

Plessy v. Ferguson



ABOUT THE READING In 1890 Louisiana passed a law requiring African Americans passengers to ride in railroad cars that were “separate from but equal to” those for white travelers. Homer Plessy, an African American man, was convicted of attempting to ride in a car reserved for white travelers. Plessy appealed his conviction to the Supreme Court. In 1896 the court ruled seven to one against him. For almost 60 years, states continued to use this decision as legal justification for maintaining racially segregated public facilities.

VOCABULARY

statute law

involuntary servitude
slavery

fallacy a false or misleading idea based on faulty reasoning



As you read think about how Justice Brown views the purpose of legislation as well as the content of a specific law.

The constitutionality of this act is attacked upon the ground that it conflicts both with the Thirteenth Amendment of the Constitution, abolishing slavery, and Fourteenth Amendment, which prohibits certain restrictive legislation on the part of the States. . .

A **statute** which implies merely a legal distinction between the white and colored races . . . founded in the color of the two races . . . has no tendency to destroy the legal equality of the two races, or re-establish a state of **involuntary servitude**. . .

[T]he Thirteenth Amendment is . . . relied upon by the plaintiff [Homer Plessy] in error in this connection. . . .

The object of the [Fourteenth Amendment] was undoubtedly to enforce the absolute equality of the two races before the law, but . . . it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the

The Court states that Plessy is wrong to rely on the Thirteenth Amendment, which abolishes slavery, in his argument against the Louisiana segregation law.

The Court justifies its ruling by stating that the Fourteenth Amendment protects only ‘political’ equality, not ‘social’ equality.

two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separations . . . do not necessarily imply the inferiority of either race to the other. . .

We consider the underlying **fallacy** of the plaintiff’s argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act.

. . . The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition.

Here the Court notes that Louisiana’s “separate but equal” law does not specifically say that African Americans are an inferior race.

WHAT DID YOU LEARN?

1. What parts of the U.S. Constitution did Homer Plessy believe the separate passenger cars law violated?

2. What does Justice Brown say about a law that implies “merely a legal distinction between the white and colored races”?

3. What does Justice Brown say is the object of the Fourteenth Amendment? What does he say is not its purpose?
