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Plessy v. Ferguson

In 1954, the Supreme Court case of Brown v. Board of Education ended nearly 60 years of legal segregation. But how did racial segregation become protected under the law in the first place?

Plessy v. Ferguson...unpacked.

After the Civil War, in the 12-year period called Reconstruction, the federal government made a concerted effort to improve the legal and social status of formerly enslaved Black people in the South. The 13th Amendment outlawed slavery, the 14th promised equal protection under the law, and the 15th granted Black men the right to vote. Federal troops occupied the South to enforce these laws, and some progress was made.

But in 1877, Reconstruction came to an abrupt end as part of an agreement to settle a presidential election controversy. Federal troops left the South, leaving Southern Democrats free to reverse the progress of Reconstruction and pass racist Jim Crow laws that enforced segregation.

By 1890, a Jim Crow law known as the Separate Car Act had been passed in Louisiana. The law called for the segregation of train cars and required train companies to provide “equal but separate accommodations” for Black and White passengers.

As Black people around the South saw their civil rights gains eroding, groups of organized resistance formed, including the Citizens’ Committee to Test the Constitutionality of the Separate Car Law. This group—which was organized by Black New Orleans businessmen—set out to...well...test the constitutionality of the Separate Car Law. Their plan was simple: Send a Black man to sit in a “Whites-only” train car, get him arrested under the Separate Car Act, then challenge the law, arguing that it violated the equal protection clause of the 14th Amendment.

Eventually, a committee member named Homer Plessy was recruited to be the plaintiff. He was the perfect

person to carry out the plan—a mixed-race, French-speaking Creole who described himself as one-eighth Black. His light skin ensured that he could pass as a White passenger right up until the moment he identified himself as African American.

On June 7, 1892, Plessy purchased a ticket and sat in a “Whites-only” train car. When the conductor asked his race, Plessy identified himself as Black and refused to move to a Black section of the train. He was arrested and jailed, just like the committee had planned.

In state court, Plessy’s lawyers argued that the Separate Car Act violated Plessy’s constitutional rights. But Judge John H. Ferguson disagreed and ruled in favor of the law. Plessy and his lawyers decided to appeal Ferguson’s decision to the Supreme Court—and the court accepted the appeal.

In 1896, in a 7-1 decision, the Supreme Court ruled that the Separate Car Act did not violate the Constitution. In the court’s view, as long as states maintain separate but equal facilities, racial segregation was not prohibited by the 14th Amendment.

The committee’s plan had backfired. Plessy’s attempt to prove racial segregation was unconstitutional resulted in the opposite; a landmark Supreme Court verdict that established the constitutionality of the “separate but equal” doctrine. This decision legitimized existing Jim Crow laws and laid the foundation for decades of constitutionally-sanctioned segregation. And even though the Supreme Court’s ruling required equal accommodations, Black people were almost always left with inferior and poorly maintained public facilities.

This constitutional justification for segregation remained in place for nearly 60 years until it was overturned by *Brown v. Board of Education*. And even after that, the fight for integration was far from over...

What is the legacy of Homer Plessy’s attempt to challenge racial segregation?