

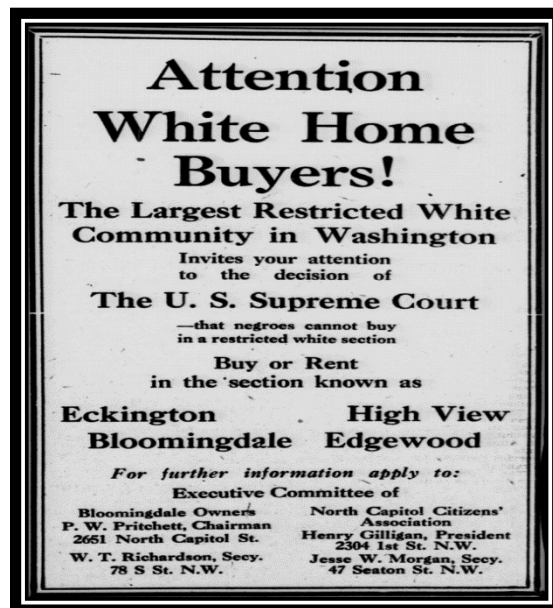
**HOUSING AND THE LAW: LESSON 5: HANDOUT 3****LOCAL PEOPLE, LEGAL ACTIVISM, AND ANTI-COVENANT CAMPAIGNS**

Many Black southerners had begun migrating to the North and Midwest beginning in the early 1900s, in search of better opportunities and to escape the Jim Crow South. Following World War II, northern and midwestern cities exploded with growth. Both the growing Black population and the return of veterans put pressure on an unstable housing market, creating a crisis in available housing.<sup>1</sup>

Black veterans had fought and risked their lives against Nazis in the war. They returned home eager to advance their own civil rights through better jobs and housing.<sup>2</sup> However, Black Americans suffered the worst of the housing crisis. Living conditions in the cities continued to worsen as a result of overcrowding, **negligence** and discrimination by white real estate agents, brokers and landlords. At the same time, the shortage in workers due to the war had opened opportunities for many Black workers to get jobs and earn wages that they previously had been denied. This allowed many Black families to save money in the hopes of purchasing homes in better neighborhoods.

These neighborhoods were usually all White, where the residents had been able to freely enjoy the American Dream of owning property for a long time. Many of these White homeowners wanted to protect the right of owning and enjoying property in segregated neighborhoods. While many White neighborhoods had maintained segregation for decades by using **racially restrictive covenants**, White homeowners began to feel the threat of neighborhood **integration** intensely during this time. When Black families began trying to move onto previously all-White streets, some White homeowners sued to keep them out, citing these agreements that had been created and signed by neighborhood members years earlier.

While many White neighborhoods resisted neighborhood integration, Black activists continued to fight for equal housing rights and opportunities. The NAACP as well as local organizations, lawyers and citizens worked as part of an anti-covenant campaign that challenged the **constitutionality** of racial covenants. Even Black homebuyers such as the



<sup>1</sup> See Jeffrey D. Gonda, *Unjust Deeds: The Restrictive Covenant Cases and the Making of the Civil Rights Movement* (Chapel Hill: University of North Carolina Press, 2015), 15-54.

<sup>2</sup> See Wendy Plotkin, "Hemmed In': The Struggle Against Racial Restrictive Covenants and Deed Restrictions in Post-WWII Chicago," *Journal of the Illinois State Historical Society*, 94, no. 1 (1998), 39-69.

Shelleys and the McGhees who simply wanted to raise their families in better houses and neighborhoods were part of this important movement against racial covenants.

### The Shelleys and Local Leaders

In 1939, J.D. and Ethel Shelley left their home near Starkville, Mississippi, to move to St. Louis to escape the violence of Jim Crow. In the early 1940s, Mr. Shelley worked in a wartime factory while Mrs. Shelley provided childcare services. They had six children and struggled finding decent places to rent for their family. They went to their pastor, Robert Bishop, who was also a real estate agent. He bought a home for them in a White neighborhood by using a White woman's name as the buyer.<sup>3</sup> The home was then resold to the Shelleys. Transferring property from a White buyer to a Black buyer was a common practice in breaking covenants because most White sellers would not willingly sell to Black buyers.

Mr. Bishop had helped the Shelleys buy a house they otherwise would not have been able to purchase. However, he sold to them at a higher price so that he could earn a better profit. Sometimes Black realtors marked up prices before reselling property, which was a common tactic used by white real estate agents.<sup>4</sup>



Black realtors knew they would benefit financially if restrictive covenants were broken, because they would be able to enter a housing market that they had previously not been able to access. However, they also felt a moral obligation to secure equal housing rights for Black residents. When the Kraemers sued to force the Shelleys out of the neighborhood, Mr. Bishop and his boss, E. M. Bowers, teamed up with another Black realtor, James T. Bush, to pay for the Shelleys' lawyer. They hired George L. Vaughn, who was a descendant of slaves and had been fighting racial covenants for years. Mr. Vaughn successfully argued the Shelleys case in the **trial court** before it was reversed in the state court.<sup>5</sup>

The realtor team also worked on citywide housing issues outside of the *Shelley* case. Bishop, Bowers, and Bush, along with other Black businessmen, formed The Real Estate Brokers Association (REBA) of St. Louis. This **coalition** worked to improve housing conditions across the city.<sup>6</sup> Even though Black realtors, lawyers and businessmen may have had diverse motivations, they made significant contributions to the anti-covenant campaign.

<sup>3</sup> Gonda, *Unjust Deeds*, 35-36.

<sup>4</sup> Gonda, *Unjust Deeds*, 59.

<sup>5</sup> Ibid.

<sup>6</sup> Gonda, *Unjust Deeds*, 67-69.

### The McGhees and the NAACP

The local NAACP served as the major strategy against racial covenants in Detroit. In 1944, Orsel and Minnie McGhee, who were southern migrants, moved only five blocks to find better housing. Mr. McGhee had worked various jobs in Detroit before getting the job of custodian at the local newspaper. He had gotten this job because the employer had mistaken him for a white man. The McGhees finally found a home with a willing seller: a German immigrant who took their down payment and handed them the keys.<sup>7</sup>



After the McGhees were ordered to vacate their new home, they went to the local NAACP and met with **advocates** Willis Graves and Francis Dent. Both men had histories in fighting against racial covenants. In circuit court, they argued that racial covenants undid the efforts by Michigan to prevent racial discrimination in other aspects of city life. They also claimed that the court's enforcement of the covenants would violate the Fourteenth Amendment, a claim that was fairly new because the cases of covenants dealt with private agreements that usually escaped **state doctrine**. Finally, Graves and Dent argued something really radical: Who was qualified to determine the race of the McGhees? Mr. Sipes, the person who sued, had just simply said that the McGhees had darker features and appeared to be Black. The lawyers concluded that a person's right to own his or her home should be based on more than this claim.<sup>8</sup> Three months passed before the judge finally ruled against the McGhees and upheld the racial covenants. While the lawyers were unsuccessful, their "experiment" inspired the strategies used by lawyers in future legal cases.<sup>9</sup>

When the case was appealed to the state Supreme Court of Michigan, Graves and Dent gathered the support of other local organizations who each wrote briefs in support of fair housing rights and the McGhees' case. The lawyers further argued that America's renewed commitment to democracy and freedom following World War II should inform the court's decision about justice. The United States had also just signed the 1945 United Nations Charter that respected the human rights of everyone regardless of race.<sup>10</sup> Graves and Dent claimed that if the court failed to strike down racial covenants, then it was acting against American ideals.

<sup>7</sup> Gonda, *Unjust Deeds*, 37-38.

<sup>8</sup> Gonda, *Unjust Deeds*, 73-76.

<sup>9</sup> Gonda, *Unjust Deeds*, 77.

<sup>10</sup> Gonda, *Unjust Deeds*, 95-96.

While the appeals to both the state Supreme Courts of Missouri and Michigan failed, the strategies and grassroots efforts of local people on the ground undoubtedly inspired and impacted the United States Supreme Court’s final decision in ruling that the state enforcement of restrictive covenants based on race was unconstitutional. These actions would further inspire the activism of future civil rights battles around education and segregated public spaces.