

Plessy v. Ferguson (1896)

Argued: April 13, 1896

Decided: May 18, 1896

Background

The **14th Amendment** to the U.S. Constitution was ratified in 1868 during the Reconstruction Era following the Civil War. It was one of three amendments intended to extend constitutional rights to African Americans. The 13th Amendment officially abolished slavery, the 14th Amendment expanded citizenship rights and due process and equal protection rights for all people, and the 15th Amendment prohibited voting discrimination on the basis of “race, color, or previous condition of servitude.”

The 14th Amendment contains several key sections that have played crucial roles in protecting the constitutional rights of all citizens equally:

- The Citizenship Clause of 14th Amendment states that all people born in the United States are citizens of both the United States and the state where they live.
- The Privileges or Immunities Clause ensures that the states treat citizens of other states equally.
- The Due Process Clause says that the state government cannot “deprive any person of life, liberty, or property, without due process of law.” This means that before depriving a person of life, liberty, or property, the government must provide them with fair treatment in legal proceedings, which may include access to the courts.
- The **Equal Protection Clause** requires states to provide a valid reason or “rational basis” when a law treats one group differently than another. For instance, many states have restrictions for drivers under a certain age because they are inexperienced and statistically more likely to be involved in an accident than older drivers.

The 14th Amendment was highly controversial at the time it was adopted. Much of the opposition came from the former Confederate states. These states resisted the 14th Amendment because it would prohibit the **Black Codes**, which were adopted by many former Confederate states in order to restrict the freedom of formerly enslaved persons. Despite opposition, former Confederate states voted for ratification of the 14th Amendment because it was required to regain representation in Congress after the Civil War. Even after the adoption of the 14th Amendment, many states did not respect the rights of African Americans. *Plessy v. Ferguson* asked the Supreme Court to consider the meaning and application of the Equal Protection Clause.

Facts

In 1890, Louisiana passed a law called the Separate Car Act, which segregated train cars based on race. This meant that Black people had to sit with each other in “Blacks only” cars, while White people had to sit with each other in “Whites only” cars. Anyone who broke this law would have to pay a \$25 fine or go to jail for 20 days. The law also required railroad companies to provide **“separate but equal”** train cars for each of the races. “Separate but equal” refers to a legal doctrine that allowed for racial segregation as long as the facilities provided for each race were equal. In reality, most facilities provided for Black people were inferior to facilities provided for White people.

A group in New Orleans called the Citizens’ Committee to Test the Constitutionality of the Separate Car Act believed that the Separate Car Act was unconstitutional. In order to get the courts to consider the law, they asked Homer Plessy to break the law. Plessy was one-eighth Black and a resident of the state of Louisiana. The railroad officials were in on the plan to challenge the law because it cost them money to maintain separate cars. On June 7, 1892, Plessy purchased a first-class passage from New Orleans to Covington, Louisiana. He sat in the railroad car for White passengers. The railroad officials told Plessy to move from the car for White passengers. When he refused, they had him arrested.

Plessy argued in court that the Separate Car Act violated the Equal Protection Clause of the 14th Amendment. John Howard Ferguson, the judge hearing the case, declared that the law was constitutional and found Plessy guilty.

Plessy appealed the case to the Louisiana State Supreme Court, which agreed that the Louisiana law was constitutional. Plessy then asked the U.S. Supreme Court to hear his case, and it agreed.

Issue

Does Louisiana’s Separate Car Act violate the Equal Protection Clause of the 14th Amendment?

Constitutional Provision and State Statute**– 14th Amendment to the U.S. Constitution**

“No State shall...deny to any person within its jurisdiction the equal protection of the laws.”

This is known as the **Equal Protection Clause**, and it is commonly used to guarantee that people are treated equally by state governments regardless of their race, gender, religion, or nationality.

– Separate Car Act

This 1890 Louisiana state law required trains to have “equal but separate” cars for Black and White customers.

Arguments for Plessy (petitioner)

- The 14th Amendment states that people should be treated equally under the law regardless of their race. That means that Black people and White people should have access to the same services and goods. Requiring that passengers sit in different cars depending on their race means they are being treated unequally.
- Laws should not separate people based on their race. When laws do this, they are really saying that Black people are inferior to White people, which is unconstitutional under the 14th Amendment.
- This law was not created to promote the public good. There was no disruption when Plessy sat in the “Whites only” car. Instead, the law was intended to make sure that White people remained more powerful than Black people, like before the Civil War.

Arguments for Ferguson (respondent)

- The Separate Cars Act requires the railroad companies to provide “equal but separate” train cars. It is constitutional because it does not prohibit African Americans from using the railroad entirely.
- The 14th Amendment applies to people’s *legal* rights; it does not address whether Black people and White people are *socially* equal. Laws cannot change how people view one another. Therefore, racial prejudice cannot be addressed in a law.
- Laws that segregate people based on race are for the public good. During this time period, many White people in power believed that mixing races would disrupt their established way of life and result in violence, particularly in the Southern states. This law upholds order between the races.

Decision

In a 7-1 decision, the Supreme Court ruled against Homer Plessy. The majority rejected Plessy’s 14th Amendment argument and agreed with the doctrine of “separate but equal.”

Majority

In the majority opinion, Justice Brown wrote that the 14th Amendment “could not have been intended to abolish distinctions based upon color, or to enforce social...equality.” According to the Court, the 14th Amendment was only concerned with legal equality and merely gave African Americans the level of legal equality needed to abolish slavery. It was not intended to address social discrimination, which the Court believed was still legal. Because the Separate Car Act involved social discrimination, it did not violate the 14th Amendment.

In addition, the justices said that separation of the races by law does not “stamp the colored race with a badge of inferiority.” They also said that racial prejudice could not be overcome through legislation; rather, it must be fought through other means.

The justices also determined that this law promoted the public good. They agreed that the law helped with “the preservation of the public peace and good order,” and that it was a constitutional exercise of Louisiana’s power to regulate laws pertaining to “health, safety, and morals.” As long as separate facilities were actually equal, they said that the Constitution did not prohibit segregation.

Dissent

In his dissent, Justice Harlan said that these “separate but equal” laws promoted and perpetuated the belief that Black people were inferior to White people. He argued that the government could not “permit the seeds of race hate to be planted under the sanction of law.” Additionally, he described the Constitution as “color-blind,” arguing that, even if White people believed they were socially superior, America has no ruling class and that the Constitution does not permit the drawing of lines along race like the Separate Car Act does. Because segregation had the effect of creating such classes, he judged, it was unconstitutional.

Impact

Immediately following the decision in *Plessy v. Ferguson*, Homer Plessy changed his plea to guilty and paid the \$25 fine for violating the Separate Car Act. He remained active in his church and community organizations, had a family, and worked for the People’s Life Insurance Company. He died in 1925 at age 62.

Although not specifically written in the decision, *Plessy v. Ferguson* set the precedent that “separate” facilities for Black people and White people were constitutional as long as they were “equal.” The “separate but equal” doctrine was quickly extended to many areas of public life, such as restaurants, theaters, restrooms, and public schools. Often, facilities for Black people were far inferior to facilities for White people. The laws that created separate facilities and enforced racial segregation became known as “Jim Crow” laws and remained in place for nearly 60 more years.

Jim Crow laws were challenged again in *Brown v. Board of Education of Topeka, Kansas*, the decision that unanimously ruled public school segregation unconstitutional in 1954. Justice Harlan’s dissent in *Plessy v. Ferguson* laid the groundwork for the *Brown* decision. Although the Court has never officially overruled *Plessy*, the decisions in *Brown* and other segregation cases have established that the “separate but equal” doctrine was unconstitutional. *Plessy v. Ferguson* is often considered to be one of the Court’s worst decisions.

Additional information about *Plessy v. Ferguson*, including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at <https://www.landmarkcases.org/>.