

Fighting Racism in Travel and Transportation

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Mia Bay, [Traveling Black: A Story of Race and Resistance](#) (2021).

Mia Bay's fantastic new book, *Traveling Black*, is both a richly detailed history of travel and transportation from the late nineteenth century to the 1960s that centers the experiences of Black travelers, and a deeply researched history of resistance to discrimination that brings to light those travelers' active and ongoing efforts to demand equal treatment.

Bay keeps the focus on Black travelers throughout, explaining in granular detail all of the ways in which one's experience of travel depended on one's race. The first several chapters each focus on a single form of travel—railroad, car, bus, and airline. In each chapter, Bay offers detailed descriptions of how formal and informal restrictions imposed by white lawmakers and business owners affected where and how Black travelers were able to ride, drive, wait, eat, drink and sleep. One notable strength of *Traveling Black* is Bay's ability to tell a national story about multiple kinds of transportation while also directing readers' attention to how the "complex pastiche of law and custom created racial rules that were too inconsistent to be easily followed—or endured." (P. 8.) Practices differed by region, by state, and by city. Some of the discrimination, segregation, and exclusion she describes was a matter of individual discretion or business practice or local custom. Airlines, for example, created "a variety of unobtrusive approaches to discouraging Black passengers—which never ended up in court." (P. 210.) In other areas these practices were supported by formal laws requiring segregation and empowering transportation workers as enforcement agents.

Throughout the book, Bay makes clear how much work white business owners and white government officials put into imposing racial hierarchies on each new travel experience. Allowing travelers to intermingle would have required little effort, but suggested a kind of racial equality that was anathema to white decision-makers. For businesses and officials committed to making racial hierarchies clear, each new form of transportation was its own challenge, as trains, cars, buses, and airplanes each had different seating configurations, technologies, economics, and regulatory regimes. Thus, for example, Black passengers were directed to separate railroad cars, to the rear seats in a bus, and to the front seats of an airplane—in all cases the least comfortable location, and one that assured white travelers of their own social position. Travelers also created demand for various related businesses—including railroad and bus depots, airports, gas stations, hotels, campgrounds, restaurants, and airport taxis—and here too local businesses and government officials sought to ensure that Black travelers were treated worse than white travelers, or refused service entirely.

Bay also highlights how class and wealth intersected with racial discrimination. Wealth couldn't improve a Black traveler's railroad experience (with the exception of Pullman cars) or bus trip; it could, however, allow that same traveler to purchase an automobile and avoid trains and buses altogether. This raised new complications, though. As Bay points out, "Cars, which were available to anyone who could afford to buy one, challenged the Jim Crow South's carefully regulated social order." (P. 124.) Black travelers whose cars were too nice drew additional scrutiny from police.

In every area of travel, Bay demonstrates, Black travelers resisted, protested, amplified complaints, called on businesses and governments to act, and sued to challenge the white supremacist laws and

customs they encountered. Black travelers drew on a variety of legal arguments, including nondiscrimination language in the Interstate Commerce Act of 1887 and its amendments and the Federal Aviation Acts of 1938 and 1958, that the agencies in charge had failed to enforce. Bay urges us to rethink our histories of this era in order to acknowledge a much longer and more extensive pattern of resistance than previously known; these actions “document a sustained fight for mobility that falls largely outside the organizational history of the civil rights movement.” (P. 3.) This deeply researched book brings this fight to light, and in particular makes excellent use of Black newspapers to describe a lot more use of the courts than well-known court victories demonstrate.

These efforts, however, led to little practical change. Bay demonstrates the difficulties of legal challenges to these practices, given the confusing and often overlapping jurisdictional boundaries involved. Interstate and intrastate travel were constitutionally distinct, so railroad depots, restaurants, taxis, gas stations, and airports were legally different spaces than were railroad cars and airplanes. (And airports, mostly constructed with federal funds, were themselves not subject to the same rules as bus and railroad depots.) Railroads, buses, and airlines, as common carriers, were subject to different rules and laws than automobiles, and railroads and buses were subject to one federal agency (the ICC), while airlines were subject to others (the Civil Aeronautics Board and the Federal Aviation Administration). Bay deftly navigates these differences, always making clear to the reader what the legal status of each space was, how parties attempted legal challenges, and, as often happened, which nondiscrimination provision(s) those in charge of the space were choosing to ignore.

A key theme of the book is the ineffectiveness of legal and policy wins untethered to strong enforcement. Bay describes the legal victories along the way, but also how they did little to change Black travelers’ experiences. Some businesses responded to complaints with concern and promises of improvement, but did nothing. Hard fought victories in court or before the Interstate Commerce Commission (ICC) were not enforced. The final two chapters tell the somewhat more familiar story (to legal historians, anyway) of more successful efforts to fight transportation segregation. Black passengers begin winning in federal court (in cases like *Morgan v. Virginia* (1946), *Gayle v. Browder* (1956), and *Boynton v. Virginia* (1960)) and before the ICC (in *Keys v. Carolina Coach Co.* (1955)). Direct action efforts like the Montgomery bus boycott and the Freedom Rides brought additional public attention to the issue of racial discrimination in transportation. However, even these widely touted victories were not enough to change the experience of travelers. Businesses continued to simply decline to comply with laws and rulings and administrative orders, and not until the 1960s, when the Department of Justice and the ICC finally began aggressively enforcing judicial decisions and statutory bans on discrimination, was there real change in businesses’ behavior.

The book concludes with the Civil Rights Act of 1964, Title II of which stated a broad national rule against racial discrimination in public accommodations affecting interstate commerce. As Bay describes, “Enforced by the Department of Justice and supported in the courts, Title II of the 1964 Civil Rights Act worked in tandem with the ICC’s 1961 ruling barring racial segregation in interstate transportation and put a decisive end to many of the most galling indignities that Blacks had long suffered. While racism is far from dead, the desegregation of public accommodations was, and still is, one of the civil rights movement’s most important achievements. Its impact in the field of transportation was nothing short of transformative.” (Pp. 304-05.)

Bay’s epilogue, however, warns the reader that, as effective as the Civil Rights Act was in stopping most discriminatory practices that bedeviled Black travelers for most of the twentieth century, white supremacy finds a way. Bay briefly sketches some ways transportation discrimination has manifested since 1964, noting the demise of and defunding of public transportation in urban areas; the construction of highways through historically Black neighborhoods; suburbanization, white flight, and Americans’ increasing dependence on cars; and discrimination by “private” AirBnB hosts. In addition, Title II did

nothing to address the risk police traffic stops pose to Black drivers—a problem that has grown substantially worse with the vast expansion of policing since the 1970s. “Black Lives Matter, like many of the earlier civil rights initiatives chronicled in this book, has taken shape at least in part around the dangers of traveling Black.” (P. 318.) Bay ties all of this into a broader point about the limits of formal law; “Many of the forms of racial discrimination encountered by African American travelers were informal rather than required by law, and many of them have not been eradicated. Today, as in the past, civil rights laws are not always successful in protecting Black travelers.” (P. 307.)

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