

**Colorado and Southern Railway Car #706**

***Builder:*** Pullman Car & Manufacturing Co.

***Date:*** July 1922

***Lot #:*** 4632

***Plan #:*** 3386

***Type:*** Dining

***Interior Modifications:*** Modern light fixtures installed, fans removed, air-conditioned in 1935

***Exterior Modifications:*** Kitchen windows blanked-out, pedestal tie bars removed

***Condition:*** Tables and chairs missing

***Out-of-Service:*** August 1968

***Provenance:*** Colorado and Southern Railway; Rudolph H. Baeumel; Pauline and Greg Family Ranch

***Purchased:*** 27 April 2021

***Price:*** \$20,000

***Status:*** On a Texas ranch property

***Intended Use:*** Restore as Fort Worth and Denver City Railway dining car #263 circa 1929

***Justification:*** The South Shore Line operated segregated limited trains from 1927 until 1933. The deluxe cars for white patrons were referred to as “special” cars. South Shore Line “borrowed” dining cars when demand for special service equipment exceeded capacity or when a South Shore Line dining car was shopped for warranty repairs or regular maintenance. In South Shore Line company records, dining cars were reported to have been borrowed from Pullman Car & Manufacturing, the Chicago and Alton Railroad, and the Chicago Great Western Railway. None of these borrowed dining cars are known to have been preserved.

Fort Worth and Denver City (FW&D) dining car #263 was borrowed for the double-diner service on the South Shore Line in the summer and fall of 1929. Dining car #263 was one of twelve identical cars built in July 1922 as a single lot by Pullman Car & Manufacturing Company for the Chicago, Burlington and Quincy Railroad as well as its subsidiaries Colorado and Southern Railway (C&S) and the FW&D Railway. All the dining cars in the lot were scrapped before the coming of Amtrak in May 1971 with the sole exception of C&S car #706. Because car #706 is identical

to car #263, car #706 is a viable candidate to restore as FW&D Railway car #263 to represent the dining car era on the South Shore Line. Because the FW&D operated north and west from Fort Worth across Jim Crow Texas, restoring dining car #263 is also an opportunity to contrast Northern Jim Crow on the South Shore Line with the traditions of Jim Crow in the South.

### **A Brief History of Jim Crow Laws as Applied to Transportation – The First Causes of “Separate and Anything but Equal”**

Jim Crow laws, that body of law that segregated the races in the southern states, were first applied to transportation facilities. And the first attempts to overturn Jim Crow laws were directed at the railroads that offered accommodations that were certainly separate, but rarely if ever equal. *Plessy v. Ferguson* (163 U.S. 537, 1896)<sup>1</sup> is not the seminal case as two cases had come before, but separate but equal as found constitutional in *Plessy* was not overturned until nearly sixty years later in *Brown v. The Board of Education* (347 U.S. 483, 1954).<sup>2</sup>

The Louisiana statute at issue in *Plessy* stated “that all railroad companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored, races by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition to secure separate accommodations.... No person or persons shall be permitted to occupy seats, other than the ones assigned to them, on account of the race they belong to.”

In his dissent, Justice Harlan wrote, “the arbitrary separation of citizens, on the basis of race...is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified on any legal grounds. ...The thin disguise of ‘equal’ accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done.”

In Texas, there were no exceptions to the law for street railroads or interurbans. Across the South, by statute, the motor coach successors to the electric railways famously moved African Americans to the back of the bus. Even at the time that Rosa Parks refused to give up her seat in Montgomery, Alabama, on 1 December 1955, segregation stubbornly persisted on public transit. Another year would pass before the Supreme Court summarily affirmed the district court ruling in *Browder v. Gayle* (142 F.Supp. 707, 1956) that found bus segregation to be unconstitutional.

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<sup>1</sup> Chemerinsky, p 772

<sup>2</sup> Chemerinsky, p 776

## **No Privilege of Taking Meals in the Diner - Jim Crow Statutes in Texas**

Jim Crow statutes passed under the penal code in Texas in 1907 and 1909 required that steam railroads, streetcars, and interurbans provide “separate coaches or compartments ... for the accommodation of white and negro passengers,” and “separate apartments in ... depot buildings for the use of white passengers and negro passengers.” There was no mention of separate but equal in depot accommodations, but passenger cars “shall be equal in all points of comfort and convenience.” Conspicuous signs with “appropriate words in plain letters” were required to indicate which accommodations were for "White" and "Colored.”<sup>3 4</sup>

In reality, there was nothing equal about any of it. While several trains ran daily between El Paso and San Antonio, African Americans were only allowed on one train – a nighttime departure. Once aboard, African Americans were forced to sit in the Jim Crow section of the smoking car to endure the smoke of White passengers. At mealtime, if African Americans were allowed to eat at all, they were led to a section of the dining car reserved for Pullman porters and a green curtain was drawn to keep Black men and women from the view of the White patrons.<sup>5</sup>

It has been said that the Jim Crow statutes of the South were passed to ensure separation of the races, but to Yale-educated Black journalist, William Pickens, Jim Crow statutes were far more efficient at humiliating African Americans. Mexicans and Asians were not singled out for the rough treatment accorded Black passengers in Texas in the 1920s.<sup>6</sup>

Racial discrimination by private actors including the railroads was not unconstitutional in America until the Supreme Court decision in *Heart of Atlanta Motel v. United States* (379 U.S. 241, 1964). In *Heart of Atlanta Motel*, the court found that under the authority of the Commerce Clause, Congress has ample power to regulate private behavior by legislating against moral wrongs, and that the passage of Title II of the Civil Rights Act of 1964 was constitutional.<sup>7</sup>

### **The Current Status of Museum Interpretation of Jim Crow Accommodations on the Railroads**

Although the first Jim Crow statutes were related to railroad transportation facilities, few Jim Crow railroad cars are preserved and interpreted in the United States. Segregated railroad cars were known in the railroad field as Plessy cars.

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<sup>3</sup> 1907 Tex. Gen. Laws 58.

<sup>4</sup> 1909 Tex. Gen. Laws 401.

<sup>5</sup> William Pickens, *Jim Crow in Texas*, *The Nation*, August 15, 1923, at 155.

<sup>6</sup> *Id.*

<sup>7</sup> Chemerinsky, p 176-7

Notable examples of Plessy cars are on exhibit at the Smithsonian's National Museum of African American History and Culture; another is at the North Carolina Railroad Museum, a state-owned historic site in Spencer operated by the North Carolina Department of Natural and Cultural Resources; a third is at the Georgia State Railroad Museum, a city-owned site listed on the National Register of Historic Places; and a fourth car is at the nonprofit Baltimore and Ohio Railroad Museum in Baltimore, Maryland. At Virginia City, Montana, a Western Plessy car segregating Native Americans from Whites is rotting away with little local knowledge of its significance. All these cars are separate compartment coaches having white and colored seating in a single car. There are no known government or private nonprofit railroad museums interpreting dining car service with separate sections for whites and African Americans.

As the story of Jim Crow is of national historical significance. Preserving dining car #706 as evidence of Jim Crow segregated train services in contrast with that of the South Shore Line segregated train services would add to the significant story of racism in the South and the North. A description of the Jim Crow and South Shore Line segregated dining car services and how they can be recreated for interpretation is discussed below.

### **South Shore Line Segregated Dining Car Services**

There were two variations of segregated dining car services on the South Shore Line – that which was operated with South Shore Line dining cars, and that which was operated with “borrowed” dining cars. There were two South Shore Line dining cars – #301 & 302, and there is evidence in South Shore Line company documents and contemporary photographic images of five “borrowed” dining cars that were used when needed for additional capacity or during service outages of South Shore Line dining cars.

The first “borrowed” dining cars were borrowed for University of Notre Dame football special trains. In the autumn of 1925, before the coming of the steel cars, the South Shore Line borrowed dining cars for two groups of football fans.<sup>8</sup> The first trip included a single steam road dining car, but nothing is known of the steam road that loaned the car. The second trip on 20 November 1925 was documented by Michigan City photographer E.C. Calvert.

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<sup>8</sup> *High Lights of History of the South Shore Line Transportation Department*, at 19.



*The Chicago and Alton Railroad loaned two dining cars to the South Shore Line for 20 November 1925. Borrowed for the second University of Notre Dame (UND) football charter, borrowing dining car equipment from the steam railroads became an occasional feature on the South Shore Line. Knute Rockne's Fighting Irish beat Northwestern the next day, 13 to 10.*

Defective equipment may have led to a fire aboard South Shore Line dining car #302 in the summer of 1927. While car #302 was being repaired at Pullman Car & Manufacturing, Pullman gave the South Shore Line a loaner – Pullman dining car #3. While the South Shore Line dining cars were in the shops for a “tune-up”, the Chicago Great Western Railway leased a dining car to the South Shore Line in autumn 1927.

To meet peak demand for dining car service in the summer and autumn of 1929, the South Shore Line leased steam railroad dining cars including Fort Worth & Denver dining car #263. On Monday mornings, the leased dining car was set out at Michigan City to await the dining car train from South Bend. After the add at the double-track on 11th Street, the train would head to Chicago with two dining cars.



*Fort Worth & Denver dining car #263 at the station on 11th Street in Michigan City. The Fort Dearborn Limited departed South Bend at 7:05 am with two coaches, a South Shore Line dining car, and a parlor-observation car. At 7:30 am, the Fort Worth & Denver dining car was set out at the station with breakfast ready to serve. Here, at 7:48 am, the train from South Bend has coupled on and the double-diner train is ready to depart for Chicago.*

Double-diner trains included the Monday Fort Dearborn Limited departing South Bend at 7:05 am, the Friday St. Joe Valley Limited leaving Chicago at 5:15 pm, and the Saturday Indiana Limited leaving Chicago at noon. The leased dining cars were used on two Saturday trains as well: a dining car was added at Michigan City to the 1:48 pm and 6:48 pm departures. These two trains did not carry parlor-observation cars.<sup>9</sup> The 1:48 pm departure also carried a coach-baggage car.

There are no body shells similar to the South Shore Line dining cars in existence; they were unique at their construction. All the steel from the South Shore Line dining cars was non-destructively harvested for the first six cars that were stretched and modernized after the United States declared war on Japan and Germany. However, a twin to car #263, Colorado and Southern dining car #706, from the same builder's lot is on a Texas ranch property. The only difference between the Colorado and Southern and Fort Worth and Denver dining cars was the lettering. With the dining car from Texas, the Michigan City to Chicago dining

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<sup>9</sup> Two-Diner Trains Set New Precedent, South Shore Lines Sept. 1929, at 1.; The Pantagraph, Sept. 1929, at 1.

car trains can be recreated. Delivery of car #706 to Michigan City is expected in the spring of 2022.



*Throughout the 1920s, the all-white supervisory staff and dining car clientele seen here were typical. Light-skinned black men were hired to provide table service.*

### **Conclusion**

Recreating a dining car train using the dining car from Texas is an opportunity to offer guests a unique time travel experience while continuing to interpret the narrative of Jim Crow segregation in the North as well as the South.

### **Required Cars for Interpreting a South Shore Line Dining Car Train**

- ***Dining Car Train:*** Coaches #3, 37, coach-baggage car #103 (to be rebuilt from car #4), dining car #263.
- ***If operated, Spare Car:*** Coach #7

Coach-Baggage car #103 is to be recreated from coach #4, dining car #263 is to be recreated from its twin, Colorado & Southern #706. Coach #3 is on hand in Indiana (see the separate description of this car for more detail).