

BALTIMORE TRIES DRASTIC PLAN OF RACE SEGREGATION

Strange Situation Which Led the Oriole City to Adopt the Most Pronounced "Jim Crow" Measure on Record.



Councilman Samuel L. West, Who Introduced the Segregation Ordinance.



George W. McMechen, a Negro Lawyer, Whose Occupancy of the House 1,834 McCulloh Street, Caused the Segregation Ordinance.

ON last Monday, Dec. 19, the City Council of Baltimore passed and the Mayor signed what was probably the most remarkable ordinance ever entered upon the records of town or city of this country; certain it is that it is unique in legislation, Federal, State, or municipal—an ordinance so far-reaching in the logical sequence that must result from its enforcement that it may be said to mark a new era in social legislation.

For this ordinance seeks to compel by law the separation of the white and black races in their places of residence; to prohibit the negro from intruding himself and his family as permanent residents in a district already dedicated to the white race, and equally, to prevent the white man from forcing himself upon a district given over to the negro.

This ordinance, short of its legal verbiage, provides as follows:

1. That no negro may take up his residence in block within the city limits of Baltimore wherein more than half the residents are white.

2. That no white person may take up his residence in such a block wherein more than half the residents are negroes.

3. That whenever building is commenced in a new city block the builder or contractor must specify in his application for a permit for which race the proposed house or houses are intended.

These are the affirmative mandates of the ordinance. It is further provided that present conditions shall not be disturbed; that is, that negroes resident at the time of the passage of the ordinance in a block wherein the majority of the residents are white, shall not be disturbed, and vice versa. A penal clause is attached providing, for violation of the law a fine of \$100 as a maximum, with imprisonment from thirty days to one year.

Now, it may be said that this not a new departure in legislation, that numberless acts providing for the segregation of the races in street cars, schools, theatres, and other public places have in many States been passed and upheld as legal by the final court. But herein lies the difference between such laws and the Baltimore ordinance: The former are special, designating certain places of particular character; the Baltimore ordinance includes everything, without regard to the character. The former are temporary, as it were, in their nature; the Baltimore ordinance is pronouncedly permanent. In short, while the Baltimore ordinance may be technically of the same class of legislation as these other laws, it goes beyond them to a degree that it practically establishes a class of its own.

Nothing like it can be found in any statute book or ordinance record of the country. It seeks to cut off from men of a certain class—black in one set of circumstances, white in another—the right to purchase and enjoy property anywhere within the limits of Baltimore, under a certain limitation, saying: "Thus far shalt thou come but no further." It deprives such a man of the right to enjoy property that he may own, for there is nothing in the ordinance to prevent a negro owning property in the very heart of the aristocratic white district, or a white man from owning property in a negro district wherein he may not live.

Attention is called to these facts not to criticize the ordinance but solely for the purpose of showing how radical and far-reaching it is. Its merits lie wholly with the courts—and it may be held wholly meritorious. But that it is wholly radical, for better or worse, is evidenced from the one conclusion above out of many that could be made therefrom. That such a radical measure must have had its inception in radical facts is therefore a certain conclusion. What the facts were and how they finally culminated in the ordinance was sought by a representative of THE TIMES the day after the passage of the ordinance. To this representative Mayor J. Barry Mahool of Baltimore said:

"The reasons leading up to this so-called segregation ordinance have been going on in the City of Baltimore for the past ten years. Indeed, I may say they date much beyond that, since first the negro began to have a desire to push up into the neighborhood of the white resident and long before he had the financial ability to do so. How far back that goes no one can tell, but it is clear that one of the first desires of a negro, after he acquires money and property, is to leave his less fortunate brethren and nose into the neighborhood of the white people."

"Here in Baltimore we have a large colored population—approximately one-sixth of the whole, which would make their number close on to 100,000. Many blocks of houses formerly occupied exclusively by whites have now a mixture of colored—and the white and colored races cannot live in the same block in peace and with due regard to property security."

"Therefore this ordinance was proposed."

"It was heartily endorsed by most of our neighborhood associations—local bodies organized in different sections of the city with a view to looking after the local welfare and invariably composed of the best citizens of that particular district—and was also backed by some of our best newspapers. The ordinance is not personal in character, nor is it directed at the negro race as a race, nor at individual negroes; it will be observed that the restrictions apply as well to white persons as to negroes."

"Its sole object and intention is to protect our people in the possession of their property and to prevent the degradation which is of necessity bound to

tempt to worm their way into the white residential districts, but for years all their efforts were fruitless. During the last few years, however, they have been more successful; several streets, formerly white residential streets, have been given over to them, because as soon as the negro appears the white man moves away. Druid Hill Avenue, a few years ago a white residential street, is now

vision which granted practically plenary power to the City Government in the matter of exercising its police power. The following is the provision under which the ordinance was drawn:

"Police Power: To pass ordinances for preserving order and securing property and persons from violence, danger and destruction, protecting the public and city privileges from waste or encroachment."

of the city appeared and declared in its favor. The opposition appeared in the shape of about twenty negroes. Later in the month there were two more hearings. And between the first and last hearings there seems to have been quite a deal of excitement throughout the Oriole City by reason thereof. And well there might be, for it was a ticklish business, this of trying on such a novel legislative



Milton Dashiell, Author of the Ordinance.



Mayor J. Barry Mahool of Baltimore.

practically given up to the negro, because as the negro came in the white man got out. The races cannot live together.

"It was on McCulloh Street, however, a white residential street parallel to Druid Hill Avenue, that the circumstances arose which culminated in the present drastic ordinance. This street had been kept free of the negro. Early last May,



House 1,834 McCulloh Street in Which a Negro Lawyer Named McMechen Moved in June, 1910, and Which Promptly Had Its Windows Broken, as Shown in the Cut.

well able to guess as I am, if they have kept up with current events in the South. In the North and West the negro population is comparatively small in the cities and is somewhat practically insignificant. In such cities no such problem can arise; there are not enough negroes to make it rise to the dignity of a problem."

"This ordinance was passed in due deliberation by all those concerned in and connected with its passage. Several hearings were accorded all parties in interest, either directly or indirectly. Such hearings, it is admitted, even by those opposed to the measure, were eminently just and fair. It was passed not in the heat of prejudice or passion, but after calm judicial consideration and determination; it was passed because those in whose hands lay the power to pass it judged that it would bring the greatest good to the greatest number."

"It was not passed in a spirit of race antagonism; most of us concerned in its passage are the best friends the colored people have; but it was passed to meet a critical condition that was crying out for solution—and in this ordinance we think we have found that solution."

"This much from the Mayor of the City of Baltimore. What the facts and conditions were which caused this critical situation, the causes that led up to it, the ramifications that complicated it, may be gathered from Mr. Milton Dashiell, an eminent attorney of Baltimore, who framed the ordinance as passed. To THE TIMES representative he said:

"For many years past there has been a tendency among the better class of negroes, and by that I mean those who had become well-to-do financially, to look to the white residential district as the goal of their hopes. Ordinarily, the negro loves to gather to himself, for he is very gregarious and sociable in his nature. But those who have risen somewhat above their fellows appear to have an intense desire to leave them behind, to disown them, as it were, and get as close to the company of white people as circumstances will permit them. This was the inception, the egg of the trouble."

"It was then that, in digging into the old quarter of the City of Baltimore, which was granted in 1796, I found a pro-

ment, and for promoting the interests and insuring the good government of the city." And in commenting on this section of the charter, the Supreme Court of Maryland said in 1909 in *Rossburg vs. State*: "Greater emphasis could not be laid upon the implied powers of the city for the maintenance of the peace and good government of itself."

"Now, the moving in of negroes depreciates property. It is an admitted fact that the purchase and occupation of a house by a negro in a white residential district will depreciate the value of that property fully one-half. It also tends to the disturbance and destruction of the peace to a marked degree. Therefore I considered that such an act of moving into and occupying a house by a negro in an exclusively white neighborhood was well within the above provisions of the charter of 1796, and hence drew the ordinance that has created so much comment and stir accordingly."

"It cannot be denied that this ordinance operates as well upon the white man as upon the negro. No white man may move into a block wherein the negroes predominate and wherein he would doubtless be as unwelcome as a negro among the whites. Experience has taught us in Baltimore that whether the negro goes to the white man or the white man to the negro, the result is equally disastrous and destructive to peace, good order, and good morals."

"But if for no other reason, the destruction in property values is a sufficiently good one to support the ordinance in question. When one considers how whole blocks by the half dozen have had their values cut in two by the advent of half a dozen negro families, it seems conclusive that the city, under its police power, has a right—indeed, not only has the right, but should hold it as its bounden duty—to step in and, by the prohibition of further influx of negro population into the white districts, prevent further depreciation in value."

"The ordinance was introduced in November by Councilman West. At the first hearing on it all the best element

garment. To the credit of Baltimore, however, be it said, that although at these various hearings upon the question of the passage of the ordinance excitement oftentimes rose high and the debate acrimonious, there was never once the slightest suggestion of riot or anything remotely approaching even a breach of the peace. Twenty years ago such an occasion would have been good for at least half a dozen deaths and the calling out of the local militia."

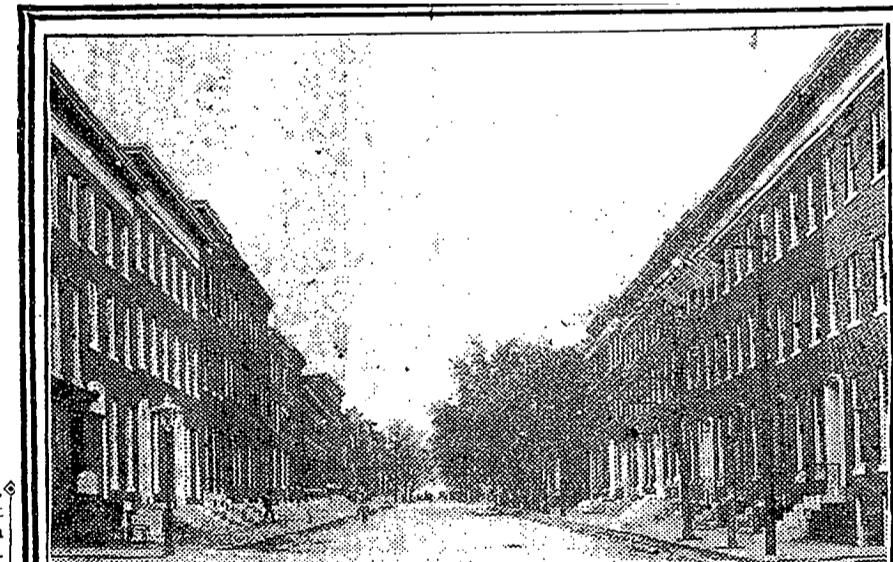
"Before its passage the now famous ordinance was referred to City Attorney Edgar Allan Poe—grandnephew of the poet and one of the ablest attorneys of the South—for his opinion as to its validity. His opinion is interesting, not only as bearing upon this ordinance, but as embodying the Southern legal viewpoint upon the separation of the two races in whatever manner it may be put. This is what he has to say thereupon:

"It cannot be denied that the greatest problem that confronts the South to-day is the negro problem. This problem exists not because of mere race prejudice but because experience and time have conclusively proved that the commingling of the white and colored races is an absolute impossibility and that any attempt to bring about such a result is invariably leads to grave public disaster. This recognized fact has resulted in the passing of a number of laws in various States enforcing the separation of the two races in the schools, public conveyances, hotels, theatres, and other public places. Marriage between the two races is also prohibited under severe penalty."

"Legislation of the character mentioned has been invariably upheld as a proper exercise of the police power of the State, notwithstanding the fact that in certain Northern States legislation prohibiting the separation of the races in the schools, public conveyances, and public places has been declared valid for the same reason. In other words, legislation of a diametrically opposite character, the one enforcing the separation of the two races, the other prohibiting it, has been sustained on the same ground, to wit, the police power."

"Desiring to obtain a strictly social sidelight on this question, THE TIMES representative called upon a lady high in Baltimore's social circles—one whose forefathers have been in Baltimore's government from the days when the Calverts were supreme."

"It is a most deplorable thing," she



Argyle Avenue, Another Street Where Values Have Been Greatly Affected by Negro Tenants.

"In June my partner, Hawkins, bought the property at 1,834 McCulloh Street, and I leased it from him, moving in the latter part of that month. There were no other colored people on that block at the time. The first night I moved in they broke the panes in the front windows and flung a brick through my skylight. So I do not know who they were. It was rumored that they were merely boys, but it may have taken something bigger than a boy to fling a whole brick high enough to cave in the skylight on a three-story building, as this house is."

"As soon as I moved in the white people in the neighborhood organized themselves into an Improvement Association, which I have subsequently understood was particularly for the purpose of preventing negroes moving into the neighborhood. In the latter part of July four other colored families moved into the same block. Within a few weeks they had spent at least \$25 apiece for replacing broken window panes."

"Just a week ago the house on the corner beside me had a front window broken in broad daylight; so you see our lives there are not all happy ones."

"The class of colored people in this block which has occasioned so much excitement is a most respectable one. Three of the houses are boarding houses, in which there are no boarders but female teachers in the public schools. The fourth is occupied by a clerk in the Post Office, who has been there twenty years. As far as being peaceful and law-abiding citizens I challenge the rest of those

to show its superiority over those four."

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colored families. We did not move up there because we wished to force our way among the whites; association with them in a social way would be just as distasteful to us as it would be to them. We merely desired to live in more commodious and comfortable quarters. There were many vacant houses in the block when I moved in; these the colored families I have mentioned have taken.

"As for property deteriorating on account of our advent into that neighborhood, I know it cannot be so, because all of us are paying higher rentals than the white occupants who immediately preceded us, and there is no better criterion of value than the rent a property brings. I have lived now for several months with

white people next door to me on either hand, and we have never had the slightest difficulty. I do not try to associate with them socially any more than they with me, and I am sure none of us have any such desire, nor will any attempt be made on my part.

"I think it is erroneous to say that the colored people have tried to push their way in among the whites. All that they have done is merely to occupy the vacant houses when it has been found impossible to obtain a white tenant. As the white people move out into the suburbs or into apartment houses, many blocks are left practically vacant; it is into these districts that the well-to-do colored people move.

"This new ordinance, whether constitutional or not, will work more injury to the white than to the colored man, because, as I say, we colored people rent only those houses in the white districts which it has been found impossible to rent to white people. The landlords must needs have their houses vacant hereafter—unless they can compel the framers of the ordinance to fill them!

"As to the ordinance in question, it is my opinion as a lawyer that it is clearly unconstitutional, unjust, and discriminating against the negro, although on its face it appears to be equally fair to white and black. But there never has been and there ~~never~~ will be any houses erected

here in Baltimore exclusively for negro occupancy—outside of some small hovels in the alleys. The consequence is that we, who desire comfortable quarters and have the ability to pay for them, are compelled to seek the houses abandoned by the whites. This is all that is left for us to do.

"So far from having any disposition to live among the whites, I vastly prefer living in the midst of my own kind. But I cannot get the comfort there that my purse permits me—and which I think I am entitled to, under the law, if I pay for it—and hence I am compelled to live next to the whites. I am sure I have never done anything since I have been in that neighborhood that could offend the most fastidious.

"The colored people are very much wrought up over the passage of this ordinance," continued McMechen, "and feel that great injustice has been done them. We certainly have the right, as American citizens, to the pursuit of happiness and comfort, as long as we disturb no one else; and how our peaceable—if left peaceful—existence disturbs any one else we fail to see.

"Our women are certainly on much closer and more intimate terms with the whites than I, for instance, for they are thrown in the closest relations as cooks and nurses and maids. One hears no complaint about the contamination of the ne-

gro race from them; and yet if I, perchance, live on the same block with a white man he feels as though I had rubbed some of my color off on him. It looks very inconsistent to me.

"Had there been reported a single case of misbehavior on the part of a colored man who had moved into the white district there might be some ground for such action as this ordinance; but I have yet to hear of a single complaint of any kind to be made.

Naturally, I say, our people feel very deeply the action taken, and there is no doubt but that this feeling will shortly crystallize into a movement against the ordinance which will result in legal proceedings to have it declared void, as it certainly is.

"When these proceedings are had we will undoubtedly retain Charles J. Bonaparte, ex-Attorney General, who won such a notable victory for our people in the recent 'grandfather clause' case from Annapolis. But we are a patient people, used to bearing and waiting."

Of the same opinion as McMechen was his partner, Ashbie Hawkins, the owner of the property through whose skylight the brick had come. Harry Cummins, another negro lawyer, voiced the same sentiments. Mrs. Anna McMechen, wife of Lawyer McMechen, was so emphatic as to put her opinion in writing to the following effect:

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I have no desire to associate with white women one whit more than they have to associate with me. My husband and I moved into the house at 1,834 McCulloh Street, that has caused so much trouble, not because we wanted to be near white people but because we wanted to be more comfortable—a right I think everyone has to exercise. That was the only way we could be comfortable.

"I have never attempted, nor have I any desire, to intrude myself upon white people, and hold myself as much aloof from them as they from me. I come and go to and from my home without paying

any more regard to my neighbors than they do to me. I will say that I have never had the slightest difficulty with my white neighbors on either side. When we

first moved in last June I received several anonymous letters threatening us unless we moved. We took the matter up with the police authorities. They gave us ample protection and nothing has ever come of the letters. We expect to live where we are indefinitely."

Thus the views of the ordinance from either side. As to its legality, a prominent Baltimore newspaper, soon after its presentation in council, sent one of its staff on a tour throughout the South, visiting the various cities to learn the sentiment therein and obtain the opinion of the various legal luminaries of the first magnitude scattered throughout that section. The result, in the opinion of the lum-

naries, was almost unanimously adverse to its constitutionality. Luke Wright of Tennessee declared it absolutely void, as did Hoke Smith of Georgia. It must be said, however, that these opinions were rendered on the question of the general police power of the city, not that special and broader one which the advocates of the ordinance claim is conferred by the Baltimore charter of 1796.

What the final holding upon the validity of the ordinance will be, therefore, is about as much in the dark as a legal question could well be. There remains clear this fact, however: Southern cities have now a new phase of the negro problem to meet.

"When I was making my tour of the Southern cities," said the staff member of the Baltimore newspaper referred to, "the authorities all said: 'Why, we have no such problem; no negro would dare intrude himself into our white residential district.' All this is very true down there now—and it was true of Baltimore twenty-five years ago. But in twenty-five years, and less, the negro of the Southern cities will attain the point now reached by the Baltimore negro of to-day—and then they will have the very same question that is now agitating Baltimore today, only in more exaggerated form because the negro population is proportionately so much greater."

A solution was suggested to THE