

Civil Rights and the Great Migration
Bolden v. Grand Rapids Operating Corporation (1927)
239 Mich. 318

Bolden v. GR Operating Corporation began when Emmett N. Bolden, a native-born, African-American dentist, attempted to buy a ticket at a Grand Rapids theater owned by the defendant. He was denied a ticket solely due to his race, and looking to recover damages for an illegal exclusion, he brought suit against the corporation. Bolden's case was dismissed from the Grand Rapids superior court, who accepted the defendant's motion to dismiss for the reason that a cause of action did not exist. Bolden then appealed to the Michigan Supreme Court.

Under Legislative Act No. 130 of the Public Acts of 1885, Bolden was entitled to "full and equal accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theaters, motion picture houses and all other places of public accommodation, amusement and recreation." This act, known commonly at the time as the "civil rights act," gave Bolden the right to purchase a ticket from the Grand Rapids theater in question. As such, Chief Justice Sharpe in his unanimous opinion recognizes only two questions presented to the Court:

- (1) Is the act constitutional?
- (2) If so, does it confer a right of action for its violation?

Sharpe finds that the act is clearly constitutional. Despite the defendant's claim that it denies them the right to freely run a private business, these businesses have always been open to state regulation, whenever the "health, morals, or welfare of the public" is at stake. The civil rights act is clearly intended to increase the welfare of the public, and as such it is a constitutional measure.

The Court also finds that there is a right of action on behalf of the plaintiff. The act in question is a criminal statute, and so the defense claimed that a civil suit could not be brought upon its violation. But in *Ferguson v. Gies*, 82 Mich. 358, an African-American denied equal service at a restaurant was allowed to collect damages, due to the restaurant's violation of the same act. Sharpe determines that when an act is passed in order to protect a certain class of people, members of that class are entitled to civil action upon violation of the act.

The *Bolden* case marked the beginning of the end for *de jure* discrimination in Michigan, but it left the door open for *de facto* discrimination by allowing private businesses to exclude customers based on other factors, such as being "rough, boisterous and rowdyish." Nevertheless, it marked an important shift in judicial support for racial equality by upholding the constitutionality of the civil rights act of 1885 and by allowing a right of action upon its violation.