

Civics

Plessy v. Ferguson (1896)

Watch It! - [Plessy v. Ferguson and Jim Crow Era \(4:55\)](#)

"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."

— **Justice Henry Billings Brown, Speaking for the Majority**

In *Plessy v. Ferguson* (1896), the Supreme Court considered the constitutionality of a Louisiana law passed in 1890 "providing for separate railway carriages for the white and colored races." The law, which required that all passenger railways provide separate cars for blacks and whites, stipulated that the cars be equal in facilities, banned whites from sitting in black cars and blacks in white cars (with exception to "nurses attending children of the other race"), and penalized passengers or railway employees for violating its terms.

Homer Plessy, the plaintiff in the case, was seven-eighths white and one-eighth black, and had the appearance of a white man. On June 7, 1892, he purchased a first-class ticket for a trip between New Orleans and Covington, LA, and took possession of a vacant seat in a white-only car. Duly arrested and imprisoned, Plessy was brought to trial in a New Orleans court and convicted of violating the 1890 law. He then filed a petition against the judge in that trial, Hon. John H. Ferguson, at the Louisiana Supreme Court, arguing that the segregation law violated the Equal Protection Clause of the Fourteenth Amendment, which forbids states from denying "to any person within their jurisdiction the equal protection of the laws," as well as the Thirteenth Amendment, which banned slavery.

The Court ruled that, while the object of the Fourteenth Amendment was to create "absolute equality of the two races before the law," such equality extended only so far as political and civil rights (e.g., voting and serving on juries), not "social rights" (e.g., sitting in a railway car one chooses). As Justice Henry Brown's opinion put it, "if one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane." Furthermore, the Court held that the Thirteenth Amendment applied only to the imposition of slavery itself.

The Court expressly rejected Plessy's arguments that the law stigmatized blacks "with a badge of inferiority," pointing out that both blacks and whites were given equal facilities under the law and were equally punished for violating the law. "We consider the underlying fallacy of [Plessy's] argument" contended the Court, "to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it."

Justice John Marshall Harlan entered a powerful -- and lone -- dissent, noting that "in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens."

GIVE A QUALITY ANSWER FOR EACH QUESTION.

- 1. What law did Homer Plessy violate? How did Plessy violate this law?**
- 2. What rights do the Thirteenth and Fourteenth Amendments to the Constitution provide?**
- 3. Interpret this statement: "if one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane."**
- 4. Is it possible for two races to remain separated while striving for equality? Why or why not?**
- 5. What was the outcome of this case? What year did this take place?**

Brown v. Board of Education (1954)

Watch It! – *Brown v. Board of Education* (4:55)

“We conclude that the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”
—Chief Justice Earl Warren, Speaking for the Majority

Brown v. Board of Education (1954), now acknowledged as one of the greatest Supreme Court decisions of the 20th century, unanimously held that the racial segregation of children in public schools violated the Equal Protection Clause of the Fourteenth Amendment. Although the decision did not succeed in fully desegregating public education in the United States, it put the Constitution on the side of racial equality and galvanized the nascent civil rights movement into a full revolution.

In 1954, large portions of the United States had racially segregated schools, made legal by *Plessy v. Ferguson* (1896), which held that segregated public facilities were constitutional so long as the black and white facilities were equal to each other. However, by the mid-twentieth century, civil rights groups set up legal and political challenges to racial segregation. In the early 1950s, NAACP lawyers brought class action lawsuits on behalf of black schoolchildren and their families in Kansas, South Carolina, Virginia, and Delaware, seeking court orders to compel school districts to let black students attend white public schools.

One of these class actions, *Brown v. Board of Education* was filed against the Topeka, Kansas school board by representative-plaintiff Oliver Brown, parent of one of the children denied access to Topeka's white schools. Brown claimed that Topeka's racial segregation violated the Constitution's Equal Protection Clause because the city's black and white schools were not equal to each other and never could be. The federal district court dismissed his claim, ruling that the segregated public schools were "substantially" equal enough to be constitutional under the *Plessy* doctrine. Brown appealed to the Supreme Court, which consolidated and then reviewed all the school segregation actions together. Thurgood Marshall, who would in 1967 be appointed the first black justice of the Court, was chief counsel for the plaintiffs.

Thanks to the astute leadership of Chief Justice Earl Warren, the Court spoke in a unanimous decision written by Warren himself. The decision held that racial segregation of children in public schools violated the Equal Protection Clause of the Fourteenth Amendment, which states that "no state shall make or enforce any law which shall ... deny to any person within its jurisdiction the equal protection of the laws." The Court noted that Congress, when drafting the Fourteenth Amendment in the 1860s, did not expressly intend to require integration of public schools. On the other hand, that Amendment did not prohibit integration. In any case, the Court asserted that the Fourteenth Amendment guarantees equal education today. Public education in the 20th century, said the Court, had become an essential component of a citizen's public life, forming the basis of democratic citizenship, normal socialization, and professional training. In this context, any child denied a good education would be unlikely to succeed in life. Where a state, therefore, has undertaken to provide universal education, such education becomes a right that must be afforded equally to both blacks and whites.

Were the black and white schools "substantially" equal to each other, as the lower courts had found? After reviewing psychological studies showing black girls in segregated schools had low racial self-esteem, the Court concluded that separating children on the basis of race creates dangerous inferiority complexes that may adversely affect black children's ability to learn. The Court concluded that, even if the tangible facilities were equal between the black and white schools, racial segregation in schools is "inherently unequal" and is thus always unconstitutional. At least in the context of public schools, *Plessy v. Ferguson* was overruled. In the *Brown II* case, decided a year later, the Court ordered the states to integrate their schools "with all deliberate speed."

GIVE A QUALITY ANSWER FOR EACH QUESTION.

- 1. What does it mean to have segregated schools?**
- 2. What right does the Fourteenth Amendment give citizens?**
- 3. How did the case of *Plessy v. Ferguson* (1896) affect segregation?**
- 4. What did the Court conclude about separating children on the basis of race?**
- 5. What was the outcome of this case? What year did this take place?**