



Supreme Court Case Study 14 (continued)

Laws requiring segregation "do not necessarily imply the inferiority of either race to the other . . ." The majority noted that this was the "underlying fallacy" of Plessy's case. Just as valid under the Fourteenth Amendment would be a similar law enacted by an African American-controlled legislature with respect to whites or other races.

The Court ruled, then, that the matter ultimately depended on whether Louisiana's law was "reasonable." Segregation laws "have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police powers." In such matters, a legislature is free to take into account "established usages, customs, and traditions of the people," as well as "the preservation of public peace and good order."

Finally, the Court rejected the notion that "social prejudices may be overcome by legislation." Brown maintained, "If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane."

The Court, in effect, enunciated a doctrine that came to be called the separate-but-equal principle. If African Americans saw this as "a badge of inferiority," it was solely "because the colored race chooses to put that construction upon it."

***** Dissenting Opinion *****

Justice John Marshall Harlan entered a vigorous dissent from the majority's decision. He "regretted that this high tribunal . . . has reached the conclusion that it is competent for a state to regulate the enjoyment by citizens of their rights solely upon the basis of race." He saw segregation on racial lines as "a badge of servitude wholly inconsistent with the civil freedom and equality before the law established by the Constitution The thin disguise of 'equal' accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done." Harlan saw the Constitution as "color-blind, and neither knows nor tolerates classes among citizens."

The separate-but-equal principle was finally overturned in a series of civil rights decisions of the Court in the 1950s, most notably in *Brown v. Board of Education*.



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Explain how the Supreme Court justified the practice of segregating railroad passengers in Louisiana by race.
2. What is the meaning of the separate-but-equal principle?
3. On what grounds did Justice Harlan criticize the majority's ruling?
4. Why do you think Plessy based his appeal in part on the Thirteenth Amendment?
5. What do you think was the effect of the *Plessy* decision on the nation, especially on the southern states?

Supreme Court Case Study 2 Answer Key

Kathleen Armour



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Table of Contents Supreme Court Case Study 2 Answer Key

1. Understanding the eBook Supreme Court Case Study 2 Answer Key
 - The Rise of Digital Reading Supreme Court Case Study 2 Answer Key
 - Advantages of eBooks Over Traditional Books
2. Identifying Supreme Court Case Study 2 Answer Key
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Supreme Court Case Study 2 Answer Key
 - User-Friendly Interface
4. Exploring eBook Recommendations from Supreme Court Case Study 2 Answer Key
 - Personalized Recommendations
 - Supreme Court Case Study 2 Answer Key User Reviews and Ratings
 - Supreme Court Case Study 2 Answer Key and Bestseller Lists
5. Accessing Supreme Court Case Study 2 Answer Key Free and Paid eBooks
 - Supreme Court Case Study 2 Answer Key Public Domain eBooks
 - Supreme Court Case Study 2 Answer Key eBook Subscription Services
 - Supreme Court Case Study 2 Answer Key Budget-Friendly Options

6. Navigating Supreme Court Case Study 2 Answer Key eBook Formats
 - ePub, PDF, MOBI, and More
 - Supreme Court Case Study 2 Answer Key Compatibility with Devices
 - Supreme Court Case Study 2 Answer Key Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Supreme Court Case Study 2 Answer Key
 - Highlighting and Note-Taking Supreme Court Case Study 2 Answer Key
 - Interactive Elements Supreme Court Case Study 2 Answer Key
8. Staying Engaged with Supreme Court Case Study 2 Answer Key
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Supreme Court Case Study 2 Answer Key
9. Balancing eBooks and Physical Books Supreme Court Case Study 2 Answer Key
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Supreme Court Case Study 2 Answer Key
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Supreme Court Case Study 2 Answer Key
 - Setting Reading Goals Supreme Court Case Study 2 Answer Key
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Supreme Court Case Study 2 Answer Key
 - Fact-Checking eBook Content of Supreme Court Case Study 2 Answer Key
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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