

SUPREME COURT OF THE UNITED STATES

McDonnell Douglas Corp. v. Green

411 U.S. 792 (1973) · No. No. 72-490 · Decided May 14, 1973

SUMMARY

The Supreme Court addresses the order and allocation of proof in a private employment-discrimination action under Title VII of the Civil Rights Act of 1964. It holds that a claimant may establish a prima facie case of racial discrimination, after which the employer must articulate a legitimate, nondiscriminatory reason for its decision; the claimant must then have an opportunity to show that the reason is pretextual. The Court vacated and remanded for further proceedings concerning the respondent's racial-discrimination claim.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Powell
JURISDICTION	Federal
DECIDED	May 14, 1973
DOCKET	No. 72-490
DISPOSITION	vacated
PROCEDURAL POSTURE	Petition for certiorari to review the Eighth Circuit's decision concerning Green's Title VII claims arising from McDonnell Douglas's refusal to rehire him.
STANDARD OF REVIEW	De novo review of Title VII legal requirements and the order and allocation of proof; the Court reviewed the dismissal and remand rulings and did not finally resolve the merits of the discrimination claim.
PRECEDENTIAL VALUE	binding
PARTIES	McDonnell Douglas Corp. v. Green

TOPICS

- title vii
- employment discrimination
- racial discrimination
- retaliation
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether an EEOC reasonable-cause determination is a prerequisite to bringing a Title VII racial-discrimination claim in federal court.
2. What order and allocation of proof govern a private, non-class Title VII action alleging discriminatory refusal to hire or rehire.
3. Whether an employer may rely on an applicant's unlawful conduct directed against the employer as a legitimate, nondiscriminatory reason for refusing to rehire, subject to proof that the reason was a pretext or was applied discriminatorily.

HOLDINGS

1. A complainant who timely files discrimination charges with the EEOC and receives and acts upon the statutory notice of the right to sue may bring a Title VII action even if the Commission has made no reasonable-cause determination.
2. The complainant initially bears the burden of establishing a prima facie case by showing that he belongs to a racial minority, applied and was qualified for a position for which the employer sought applicants, was rejected despite his qualifications, and that the position remained open while the employer continued seeking similarly qualified applicants.
3. After the complainant establishes a prima facie case, the burden shifts to the employer to articulate some legitimate, nondiscriminatory reason for the rejection.
4. Even when an employer identifies unlawful conduct as a legitimate reason for refusing to rehire, the applicant must be given a fair opportunity to prove that the stated reason was pretextual or was applied discriminatorily; an employer may rely on the criterion only if it is applied alike to members of all races.

KEY QUOTATIONS

“The complainant in a Title VII trial must carry the initial burden under the statute of establishing a prima facie case of racial discrimination.” (802)

“The burden then must shift to the employer to articulate some legitimate, nondiscriminatory reason for the employee's rejection.” (802-803)

“On remand, respondent must, as the Court of Appeals recognized, be afforded a fair opportunity to show that petitioner's stated reason for respondent's rejection was in fact pretext.” (804)

FACTUAL BACKGROUND

Green, a Black former McDonnell Douglas mechanic and laboratory technician, was laid off during a general workforce reduction and later applied for reemployment after the company advertised for mechanics. Before applying, he had participated in civil-rights demonstrations, including an unlawful "stall-in" that blocked access to McDonnell Douglas's plant; the company rejected his application because of his participation in the

demonstrations. Green alleged that the refusal to rehire him was based on race and on protected civil-rights activity.

PROCEDURAL HISTORY

The district court dismissed Green's racial-discrimination claim under Title VII because the Equal Employment Opportunity Commission had not made a reasonable-cause determination, and it ruled against Green on his retaliation claim. The Eighth Circuit affirmed the ruling that unlawful protest activity was not protected under § 704(a), reversed dismissal of the § 703(a)(1) racial-discrimination claim, and remanded for trial. The Supreme Court granted certiorari, held that the EEOC determination was not a prerequisite to suit, and vacated and remanded for further proceedings under the standards stated in the opinion.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case was remanded to the District Court for trial of Green's § 703(a)(1) racial-discrimination claim. Green must receive a full and fair opportunity to show that McDonnell Douglas's stated reason for refusing to rehire him was pretextual or discriminatorily applied; if discrimination is found, the District Court must order a prompt and appropriate remedy.

CASES CITED

- Griggs v. Duke Power Co., 401 U.S. 424, 429-431 (1971)
- NLRB v. Fansteel Corp., 306 U.S. 240, 255 (1939)
- Garner v. Los Angeles Board, 341 U.S. 716, 720 (1951)
- Robinson v. Lorillard Corp., 444 F.2d 791, 800 (4th Cir. 1971)
- Beverly v. Lone Star Lead Construction Corp., 437 F.2d 1136 (5th Cir. 1971)
- Flowers v. Local 6, Laborers International Union of North America, 431 F.2d 205 (7th Cir. 1970)
- Fekete v. U.S. Steel Corp., 424 F.2d 331 (3d Cir. 1970)
- Jones v. Lee Way Motor Freight, Inc., 431 F.2d 245 (10th Cir. 1970)
- Castro v. Beecher, 459 F.2d 725 (1st Cir. 1972)
- Chance v. Board of Examiners, 458 F.2d 1167 (2d Cir. 1972)
- Quarles v. Philip Morris, Inc., 279 F. Supp. 505 (E.D. Va. 1968)
- United States v. Bethlehem Steel Corp., 312 F. Supp. 977, 992 (W.D.N.Y. 1970), order modified, 446 F.2d 652 (2d Cir. 1971)

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