

BALTIMORE TRIES DRASTIC PLAN OF RACE SEGREGATION

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

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 abandons the street. Druid Hill Avenue, a few years ago a white residential street, is now



Milton Dashiell, Author of the Ordinance.

said, "that even the best of the well-to-do colored people should invade our residential districts. I am sure the colored race has no better friend than I and those situated as I am. From my earliest recollection my feeling for the race has been one associated with affection; my old negro 'mammy,' my little nurse-girl playmate, all are among my happiest recollections.

"But the idea of their assuming to live next door to me is abhorrent. I am sure no good can come of it to them. They will be lonesome up here away from the rest of their kind. It is a sad thing, and I do hope there will be found some way to put a stop to it. I would hate at my time of life, after living so many years in such pleasant relations with the darkies, as all my family always have, to be compelled to change my ideas upon the subject."

"This much for those who advocate the ordinance and would restrain the negro from living in juxtaposition to the white. As to the other side of the question, none could be better qualified to speak than George W. McMechen, the negro lawyer whose occupancy of the premises at 1,834 McCulloh Street practically precipitated the whole matter into the form of the present ordinance. He is a native of Wheeling, West Va., and after being graduated in the academic course from Morgan College, Baltimore, in 1885, took the law course at Yale, whence he obtained his degree of B. A. in 1887. He is one of the most successful of the negro members of the Baltimore bar.

"For some time the white people of Baltimore have objected to all attempts of the colored people of the city to better their opportunities by moving into respectable localities," he said to THE TIMES representative, "and it seems as though this spirit became more pronounced last Spring in different sections of the city, when it was rumored that certain colored families were going to move into the West La Fayette Avenue neighborhood, a district exclusively white. The citizens of that district, as well as other organized associations, to prevent colored people from moving there, 'Nothing ever came of the West La Fayette Avenue affair, however. Whether because the colored families changed their minds voluntarily or were intimidated, I do not know. Affairs like this have been going on for years intermittently, but, as I say, the feeling was never so strong as it appeared to be last Spring.



City Solicitor Edgar Allan Poe.

some places to separate the two races, and in others to allow them to mingle? The answer is simple.

"It is because in certain communities the maintenance of public order and the general welfare do not require or render proper or reasonable the separation of the two races, while in other communities a proper regard for public order and the general welfare render such separation necessary.

"All the reasons of the Courts upholding legislation for the separation of the races, when analyzed are found to be based upon the assumption that because of irrefutable facts, well-known conditions, inherent personal characteristics, and ineradicable traits of racial character, close association on a footing of absolute equality is utterly impossible between them where negroes exist in large numbers in a white community, and such association invariably leads to irritation, friction, disorder, and strife.

"The separation of the races enforced by law in public schools, on railroad trains, in the street cars, and in public places is founded on and supported by solely the considerations which I have just mentioned.

"Why should the State put itself to the extra expense of providing separate schools for the colored race? Why should common carriers be put to the extra expense of providing separate accommodations for the colored race? Why should marriage between the races be prohibited unless it be because in the communities where such legislation prevails the people actually know and correctly be-



Councilman Samuel L. West, Who Introduced 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—a 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, shorn of its legal verbiage, provides as follows:

1. That no negro may take up his residence in a 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 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 is not a new departure in legislation, that numerous 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 within its purview. The former are temporary, as it were, in their nature; the Baltimore ordinance is pronounced 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 for or better or worse, is evidenced from the one deduction above out of many that are made from the ordinance. Thus 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 indorsed 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 destruction which is of necessity bound to

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

move when the colored family would move into a neighborhood that had hitherto been exclusively inhabited by white people. That such depreciation does not necessarily follow we of Baltimore have learned after years of hard and sad experience. There is no theory about that proposition; a negro owning property in an exclusively white neighborhood would no more think of occupying or leasing that property to another negro than a white man would—simply because he knows that such an act would result in the depreciation of the value of his property perhaps one-half. There are several instances of this kind of which I know.

"Our problem here in Baltimore is different from that in any other city in the country. In the Far South the negroes would never dream of pushing their way into the white residential districts and intruding themselves upon the dwellers there. What the result of such action would be, either directly or indirectly, such would be, if such were taken, I presume the readers of THE TIMES are about as

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,



Lane 50 Where the Negro Invasion Has Depreciated Values.

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 all the cities, and in some practically infinitesimal. 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 after 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 thought 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 a solution 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 their 'pecking' and to get as close to the company of white people as circumstances will permit them. This was the inception, the egg of the trouble.

"These negroes of the better class commenced some ten years ago to ab-

ment, and for promoting the interests and insuring the good government of the city."

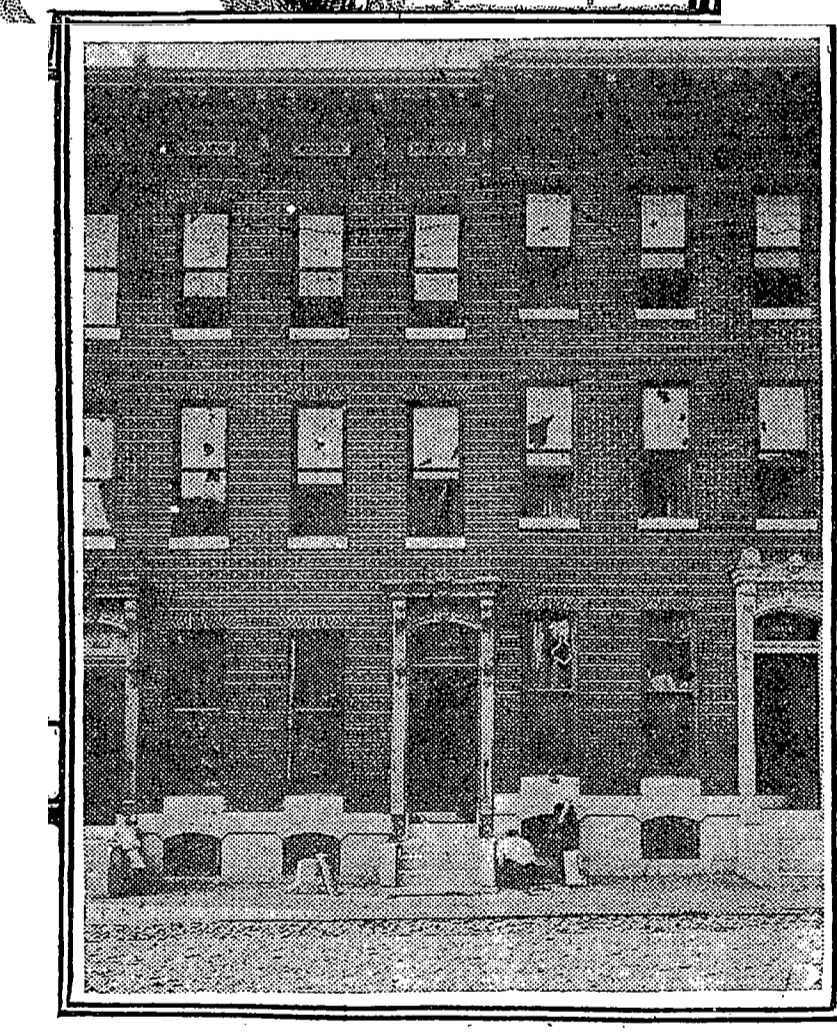
"And in commenting on this section of the charter, the Supreme Court of Maryland said in 1909 in Rossburg vs. State: 'Greater emphasis could not be laid upon the implied powers of the city for the maintenance of the peace and good government of itself.'

"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 must be observed 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 white. 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 destruction in value.

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



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.

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

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—grandfather 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 association of the 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 invariably leads to grave public disaster. This recognized fact has resulted in the passage 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.

"Why, therefore, is it held wrong in



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

have that the real welfare and the absolute protection and safety of the community depend upon the enforcement of such legislation?

"The inevitable result, therefore, is the establishment of the proposition that a State has the right under its police power to require the separation of the two races wherever the failure to so separate them injuriously affects the good order and welfare of the community.

"The conclusive test of the validity of legislation looking toward the separation of the two races is to be found in the answer to the questions:

"1. Do conditions actually exist threatening the good order and welfare of the community and requiring the passage of some remedial legislation?"

"2. Does the legislation actually passed in response to such demand bear any reasonable relation to the exigency leading to its passage?"

"That Mr. Poe thought that the situation in Baltimore caused by the influx of negro residents into McCulloh and other white residential streets came well within the purview of these inquiries is shown by the fact that he held the ordinance valid. In short, the situation was serious, and the only way out of it was by some such radical legislation as has been passed.

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

"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. No, I do not know who they were. It was rumored that they were merely boys, but it must have taken something bigger than a boy to fling a whole brick high enough to enter the skylight on a three-story building, as this house is."

"As soon as I moved in the white people in the neighborhood organized a 'Pecking' club. 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 below 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 the block to show its superiority over those four."

"It is a most deplorable thing," she

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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 wish 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 peaceable—existence disturbs any one else we fall 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:

"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 every one 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 presentment 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-

inaries, 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 to-day, only in more exaggerated form because the negro population is proportionately so much greater."

A solution was suggested to THE

TIMES's representative by a Baltimore Judge, who proposes that in the residential quarter of each city where there is a negro population of any considerable size a section be apportioned off wherein negroes of means may acquire property, build handsome houses, and live in all respects as comfortably, even as luxuriously, as their white neighbors, but without that vicious proximity that causes such galling friction. Such a plan, while feasible in a Western city, would hardly be found practicable in the older cities of the East, wherein residential districts have long ago crystallized. This, then, is but another phase of that National puzzle known as the negro problem. Good sense, however, exercised by both white and black, is each year making its solution more feasible.