

Reclaiming Public Rights

John Rogers, June 9, 2023

Across southern California this past week, public schools and school board meetings have become theaters of conflict. Conservative advocates have pushed back on plans for Pride Month celebrations, challenged efforts to teach stories about children with gay parents, and rejected social studies curriculum that includes LGBTQ+ civil rights history. These actions often have been propelled by hateful rhetoric—for example, characterizing educators as “groomers”—and by violent tactics, including brawls outside the gates of elementary schools. Yet the advocates often frame their efforts in civil rights language. They tell us that they are simply seeking to secure parents’ rights.

But if rights speak to moral and legal entitlement, then no one parent (or even any small group of parents) can claim a right to determine what books everyone else in the school can read. No parent has a right to limit learning opportunities and make other children feel unsafe or their families devalued.

If we want to use the language of rights in our community and in our schools, we would do well to heed history.

130 years ago this week, Homer Plessy, a 30 year old skilled shoemaker purchased a first class ticket on the East Louisiana train bound for New Orleans. When he boarded the train, he was arrested by a detective under Louisiana’s 1890 “Separate Car Law” that prohibited people of African descent from riding in cars with White citizens. In *Plessy vs. Ferguson*, the U.S. Supreme Court found in favor of the state and upheld the doctrine of separate but equal (which was never equal).

Homer Plessy did not board the first class train by accident. His actions reflected a long history of social activism. As a young boy, he attended the Couvent School in New Orleans, a school founded by free people of color in the 1840s. For years, many of the teachers and administrators at the Couvent School participated in

efforts to advance racial equality in New Orleans. Following the Civil War, these activists joined a loose multi-racial coalition—people of African descent, immigrants from Cuba, and white radical Republicans—who fought to include language about “public rights” in the new Louisiana Constitution.

The term “public rights” referred to equal treatment in public places and equal access to public services. The idea was that citizens are entitled to be treated with dignity. As historian Rebecca Scott writes, for Homer Plessy and his allies, “private matters could ... remain private, but freedom from public disrespect and exclusion as one boarded a train car or took a seat in a café was not a private matter.”

In addition to challenging Louisiana’s efforts to segregate its railcars, Homer Plessy also fought for educational justice. In the 1880s, Plessy served as Vice President of New Orleans’ “Justice, Protective, Educational, and Social Club.” A pamphlet distributed by Plessy’s club stated:

We will promote education by all the limiting means in our power. ... We shall build a Social Circle, where our intellectual welfare, both social and moral, will be promoted by inculcating the best principles and virtues. We shall unite ourselves and bring our influence to bear in one solid mass ... where we are respected, our rights protected, and our interest and welfare connected.

This pamphlet applied the ideal of public rights to public education. For Homer Plessy and his allies, public schools should become sites of radical inclusion where all students learn together and are treated with respect and dignity. It is the responsibility of the broader community to build a “social circle” that lifts up this ideal. In the process, we will discover that our fates are linked and that our shared future holds far more promise than a separate and unequal present.

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