

Plessy v. Ferguson / 10th Amendment vs. 14th Amendment

Directions:

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

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 **10th Amendment** reserves broad, undefined powers for the states, and the **14th 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 10th 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.

10th 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.

14th 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?
2. Which amendment would the state of Louisiana use to support its argument? How should they apply it?
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?