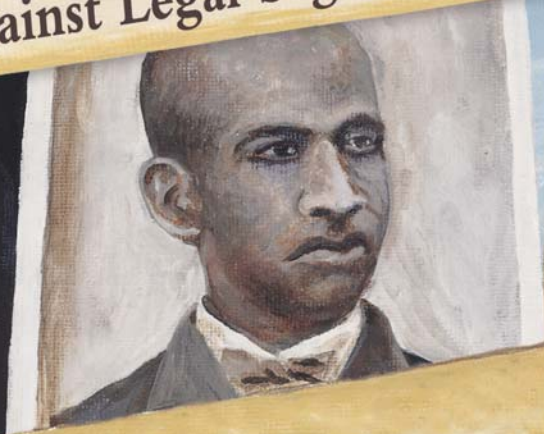
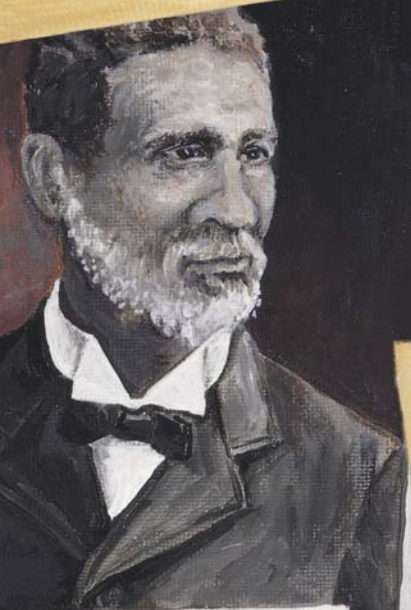


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The Fight Against Legal Segregation



*We as
Freemen*
Plessy v. Ferguson
By Keith Weldon Medley



Mr. ARTHUR ESTÈVES

"In passing laws which discriminate between its citizens, the state was wrong...

Notwithstanding this decision... we as freemen still believe that



Mr. ALCÉE LABAT

SECTION NO. 1911
STATE OF
Homer Ad...
INFORM
Violating of act...
Filed July

We as Freemen

Plessy v. Ferguson

By Keith Weldon Medley

In 1896, *Plessy v. Ferguson*, Louisiana's famous Supreme Court case, established the separate-but-equal doctrine that prevailed in America until the *Brown v. Board of Education* decision in 1954. Homer Plessy's arrest in a New Orleans railway car was not mere happenstance, but the result of a carefully choreographed campaign of civil disobedience planned by the Comité des Citoyens. This group of Republican free men of color had watched their rights disappear under the increasingly strict Jim Crow laws of the post-Reconstruction period. To contest these new restrictions, they arranged for Plessy, who could "pass" for white, to illegally seat himself in a whites-only carriage.

Keith Weldon Medley brings to life the players in this landmark trial, from the crusading black columnist Rodolphe Desdunes and the other members of the Comité des Citoyens to Albion W. Tourgee, the outspoken writer who represented Plessy, to John Ferguson, a reformist carpetbagger who nonetheless found Plessy guilty. The U.S. Supreme Court sustained the finding, with only John Marshall Harlan, a Southern associate justice, voting against the decision.

We as Freemen

*We as
Freemen*
Plessy v. Ferguson



By Keith Weldon Medley



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*In memory of my parents,
Alfred Andrew Medley, Sr., and Veronica Rose Toca Medley*

*For my sons,
Keith and Kwesi*

*“We, as freemen, still believe that we were right
and our cause is sacred.”*

—Statement of the Comité des Citoyens, 1896

Contents

	Acknowledgments	9
Chapter 1	A Negro Named Plessy	13
Chapter 2	John Howard Ferguson	37
Chapter 3	Albion W. Tourgee	53
Chapter 4	One Country, One People	67
Chapter 5	The Separate Car Act of 1890	89
Chapter 6	Who Will Bell the Cat?	111
Chapter 7	Are You a Colored Man?	139
Chapter 8	My Dear Martinet	169
Chapter 9	We as Freemen	185
Chapter 10	The Battle of Freedom	209
	Appendix: Further Reading	225
	Notes	229
	Index	243

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Finally, I am pleased to see the efforts by the students at Frederick Douglass High School in New Orleans and the Crescent City Peace Alliance in their drive to erect a civil-rights memorial at the site where Homer Plessy was arrested.

CHAPTER 1

A Negro Named Plessy

On Tuesday evening, a Negro named Plessy was arrested by Private Detective Cain on the East Louisiana train and locked up for violating section 2 of act 111 of 1890, relative to separate coaches. . . . He waived examination yesterday before Recorder Moulin and was sent before the criminal court under \$500.00 bond.

—*New Orleans Daily Picayune*, June 9, 1892

Homer Plessy arrived at the Press Street Depot for his date with history. June 7, 1892, was warm and cloudy. The temperature reached eighty-six degrees. That day, he challenged Louisiana's Separate Car Act. That was his moment. Standing at the depot looking north, Plessy could view the New Orleans Northeastern Railroad's Queen and Crescent line heave down the tracks and then through swampy woods, on its way to Northern destinations far removed from the travails of the post-Reconstruction South. However, it was Plessy's mission to board the East Louisiana Railroad's local line, which never left Louisiana but crossed a seven-mile bridge over Lake Pontchartrain, rolled past Lewisburg, Mandeville, and Abita Springs, and then terminated at the depot in Covington, Louisiana. Unlike his fellow travelers, Plessy was not there as a commuter or on a one-dollar excursion to the beaches across Lake Pontchartrain. He was there to test the constitutionality of "that infamous contrivance known as the 'Jim Crow Law,'" according to a statement by the group that engineered Plessy's act of civil disobedience. Later in 1892, Plessy appeared before John Howard Ferguson, a judge whose criminal-court ruling launched *Plessy v. Ferguson* on its journey to America's highest

judicial tribunal. Over 20,000 passengers annually traveled the East Louisiana Railroad.¹ Only Plessy had cause to wonder what the Supreme Court might think about his trip.

Before there was Linda Brown versus the board of education, and before there was Rosa Parks and the Montgomery Improvement Association, there was Homer Plessy and a New Orleans group of eighteen men called the Comité des Citoyens (Committee of Citizens). Far from being happenstance, Plessy's actions resulted from a last-ditch, almost desperate effort by this contingent of civil libertarians, ex-Union soldiers, Republicans, writers, a former Louisiana lieutenant governor, a French Quarter jeweler, and other professionals. In September 1891, they came together to challenge act 111 of the 1890 Louisiana legislature, a law that segregated railroad trains. Their objective was to obtain a United States Supreme Court ruling preventing states from abolishing the suffrage and equal-access gains of the Reconstruction period. In a year's time, the Comité des Citoyens formulated legal strategy while raising money from the people of New Orleans' neighborhoods, small towns throughout the South, and in cities as far away as Washington, DC, and San Francisco. They published their views in attorney Louis Martinet's Republican *Crusader* newspaper, held rallies in churches and fraternal halls, and garnered support wherever they could. Finally, they organized two cases to test the law and solemnly vowed to bring the matter into the chambers of the United States Supreme Court. "We find this the only means left us," one Comité des Citoyens pamphlet stated. "We must have recourse to it or sink into a state of hopeless inferiority."

Their six-year quest through America's political and legal system traversed many crucial issues in American jurisprudence: states' rights, federal authority, individual liberties, rights of association, racial classification, the regulation of interstate and intrastate commerce, and the central question of the Supreme Court's role in defending the individual rights of American citizens. Citizen Plessy's one-block-long, illegal

train trip brought before the court many of the debates, sentiments, and divisions that had visited the country since its birth. Could states regulate people based on race? Didn't the Fourteenth Amendment's equality clauses prohibit such discrimination? Who was qualified to assign racial categories? Could states intrude into such intimate decisions as marriage and relationships because of the races of the betrothed? Were people of color citizens, slaves, or something in between? Were they less than human? Did the United States Constitution guarantee them any rights at all? The Supreme Court's 1857 *Dred Scott Decision* said no. Would America's future rise to the "created equal" high ideals of the Declaration of Independence? Or would it be mired in antagonism? *Plessy v. Ferguson* joined the 1857 *Dred Scott Decision* and 1954's *Brown v. Board of Education* as three watershed cases in the Supreme Court's treatment of civil rights. The matter concerning Plessy's place in America has persistently stuck in the craw of United States jurisprudence since its inception. Even today, it reverberates across the national landscape.

And what of Homer Plessy and John Ferguson, two names forever coupled in American history? Consider Homer Plessy—a racially mixed, young shoemaker who volunteered as a test case for equal rights. Consider John Ferguson—a son of New England and so-called carpetbagger who married into an abolitionist New Orleans family but owed his political life to a former Confederate general. What winds of history brought these two relatively minor historical figures to confront each other on an autumn day in a late nineteenth-century New Orleans courtroom? Oddly—given the nature of the case—skin color was one common characteristic that Plessy and Ferguson shared.

Over a century has elapsed since this nineteenth-century shoemaker named Plessy rose from obscurity and became the pivotal figure in one of the most controversial and far-reaching Supreme Court cases in American civil-rights history. In many ways, his actions echoed the disobedience of conscience of

Henry David Thoreau and a series of 1860s sit-ins that integrated New Orleans' mule-drawn streetcars. Plessy sought to challenge an unjust law, bring a cause before the public eye, and seek redress before the courts of the land. In that light, his actions also portended elements from Rosa Parks 1954 refusal to relinquish her seat to a white man on a Montgomery bus. It also employed the sentiments of Dr. Martin Luther King's 1957 Montgomery bus boycott, the 1961 freedom rides, and the NAACP's legal fights to desegregate schools across America. But unlike the widely honored Rosa Parks and Dr. King, Plessy's name became associated with the painful era of Jim Crow. While some criticized the *Comité des Citoyens* for initiating a chain of events that could possibly lead to an adverse Supreme Court ruling, our journey to the era of Plessy and the *Comité des Citoyens* will show that state-mandated racial separation had already spread across the Deep South and beyond. Far from causing separate-but-equal policies, Plessy and his compatriots were among the foremost to mount a legal and civil disobedience campaign in the 1890s at great risk to their livelihoods and safety.

How did a historically obscure Homer Plessy become a focal point in American history? One of Plessy's twenty-first century relatives, Dr. Boake Plessy, described Homer as a "relatively quiet, ordinary citizen who got involved, and beyond that, there were no other events in his life which would have marked him for history."² Homer Plessy's occupations included shoemaker, clerk, laborer, and collector for a black-owned insurance company. He lived in the downtown Creole section of New Orleans. He was literate and spoke French. In a region with a population defined largely in terms of black and white, he was the exception that defied the rule. He had fair skin. His genealogy was not found in dusty, plantation, breeding books, but in the city-records room. His father was not a slave during pre-Civil War times, but a free person of color with access to education, property, and wages. Members of his pre-Civil War ancestry were not the anonymously enslaved, but property-owning blacksmiths, carpenters, and

shoemakers. Still, his African ancestry subjected him to the same discriminatory laws visited upon the formerly enslaved.

At age thirty, shoemaker Plessy was younger than most members of the *Comité des Citoyens*. He did not have their stellar political histories, literary prowess, business acumen, or law degrees. Indeed, his one attribute was being white enough to gain access to the train and black enough to be arrested for doing so. This shoemaker sought to make an impact on society that was larger than simply making its shoes. When Plessy was a young boy, his stepfather was a signatory to the 1873 Unification Movement—an effort to establish principles of equality in Louisiana. As a young man, Plessy displayed a social awareness and served as vice president of an 1880s educational-reform group. And in 1892, he volunteered for a mission rife with unpredictable consequences and backlashes. *Comité des Citoyens* lawyers Albion Tourgee, James C. Walker, and Louis Martinet vexed over legal strategy. Treasurer Paul Bonseigneur handled finances. As a contributor to the *Cru-sader* newspaper, Rodolphe Desdunes inspired with his writings. Plessy's role consisted of four tasks: get the ticket, get on the train, get arrested, and get booked.

With Reconstruction and its advances toward equal rights, it may have seemed at one time that racial restrictions would become a relic of pre-Civil War America. But thirty years after emancipation, Plessy prepared to be arrested. His was a crime of ethnicity in that if he would have been white and performed the same activity, his actions would have been legal. Shouldn't he have been judged as Plessy and not as a man of a certain race of people? Had he done something wrong? The legislature did not pass a law regulating the rail travel of murderers or rapists. The Civil War, constitutional amendments, civil-rights acts, social movements, and politicians of the 1860s and 1870s promised a life free from the limits of the caste system of his parents' era. What did his young wife think? Was she proud, or did she think him somewhat quixotic? Plessy stood in many ways as an everyman, or everyperson, representing

individuals discriminated against not because of behavior or character, but because of the group into which they were born. Could Plessy have known—as he stood at that depot looking like a white guy, neatly dressed with his first-class ticket—that his name would be on a court decision that would become a part of every discussion about Jim Crow? That instead of being thanked for taking this burden, he would be often pilloried? Or that he would be slurred on the front page of a New Orleans newspaper as a “snuff colored descendant of Ham”? Or that his name would be bantered about in countless legal journals, appeals courts, and the *Brown v. Board of Education* decision in 1954? Because, after all was said and done, he was, quite simply, Homer Plessy—Homere Adolphe Plessy, to be exact—a son of old New Orleans.

Before they are filled with the high moments and lengthy pronunciations, the High Court’s civil-rights cases invariably rise from communities and people far removed from the power and politics of Washington, DC. Many times, the histories, lives, and simple wants of individuals seeking redress become overshadowed by legalese, the passions of any given era, and the social impact of their judicial journey. Cases often emerge from cities and small towns, individual circumstances, and simple motivations that the Court’s justices never see. For Dred Scott, the plaintiff of the 1857 *Dred Scott Decision*, a Missouri courtroom provided the setting for his insistence that he, his wife, and two daughters were free people, not slaves. For Linda Brown, the plaintiff in the 1954 *Brown v. Board of Education* decision, a Topeka, Kansas, parent’s desire to send a child to a neighborhood school triggered massive social change. For Homer Plessy, train tracks a block away from the Mississippi River set the stage for his plea before the United States Supreme Court. The venue was New Orleans, Louisiana, where Plessy was born in 1863. That was one year after Union navy gunboats stormed up the Mississippi River, overran the city’s defenses, and took control of this strategic port location in an early Civil War battle.

La Ville de la Nouvelle-Orléans

Established as a French military garrison colony in 1718 by Jean Baptiste Le Moyne, Sieur de Bienville, New Orleans' proximity to the Gulf of Mexico provided a strategic location as a rare piece of high ground near the mouth of the Mississippi River.³ Its environment would always be a double-edged sword that exposed its inhabitants to the whims of a watery, wind-whipped, hot, humid, hostile terrain. In 1721, the first of many hurricanes destroyed every structure.

So arduous was the environment, France punished its social outcasts with forced labor there. Between the years 1718 and 1721, the seven thousand Frenchmen arriving in Louisiana included salt smugglers, vagabonds, drunks, murderers, prostitutes, and deserters who suffered for their transgressions with exile to the Louisiana colony.⁴ In the same period, ships, with names such as *l'Aurore*, *le Ruby*, *le Marechal*, *l'Expedition*, *le Fortune*, *la Venus*, and *le Courrier de Bourbon* traded for slaves and then sailed to Louisiana from the West African ports of Gore and St. Louis.⁵ For both groups—the indentured French and the African slaves—their unenviable task was to construct a defensible outpost from the inhospitality of the Louisiana marshes. For the French prisoners, their term of servitude was a grueling three years, after which they were given part of the land they worked.⁶ For most Africans, their sentence was life. Upon arrival in Louisiana, Africans cleaned and drained swamps, constructed levees and buildings, dug canals, hacked trees, and assisted with public-works projects. Rations consisted of one and a half pounds of corn and a half-pound of lard per day.⁷ From its beginning, New Orleans also housed a sizable number of free people of color who participated in the economic life of the colony.

Spain acquired Louisiana from France in 1763. The Spanish crown envisioned a more far-reaching vision of New Orleans than that of military outpost. With New Orleans as the capital, a series of ten Spanish governors ruled from the Cabildo next

to the Church of St. Louis (St. Louis Cathedral). During the forty-year Spanish reign, the number of Africans quintupled. By 1800, there were 25,000 slaves and 20,000 free people of color.⁸ In 1802, France reacquired Louisiana and dealt it to the United States in the Louisiana Purchase of 1803. In New Orleans, on December 29, 1803, soldiers lowered the French flag and hoisted the American flag in the Place des Armes (Jackson Square).⁹ The deal dramatically increased the size of the United States by 140 percent, gave it dominion of the Rocky Mountains, and added a half billion acres of land to the public domain.¹⁰ In 1812, Louisiana gained statehood as the eighteenth state of the fledgling Union. In 1815, the Battle of New Orleans thrust the city into the national spotlight when Andrew Jackson's troops routed the British just downriver from the city. Two battalions consisting of free men of color participated, and it is believed that a free black rifleman shot British general Sir Edward Pakenham.¹¹ A fourteen-year-old black drummer boy named Jordan Noble set the cadence for the victory over the British when he served "as a guidepost in the 'hell of fire' by keeping up the drumbeat."¹²

Free People of Color

Homer Plessy's parents, Adolphe Plessy and Rosa Debergue, belonged to New Orleans' free-people-of-color caste. A fixture in New Orleans since its earliest days, free people of color obtained their status from purchase by a relative or themselves, manumission by a white parent or owner, or migration from other countries such as Martinique, Haiti, or Cuba, which countenanced free-black populations. Typically French-speaking and Roman Catholic, free people of color possessed property rights but could not vote, frequent many of the city's public places, or establish organizations without permission. Section 40 of the Louisiana Black Code stated that "free people of color ought never to insult or strike white people nor presume to think of themselves equal to the white, but on the

contrary they ought to yield to them on every occasion, and never speak to them or answer them, but with respect.”¹³ Though officially banned in Louisiana, a number of relationships called *placages* developed between white males and black women. In some instances, children received family names, inheritances, and free status. A number of free people of color received European educations and achieved prominence in science, music, literature, and philanthropy.

Homer Plessy’s paternal grandfather was Germain Plessy, a white Frenchman who was born in Bourdeaux circa 1777. He and his brother, Dominique Plessy, arrived in New Orleans from Sainte Domingue (now Haiti) in the wake of the Toussaint L’Ouverture-led slave revolution, which wrested the island from Napoleon in the 1790s. The brothers Plessy made their way to New Orleans with thousands of other Haitian expatriates. City directories listed Germain as operator of Germain Plessy and Co. His name appeared as a plaintiff in three civil-court cases in the First Judicial Court in 1827.¹⁴ He was also identified in St. Louis Cathedral records as a godfather during a christening.¹⁵

The union of Germain Plessy and a free woman of color named Catherina Mathieu produced eight children, including Homer’s father.¹⁶ Catherina was born in 1782—the child of a free woman of color named Agnes and a white Frenchman named Mathieu Deveaux. Domingo was born in 1804, Honore in 1806, Gustave in 1809, Claris in 1815, Jean Livie in 1818, Marie in 1820, and Catherine in 1824. Homer Plessy’s father, Joseph Adolphe Plessy, was born on March 19, 1822. Adolphe and his younger sister were both baptized at St. Louis Cathedral in New Orleans. Between 1812 and 1816, Germain’s brother, Dominique, had moved to Avoyelles Parish, where he married a white woman named Nancy Roe and had three sons. This branch of the family subsequently went under the name Duplissey. Dominique died in 1820 or 1821.¹⁷

Homer Plessy’s mother, Rosa Debergue, was a descendant of Michel Debergue and Josephine Blanco. Rosa was born circa

1835. She too was described as a free person of color and a native of New Orleans. City directories of 1870 listed her occupation as seamstress. In the 1880 census, she was enumerated as a forty-five-year-old mulatto who kept house. With the exception of Germain Plessy, most of the pre-Civil War New Orleans Plessy entries in the state archives' indexes have a *C*, for colored, associated with them. Rosa Debergue's family also had a *C* by their names in Louisiana birth and death indexes. Adolphe Plessy and Rosa Debergue produced a daughter named Ida Plessy, who was born at a residence on Union Street (now Touro Street) in the Faubourg New Marigny in downtown New Orleans. Her November 9, 1855, birth record described Homer's father, Adolphe Plessy, as a free man of color (f.m.c.), a native of New Orleans, and a thirty-three-year-old carpenter. Rosa Debergue was listed as his wife and also a native of New Orleans. Carpentry was a popular occupation among the Plessy men in the nineteenth century, and by 1890, they operated under the name Plessy Builders. The Plessys and Debergues generally lived in the downtown French-speaking sections of the city. The Debergues had a family house at 105 Union Street. In 1855, seventy-three-year-old Plessy patriarch Germain Plessy and Gustave Plessy, his son, were listed as living on Elysian Fields Avenue, at the corner of Craps Street (now Burgundy).

Despite legal and political limitations, free people of color played a large role in New Orleans' development. There were 11,000 such people in New Orleans right before the Civil War. A number of institutions begun by free people of color exist in New Orleans until this day. One is St. Augustine's Catholic Church in the 1200 block of St. Claude Street in Faubourg Tremé. It was here in the 1840s that the Sisters of the Holy Family recited their vows as the first African-American group of nuns in the United States. In the 1840s, seventeen free people of color produced *Les Cenelles*, a 210-page book of poems written in the French romantic tradition. The following year, a New Orleans-born scientist named Norbert Rillieux invented a

vacuum cup that revolutionized the refining of sugar, but he relocated to Paris in order to obtain a patent. Rillieux, incidentally, was a relative of the French impressionist Edgar Degas.

One of the most interesting examples of institution-building among free people of color before the Civil War was the Catholic School for Indigent Orphans, also popularly called the Couvent School. This school is a ubiquitous fixture throughout the Plessy saga, as many members of the Comité des Citoyens would serve the school as administrators, teachers, and legal advisors. After Plessy's mother remarried in the 1870s, a member of Plessy's stepfamily served as president of the institution. Plans for the school began in 1848 with the last will and testament of West African native Marie C. Couvent, who bequeathed a school for the "colored orphans of the faubourg Marigny." All of its teachers were of African descent and had been educated in France or Haiti. The stellar faculty included Paul Trevigne and Joanni Questy (writers and poets), E. J. Edmunds and Basile Crockere (mathematicians), and Adolphe Duhart (dramatist). Paul Trevigne, who taught at the school for forty years, edited the *l'Union* newspaper after the war, while Duhart's play *Lelia* showcased at the Theatre d'Orleans. The school's math teacher and master swordsman, Basile Crockere, also operated a premiere fencing academy at his Salle d'Armes in a city where dueling under oak trees was an acceptable way for men to settle questions of honor. Madame Couvent's legacy is still alive today in the form of the Bishop Perry Middle School—still at the corner of Dauphine and Touro Streets in Faubourg Marigny.

While a number of prominent New Orleanians emerged from Adolphe and Rosa's community of free people of color, the primary trades of this caste were carpenters (257), laborers (145), cigar makers (171), shoemakers (151), and draymen (101). Free women of color operated boarding houses and worked as seamstresses. Repression of this group's limited freedoms increased in the years before the Civil War. Many set sail for Haiti or other less-threatening shores.

M. Adolphe Plessy native of New Orleans residing on Union street 3rd District in this city who hereby declares that on the seventeenth of March of this present year was born in this city (17th March 1863) a male child named Homere Patris Plessy issue of the legitimate marriage of deponent with Rosa Debergue native of New Orleans.

—Homer Plessy's birth certificate, April 1863
Louisiana State Archives

Homer Plessy was born on St. Patrick's Day in 1863. His middle name on the birth record reflects the patron saint of his natal day but later records show his middle name as either Adolph or the French equivalent, Adolphe, after his father. Homer's grandfather, Germain Plessy, died the month after his birth. One can hardly imagine a more volatile era in American history than that into which Plessy was born. Lincoln's Emancipation Proclamation had been in effect for less than three months and New Orleans was under the occupation of the Union army. The Civil War was underway. On the day after Homer's birth, the papers reported news from the Battle of Port Hudson and the sinking of the Confederate ship *Webb* by the USS *Monongahela*.¹⁸ While the Civil War spared New Orleans much of its architecture and culture, it ripped its social, political, and caste fabric with the emancipation of enslaved Africans and a fifteen-year occupation by Federal troops. With Union forces occupying the city, Plessy's early childhood was framed by a decade resplendent and tragic. It was filled with heroic war battles, jubilant processions, mass movements, grand orations, and violent reactions. Unlike his parents, who were limited and defined by the pre-Civil War caste system, the formative years of Homer Plessy's life paralleled the Civil War, emancipation, and the Reconstruction era.

On January 5, 1869, the French-language *New Orleans Bee* reported the death of Homer's father, Adolphe Plessy. A burial notice invited his friends and acquaintances to assist in the final preparations. At 3:00 in the afternoon, Adolphe Plessy's funeral procession departed from the Debergue-Blanco family

home at 105 Union Street, near the corner of what are now Touro and Marais Streets in Faubourg New Marigny.¹⁹ Before Homer Plessy's father died at forty-six years old, he must have felt a bright future ahead for his five-year-old son. Indeed, Homer Plessy spent his growing years in a Louisiana where he was free to vote, engage in politics, and catch any streetcar he chose without legal molestation. In 1868, adult males, regardless of ethnicity or previous condition of slavery, could become eligible to vote by paying a \$1.50 poll tax, the proceeds earmarked for schools and charities. In 1869, Louisiana became the only Southern state to introduce an integrated school system, and in 1870, a Louisiana statute removed the state's ban against interracial marriages. One by one, legal barriers to public accommodations, suffrage, and education fell. In the last forty years of the nineteenth century, Louisiana's African-descent community produced an interim governor, three lieutenant governors, six state officers, thirty-two state senators, and ninety-five state representatives.²⁰ Additionally, the people of the state elected nineteen black sheriffs, thirteen black tax collectors, twelve parish assessors, thirteen parish coroners, two parish judges, and four town mayors.²¹ Male suffrage became enshrined in the Constitution in 1870.²²

Plessys, Debergues, and Duparts

In the 1870s, despite the personal and social gravity of the era, life for Homer Plessy went on. On May 3, 1871, when Homer was eight years old, his mother married Victor M. Dupart, a thirty-six-year-old clerk at the post office. Victor M. Dupart, born on February 22, 1835, was the son of shoemaker Martial Dupart and Josephine Olivella. Victor also had a *C* by his name in the birth indexes, as did most Duparts. Both of Victor's parents were natives of the city. Victor Dupart's previous wife, Louise Demazillere, had died at the age of thirty-five in 1869, the same year that Homer's father passed away.²³ Rosa must have been pleased to have Victor Dupart as a father figure

to Homer. Victor must have welcomed a helpmate. At the time of their marriage, he had his hands and house full with six children under his roof: Formidor, 12, and little Victor L., 10, who both attended Straight College's elementary school; and Victoria, 13, who stayed at home with Augustine, 8, Lionel, 3, and Valdes, 1.²⁴ The entire household was classified as mulatto. Joining them would be Homer, Ida, and Rosa.

Rosa Debergue Dupart became a recipient of the property at 105 Union Street upon the death of Josephine Blanco on December 23, 1871. Josephine was the widow of Debergue patriarch Michel Debergue.²⁵ In 1872, Homer's mother appeared in the city directory as "Rosa D. Dupart, widow Plessy." In 1873, she bore Victor Dupart another son, and Homer a little brother, when Charles Dupart joined the brood. Among the Duparts, Homer found himself in a family setting that was socially and politically engaged. The Duparts had been active in the military, in traditional occupations, in community interaction, and in politics. There was Sgt. Pierre Dupart, listed on the roster of the First Battalion of Free Men of Color in the 1815 Battle of New Orleans.²⁶ Leon Dupart served as a corporal M.P. assigned to the Fifth Precinct. Cabinetmaker Henry Dupart lived on Marais Street in Tremé, near the corner of St. Phillip Street. Other Duparts listed as shoemakers, a blacksmith, a cigar maker, and a butcher. The Duparts also participated in the benevolent, social, religious, and masonic societies that were bedrock to New Orleans social groupings. A group called the Societe des Jeunes Amis (Society of Young Friends) listed F. M. Dupart and V. L. Dupart among its members. Like Formidor and Victor L., in his adult life, Homer also participated in a number of these organizations: the Societe des Francs Amis (Society of French Friends), Cosmopolitan Mutual Aid Society, Scottish Rites Masons, and the Justice, Protective, Educational, and Social Club. Homer was an officer in each of those groups.

While none of the Plessys, and only one Debergue, is listed on the Orleans Parish voters' poll tax rolls for 1869 and 1870, Victor M. Dupart was one of ten Duparts who paid the Orleans

Parish poll tax, necessary to ensure a vote to exercise newly granted suffrage.²⁷ There were three Victor Duparts who appeared in the 1870 city directory. All lived on the same block, at 47 Annette Street in New Marigny between Urquhart and North Villere Streets. One Victor Dupart was president of the Couvent School. In fact, the principal of the Couvent School, playwright Adolphe Duhart, stood as the witness when Rosa and Victor M. Dupart married.

Unification

It was probably the Duparts more than the Plessys who influenced Plessy's social, activist, and occupational future. When Homer Plessy was ten years old, in 1873, Victor and Marcelle Dupart joined the Unification Movement—an early civil-rights construction that included at least five members who later joined the Comité des Citoyens.²⁸ Victor M. and Marcelle Dupart were among the approximately eight hundred names appearing in the *New Orleans Times* as supporters of the Unification platform. One thousand other names went unprinted because of space. Indeed, Aristide Mary, the man who initiated the formation of the Comité des Citoyens was a Unification Movement cochairman.²⁹ The Unification Movement was not noted for its longevity or success but for its ambition, boldness, and vision to even attempt such a thing in such a time. And considering the venom of the era, it was quite an accomplishment to get 1,800 black and white people to sign their names to a document calling for racial equality. Coordinated by a group of fifty blacks and fifty white in New Orleans, its “Appeal for the Unification of the People of Louisiana” called for political equality, racial unity, and an end to discrimination. Its statements were sentiments later expressed by the Comité des Citoyens.

Plessy the Shoemaker

Homer Plessy was fourteen years old when Reconstruction

ended in 1877. Plessy and family still resided in the Debergue family home at 105 Union Street. In 1880, New Orleans, a city mainly below sea level, suffered incessant rains that left unpaved streets like Union impassable for days. Wooden boards served as sidewalks over interminably muddy streets. Goats, chickens, and mules would invariably lose their tether and scurry about the neighborhood.³⁰ City directories also listed Formidor Dupart at the 105 Union Street address along with Victor M. Dupart. The census of 1880 listed Homer's mother, Rosa Dupart, as a mulatto housekeeper. Census takers noted the presence of Homer and his twenty-five-year-old sister, Ida Plessy, who kept house. Homer's little brother, Charles Dupart, now seven, had already started school.³¹

In 1879, at age sixteen, Homer Plessy worked as a shoemaker along with his stepbrother Formidor Dupart. Indeed, in the 1880s, with the exception of Homer, all Plessys in the city directory were carpenters. Though the building trades remained the primary occupation of the Plessy men in the latter nineteenth century, Homer followed in the footsteps of a Dupart family trade. Marcelle, Gustave, and L. V. Dupart all worked as shoemakers—a profession shoe historian June Swann called “the gentle craft.” Swann also noted that shoemakers were “early literates among craftsmen and also showed a strong interest in politics.”³²

To succeed at shoemaking, Plessy was required to have a keen intellect as well as a certain brawn. Shoemaking primers of the era not only dealt with shoe construction, but also contained detailed anatomical illustrations of the human foot. In the century before Homer and Formidor Dupart began their shoemaking professions, the traditional tools, implements, and processes had not changed much since the fourteenth century. For Homer, the shoemaker's hammer employed the carpentry skills of his natural father's family, while the sewing needles and thread utilized elements of his mother's work as a seamstress. The traditional shoemaker spent his days hunched at a workbench that contained the bevy of tools used in the craft. The tasks could be tiring and monotonous and came

with their own set of injuries. Homer's hands risked broken thumbs, scars, and needle pricks. Laslo Vass and Magda Molnar wrote of the typical shoemaker's hands: "marked by cuts from knives and thread, shaped by many thousand of hammer blows and stitches, they bear the traces of their past labor."³³

In the mid-1800s, traditional shoemaking principles and methods began to feel the hot breath of American industrial capitalism. During Homer and stepbrother Formidor's shoemaking days, the craft had already seen its most prestigious years. In 1846, Elias Howe invented the sewing machine. Then, in 1858, Lyman R. Blake invented a machine that sewed the upper part of the shoe to its sole. One by one, the craftsmen's talents and experience in shoemaking that had protected the steps of mankind for 15,000 years would be taken over by machines. At best, a shoemaker could produce no more than three pairs of shoes in a day. By the 1890s in New Orleans, there were 366 black shoemakers out of a total of 1,469 shoemakers. By 1910, the total number of shoemakers dipped to 422, with sixty-five percent of those being black.³⁴ "Small shoemaking workshops, unable to compete with the speed of industrial manufacturing or to keep up with falling prices, suffered heavy losses," according to Vass and Molnar.³⁵ "The shoemaker was downgraded to a mere cobbler who mended shoes."

Plessy the Young Activist

"The shoemaker should look no higher than the sandal," according to Pliny the Elder, Roman writer in the first century A.D. Pliny the Elder was repeating what the Roman artist Apelles once said to a shoemaker who criticized more of Apelles' art than Apelles wanted to hear.³⁶ Perhaps "look no higher than the sandal" seemed a tempting axiom to question as Homer Plessy contemplated challenging segregation. It would be safer and more secure just to concentrate on shoemaking or some other career and ignore the instinct to get involved. Had anyone mentioned to Homer during shoemaking training that Crispin and

Crispinian, two shoemaking Catholic saints of the third century A.D., wound up being tortured with their own tools and beheaded for standing up for their convictions?³⁷ Circumstances or temperament, or both, led Homer Plessy on a quest to make more of a mark on society than the quality of its footwear. Homer's activism may have peaked at the Press Street Depot in 1892, but it did not begin there. In 1887, still in his early twenties, he waded into the crisis issue of education reform in New Orleans and became vice president of a fifty-member organization called the Justice, Protective, Educational, and Social Club. This group demanded changes to the school system as they witnessed a large number of children in the city "of school age . . . growing in idleness and ignorance."³⁸

If the Civil War and Reconstruction framed Homer Plessy's early life, it was the Hayes-Tilden Compromise and the resultant return to Democrat rule in Louisiana that complicated his young adulthood and thrust him into activism. According to Donald E. Devore and Joseph Logsdon in *Crescent City Schools*, the Democrats in Louisiana increased attacks on traditional Republican initiatives such as universal education. "The educational collapse may have been most dramatic for black New Orleanians," Devore and Logsdon wrote. "But all groups suffered after Democratic Redeemers launched their determined attack on the reforms in public education that had occurred during Reconstruction. . . . By the early 1880's, the school board had to close the schools for several months of the year and even beg Northern foundations for outright charity. It was a humiliating and sad spectacle for an urban system once ranked among the nation's best."³⁹

Along with transportation, education has always been a racially charged flash point in civil rights. When Homer was younger and the Republicans held power, the state mandated that schools have free textbooks and be free from racial discrimination, and it devoted five mills of property-tax revenue to adequately fund public education. Additionally, the 1868 Louisiana Constitution's Article 135 declared quite clearly

“there shall be no separate school or institution of learning established exclusively for any race by the State of Louisiana.” However in 1877, two months after a new school board assumed control as part of the details of the Hayes-Tilden Compromise, members hastened to resegregate the Orleans Parish schools. In 1877, respected Republican activist Aristide Mary, from the Unification Movement, led a large delegation to the school-board meeting to protest. Mary’s followers believed that separate schools led to separate trains, bans on interracial marriages, ad infinitum. In addition to a return to segregated public schools, by 1883 the lack of finances closed all the schools for most of the semester and many of the city’s youth joined the “ungoverned gamin of the streets,” according to the Orleans Parish superintendent. Of course, for those with money, there were 205 private schools.⁴⁰

Plessy’s Justice, Protective, Educational, and Social Club published their statement of principles in English and French. As vice president in 1887, Homer ranked second only to club president L. J. Joubert, who later become business manager of the *Crusader* and a member of the Comité des Citoyens. Based in the downtown Creole section of New Orleans below Canal Street, the Justice, Protective, Educational, and Social Club’s leaflet entitled “To All Who May Be Concerned” lamented that “our young men and women will grow up in ignorance and immorality, thereby crumbling our societies, and prove themselves unworthy citizens of the State and the United States of America.” They further protested that, “Our population of school children exceeds twenty (20) thousand in the Districts. And of the eighteen (18) Public Schools we cannot claim five (5) for one class, of which the accommodations are good.” The leaflet further called for action and intellectual attainment:

We will promote education by all the limiting means in our power; we shall try and collect a Library, to be located and placed at our convenience; and shall make lawful demand to the Government for our share of public education; and ask the same shall be protected and placed in the hands of proper representatives,

proofs against fraud and manipulations, thereby insuring good teachers, a full term and all the necessary articles for the maintenance of schools, which at this moment we have not.

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, only where we are respected, our rights protected, and our interest and welfare connected.

Then our support will be given by a solid pledge and guarantee in denouncing all treachery, and the protection and rights of Labor.

With these principles in view, we demand the unanimous aid and support of the class and the approbation of all honest, intelligent and just men.”⁴¹

Plessys in Tremé

In 1888, Homer Plessy was working at Patricio Brito’s French Quarter shoemaking business on Dumaine Street near North Rampart in the French Quarter.⁴² In July 1888, twenty-five-year-old Homer married nineteen-year old Louise Bordenave, the daughter of Oscar Bordenave and Madonna Labranche.⁴³ Fr. Joseph Subileau, the bearded French-born pastor of St. Augustine’s Church, performed the ceremony.⁴⁴ Plessy’s employer, Patricio Brito, served as witness. In 1889, Homer and Louise moved to Faubourg Tremé, just north of the French Quarter. Today, the Tremé area is known for its brass bands, second-line funerals, and social and pleasure clubs. In Plessy’s era, Tremé also bubbled with diversity, culture, politics, and music. Developed in 1812, many free people of color settled there following migrations from Haiti and Cuba. Down the street from the Plessys’ home, the Ida Club, on North Claiborne between Dumaine and St. Ann Streets, advanced music, literature, and the drama. Grand-dancing festivals—given by benevolent and social organizations such as the Big Three Social Club or a “committee of gentlemen”—raised money to benefit widows or improve libraries. Social and benevolent clubs met monthly at

Economy Hall, Hope Hall, and Congregation Hall (where the Comité des Citoyens would hold their protests and fund-raising rallies). Musicians such as Professor Moret, Tio and Doublet, and the Onward String Band performed at these same halls on weekends.⁴⁵ And according to the authors of *New Orleans Architecture Volume VI: Faubourg Tremé and the Bayou Road*, “A roster of the names of musicians who played in New Orleans Dixieland, brass, and jazz bands between 1880 and 1915 indicates that well over half lived in the creole suburbs, primarily Faubourg Tremé.”⁴⁶

The Plessys’ strip of Faubourg Tremé was brick-paved North Claiborne Avenue near Bayou Road—a ridge that Native Americans once used to access a waterway named Bayou St. John, which flowed into Lake Pontchartrain. Homer and Louise rented a recently built shotgun-double-styled house at 1108 North Claiborne, between Hospital (now Governor Nicholls) and Ursulines Avenue.⁴⁷ Still a predominant housing style in New Orleans, shotgun houses were characterized by rooms lined one behind another, with transom windows and high ceilings. One version of the origin of the shotgun house has it receiving its name because one could theoretically fire a blast through open doorways from the front of the house through the back without hitting anything. Shotgun houses allowed more airflow during the sticky New Orleans summers. Outside of Homer and Louise’s front door, every four minutes, mule-powered yellow streetcars of the Canal and Claiborne line clopped by en route to open-air fruit and vegetable markets at St. Bernard Circle, about a half-mile downriver from the Plessys’ house.⁴⁸ Outside Homer and Louise’s bedroom window, Congregation Hall hosted Saturday-night grand-dancing festivals where New Orleanians swayed to the sounds of Professor Joseph A. Moret’s String Band. Right across Claiborne and down the Bayou Road stood the Bayou Road Boys School (colored). Plessy’s walks home from Patricio Brito’s shoe shop took him down the cobblestones of Ursulines Street, past a lumberyard, stables, corner grocery stores with second-story residences,

and Economy Hall, where Louis Armstrong would later trumpet New Orleans music with crafted abandon.⁴⁹ In Tremé, townhouses with wrought-iron second-story balconies, and villas with stately center halls, stood next to petite plastered-brick Creole cottages and former slave quarters that were converted into backyard apartments.

While Homer Plessy was a native-born American citizen who registered to vote in the Sixth Ward's Third Precinct, his fellow voters and neighbors were as varied as the neighborhood's architecture.⁵⁰ Black and white native New Orleanians lived side by side with immigrants from Germany, Mexico, West Indies, Scotland, and France. Scotland native Robert Morial lived on the other side of Congregation Hall. Further down the block, at 1122 North Claiborne, was a black barber. Many of Plessy's neighbors still practiced the trades that built New Orleans and kept this weather-beaten city afloat. Occupations of Plessy's neighbors included carpenters, a physician, a grocer, a baker, masons, laborers, slaters, clerks, cigar makers, a blacksmith, and, this being New Orleans, a bartender. Integrated though it was, Homer and Louise's neighborhood witnessed its share of deplorable ethnic hatred. At the edge of Tremé stood Congo Square and the imposing Orleans Parish Prison, which would be the site of the shooting and lynching of eleven Italian immigrants in 1891. To the other side of Parish Prison stood the Tremé market, St. Louis Cemetery #1, and the sporting houses of the City Commons, an area that became Storyville, the nation's first red-light district. Beyond the City Commons, toward Lake Pontchartrain, St. Louis Cemetery #2 enclosed the burial spot for Marie C. Couvent and other notable people of color.

It was 1890 when the Louisiana legislature voted on a law that separated people by race on railroad trains. After a lifetime of relative freedom from state-mandated segregation, the C for colored was once again being suggested. Homer Plessy spent the first half of his life exercising the newfound rights that were denied his parents. He would spend the 1890s trying

to keep those rights. At the beginning of the last decade of the nineteenth century, Homer was not even thirty years old. Still, the future of civil rights in America would ride on his day in court.