The Civil Rights Cases 109 U.S. 3 (1883) (Consolidating: U.S. v Stanley; U.S. v Ryan; U.S. v Nichols; U.S. v Singleton; Robinson and wife v Memphis & Charleston Railroad Company)

1) Reference Details

Jurisdiction: United States of America, Supreme Court
Decision Dated: 15 October 1883
Case Status: Concluded
Link to full case:
http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=109&invol=3

2) Facts

All of the consolidated appeals termed "the Civil Rights Cases" concern discrimination on the grounds of race at the hands of private organizations. In all the cases the constitutionality of criminal charges or prosecutions of people who had violated the Civil Rights Act 1875 were challenged.

Stanley and Nichols

In these two cases the applicants were indicted, "for denying to persons of color the accommodations and privileges of an inn or hotel."

Ryan and Singleton

Both the applicants discriminated against "non whites" "for denying to individuals the privileges and accommodations of a theater." "Information" was filed against Ryan for refusing admission to the dress circle at Maguire's theatre, San Francisco, to a black person. Singleton was indicted for,

"[F]or denying to another person, whose color is not stated, the full enjoyment of the accommodations of the theater known as the Grand Opera House in New York."

Robinson and wife

Robinson and his wife brought an action against the Memphis & Charleston Railroad Company, Tennessee, to obtain the payment of a US$ 500 penalty charge for discrimination suffered at the railroad company's hands. Robinson was of a "white" appearance, whilst his wife was black. Mrs Robinson was denied entry to "ride in the ladies' car" of a train by a conductor on the basis "that she was a person of African descent."

3) Law (non exhaustive)

National legislation

- Civil Rights Act (passed 1 March 1875 - as modified 31 May 1870)
- Tenth Amendment
- The Thirteenth Amendment
- The Fourteenth Amendment

4) Legal Arguments

Several defendants who had allegedly discriminated against "non whites" sought to challenge the constitutionality of the Civil Rights Act 1875. This was on the grounds that the Fourteenth Amendment did not grant Congress the right to regulate private individuals, companies or organizations.

5) Decision

Decision: 8:1 (with Harlan J. dissenting)

The Majority Opinion (delivered by Bradley J.)

It was the opinion of the majority that Congress' constitutional authority under the Thirteenth and Fourteenth Amendments was limited to the regulation of public authorities.

"Positive rights and privileges are undoubtedly secured by the fourteenth amendment; but they are secured by way of prohibition against state laws and state proceedings affecting those rights and privileges…

…If the laws themselves make any unjust discrimination, amenable to the prohibitions of the fourteenth amendment, congress has full power to afford a remedy under that amendment and in accordance with it."

Therefore the provisions contained in the Civil Rights Act purporting to prohibit and punish acts of racial discrimination perpetrated by private actors was unconstitutional. Consequently the prosecutions of Stanley, Nichols, Ryan and Singleton were quashed and Robinson lost his appeal to recover US$ 500 from the Memphis & Charleston Railroad Company.

The Dissenting Opinion of Harlan J.

Harlan J. dissented strongly from the decision and opinion of the majority. Personally attacking the reasoning of the majority, he stated:

"My brethren say that when a man has emerged from slavery, and by the aid of beneficient legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. It is, I submit, scarcely just to say that the colored race has been the special favorite of the laws. What the nation, through congress, has sought to accomplish in reference to that race is, what had already been done in every state in the Union for the white race, to secure and protect rights belonging to them as freemen and citizens; nothing more. The one underlying purpose of congressional legislation has been to enable the black race to take the rank of mere citizens."

Further, he concluded that:

"The opinion [of the majority] in these cases proceeds, as it seems to me, upon grounds entirely

too narrow and artificial. The substance and spirit of the recent amendments of the constitution have been sacrificed by a subtle and ingenious verbal criticism. 'It is not the words of the law but the internal sense of it that makes the law. The letter of the law is the body; the sense and reason of the law is the soul.' Constitutional provisions, adopted in the interest of liberty, and for the purpose of securing, through national legislation, if need be, rights inhering in a state of freedom, and belonging to American citizenship, have been so construed as to defeat the ends the people desired to accomplish, which they attempted to accomplish, and which they supposed they had accomplished by changes in their fundamental law. By this I do not mean that the determination of these cases should have been materially controlled by considerations of mere expediency or policy. I mean only, in this form, to express an earnest conviction that the court has departed from the familiar rule requiring, in the interpretation of constitutional provisions, that full effect be given to the intent with which they were adopted."