

Plessy v. Ferguson

In 1890, Louisiana passed a statute called the Separate Car Act, which stated "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. . . ." The penalty for sitting in the wrong compartment was a fine of \$25 or 20 days in jail.

On June 7, 1892, Homer Plessy purchased a first-class passage from New Orleans to Covington, Louisiana and sat in the railroad car designated for whites only. The railroad officials, following through on the arrangement, arrested Plessy and charged him with violating the Separate Car Act.

In court, Plessy argued that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution.

Thirteenth Amendment

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Fourteenth Amendment

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

- 1a. If you were Plessy's lawyer, how would you justify your claim that the "Separate Car Act" violates the Thirteenth and Fourteenth amendments?

- 1b. If you were the representing the state of Louisiana, how would you justify your claim that the "Separate Car Act" did not violate the Thirteenth or Fourteenth Amendments?

The Impact of the Case: Separate But Equal

Although not specifically written in the decision, *Plessy* set the precedent that "separate" facilities for blacks and whites were constitutional as long as they were "equal." The "separate but equal" doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools.

The Supreme Court of the United States determined that if legislation makes distinctions based on race, but does not deprive anyone of rights or privileges, it is constitutional. The Court seemed to believe that the common practice of separation was an inconvenience, not something that abridged the rights of African Americans. The Court also presumed that legislation was powerless to do away with racial instincts or to abolish distinctions based on physical differences.

Directions

Think about the following situations. Each situation offers separate accommodations for the people involved. Are those accommodations equal? Do you think the Supreme Court of the United States considered all possible situations when they rendered their decision in *Plessy v. Ferguson*? Discuss each situation with your classmates.

- A black woman is thirsty, so she walks over to the water fountains. There is one fountain for blacks and one for whites. The black woman uses the fountain for whites because the other one is out of order.
- A black man has been traveling for many hours. He stops at a diner to eat and use the restroom. This diner only serves whites. In order to eat, the black man must travel another two hours to another diner that serves blacks. The black man cannot wait two hours to use the restroom, so he uses the diner's restroom despite the posted signs.
- A white man is not allowed to have his colored attendant with him in the same train coach even though the white man's health condition requires constant supervision. The colored attendant ignores the rules and sits beside his employer in the coach for white passengers.
- A black seven-year-old girl must walk two miles to the nearest school for blacks even though there is a school two blocks away. The school two blocks away is only for white students. The girl's parents worry about their daughter walking such a long distance to and from school every day.