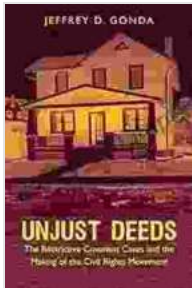


# The Restrictive Covenant Cases: A Prelude to the American Civil Rights Movement



## Unjust Deeds: The Restrictive Covenant Cases and the Making of the Civil Rights Movement (Justice, Power, and Politics) by Jeffrey D. Gonda

★★★★★ 5 out of 5

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Enhanced typesetting : Enabled  
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In the annals of American history, the Restrictive Covenant Cases stand as a pivotal chapter in the fight for civil rights and racial equality. These landmark legal battles challenged the pervasive use of racial covenants in property deeds, which effectively barred African Americans and other minority groups from purchasing homes in white neighborhoods.

Through a series of Supreme Court rulings, the Restrictive Covenant Cases gradually chipped away at the legal foundations of racial segregation. They laid the groundwork for the landmark *Brown v. Board of Education* decision, which finally outlawed segregation in public schools and marked a turning point in the Civil Rights Movement.

## A Troubled Historical Context

The Restrictive Covenant Cases emerged during a time of heightened racial tension and segregation in the United States. Following the Reconstruction Era, a backlash against African American progress led to the implementation of Jim Crow laws, which enforced racial separation in all aspects of life.

Restrictive covenants were a particularly insidious form of racial discrimination. Embedded in property deeds, they prohibited the sale or lease of homes to non-white buyers. These covenants were widely used across the country, particularly in white suburban communities, and prevented African Americans from establishing themselves in desirable neighborhoods.

### **Challenging Racial Covenants: A Legal Battle Unfolds**

In the early 1900s, a series of lawsuits challenged the legality of restrictive covenants. One notable case was *Corrigan v. Buckley* (1926), where an African American family sought to purchase a home in a white neighborhood in Washington, D.C. Despite the presence of a restrictive covenant, the family argued that the covenant violated their constitutional rights.

The case reached the Supreme Court, which ruled against the family in a 5-4 decision. The Court held that restrictive covenants were a matter of private contract and did not violate the Equal Protection Clause of the 14th Amendment. However, this ruling did not end the legal battle against restrictive covenants.

### **Supreme Court Rulings: From *Shelley v. Kraemer* to *Brown v. Board of Education***

In 1948, the Supreme Court revisited the issue of restrictive covenants in *Shelley v. Kraemer*. This case involved a covenant in a St. Louis, Missouri, neighborhood that prohibited the sale of homes to African Americans. The Court, in a unanimous decision, ruled that restrictive covenants could not be enforced by the courts.

The *Shelley v. Kraemer* ruling was a major victory for the Civil Rights Movement. It effectively ended the legal enforcement of restrictive covenants, although racial discrimination in housing persisted in other forms. Moreover, it paved the way for the landmark *Brown v. Board of Education* decision in 1954, which outlawed segregation in public schools.

### **The Enduring Legacy of the Restrictive Covenant Cases**

The Restrictive Covenant Cases played a pivotal role in dismantling the legal framework of racial segregation in the United States. They recognized the fundamental principle that property rights could not be used to justify racial discrimination.

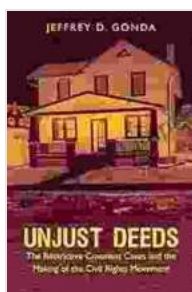
The legacy of these cases extends beyond the realm of law. They demonstrated the power of legal challenges to systemic racism and inspired a generation of activists and civil rights leaders. They also contributed to a shift in public opinion, gradually eroding the acceptability of racial discrimination and paving the way for a more equitable society.

### **Rediscovering the Past to Shape the Future**

The Restrictive Covenant Cases serve as a reminder of the ongoing struggle for racial equality in the United States. While significant progress has been made, racial disparities and discrimination continue to exist in various forms.

By studying the history of these cases, we can gain a deeper understanding of the challenges faced by African Americans in the past and identify strategies to address contemporary forms of discrimination. The Restrictive Covenant Cases remind us that the fight for equality is an ongoing journey and that we must remain vigilant in our efforts to create a more just and inclusive society.

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