

SUPREME COURT OF THE UNITED STATES

Shelley et ux. v. Kraemer et ux.

334 U.S. 1 (1948) · No. No. 72 · Decided May 3, 1948

SUMMARY

The Supreme Court held that state-court enforcement of racially restrictive private housing covenants constitutes state action under the Fourteenth Amendment. Such enforcement denies equal protection by preventing purchasers from acquiring or occupying property based on race or color. The Court reversed the judgments enforcing the covenants in the Missouri and Michigan cases.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Chief Justice Vinson; Justice Black; Justice Douglas; Justice Murphy
JURISDICTION	Federal
DECIDED	May 3, 1948
DOCKET	No. 72
DISPOSITION	reversed
PROCEDURAL POSTURE	Petitioners sought review by certiorari of state-court judgments enforcing racially restrictive real-property covenants against their ownership or occupancy of the properties.
STANDARD OF REVIEW	De novo review of the constitutional validity of state-court enforcement of private restrictive covenants.
PRECEDENTIAL VALUE	binding
PARTIES	Shelley et ux., McGhee et ux. v. Kraemer et ux., Sipes et al.

TOPICS

- equal protection
- state action
- constitutional law
- civil rights
- covenants and restrictions

PRACTICE AREAS

- constitutional law
- civil rights
- real estate

QUESTIONS PRESENTED

1. Whether enforcement by state courts of private racially restrictive housing covenants constitutes state action within the meaning of the Fourteenth Amendment.
2. Whether state-court enforcement of such covenants denies the affected purchasers equal protection of the laws.
3. Whether the private restrictive agreements, standing alone and without state enforcement, violate rights protected by the Fourteenth Amendment.

HOLDINGS

1. Private restrictive agreements standing alone are not state action and cannot, without state participation, be regarded as violations of rights guaranteed by the Fourteenth Amendment.
2. State-court enforcement of private racially restrictive covenants constitutes state action under the Fourteenth Amendment.
3. State-court enforcement of racially restrictive covenants denies the purchasers equal protection of the laws and the resulting judgments cannot stand.

KEY QUOTATIONS

“These are cases in which the States have made available to such individuals the full coercive power of government to deny to petitioners, on the grounds of race or color, the enjoyment of property rights in premises which petitioners are willing and financially able to acquire and which the grantors are willing to sell.” (334 U.S. 19)

“We hold that in granting judicial enforcement of the restrictive agreements in these cases, the States have denied petitioners the equal protection of the laws and that, therefore, the action of the state courts cannot stand.” (334 U.S. 20)

“Equal protection of the laws is not achieved through indiscriminate imposition of inequalities.” (334 U.S. 22)

FACTUAL BACKGROUND

Private property owners in Missouri and Michigan entered into recorded agreements restricting ownership or occupancy of specified real property to persons of the Caucasian race. Petitioners, who were Black, purchased the properties from willing sellers and entered into possession, without actual knowledge of the Missouri restriction at the time of purchase. Neighboring property owners sought judicial enforcement to prevent petitioners from occupying the properties and, in Missouri, to divest their title.

PROCEDURAL HISTORY

In the Missouri case, the St. Louis circuit court denied enforcement because the restrictive agreement had not been signed by all required property owners. The Supreme Court of Missouri sitting en banc reversed and directed enforcement. In the Michigan case, the Wayne County circuit court ordered petitioners to vacate and enjoined future occupancy, and the Supreme Court of Michigan affirmed. The United States Supreme Court granted certiorari and consolidated the cases for decision.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgments of the Supreme Court of Missouri and the Supreme Court of Michigan were reversed; the opinion does not state separate remand instructions.

CASES CITED

- *Corrigan v. Buckley*, 271 U.S. 323 (1926)
- *Hansberry v. Lee*, 311 U.S. 32 (1940)
- *Civil Rights Cases*, 109 U.S. 3 (1883)
- *Buchanan v. Warley*, 245 U.S. 60 (1917)
- *Harmon v. Tyler*, 273 U.S. 668 (1927)
- *Richmond v. Deans*, 281 U.S. 704 (1930)
- *Virginia v. Rives*, 100 U.S. 313, 318 (1880)
- *Ex parte Virginia*, 100 U.S. 339, 347 (1880)
- *Twining v. New Jersey*, 211 U.S. 78, 90-91 (1908)
- *Brinkerhoff-Faris Trust & Savings Co. v. Hill*, 281 U.S. 673, 680 (1930)
- *American Federation of Labor v. Swing*, 312 U.S. 321 (1941)
- *Cantwell v. Connecticut*, 310 U.S. 296 (1940)
- *Bridges v. California*, 314 U.S. 252 (1941)
- *Oyama v. California*, 332 U.S. 633 (1948)
- *Strauder v. West Virginia*, 100 U.S. 303 (1880)
- *Yick Wo v. Hopkins*, 118 U.S. 356 (1886)
- *McCabe v. Atchison, Topeka & Santa Fe R. Co.*, 235 U.S. 151, 161-162 (1914)
- *Slaughter-House Cases*, 16 Wall. 36, 70, 81 (1873)
- *United States v. Harris*, 106 U.S. 629 (1883)
- *United States v. Cruikshank*, 92 U.S. 542 (1876)
- *Moore v. Dempsey*, 261 U.S. 86 (1923)
- *Frank v. Mangum*, 237 U.S. 309 (1915)
- *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938)
- *Marsh v. Alabama*, 326 U.S. 501 (1946)