

# **Plessy v. Ferguson / 10<sup>th</sup> Amendment vs. 14<sup>th</sup> Amendment—Answer Key**

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## **Directions:**

1. Read the **Background** section on the 10<sup>th</sup> and 14<sup>th</sup> Amendments.
2. Answer the **Questions to Consider**.

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## **Background**

The arguments presented to the U.S. Supreme Court in *Plessy v. Ferguson* primarily involve two amendments to the Constitution that often compete. The **10<sup>th</sup> Amendment** reserves broad, undefined powers for the states, and the **14<sup>th</sup> Amendment** says states may not deny people equal protection of the law.

**Federalism** is a major principle of American government. In a federal system of government, there are three levels of government: national, state, and local. Government power is divided between and sometimes shared by the different levels.

The national government generally has power over issues of national concern. The states generally have power over issues of state concern including what are sometimes called “police powers.” For example, the national government has power over the defense of the nation because defense must be coordinated for the entire nation. The states have the power to issue drivers’ licenses because driving rules and conditions differ from state to state.

The state powers are often called **reserved powers**. These powers are not listed in the U.S. Constitution. The 10<sup>th</sup> Amendment states that if a power is not specifically given to the national government in the Constitution, it is reserved to the states or the people.

### **10<sup>th</sup> Amendment to the U.S. Constitution**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

### **14<sup>th</sup> Amendment to the U.S. Constitution**

*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.

## Questions to Consider

1. Which amendment would Homer Plessy's attorneys use to support his argument? How should they apply it?

14<sup>th</sup> Amendment.

The issue involves the separation of people based on race. The 14<sup>th</sup> Amendment, which, coming after the 10<sup>th</sup> Amendment, may alter the scope of the 10<sup>th</sup>, says states must treat people equally. So, the Court must determine that segregation is unconstitutional.

2. Which amendment would the state of Louisiana use to support its argument? How should they apply it?

10<sup>th</sup> Amendment.

The 10<sup>th</sup> Amendment states that powers not given to the national government are reserved for the states or to the people. Since this involved transportation within Louisiana, it could be argued that Louisiana had the right to regulate that transportation as it wished. For the federal courts to determine whether the state acted "reasonably" would deny the state the authority granted to it by the 10<sup>th</sup> Amendment.

3. Which amendment should the Supreme Court apply in *Plessy v. Ferguson*? If the Supreme Court applied that amendment, which side would win the case and why?

Student answers will vary.