

Plessy v. Ferguson 1892

- A. to restrict the freedom of freed slaves, many southern states passed "Black Codes" that limited:
 - a. the right to vote
 - b. to engage in certain occupations
 - c. to participate in the judicial system
- B. In response, The Radical Republicans in Congress passed
 - a. a "Civil Rights Bill"
 - b. the "Reconstructions Acts"
 - c. to limit these "Black Codes" and guarantee Blacks their rights
- C. But through intimidation by such organizations as the Ku Klux Klan and by other means, laws were passed that segregated Blacks from Whites
- D. While the Fourteenth Amendment ended slavery, it still left many questions about the relations between Blacks and Whites
- E. These question became a significant factor in the case of Plessy v. Ferguson.
- F. In 1890, Louisiana passed a statue providing
 - a. "that all railway 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 so as to secure separate accommodations. . . "
 - b. The penalty for sitting in the wrong compartment was either a fine of \$25 or 20 days in jail.
- G. Homer Plessy,
 - a. a 30-year old shoemaker, was jailed for sitting in the "White's" car of the East Louisiana Railroad
 - b. was a mix of seven-eighths white and one-eighths black
 - c. The Louisiana law still considered him black and, therefore, required him to sit in the "colored" car.
- H. Plessy went to court
 - a. argued that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution
 - b. The judge, a Massachusetts lawyer, was John Howard Ferguson
 - i. He had previously declared the Separate Car Act "unconstitutional on trains that traveled through several states."
 - ii. However, in regards to the Plessy trial, he stated that Louisiana could regulate railroad companies that only operated within its state
 - iii. Ferguson found Plessy guilty of refusing to leave the white car.
- I. Plessy decided to appeal the decision to the Supreme Court of Louisiana
 - a. court upheld Ferguson's opinion
 - b. Plessy then decided to take his case to the United States Supreme Court

- c. In 1896, The Supreme Court of the United States found Homer Plessy guilty once again
- d. Justice Henry Brown, the speaker for the eight-person majority, wrote:
 - i. "That [the Separate Car Act] does not conflict with the Thirteenth Amendment, which abolished slavery...is too clear for argument...A statute which implies merely a legal distinction between the white and colored races -- a distinction which is founded in the color of the two races and which must always exist so long as white men are distinguished from the other race by color -- has no tendency to destroy the legal equality of the two races...The object of the [Fourteenth Amendment] was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things 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."
- e. Justice John Harlan, The one lone dissenter
 - i. "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...In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case...The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to adopt the recent amendments of the Constitution."

It was not until the case of Brown v. Board of Education in 1954 that "separate but equal" would no longer be the law of the land.