



Supreme Court Case Study 14 (continued)

Laws requiring segregation "do not necessarily imply the inferiority of either race to the other . . ." The majority noted that this was the "underlying fallacy" of Plessy's case. Just as valid under the Fourteenth Amendment would be a similar law enacted by an African American-controlled legislature with respect to whites or other races.

The Court ruled, then, that the matter ultimately depended on whether Louisiana's law was "reasonable." Segregation laws "have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police powers." In such matters, a legislature is free to take into account "established usages, customs, and traditions of the people," as well as "the preservation of public peace and good order."

Finally, the Court rejected the notion that "social prejudices may be overcome by legislation." Brown maintained, "If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane."

The Court, in effect, enunciated a doctrine that came to be called the separate-but-equal principle. If African Americans saw this as "a badge of inferiority," it was solely "because the colored race chooses to put that construction upon it."

***** Dissenting Opinion *****

Justice John Marshall Harlan entered a vigorous dissent from the majority's decision. He "regretted that this high tribunal . . . has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of their rights solely upon the basis of race." He saw segregation on racial lines as "a badge of servitude wholly inconsistent with the civil freedom and equality before the law established by the Constitution The thin disguise of 'equal' accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done." Harlan saw the Constitution as "color-blind, and neither knows nor tolerates classes among citizens."

The separate-but-equal principle was finally overturned in a series of civil rights decisions of the Court in the 1950s, most notably in *Brown v. Board of Education*.



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Explain how the Supreme Court justified the practice of segregating railroad passengers in Louisiana by race.
2. What is the meaning of the separate-but-equal principle?
3. On what grounds did Justice Harlan criticize the majority's ruling?
4. Why do you think Plessy based his appeal in part on the Thirteenth Amendment?
5. What do you think was the effect of the *Plessy* decision on the nation, especially on the southern states?

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