

# Plessy v. Ferguson/Brown v. Board of Education 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.

*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.****

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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?

## **2. Excerpts from *BROWN v. BOARD OF EDUCATION*, 347 U.S. 483 (1954)**

In [this case], minors of the Negro race had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment.

A federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in *Plessy v. Ferguson*, 163 U. S. 537. The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws.

Here, the Negro and white schools involved [are equal] with respect to buildings, curricula, qualifications and salaries of teachers, and other "tangible" factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

To separate [children in grade and high schools] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.

We conclude that, in the field of public education, separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs are deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

***BROWN v. BOARD OF EDUCATION, 347 U.S. 483 (1954)***

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

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1. What do the Plaintiffs in the case complain that they are being denied equal access to?

4. What does the Court say about segregation making one race feel inferior, and why does it do that?

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

5. What does the Court say that laws forcing integration would do?

3. What factor does the Court look at in determining whether segregation is Constitutional?