

*It says where'er we walk, they strike,
Hail on the black and white alike,
That government above us stand,
That to none all alike be true.*



*Heaven's voice from heaven is calling!
Hear it sounding through the air!
Chains from human limbs are falling!
God has loosed the captive's care!
With the Stars and Stripes above us,
All alike shall soon be free—
When as brothers white men love us,
Shall we not at trouble be?*

*In your war with your aggressors,
When the British lion roared,
Black men fought 'gainst the aggressors,
Till all your kins were scared.
With the Stars and Stripes above us,
You have made us wear the chain,
Then by brothers you shall love us,
Then shall you have peace again.*

*A man is a man, how'er dark his skin,
I heard that to human is beating within,
God regards not his color and neither should we,
Then 'unchain' the Negro—and let him go free.*



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THE AMERICAN DECLARATION OF INDEPENDENCE ILLUSTRATED.

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Although the Declaration of Independence affirmed that “all men are created equal,” and had inalienable rights including liberty, African Americans were systematically denied their liberty with the institution of slavery. Even after the Civil War and the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments, segregation was a fact of life in the United States. Throughout the country, the races remained separated by both custom and law.

With the end of Reconstruction, every southern state, as well as some northern ones, passed what came to be termed Jim Crow laws. These policies required segregation in public places. African Americans were denied equal access to public facilities like transportation, education, and the voting booth. In 1878, the Supreme Court held that states could not require integration on interstate common carriers. In 1890, the Court held that Mississippi could require segregation on modes of interstate transportation.

Five years later, Homer Plessy, a resident of Louisiana, decided to challenge a Louisiana law requiring segregation on railcars by purchasing a train ticket and sitting in a “whites only” car. Because Plessy was an “octoroon” (1/8th black), he was subject to the black codes of Louisiana. When he was questioned as to his status, he admitted to being an octoroon, and was arrested when he refused to leave the car. He appealed his case to the Supreme Court of Louisiana and eventually the United States Supreme Court, claiming that the Louisiana law violated the Fourteenth Amendment.

Document 1

Section of The Fourteenth Amendment, 1868

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws....

Section. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

What does the Fourteenth Amendment guarantee to residents of every state?

Document 2

Civil Rights Cases, 1883

[Federal civil rights] legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would ... make congress take the place of the state legislatures and to supersede them.

It is absurd to affirm that, because the rights of life, liberty, and property ... are by the [Fourteenth] Amendment sought to be protected against invasion on the part of the state without due process of law, Congress may, therefore, provide due process of law for their vindication in every case; and that, because the denial by a state to any persons of the equal protection of the laws is prohibited by the amendment, therefore congress may establish laws for their equal protection.

Which level of government does this opinion imply has the power to correct state violations of rights to life, liberty and property?

Supreme Court of the United States,

No. 210, October Term, 1895.

Homer Adolph Plessy,
Plaintiff in Error,
vs.

J. A. Ferguson, Judge of Section "A"
Criminal District Court for the Parish
of Orleans.

In Error to the Supreme Court of the State of
Louisiana

This cause came on to be heard on the transcript of the
record from the Supreme Court of the State of Louisiana,
and was argued by counsel.

On consideration whereof, It is now here ordered and
adjudged by this Court that the judgment of the said Supreme
Court, in this cause, be, and the same is hereby, affirmed
with costs.

per Mr. Justice Brown,
May 18, 1896.

Dissenting:
Mr. Justice Harlan

Did the United States Supreme Court affirm or overturn the decision of the Louisiana court?

Document 3

Majority Opinion (6-1), Plessy v. Ferguson, 1896

The object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation, in places where they are liable to be brought into contact, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power....

We consider the underlying fallacy of [Plessy's] argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. 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 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 commingling 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....

Legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. 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 upon the same plane.

What kinds of laws does the Court say that state legislatures have the rightful power to pass?

What does the Court say is the basic flaw in Plessy's argument?

What does the Court argue about laws that try to abolish racial prejudices?

Why is this decision said to have affirmed the doctrine of "separate but equal"?

Document 4

Dissenting Opinion, Plessy v. Ferguson, 1896

The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth, and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage, and holds fast to the principles of constitutional liberty. But in view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful....

Sixty millions of whites are in no danger from the presence here of eight millions of blacks. The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law. What can more certainly arouse race hate, what more certainly create and perpetuate a feeling of distrust between these races, than state enactments which, in fact, proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens? That, as all will admit, is the real meaning of such legislation as was enacted in Louisiana.

What does the dissenting opinion mean by "Our constitution is colorblind"?

What does the dissenting opinion claim is the "real meaning" of the Louisiana segregation law?