

PLESSY v. FERGUSON.

No. 210

SUPREME COURT OF THE UNITED STATES

163 U.S. 537; 16 S. Ct. 1138; 41 L. Ed. 256; 1896 U.S. LEXIS 3390

Argued April 13, 1896.
May 18, 1896

PRIOR HISTORY:

ERROR TO THE SUPREME COURT OF THE STATE OF LOUISIANA.

THIS was a petition for writs of prohibition and certiorari, originally filed in the Supreme Court of the State by **Plessy**, the plaintiff in error, against the Hon. John H. **Ferguson**, judge of the criminal District Court for the parish of Orleans, and setting forth in substance the following facts:

That petitioner was a citizen of the United States and a resident of the State of Louisiana, of mixed descent, in the proportion of seven eighths Caucasian and one eighth African blood; that the mixture of colored blood was not discernible in him, and that he was entitled to every recognition, right, privilege and immunity secured to the citizens of the United States of the white race by its Constitution and laws; that on June 7, 1892, he engaged and paid for a first class passage on the East Louisiana Railway from New Orleans to Covington, in the same State, and thereupon entered a passenger train, and took possession of a vacant seat in a coach where passengers of the white race were accommodated; that such railroad company was incorporated by the laws of Louisiana as a common carrier, and was not authorized to distinguish between citizens according to their race. But, notwithstanding this, petitioner was required by the conductor, under penalty of ejection from said train and imprisonment, to vacate said coach and occupy another seat in a coach assigned by said company for persons not of the white race, and for no other reason than that petitioner was of the colored race; that upon petitioner's refusal to comply with such order, he was, with the aid of a police officer, forcibly ejected from said coach and hurried off to and imprisoned in the parish jail of New Orleans, and there held to answer a charge made by such officer to the effect that he was guilty of having criminally violated an act of the General Assembly of the State, approved July 10, 1890, in such case made and provided.

That petitioner was subsequently brought before the recorder of the city for preliminary examination and committed for trial to the criminal District Court for the parish of Orleans, where an information was filed against him in the matter above set forth, for a violation of

the above act, which act the petitioner affirmed to be null and void, because in conflict with the Constitution of the United States; that petitioner interposed a plea to such information, based upon the unconstitutionality of the act of the General Assembly, to which the district attorney, on behalf of the State, filed a demurrer; that, upon issue being joined upon such demurrer and plea, the court sustained the demurrer, overruled the plea, and ordered petitioner to plead over to the facts set forth in the information, and that, unless the judge of the said court be enjoined by a writ of prohibition from further proceeding in such case, the court will proceed to fine and sentence petitioner to imprisonment, and thus deprive him of his constitutional rights set forth in his said plea, notwithstanding the unconstitutionality of the act under which he was being prosecuted; that no appeal lay from such sentence, and petitioner was without relief or remedy except by writs of prohibition and certiorari. Copies of the information and other proceedings in the criminal District Court were annexed to the petition as an exhibit.

Upon the filing of this petition, an order was issued upon the respondent to show cause why a writ of prohibition should not issue and be made perpetual, and a further order that the record of the proceedings had in the criminal cause be certified and transmitted to the Supreme Court.

To this order the respondent made answer, transmitting a certified copy of the proceedings, asserting the constitutionality of the law, and averring that, instead of pleading or admitting that he belonged to the colored race, the said **Plessy** declined and refused, either by pleading or otherwise, to admit that he was in any sense or in any proportion a colored man.

The case coming on for a hearing before the Supreme Court, that court was of opinion that the law under which the prosecution was had was constitutional, and denied the relief prayed for by the petitioner. Ex parte Plessy, 45 La. Ann. 80. Whereupon petitioner prayed for a writ of error from this court which was allowed by the Chief Justice of the Supreme Court of Louisiana.

CASE SUMMARY

PROCEDURAL POSTURE: Petitioner prayed for a writ of error to review a judgment from the Louisiana Supreme Court. The state supreme court upheld the constitutionality of 1890 La. Acts No. 111, p. 152, which provided for separate railway carriages for whites and blacks.

OVERVIEW: Petitioner, who was charged by information with violating 1890 La. Acts No. 111, p. 152, argued that the statute was unconstitutional. The state supreme court disagreed and denied petitioner's request for a writ of prohibition. The United States Supreme Court affirmed. The statute did not conflict with the Thirteenth Amendment. A statute that implied merely a legal distinction between differing races did not tend to destroy the legal equality of the two races or to reestablish a state of involuntary servitude. The statute also did not violate the Fourteenth Amendment. In determining whether the statute was a reasonable regulation, the Louisiana legislature was given a large amount of discretion; the legislature was at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to preserving public peace and good order. The Court rejected petitioner's argument that the separation of the two races stamped one race with a badge of inferiority. A legislature had to secure for its citizens equal rights before the law. If one race was inferior to another socially, the Federal Constitution could not put the two races upon the same plane.

OUTCOME: The Court affirmed the judgment.