

People v Dean - An Early Suffrage Case in Michigan Supreme Court History

The influence of the Big Four on Michigan judicial history is widely recognized. Their decisions on many cases permanently affected the state’s jurisprudence. One such decision was handed down in 1866, with three of the Big Four—Campbell, Christiancy, and Cooley, sitting on the Bench. The case, *People v Dean*, caused great alarm, especially among Republicans and Republican supported newspapers and was one of the earliest civil rights case to be explored in the state of Michigan.

The case was decided during the Court’s July 1866 term. The issue was whether or not a man, who was part black, was eligible to vote. *People v Dean* came at an important time in United States history; the Civil War had just ended and advocates for black male suffrage and equal rights in general were at the peak of their influence.

Dean, a resident of Wayne County, was challenged by election officials when he proceeded to vote in a township election. He then took the oath prescribed by law, swearing that he was a resident of the township and met the necessary qualifications to vote (one of them being a “white male citizen”—Dean claimed to be of Indian descent, permitting him to cast a ballot). A case was later brought against him in the Circuit Court for Wayne County where he was tried and convicted for voting illegally.

On appeal, the case went to the Michigan Supreme Court where the plaintiff brought witnesses to testify that, in their judgment, Dean did indeed possess some African blood. One such witness was a doctor named Zina Pitcher, whose 43-year practice of medicine was cited as ample evidence

of the validity of his conclusion that there was precisely “one-sixteenth” of African blood in Dean. The doctor reached his conclusion by examining the blood vessels in Dean’s nose, which he concluded to be the only clear indication that Dean possessed African blood. Other features like his skin (“of bilious temperament”) and hair showed no signs.

Understanding the potential resonance of the decision and willing to address the issue head-on, Justice Campbell wrote:

Two propositions were discussed on the trial... first, whether a person of less than one-half of African blood was white, within the meaning of the constitution; second, whether one of not more than one-sixteenth of African blood was white... A decision on the second would probably dispose of this case; but as the case is evidently designed to obtain a ruling upon the general subject, in order to settle the position of persons of mixed blood under our constitution, it would not be desirable to avoid the principal question.

While Justice Campbell referred in his opinion to the “jealous separation of the white race into the privileged and dominant people in the country” and to the “ancient system” of allowing only white males to vote, he recognized the fact that the Michigan constitution limited suffrage to “white male citizens.” In his opinion, Campbell interpreted this clause to include “all persons in whom white blood so far preponderates that they have less than one-fourth of African blood...no other person of African descent can be so regarded.” Explaining his reasoning, Campbell asserted that “...the right of the people to determine the qualification of electors is undisputed. We are bound to adhere to the rule that they have established. The right to vote is granted to a certain designated class, and to no others.” Thus, the ruling enabled Dean to vote because it was determined that he was only one-sixteenth African.

While Justices Cooley and Christiancy both concurred

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with Campbell's ruling, the other justice, George Martin, dissented. Taking the examination of the word "white" one step further, Martin noted that the original law "conferring the right to vote upon free white male citizens...sprang up at a time when slavery was a recognized and powerful institution in the country, overshadowing and to a vast degree controlling the government, and the political sentiments of individuals of all parties." In his written opinion, Martin asked:

By what authority of law, or principle of reason, can we fix a strain of one-eighth, one-sixteenth, or one-thirty-second of African blood as a standard of caste, so as to make a man white or black, as he happens to have more or less, and thereby admit or exclude him from the full rights of citizenship?

A clear supporter of the dissolution of color lines, Martin added:

In no other country than ours has [this issue] or will [this issue] arise. Is Alexander Dumas less a man for possessing a strain of negro blood, or would he be hustled from the polls in France for that cause? It has been left to freemen of a boasted free government to excite this hatred of races and deny to persons tainted with African blood the equality we boast all Americans are entitled to.

In a call for change, he asked "Can we not at this day, and in a free state, rise above this rule of slavery, and occupy a still more liberal and humane ground?" Addressing the testimony of Dr. Pitcher, and perhaps taking a shot at his colleagues who agreed with Pitcher's conclusion that Dean possessed one-sixteenth African blood, Martin stated, "If this be the correct rule, we had better have the constitution amended, with all speed, so as to authorize the election or appointment of nose pullers or nose inspectors to attend the election polls in every township and ward of the state to prevent illegal voting." Martin concluded that Dean was white, and would have been, even if he possessed more African blood than had been shown.

The decision by the Michigan Supreme Court urged state Republicans to vouch for a unanimous decision law that would have required the concurrence of all four justices on

the Supreme Court for a decision to be allowed. The bill, however, did not pass.

The opinion of the Michigan Supreme Court, and particularly that of Justice Martin, was clearly ahead of its time in attempting to interpret and identify a relatively new problem in the law — the problem of defining terms such as "white," "black," and "mulatto" outside the context of slavery. In determining the correct opinion in this case, the justices examined both the intent of the law and the meaning of the words without overstepping their bounds and creating new law. While much work was still to be done for civil rights in Michigan, this early case was a first step in the right direction.

The People v. William Dean.
Constitutional law: Meaning of the phrase "white male citizen." All persons in whom white blood so far preponderates that they have less than one-fourth of African blood, are within the meaning of that clause of the constitution of Michigan which limits the elective franchise to "white male citizens;" and no other persons of African descent can be so regarded.

Heard May 1st. Decided July 11th.

Error to Wayne circuit.
 Indictment for illegal voting. The facts are stated in the opinion.

A. Williams, attorney-general, for the people:

1. Under the head of analogy we submit:

a. That section 4351, Comp. L., prescribes that the names to be placed upon the list of persons to serve as grand and petit jurors, shall be those "having the qualifications of electors." In making these lists, the practice throughout the state has ever been to exclude therefrom all persons known to possess any negro or African blood in their veins.

b. That sec. 1, art. 17, of our state constitution provides that "the militia shall be composed of all able-bodied white male citizens, between the ages of eighteen and forty-five years," etc. See also Sec. 641, Comp. L., and act

An excerpt from the People v Dean opinion published in the Michigan Reports Volume 14.

Notes

This piece was in part excerpted from "A Brief History of the Michigan Supreme Court" written by the Society's 1999 Coleman Intern Scott Noto. Material from the 2001 Coleman Internship project, "A Matter of Right" was also incorporated. For other references, see the Michigan Reports, Volume 14, pages 406 - 439.

Save the Date! Annual Membership Luncheon

Thursday, April 26, 2001 – Noon
 at

The Detroit Athletic Club
 Detroit, Michigan

Legal Vignette to be Presented by Former
 Chief Justice Thomas E. Brennan on the
 Topic of the Big Four

Look for your invitation coming in the mail soon!



In the Spotlight:

Justice George Martin

George Martin was born in 1815, in Middlebury, Vermont, and completed all of his pre-law education in that city, graduating from Middlebury College when he was only 18 years old. He studied law with his uncle, Harvey Bell of Montpelier, and with Daniel P. Thompson, the well-known lawyer-novelist. About 1837, he moved to

Grand Rapids, where he practiced law and lived for the rest of his life.

In addition to his practice, Martin served in

public office for several years, notably as Justice of the Peace. It is reported that he also sold insurance and real estate. In his early years Martin established a statewide reputation as an equity practitioner.

In 1848, he was elected Kent County judge, holding that office until 1851 when he was appointed to the Kent County (Sixth) Circuit judgeship by Governor Barry to fill a vacancy caused by the death of Judge Edward Mundy. Martin was elected to a new six-year term gaining "a very handsome majority, although the circuit was at the time very strongly Democratic." As Circuit Judge he was a member of the Michigan Supreme Court, holding this position until his death 16 years later. At the time of the reorganization of the Court in 1857, Judge Martin became the first Chief Justice. He was held in such high esteem by his colleagues that he remained Chief Justice until he died on December 15, 1867. He was succeeded as Chief Justice by Thomas M. Cooley.

Martin was well known and highly regarded in 19th Century legal circles for the "elegance and clearness [of] his opinions [which] would compare with any ever written...A fine sample of his epigrammatic utterances was a declaration that he could not permit judicial doubt more potency than legislative uncertainty."

(Biography taken from the Michigan Supreme Court Historical Reference Guide, page 47.)



In Recent News...

Cooley Law Grad Makes History

A Holt resident, Staci Stoddard, made history in January when she graduated from the Thomas M. Cooley Law School with a 4.0 average. Never before in the 28-year history of the law school has anyone graduated with a perfect grade point average.

Just last term, graduate Sal Pirrotta won acclaim with the highest-ever final average when he collected his diploma with a 3.96 GPA. Four months later, Pirrotta's news-making achievement was surpassed as Stoddard made it through Cooley's rigorous academic program with her unprecedented GPA.

Academic prowess is nothing new for Stoddard. She graduated with a perfect 4.0 GPA from Haslett High School in 1994 and followed that with a stellar 3.88 in the Honors College at Michigan State University.

Stoddard, who interned in the Governor's Legal Division and worked with Judge William Whitbeck in the Michigan Court of Appeals while in school, will be employed in the Michigan Court of Appeals Pre-Hearing Division after taking the bar exam and a brief vacation.

Stoddard, 24, is the daughter of Paul and Sheri Stoddard of Haslett. She and her husband, Adam Stacey, a research analyst for the Michigan House of Representatives, are expecting their first child in July.

In recognition of Staci's achievement, the Michigan Supreme Court Historical Society has extended her a complementary one-year membership in the Society.

Coleman Intern Selected and On Her Way

Melissa Witcher joined the Society as its 2001 Coleman Intern in January.

Melissa, a native of Brazil who grew up primarily in Northville, Michigan, is currently a senior at Michigan State University. She is majoring in History, minoring in Psychology, and pursuing her secondary education certification through the College of Education. Upon graduation, Melissa intends to complete her education internship in the Lansing area and pursue a career as a high school history teacher.

Melissa was chosen for the 2001 Coleman Internship because of her particular interest in research and her passion for delving into topics. She brings to the Society an interest in minority issues, an understanding of the importance of historical education, and a record of demonstrating personal initiative. In addition, Melissa brings excellent writing skills and a general interest in the history of Michigan to the Society.

As the 2001 intern, Melissa will be researching a variety of topics with the goal of producing several short vignettes for publication and display. She has already completed the gathering of graphics to accentuate the 1999 Coleman internship project "A Brief History of the Michigan Supreme Court" and is working on a project involving civil rights decisions made by the Michigan Supreme Court.

We welcome Melissa enthusiastically and look forward to some informative and effective final products.

Order the Reference Guide

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