



The Civil Rights Cases of 1883

The Supreme Court decision that held the Civil Rights Act of 1875 to be unconstitutional and paved the way for Plessy v. Ferguson (1896) and Jim Crow segregation

Background

After the Civil War ended in 1865, the **Reconstruction Amendments**, combined with other federal programs and legislation, sought to establish and protect the civil rights of newly-freed African Americans. Ten years into Reconstruction, on March 1, 1875, Congress passed “An Act to Protect All Citizens in Their Civil and Legal Rights.” The act, more commonly known as the Civil Rights Act of 1875, strengthened the **Thirteenth Amendment** and the **Fourteenth Amendment** by making racial discrimination in public accommodations (not including schools) illegal. Under this law, “citizens of every race and color, regardless of any previous condition of servitude” were “entitled to the full and equal enjoyment” of transportation, hotels, theatres, and other facilities.

The act quickly generated several **test cases** across the country. Black citizens in both Northern and Southern states went to theatres, hotels, and other public spaces to see if and how the law would be enforced.

Facts

Between 1875 and 1880, five of these test cases moved through the **district courts** of Kansas, California, Missouri, New York, and Tennessee. Each **plaintiff** claimed the **defendant** violated the Civil Rights Act of 1875, and by extension, their Thirteenth and Fourteenth Amendment rights. All were denied accommodation either in a hotel, theatre, or railroad car. The defendants, on the other hand, challenged the law’s constitutionality, questioning whether or not Congress had the authority to regulate private actions. The Supreme Court of the United States heard the five **appeals** combined as the *Civil Rights Cases* in 1883.

Issue

Did Congress have the authority to pass the Civil Rights Act of 1875 under the Thirteenth or Fourteenth Amendments?

Summary

In the 8-1 decision, the Supreme Court struck down the Civil Rights Act of 1875. In the Court’s majority opinion, Justice Joseph P. Bradley wrote that neither the Thirteenth nor Fourteenth Amendment authorized Congress to outlaw private discrimination. The Court’s narrow interpretation on these amendments reflected a prevailing discriminatory and **prejudicial** thinking of the time. Regarding the Thirteenth Amendment, he challenged the connection between slavery and the denial of public accommodations. According to Justice Bradley, “*mere discriminations on account of race or color were not regarded as badges of slavery*,” so Congress could not use the Thirteenth Amendment to justify the Civil Rights Act. Furthermore, the Fourteenth Amendment did not apply

to private actions by individuals or businesses. The majority opinion held that the amendment could only be used against “state actions,” so the Civil Rights Act’s sweeping declaration that all persons regardless of race were “entitled to the full and equal enjoyment of the accommodations... and places of public amusement” overstepped Congressional authority. The Court declared the law unconstitutional.

Justice John Marshall Harlan **dissented**, stating “*there cannot be, in this republic, any class of human beings in practical subjugation to another class.*” He argued for a broader interpretation of the Thirteenth and Fourteenth Amendments and explained that private businesses, like railroads, served a public function. Thus, he held the view that Congress had the authority to enforce regulations even though the businesses were privately owned.

Precedent Set

By holding that the amendments applied only to state actions, not the actions of private individuals or businesses, the decision limited the scope of the Thirteenth and Fourteenth Amendments. The Supreme Court cited the *Civil Rights Cases* as precedent in the 1896 *Plessy v. Ferguson* decision, which legalized racial segregation and led to the creation of **Jim Crow laws**.

Additional Context

Nearly two decades after the end of the Civil War, the nation remained divided over issues of race and civil rights. In response to the *Civil Rights Cases*, 10 Northern states passed their own laws using the language of the Civil Rights Act of 1875. Activists condemned the Supreme Court’s decision in mass meetings across the country. In a speech in Washington, D.C., abolitionist leader Frederick Douglass stated the decision “inflicted a heavy **calamity** upon seven millions of the people of this country, and left them naked and defenceless against the action of a malignant, vulgar, and pitiless prejudice.” Meanwhile, the same year as the *Civil Rights Cases*, the Supreme Court upheld an Alabama **anti-miscegenation** law in *Pace v. Alabama*. The following year, Grover Cleveland, a Democrat, won the presidency and, together with Congress, ended federal efforts to enforce voting rights in the South.

When *Plessy v. Ferguson* legalized racial segregation based on the “separate but equal” principle in 1896, Justice Harlan, again, was the lone dissenter. Echoing his dissent from the *Civil Rights Cases*, he argued “*in the eye of the law, there is in this country no superior, dominant, ruling class of citizens.*” Eventually, the *Civil Rights Cases* and *Plessy* opinions were overturned and the position Justice Harlan expressed in his dissents became the law of the land. Ultimately, Congress did not enact a new federal civil rights law prohibiting racial discrimination in public accommodations until 1964, and this ban rested not on the Fourteenth Amendment but on the **Commerce Clause**.

Discussion Questions

1. Why do you think the Civil Rights Act of 1875 generated “test cases”?
2. Why do you think the Supreme Court decided to hear the five civil rights cases together instead of hearing each one individually?
3. Why did the Supreme Court decide the Civil Rights Act of 1875 was unconstitutional?
4. What were the short and long term effects of the *Civil Rights Cases*?

Vocabulary

- **Reconstruction Amendments** – The Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution that addressed questions related to the legal and political status of African Americans. They were adopted between 1865-1870.
- **Thirteenth Amendment** – ratified in 1865, outlawed slavery in the United States.
- **Fourteenth Amendment** – ratified in 1868, granted citizenship to all persons born or naturalized in the United States—including formerly enslaved people—and guaranteed all persons “equal protection of the laws.”
- **Test cases** – legal actions brought with the intention of challenging or receiving clarification on a present law.
- **District courts** – courts that conduct trials of cases.
- **Plaintiffs** – the people who bring a suit to court.
- **Defendants** – an individual, company, or institution sued or accused in a court of law.
- **Prejudicial** – unfairly biased.
- **Dissented** – formally rejected the result reached by the majority because of having a different point of view on major or minor issues in a case.
- **Calamity** – disaster.
- **Anti-miscegenation** – to be against a relationship between two people of different ethnic and racial groups, especially when one of the people is white.
- **Commerce Clause** – gives Congress the power to regulate commerce (buying and selling) between the states.

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