Civil Rights Act of 1871

Author: Christine Neylon O'Brien

Persistent link: http://hdl.handle.net/2345/1520

This work is posted on eScholarship@BC, Boston College University Libraries.

Published in Blackwell encyclopedia of management, p. 53

Use of this resource is governed by the terms and conditions of the Creative Commons "Attribution-Noncommercial-No Derivative Works 3.0 United States" (http://creativecommons.org/licenses/by-nc-nd/3.0/us/)
Civil Rights Act of 1866

Christine Neylon O’Brien

In the aftermath of the American Civil War, the Civil Rights Act of 1866 was enacted pursuant to the congressional power to eradicate slavery provided by the THIRTEENTH CONSTITUTIONAL AMENDMENT. The statute was reenacted in 1870 following ratification of the FOURTEENTH CONSTITUTIONAL AMENDMENT. Lawsuits brought under the Civil Rights Act of 1866 are often referred to as section 1981 and section 1982 cases because of the codification of this statute at those section numbers within Title 42 of the United States Code. Section 1981 provides a remedy for all forms of racial DISCRIMINATION in private sector employment in addition to that afforded by Title VII of the CIVIL RIGHTS ACT OF 1964. Unlike a Title VII plaintiff, those pursuing a section 1981 claim need not exhaust the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION administrative agency route. Also, the period for filing a section 1981 claim is longer than the time allowed for filing claims under Title VII. Only purposeful or intentional DISCRIMINATION is actionable under section 1981, whereas Title VII provides for discrimination claims based both upon DISPARATE IMPACT or DISPARATE TREATMENT (Twomey, 1994).

Bibliography


Civil Rights Act of 1871

Christine Neylon O’Brien

This Reconstruction-era law (Sedmak and Vidas, 1994) provides relief for individuals who have been deprived of constitutional or federal statutory rights by a state or local government official (Estreicher and Harper, 1990). Such lawsuits are often referred to as section 1983 cases because section 1 of the 1871 statute is codified as section 1983 of Title 42 of the United States Code. Passage of the statute followed ratification of the FOURTEENTH CONSTITUTIONAL AMENDMENT in 1868, and state action or involvement in the challenged practices is required (Schlei and Grossman, 1983). The bases for DISCRIMINATION that are actionable under section 1983 are broader than those prohibited under section 1981, the CIVIL RIGHTS ACT OF 1866.

Bibliography