Gentlemen: I send you under another cover a copy of the record on motion for a rehearing in the Case of The State as Plaintiff in the Supreme Court of Louisiana. It arises from the judgment denying this motion that the case was taken by writ of Error already over to the Supreme Court of the United States where it will come on for trial during this term or the next.

You will see from this the nature of the case ~~It~~ presents in the most favorable possible view the one re-

running question ~~under~~ on
which the validity of the Jim Crow
Car Statutes must all rest, to wit,
whether a state has the right to
sanction or require the assort-
ment of citizens on the basis of
race or color, on railroads
lying wholly within the state,
be a case previously brought
and adverted to in this opinion
the Supreme Court of Louisiana
held that such legisla-

tive provision by a State could not apply to a passenger having a ticket from a point without the State to a point within the State or from a point within the State to a point without the State.

This decision like that in your case has never did not touch the question of the

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states' right to enact and enforce such legislation. It merely decided that the state had no right to legislate in regard to interstate commerce, that being wholly within the control of Congress. This is already fully established and admitted law. As I understand your case, while an attempt has been made

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to include other points, there is no reasonable probability that the Court will consider any but this which is sufficient and controlling.

Our case rests squarely on the right of the citizen of a state to be free from injurious discriminations based on race or color by the state or corporations which are its creatures.

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It does not ~~rest~~ turn upon the right of the Common carrier to establish distinction rates ~~at differ~~ for different accom=modations but goes to the root of state power in relation to United States citizens.

In my opinion the Fourteenth Amendment has never been fairly discussed before the Supreme Court nor fairly con=

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sidered or construed by them.

I would have sent you the record of the case in the Supreme Court, but only enough were printed for counsel and I can get no more without reprinting at a cost of $47.00. I have loaned ~~it~~ ~~In order to~~ my copy once and had ~~[illegible]~~ to work two months to get it back.

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As an inducement to get the colored people to test this infamous law I agreed to give my services without compensation and have done so thus far. The Case of the State vs Desdunes are unfortunately now in the lower court, by which we lost one term. The Plessy case has been in the Supreme

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court more than a year.
It will come on for a
hearing at least three
years before any other
case involving the same
questions can be reached.
In fact, I know of no
other case that really
turns upon a state right
to discriminate according
to color between between

parties within the state,
which is the gist of the
Jim Crow legislation

Yours truly

[illegible]

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