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Homer Plessy and Separate but Equal

Lead: On June 8, 1892 a New Orleans shoemaker tried to roll back the onrushing tide of resurgent white supremacy and he lost.

Intro.: This is "A Moment in Time."

Content: Homer A. Plessy was born a month before the Union Navy took New Orleans out of the Civil War in 1862. His parents were free, French-speaking, Roman Catholic blacks part of a racial and social mix that lent that port city such a rich cosmopolitan flavor. In few places in the pre-war deep South were people of color

offered the chances for advancement they had in New Orleans and in the two decades after the South's defeat these opportunities continued to grow. In the years following the end of reconstruction, the white majority began to take back the rank and privilege denied them by a victorious north. Gone were the Federal troops which protected and registered black voters. Vanished were the Black Republican majorities in the state legislatures. Disappearing also at this time was the consensus in the North that had help forge the Union victory. Weary of war and the expense of Reconstruction, northerners were losing interest in the civil rights of blacks. One Illinois paper put it, "The Negro is now a voter and a citizen. Let

him hereafter take his chances in the battle of life."

With no force to deter it the white dominated Louisiana legislature passed the Separate Car Act in 1890 decreeing "separate but equal accommodations for the white and colored races on Louisiana railway cars. It this act against which Homer Plessy and his legal supporters conspired on that June evening.

After refusing to remove himself from a white-only passenger car Plessy was arrested and appealed the ruling of Judge John Howard Ferguson who upheld the "separate but equal" doctrine. Ferguson was a Massachusetts born lawyer one whom Southerners called a carpetbagger -

someone who came to profit from the South's defeat. Whatever his origin Judge Ferguson quickly became a part of the Louisiana establishment and his ruling was consistent with white majority opinion in that era both North and South.

The appeal slowly wound its way through the Federal court system and in the spring of 1896 the U.S. Supreme Court with only a single dissenter upheld the doctrine of separate but equal facilities.

Though he lost in his own lifetime, the cause Homer Plessy championed eventually prevailed fifty-eight years later. In *Brown v The Topeka Kansas Board of Education* the Supreme Court reversed itself and declared

separate but equal facilities to be unconstitutional.

Resources

Abraham, Henry Julian. *Freedom and the Court: Civil Rights and Liberties in the United States*. New York, NY: Oxford University Press, 1982.

Medley, Keith Weldon. "The Sad Story of How 'Separate but Equal' was Born," *Smithsonian*, Volume 24, Number 11, February, 1994, 105-117.

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