

SOURCES

I. US Constitution Amendment XIV (1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; **nor deny to any person within its jurisdiction the equal protection of the laws.**

II. *Plessy v. Ferguson* 163 U.S. 537 (1896) from Oyez.org

Argued - April 13, 1896

Decided - May 18, 1896

Facts:

The state of Louisiana enacted a law that required separate railway cars for blacks and whites. In 1892, Homer Adolph Plessy--who was seven-eighths Caucasian--took a seat in a "whites only" car of a Louisiana train. He refused to move to the car reserved for blacks and was arrested.

Question Presented:

Is Louisiana's law mandating racial segregation on its trains an unconstitutional infringement on both the privileges and immunities and the equal protection clauses of the Fourteenth Amendment?

Conclusion:

No, the state law is within constitutional boundaries. The majority upheld state-imposed racial segregation. The justices based their decision on the separate-but-equal doctrine, that separate facilities for blacks and whites satisfied the Fourteenth Amendment so long as they were equal. (The phrase, "separate but equal" was not part of the opinion.) Brown conceded that the 14th amendment intended to establish absolute equality for the races before the law. But Brown noted that "in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races unsatisfactory to either." In short, segregation does not in itself constitute unlawful discrimination.

III. Separate but equal From Wikipedia, the free encyclopedia.

"**Separate but equal**" was a policy enacted into law throughout the [U.S. Southern States](#) during the period of [segregation](#), in which [African Americans](#) and Americans of European descent would receive the same services (schools, hospitals, water fountains, bathrooms, etc.), but that there would be distinct facilities for each race. Because of [racist attitudes](#), however, the facilities were, in fact, unequal, with poorer facilities being allotted to Blacks. According to one account, a young boy recalled remaining late at a department store so that he could taste the "white" water -- to his disappointment, it tasted the same, but the water fountain worked much better than than the one designated for African Americans.

The repeal of "separate but equal" laws was a key focus of the [civil rights movement](#) of the [1950s](#) and [1960s](#). In [Brown v. Board of Education](#) of [1954](#), the [Supreme Court](#) outlawed segregated public education facilities for blacks and whites.