Plessy v. Ferguson

On June 7, 1892, a 30-year-old colored shoemaker named Homer Plessy was jailed for sitting in the "White" car of the East Louisiana Railroad. Plessy was only one-eighths black and seven-eighths white, but under Louisiana law, he was considered black and therefore required to sit in the "Colored" car. Plessy went to court and argued, in *Homer Adolph Plessy v. The State of Louisiana*, that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution. The judge at the trial was John Howard Ferguson, a lawyer from Massachusetts who had previously declared the Separate Car Act "unconstitutional on trains that traveled through several states" . In Plessy's case, however, he decided that the state could choose to regulate railroad companies that operated only within Louisiana. He found Plessy guilty of refusing to leave the white car . Plessy appealed to the Supreme Court of Louisiana, which upheld Ferguson's decision. In 1896, the Supreme Court of the United States heard Plessy's case and found him guilty once again. Speaking for a seven-person majority, Justice Henry Brown wrote:

"That [the Separate Car Act] does not conflict with the Thirteenth Amendment, which abolished slavery...is too clear for argument...A statute which implies merely a legal distinction between the white and colored races -- a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other race by color -- has no tendency to destroy the legal equality of the two races...The object of the [Fourteenth A]mendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things 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 two races upon terms unsatisfactory to either."

The lone dissenter, Justice John Harlan, showed incredible foresight when he wrote

"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...In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case...The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to defeat the beneficient purposes which the people of the United States had in view when they adopted the recent amendments of the Constitution."

Over time, the words of Justice Harlan rang true. The *Plessy* decision 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. Not until 1954, in the equally important *Brown v. Board of Education* decision, would the "separate but equal" doctrine be struck down.