
Legislative Efforts in North Carolina for Women and Minorities

Martha Bagby Barefoot

As members of a profession whose membership is still predominantly female, a profession ever vigilant of the minority point of view, it is important for North Carolina librarians to have a clear picture of what our state legislators have done in the past and are doing currently to further the rights of women and minorities in this state.

Although our current concerns may be tied more closely to issues of the workplace, such as the "wage gap," flextime, and daycare, it is useful to remember that concerns for women and minorities in earlier years were focused on such basic societal needs as freedom, the right to own property, the right to vote and, for blacks, the right to move freely in the world without those terrible barriers known as "separate but equal facilities."

Today, in North Carolina (as well as in other states) we are looking at ways to equalize the discrepancies in pay and insurance coverage, ways to prevent single parent families from slipping further into poverty, and ways to encourage and enhance minority/female participation in the predominantly male business enterprises in the state.

How well North Carolina does in these areas may depend in part on how well and in what ways the earlier gains were achieved. A quick review of the history of legislative efforts in the state for women and minorities may offer us some clues.

It will probably come as no surprise to the readers of this article that early legislative efforts in North Carolina for blacks clearly had as their intent the separation from, and control of, the slave population and the small number of free-men living in the state, by whites. There were no legislative efforts that could be considered positive ones until 1865 when the General Assembly ratified a bill prohibiting slavery.

Examples of early laws range from the comical to the heartbreaking. Members of the 1850-51 legislature ratified "an act to prevent more effec-

tively the corruption of the slave population,"¹ an act whose intent was to prohibit whites from playing any card games or games of chance with slaves. The penalty for such a crime was to be set at the discretion of the court and could be either a fine or a period of imprisonment not to exceed six months.

The laws passed by the General Assembly grew more and more repressive as the country moved closer to civil war. The sale of liquor to blacks except for proven medicinal purposes was prohibited in 1858; the assumption of guilt was automatic since the state was not required to prove that the liquor had been purchased without a medical certificate.

On December 24, 1852, the legislature ratified a bill which proclaimed that the "stealing, taking or conveying away of slaves" was against the law and set the penalty for such an offense as "death without benefit of clergy," and in December of 1856 the North Carolina legislators disenfranchised blacks completely.

Although the legislature ratified a bill in October of 1865 prohibiting slavery, the bright future promised by the triumph of the Union forces never materialized for blacks in North Carolina, and in fact, the sectional and racial hatred perpetrated by Reconstruction caused divisiveness in the state until the middle of the twentieth century.

The General Assembly of 1866 passed legislation which was an attempt to liberalize the former oppressive limits on black freedoms. Although less restrictive than some of the other southern "Black Codes," it did not give blacks the right to vote and it did not give equal legal rights to blacks and whites.

The rise of the Ku Klux Klan in the late 1860's prompted the 1871 legislature, composed of young and inexperienced but reform-minded legislators, to pass a law prohibiting secret political organization; but unfortunately, little resulted from their prohibition. There was still terror for blacks and dissension and disruption for whites.

For the next thirty years, little was done specifically by the state legislature to further the pro-

Martha Bagby Barefoot is Circulation and Interlibrary Loan Librarian, Law Library, The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina 27514.

cess of equality for races. Any progress made by blacks was the result of federal efforts and tended only to exacerbate the problems of divisiveness and hatred already set in place by the efforts of the Reconstructionists.

In the late 1890's, there was an increase in political activity by blacks. Federally enfranchised, many blacks had become local office holders and in some cities such as Wilmington they were a large, prosperous and powerful group. Such power was frightening to many whites in North Carolina, and the campaign of 1900 was a particularly bitter, hate-filled one. Many blacks "chose" not to vote and the conservative Democrats regained control of the state legislature and immediately proposed a constitutional amendment, later passed by the 1901 General Assembly, to disenfranchise blacks a second time.

From 1900 until the civil rights movement of the early 1960's, there was in North Carolina a long, slow, *legislated* decline into the infamous "separate but equal facilities" present in all the other southern states. In 1907, the legislators passed "An act to provide for the separate accommodations of white and colored passengers upon street cars, and for other purposes." In 1909 an act was ratified providing for the separation of whites and "coloreds" in state prisons, and in 1915 to ensure racially separated health care the legislature decreed that "colored nurses" must be hired to care for "colored patients."

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Unfortunately, North Carolina's early reluctance to grant civil rights did not magically change during the turmoil of the campaigns for voting and other civil rights such as integration of schools and public facilities during the mid-twentieth century. It was not until 1970 that the provision for separate but equal educational facilities was removed from the state constitution, and although a federal civil rights bill was passed by the U.S. Congress in 1957 to protect minority voting rights, North Carolina did little to change practices which had been in effect for half a century. It would take lunch counter sit-ins, widespread demonstrations and once again, a federal statute (The Civil Rights Act of 1964) to bring about a change in the situation for blacks in the state.

The efforts made by the North Carolina legislature for women have had almost as dismal a history as that for blacks if one approaches the situation from a twentieth century feminist point of view. If however, one looks at them in the context of their setting, some of the laws, if not advanced, are at least comforting in that many were attempts to provide social and some financial support for women and children who were the victims of difficult social situations.

In 1852, the court petitioned by a woman for the granting of a divorce was empowered by an act of the General Assembly to decree "reasonable and sufficient alimony . . . for the support and maintenance of herself and family, pending the said suit." The 1866-67 legislature guaranteed married women one third interest in all the property of her husband despite any "alienation by the husband" and, even if the man's property were forfeited by debt, her one third was to remain hers and protected from any loss due to his indebtedness. Paternal it is, but it is also the beginning of acknowledgement of a wife's rights to property that is her own.

Until the turn of the century and slightly beyond, the statutes enacted by the legislature concerning women were uniformly paternalist—concerned with the paying of pensions to widows of confederate soldiers and with providing protection to women from abortion, "carnal knowledge by fraud," and "seduction, under promise of marriage."

By 1913 the legislators saw fit to extend slightly the legal rights of married women, allowing them to personally recover damages from physical injuries done to them, but those same legislators ratified "an act to protect female telephone operators" making it a crime to use lewd, vulgar or profane words when using any telephone equipment. The 1913 General Assembly also enacted a statute which stated that women could hold certain positions on some educational boards as long as those positions were not to be filled by an election, i.e. women could be appointed but not elected. But for women, the significant event of this legislative session was a non-event: the General Assembly did not ratify the bill which was to give women the right to vote.

A female suffrage bill was introduced into each succeeding legislature, and only after the Nineteenth Amendment had become effective in 1920 did the state make reluctant provision for the registration and voting of women. The state legislators had in fact voted against ratification of the amendment earlier in the 1920 extra session; but the amendment was ratified by the Tennessee

Legislature the day after it was defeated in the North Carolina General Assembly, and the Tennessee vote gave the amendment the required three-fourths majority. North Carolina did not ratify the Nineteenth Amendment until the 1970's.

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During the 1930's the North Carolina legislators passed laws which regulated the number of hours females could be asked to work, and during the 40's and 50's extended employment and retirement benefits to all state employees, an ever-growing portion of whom were female. In 1963, the U.S. passed the Equal Pay Act; although North Carolina has enacted a Fair Employment Practices Law which covers the public sector, it has not to date adopted an Equal Pay Act. In 1972, the U.S. Senate approved the Equal Rights Amendment; in 1982, the North Carolina legislature voted not to ratify the Constitutional Amendment, thereby ensuring its ultimate defeat.

It is clear from this mini-history that North Carolina has not in any cause been "first off the mark" in its legislative support for women and minorities and in fact, in all issues of vital societal importance, including civil and voting rights, the state came late and reluctantly into the fold, often without a legislative enactment. One should, of course, not assume that all individual legislators were or are unconcerned about the social issues of the day, but it is evident that the number of concerned individuals was obviously smaller than the number of those who were not.

It is apparent that, even today, the legislators of North Carolina are waiting for federal guidance or pressure on many of the issues that are of current importance to women and minorities. The 1985 General Assembly passed during its closing days in July 1986 three enactments intended to bring North Carolina into compliance with the "Child Support Enforcement Amendments of 1984,"² passed by the U.S. Congress. One act was to establish guidelines for child support payments, one was to provide for the expediting of child support cases, and the third was to provide

for withholding from wages and other income for child support payments.

Current efforts for women and minorities center around the Legislative Research Commission Committee on Women's Needs, which was established in 1983. The committee's charge was to study "the entire range of the economic, social and legal problems and needs of the women of the state of North Carolina."³ Following only a few of the recommendations (spousal and child abuse programs, job training, extension of flextime options, increased aid to families with dependent children) presented in the committee's report to the 1985 General Assembly would start North Carolina on the way to much needed reforms in the equalizing of rights for all the people of the state. Unfortunately, most of the legislative proposals presented by that committee have been postponed indefinitely, but the committee has been asked to continue its study and to present another report to the 1987 General Assembly.

It has been made clear to us that North Carolina legislators have often moved slowly in the past in some of the more liberal social legislation of the times, but as minority and female participation in the state legislature grows, we may be hopeful that legislative activism will grow as well; and that instead of waiting for federal statutes to dictate the solution to social problems, our state legislators will quickly respond to the needs and rights of its citizens whatever their race or sex.

References

1. All session laws have been directly quoted from official volumes of the North Carolina session laws; years of passage are mentioned in the text of the paper.
2. Public Law 98-378.
3. North Carolina Legislative Research Commission. *Women's Needs: Report to the 1985 General Assembly of North Carolina*, Raleigh, N.C. (1984), p.i.

State Documents Depository System

An explanation of the proposed State Documents Depository System and its purpose are featured in an article by Marjorie W. Lindsey, "State Documents: Proposed Statewide Depository System", in the fall 1986 issue of *Popular Government*, pp. 8-11. This bill is being introduced in this session of the legislature. Your input and concern can be expressed by writing or contacting your local representative.