**Slaughter House Cases of 1873-76**

**Citation.** [83 U.S. 36, 21 L. Ed. 394, 872 U.S. 1139,16 Wall. 36.](http://www.bloomberglaw.com/document/XLVDGF?jcsearch=83%20U.S.%2036#jcite&ORIGINATION_CODE=00344)

**Brief Fact Summary.** A Louisiana statute gave the Slaughter-House Company exclusive rights to the New Orleans slaughterhouse business. Plaintiffs, a group of butchers (Plaintiffs) sued.

**Synopsis of Rule of Law.** In interpreting a provision of the United States Constitution (Constitution), it is necessary to look to the purpose for which the provision was enacted.

**Facts.** A Louisiana statute granted to the Crescent City Live-Stock Landing and Slaughter-House Company the exclusive rights to engage in the livestock landing and slaughterhouse business in the City of New Orleans. Plaintiffs argued that the monopoly granted to Slaughter-House violated several provisions of the Constitution.

**Issue.**
Did the statute create an involuntary servitude, deny to Plaintiffs the equal protection of the laws, or deprive Plaintiffs of property without due process of the law?
Did the statute abridge the Privileges and Immunities of citizens of the United States in violation of the Fourteenth Amendment?

**Held.** No as to each charge of Issue and no as to Issue b.
The Supreme Court of the United States (Supreme Court) gave scant attention to the involuntary servitude, equal protection, and due process claims, holding that the amendments these claims involved, the thirteenth and fourteenth, were established for the purpose of invalidating laws that discriminated against blacks. The Supreme Court conceded that these amendments could possibly extend to persons other than blacks, but said that under any fair construction of these amendments one had to first look to the purpose of their enactment.
With regard to the Privileges and Immunities claim, the Supreme Court also reasoned, through Justice Samuel Miller (J. Miller), as follows: The Fourteenth Amendment was not intended to safeguard Plaintiffs against the types of injuries for which they seek relief. The Fourteenth Amendment textually distinguishes between citizens of the United States and citizens of the States. Plaintiffs seek relief as a citizen of a State against the actions of a State. But, the section of the Fourteenth Amendment Plaintiffs rely upon safeguards only rights (i.e., Privileges and Immunities) of citizens of the United States against the actions of the States.

**Dissent.**
Justice Stephen Field (J. Field) stated that if the Privileges and Immunities Clause refers only to such rights as were specially designated in the Constitution or as necessarily implied as belonging to citizens of the United States, it was an enactment that accomplished nothing.
Justice Joseph Bradley (J. Bradley) argued that the granting of monopolies to individuals or corporations is an invasion of the right of others to choose a lawful calling, and thus, an infringement of personal liberty.

**Discussion.** Since the Slaughter-House cases, the Privileges and Immunities clause of the Fourteenth Amendment of the Constitution has seldom been invoked as a basis for a cause of action against constitutional violations. It is significant to note the list of rights that J. Miller says the clause protects, e.g., the right of free access to the seaports, the right to demand the care of the Federal government over his life, liberty and property when on the high seas or within the jurisdiction of a foreign government. Whether the Privileges and Immunities Clause should be read narrowly so as to protect the few rights J. Miller attributes to it is debatable. The Supreme Court will later incorporate several amendments of the United States Bill of Rights into the Fourteenth Amendment of the Constitution. Had the Supreme Court here applied the “Incorporation Doctrine,” this case would have come out differently.