

## ARGUMENT FOR PETITIONER, HOMER PLESSY

1. Privileges and Immunities

The Fourteenth Amendment made former slaves and their descendants citizens of the United States and of the state where they reside. As a citizen, Homer Plessy is entitled to the privileges and immunities that other citizens enjoy. Traveling freely without being told where to sit is just one privilege citizens enjoy. The Louisiana law violates this privilege.

2. Equal Protection of the Law

The Louisiana law is unconstitutional because it violates the Fourteenth Amendment's "equal protection" clause. A law that causes people to be treated differently solely on the basis of race fails to apply the force of law equally to all citizens.

3. Social and Political Equality

One purpose for the Fourteenth Amendment was to insure equal treatment of former slaves. This equal treatment is not limited to voting rights or to holding public office. It includes social equality as well. When the law forces people to sit apart on trains, there can be no social equality. Separate cannot be equal.

4. Laws Must Benefit the Community

If separate cars on a train are permitted, what is to stop the law from requiring blacks to walk on one side of the street or to sit on one side of a courtroom? A railroad is a public highway. True, the company that owns the railroad is private, but its work is public. The use of that railroad is intended to benefit the entire community. No public facility is meant to serve only one part of a community.

## ARGUMENT FOR RESPONDENT, HON. JOHN H. FERGUSON

1. Political, Not Social Equality

The sole purpose of the Fourteenth Amendment was to insure political equality--voting rights, holding public office. Choosing a seat on a train is not a political right. Social equality cannot be promoted by law. If the two races are to meet as social equals, it must be because they want it on a voluntary basis.

2. Laws Reflect Customs and Traditions

The legislature of a state may pass laws that promote the customs and traditions of the people it was elected to serve. It may also pass laws that preserve peace and order. It has long been the custom in Louisiana to keep the races apart. The people of that state desire it as one means of preserving peace and order. Therefore, the legislature is operating within its legal boundaries.

3. Previous Supreme Court Decisions Uphold Separation

The Supreme Court of the United States has generally upheld other laws that separate the races. Boston has been permitted to establish separate schools for children of different ages, sexes, and colors. A similar law has been passed by Congress for the schools in the District of Columbia. Laws forbidding interracial marriages have also been upheld by the Supreme Court.

4. Laws Do Not Promote Inferiority of Races

State laws that permit or require the separation of the races do not mean that one race is inferior. If blacks feel inferior, it is because they choose to feel that way.