



Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

The Pardon of Homer Adolph Plessy

On January 5, 2022, after 125 years, [Homer Plessy](#) was vindicated, receiving a posthumous pardon from Louisiana's governor, [John Bel Edwards](#). Many remember Plessy as the petitioner in [Plessy v. Ferguson](#) (1896), the U.S. Supreme Court case that constitutionalized racial segregation with its "separate but equal" doctrine. So why does this pardon matter and what makes it significant?



Following the Civil War and the passage of the [13th Amendment](#) (1865), the United States entered its Reconstruction Era. The first few years of Reconstruction, known as [Presidential Reconstruction](#), saw the southern states quickly attempt to return to pre-Civil War practices with the passing of discriminatory laws known as "[Black Codes](#)." In response, [Radical Reconstruction](#) was ushered in and Congress worked to combat Southern laws with the [14th](#) (1868) and [15th](#) (1870) Amendments to the [U.S. Constitution](#) and landmark legislation such as the [Reconstruction Act of 1867](#) and the [Civil Rights Act of 1875](#).

The progressive efforts of the [Radical Republicans](#) would not come without controversy and pushback. By the end of Reconstruction in 1877, the era of "[Jim Crow](#)" began with a series of rulings by the U.S. Supreme Court:

[Hall v DeCuir](#) (1877) - The Court struck down as a violation of the Commerce Clause, a Louisiana law that required the full racial integration of river boats, street cars, and trains (common modes of transportation for the time).

[Civil Rights Cases](#) (1883) - the Court ruled several sections of the Civil Rights Act of 1875 unconstitutional. The Court reasoned that the equal protection clause of the 14th Amendment only applied to the discriminatory practices of the states and not the discriminatory practices of private individuals and businesses.

Even with these legal setbacks, Black Americans continued to challenge discriminatory laws in court. This brings us back to Homer Plessy.

The year is 1892, and Homer Plessy is a man of mixed racial heritage, only 1/8 Black. Despite being able to pass for white, [Louisiana law](#) classified him as Black and so [members of the New Orleans Black community](#) asked him to challenge Louisiana's [Separate Car Act](#). He agreed, purchased a first class train ticket, and sat in the train's "whites only" coach. When he was asked to leave the "whites only" only coach, he refused and was arrested.

On appeal to the U.S. Supreme Court, in a [7-1 decision](#), the justices ruled that Louisiana's racial segregation law was not a violation of the 14th Amendment's [Equal Protection Clause](#). The Court reasoned that separate treatment of the races did not suggest racial inferiority, thus establishing the "separate but equal" doctrine.



For the next 58 years, "separate but equal" would be the law of the land, and during that time, Black Americans would continue to challenge the doctrine in court. It was not until 1954, in [Brown v. Board of Education of Topeka](#), that the U.S. Supreme Court declared the "separate but equal" doctrine unconstitutional under the 14th Amendment's Equal Protection Clause in K-12 Public schools.

The civil rights struggle for Black Americans continued after the Brown decision. There were setbacks, as well as victories, but the single constant was the willingness to persevere and fight for what was right in the face of discrimination.

As Phoebe Ferguson, the great-great-granddaughter of Judge Ferguson, who sentenced Plessy said, "the purpose is not to erase what happened 125 years ago but to acknowledge the wrong that was done." Governor Edwards' pardon of Homer Plessy shows it is never too late to right a wrong.

To Think and To Do: As the lone dissenter in the Plessy decision, Justice John Marshall Harlan wrote, "In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved." How does Homer Plessy's pardon reconcile with Justice Harlan's words? Explain.

To Learn More:

[Louisiana's Avery C. Alexander Act](#)
[The Plessy & Ferguson Foundation](#)



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