

## ***Plessy v. Ferguson* / Background •—Answer Key**

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As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

In 1890, Louisiana passed a law called the Separate Car Act. This law said that railroad companies must provide “equal but separate” train cars for White and Black passengers. Black passengers had to sit in the Black-only car, and White passengers had to sit in the White-only car. This is called **segregation**. Anyone who broke this law would have to pay \$25 or go to jail for 20 days.

Two parties wanted to challenge whether the Separate Car Act was constitutional. A group of Black citizens who raised money to overturn the law worked together with the East Louisiana Railroad Company. The railroad company wanted to get rid of the law because it cost them money to maintain separate cars. The two groups chose a 30-year-old shoemaker named Homer Plessy to challenge the law. Plessy was a citizen of the United States and a resident of the state of Louisiana who was one-eighth Black. On June 7, 1892, Plessy purchased a first-class ticket from New Orleans to Covington, Louisiana, and sat in the railroad car for White passengers only. The railroad officials knew Plessy was coming and **arrested** him for violating the Separate Car Act. A well-known lawyer who fought for Black rights named Albion Tourgee agreed to argue the case for free.

Plessy’s lawyer argued that the Separate Car Act violated the 13<sup>th</sup> and 14<sup>th</sup> Amendments to the Constitution. The 13<sup>th</sup> Amendment bans slavery, and the 14<sup>th</sup> Amendment requires that the government treat people equally. Judge John Howard Ferguson heard the case. He stated in a previous court decision that the Separate Car Act was **unconstitutional** if applied to trains running outside of Louisiana. In this case, however, he declared that the law was constitutional for trains running within the state and found Plessy **guilty**.

Plessy appealed the case to the Louisiana State Supreme Court, which upheld the decision that the Louisiana law was constitutional. Plessy then took his case, *Plessy v. Ferguson*, to the Supreme Court of the United States. Judge John Howard Ferguson was named in the case because he had been named in the **petition** to the Louisiana State Supreme Court, not because he was involved in the initial lawsuit.

## Questions to Consider

1. What law did Homer Plessy violate? How did Plessy violate this law?  
Plessy violated the Separate Car Act, which provided separate accommodations for White and Black passengers and punished those who violated this separation. Plessy, who was part Black, sat in the area of the train designated for White passengers.
2. What rights do the 13<sup>th</sup> and 14<sup>th</sup> Amendments provide? Why did Plessy believe that the Separate Car Act violated these rights?  
The 13th Amendment bans slavery (securing the right to be free from slavery) and the 14th Amendment provides for equal protection of the laws among other rights. Plessy believed that forcing Black passengers to ride in separate cars did not provide him with equal protection of the laws.
3. Judge Ferguson decided that the state could make laws for railroad companies that traveled within the state but not for those that traveled between states. Why did Judge Ferguson treat these two situations differently?  
Judge Ferguson was likely making the distinction on the basis of the power of the national government to regulate interstate commerce. If travel was occurring within a state, perhaps the state had more leeway to dictate how that travel occurred. In other words, the challenger in the previous case, unlike Homer Plessy, had a valid objection to the law on the grounds that the state usurped Congress's powers to regulate commerce among the several states.
4. Do you think it is possible for separate facilities to be equal? Why or why not?  
Answers will vary. Students may describe, for example, a toilet that has been specially designed for people with physical disabilities. There is a separate and different toilet, but this enables people with disabilities to use facilities equally.