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Plessy and Ferguson: Descendants of a divisive Supreme Court decision unite

By [Robert Barnes](#), Published: June 5

NEW ORLEANS

When Keith Plessy and Phoebe Ferguson decided to start a new civil rights education organization that would bear their famous names, they sealed the deal in a fitting local spot: Cafe Reconcile.

They represent the opposing principals in one of the Supreme Court's landmark decisions, [Plessy v. Ferguson](#), which upheld the constitutionality of Jim Crow laws mandating segregation under the "separate but equal" doctrine. It stood from 1896 until the court's historic [Brown v. Board of Education](#) ruling in 1954.

The descendent of the man who tested Louisiana's law requiring separate railroad cars for whites and blacks and the great-great-granddaughter of the judge who upheld it met in 2004.

The truth is, no reconciliation was required.

"The first thing I said to her," recalled Plessy, "was, 'Hey, it's no longer Plessy *versus* Ferguson. It's Plessy *and* Ferguson.'"

Her first reaction was to apologize.

"I don't know why," she said in an interview. "It's just that I felt the burden of it, this great injustice."

Plessy's response?

"I said, 'You weren't alive during that time. I wasn't either. It's time for us to change that whole image.'"

So the [Plessy & Ferguson Foundation](#) was born, and on Tuesday it will celebrate another anniversary of Homer Adolph Plessy's decision to buy a railroad ticket for the June 7, 1892, train trip from New Orleans to Covington, on the other side of Lake Pontchartrain.

The organization seeks to highlight the historic moments in New Orleans's struggle for racial equality and hopes to remind the public of the story behind the famous case. It was, Plessy and Ferguson said, a forerunner of the legal strategies and civil disobedience that took root in the civil rights struggles of the 20th century.

It was a setup from the start. New Orleans historian [Keith Weldon Medley](#), in his book [“We as Freemen.”](#) describes how the Comite des Citoyens (Committee of Citizens), an organization of freemen of color, planned the legal strategy for more than a year. They meant to challenge the segregation law using the post-Civil War 14th Amendment’s equal-protection clause.

Plessy, a shoemaker from the [Treme](#) neighborhood, volunteered for the job and was the perfect candidate. Seven-eighths white, he was “colored” in the eyes of the law. He bought a first-class ticket, sat in the white rail car, answered that he was colored when asked, refused to leave and was arrested by a private detective. It had all been worked out in advance.

John Howard Ferguson was a carpetbagger from New England, schooled by an abolitionist lawyer in the north and married into an abolitionist New Orleans family. He had been on the bench only months when the Plessy case arrived on his docket.

Despite his background, Ferguson upheld the segregation law. Plessy wasn’t deprived of equal accommodations, Ferguson wrote, but “simply deprived of the liberty of doing as he pleased.”

The Louisiana Supreme Court agreed, and so eventually did the U.S. Supreme Court, 7 to 1.

“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,” wrote Justice Henry Billings Brown. “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 lone objection came from Justice John Marshall Harlan, whose [“Great Dissent”](#) predicted the decision would join the infamy of the court’s Dred Scott ruling.

“Our Constitution is color-blind, and neither knows nor tolerates classes among citizens,” Harlan famously wrote.

The Comite des Citoyens closed shop; Plessy paid a \$25 fine in lieu of jail time.

Phoebe Ferguson and Keith Plessy were both born in New Orleans generations later, in the year *Brown* was decided.

The daughter of a conservative Tulane-grad father and a “radical feminist” Sarah Lawrence mother, Ferguson said she had no idea she was connected to the case.

“If my mother had known, she certainly would have talked about it,” said Ferguson, who moved north and got the news years later when a man who had bought John Ferguson’s house tracked her down.

She returned to New Orleans from New York “after the storm” — Hurricane Katrina — first with a 17-foot truckload of supplies and then later for good. She completed a film about the city’s oldest African American social club called [“Member of the Club”](#) and lately has become involved in the city’s schools.

“I’m a completely different person than I was in New York,” she said.

Plessy, whose great-grandfather was Homer Plessy's first cousin, knew of his connection because of his fairly rare French name. He remembers grade school teachers calling him to the front of the class during a discussion of the case.

And his name has attracted attention from visiting civil rights luminaries who have passed through the downtown New Orleans hotel where he has made a career. He spoke with Muhammad Ali and was once called upstairs to meet Rosa Parks.

Plessy recalls rushing in to find Parks sitting in a chair, and he knelt before her.

"She said, 'Get up, boy. Your name is Plessy. You got work to do,'" he said.

He said he found that work after meeting Medley, and because of the revival of interest around the centennial of the *Plessy* decision. The city and state first recognized "Homer A. Plessy Day" in 2005.

"I was not a great leader or a great scholar or any of those things," Keith Plessy said. "I've been a 30-year employee of Marriott as a bellman and happy with that job.

"But I have an obligation and a privilege to keep my ancestor's history alive. What my ancestors dreamt about, I'm able to live."

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