

Homer adolph plessy v ferguson

[Law](#), [Justice](#)



In 1890, the State of Louisiana passed Act 111 that required separate accommodations for African Americans and Whites on railroads, including separate railway cars, though it specified that the accommodations must be kept "equal". On any other day in 1892, Plessy with his pale skin color could have ridden in the car restricted to white passengers without notice. He was classified "7/8 white" or octoroon according to the language of the time. Although it is often interpreted as Plessy had only one great grandmother of African descent, both of his parents are identified as free persons of color on his birth certificate.

The racial categorization is based on appearance rather than genealogy. Hoping to strike down segregation laws, the Citizens' Committee of New Orleans (Comite des Citoyens) recruited Plessy to violate Louisiana's 1890 separate-car law. To pose a clear test, the Citizens' Committee gave advance notice of Plessy's intent to the railroad, which had opposed the law because it required adding more cars to its trains. On June 7, 1892, Plessy bought a first-class ticket for the commuter train that ran to Covington, sat down in the car for white riders only and the conductor asked whether he was a colored man.

The committee also hired a private detective with arrest powers to take Plessy off the train at Press and Royal streets, to ensure that he was charged with violating the state's separate-car law. In his case, *Homer Adolph Plessy v. The State of Louisiana*, Plessy argued that the state law which required East Louisiana Railroad to segregate trains had denied him his rights under the Thirteenth and Fourteenth Amendments of the United States Constitution. However, the judge presiding over his case, John Howard

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Ferguson, ruled that Louisiana had the right to regulate railroad companies as long as they operated within state boundaries.

Plessy sought a writ of prohibition. The Committee of Citizens took Plessy's appeal to the Supreme Court of Louisiana, where he again found an unreceptive ear, as the state Supreme Court upheld Judge Ferguson's ruling. Undaunted, the Committee appealed to the United States Supreme Court in 1896. Two legal briefs were submitted on Plessy's behalf. One was signed by Albion W. Tourgee and James C. Walker and the other by Samuel F. Phillips and his legal partner F. D. McKenney. Oral arguments were held before the Supreme Court on April 13, 1896.

Tourgee and Phillips appeared in the courtroom to speak on behalf of Plessy. It would become one of the most famous decisions in American history because, for the first time, it established that state-mandated racial segregation was protected by federal law. Arrested, tried and convicted of a violation of one of Louisiana's racial segregation laws, he appealed through Louisiana state courts to the U. S. Supreme Court, and lost. The resulting "separate-but-equal" decision against him had wide consequences for civil rights in the United States.

The decision legalized state-mandated segregation anywhere in the United States, as long as the facilities provided for both blacks and whites were putatively "equal". In a 7 to 1 decision handed down on May 18, 1896, (Justice David Josiah Brewer did not participate) the Court rejected Plessy's arguments based on the Fourteenth Amendment, seeing no way in which the Louisiana statute violated it. In addition, the majority of the Court rejected

the view that the Louisiana law implied any inferiority of blacks, in violation of the Fourteenth Amendment. Instead, it contended that the law separated the two races as a matter of public policy.