**Walker v. Sauvinet**

(facts in this case are somewhat complicated and could be summarized by just saying Walker claims he was not given a right to a jury trial in a civil case in state court as required by the 7th amendment. I am including more facts because the details of the case are quite interesting, especially as to which side was arguing about the right to a jury trial. The party who claims to be discriminated against is arguing against the right to jury trial in state civil case. In many cases we will read the facts are much richer than you can garner from the opinion and the textbook notes.

Unfortunately, we do not have time for all of these details in most cases.)

**Facts**: Sauvinet son of foreign parents and reputed to be a person of color despite his light complexion went into a coffee house for coffee and beignets. He was not served coffee or food by Mr. Walker. Sued to vindicate his rights under 13th.

(Sauvinet had been Foreman of Grand Jury that handed down indictments in Cruikshank case. a very famous case involving the murder of blacks in post reconstruction La. )

Sauvinet had been sheriff of Orleans Parish which is New Orleans in 1871.

**Procedural History**: Sauvinet wanted compensatory damages of $10,000. Walker invoked 1871 implementing statute and wanted a jury trial. Walker then filed objections to jury panel. Walker included the claim that sheriff was personally interested in case and panels of juror drawn by him wouldn't be unbiased. Judge overruled and case tried. Jury could not reach a verdict so judge awarded $1000 in exemplary damages to Sauvinet. La. Supreme Court affirmed. Walker petitioned US Supreme Court for a writ of error.

(Note; Louisiana had a public accommodations law for a while after the Civil War. La. 1869 and 1871 statutes implementing Art XIII of the La. Constitution requiring open public accommodations provided that licensed vendors who refused to serve blacks would forfeit their licenses and have their businesses closed and they were liable for individual suit. Trials to be by court or jury if so requested. If jury could not reach a decision, they were discharged and tried by a judge as if no jury ever saw it. )

Walker arg: Sauvinet

1. 7th amendment, inalienable 1. Barron

rights of 14th.

2. 1869 and 1871 statutes 2. Under Slaughter not P & I

violate P & I. Neither d/p clause

Issue: Does 7th Amendment apply to states?(7th provides for jury trials in suits at common law exceed $20.)

**Holding**: No incorporation of Bill of Rights through 14th.

**Judgment:** Affirmed

**Legal reasoning by Justice Waite**

1. 7th applies to federal government

2. States can regulate trial in their own way-not P & I.

3. Due process is process that is due according to the law of the land. In this case the law of the state

4. Other issues not raised.

**Relation to previous cases**:

Seems to be ruled by Barron and Slaughterhouse.

**Van geel precedent analysis:**

1. Barron, the precedent, upheld state policy

2. Walker v. Sauvinet , our main case, upholds state policy

3. Based on the tables in Van Geel, Walker v. Sauvinet expands permissible. See 2 by 2 table in Van Geel chapter on precedent.

**Interpretative Style**

In a one paragraph opinion Justice Waite cites some precedents. Not an originalist or textualist opinion.