



Black History & Milestones in the Tennessee Courts

In *Ford v. Ford*, Justice Nathan Green asserts that "a slave is not in the condition of a horse or an ox...[He] is made after the image of the Creator...He has mental capacities and an immortal principle in his nature that constitute him equal to his owner but for the accidental position to which fortune has placed him." The case concerned a slave owner, Loyd Ford, who in his will freed his slaves and gave them his land. His children disputed the will, but it was declared valid by the trial court and Supreme Court, after which Larkin Ford and the other Ford slaves were freed and given the land left to them in the will.

In *Cook v. State*, the Tennessee Supreme Court declares that the recently passed Dortch Act, which required a secret ballot in cities with large African American populations and made it illegal to help illiterate voters fill out their ballots, is constitutional. According to scholars, this Act, along with the poll tax, resulted in large reductions of African American voter participation.

Judge Benjamin Hooks becomes the first African American judge in state history when he is appointed to the Shelby County Criminal Court by Governor Frank Clement. He wins election to the seat in 1966 and steps down from the bench in 1968. Later in his career, he would serve for five years as commissioner of the Federal Communications Commission and as executive director of the NAACP.

Justice George Brown becomes the first African American justice on the Tennessee Supreme Court after his appointment by Governor Lamar Alexander. He loses an election to the seat later that year. Justice Brown is subsequently elected to the 30th Judicial Circuit Court bench in 1983, and serves as a judge there until his retirement from the bench in 2005.

In *Fields v. State*, the Supreme Court of Error and Appeals holds a white man can be charged with manslaughter for killing a slave. Justice Jacob Peck, a slave owner himself, wrote in a concurring opinion that a slave was a "reasonable creature" and that "the law which says thou shalt not kill, protects the slave." He continued: "Law, reason, Christianity and common humanity, all point out one way." The practical effect of this decision in the courts has been debated because slaves were still not allowed to testify against white defendants.

The Tennessee Supreme Court, in *Lonas v. State*, upholds the constitutionality of a recently passed law banning miscegenation. "The laws of civilization demand that the races be kept apart in this country," the Court decided.

The Tennessee Supreme Court rules in *Biggs v. Beeler* that the General Assembly's recent repeal of the state's poll tax is unconstitutional because a poll tax is mandated in the 1870 state constitution. Chief Justice Grafton Green and Justice A.B. Neil dissent, alleging that the Court's decision violates the separation of powers.

In *James Earl Ray v. State*, the Supreme Court denies James Earl Ray's request for a full trial after he had confessed to murdering Martin Luther King, Jr.

Judge Camille McMullen becomes the first African American female to sit on an appellate court when she joins the Court of Criminal Appeals.

The Supreme Court of Error and Appeals rules in *Bob, a Slave v. State* that a slave owner can appeal the conviction of his slave in one of the state's slave courts to a higher court. The state's slave courts had been set up to try any serious offenses allegedly perpetrated by slaves. While some have argued that this case really just helped slave owners protect their own economic interests by making it more difficult for one of their slaves to be executed, others have maintained that *Bob, a Slave v. State* in fact greatly expanded legal protections to slaves. Slave courts would not be abolished until 1854.

Three years before the passage of the 15th Amendment, Governor Brownlow signs a bill giving African American men gain the right to vote in Tennessee. This right would be severely limited in subsequent years with the passage of various Jim Crow laws.

Lutie Lytle becomes the first woman and first black female to graduate from law school and be admitted to the bar in Tennessee. She attended Central Tennessee College, a school established for African American students in Nashville, and graduated as valedictorian of her class. Her efforts to join the bar are rebuffed by several courts, but she is admitted to the bar by a sympathetic judge in Memphis, after the administration of an oral bar exam. Shortly after, she moves from Tennessee.

In 1954, the U.S. Supreme Court's *Brown v. Board of Education* decision holds that segregation in public schools is unconstitutional, sparking fierce resistance in many parts of the South. In Tennessee, a crisis erupts in Anderson County in August, when 12 African American students are enrolled at Clinton High School for the coming school year. In an October ruling, the Court declares that they are bound to honor the decisions of the U.S. Supreme Court under the Supremacy Clause of the Federal Constitution.

Judge Bernice Donald becomes the first African American female judge in Tennessee history when she is elected to the Shelby County General Sessions Court bench. She will later sit as a U.S. bankruptcy judge before joining the the United States District Court for the Western District of Tennessee and the United States Court of Appeals for the Sixth Circuit.

Judge Richard Dinkins becomes the first African American member of the Court of Appeals, after his appointment by Governor Phil Bredesen.

Tennessee secedes from the Union.

Voters approve the new 1870 constitution. The new constitution explicitly bans slavery in the state. The voting rights of African American men are enshrined in the 1870 constitution, but are curtailed by the inclusion of a poll tax provision.

In *State ex rel. Michael v. Witham*, the Supreme Court denies African American graduate students admittance to the University of Tennessee. The Court holds that a law recently passed by the General Assembly mandating that the state must provide African American students with "educational training and instruction" can be achieved by creating a graduate studies program is created at the Tennessee Agricultural and Industrial State College for Negroes, now Tennessee State University, in the next few years.

In 2021, there are 26 Black state and general sessions judges in the state, which is less than 10 percent of all judges. All but one of these judges resides in either Shelby or Davidson counties.

Horatio Nelson Rankin becomes the first African American lawyer in Tennessee. He is admitted to the bar in Memphis.

In *Smith v. Smith*, the Tennessee Supreme Court upholds the constitutionality of a law requiring railroad cars to be segregated by race and for "separate but equal" accommodations for different races.

Judge Adolpho A. Birch Jr.'s long and distinguished judicial career begins when he is appointed to the Davidson County General Sessions Court, becoming the first African American General Sessions judge in the state. In 1978, he became the first African American criminal court judge in state history after he was appointed to the 20th Judicial District Criminal Court. In 1987, he is appointed to the Court of Criminal Appeals and in 1993, he joins the Supreme Court, where he will serve as chief justice.

