

Name _____ Date _____

Plessy v. Ferguson

Learn more about this topic! Each section gives more detail on one of the lyrics from the song. Read each section, and then respond by answering the question or taking notes on key ideas.

1. b'

After the Civil War, federal troops remained in the South for 12 years. During this period, known as Reconstruction, the federal government made a concerted effort to improve the legal and social status of formerly enslaved Black people. The troops were there in part to enforce new laws including the 13th, 14th, and 15th Amendments. The 13th Amendment outlawed slavery, the 14th promised all Americans equal protection under the law, and the 15th granted Black men voting rights. But in 1877, federal troops left the South as part of a compromise in a contested presidential election. Reconstruction came to an abrupt end. As Southern Democrats returned to power, they enacted Jim Crow laws aimed at reversing progress toward racial equality. These state and local laws prevented African Americans from voting and segregated public accommodations like schools, waiting rooms, and transportation.

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2. b'

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By 1890, a Jim Crow law called the Separate Car Act had been passed in Louisiana. The act called for the segregation of train cars, requiring all passenger trains to provide equal but separate accommodations for Black and white passengers. As Black people around the South saw their civil rights gains eroding, they realized that separate but equal accommodations perpetuated their status as second-class citizens. In response, pockets of organized resistance began to form, including one aimed at the Separate Car Act. A group of Black New Orleans businessmen formed the Citizens' Committee to Test the Constitutionality of the Separate Car Law. Their strategy was simple: Send a Black man to sit in a whites-only car on the East Louisiana Railway and get him arrested under the Separate Car Act. They would then challenge the law, arguing that it violated the equal protection clause of the 14th amendment. The Committee believed this act of civil disobedience would lead to racial segregation being ruled unconstitutional.

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After one failed attempt to challenge the act, a member of the group named Homer Plessy was recruited to be the new plaintiff. Plessy was a French-speaking Creole of African American and European heritage. He was light-skinned, only one-eighth Black, and would be able to pass as a white person sitting in the whites-only car. The plan was highly coordinated. The Committee knew railroad companies disliked the Separate Car Act because it forced them to buy additional train cars. So when the Committee informed the East Louisiana Railway of their plan in advance, the railroad company did nothing to intervene. On top of this, the Committee hired a private detective to conduct the arrest. This ensured that Plessy would be arrested for violating the Separate Car Act and not a different law.

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4. b'

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On June 7, 1892, Plessy purchased a ticket and sat in an empty seat in a whites-only train car. When the conductor asked his race, Plessy identified himself as Black. The conductor told Plessy he had to move to a Black section of the train. Plessy refused and was arrested and jailed. In Louisiana state court, Plessy's lawyers argued that the Separate Car Act violated Plessy's constitutional rights, but Judge John H. Ferguson ruled against Plessy in favor of the law. Plessy's lawyers appealed Ferguson's decision to the Supreme Court, and the court accepted the appeal. In 1896, the Supreme Court ruled in a 7-1 decision that the law did not violate the equal protection clause of the 14th Amendment. In the court's view, as long as states maintain separate but equal facilities, segregation was not prohibited by the constitution.

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In the Supreme Court's majority opinion, Justice Henry Brown wrote, 'We consider the underlying fallacy of the plaintiff's argument 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.'

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Justice John Marshall Harlan was the only justice who disagreed with the court's ruling. In his dissenting opinion, he wrote, '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 colorblind and neither knows nor tolerates classes among citizens...The arbitrary separation of citizens, on the basis of race...is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified upon any legal grounds.'

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6. b'

Notes

The committee's plan to challenge the Separate Car Act had backfired. By upholding the separate but equal doctrine, the Supreme Court had provided legal justification for racial segregation. This laid the foundation for decades of Jim Crow laws and segregation throughout the South. Although states were required by law to provide equal accommodations for Black people, their train cars, schools, and bathrooms were nearly always inferior and poorly maintained. It took nearly 60 years for the Plessy v. Ferguson decision to be overturned with the Supreme Court case Brown v. Board of Education in 1954.

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