

Juanita Hairston

A Damning Precedent: Plessy v. Ferguson



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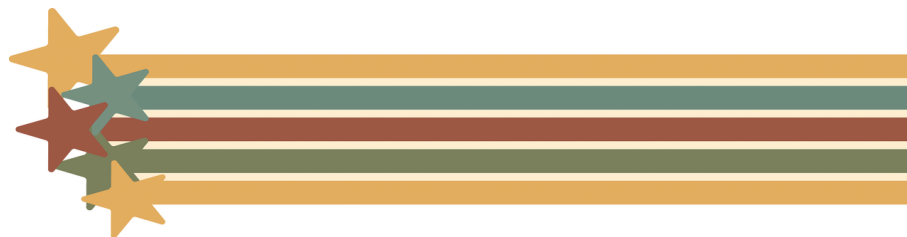
In 1896, the U.S. Supreme Court ruled that a Louisiana segregation law was constitutional. *Plessy v. Ferguson* created the notion of “separate but equal.” In the only dissenting opinion, Justice John Marshall Harlan stated, “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.” In 1954 the majority of the Supreme Court finally agreed, overturning *Plessy* in *Brown v. Board of Education*. Summing up the court’s unanimous decision, Chief Justice Earl Warren stated, “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

Colorado enacted its first civil rights law in 1885, revising it in 1895, 1917, and 1935 – all before the national Civil Rights Act of 1964. These laws made racial segregation illegal and guaranteed equal access to “public accommodations,” a term referring to businesses providing goods, services, or facilities to the public; including theaters, restaurants, hotels, and public transportation. Despite segregation being illegal, many Colorado businesses continued denying service to or offering a lower standard of service to Black customers – including businesses in Colorado Springs. A plethora of sources demonstrate the harm and violence caused by the practice of “de facto” discrimination.

For example, on April 1, 1944, Juanita Hairston bought a regularly priced ticket at the Ute Theatre in downtown Colorado Springs. After taking her seat an usher asked her to move to the balcony. She refused. When the usher explained it was, “custom to seat negroes on the balcony,” she replied, “I do not live by custom, I abide by the law.” The manager was called, accused her of “creating a disturbance” and called the police. Juanita was forcibly removed, escorted out, and arrested. With support from the local NAACP, she sued the Ute Theatre citing the Colorado Civil Rights Act. Despite many legal obstacles and anonymous threats to her safety, Juanita Hairston prevailed – in 1947 the El Paso County District Court ruled in her favor. Of note, this was several years before Rosa Parks refused to give up her seat on a segregated Montgomery, Alabama bus in 1955.



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Theater Co. Is Defendant in Damage Suit

Juanita Hairston Alleges Unfair Ejection; Seeks Judgments for \$10,575

Juanita Hairson of 325 E. Carmillo St., filed suit in District court Tuesday for \$10,575 damages against the Interstate Theaters, Inc., Ivan Hoig, Ute theater manager, and L. F. Rader and Archie Irion, police officers. She asserted that she had been "publicly and greatly insulted, humiliated and subjected to notoriety" by being ejected from a midnight motion picture show.

The complaint said Mrs. Hairston was "peacefully and quietly" watching the show at the theater about midnight April 1, 1944, when the defendants "conspired together to wrongfully and unlawfully remove and eject the plaintiff from her seat and to use and exert physical force and violence upon the person of the plaintiff" and did "commit an assault and battery upon the person of the plaintiff."

The plaintiff charged she lost a purse and contents valued at \$75 as a result of being ejected and was "publicly and greatly insulted, humiliated and subjected to notoriety and was publicly charged with disturbance, thereby being damaged to the extent of \$5,000.

United States.

The complaint set forth that Mrs. Hairston is colored and that the "conspiracy" was entered into because of her color in violation of a Colorado law. She asked \$500 damages on this count.

The remaining \$5,000 sought were asked as exemplary damages.

Attorney for the plaintiff is Carle Whitehead of Denver.

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