).

⁶⁰ Minutes of Davidson County Criminal Court, December 1904–April 1930, Volume TTT-40 (Archives of the Davidson County Criminal Court Clerk, Nashville, Tenn.).

Press accounts identify this period of prosecution in the early 1920s as a passing effort to enforce an often-ignored law. Perhaps for the same reasons that many Tennesseans expressed doubt as to whether streetcar segregation could be enforced, compliance with the statute fell considerably short of universal in the first two decades of the twentieth century—a fact made obvious in October 1919, when a Nashville judge issued an order that purported to require the law's enforcement. While assessing a fine against an African American for disorderly conduct aboard a streetcar, Judge Madison Wells "issued orders . . . calling for strict enforcement" of the law. Among other things, the judge directed passengers as to how they should board and mandated that conductors call uncooperative riders to the attention of police. Three months later, the arrest of a conductor for failing to enforce the statute—reportedly the "first arrest of its kind since the enactment of the law many years ago"—raised the issue of compliance even more explicitly. Having refused to honor a request that he force a black rider to move to the back of the car, the conductor defended himself by arguing "that the law was not enforced by the officials of his company." As these episodes indicate, after passage of the 1905 law many passengers simply continued to abide by their own understandings of the norms of streetcar ridership, substituting their sense of the law for the formal mandates of legislative enactment.⁶¹

The available evidence suggests that a campaign waged by a small coterie of prominent white Nashvillians led to this short-lived wave of police and court activity. On several occasions the Nashville press identified John Wesley Gaines, a former congressman in the U.S. House of Representatives and a well-respected attorney, as leading the charge to see the Jim Crow law enforced. According to Gaines, he assumed this role after a "mass meeting" resulted in the selection of a committee "to endeavor to bring about an enforcement of the measure." Gaines claimed to have stepped in when it became apparent that the committee would not act aggressively enough to effect the change demanded by those who had formed it. He thus spoke publicly in favor of the Jim Crow statute and also initiated a number of legal actions against violators of the law.⁶²

⁶¹ "Judge Wells Rules on 'Jim Crow' Law," *Nashville Tennessean*, October 25, 1919, p. 2 (first quotation); "'Jim Crow' Law Violated Claim," *Nashville Tennessean and American*, January 4, 1920, p. 12 (second and third quotations).

⁶² "Gaines to Enter Mayor's Race Today," *Nashville Tennessean and American*, August 19, 1913, p. 1; "Fight Is Launched for Enforcement [of] 'Jim Crow' Law," *Nashville Tennessean*, October 25, 1921, pp. 1–2 (first and second quotations on 1); "More Indictments for Violation of 'Jim Crow' Law," *Nashville Tennessean*, October 30, 1921, pp. 1, 7.

Gaines's campaign exposed significant gaps in enforcement of Tennessee's segregation law. The work of municipal authorities during the same period, too, demonstrates the degree to which Tennesseans rode streetcars as they wished despite the formal mandates of the law. On a number of occasions in 1921 and 1922, Nashville's city council considered ordinances to require enforcement of the Jim Crow streetcar law. One of these proposed ordinances focused on one-man cars, which were staffed by only one employee and on which policing the color line had proved particularly difficult. The city council considered prohibiting the boarding of more passengers on such cars than the car had seats to accommodate, hoping that a less-crowded car would make segregation easier to impose. Another suggested ordinance would have forced the local streetcar company to install separate entrances for white and black passengers. For its part, the national black press described the motivations behind these proposed ordinances in blunt terms. In its biannually published *Negro Year Book*, for example, the Tuskegee Institute's Department of Records and Research explained that Nashville's municipal authorities had discussed the ordinances because the city "is experiencing trouble in having the regulations enforced relative to the separation of races on street cars."⁶³ Perhaps the result of conductors' strategies to avoid compliance or a consequence of the realities of streetcar ridership, racial separation aboard streetcars had fallen short of full enforcement.⁶⁴

For the last two decades of the nineteenth century, the Tennessee General Assembly expressly excluded streetcars from its railway segregation statutes, sharing the public's belief that streetcar segregation

⁶³ "Council Seeks to Enforce Jim Crow Law on Trolleys," *Nashville Tennessean*, September 21, 1921, p. 1; "Jim Crow Statute Is Fully Discussed," *ibid.*, January 15, 1922, p. B11; Monroe N. Work, ed., *Negro Year Book: An Annual Encyclopedia of the Negro, 1921-1922* (Tuskegee, Ala., 1922), 65 (quotation).

⁶⁴ White Nashvillians pushed to have Tennessee's streetcar segregation law better enforced at the same time, and perhaps for much the same reason, that whites throughout the South worked to address what they saw as increasingly troubling changes among black southerners after World War I. As Kimberley Johnson, for one, has explained, the arming of black men, their reportedly fairer treatment by Europeans, and the shifting needs of an industrial economy convinced many African Americans to leave the South. These experiences also highlighted the weaknesses of Jim Crow's theoretical underpinnings for those who remained, many of whom moved from rural outposts to the South's cities, where nascent black middle-class communities continued to grow. Kimberley Johnson, *Reforming Jim Crow: Southern Politics and State in the Age before Brown* (New York, 2010), 25-28. As Johnson and others have detailed, these changes led to the rise of the second Ku Klux Klan, a series of race riots that began in the summer of 1919 and endured at least until the Tulsa, Oklahoma, race riot of May and June 1921, and a resurgence in lynchings after a decade of decline. *Ibid.*, 27-28, 46; Lee E. Williams and Lee E. Williams II, *Anatomy of Four Race Riots: Racial Conflict in Knoxville, Elaine (Arkansas), Tulsa, and Chicago, 1919-1921* (Jackson, Miss., 1972).

made less sense than racial separation on railroads. As it erected a complex of Jim Crow laws that mandated segregation not just on railroads, but also in schools, hospitals, courtrooms, and hotels, among other sites, the legislature left street railways a space of interracial commingling. Legislators even went so far as to consider and reject a number of street railway segregation statutes around the turn of the twentieth century. More than simply another chapter in the story of Tennessee's linear march toward Jim Crow, the General Assembly's eventual approval of streetcar segregation constituted a decisive break from its earlier actions and flew in the face of the commonsense considerations underlying them.

Despite the General Assembly's earlier rejection of racial separation on street railways, legislative and popular commitment to streetcar segregation had deepened by 1905. This intensifying support came about even though the factors militating against adoption of a segregation law persisted and had, if anything, grown stronger. Streetcar passengers faced greater crowding and even bumpier rides as the populations of Tennessee's urban centers swelled, straining the region's transit systems and sharpening passengers' demand for seats. Open cars continued to make maneuvering between seats difficult, while the short duration of most rides made racial separation more difficult to police on streetcars than in other contexts. The conditions aboard streetcars, in short, made segregation there appear "incapable of enforcement," and the vocal opposition of black Tennesseans and streetcar companies compounded the white public's reluctance to embrace the proposed laws.⁶⁵ And, although few would admit it openly, at least some Tennesseans acknowledged that conductors would encounter difficulties in attempting to identify and seat passengers as either "white" or "colored"—and many passengers chose not to speak up when conductors opted not to enforce the segregation law. In short, white Tennesseans declared support for a political and legal project that they knew to be fraught with challenges, that they ignored when inconvenient, and that they believed nearly impossible to police.

They did so because streetcars came to represent combustible public spaces in which the contours of power were contested in a highly visible fashion. While some Tennesseans continued to view streetcars as a relatively low-stakes site of racial commingling, others began to see the possibility of intimate contact between black men and white women or the supposed "offensiveness" of some black passengers as reason

⁶⁵ "Jim Crow Law," *Nashville American*, June 15, 1903, p. 4.

enough to support segregation. Still others linked African Americans' protest of segregation to a claim for social equality and came to understand that lawful interracial commingling on streetcars exposed the South's entire racial order to question. Formal prohibition worked to answer those challenges, marking this last site of racial mixing as illicit, while the realities of ridership and the difficulties of enforcement left Tennesseans a good deal of leeway in deciding how much to abide by the statute's provisions.

The law's symbolic importance, then—what one Shelby County representative, in criticizing the 1903 statute for failing to mandate separate cars for white and African American passengers, tellingly called its "visionary relief"—helps explain white Tennesseans' increasing support for streetcar segregation despite their understanding of its limitations and burdens. That is, regardless of the trouble they foresaw in implementing the law and despite its spotty operation in practice, the white public and white legislators threw their support behind streetcar segregation because they came to see any site of public, licit racial mixing as an intolerable symbol of racial equality. The *Commercial Appeal* admitted as much in an editorial bemoaning black Tennesseans who lodged complaints against the new Jim Crow law. While in one breath the editors suggested African Americans had no ground to complain because of the equal accommodations provided to all passengers, in the next they contended that the African Americans resisting the law wished "to line up beside the white passengers, and gain even this modicum of social equality."⁶⁶ By 1905, white Tennesseans had come to see the mixed-race crowds on display as the state's streetcars swept down its cities' streets as a declaration of racial equality by African Americans. It was to shore up white supremacy—and not because they believed racial separation on the street railways was practicable or necessary for their comfort—that the white public called for streetcar segregation. And it was in service of this same end that they continued to support streetcar segregation despite their full knowledge of both the impossibility of enforcing it and the burdens it imposed on passengers and conductors alike.

⁶⁶ "Jim Crow Bill Almost a Law," *Memphis Commercial Appeal*, February 6, 1903, p. 2 (first quotation); "Silly Negroes," *ibid.*, August 1, 1905, p. 6 (second quotation). In claiming the 1903 statute offered "visionary relief," the legislator meant to suggest that it offered only the appearance of solving racial mixing in Memphis. Without the separate cars so many Memphians demanded, this legislator opined, the law could not accomplish anything more.