

VITRINE SIX:

- Hon. Wiley W. Manuel, Associate Justice, California Supreme Court, 1977–1981
- Hon. Allen E. Broussard, Associate Justice, California Supreme Court, 1981–1991
- Hon. Janice Rogers Brown, Associate Justice, California Supreme Court, 1996–2005; Associate Justice, California Court of Appeal, Third Appellate District, 1994–1996
- Hon. Edwin L. Jefferson, Associate Justice, Division Four, California Court of Appeal, Second Appellate District, 1961–1975
- Hon. Bernard S. Jefferson, Presiding Justice, Division One, 1980; Associate Justice, Division Four, 1975–1980, California Court of Appeal, Second Appellate District
- Hon. Clinton W. White, Presiding Justice, Division Three, California Court of Appeal, First Appellate District, 1978–1994
- Hon. John J. Miller, Associate Justice, Division Two, California Court of Appeal, First Appellate District, 1978–1985
- Hon. Arleigh Maddox Woods, Presiding Justice, Division Four, 1982–1995; Associate Justice, Division Seven, 1980–1982, California Court of Appeal, Second Appellate District
- Hon. Vaino H. Spencer, Presiding Justice, Division One, California Court of Appeal, Second Appellate District, 1980–2007
- Hon. Leon Thompson, Associate Justice, Division Seven, California Court of Appeal, Second Appellate District, 1982–1988
- Hon. Candace D. Cooper, Presiding Justice, Division Eight, 2001–2008; Associate Justice, Division Two, 1999–2001, California Court of Appeal, Second Appellate District

VITRINE SEVEN:

- Hon. Henry E. Needham, Associate Justice, Division Five, California Court of Appeal, First Appellate District, 2007–
- Hon. Hon. Martin J. Jenkins, Associate Justice, Division Three, California Court of Appeal, First Appellate District, 2008–
- Hon. Jeffrey W. Johnson, Associate Justice, Division One, California Court of Appeal, Second Appellate District, 2009–
- Hon. Vance W. Raye, Presiding Justice, 2010–; Associate Justice, 1991–2010, California Court of Appeal, Third Appellate District
- Hon. William J. Murray, Jr., Associate Justice, California Court of Appeal, Third Appellate District, 2010–
- Hon. Carol D. Codrington, Associate Justice, Division Two, California Court of Appeal, Fourth Appellate District, 2011–



HON. TANI G. CANTIL-SAKAUYE

Chief Justice of California

HON. WILLIAM R. MCGUINESS

*Administrative Presiding Justice, Court of Appeal,
First Appellate District*

MR. WILLIAM C. VICKREY

Administrative Director of the Courts

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AFRICAN AMERICANS IN THE CALIFORNIA COURTS

IN THE COURTS, 1852 – 1948

JUSTICES, 1961 – 2011

THE ARCHIVE ROOM
EARL WARREN BUILDING
FIRST FLOOR
350 McALLISTER STREET
SAN FRANCISCO

This exhibit honors African Americans who have come before the California Courts in the 19th and 20th centuries as well as African-American jurists appointed to the courts in the 20th and 21st centuries.

Nineteenth century cases that decided the fundamental rights of African-American citizens had mixed outcomes. The Supreme Court's decision in *In re Perkins* (1852) 2 Cal. 54, is notable for its repeated use of language demeaning to the petitioners and for its refusal to grant freedom to the petitioners. In 1856 the case of Bridget "Biddy" Mason had a happier outcome in the Los Angeles district court, which decided that she and her companions were free and "entitled to their freedom forever." And in 1858 Archy Lee was also granted his freedom, but only after five court proceedings. In 1868, Mary Ellen Pleasants and her husband were successful in their suit to enforce her right to use San Francisco's public transportation but later unsuccessful, before the California Supreme Court, in their request to be awarded punitive damages. (1868) 34 Cal. 586.

Although California statutes demonstrated a laudable interest in public education for all citizens, separate schools for white children were permitted until 1880. In 1874 the California Supreme Court denied the right of Mary Frances Ward, an African-American child, to attend her all-white neighborhood school, 48 Cal. 36. Sixteen years later, however, the court issued a mandate to require the admission of Arthur Wysinger to the public school that he and his father had chosen for him. (1890) 82 Cal. 588.

Cases decided in the next fifty years also present mixed outcomes but in 1947 Judge Stanley Mosk held racially-restrictive covenants unconstitutional, anticipating the U.S. Supreme Court's decision the next year, in *Shelley v. Kraemer* (1948) 334 U.S. 1. And in 1948 the California Supreme Court held the state's anti-miscegenation statute unconstitutionally vague and unenforceable under the Fourteenth Amendment to the U.S. Constitution. *Perez v. Sharp* (1948) 32 Cal. 2d 711.

Throughout this period there was a noticeable absence of African-American judges in California Courts. The second half of the 20th century, however, brought the appointment of distinguished black jurists, including three members of the California Supreme Court and eight justices of the California Courts of Appeal where six justices serve at present.

ON EXHIBIT

VITRINE TWO:

Although California's constitutional Declaration of Rights assured inalienable constitutional and civil rights to all men, the status of

those in slavery prompted ongoing deliberations. In 1852, California's Fugitive Slave Act secured the return of slaves to those owners who had come to California before admission into the Union. The Supreme Court's decision in *In re Perkins* (1852) is notable for its repeated use of language demeaning to the petitioners, three men whose arguments for their freedom received scant attention in the opinion. The case of Bridget "Biddy" Mason, however, ended far more happily, its grant of freedom to her and her family providing her with a foundation for her future considerable success as a citizen and entrepreneur.

- California's Fugitive Slave Act, Stats. 1852, ch. 33, p. 67
- *In re Perkins* (1852) 2 Cal. 424
- Photograph of Bridget "Biddy" Mason, 1818–1891
- *Mason v. Smith* (First Jud. Dist., Los Angeles County, 1856)

VITRINE THREE:

Archy Lee came to California from Mississippi in the company of Charles Stovall, who asserted that he was Mr. Lee's master. Evidence presented in later judicial proceedings cast some doubt upon this alleged relationship, but did not prevent Mr. Lee's arrest and capture as a fugitive slave, on January 6, 1858 in Sacramento. Following five judicial proceedings, including one in the California Supreme Court, Mr. Lee was declared to be a free man.

Mary Ellen Pleasant has been called the Mother of Civil Rights in California. Born in slavery in Georgia, Ms. Pleasant came to California during the Gold Rush. Here she continued to fight against slavery and to rescue those still in bondage. She is said to have hidden Archy Lee in her home and to have assisted his escape into Canada. In *Pleasants v. North Beach and Mission Railway*, Mrs. Mary Ellen Pleasant brought suit to challenge a streetcar company whose driver had refused to permit her to board.

- *Ex parte Archy* (1858) 9 Cal. 147
- "Archy" *California Daily Chronicle* (1858)
- R. M. Lapp, *Archy Lee: A California Fugitive Slave Case* (1969, Berkeley: Heyday Books, 2008)
- Reverend John Jamison Moore
- Subpeona for Archy's Witness, *Stovall v. Archy* (1858), U.S. Circuit Court for the Northern District of California
- *Pleasants v. North Beach and Mission Railway* (1868) 34 Cal. 586
- L. M. Hudson, *The Making of "Mammy Pleasant." A Black Entrepreneur in Nineteenth-Century San Francisco* (Urbana: University of Illinois Press, 2003)
- Photograph of Mary Ellen Pleasant memorial plaque

VITRINE FOUR:

Although California statutes demonstrated a laudable interest in public education for all citizens, separate schools for white children were permitted until 1880. The Wysinger case determined that the school board had no power to refuse enrollment to a child of African descent because the statute prohibited such action, (1890) 82 Cal. 588. That the practice of separate but equal public schools did not end there was clearly demonstrated in the decision in *Westminster v. Mendez*, (9th Cir. 1947) 161 F.2d 774. The *Mendez* decision has been called the case that ended school segregation in California. It precedes by seven years the U.S. Supreme Court's landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954).

- *Ward v. Flood* (1874) 48 Cal. 36
- Photograph of Class of 1889, San Jose High School
- *Wysinger v. Crookshank* (1890) 82 Cal. 588
- Photograph of Hon. Thurgood Marshall

VITRINE FIVE:

Mr. Frank Drye, a decorated veteran of two wars, and his family saved for 26 years to buy their dream home. In 1947 the family moved from Alabama to Los Angeles where they purchased an ideal house in an upscale neighborhood where only two other African-American families resided. Alarmed by the advent of another black family, neighbors filed an action in the Los Angeles Superior Court to enforce Caucasian-only restrictive covenants on all three properties. Represented by Loren Miller, the Dryes demurred. Hon. Stanley Mosk, then a judge of the Los Angeles court, sustained the demurrer without leave to amend.

Ms. Andrea Perez and Mr. Sylvester Davis met while working in the World War II defense industry, and fell in love. Deciding to marry, they applied for a marriage license with the County Clerk in Los Angeles. After their application was denied they brought a writ of mandamus to the California Supreme Court, asking the court to require that Mr. Sharp issue their marriage license. Deciding *Perez v. Sharp*, 1948 32 Cal. 2d 711, the court concluded that marriage is a fundamental right that cannot be denied to persons on the basis of their race(s).

- Photograph of Hon. Loren Miller
- G. Simons, "Judge Stanley Mosk Rules Race Covenants Illegal, 'Un-American'" *Los Angeles Sentinel*, (October 30, 1947) p. 1
- C. Rasmussen, "L.A. Then and Now: Dream home came with racial restrictions," *Los Angeles Times* (Nov. 11, 2007) p. B2
- Petitioners' Reply Brief, *Perez v. Sharp* (1948) 32 Cal.2d 711
- *Perez v. Sharp* (1948) 32 Cal.2d 711