

CLASS SET!

Plessy v. Ferguson Excerpt Worksheet

1. Excerpts from *PLESSY v. FERGUSON*, 163 U.S. 537 (1896)

This case turns upon the constitutionality of an act of the state of Louisiana, passed in 1890, providing for separate railway carriages for the white and colored races. The statute enacts 'that all railway companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations. No person or persons shall be permitted to occupy seats in coaches, other than the ones assigned to them, on account of the race they belong to.'

The constitutionality of this act is attacked upon the ground that it conflicts with the fourteenth amendment, which prohibits certain restrictive legislation on the part of the states. By the fourteenth amendment, all persons born or naturalized in the United States are made citizens of the United States and of the state wherein they reside; and the states are forbidden from making or enforcing any law which shall abridge the privileges of citizens of the United States, or shall deprive any person of life, liberty, or property without due process of law, or deny to any person within their jurisdiction the equal protection of the laws.

We think the enforced separation of the races neither abridges the privileges of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the fourteenth amendment. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically.

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it.

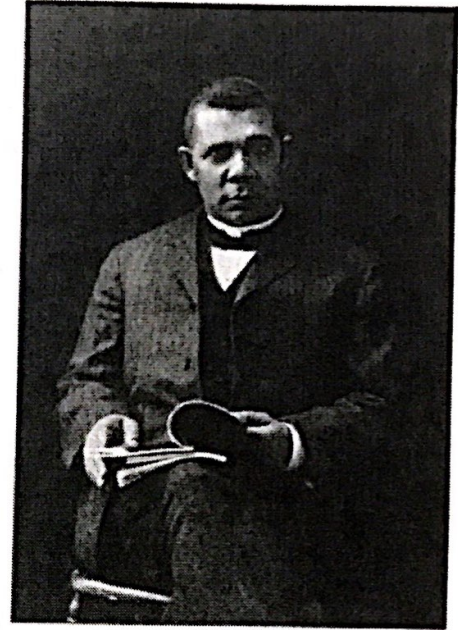
The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the Negro except by an enforced commingling of the two races. We cannot accept this proposition. Legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals.

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Two Perspectives: Booker T. Washington and W.E.B. Du Bois

Booker T. Washington

- Born a slave in 1858, grew up in Virginia
- Became a strong leader in the African American Community
- Author of an autobiography—*Up From Slavery*
- Believed Blacks should concentrate on education and job training to improve their economic status. He believed that economic success would earn the respect of Whites and equality for Blacks (working within the "White" system).
- Founded the Tuskegee Institute in Alabama—a vocational school that trained Black students in trades such as carpentry, sewing, or bricklaying.
- Washington encouraged African Americans to go along with the idea of "separate but equal" facilities.
- Many Blacks did become economically successful by following Washington's advice; however this failed to earn the respect of White Southern society. During racial rioting in 1906 in Atlanta, most of the violence was directed on the middle-class Blacks.



W.E.B. Du Bois

- Born to free parents in Massachusetts
- Became a leader in the African American Community
- He was well educated at a southern university called Fisk and went to Harvard. He was a writer and activist for African American political rights.
- Like Washington, he felt that Black advancement was dependent on Blacks fighting for social and political equality. He feared that Blacks would be second class citizens forever if they only attended trade schools; therefore, he said education should not merely be vocational but should nurture leaders willing to challenge segregation and discrimination through social protest and political action.
- In 1909, the NAACP (National Association for the Advancement of Colored People) was founded. Du Bois became the editor of its newspaper—*The Crisis*. He also became a powerful spokesperson for the organization, championing the cause of Black civil rights, such as equal rights in voting.



PLESSY v. FERGUSON, 163 U.S. 537 (1896)

Instructions: Based on the excerpts from the Plessy opinion, answer the questions in the space provided. You do not need to use complete sentences. Be prepared to discuss your answers.

1. What does the Plaintiff in the case complain that he is being denied equal access to?

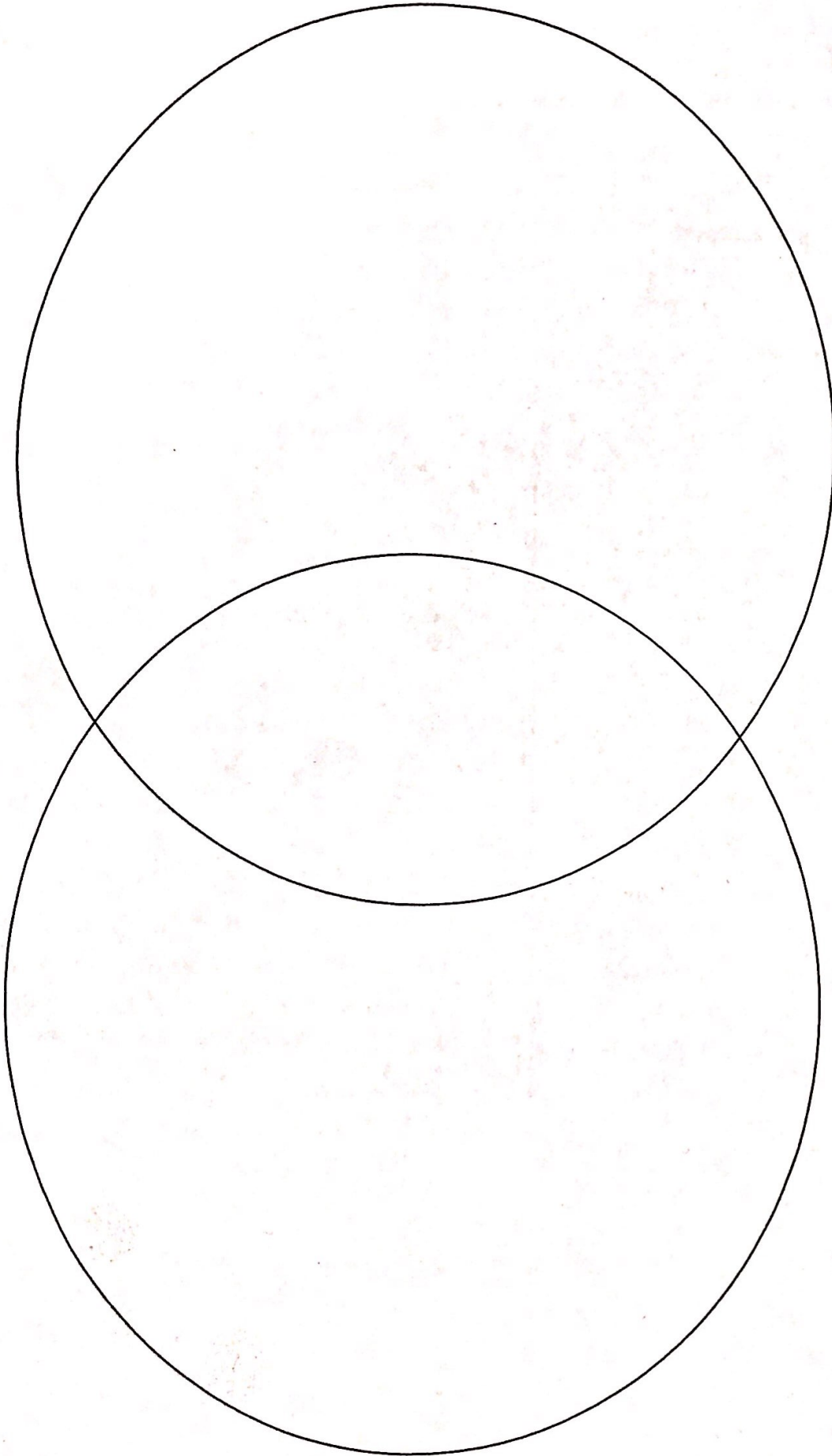
2. What Amendment does the Court base its decision on?

3. What rights does the Court say are equal even with segregation?

4. What does the Court say about segregation making one race feel inferior?

5. Why does the Court oppose laws forcing integration?

6. What does the Court say that the Constitution cannot do?



W.E.B. Du Bois

Booker T. Washington