



**For Immediate Release**  
**Monday, September 30, 2019**

**LDF Media**  
212-965-2200 / [media@naacpldf.org](mailto:media@naacpldf.org)

### **LDF Vigorously Defends Civil Rights Law of 1866 Against Comcast Attack**

The NAACP Legal Defense and Educational Fund (LDF), along with ten civil rights organizations, filed an [amicus brief](#) in *Comcast v. National Association of African American-Owned Media and Entertainment Studios Networks, Inc.*, a case involving allegations of racial discrimination that has grave implications for the nation’s oldest civil rights statute.

A year after the Civil War, and prior to the passage of the Fourteenth and Fifteenth Amendments, Congress sought to create a law that would allow newly freed slaves “full and equal benefit of the laws...as enjoyed by White citizens.” The Civil Rights Act of 1866 had a clear purpose: to place African Americans on equal footing with White Americans and to remove the vestiges of slavery by outlawing conduct – by the state and private parties – that reflects racial discrimination in banking, consumer business transactions, and in making or performing contracts. To that end, [42 USC Section 1981](#), the codification of the Civil Rights Act of 1866, has been one of the most powerful statutes in the civil rights arsenal.

In articulating the implications for the civil rights statute in this case, LDF President and Director-Counsel, [Sherrilyn Ifill](#) states, “The arguments advanced by Comcast could shield a defendant from liability by simply pointing to a race-neutral reason to justify the defendant’s discriminatory decision. That is a dangerous argument. Moreover, such a standard cannot be imposed on plaintiffs at the pleading stage of litigation. Defendants are most often in control of the kind of information that is needed to prove discrimination under any standard. Courts should not be permitted to dismiss plaintiffs’ claims of discrimination under Section 1981 by placing an insurmountable pleading burden on victims of discrimination.”

Ifill continues, “The stakes are high in this case. An adverse ruling by the Supreme Court could make our oldest civil rights statute virtually impotent in all but a narrow sliver of cases. This is an important fight that we willingly enter to protect the civil rights of African Americans and other people of color.”

###

*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood*

*Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*