

Analyzing Supreme Court Cases

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Urban America, 1865–1896

Lesson 5 *The Rise of Segregation*

Plessy v. Ferguson, 1896

Summary

Plessy v. Ferguson was a test of the segregation laws that kept white and African American citizens from commingling in much of the country. The Supreme Court had to decide if segregation was in violation of the Equal Protection Clause of the Fourteenth Amendment.

Background of the Case

In 1890 Louisiana passed a law ordering railroads in the state to “provide equal but separate accommodations for the white and colored races.” Violations of the law carried a fine of \$25 or 20 days in jail. Railway personnel were responsible for assigning seats according to race.

On June 7, 1892, Homer A. Plessy, who was one-eighth African American, decided to test the law’s validity by sitting in the white section of a train going from New Orleans to Covington, Louisiana. When a conductor ordered Plessy to give up his seat, he refused. He was then arrested and imprisoned in a New Orleans jail. He was tried by a New Orleans court and found guilty of having violated the above-described Louisiana law. He appealed to the Louisiana Supreme Court, which found the law valid. Plessy then appealed to the United States Supreme Court, claiming his conviction and the Louisiana railroad law were unconstitutional because they violated the Thirteenth and Fourteenth Amendments.

Constitutional Issue

In 1865 the Thirteenth Amendment abolished slavery. However, in the Reconstruction period after the Civil War, many African Americans lived in a segregated society, especially in the South. The Fourteenth Amendment banned the deprivation of life, liberty, or property without “due process of law.” Yet laws, known as Jim Crow laws, were passed in southern states that required segregated schools, theaters, parks, buses, and railroad trains. The *Plessy* case challenged the constitutionality of these so-called Jim Crow practices.

Homer A. Plessy challenged the constitutionality of segregation laws in Louisiana. He based his appeal on the Thirteenth Amendment as well as the Fourteenth Amendment, which prohibited the states from denying “the equal protection of the law” to any person.

The Supreme Court’s Decision

A majority of the Court denied Plessy’s appeal and upheld the practice of segregation as required by the Louisiana law. Justice Henry Brown wrote the majority opinion. First, the ruling brushed aside the relevance to the case of the Thirteenth Amendment. Brown wrote that “a legal distinction between white and colored races . . . has no tendency to destroy the legal equality of the two races.”

Analyzing Supreme Court Cases *Cont.*

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The rest of the Court's opinion, however, dealt with the applicability of the Fourteenth Amendment. Brown concluded that:

"The object of the [Fourteenth] amendment was undoubtedly to enforce the absolute equality of the two races before the law, but . . . it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other . . . We cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable."

According to Brown, laws requiring segregation did not necessarily mean that people of different races were being treated unequally. The majority noted that this as the "underlying fallacy" of Plessy's case. Under the Fourteenth Amendment, a similar law enacted by an African American-controlled legislature with respect to whites or other races would be just as valid.

The Court ruled that the matter ultimately depended on whether Louisiana's law was "reasonable." Segregation laws "have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police powers." In such matters, a legislature is free to take into account "established usages, customs, and traditions of the people," as well as "the preservation of public peace and good order."

Finally, the Court rejected the notion that "social prejudices may be overcome by legislation." Brown maintained, "If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane."

The Court, in effect, enunciated a doctrine that came to be called the "separate but equal" equal principle. If African Americans saw this as "a badge of inferiority," it was solely "because the colored race chooses to put that construction upon it."

Dissenting Opinion

Justice John Marshall Harlan entered a vigorous dissent from the majority's decision. He "regretted that this high tribunal . . . has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of their rights solely upon the basis of race." He stated:

"Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. . . . We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of law which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens—our equals before the law. The thin disguise of 'equal' accommodations for passengers in railroad coaches will not mislead any one, nor atone for the wrong this day done."

The "separate but equal" principle was finally overturned in a series of civil rights decisions of the Court in the 1950s, most notably in *Brown v. Board of Education*.

Analyzing Supreme Court Cases *Cont.* **networks**

Urban America, 1865–1896

Questions

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Explain how the Supreme Court justified the practice of segregating railroad passengers in Louisiana by race.
2. What is the meaning of the “separate but equal” principle?
3. On what grounds did Justice Harlan criticize the majority’s ruling?
4. Why do you think Plessy based his appeal in part on the Thirteenth Amendment?
5. What do you think was the effect of the *Plessy* decision on the nation, especially on the Southern states?