

Primary Source

Civil Rights Cases, 1883



Guiding Question: To what extent did Founding principles of liberty, equality, and justice become a reality for African Americans from Reconstruction to the end of the nineteenth century?

- ☐ I can interpret primary sources related to Founding principles of liberty, equality, and justice from the colonial era to the outbreak of the Civil War.
- ☐ I can explain how laws and policy, courts, and individuals and groups contributed to or pushed back against the quest to end slavery.
- ☐ I can create an argument using evidence from primary sources.
- ☐ I can analyze issues in history to help find solutions to present-day challenges.

Essential Vocabulary

Impaired	In the context of rights, violated or taken away
Abrogation	The act of ignoring something or treating it as if it didn't exist

Building Context

The 1875 Civil Rights Act outlawed racial discrimination in public accommodations such as inns, theaters, and places of public amusements. In the Civil Rights Cases (1883), the Supreme Court combined cases related to different instances of discrimination in public facilities such as hotels, railroad cars, theaters, and opera houses. In an 8-1 ruling, the court decided that the Civil Rights Act of 1875 was unconstitutional because the Fourteenth Amendment applied to the states rather than to discrimination by a private business.

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Source: <https://supreme.justia.com/cases/federal/us/109/3/#tab-opinion-1909567>

Majority Opinion (Written by Justice Bradley)	Notes
<p>... It is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired [violated] by the wrongful acts of individuals, unsupported by State authority. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State, it is not individual offences, but abrogation [ignoring or treating as if it didn't exist] and denial of rights, which it denounces and for which it clothes the Congress with power to provide a remedy. ...</p>	

Comprehension and Analysis Questions

1. What does Justice Bradley mean when he states that the “wrongful act of an individual unsupported by [state authority], is simply a private wrong, or a crime of that individual”?

2. Why would this ruling be a setback for African Americans or others whose civil rights are infringed upon?

