



Teacher Notes: *Plessy v. Ferguson* (1896)

The Background of the 14th Amendment (0:00-3:57)

1. What were the two major reasons for the passage of the 14th Amendment?
 - a. To overturn *Dred Scott* and guarantee citizenship rights and equality for African Americans.
 - b. To provide a remedy for the “Black Codes” which the South was using to keep ex-slaves from having any civil rights which meant they were being treated much like before when they were slaves.
2. What are the key parts of the Amendment?
 - a. All persons born or naturalized in the U. S. are citizens of the U.S.
 - b. All persons are guaranteed due process of law.
 - c. All persons are guaranteed equal protection of the laws.
3. What are the two reasons the South ratified the 14th Amendment?
 - a. Southern states that seceded had lost political power in Congress and were still being governed militarily.
 - b. Southern states that seceded had to ratify the amendments as a condition to be readmitted to the Union.

Stop and Think Activity: How effective do you think the 14th Amendment was in bringing about equality for all citizens when it was passed?

The Civil Rights Act of 1875 (3:58-6:43)

4. What were two reasons for the passage of the Civil Rights Act of 1875?
 - a. Ensure people weren’t discriminated against in public areas because whites still weren’t accepting African Americans as equals.
 - b. Radical Republicans blamed the South for not following through with the provisions of the 14th Amendment.
5. What was the major provision of the Civil Rights Act of 1875?

To require access to public accommodations such as restaurants, theaters, hotels, and public transportation to all.
6. What was the effect of the law on life in the U.S.?

It was rarely enforced and caused resentment especially in the South.
7. What did the Supreme Court rule with regards to the Civil Rights Act of 1875 in a case decided in 1883?

(Called the Civil Rights Cases of 1883) The Supreme Court struck down the Civil Rights Act of 1875 in an 8 to 1 decision, saying it only applied to actions by the states. Individuals should have the right to decide and even discriminate about whom they allowed in their hotels, restaurants, etc. since they are privately owned.
8. What was the effect of this decision?

Since individuals and businesses could segregate, the decision basically stopped and in some cases even reversed all progress toward equality for African Americans.

Stop and Think Activity: If you had been a justice who heard this 1883 case, how would you have voted and why?

Homer Plessy (6:44-8:12)

9. Who was Homer Plessy and what did he do?
Homer Plessy was an octoroon (which meant that he was only 1/8 African American) who was arrested and fined for sitting in the “whites only” passenger car on a train in Louisiana.
10. What was Mr. Plessy’s argument in the case?
He said the Louisiana Separate Car law violated both the 13th Amendment and the equal protection clause of the 14th Amendment.

Stop and Think Activity: What is your opinion of the protest of the Louisiana Separate Car law?

Question Brought to the Supreme Court

11. What was the question that the Supreme Court had to answer in this case?
[Formula for issue=Yes/No question + facts of the case + part of the U.S. Constitution in question]
Does a state law which requires equal but separate railway accommodations for African Americans and whites violate either the 13th Amendment’s prohibition of slavery or the 14th Amendment’s equal protection of the laws clause?

The Ruling (8:13-10:03)

12. What was the ruling of the Court and the major reason for this decision?
It was a 7 to 1 decision in favor of Ferguson and the Louisiana law. The Court ruled that the Constitution doesn’t guarantee Plessy can sit where he wants. It guarantees equality. If the accommodations are separate but equal, then the law is constitutional.
13. Who was the lone dissenter on the Supreme Court and what did he argue?
Justice Marshall Harlan, a Southerner from Kentucky, warned that this decision was as harmful as the *Dred Scott* decision.

Stop and Think: Do you agree or disagree with the decision of the Supreme Court? Defend your answer.

The Impact of the Case (10:04-End)

14. What was the significance of the Supreme Court’s decision in *Plessy v. Ferguson* with regards to the 14th Amendment?
Separate but equal is the constitutional meaning of the equal protection clause of the 14th Amendment.
15. Describe what happened to the struggle for race equality after the decision?
Over time, the separate but equal doctrine was applied to all public places. It paved the way for segregation in public schools as law now sanctioned it.

Conclusion: “...*The Constitution is colorblind and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law...*”

—Supreme Court Justice Harlan

16. Paraphrase what this quote means in your own words.
17. What do you think it will take to achieve equal protection under the law?