

What does it mean when we say that the Supreme Court hands down an opinion?

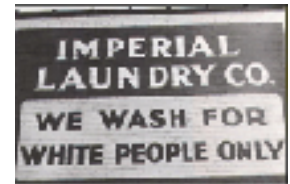
The Supreme Court decides cases by asking if laws are being carried out in the way that the Constitution intended. Sometimes they must determine if what is being done under a certain law is even allowed by the Constitution at all. The hard thing to understand is that there are different opinions about what actually is the “real” intention of the Constitution.



For example, there have been several cases in the Supreme Court that asked:

“Should laws be allowed that make it okay to separate people by race in public places?”

“Why would people even need to bring a case like that to Court?,” you might ask. The answer is that in 1877, just after the Civil War and the outlawing of slavery in the United States, many states started making laws that allowed public places to be segregated (separated) by race. There were places that allowed only white people and others that allowed only black people. It became the new way of life in much of the U.S., especially in the former Confederate states of the South.



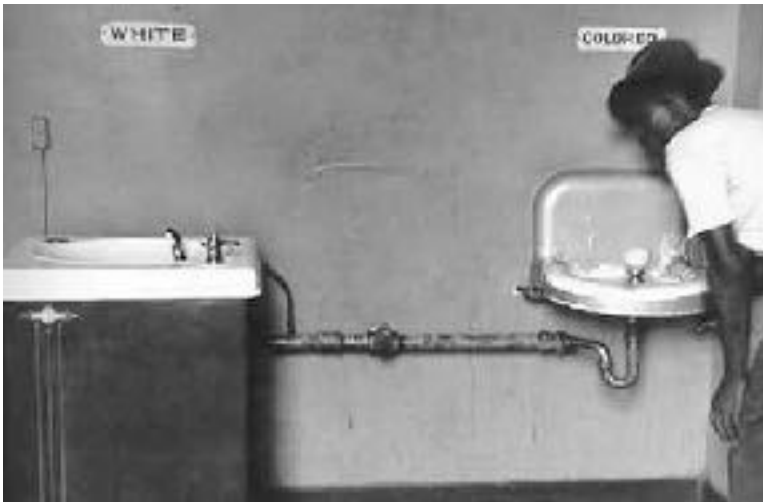
One famous case that challenged these laws was *Plessy v. Ferguson*. When Homer Plessy was arrested for riding in a “whites only” train car in Louisiana, he appealed his case to the Supreme Court. To decide on the case, the Supreme Court looked at the 14th Amendment (1868), which was designed to give full citizenship rights to former slaves:

14th Amendment - Section 1: “All persons born or naturalized in the United States...are citizens of the United States and of the State wherein they reside (live). No State shall make or enforce any law which shall (keep people from enjoying their rights as) citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law (a set required of steps); nor deny to any person...**the equal protection of the laws** (by discriminating against any one group.)”

In *Plessy v. Ferguson* the majority of justices decided segregation laws did **not** violate (go against) the “equal protection” clause of the 14th Amendment, as Plessy thought it did. They interpreted the 14th Amendment in a way that allowed for whites and blacks to be kept separate by laws called “Jim Crow laws.” *Jim Crow* was a term used by whites to insult blacks. Under *Jim Crow* laws, the idea was that races could be separated as long as the facilities for each were **roughly** equal.

Only one justice, John Marshall Harlan, disagreed. “Our Constitution is color-blind,” he wrote; and he warned that these laws would be harmful to the nation. “What can more certainly arouse hate,” he asked, “than these laws?” But because eight of the justices had a different opinion about the meaning of the 14th Amendment, the majority won and *Jim Crow* laws were allowed in the USA.

After that final word from the Supreme Court in the *Plessy* case, people knew that they would not get into trouble for keeping people out of their businesses and public places based on race. Many states passed more and more segregation laws, separating schools, parks, theaters, and restaurants, for example. However, white facilities were always better than those set aside for black people.



Here is a photo of a drinking fountain in North Carolina in the 1950s.

One is clean and has a cooling system for a cold drink of water; the other is not clean and does not have a cold water pipe.

Do these fountains look "equal" to you?

<http://www.solcomhouse.com/images/segregated.jpg>

The *Plessy* interpretation did not only affect blacks. Any sort of discrimination was legal.

<http://jessescrossroadscafe.blogspot.com/>



Sign, "No Beer Sold to Indians"

This sign hangs in the window of a business in Sisseton, South Dakota, in 1939.
(Courtesy of Library of Congress)



sunnynash.blogspot.com



<http://openborders.info/immigration-restrictions-as-jim-crow/>

These laws continued for decades until another case, *Brown v. Board of Education*, challenged their **constitutionality**. In 1954, a new group of justices listened to a case about black children not being allowed to go to school with white children. The defendants argued that the black schools were not "roughly equal" to white schools. In fact, they argued, that "separate is inherently unequal" and they won their case with a unanimous Supreme Court decision! The Court in 1954 interpreted the 14th Amendment to mean that races could not be legally separated in public places because it would not allow for "equal protection of the laws." From then on, all *Jim Crow* laws had to be thrown out!

In 1896, the Court's interpretation of the 14th amendment was different than the interpretation of justices in 1954. As the Court changed, the opinion changed. The Constitution, however, **did not** change. You can see that whichever justices are appointed, it can make all the difference in how our lives are lived. The President appoints them; pick your Presidents carefully! Your vote matters!