

Supreme Court Committee

February 2024

Chair: Giovana Muzzi **Chair:** Lucrezia Rima LETTER FROM THE DAIS

Dear Prosecutors, Defense Attorneys, and Members of the Supreme Court,

Carrying on MinasMUN's well-valued traditions, the Supreme Court of the United States committee allows delegates to step into the roles of justices and advocates as they discuss the most pressing constitutional issues. Although this committee heavily leans into the "non-traditional" categorization of Model UN, court committees are designed to push experienced delegates in terms of their existing skills in persuasive writing and public speaking, offering an unmatched challenge in developing a working understanding of the legal systems and precedents that simulate real-world court arguments.

Delegates participating in this committee will end their weekend having portrayed a justice, lawyer, or special interest representative, ultimately grasping a deeper understanding of the United States constitutional law and the functional reality of the Supreme Court.

We are looking forward to hearing discussions that deeply consider the consequences of segregation in our society, as we believe it crucial to address the impacts caused by decades of racism and injustice. We can grasp invaluable lessons from our history.

Please feel free to reach out if you have any questions or concerns regarding the changes in procedure, delegation, etc. We look forward to guiding you through the United States Supreme Court!

Sincerely,

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COMMITTEE DESCRIPTION



The words "equal justice under law", written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or American laws. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of lawful equal justice and, thereby, functions as guardian and interpreter of the Constitution. Established by the United States Constitution, the Supreme Court began to take shape with the passage of the Judiciary Act of 1789 and has enjoyed a rich history since its first assembly in 1790. The Supreme Court is deeply tied to its traditions: in the federal government's three branches, the Court bears the closest resemblance to its original form. It consists of the Chief Justice of the United States and as such, several Associate Justices as may be fixed by Congress. The number of Associate Justices within the court is currently fixed at eight (28 U. S. C. §1). Power to nominate the Justices is vested in the President of the United States, and appointments are made with the advice and consent of the Senate.

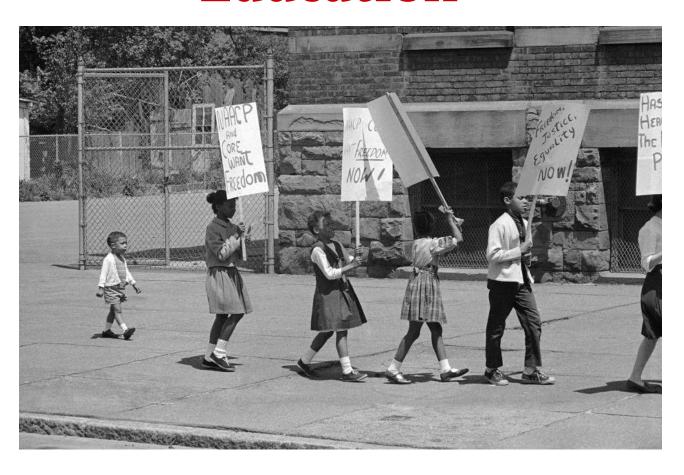
PROCEDURAL CHANGES

Due to this being a special committee, changes in procedure will be enacted:

- 1. As delegates will be representing historical individuals, delegates will be allowed to use personal pronouns (I, me, you, etc.)
- 2. As this is a courtroom, chairs shall be addressed as judges.
- 3. Opening speeches shall be presented as opening statements.
- 4. Witness testimonies will be present.
- 5. Resolutions will be drafted to represent agreements between these historical individuals; they will hold final power in the committee. Each delegate should bestow their delegations' specific knowledge.
 - a. Resolutions should maintain normal resolution format (operative clauses, preambulatory clauses, etc.)
 - b. Resolutions must reexamine these court cases by overturning or reinforcing these rulings, while considering perspectives of each delegation.
 - c. Resolutions shall be voted on clause by clause.
 - d. The judges will be responsible for passing or not passing the clauses depending on the strength of the argument.
 - i. Arguments should be based on the American Constitution and the Bill of Rights only; not the UN Charter.

Topic A:

Brown V. Board of Education



BACKGROUND INFORMATION

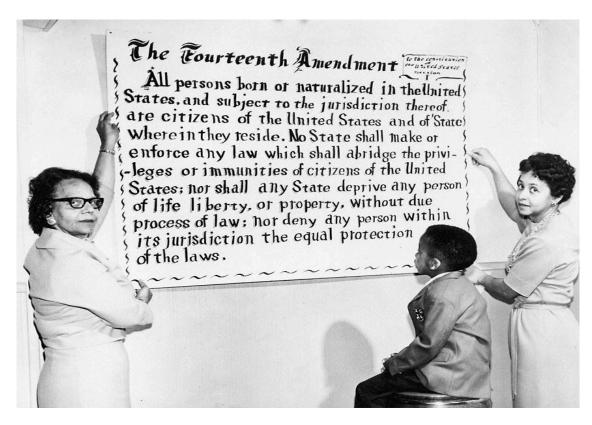
Introduction

Brown v. Board of Education (1954) was a landmark U.S. Supreme Court decision within the civil rights movement that took down the "Separate but Equal" doctrine and outlawed segregation in schools. The court ruled that laws enforcing racial segregation in public schools were unconstitutional, even if the segregated schools followed "separate but equal" (Plessy v. Ferguson) laws. The Supreme Court's decision was unanimous and felt that "separate educational facilities are inherently unequal," and violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the ruling did not specify a particular method, time, or way of how to proceed in ending the racial segregation in present schools, as the Court's ruling demanded states to desegregate yet "with all deliberate speed.", because of this statement many Southern states manipulated the ruling to prolongate the segregation within schools and publicly showed the discontent over the decision as the segregationists protested and boycotted various schools by closing their function rather than having mixed classrooms. Additionally, the merging of these schools caused a great number of Black professors and principals to be fired as the White parents were against them being in positions of power, building on the idea of racism within America. The Brown v. Board of Education marked an increase in the acknowledgment of the civil rights movement however, it was only the beginning of the still ongoing fight against racism.

14th Amendment

The Fourteenth Amendment was made after slavery was abolished in the United States as a part of the Reconstruction Act, it was designed to assure the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons and to give to that race the protection of the general government. The main purpose of the amendment was to ensure the Black population's safety within the newly reinstated South after the Civil War. It was used as

the main argument against the segregation of schools as it did not give the same access and structure to both races.



(Sylvia N. Thompson (left) with her daughter Addie Jean Haynes and Addie's ten-year-old son Bryan Haynes holding up a poster-sized copy of the 14th Amendment at the NAACP Portland office in 1964.)

The National Association for the Advancement of Colored People

The National Association for the Advancement of Colored People (NAACP) is a civil rights organization in the United States, formed in 1909 as an interracial endeavor to advance justice for African Americans by a group including W. E. B. Du Bois, Mary White Ovington, Moorfield Storey, and Ida B. Wells. It had a crucial role in the Brown v. Board of Education as its Legal Defense and Education Fund began to turn to the courts to try to make progress in overcoming legally sanctioned discrimination, including the Margold report that attacked the doctrine of separate but equal by challenging the inherent inequality of segregation in publicly funded primary and secondary schools marking the beginning of the NAACP's legal campaign with

lawsuits for equal facilities in graduate and professional schools including Brown v. Board of Education.



Mother and child on the steps of the Supreme Court following the Brown v. Board of Education decision.

(Wikipedia Commons)

Griffin V. County School Board of Prince Edward County

In 1951, a group of African American students in Prince Edward County, Virginia filed a complaint in district court alleging that the Virginia laws requiring segregated schools denied them their Fourteenth Amendment rights to equal protection under the law. When the Supreme Court decided Brown v. Board of Education in 1954, this case and others like it were remanded to the lower courts to order desegregation. Prince Edward County resisted desegregation by refusing to levy and collect the school taxes for the 1959-1960 school year, which forced the public schools in the county to close. The Prince Edward School Foundation was formed to ensure private education for White students. African American students did not receive formal education from 1959 until 1963 when federal, state, and county authorities collaborated to hold desegregated

classes in county-owned buildings. In 1960, the Prince Edward Board of Supervisors passed an ordinance providing tuition grants for the children attending the private schools of the Prince Edward School Foundation.

In 1961, the petitioners amended their original complaint to include new respondents and the elements of failing to provide public free schools in the county and using public funds to pay for segregated private schools. The district court held that the county could not pay the tuition grants as long as the public school remained closed, but the court refrained from making a decision regarding the closed public schools until the Virginia courts ruled on the issue. Later, without waiting for the decision of the Virginia courts, the district court held that the public schools must reopen. The United States Court of Appeals for the Fourth Circuit reversed the decisions because the district court should have waited until the state courts determined the tuition grants' validity and the public schools' closing.

Key Terms

Black Monday

Black Monday, a combination of legal arguments and specious anthropological ideas, called for the popular election of Supreme Court justices, a youth education program on ethnology and communist infiltration, the elimination of the National Association for the Advancement of Colored People, the abolition of public schools, and the creation of a forty-ninth state for African Americans. Brady also argued that the separation of the races preserved an orderly society, and that a disregard for Southern morals would create racial turmoil. He urged White citizens to prevent racial amalgamation. It won accolades from segregationists and other conservatives and raised money for the White Citizens' Council. Brady was an architect of that group, helping to write its charter and bylaws and traveling the country as its spokesperson. He viewed the Council as a peaceful organization that could stop a race war and serve as the core of a new grassroots conservative party to thwart the encroachment of socialism and the disregard for law at the federal level.

(Mississippi Encyclopedia)

Zoning

Zoning was used in the United States as a way to exclude certain types of land uses from a given community, especially to regulate racial and economic diversity. Within these policies income differences, and private discrimination of real estate agents, and banks, came under the category of what the Supreme Court called de facto segregation. Segregation in every metropolitan area was imposed by racially explicit federal, state, and local policy however, without which private actions of prejudice or discrimination would not have been very effective. The United States segregation is a governmentally sponsored system, made with racial discrimination ideals spread over all of the White population (predominantly the South) since slavery, resembling the segregation within the education system as both were intended to keep the Black population as inferior to continue the hierarchical system present in the pre Civil War time.

Segregation

Racial segregation [is] the practice of restricting people to certain circumscribed areas of residence or to separate institutions (e.g., schools, churches) and facilities (parks, playgrounds, restaurants, restrooms) on the basis of race or alleged race. Racial segregation provides a means of maintaining the economic advantages and superior social status of the politically dominant group, and in recent times it has been employed primarily by White populations to maintain their ascendancy over other groups by means of legal and social color bars.

(Encyclopedia Britannica)

Civil Rights Movement

The American Civil Rights movement, the mass protest movement against racial segregation and discrimination in the southern United States came to national prominence during the mid-1950s. This movement had its roots in the centuries-long efforts of enslaved Africans and their descendants to resist racial oppression and abolish the institution of slavery. Although enslaved people were emancipated as a result of the American Civil War and were then granted basic civil rights through the passage of the Fourteenth and Fifteenth Amendments to the U.S. Constitution, struggles to secure federal protection of these rights continued during the next century. Through nonviolent protest, the civil rights movement of the 1950s and '60s broke the pattern of public facilities being segregated by "race" in the South and achieved the most important breakthrough in equal rights legislation for African Americans since the Reconstruction period (1865–77). Although the passage in 1964 and 1965 of major civil rights legislation was victorious for the movement, by then militant Black activists had begun to see their struggle as a freedom or liberation movement not just seeking civil rights reforms but instead confronting the enduring economic, political, and cultural consequences of past racial oppression

(Encyclopedia Britannica)

MAJOR DELEGATIONS

Thurgood Marshall

Thurgood Marshall was a civil rights lawyer who used the courts to fight Jim Crow and dismantle segregation in the United States. Marshall was a towering figure who later became the nation's first Black United States Supreme Court Justice. Marshall attended the all-Black Lincoln University (the oldest African-American institution of higher education in the country) and, after being rejected from the University of Maryland School of Law because of his race, went on to attend law school at Howard University and graduated first in his class. It was at Howard University that Marshall met Charles Hamilton Houston, the vice dean of the law school. In 1935, Houston directed the NAACP Legal Defense and Education Fund, and Marshall was his right-hand man, taking part in the 1954 Brown v. Board of Education case in which Supreme Court Chief Justice Earl Warren noted, "in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal".

Oliver Brown

Oliver Leon Brown was an African-American welder who was the plaintiff in the landmark 1954 U.S. Supreme Court case Oliver Brown, et al. v. Board of Education. Brown led a relatively normal life at the time as a family man, and homeowner in an integrated neighborhood, However, because his oldest daughter, Linda, was unable to attend their local all-White school and was forced to travel 24 blocks to the nearest African American school, Monroe Elementary, Brown was recruited by the NAACP through his childhood friend, attorney Charles Scott, to participate in a class-action lawsuit against the Board of Education, to fight against racial segregation within schools.

John Williams Davis

John William Davis was a White American politician, diplomat, and lawyer. He served under President Woodrow Wilson as the Solicitor General of the United States and the United States Ambassador to the United Kingdom. He was the Democratic nominee for president in 1924 but lost to Republican incumbent Calvin Coolidge. Davis was the lead attorney for South Carolina. A graduate of the Washington and Lee University School of Law, Davis was one of the most distinguished constitutional lawyers in the nation. He had participated in more than 250 Supreme Court cases and appeared before the Court some 140 times. With his acceptance of the White social order, Davis decided to present his last Supreme Court argument on behalf of school segregation. Having lost the case, Davis was extremely upset, as he was confident that "history and precedent were overwhelmingly on his side." He died a few months after the decision in Brown v. Board of Education.

James Lindsay Almond Jr.

James Lindsay Almond Jr. was an American lawyer, state and federal judge, and Democratic party politician. His political offices included a member of the U.S. House of Representatives from Virginia's 6th congressional district, the 26th Attorney General of Virginia, and the 58th Governor of Virginia. As state attorney general, Lindsay was the lead lawyer for Virginia. After receiving his law degree from the University of Virginia, he was a legislator and judge in the city of Roanoke. In his arguments before the Court, he claimed that "with the help and sympathy and the love and respect of the White people of the South, the colored man has risen...to a place of eminence and respect throughout the nation."

GUIDING QUESTIONS

Why did segregation start in the United States?

What was the group behind all the violence against Black people after the Civil War?

How did the NAACP fight racism within the United States?

What were the arguments used by the segregationists?

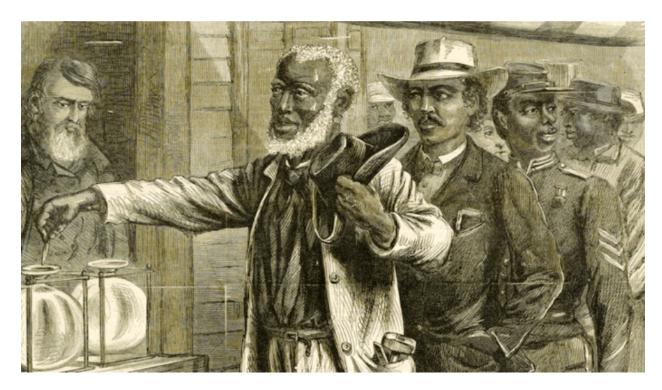
Topic B: Plessy V. Ferguson



BACKGROUND INFORMATION

Reconstruction Era (1867- 1877)

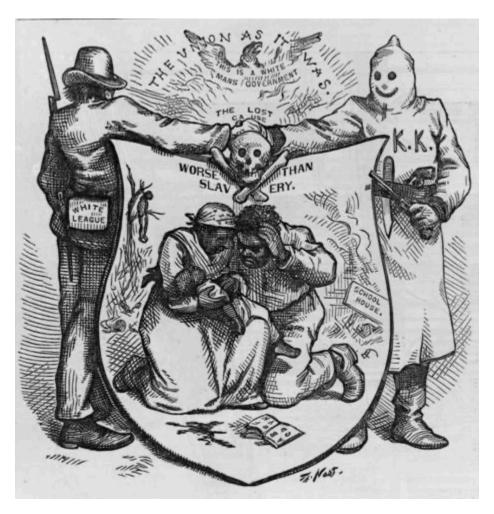
Following the end of the American Civil War in 1865, a new conflict emerged: the attempt to integrate 3.9 million freed slaves into American society and its subsequent controversy. It is a commonly held belief that *Reconstruction's* lack of success was due to White Supremacy as a dominantly held belief, especially in the South. The Ku Klux Klan—a secret society founded in 1867 dedicated to the prosecution of Black people—is a particularly powerful example of this ideology. To spread the message of White Supremacy, members burned buildings, controlled local politics through intimidation, and lynched Black people who "refused to accept their place in the world."



(newly-freed African Americans voting for the first time in 1867)

The Black Codes (1865-1866)

Throughout this period of Reconstruction, many Southern legislatures ended up adopting a series of laws known as Black Codes to codify White Supremacy into their legislative documents. These policies prohibited Blacks from borrowing money to buy or rent land and testifying against White people in court, thus keeping them segregated physically, financially, and culturally from 'normal' American society. With the signing of the Compromise of 1877—a piece of legislature signed to settle the conflict over the results of the 1876 presidential election—federal troops stationed in the South to watch over Reconstruction were promptly removed, marking the final nail in the coffin and the end of *Reconstruction*.



(Cartoon from 1874 that shows that White supremacist groups made life worse for former slaves)

Introduction

Homer Plessy was a shoemaker born around the time of the Civil War in New Orleans, Louisiana. Although Plessy was only 1/8 African, he was still considered a Black man by means of the One-Drop Rule. The One-Drop Rule was an American legislature that stated that if one had even "one drop" of African blood, they were considered Black. During this period, Louisiana was one of the few states with a considerably multiracial and international population, with substantial French, English, Spanish, Black, and Native American demographics. Furthermore, Louisiana had a large free and professional Black population in the 19th century due to the Civil Rights Act of 1866, creating a smoother integration of Black people into American society following the Civil War.

On a superficial level, it seemed that any free Black person had the opportunity to live as the Whites, as they could choose the schools they wanted to attend and marry who they wanted; however, that was not the case, as White supremacy quickly became apparent. In 1890, a law called "the Separate Car Act of 1890" was passed by the Louisiana State Government. The law mandated that separate train cars with comparable amenities be provided for Black and White Americans on all passenger railroads.

Unable to let this go unpunished, the Comité des Citoyens (Committee of Citizens), a commission composed of Black local activists, started organizing a protest against the law: "[They] hired a private detective who had the power to arrest [Homer Plessy] specifically for violating the Separate Car Act [Law]...This way they could make sure they were challenging that specific law in court."

In 1892, Plessy boarded a "Whites Only" car on the East Louisiana Railroad. Following his refusal to move to the Colored Section of the train because he was only 1/2 Black, the aforementioned detective, named Christopher Cain, arrested and detained Plessy. After Plessy got bailed out of

jail by the Comité des Citoyens, they were confident they could build up a strong enough case to take to court.

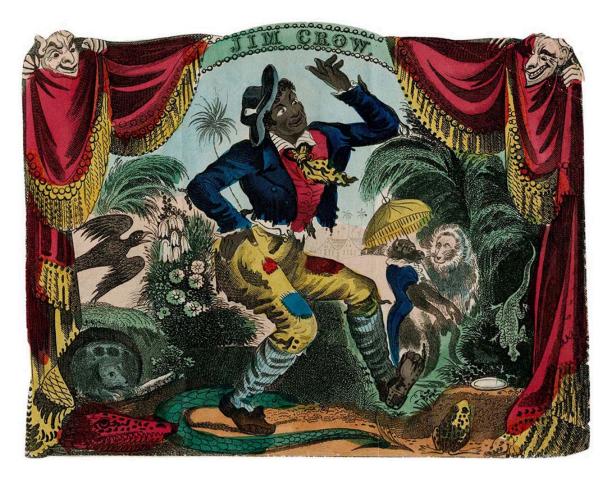
Plessy later appeared in the Criminal District Court for New Orleans, and argued that the Louisiana "Separate Car Act of 1890" violated his 13th and 14th Amendment rights and that the law "reinforced the false idea that white Americans were superior to Black Americans." Nevertheless, Judge John H. Ferguson ruled that railway businesses operating inside state borders were subject to regulation by the state. Because of this, Plessy filed a lawsuit against Ferguson and took it to the Louisiana Supreme Court. After filing a lawsuit against Ferguson at the Louisiana Supreme Court and losing the verdict once again, Plessy decided to take the case to the Supreme Court of the United States.

The Supreme Court Trial (1896)

The Supreme Court agreed to take on the case and heard the oral arguments on April 13, 1896. Again, Plessy's lawyers argued that the "Separate Car Act of 1890" violated the 13th and 14th Amendment rights. Nevertheless, the Supreme Court countered the argument by stating that the legal question of whether the Louisiana law promoted Black American inferiority wasn't relevant. Justice Henry Brown went as far as to declare, "We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it." The case was decided 7-1 in favor of Ferguson. This ruling ultimately backfired on Plessy and the Comité, as it ended up legally solidifying segregation throughout the United States.

"Separate but Equal" Doctrine

The Doctrine of "Separate But Equal" was established by the Plessy v. Ferguson case. According to the doctrine, racial segregation did not violate the Fourteenth Amendment of the Constitution of the United States, which assured "equal protection" under the law to all people.



(Thomas Rice playing Jim Crow in blackface, Bowery Theatre, New York City, 1833)

The Aftermath: Jim Crow Laws (1877-1954)

The name "Jim Crow" originates from the name of a stock character from the Minstrel Show, who represented a stupid slave living on a plantation. Minstrel Shows were extremely popular throughout the 30s' and 40s' in the Northern areas of the United States. Because of this, the

name "Jim Crow" became synonymous with African Americans and enslaved people in the early 19th century. Therefore, the "Jim Crow Laws" are laws that were specifically aimed at African Americans in the Southern region of the United States.

These laws were designed to isolate Black people and place them into an inferior category to White people. Here are some examples of Jim Crow Laws:

- 1. A Black and a White man could not shake hands because it gave the impression that both men were socially equal;
- 2. Blacks and Whites were not supposed to eat together. If they did, White people had to be served first;
- 3. Interracial marriages were prohibited;
- 4. Blacks were banned from getting higher education;
- 5. Interracial adoptions were banned.

Breaking the laws would result in arrest, fines, violence, jail time, and in extreme cases death.

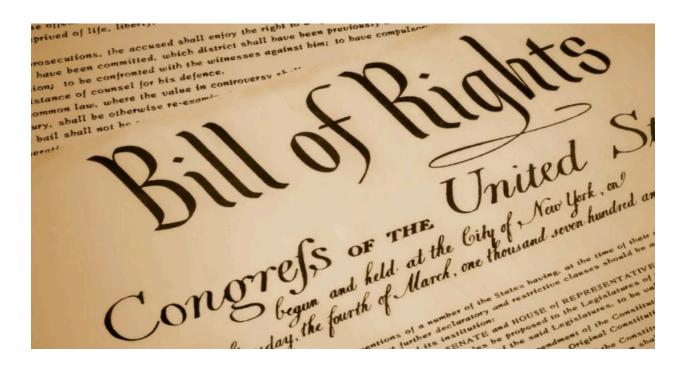
Facilities for Black Americans were inferior and underfunded compared to those of their White counterparts. Overall, the laws institutionalized economic, educational, and social disadvantages for African Americans living in the South. In 1913, President Woodrow Wilson initiated national segregation policies in federal workplaces as well. Furthermore, Poll Taxes were continuously being imposed on Black Americans in the South as an attempt to suppress them from voting in local, state, and national elections. Overall, the "Separate but Equal" Doctrine allowed Black Americans to be legally discriminated against in American Society.

KEY TERMS

Civil Rights Act of 1866

"The Civil Rights Act of 1866 declared all persons born in the United States to be citizens, without distinction of race or color, or previous condition of slavery or involuntary servitude."

(Ballotpedia)



Bill of Rights

" [The Bill of Rights is a document that] spells out Americans' rights in relation to their government. It guarantees civil rights and liberties to the individual—like freedom of speech, press, and religion. It sets rules for due process of law and reserves all powers not delegated to the Federal Government to the people or the States."

(official National Archives website)

13th Amendment

"The 13th Amendment forever abolished slavery as an institution in all U.S. states and territories. In addition to banning slavery, the amendment outlawed the practice of involuntary servitude and peonage. Involuntary servitude or peonage occurs when a person is coerced to work in order to pay off debts."

(official National Geographic Society)

14th Amendment

"The Fourteenth Amendment granted citizenship to all persons "born or naturalized in the United States," including formerly enslaved people, and provided all citizens with "equal protection under the laws."

(official Senate website)

Lynching

"Lynchings were violent public acts that white people used to terrorize and control Black people in the 19th and 20th centuries, particularly in the South. Lynchings typically evoke images of Black men and women hanging from trees, but they involved other extreme brutality, such as torture, mutilation, decapitation, and desecration. Some victims were burned alive"

(official NAACP website)

Transatlantic Slave Trade

"[The] transatlantic slave trade, [was a] segment of the global slave trade that transported between 10 million and 12 million enslaved Africans across the Atlantic Ocean to the Americas from the 16th to the 19th century. It was the second of three stages of the so-called triangular trade, in which arms, textiles, and wine were shipped from Europe to Africa, enslaved people from Africa to the Americas, and sugar and coffee from the Americas to Europe."

(Encyclopedia Britannica)

MAJOR DELEGATIONS

Homer Adolph Plessy

Homer Adolph Plessy, born in New Orleans in 1862, was best known for fighting and challenging racial segregation in the infamous *Plessy v. Ferguson* case. He was arrested for violating the "Separate Car Act of 1890" in 1892. Despite losing the case, Plessy's actions helped inspire the formation of the National Association for the Advancement of Colored People (NAACP). The association incorporated Plessy's arguments before the Supreme Court in the landmark case *Brown v. Board of Education* case of 1954. In essence, Homer Plessy's defiance of segregation inspired future generations to challenge these societal norms and confront injustice throughout the United States.

John Howard Ferguson

John Howard Ferguson was a lawyer and Louisiana judge born in 1838 in Massachusetts. Formerly, Judge Ferguson had ruled that the "Separate Car Act of 1890" was "unconstitutional on trains that traveled through several states." Nevertheless, during *Homer Adolph Plessy v. The State of Louisiana*, Ferguson declared that Louisiana could choose to regulate its state-operated railroad companies, and concluded that the "Separate Car Act of 1890" was constitutional. Because of this, Plessy was able to petition for a writ of error from the Supreme Court and Ferguson was brought before the court to be the defendant in the case.

John Marshall Harlan

John Marshall Harlan served as an Associate Justice of the Supreme Court from 1877 until 1911. Although he was initially pro-slavery, his views underwent radical change during Reconstruction. He joined the Kentucky Political Party in 1868, which was known for advocating Civil Equality and Black rights. During the *Plessy v. Ferguson* case, Harlan was the only justice on the Court to vote against Ferguson, believing that the majority decision would consolidate a permanent

decision of legal inferiority for African Americans. He wrote, expressing his opinion, "our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law". Fundamentally, Harlan's refusal to conform with the other justices molds him into a symbol of social integrity and serves as a constant reminder that a justice's commitment can shape the course of legal history.

Henry Billings Brown

Henry Billings Brown served as an Associate Justice of the Supreme Court from 1891 until 1906. He was appointed by President Benjamin Harrison in 1890 to succeed Samuel Freeman Hiller. During *Plessy v. Ferguson*, he delivered the majority opinion, which consequently ratified the "Separate but Equal" Doctrine throughout the United States. According to Billings Brown's opinion, a constitutional principle was not always violated by acknowledging racial differences, and as long as equal facilities and services were provided to all, the "commingling of the two races" did not require enforcement.

GUIDING QUESTIONS

What are some long-lasting impacts and legacies of the Plessy decision?

How did the outcome of the Plessy v. Ferguson case influence the existence of Jim Crow Laws?

Would Plessy have been as dedicated to advocating for Black rights had the One-Drop law not been enacted?

Were the policies of Reconstruction harmful to the South and the traditional way of life for White Americans? Can the reactions towards Reconstruction, exemplified by groups like the KKK and others, be justified?

WORKS CONSULTED

- https://www.law.cornell.edu/wex/brown_v_board_of_education_(1954)#:~:text=Background%3A,and%20
 his%20daughter%20were%20black.
- https://www.loc.gov/exhibits/brown/brown-aftermath.html
- https://www.oah.org/tah/february-3/the-troubled-history-of-american-education-after-the-brown-decision/
- https://www.whitehouse.gov/cea/written-materials/2021/06/17/exclusionary-zoning-its-effect-on-racial
 -discrimination-in-the-housing-market/
- https://naacp.org/
- https://naacp.org/find-resources/history-explained/civil-rights-leaders/thurgood-marshall#:~:text=Marshall's%20most%20famous%20case%20was,educational%20facilities%20are%20inherently%20unequal.
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- https://guides.loc.gov/chronicling-america-plessy-ferguson#:~:text=The%20Court%27s%20%E2%80%9
 Cseparate%20but%20equal,for%20the%20next%20fifty%20years.
- https://www.law.cornell.edu/wex/separate but equal
- https://www.archives.gov/milestone-documents/plessy-v-ferguson
- https://www.loc.gov/exhibits/african-american-odyssey/reconstruction.html
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EABH MUN, February 23-25, 2024