Bailey v Patterson 369 U.S. 31 (1962)

1) Reference Details

Jurisdiction: United States of America, Supreme Court
Date of Decision: 26 February 1962
Case Status: Concluded
Link to case:

2) Facts

The applicants in this civil rights action case were a group of African Americans living in Jackson, Mississippi. They brought the action on behalf of both themselves and “others similarly situated”. The applicants contended they were all subject to de jure direct institutional discrimination based on their skin colour. They sought to challenge segregated services in “interstate and intrastate transportation”. The applicants contended that their constitutional rights had been contravened “under color of state statutes, municipal ordinances, and state custom and usage” and applied for temporary and permanent injunctions to enforce their rights. Initially, a three judge District Court was convened to consider the case in Mississippi. However, the Court abstained from proceedings, pending rulings from state courts on the construction of the laws challenged by the applicants. Subsequently, the applicants appealed directly to the Supreme Court.

3) Law

State legislation

- “Color of state statutes, municipal ordinances, and state custom and usage” (Mississippi)

National legislation

- The Constitution of the United States of America

Case law cited (non exhaustive)

- N.A.A.C.P. v Bennett 360 U.S. 471
- McCabe v Atchison T. & S. F. R. Co. 235 U.S. 151
- Morgan v Virginia 328 U.S. 373
- Gayle v Browder 352 U.S. 903
- Boynton v Virginia 364 U.S. 454
- Ex parte Poresky 290 U.S. 30
- Willis v Walker 136 F. Supp. 181
- Gully v Interstate Natural Gas Co. 292 U.S. 16

4) Legal Arguments

The Applicants
The applicants argued that they had standing to apply to the Supreme Court as “aggrieved parties”. Moreover, they also argued that both their and others’ – not represented in the case – constitutional right to “non segregated service in interstate and intrastate transportation facilities” had been violated by “color of state statutes, municipal ordinances, and state custom and usage”.

The Respondents

The respondents argued that the appellants lacked standing to proceed before the Court under Mississippi’s breach of peace statutes, as they did not face criminal prosecution. Furthermore, they contended that the applicants had no right to represent a class that they are not part of (those who have been prosecuted or were threatened with prosecution under segregation laws).

5) Decision

The Supreme Court ruled 9-0 stating that the applicants, “as passengers using the segregated transportation facilities, they [the applicants] have standing to enforce their rights to non segregated treatment”. Further the court opined that no State can require or order racial segregation on “interstate or intrastate” transportation services. It reiterated that the principle of non segregation is “so well settled it is foreclosed as a litigable issue”. Consequently, “a three judge court was not required to pass on this case”.

The Supreme Court considered the case was not appropriate to be heard by a three judge district court, stating, “[w]e hold that three judges are similarly not required when, as here, prior decisions make frivolous any claim that a state statute on its face is not unconstitutional”.