

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## WORKSHEET

### Chapter 14: The Progressive Era Section 1: Cultural Change

### *Plessy v. Ferguson*

**Directions:** The U.S. Supreme Court must decide if laws passed by Congress or the state legislatures agree with the U.S. Constitution. The justices' written decisions are called *opinions*. The following two opinions were issued by the Court in 1896 during their ruling on the Louisiana law that required railroads to provide separate cars for blacks and whites. Homer Plessy had challenged this law, and Judge John H. Ferguson was the original trial judge. The majority of the Supreme Court justices agreed with the Louisiana law. Justice Brown's opinion explains the majority decision. Justice Harlan gave the only dissenting opinion. Read these excerpts, then, on a separate sheet of paper, answer the questions that follow.

#### **Justice Brown**

[The Legislature] is at liberty to act with reference to the established usages, customs and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order.... 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.... 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 [mixing] of the two races. We cannot accept this proposition. 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....

#### **Justice Harlan**

...the statute of Louisiana is inconsistent with the personal liberty of citizens, white and black, in that state, and hostile to both the spirit and letter of the constitution of the United States.... Slavery, as an institution tolerated by law, would, it is true, have disappeared from our country; but there would remain a power in the states, by sinister legislation, to interfere with the full enjoyment of the blessings of freedom, to regulate civil rights, common to all citizens, upon the basis of race, and to place in a condition of legal inferiority a large body of American citizens, now constituting a part of the political community, called the 'people of the United States,' for whom, and by whom through representatives, our government is administered.

Such a system is inconsistent with the guaranty given by the constitution to each state of a republican form of government.... For the reasons stated, I am constrained to withhold my assent from the opinion and judgment of the majority.

1. Define the following terms:

***dissenting opinion***

***fallacy***

***prejudices***

***natural affinities***

***unconstitutional***

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2. What did Justice Harlan mean when he said, “I am constrained to withhold my assent”?
3. In your own words, write a one- or two-sentence summary of these two opinions.
4. The concept of “present-mindedness,” or looking at the past through today’s eyes, must be considered as we examine this court decision. From today’s view, we find it hard to understand why only one of the justices would have found segregation unconstitutional. Why did they look at this issue differently in 1896?

