

## ***Plessy v. Ferguson*** **“Separate But Equal”**

In 1890, the state of Louisiana passed the Separate Car Act, which allowed segregation of passengers on the state’s railroads. A group called the Citizens Committee, made up of Creoles, planned to challenge this law by using protests and civil disobedience. They planned to defy these barriers and test the constitutionality of the law.

The committee chose Homer Plessy to assist in their case.

Born on March 17<sup>th</sup> 1863, he was a shoemaker from New Orleans who was seven-eighths white and one-eighth black. By Louisiana law, he was considered to be black. He was of mixed Caucasian and African descent; he had one black great-grandparent.



Homer Plessy

On June 7<sup>th</sup> 1892, Homer Plessy bought a first-class ticket for a train on the East Louisiana Railway in order to travel from New Orleans to Covington, LA. Once aboard, he took a seat in a railcar reserved for “whites only.” He then identified himself as being “black” and he was subsequently arrested by the railroad authorities, just as planned by the Citizens Committee.

The Louisiana law stated that all railway companies carrying passengers in Louisiana furnish “equal but separate accommodations” for the different races by either having at least two cars on the train or one car divided by a partition. Any passenger found in the “wrong” car could be fined \$25.00 or jailed for up to 20 days.

Plessy was found guilty of violating the Separate Car Act and the decision was immediately appealed by the Citizens Committee. The Supreme Court of Louisiana upheld the original decision and the case was then taken to the Supreme Court. The plan was to prove the law unconstitutional under the 13<sup>th</sup> and 14<sup>th</sup> Amendments.

On May 18<sup>th</sup> 1896, the Supreme Court issued a ruling denying Plessy’s charge that his rights had been violated. The court ruled by a 7-1 vote to affirm the decisions of the lower courts. One justice did not hear the case and participate; the one vote against was by Justice John Marshall Harlan who had a history of voting for civil rights.

The majority opinion of the Supreme Court was written by Justice Henry Brown.



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The court ruled that the 13<sup>th</sup> Amendment (not the major part of Plessy's case) did NOT apply in this matter. The restriction in seating did NOT establish any condition of "involuntary servitude."

The 14<sup>th</sup> Amendment was NOT violated by the state of Louisiana because it did NOT restrict blacks any differently than whites. Each race merely had to use its assigned, separate accommodations on the railways.

The seven Supreme Court justices believed that the states had the right and power to follow established social customs and traditions in the mixes of races in transportation, schools and other situations.

The object of the 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 intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling [mixing] of the two races upon terms unsatisfactory to either. Laws permitting and even requiring their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power.

Chief Justice Brown referring to the Fourteenth Amendment

... 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. In respect of civil rights, all citizens are equal before the law....The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved

Justice John Marshall Harlan's opinion of the Fourteenth Amendment

The decision of *Plessy v. Ferguson* had major consequences for the nation. The ruling firmly establishes the doctrine of “SEPARATE BUT EQUAL” as the law of the land. It validated segregation that began with the Jim Crow laws. It remained in effect for over fifty years. It was finally overturned by the case *Brown v. Board of Education* in 1954.

Because of the decision in *Plessy v. Ferguson*, photographs like these shown below, were commonplace in American society for the following 50 years.



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