

Plessy v. Ferguson (1896)

Name: _____

Breaking the Rules

You may have heard the saying, "Some rules are meant to be broken." In 1890, a man named Homer Plessy broke the rules. The state of Louisiana had passed the **Separate Car Act**, which required railway companies to have "separate but equal" train cars for black people and white people. A person who sat in the wrong car had to pay a \$25 fine or go to jail for 20 days.

You can probably guess that the cars for blacks weren't as nice as the cars for whites. Not only that, it seemed unfair to make black people sit separately. A group of citizens called the "Free People of Color in New Orleans" formed a committee dedicated to repealing this law. They convinced Homer Plessy, who was 7/8 white and 1/8 black, to test the law by sitting in a whites-only train car. When Plessy was asked to move, he refused and was arrested.



Homer Plessy

ISSUE

Is it constitutional to make black people sit in a separate train car from white people?

DECISION

Yes, because the Constitution only protects legal equality, not social equality.

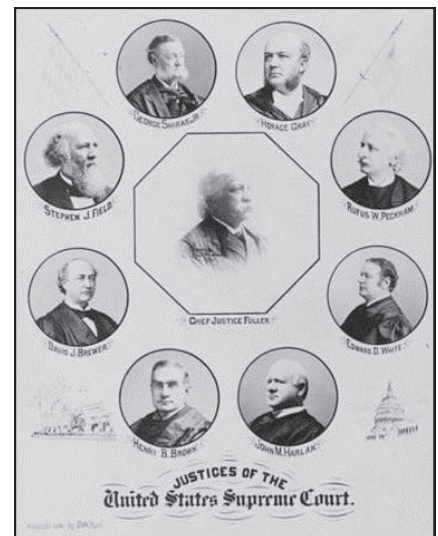
The Argument

Plessy argued that Louisiana's Separate Car Act violated the **14th Amendment** to the U.S. Constitution. It says that states may not "deny to any person within their jurisdiction the equal protection of the laws." He argued that requiring black people to sit separately from white people implied that blacks were inferior to whites, and therefore unequal.

The Decision

The Supreme Court disagreed. It saw separate train cars as an issue of social equality, not political or legal equality. It said separating the races did not take away civil or political rights. Justice Brown wrote for the Court, saying that "if one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane." Justice Brown said there had been separate schools for black and white students for a very long time, and many court cases had decided that states were allowed to have these **segregated** schools.

Out of the nine justices, Justice Harlan was the only one to dissent, or disagree. He wrote that "our constitution is color-blind" and does not tolerate "classes among citizens." He said the Court's decision would lead to racial hatred and increased attacks against black peoples' rights.



U.S. Supreme Court, 1896



So What?

The Court's decision set the stage for many more years of discrimination against people of color. Plessy's case gave rise to a new doctrine: "separate but equal." States were free to pass laws that kept races separate, and although the facilities were supposed to be equal, they rarely were. The "separate but equal" doctrine would not be abolished until the Civil Rights Act of 1964.

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A. Long Time Coming... It took 58 more years for the Supreme Court to finally reject the idea of "separate but equal." In 1954, the Court rejected this doctrine in a case called *Brown v. Board of Education of Topeka*, in which parents fought against "separate but equal" schools. (However, that case only applied to schools—not trains, buses, or other facilities.)

How did the Court's reasoning change? Read the following statements and decide whether they are from the Plessy decision (supporting separate but equal) or the Brown decision (rejecting separate but equal). Mark each statement **PL** for Plessy or **BR** for Brown.

- ___ 1. The 14th Amendment could not have been intended to abolish differences based on color.
- ___ 2. The impact of separating people just because of race is even bigger when the law says it's okay.
- ___ 3. Laws that allow or require the races to be separate do not necessarily imply that one race is inferior.
- ___ 4. Just because racial segregation existed when the 14th Amendment was adopted in 1868 doesn't mean it is constitutional.
- ___ 5. Separate educational facilities are naturally unequal.
- ___ 6. State governments have the power to decide whether to keep the races separate.
- ___ 7. Children and adults can be treated differently under the law, so *equality under the law* doesn't mean blacks and whites must be treated exactly the same.
- ___ 8. Making facilities equal isn't enough as long as blacks and whites are still separated.
- ___ 9. The 14th Amendment could not have been intended to force the two races to mingle together when they don't want to.
- ___ 10. Research shows that separating white and black children just because of their race makes black children feel like they are inferior.
- ___ 11. If requiring blacks and whites to be separate suggests that blacks are inferior, it is only because black people choose to see it that way.
- ___ 12. Laws cannot change social prejudices.
- ___ 13. Blacks and whites can only have social equality by appreciating each other and choosing to be together.
- ___ 14. Separating the races in school makes them unequal under the law and violates the 14th Amendment.

B. What Would the *Brown* Court Say About Plessy? The *Brown* court based a lot of its reasoning on the importance of education. The *Brown* court said this:

- A good education is necessary for learning to function in society and for succeeding in life.
- Therefore, if black children were separated out and felt inferior, it could affect their entire lives.

Do you think the Brown court would have said that people could be separated by race on a train? Yes No

Based on your answer, imagine one argument the Brown court might have made for or against Plessy.

Write it here:
