

CIVIL-RIGHTS ENFORCEMENT ACTS

Legislation

Author(s): U.S. Congress

Date: 1871

Source: U.S. Congress. Civil-Rights Enforcement Acts. 1871. Reproduced in History Resource Center. Detroit: Gale.

Virtually all of the various statutes that the federal government has enacted over the course of American history are compiled in the United States Code, which organizes statutory provisions by topic in order to present coherent public policies. For example, the U.S. Code incorporates the latest amendments of civil-rights statutes to provide an up-to-date statement about those policies. Readers can consult this title in any large public library to find updated changes in the statutes on civil rights.

Title 42, Chapter 21, is the civil-rights section of the U.S. Code. This contains the most basic civil-rights policies in force in the United States. Other rights policies, as indicated, are found in other sections of the U.S. Code.

The first three sections excerpted here from the U.S. Code are the most important, in terms of the civil rights of Americans. The passages printed are those currently in force. Some of these are used by the lawyers for the Justice Department to give specific implementation to the various federal civil-rights statutes. Individuals may also rely on them to sue in federal courts for their rights.

Each of these sections is a compilation of civil-rights statutes passed at different times in American history; each is also a vital part of the machinery of justice in the United States. Section 1981 states the general principles of equal rights that derive from the amended U.S. Constitution. Sections 1983 and 1985 give someone who has been deprived of rights the ability to sue the perpetrator for damages for the injuries caused.

The oldest provision of the three is Section 1983. As originally enacted in 1871, this section was intended to protect the rights of the recently freed slaves. It has been interpreted in various ways over the years, but currently it serves as the major weapon protecting individual rights against the actions of states, municipalities, or other individuals. This section is vital to an understanding of civil rights in the United States.

Section 1985 is even broader than Section 1983. Originally passed just after the Civil War (1861-1865), it was aimed at criminal conspiracies and all other efforts to interfere with voting, proper arrests, and fair trials. The statute forbids intimidation of parties, officials, or witnesses. This section permits actions for damages by people deprived of their rights.

PRIMARY SOURCE DOCUMENT

Civil Rights Enforcement Acts

1981. Equal rights under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

1985. Conspiracy to interfere with civil rights

(1) Preventing officer from performing duties

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror, or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.