

0. Plessy vs Ferguson: Legal Segregation - Story Preface



This image depicts the U.S. Supreme Court Justices who were serving in 1896. Bottom row, from left: David J. Brewer, John Marshall Harlan, Melville W. Fuller, Horace Gray and Henry Billings Brown. Top row, from left: Rufus W. Peckham, George Shiras, Jr., Edward Douglass White, Jr. and Stephen J. Field. Image online, courtesy Vassar College.

In one of the most shameful decisions ever issued by the United States Supreme Court, Homer Plessy lost his bid to be treated equally with whites in America.

The fact that Homer was 7/8 white and 1/8 black didn't seem to matter to the majority of the high court. Only one justice, John Marshall Harlan, dissented from this result.

Who was Homer Plessy? How did his name get associated with one of the worst decisions in the history of American justice?

For some time, activists had looked for a person who could help to rid America of discriminatory laws against blacks once and for all. Since Homer was nearly white, he seemed the perfect choice.

Plessy bought a train ticket for Covington, Louisiana. He planned to travel to Covington from New Orleans.

In June of 1892, African-Americans traveling in Louisiana (among other States) were required to sit in a blacks-only railroad car. Plessy refused to do that. He sat in the whites-only car. He was arrested and thrown into the New Orleans jail. He didn't get very far with his travels that June day.

Of course, Homer Plessy was convicted of refusing to leave the whites-only car. His conviction was upheld by the Louisiana Supreme Court, so Plessy and his advocates appealed to the United States Supreme Court.

The focus of Homer's case was to prevent Judge Ferguson (the trial judge in New Orleans where Plessy was found guilty in the first place) from carrying out Homer's sentence: a \$25 fine or 20 days in jail.

In a shocking decision, the court's opinion endorsed the idea of "separate but equal." It would be interesting if we could ask any of those justices how he thought blacks could make sure their "separate" facilities would be "equal" to those of whites.

Justice Harlan, in his dissent, accurately predicted where the decision would lead America during the next sixty years:

The present decision...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 beneficent purposes which the people of the United States had in view when they adopted the recent [the 13th and 14th] amendments of the Constitution.

How could it be that a post-Civil-War decision, from the highest court in the United States, would not only allow but encourage racial segregation?

With the highest court in the country permitting racial inequality (under the guise of "separate but equal"), how could America ever attempt to rid herself of racial discrimination?

It couldn't—and didn't—until Thurgood Marshall argued the case of Brown v Board of Education in 1954.

For nearly sixty years, America practiced legal segregation—blessed by seven justices (one was absent during the vote) who should have known better.

* Cite the case as: Plessy v. Ferguson, Judgment, Decided May 18, 1896; Records of the Supreme Court of the United States; Record Group 267; Plessy v. Ferguson, 163, #15248, National Archives.

See Alignments to State and Common Core standards for this story online at:

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Map Depicting Covington, Louisiana

Image online, courtesy the [epodunk.com](http://www.epodunk.com) website.

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Map Depicting New Orleans, Louisiana

Image online, courtesy the [epodunk.com](http://www.epodunk.com) website.

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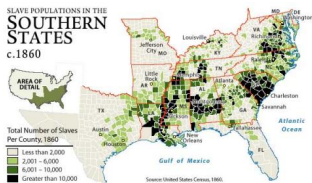
Illustration: East Louisiana Railroad Company

Image online, courtesy U.S. National Park Service (NPS).

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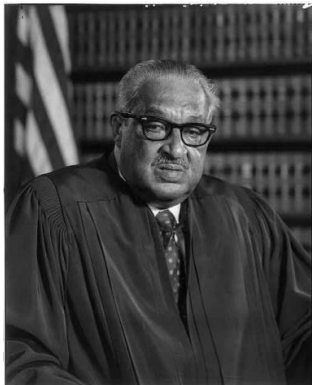


Map: Slave Populations in the Southern States

Image online, courtesy The Slave Rebellion website.

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Thurgood Marshall - Associate Justice, U.S. Supreme Court

Photo of Justice Marshall online, courtesy Library of Congress.

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Plessy vs. Ferguson: Legal Segregation

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Thurgood Marshall - Associate Justice of the U.S. Supreme Court

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