

Reading Through History

By Jake Henderson
& Robert Marshall



The Slaughterhouse Cases

Excerpt from:
The Great Court Cases
by Jake Henderson & Robert Marshall
©2013

All images are taken from public domain.
This includes images taken by employees of
various US Government agencies;
images published prior to 1923;
or images that have otherwise
been released to public domain.

Please visit our websites at
<https://www.facebook.com/ReadingThroughHistory>
<http://readingthroughhistory.com>

The Slaughterhouse Cases (1873)

Throughout the 20th Century, the 14th Amendment was used quite frequently to apply the Bill of Rights to state and local laws. Was the 14th Amendment always interpreted this way?

In the mid-1800s, the city of New Orleans was plagued by an epidemic of cholera. From 1832 to 1869, there were at least eleven different outbreaks of the disease. Cholera is an infection in the small intestine, and the main symptoms are diarrhea and vomiting. It is caused by bacteria which are spread by eating food or drinking water that has been contaminated by feces.



New Orleans had a major sanitation problem with over 1,000 butchers operating just outside of the city, slaughtering over 300,000 animals a year. The butchered remains, manure, blood, and urine from these animals had washed into the Mississippi River and filtered into the city's drinking water.

The city of New Orleans recommended that the slaughterhouses move south of the city, but since the slaughterhouses operated outside of city limits, New Orleans had no authority over them. So, the Louisiana state legislature passed a law which essentially created a monopoly over the industry. It granted a 25 year charter to the Crescent City Livestock Landing and Slaughterhouse Company and granted them exclusive rights to the livestock and slaughterhouse business.

Represented by the Benevolent Butcher's Association, over 400 butchers filed lawsuits in hopes of preventing this takeover. Various cases were being tried at the same time, and in each case, the state courts ruled in favor of Crescent City. Six of the cases were appealed to the Supreme Court. The Court decided to consolidate the cases into one, collectively known as the Slaughterhouse Cases. In most of these cases, the butchers were arguing that their 14th Amendment rights had been violated.

First, the 14th Amendment's Due Process Clause states that "no state shall deprive any person of life, liberty, or property without due process of law". Additionally, the Privileges and Immunities Clause states "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States". Finally, the Equal Protection Clause of the 14th Amendment states that "no state shall ... deny to any person within its jurisdiction the equal protection of the laws".

In a 5-4 decision, the Supreme Court ruled that the 14th Amendment did not apply to state laws. They ruled that the Privileges and Immunities Clause only applied to U.S. citizenship and not state citizenship. They further stated that the 14th Amendment, which was only a few years old, had been created to protect the rights of former slaves and therefore should not be interpreted broadly. Justice Freeman Miller argued that if the 14th Amendment were interpreted that broadly, it would take away the states' responsibility of protecting civil rights and grant it to the federal government.

The *Slaughterhouse Cases* are drastically different from 20th Century Supreme Court decisions involving the 14th Amendment. Throughout the 1900s, the 14th Amendment's Due Process Clause was used to apply many parts of the Bill of Rights to state and local laws. This process is known as incorporation.

The *Slaughterhouse Cases* remain significant though, as it was the first major Supreme Court decision involving the 14th Amendment.

Multiple Choice: *Select the choice that completes the statement or answers the question.*

1. _____ New Orleans was plagued with an epidemic of which disease?
 - a. Malaria
 - b. Influenza
 - c. Cholera
 - d. Diphtheria

2. _____ Which of these best describes why the butchers around New Orleans brought a lawsuit?
 - a. The state legislature had passed a law which created a monopoly over the slaughterhouse industry.
 - b. The state legislature had passed a law which banned the butchering profession.
 - c. The state legislature had passed a law stating that all butchers must obtain a license to practice their profession.
 - d. The state legislature had passed a law requiring increased sanitary measures which would cost butchers a large amount of money to implement.

3. _____ Which of these is not a clause of the 14th Amendment that the butchers felt had been violated?
 - a. The Privileges and Immunities Clause
 - b. The Due Process Clause
 - c. The Equal Protection Clause
 - d. The Establishment Clause

4. _____ Which of these best describes the Supreme Court's ruling in the Slaughterhouse Cases?
 - a. The Court ruled that the butchers had no right to bring a lawsuit to court.
 - b. The Court ruled that the 14th Amendment did not apply to state laws.
 - c. The Court ruled that the 14th Amendment did apply to state laws.
 - d. The Court ruled that the Louisiana state law should be declared unconstitutional.

5. _____ Throughout the 20th Century, what part of the 14th Amendment was used to apply the Bill of Rights to state and local laws?
 - a. The Privileges and Immunities Clause
 - b. The Equal Protection Clause
 - c. The Due Process Clause
 - d. The Citizenship Clause

TRUE/FALSE: *Indicate whether the statement is true or false. If the statement is false, write the correct word in the space provided to make the statement true.*

6. _____ From 1832 to 1869 there were at least twenty different outbreaks of cholera in New Orleans.

7. _____ Over 1,000 butchers operated just outside of New Orleans, slaughtering more than 300,000 animals a year. _____

8. _____ The Crescent City Livestock Landing and Slaughterhouse Company was granted exclusive rights to the livestock and slaughterhouse business. _____

9. _____ The Privileges and Immunities Clause of the 14th Amendment states "no state shall make or enforce any law which shall abridge the privileges or communities of citizens of the United States". _____

10. _____ The decision reached in the Slaughterhouse Cases is very similar to Court decisions that would eventually be made involving the 14th Amendment during the 20th Century.

Guided Reading: *Fill in the blanks below to create complete sentences.*

1. In the mid-1800s, the city of _____ was plagued by an epidemic of cholera.

2. Cholera is caused by _____ which is spread by eating food or drinking water contaminated by feces.

3. The butchered remains, manure, blood, and urine from these animals had filtered its way into the city's supply of _____.

4. The city of New Orleans recommended that the slaughterhouses move south of the city, but since the slaughterhouses operated outside of _____, the New Orleans had no authority over them.

5. The Louisiana state legislature passed a law which essentially created a _____ over the slaughterhouse industry.

6. Represented by the _____, over 400 butchers filed a lawsuit in hopes of preventing the takeover from happening.

7. The butchers argued that their _____ rights had been violated.

8. The Supreme Court ruled that the _____ Clause only applied to United States citizenship and not state citizenship.

9. The Supreme Court further stated that the 14th Amendment had been created to protect the rights of _____ and therefore should not be interpreted broadly.

10. Justice Freeman Miller argued that if the 14th Amendment were interpreted too broadly, it would take away the states' responsibility of protecting _____.

Summary: *In the space below, summarize the role that each of the individuals and terms played in the Slaughterhouse lesson. Use complete sentences.*

1. Cholera:

2. Crescent City Livestock Landing and Slaughterhouse Company:

3. Due Process Clause:

4. Privileges and Immunities Clause

5. Equal Protection Clause

Student Response: *Please respond to the questions raised below. A thorough response should be a paragraph of at least three to five complete sentences.*

6. In the Slaughterhouse Cases lesson, you read that the Supreme Court initially ruled that constitutional amendments did not apply to state and local laws. Yet, in the 20th Century, the Court began to interpret the issue differently, using the 14th Amendment as a tool to overturn many state and local laws (on the basis that they violated the Bill of Rights). Which view do you believe to be a proper implementation of the Due Process Clause? Explain your answer.

Answer Key:

The Slaughterhouse Cases Multiple Choice:

- 1) C
- 2) A
- 3) D
- 4) B
- 5) C

True/False:

- 6) F – eleven
- 7) T
- 8) T
- 9) F - immunities
- 10) F – drastically different from

Guided Reading for Slaughterhouse Cases:

- 1) New Orleans
- 2) Bacteria
- 3) Drinking water
- 4) City limits
- 5) Monopoly
- 6) Benevolent Butcher’s Association
- 7) 14th Amendment
- 8) Privileges and Immunities
- 9) Former slaves
- 10) Civil Rights

Summary:

- 1) An infection in the small intestine that is caused by bacteria which are spread by eating food or drinking water that has been contaminated by feces. Due to slaughterhouses along the Mississippi River, the city of New Orleans was being plagued by outbreaks of the disease.
- 2) A company that was granted exclusive rights to the livestock and slaughterhouse business in Louisiana by the state legislature. The legislation sparked a series of lawsuits that led to the Supreme Court case.
- 3) It states that no state shall deprive any person of life, liberty, or property without due process of law. In the Slaughterhouse decision, the Court ruled that the clause did not apply to the Bill of Rights. In the 20th Century, the Court used the clause to apply the Bill of Rights to state laws.
- 4) It is a part of the Constitution that says no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. In the decision, the Court ruled that this clause only applied to U.S. citizenship and not state citizenship.
- 5) Part of the 14th Amendment that says no state shall deny any person equal protection of the laws. In the decision, the Court ruled that the amendment was intended to protect the freedoms of newly freed slaves and that it should not be interpreted too broadly.

Student Response for the Slaughterhouse Cases:

- 6) Student responses will vary, but a clear stance should be taken and defended.