

# Plessy v. Ferguson

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## Teacher Introduction:

On June 7, 1892, Homer Plessy, an African American man, bought a first class train ticket from New Orleans to Covington, Louisiana. He sat in the white's only trail car, despite the racial title that was meant to bar him from doing so. The train conductor and a private detective were in place to arrest Plessy when he refused to remove himself to the 'colored' car, thus placing him in court for violating the Separate Car Act of 1890 and starting the case that eventually lead to the historic Supreme Court ruling, *Plessy v. Ferguson*.

The Separate Car Act of 1890 was a law passed by the Louisiana State Government that required all passenger railways to have separate train car accommodations for black and white Americans that were equal in facilities. This law was indicative of the general mood of white Americans from the close of Reconstruction until the end of the nineteenth century in regards to African Americans. Without the system of slavery, African Americans were slowly gaining influence in areas of society and began to push against racial norms and for more freedoms. This was unfamiliar and frightening to white Americans, and this fear, especially in the south, prompted a greater desire to separate the races and create more regulation. As a result, Southern African Americans saw the promise of equality under the law embodied through the 13th Amendment, the 14th Amendment and the 15th Amendment to the Constitution receding quickly, and a return to disenfranchisement as white supremacy reasserted itself across the South. Homer Plessy agreed to be the plaintiff in *Plessy v. Ferguson* because he was of mixed race; he described himself as "seven-eighths Caucasian and one-eighth African blood." (History.com) He took the vacant seat in a white's only trail car, because he was recruited to do so by the Citizens' Committee of New Orleans because Plessy "looked white." This was the strategy of New York lawyer Albion Tourgee, who would represent Plessy after this day in court. He felt that by having someone of mixed descent cause the infraction, it would only highlight further the arbitrary nature of the term 'colored' (Britannica.com). Plessy filed a petition against the judge in his trial, Hon. John H. Ferguson, arguing that the Separate Car segregation law violated the Equal Protection Clause of the Fourteenth Amendment, which forbids states from denying to "any person within their jurisdiction the equal protection of the laws," (Thirteen.org).

Regardless of Plessy's argument, on May 18, 1896, four years after his arrest, the Supreme Court ruled that the protections of the 14th amendment only applied to political and civil rights (such as voting and jury service), not to social rights (such as sitting on a railcar). The *Plessy v. Ferguson* decision set in stone the doctrine of "separate, but equal" as a constitutional justification for segregation. Separate but equal facilities, especially in the south, became the accepted standard

for public spaces in America, and Jim Crow laws were able to flourish for the next six decades as a result.

### **A Teacher's Note on This Lesson:**

This lesson hopes to encourage students to look at this time through the standards of the period and to understand the evolution in segregation practices that took place during the late 19th century into the 20th century.

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### **Social Studies Georgia Standards of Excellence:**

Grade 5: **SS5H1** Describe how life changed in America at the Turn of the Century.

Grade 5: **SS5CG1** Explain how a citizen's rights are protected under the U.S. Constitution.

Grades 6-8: **L6-8RH1** Cite Specific Textual evidence to support analysis of primary and secondary sources.

Grades 6-8: **L6-8RH2** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

Grades 6-8: **L6-8RH8** Identify aspects of a text that reveal an author's point of view or purpose (e.g. loaded language, inclusion or avoidance of particular facts.)

Grades 6-8: **L6-8RH8** Distinguish among fact, opinion, and reasoned judgment in a text.

Grade 8: **SS8H6** Analyze the impact of Reconstruction on Georgia.

Grade 8: **SS8H7** Evaluate key political, social, and economic changes that occurred in Georgia during the New South Era.

United States History: **SSUSH10** Identify legal, political, and social dimensions of Reconstruction.

United States History: **SSUSH13** Evaluate efforts to reform American society and politics in the Progressive Era.

### **Lesson Objectives:**

Understand the opinions and processes that led up to the historic ruling of *Plessy v. Ferguson*.

Analyze how the *Plessy v. Ferguson* decision affected racial attitudes by creating a legal justification for Jim Crow.

Interpret period photos from the late 19th-early 20th century.

Analyze primary and secondary documents that portray American life during the late 19th-early 20th century.

**Lesson Duration:** One class period or one hour. *This can be modified to fit your class period length or lesson goals.*

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**Lesson:**

*This lesson includes the use of period terms that are not in good taste today. The terms “colored,” and “negro” were used by both races when referring to African Americans during this time period. Please let your students know that though the meanings of these terms have changed today and are not appropriate to use in a normal setting, they are left in this lesson for historical accuracy.*

1. Ask your students what they think the phrase “separate but equal” means?
2. Do they see any instances in society today that would fall under a “separate but equal category?” (i.e. Public restrooms, handicap entrances, single sex schools ) Is it fair to separate people based on these conditions?
  - a. *This should facilitate a nice group discussion. Encourage your students to speak about how they feel about separate but equal in the terms mentioned above (i.e. gender, physical ability, sexual orientation). There has been much in the news recently about our custom of restroom use. Transgender people often feel confused about which restroom to use and often face discrimination if people believe they make the wrong restroom choice. There is no law denying access to women or men using the opposite sex’s restroom in America.*
3. Ask your students how they feel about “separate but equal” when it’s applied to race? Ask your students to defend their opinions on whether they believe it is right or wrong in regards to race in comparison to what we discussed above. *Feel free to adopt the opposite view point of your students to get them talking.*
  - a. Please read, or have your students read an excerpt from Louisiana’s *Separate Car Act of 1890*.

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*“To promote the comfort of passengers on railway trains; requiring all railway companies carrying passengers on their trans in this state, to provide equal but separate accommodations for the white and colored races, by providing separate coaches or compartments so as to secure separate accommodations; defining the duties of the officers of such railways; directing them to assign passengers to the coaches or compartments set aside for the use of the race to which such*

*passengers belong; authorizing them to refuse to carry on their train such passengers as may refuse to occupy the coaches or compartments to which he or she is assigned; to exonerate such railway companies from any and all blame or damages that might proceed or result from such a refusal; to prescribe penalties for all violations of this act; to put this act into effect ninety days after its promulgation, and to repeal all laws or parts of laws contrary to or inconsistent with the provisions of this act....Each person insisting on going into a coach or compartment to which by race he does not belong, shall be liable to a fine of twenty-five dollars or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison."*

4. Use the questions below to promote discussion:
  - a. How is the separation outlined in the law different than what was discussed before (segregation based on gender or another condition)?
  - b. Why do you think people during this time felt uncomfortable with someone from another race?
  - c. Do you think these two railroad cars, one for 'Whites,' and the other for 'Coloreds' were actually equal?
  - d. Does the government have a right to single out groups because of perceived differences, even if these groups are treated in an equal manner? For example: Separate waiting rooms for people with a college degree vs. those without.
5. Read the class the excerpt from the 14th Amendment of the Constitution.
  - a. Ask them whether they think the Separate Car Act goes against the 14th amendment?

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*Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws....*

*Section 5: the Congress shall have power to enforce, by appropriate legislation, the provisions of this article.*

6. Summarize the introduction at the beginning of this lesson to explain to your class how the Separate Car Act of 1890 was challenged by the Citizens' Committee of New Orleans and by Homer Plessy.

- a. *Please remind your students about the logistics of the Supreme Court. It is the highest court in the land and decisions handed down are the final say- there is no higher power to appeal to. While decisions have been overturned, it usually takes a new case to do so. Also important is the concept that the justices of the Supreme Court hand down the final decision, this is not left to a jury. Each justice decides their own opinion based on the arguments presented to them. Often, if a justice does not agree with the consensus, they can issue a dissenting opinion. This happened in the Plessy vs. Ferguson case.*
7. Pass around the Images of what the Separate Car Act would have looked like in practice.
8. Now read the Booker T. Washington Letter to the Editor of the Montgomery Advertiser and “The Jim Crow Car: How the Separate Coach Law Works in Texas – Negroes Get the Best of it” news article to your class.
  - a. Show them the dissenting opinions.
  - b. Ask the class to identify the arguments each side has. Do they agree with one more than the other? Can they see both sides? How do the opinions make them feel?
9. Express how this landmark case set the tone for the upcoming decades in regards to Jim Crow legality and further racial segregation.

If you would like to provide homework for your students ask them to consider the question below and write a five paragraph essay with to answer it:

The constitution of the United States leaves many areas open to interpretation. Many of our laws are shaped by Supreme Court decisions. Do you think that this is a good thing? Is it better to have a constitution that leaves rights up to interpretation or would it be more desirable to have one that spells out all of a person's rights, privileges, and protections in one document? Please use what you learned today about Plessy vs. Ferguson as an example to be included somewhere in your text.

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### **Separate Car Act of 1890:**

“To promote the comfort of passengers on railway trains; requiring all railway companies carrying passengers on their trains in this state, to provide equal but separate accommodations for the white and colored races, by providing separate coaches or compartments so as to secure separate accommodations; defining the duties of the officers of such railways; directing them to assign passengers to the coaches or compartments set aside for the use of the race to which such passengers belong; authorizing them to refuse to carry on their train such passengers as may refuse to occupy the coaches or compartments to which he or she is assigned; to exonerate such railway companies from any and all blame or damages that might proceed or result from such a refusal; to prescribe penalties for all violations of this act; to put this act into effect ninety days after its promulgation, and to repeal all laws or parts of laws contrary to or inconsistent with the provisions of this act.

...Each person insisting on going into a coach or compartment to which by race he does not belong, shall be liable to a fine of twenty-five dollars or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison.”

### **The Fourteenth Amendment (1868)**

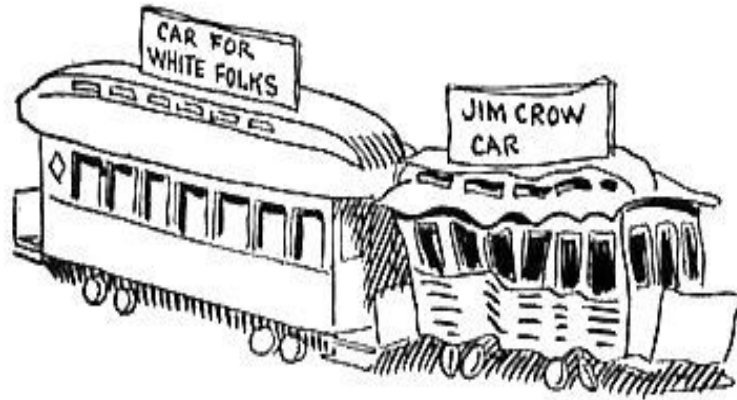
Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws....

Section 5: the Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

**For a full Transcription of the Plessy v. Ferguson Case, please visit this URL:**

[https://www.ourdocuments.gov/print\\_friendly.php?flash=false&page=transcript&doc=52&title=Transcript+of+Plessy+v.+Ferguson+%281896%29](https://www.ourdocuments.gov/print_friendly.php?flash=false&page=transcript&doc=52&title=Transcript+of+Plessy+v.+Ferguson+%281896%29)

**9-1:** This 1904 cartoon by John T. McCutcheon depicts segregated railcars. It appeared in McCutcheon's book *The Mysterious Stranger and Other Cartoons*.



**This cartoon illustrates the unequal nature of the Separate Car Act and Plessy v. Ferguson. It also foreshadows into the nature of unequal legal actions and segregation practices that continue to arise under Jim Crow laws.**

9-2: “Ect’; 65. 'lj qy p'éc03; 69. 'lj qy u'qhlku'lpvgtkqt 'errqlpw gvu0Louis Hennick Collection.”



This particular train car was part of the 900s trail car edition of the New Orleans Public Service Inc. According to the University of Illinois at Urbana-Champaign “Rtqo kpgpv'hp" vqr 'qh'qpg'lgcv'dcentlq'gcej 'l'f'g'qhl'y g'ect 'ku'y g'Llo 'Etqy 'l'li p. 'y j lej 'b ctngf 'y g'dqwpfct{' dgvy ggp 'lgcv'pi 'lqt 'y j kg'cpf 'eqqtgf 't'cvt'qpu 'lp 'ceeqf 'y kj 'Nqwk'kpc 'lcy 0'Vj gtg'y cu'è" rck 'qhl'qengvu'hp 'vqr 'qh'gcej 'lgcv'dcentlq'v'j cv'y g'l'li pu'eqwf 'dg'b qxgf 'lqt'ctf 'qt 'dcent'ku" vj g'p'ggf'u'b li j v'ej cpi g'fwt'pi 'y g'y qtn'pi 'fc{0" The conductor could provide African American passengers with as much or as little room as he or she wanted.



**9-3: *Lò 'Etqy 'Uggwect*** Charles L. Franck Photographers. Courtesy of the Historic New Orleans Collection from 64Parishes.



**This image provides an example of the partitions being moved to accommodate more room for White or African American passengers. Notice how on the right side of the car, the partition is farther forward than the partition on the left side of the car, which is cut off here on bottom left corner.**

## 10-1: Booker T. Washington's Letter to the Editor of the Montgomery Advertiser

Tuskegee, AL

April 24, 1885

“I wish to say a few words from a purely business standpoint. It is not a subject with which to mix social equality or anything bordering on it. To the Negro it is a matter of dollars and cents. I claim that the railroads in Alabama do not provide as good accommodations for the colored passengers as those furnished white passengers for the same money and that the fare is not first class as claimed on the face of the ticket.

My reasons for the above assertions are (a) that in most cases the smoking car and that in which colored people are put are the same; (b) when not put directly into the smoking car they are crammed into one end of a smoking car with a door between that is as much open as closed, making little difference between this and the smoking car; (c) on some of the roads the colored passengers are carried in one end of the baggage car, there being a partition between this and the baggage or express; (d) only a half coach is given to the colored people and this is almost invariably an old one with a low ceiling and it soon becomes crowded almost to suffocation and is misery to one knowing the effects of impure air. The seats in the coach given to colored people are always greatly inferior to those given the whites. The car is usually very filthy. There is no carpet as in the first class coach. ..When a white man gets drunk or wants to lounge around in an indecent position he finds his way into the colored department...

If railroad officials do not want to let us enter the first-class car occupied by white passengers let them give us a separate one just as good in every particular and just as exclusive, and there will be no complaint. We have no desire to mix... There is no disposition on the part of the colored to obtrude themselves on the whites when they can receive equal, separate accommodations... We can be as separate as the fingers, yet one as the hand for maintaining the right.”

**The letter addresses forthright the unequal accommodations that were provided to African Americans, even prior to the legal confirmation in the Separate Car Act of 1890, compared to those offered to the white community. All those separation practices enforced in the images shown above can be given a new perspective with the knowledge provided by Booker T. Washington in regards to the inequality made legal with *Rigud' x0Hgti wuqp*.**

