

PLESSY v. FERGUSON (1896)

In the late 1800's, the Black American was free. But he wasn't treated equally. Some blacks fought back. One of them took a "Jim Crow" law to court. His name was Homer Plessy.

Homer Plessy was a proud man. But he had no reason, in 1892, to suspect that he would soon become a key figure in American history.

Homer Plessy was part white and part black. Out of eight great-grandparents, only one had been black. The other seven were white. But he was treated as black under the "Jim Crow," or segregation laws, of Louisiana. This meant he had to be careful in public places. He had to stay in areas marked "for coloreds only"--that is, for black people. He was expected to stay away from areas marked "for whites only." To do otherwise would break the law.

Homer Plessy, in June of 1892, went to the railroad station in New Orleans. He was headed for Covington, Louisiana. This was on the far northern side of Lake Pontchartrain by New Orleans. The East Louisiana Railway made the trip from New Orleans around the lake to Covington. So Mr. Plessy bought a first-class ticket and walked toward the waiting train. Signs were on the railroad cars. Some said "for coloreds only." Others said "for whites only." Plessy boarded a car marked "for whites only" and took an empty seat.

When the conductor arrived, he asked Homer Plessy to leave. He said that Mr. Plessy would have to sit in the car meant for blacks. But Mr. Plessy refused to move. Finally, a policeman was found, and Mr. Plessy was removed from the "whites only" car by force.

Homer Plessy was arrested and jailed. He was accused of breaking a segregation law. This Louisiana law of 1890 ordered railway companies to set up "equal but separate" areas for white and colored races. No persons were allowed to sit in seats or cars marked for those of another race.

In court Mr. Plessy attacked this law. He said this law denied him his rights under the Fourteenth Amendment. It especially denied him "equal protection of the laws."

The lawyers for Louisiana said that the Fourteenth Amendment was only intended to protect political rights such as voting and holding public office. They said that state laws could separate the races, as long as equal rights were provided for each race.

The courts of Louisiana did not agree with Plessy. They ruled that Louisiana's "Jim Crow" law of 1890 was constitutional. But Homer Plessy had another hope left. He asked the Supreme Court of the United States to look into his case.

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The Supreme Court ruled in favor of the State of Louisiana. The Court said that it was not the intention of the Fourteenth Amendment to “abolish distinctions based upon color, or to enforce social, as distinguished from political equality.” According to the Court, the State of Louisiana could make laws that took into account the customs and traditions of the people and the need to keep public peace and order. The Court said that if the two races were ever to meet “on terms of social equality, it must be the result of natural affinities . . . and a voluntary consent of individuals,” not a result of law.

Only one Justice disagreed. In his famous dissent, John Marshall Harlan said that “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”

Justice Harlan warned that this decision would be used to segregate all aspects of life in many states. He was right. “Separate but equal” laws hit blacks in every part of their lives. They kept blacks out of the best schools and libraries. They put blacks in the back of public buses. These laws made blacks sit in separate waiting rooms in train stations. They even made blacks use separate drinking fountains.

It would take another half century before the “separate but equal” doctrine would be reversed.