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OFFICE OF THE ORLEANS PARISH DISTRICT ATTORNEY
JASON ROGERS WILLIAMS

November 5, 2021

To the Chair of the Louisiana Board of Pardons:

Please accept this letter as the application for a full gubernatorial pardon under the Avery C. Alexander Pardon Law (La. R.S. 15:572.9) for Mr. Homer Adolphe Plessy for his January 11, 1897 conviction by guilty plea in Orleans Parish Criminal District Court of one count of violating Louisiana’s 1890 Separate Car Act.

On June 7, 1892 in New Orleans, Louisiana, Mr. Plessy was asked by the conductor of an East Louisiana Railroad Company train destined for Covington to leave the first-class carriage for which he had purchased a ticket and sit in the “colored car” as required by the 1890 Separate Car Act. When he refused, the conductor stopped the train and called a detective. Mr. Plessy was then forcibly removed from the train by Det. Christopher Cain and arrested at 4.35 p.m. at the intersection of Royal and Press Streets in New Orleans. His arrest, and the subsequent legal challenge to it, was organized by Louis A. Martinet, Albion Tourgee, and others in the Comité des Citoyens (Citizen’s Committee) to test Louisiana’s recently-enacted racial segregation laws. Famously, their challenge to the constitutionality of his criminal charge made its way to the United States Supreme Court, which held—in *Plessy v. Ferguson*, 163 U.S. 537 (1896)—that the Constitution permitted legally-enforced segregation on the basis of race. The Supreme Court’s infamous *Plessy* decision gave a green light to the enactment of a slew of laws by southern states that created the Jim Crow regime.

After the Supreme Court’s ruling, Homer Plessy remained charged with

violating the Separate Car Act and so, on January 11, 1897, he pled guilty in Section A of Orleans Parish Criminal District Court to the crime and received a fine of \$25. Homer Plessy died on March 1, 1925, still convicted of that crime. He died convicted for the same act of protest that Rosa Parks famously took sixty years later, and for which she is celebrated with monuments and plaques, and in museums and elementary schools all over the nation and world. Consequently, and in recognition of the upcoming 125th anniversary of Mr. Plessy's conviction by guilty plea in Orleans Parish Criminal District Court, the undersigned submit this application to the Board of Pardons and Governor John Bel Edwards for Mr. Homer Adolphe Plessy to receive a full gubernatorial pardon.

Keith M. Plessy and Stephen R. Plessy, first cousins three times removed¹ of Mr. Homer Adolphe Plessy and president and board member (respectively) of the Plessy & Ferguson Foundation, and Nefeteri S. Plessy, first cousin four times removed of Homer Plessy; and

Phoebe Ferguson, the great, great granddaughter of Judge John Howard Ferguson and director of the Plessy & Ferguson Foundation; and

John Howard Ferguson, IV, the great, great grandson of Judge John Howard Ferguson; and

Jason R. Williams, District Attorney of Orleans Parish; and

Kenneth E. Martinet, the great, great nephew of Louis A. Martinet; and
The members of the Martinet Society of Greater New Orleans through its president, Ebony S. Morris; and

Kate Gillingham and Maude Grater, the great, great granddaughters of Justice John Marshall Harlan.

The 2006 Avery P. Alexander Pardon Law, created an expedited application process for pardons for a conviction or municipal violation enacted

¹ Keith and Stephen Plessy's great grandfather, Gustave Plessy, was the first cousin of Homer A. Plessy.

to enforce racial separation or discrimination. It provides:

- (1) A person who has been convicted of violating a state law or municipal ordinance the purpose of which was to maintain or enforce racial separation or discrimination of individuals, upon application to the Board of Pardons shall be granted a pardon for the conviction as provided in Article IV, Section 5 of the Constitution of Louisiana. The Board of Pardons shall provide notice of the application to the district attorney of the parish where the violation occurred within seven days after its submission. The pardon shall be submitted to the governor within fourteen days after the submission of the application unless it is objected to by the state on the grounds that the conviction did not result from a violation of a law the purpose of which was to maintain racial separation or racial discrimination of individuals. If the state objects, a hearing shall be scheduled as soon as practical with notice of the hearing to all interested parties.

- (2) If the person who has been convicted of violating a state law or municipal ordinance the purpose of which was to maintain or enforce racial separation or discrimination of individuals is deceased, the application may be filed by his or her relatives or any interested individual.

La. R.S. § 15:572.9 (B).

This pardon application for Mr. Homer A. Plessy meets all the criteria of the law.

Clearly Mr. Plessy was convicted of a state law passed to enforce racial separation. The law mandated that “all railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white, and colored races No person or persons, shall be admitted to occupy seats in coaches, other than, the ones, assigned them on account of the race they belong to.” Louisiana Act No. 111 (1890). Mr. Plessy was therefore convicted for “violating a state law . . . the purpose of which was to maintain or enforce racial separation.”

As permitted by section two, because Mr. Plessy died in 1925, this application is being submitted by Keith and Stephen Plessy, Mr. Plessy's first cousins three times removed, and other interested individuals. Specifically, it is also submitted by the great, great granddaughter and grandson of Judge John Howard Ferguson the judge of Orleans Parish Criminal District Court who declined to find Louisiana's Separate Car Act unconstitutional. It is also submitted by the now-District Attorney of Orleans Parish, Jason Williams, whose predecessors in office chose to enforce the Separate Car Act and prosecuted Homer Plessy for its violation. It is signed by Kenneth E. Martinet, the great, great nephew of Louis Martinet, one of the lawyers instrumental in the effort to strike down this law through the *Plessy* litigation. And it is signed by the president of the Greater New Orleans Louis A. Martinet Society, an association formed to carry forward the legacy of the labors of Louis Martinet to salvage civil rights for Black citizens from Louisiana's post-Reconstruction efforts to codify and implement a terrifying regime of White supremacy. Finally, it is signed by, Kate Gillingham and Maude Grater, the great, great granddaughters of Justice John Marshall Harlan. Justice Harlan was the lone dissenting justice on the United States Supreme Court in the *Plessy* decision. Disagreeing with his fellow justices, Justice Harlan stated unequivocally that "[t]he arbitrary separation of citizens, on the basis of race, while they are on a public highway, is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified upon any legal grounds." *Plessy*, 163 U.S. at 562.

Because there is no common form for an Avery C. Alexander pardon and because the regular pardon application requirements are inapplicable to a deceased applicant convicted of a crime 125 years ago, the undersigned signatories urge the Board of Pardons to find this application complete. We have included a copy of the minute entry of Homer Plessy's conviction by plea obtained from the New Orleans Public Library's archive of the case. We ask that, if this application is found to be lacking, that the Board communicate promptly to the undersigned Orleans Parish District Attorney any additional information or supporting documents required. Further, because the District Attorney in the parish of Mr. Plessy's conviction is one of the applicants for Mr. Plessy's pardon, he hereby waives the notice of the pardon application from the Board required by La. R.S. § 15:572.9 (B)(1) and respectfully urges the Board

of Pardons to forward this application, arguably long overdue, to Governor John Bel Edwards for his signature within the fourteen days mandated by the same section of the law.

Sincerely:


Keith M. Plessy


Stephen R. Plessy

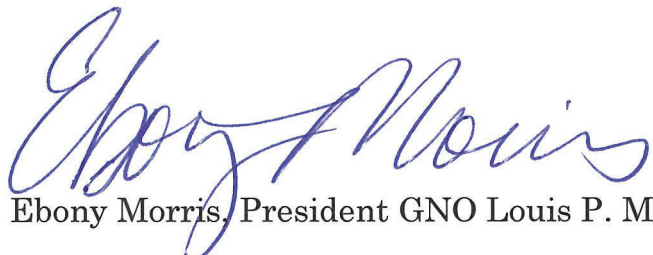

Nefeteri S. Plessy


Phoebe C. Ferguson


John Howard Ferguson IV


Jason R. Williams, Orleans Parish District Attorney


Kenneth E. Martinet


Ebony Morris, President GNO Louis P. Martinet Society


Kate Gillingham


Maude Grater