

The 14th Amendment: Plessy v. Ferguson and Separate But Equal

The promised protection of rights under the Fourteenth Amendment didn't last long. With the end of Reconstruction, state and local governments started enacting laws effectively reducing African Americans to second-class citizens.

State and federal courts upheld the power of the state and local governments to pass such laws despite the equal protection clause. One significant example is that of the ***Plessy V. Ferguson*** (1896) decision in which the Supreme Court established the "separate but equal" doctrine.

Here's a very brief overview: In 1890, a law entitled the "Separate Car Act" was passed in the state of Louisiana. This law required separate railway cars for black and white train passengers. In 1892, Homer Plessy (a man who was seven-eighths Caucasian and one-eighth African American) took a seat in a "whites only" car. When asked to move to the car reserved for blacks, he refused and was arrested. The alleged purpose of the Louisiana statute was to preserve public peace and good order and to promote the comfort of the people. In the first case, ***Homer Plessy v. The State of Louisiana***, Plessy lost and was required to pay a small fine. The judge in this case was John Howard Ferguson whose name would later be on the Supreme Court case in this matter. The Court was asked to determine if the Louisiana law was constitutional, and the majority decision upheld the lower court's decision and determined that a state law which "implies merely a legal distinction" between whites and blacks did not conflict with the 13th and 14th Amendments.

The result of the Court's ruling in the Plessy case set the stage for segregation and discrimination laws that flourished for decades. Ironically, the 14th Amendment was cited in the decision that would overturn Plessy, negate the Jim Crow laws, and push for equal justice under law.

Research cases recently decided by the Supreme Court. As a class, discuss how these decisions may be establishing a new set of rules or procedures. Write a short news brief about this.

Next: The 14th Amendment: Equal Protection and Brown v. Board (1954)



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