

Plessy v. Ferguson / Background ••—Answer Key

In 1890, Louisiana passed a law called the Separate Car Act. This act declared that all rail companies carrying passengers in Louisiana had to provide “equal but separate” seating for White and non-White passengers. The penalty for sitting in the wrong car was a fine of \$25 or 20 days in jail.

Two parties wanted to challenge the constitutionality of the Separate Car Act. 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 strike down the act largely because it cost them money to maintain separate cars. The groups chose a 30-year-old shoemaker named Homer Plessy, 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 passage 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. Well known advocate for Black rights, Albion Tourgee, agreed to argue the case for free.

Plessy’s attorney argued in court that the Separate Car Act violated the 13th and 14th Amendments to the U.S. Constitution. The 13th Amendment bans slavery and the 14th 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 petitioned the Supreme Court of the United States, the highest court in the country, to hear his case. 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 13th and 14th 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. On what basis can 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. Are separation and equality compatible? 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.