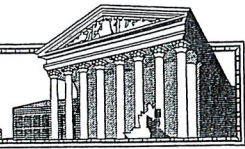


Supreme Court Case Study 9



Legality of Segregation by Race

Plessy v. Ferguson, 1896

***** **Background of the Case** *****

In 1890 Louisiana passed a law ordering railroads in the state to “provide equal but separate accommodations for the white and colored races.” Violations of the law carried a fine of \$25 or 20 days in jail. Railway personnel were responsible for assigning seats according to race.

On June 7, 1892, Homer A. Plessy, who was one-eighth African American, decided to test the law’s validity by sitting in the white section of a train going from New Orleans to Covington, Louisiana. When a conductor ordered Plessy to give up his seat, he refused. He was then arrested and imprisoned in a New Orleans jail. He was tried by a New Orleans court and found guilty of having violated the Louisiana law described above. He appealed to the Louisiana Supreme Court, which found the law valid. Plessy then appealed to the United States Supreme Court, claiming his conviction and the Louisiana railroad law were unconstitutional because they violated the Thirteenth and Fourteenth Amendments.

Constitutional Issue *****

In the Reconstruction period after the Civil War, although slavery had been abolished by the Thirteenth Amendment, African Americans lived in a segregated society, especially in the South. The Fourteenth Amendment banned the deprivation of life, liberty, or property without “due process of law.” Yet laws were passed in southern states that required segregated schools, theaters, parks, buses, and railroad trains. The *Plessy* case challenged the constitutionality of these so-called Jim Crow practices.

Homer A. Plessy challenged the constitutionality of segregation laws in Louisiana. He based his appeal on the Thirteenth Amendment, which abolished slavery, and the Fourteenth Amendment, which prohibited the states from denying “the equal protection of the law” to any person.

***** **The Supreme Court’s Decision** *****

A majority of the Court denied Plessy’s appeal and upheld the practice of segregation as required by the Louisiana law. Justice Henry Brown wrote the majority opinion. First, the ruling brushed aside the relevance to the case of the Thirteenth Amendment. Brown wrote that “a legal distinction between white and colored races . . . has no tendency to destroy the legal equality of the two races.”

The rest of the Court’s opinion, however, dealt with the applicability of the Fourteenth Amendment. Brown concluded that this amendment aimed strictly “to enforce the absolute equality of the two races before the law,” but that it “could not have been intended to abolish distinctions based on color, or to enforce social, as distinguished from political, equality . . .”

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Supreme Court Case Study 9 (continued)



Laws requiring segregation “do not necessarily imply the inferiority of either race to the other . . .” The majority noted that this was the “underlying fallacy” of Plessy’s case. Just as valid under the Fourteenth Amendment would be a similar law enacted by an African American-controlled legislature with respect to whites or other races.

The Court ruled, then, that the matter ultimately depended on whether Louisiana’s law was “reasonable.” Segregation laws “have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police powers.” In such matters, a legislature is free to take into account “established usages, customs, and traditions of the people,” as well as “the preservation of public peace and good order.”

Finally, the Court rejected the notion that “social prejudices may be overcome by legislation.” Brown maintained, “If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane.”

The Court, in effect, enunciated a doctrine that came to be called the separate-but-equal principle. If African Americans saw this as “a badge of inferiority,” it was solely “because the colored race chooses to put that construction upon it.”

***** Dissenting Opinion *****

Justice John Marshall Harlan entered a vigorous dissent from the majority’s decision. He “regretted that this high tribunal . . . has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of their rights solely upon the basis of race.” He saw segregation on racial lines as “a badge of servitude wholly inconsistent with the civil freedom and equality before the law established by the Constitution The thin disguise of ‘equal’ accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done.” Harlan saw the Constitution as “color-blind, and neither knows nor tolerates classes among citizens.”

The separate-but-equal principle was finally overturned in a series of civil rights decisions of the Court in the 1950s, most notably in *Brown v. Board of Education*.



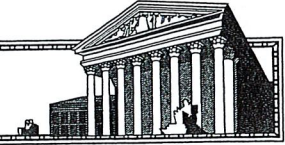
Questions

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Explain how the Supreme Court justified the practice of segregating railroad passengers in Louisiana by race.
2. What is the meaning of the separate-but-equal principle?
3. On what grounds did Justice Harlan criticize the majority’s ruling?
4. Why do you think Plessy based his appeal in part on the Thirteenth Amendment?
5. What do you think was the effect of the *Plessy* decision on the nation, especially on the southern states?

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Supreme Court Case Study 29



Nullifying the Separate but Equal Principle

Brown v. Board of Education of Topeka, Kansas, 1954

***** Background of the Case *****

Linda Brown, an African American teenager, applied for admission to an all-white public school in Topeka, Kansas. The board of education of Topeka refused to admit her. In a 1950 case, *Sweatt v. Painter*, the Supreme Court had for the first time questioned the constitutionality of the *Plessy* decision. The Court had held in that case that African Americans must be admitted to the previously segregated University of Texas Law School because no separate but equal facilities existed in Texas. The National Association for the Advancement of Colored People (NAACP) now saw denying admission to Linda Brown and other young African Americans as an opportunity to challenge segregation in the public schools, even though the facilities in other segregated schools for African Americans were equal to those for white students.

Brown represents a collection of four cases, all decided at one time. The cases had one common feature: African American children had been denied admission to segregated, all-white public schools. The cases reached the United States Supreme Court by way of appeals through lower courts, all of which had ruled in accordance with the 1896 *Plessy* decision.

Constitutional Issue *****

The *Brown* case called for an explicit reappraisal of the *Plessy* decision. Did separate but equal public facilities violate the equal protection clause of the Fourteenth Amendment? In the case of *Plessy v. Ferguson*, the Supreme Court had established the separate but equal principle, which allowed the continuation of segregated schools and public facilities. During the 56 years since the *Plessy* decision, however, Americans' views on segregation had changed. To many people, the very idea of segregated schools as well as other segregated public facilities seemed to be out of step with the times. In the years after World War II, the NAACP and other civil rights groups began pressing for nullification of the separate but equal idea. The justices were not immune to the changing social forces in the United States. Still, if in fact they wished to overturn *Plessy* in the *Brown* case, they faced the challenge of finding a constitutional basis for their decision.

***** The Supreme Court's Decision *****

The Court ruled unanimously to overrule the separate but equal principle. Chief Justice Earl Warren, who wrote the decision, was keenly aware that in overruling *Plessy*, an act of enormous social and political consequences, it was important for the entire Court to be in agreement. The *Brown* ruling was thus issued by a unanimous Court.

In his decision, Warren explained that since the relation of the Fourteenth Amendment to public schools was difficult to determine, the Court would "look instead to the effect of segregation itself on public education." The chief justice explained, "We must consider public education in the light of its full development and its present place in American life

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Supreme Court Case Study 29 (continued)



throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the law.”

The Court concluded that segregation of African American schoolchildren “generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.” To bolster his claim about the huge psychological impact of segregation, Warren quoted the finding of a lower court, even though the lower court ruled against the African American children. That court had stated: “Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has the tendency to [retard] the education and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.”

Agreeing with this statement, Warren concluded, “Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.”

On this basis the Court concluded “that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. Therefore we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the law guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the due process clause of the Fourteenth Amendment.”

In a follow-up to the *Brown* case, in 1955 the Court ordered that the integration of the public schools was to go forward “with all deliberate speed.”



Questions



DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Why do you think the Court recognized the huge psychological impact that segregated schools had on children who attended them?
2. A constitutional scholar has called the Court’s ruling in the *Brown* case “the Supreme Court’s most important decision of the twentieth century.” Why do you think he would make this claim?
3. Do you agree or disagree with the Court’s ruling in the *Brown* case? Give reasons for your answer.
4. How do you think the Court’s *Brown* ruling was received in the South?
5. Initially all the justices may not have agreed that separate but equal schools were unconstitutional. Why then do you think they ultimately agreed with the chief justice?