The Orange Park Normal School Case & The Right to Know the Charges Against You

By Vishi Garig, Archives Specialist, Clay County Clerk of Court & Comptroller's Office

The 6th Amendment of the United States Constitution

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and **to be informed of the nature and cause of the accusation**; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

What does Notice of Accusation mean?
The constitutional right to be informed of the nature and cause of the accusation entitles the defendant to insist that the indictment tell him the crime charged with such reasonable certainty that he can build his defense. And, so that he can protect himself after judgment against another prosecution on the same charge. No indictment is sufficient if it does not allege all of the ingredients that constitute the crime. The right to receive notice of accusation is so fundamental a part of procedural due process that the states are required to observe it.

Hildreth Hall, the main building on campus. Orange Park City Hall, Police and Fire Department are all located on the former campus.

The Orange Park Normal School

The Orange Park Normal School was established in 1893 by the American Missionary Association (AMA) of New York City. AMA was a Protestant-based abolitionist group founded on September 3, 1846 in Albany, New York. The main purposes of this organization was to abolish slavery, to educate African Americans, to promote racial equality and to promote Christian values. Its members and leaders were of both races and chiefly affiliated with Congregationalist, Methodist and Presbyterian churches.

The AMA founded more than five hundred schools and colleges for the freedmen of the South during and after the Civil War, spending more money for that purpose than the actual Freedmen's Bureau of the federal government at that time. Among the eleven colleges they founded were Atlanta University (1865) and Fisk University (1866). Together with the Freedmen's Bureau, the AMA also founded Howard University in Washington, D.C. in 1867. In addition, the AMA organized the Freedmen's Aid Society, which recruited northern teachers to work in the schools and arranged to find housing for these teachers in the South.

The Orange Park Normal School's Faculty at this time included: Reverend T.S. Perry, BD Rowlee, Principal, Mrs. B.D. Rowlee, Ms. Caroline Wandell, Ms. Edith Helen S. Loveland, Ms. A. Margaret Ball, Ms. Julia E. Titus, Mr. O.S. Dickson. All of the faculty members were from New York, Massachusetts, or Connecticut, except Ms. Ball who was an Orange Park, Florida native.

School Curriculum "Normal Department": Foreign languages, grammar, biology, mathematics, Latin, bible, American literature, history, bookkeeping, physics, English, geography, government, pedagogy (recitation, review studies and practice teaching) were all included.

Lower Grades Curriculum: Curriculum matching that of the best public schools plus sewing, woodworking, bookkeeping, cooking and piano lessons.

The Boy's Dormitory

The Girl’s Dormitory

The workshop where the manual trades were taught.

The campus church where Christianity was the basis of all things at the school.

The Facts of the Case

By 1896, the school was a smashing success turning out well-educated graduates who went on to college and medical school.

The school was so good local white families soon sent their own children there.

That is when things started to become very complicated and controversial.

Jim Crow Laws

Although the Declaration of Independence stated that "All men are created equal," due to the institution of slavery, this statement was not to be grounded in law in the United States until after the Civil War (and, arguably, not completely fulfilled for many years thereafter). In 1865, the 13th Amendment was ratified and finally put an end to slavery. Moreover, the 14th Amendment (1868) strengthened the legal rights of newly freed slaves by stating, among other things, that no state shall deprive anyone of either "due process of law" or of the "equal protection of the law." Despite these Amendments, African Americans were often treated differently than whites in many parts of the country, especially in the South. In fact, many state legislatures enacted laws that led to the legally mandated segregation of the races. In other words, the laws of many states decreed that blacks and whites could not use the same public facilities, ride the same buses or attend the same schools. These laws came to be known as Jim Crow Laws.

1895 Sheats Law

Some Southerners deeply resented the north and one such person was W.N. Sheats, the Superintendent of Public Instruction for Florida. Despite the Florida constitution requiring universal education, Sheats wanted to set state rules forbidding the teaching of white and black people together in any way, place or time. His strategy was to win enactment of a law in May 1895, making it illegal for “any individual, body of individuals, corporation or association to conduct within this state any school of any grade, public, private or parochial wherein white persons and negroes shall be instructed or boarded within the same building, or taught in the same class, or at the same time by the same teachers”. Sheats wrote to a friend, “*I want the AMA to keep hands off in Florida.*”

Sheats found out that the Orange Park Normal School had white teachers teaching black students. He investigated, further discovering that both races of students were being taught together, living in the same dorms and even going to church together. In his mind, this became the perfect test case.

The sheriff, required to do his duty, executed the arrest warrants for the Orange Park Normal School teachers and carted them off to the county jail where they made bond.

The 1894 jail where the teachers were briefly incarcerated.

The Defense

The school teachers were entitled under the notice of accusation clause of the 6th Amendment to know the charges against them. The AMA defense attorneys quickly filed a motion to quash the information (the charging instrument) and a hearing was held in front of Judge Rhydon Mays Call. In filing a MOTION TO QUASH the defense was putting the state to the test; in other words, making the state tell the defendants what exactly, with specificity, were the charges against them.

This is the 6th Amendment notice of accusation clause at work in a courtroom:

1) The defense argued that the Sheats Law was void for vagueness. Because the law was too vague, one cannot tell what the legislative intent was (considered the fatal flaw in this case); it is too broad to enforce and the law contradicts itself in its execution, making it void. It is arbitrary and “just plain poorly written” and the information is faulty as it is too vague in its definition of the word “class”.

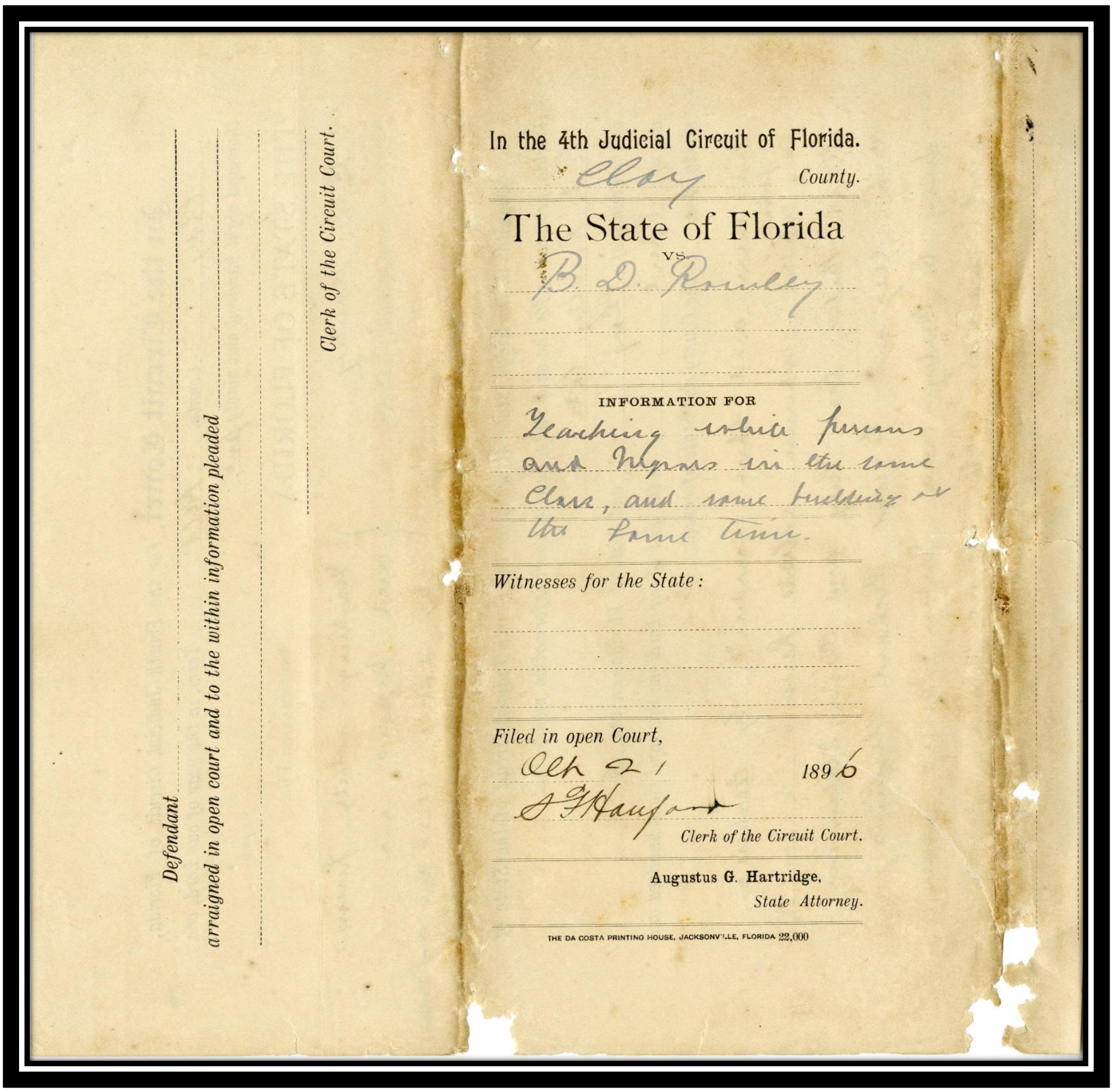
2) The defense argued also that the Sheats Laws were just race-based without any public interest being advanced; therefore, no overriding governmental interest.

3) Finally, the defense argued that the school was a private business with which the government has no right to interfere.

The Ruling - Motion to Quash Granted!

The AMA and the teachers win! The charges were thrown out and the state never re-filed a case against the teachers. While Judge Call granted the motion he did not write an opinion outlining specifically his reasons for granting the motion. He did, however, sign the back of the motion. On that basis, it is assumed that Judge Call adopted *all* the positions stated in the defendants’ motion to quash.

Information sheet charging BD Rowley, the principal, with teaching white persons and black persons in the same class, in the same building, at the same time.



In the 4th Judicial Circuit of Florida.

Clay County.

The State of Florida

VS.

B. D. Rowley

INFORMATION FOR

Teaching white persons and Negroes in the same Class, and same building at the same time.

Witnesses for the State:

Filed in open Court,

Oct 21 1896

A. G. Hartridge

Clerk of the Circuit Court.

Augustus G. Hartridge,
State Attorney.

THE DA COSTA PRINTING HOUSE, JACKSONV'LE, FLORIDA 22,000

Defendant

arraigned in open court and to the within information pleaded

Clerk of the Circuit Court.

The information naming the children being taught together.

A. G. Hartridge

~~T. [illegible] Bisbee~~, State Attorney for the Fourth Judicial Circuit of the State of Florida,

prosecuting for the said State, here in Court further information makes, that are

B. D. Rowley Catt

of the County of Clay and State of Florida, on the 6th

day of April in the year of our Lord one thousand eight hundred and

ninety six in the County and State aforesaid.

The American Missionary association, which was

then and there a corporation, duly organized and

existing under the laws of the state of New York, owned

a certain building in said County and then

and there conducted in the said building

a private school, wherein white persons to-wit-

Alfred Parks, Carl Rowley and Olevia Dickerson and

Negroes to-wit Richard Clemons, Leroy C. Fraley

and Ruma Yarns were instructed and

B. D. Rowley did then and there teach

in the said school the said white persons

and the said Negroes - Contrary to the

form of the statute in such case

made and provided.

The Motion to Quash

In the Circuit Court,

Fourth Judicial Circuit, in and

For Clay County, Florida.

State of Florida,	:	Information
vs.	:	~~Indictment~~ for Teaching White
B.D. Rowly, ~~Julia F. Rowly and others,~~	:	Persons and Negroes, at the same Time, in the same Building and in the same Class.

Come now the defendants by Bisbee & Rinehart, their

attorneys and move to quash the ~~indictment~~ information in the above entitled

action on the following grounds.

1st ~~Fifth~~:- because of fatal repugnancy ambiguity between two sections of the statute, and in the words of the same section. The only offense created by the second section is violating the provisions of the first section of the act by teaching in such a school. This includes all the provisions of the first section. The ~~indictment~~ information in its language does not allege or comprehend all the provisions of the first section and the Court cannot determine what the Legislature meant. Teaching in a school is not necessarily conducting a school. The ~~indictment~~ information uses the words did conduct by teaching a school; whereas the only offense created by the second section is a violation of all the provisions of the first section by teaching in such a school as is prohibited. And for other uncertainties and insufficiencies, apparent on the face of the ~~indictment~~ information, in such count

2nd ~~Sixth~~:- Because the statute is unconstitutional.

(a.) Because the subject matter legislated upon is broader than the subject matter mentioned in the title. The title is restricted to white and colored youth. The subject matter of the legislation includes all white persons and all negroes.

(b.) Because the law undertakes to prohibit a citizen fromteaching white persons and negroes in a building without any requirement or defining of time or place in the building. Assuming that the legislature is competent to prohibit the teaching in the same place at the same time, white persons and negroes, it would be an arbitrary and unconstaitutional exercise of that power to prohibit the teaching of the two races in a building without regard to the time and place

at and in which they are taught. The law as it reads would prohibit the use of a building for teaching white persons in the forenoon and black persons in the afternoon, of the same day; or white persons one week and negroes the next.

(c.) If the ~~indictment~~ information is construed as alleging the offense of teaching a school wherein white persons and negroes are taught, in the same class, it is unconstitutional for the reason that the words same class does not necessarily mean or require white persons and negroes to be taught at the same time and in the same place. A class may have many divisions, one division taught at one time and one at another.

(d.) because the legislature prohibits the carrying on of a lawful private business except on the condition that the business shall be so conducted as to prevent white persons and negroes from coming into personal contact or associating together? The law is based purely on a distinction of color and no public interest is promoted or injury to the public or third persons is prevented by such a law. The legislature has no power to invade one's private business by an arbitrary requirement that black and white persons cannot be occupied or employed so that they shall come into personal contact or be associated together.

(e.) It is unconstitutional because the law discriminates against all vocations and all business of a private nature except school teachers and patrons of the school. If it be admitted to be for the public benefit or public welfare, that the two races shall not be permitted to associate together or be associated together while occupied in studying and receiving instruction, it is equally for the public welfare that all other

kinds of business should be prohibited in which white persons and negroes are necessarily brought into personal contact and required to associate together.

Seventh:) For divers other reasons and causes apparent on the face of the ~~indictment~~ information

Bizhet & Rinehart
Att'ys for defendants

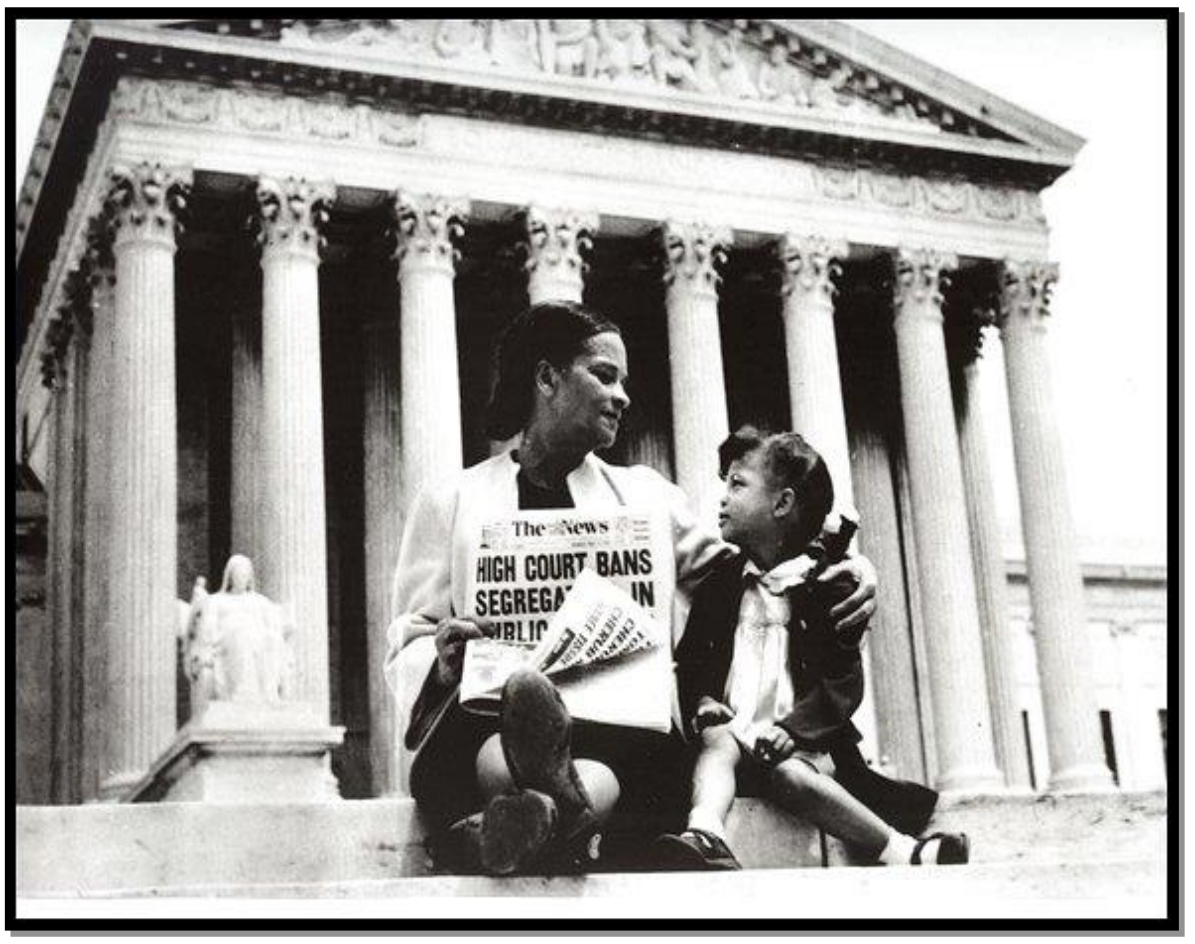
motion granted
P. McBeath
Judge

Brown vs The Board of Education

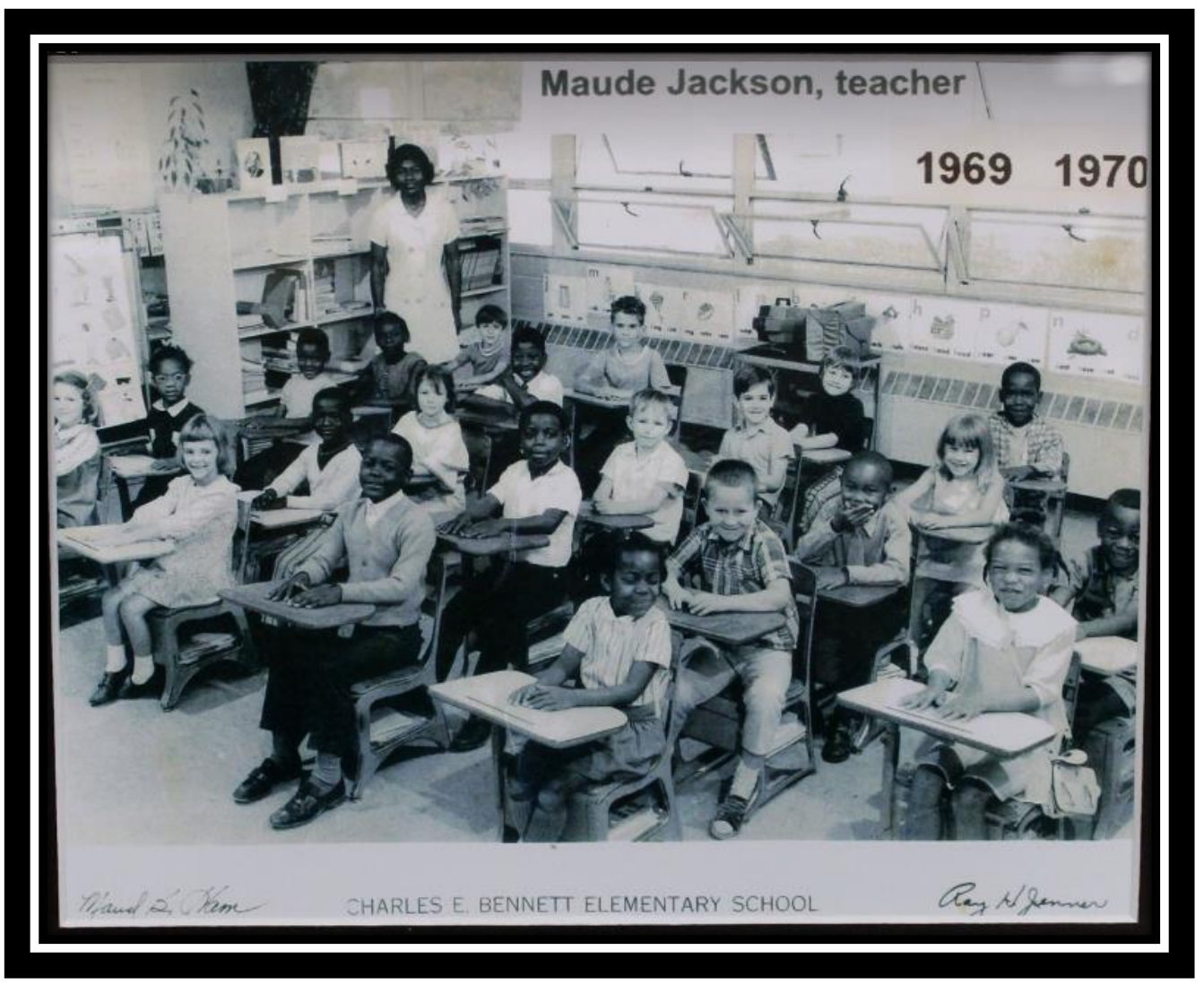
On May 14, 1954, Chief Justice Earl Warren delivered the opinion of the Court, stating the following:

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal . . . "

On May 31, 1955, the Supreme Court Justices handed down a plan for how it was to proceed; desegregation of schools was to proceed with "all deliberate speed."



A Clay County Civil Rights Hero - Maude Burroughs Jackson



Mrs. Jackson was one of the first African American teachers in Clay County to teach white children after desegregation.

In the summer if 1964, Mrs. Jackson marched in the streets of St. Augustine with Dr. Martin Luther King, Jr. Jackson also endured being locked up under the hot sun, in a chicken wire pen with dozens of other protestors behind the St. Augustine jail.

She was recently honored by the Clay County Board of County Commissioners for her contributions to our community.

Judge Rhydon Mays Call: Judge Call became a federal judge. He presided over other cases involving race after the Orange Park Normal School case in which he found Jim Crow Laws to be void for vagueness, unenforceable and unconstitutional.

The judge’s portrait can be seen in the 1890 Historic Courthouse second floor courtroom today.