

The Slaughter-house Cases

The Slaughter-House Cases (1873)

Opinion of the Court: Miller

Concurring: None

Dissenting: Field, Bradley, Swayne

I. Facts

In 1869 the Louisiana state legislature passes a law allowing the city of New Orleans to incorporate the Crescent City Live Stock Landing and Slaughter-House Company ("CCLSL"). The purpose of the law is to move the slaughterhouses and their unpleasant byproducts to a less densely populated part of the city. CCLSL is designated the only location in the city where slaughtering is allowed, and butchers are required to pay "reasonable compensation" to the company. CCLSL effectively becomes a monopoly. The butchers sue, claiming a violation of due process, privileges and immunities, and equal protection under the 14th Amendment, and involuntary servitude under the 14th Amendment.

II. Legal Issues presented

1. Does the CCLSL create involuntary servitude, violating the 13th Amendment?
2. Does it abridge the privileges or immunities of citizens of the United States, in violation of the 14th Amendment?
3. Does it deprive any person of liberty or property, in violation of the due process clause of the 14th Amendment?
4. Does it deny to any person the equal protection of the laws, in violation of the 14th Amendment?

III. Opinion of Justice Miller for the Court

A. Resolution of the Legal Issues:

1. No; 2. No; 3. No; 4. No

B. Reasoning

1. Precedent---Miller frames his argument by appealing to precedent. He says that before the civil war states could take such action, and he claims that "General Constitutional law" has not changed. He also cites doctrinal support for police powers from McCulloch, Miln, and Corefield.
2. Original Understanding - Miller states that the 13th, 14th, and 15th Amendments were meant to free the slaves and make freedmen citizens; they were not meant to protect butchers. He defines the scope of the Amendments very narrowly.
3. Textual/Structural - By appealing to the text of the 14th Amendment, Miller differentiates state and federal citizenship and its corresponding rights. He says that the state can make this law because there is no special protection for Louisiana (323).
4. Ethos/Structure- The reconstruction Amendments do not change the structure of the constitution. They merely state that the Federal government can prohibit slavery and make freedmen citizens. The structure of the United States government is not unitary; it is federal. What would be the point of having states if they do not mean anything? (324-325). Miller refers to precedent and stands by the substantive justice delivered in the Dred Scott case. This interpretation of the reconstruction Amendments is not only a reflection of original understanding of the constitution, but also historical understanding of the Civil War.

IV. Opinion of Justice Field, dissenting

Field states that Louisiana is in violation of the 14th Amendment by creating CCLSL. He also claims states rights to police powers do not encompass the creation of CCLSL. He says that people's labor is their property and charging them for their labor is a clear restriction of their rights as a citizen, therefore, public health under police powers does not encompass fees. He also makes a consequential argument that if states could make a company into a monopoly then they can make one person into a monopoly and that would infringe on everybody else's natural right to pursue that endeavor. Textually, he appeals to the 4th Article with regards to privileges and immunities, stating that a monopoly in one state would make privileges and immunities unequal in all of the state. Such a monopoly would discriminate against out-of-staters and all other citizens. He sees the original intent of the 14th amendment to protect citizens from states encroaching on their rights (327). All natural rights should be protected.

V. Opinion of Justice Bradley, dissenting

Bradley begins by citing natural law and the Magna Carta for support. He states that the rights of the individual can only be taken away by due process. He agrees with Fields about the adverse consequences of creating a monopoly. Structurally, he says that the Amendments are meant to increase federal power across the board. The structure of the Constitution should be interpreted differently after the additions of the reconstruction Amendments. His original understanding reflects the historical meaning of reconciliation after the Civil War. The 13th, 14th, and 15th Amendments are meant to structurally change the Constitution to check potentially anarchic and tyrannical state infringements, and to prevent Civil War in the future (329).

VI. Opinion of Justice Swayne, dissenting

Swayne largely agrees with Bradley. He says that Amendments 1-11 are meant to be checks on the Federal government, whereas 13-15 are meant to be checks on the states.

VII. Significance of the Opinion

The 14th Amendment is interpreted narrowly. The 14th Amendment does not guarantee privileges and immunities, equal protection, or due process with regards to state citizenship. The 13th Amendment refers specifically to slavery when it says "involuntary servitude." A narrow interpretation of the 13th and 14th Amendments would not give the Federal government a further reach. (In this case, Miller wins the battle but he will not win the war).