

HOUSING AND THE LAW: LESSON PLAN 5**LESSON 5**
HOW DID *SHELLEY V. KRAEMER (1948)* IMPACT
HOUSING DISCRIMINATION IN THE UNITED STATES?**Objectives**

- Students will critically examine the *Shelley v. Kraemer et al. (1948)* court case through its background, facts and legal issue and the Supreme Court's decision and reasoning.
- Students will continue to examine the impact of restrictive covenants and exclusionary practices in the housing market.
- Students will discuss the implications of law and policy within historical and present-day context.
- Students will examine the actions of people and organizations as examples of activism outside the courtroom context.
- Students will be able to distinguish between primary and secondary sources.

Standards:

- **Common Core:** CCSS.ELA-Literacy.RH.9-10.1; CCSS.ELA-Literacy.RH.9-10.2; CCSS.ELA-Literacy.RH.9-10.3; CCSS.ELA-Literacy.RH.9-10.4; CCSS.ELA-Literacy.RH.9-10.9; CCSS.ELA-Literacy.RH.11-12.1; CCSS.ELA-Literacy.RH.11-12.2; CCSS.ELA-Literacy.RH.11-12.3; CCSS.ELA-Literacy.RH.11-12.5; CCSS.ELA-Literacy.RH.11-12.7; CCSS.ELA-Literacy.RH.11-12.8; CCSS.ELA-Literacy.RH.11-12.9.
- **VA Standards of Learning (SOL):** VUS.1; VUS.9a; GOVT.1; GOVT.3; GOVT.12

Materials

- Lesson 5 Key Terms
- Handout 1: *Shelley v. Kraemer* Summary and Opinion Excerpts (primary source)
- Handout 2: *Shelley v. Kraemer* scaffolded opinion (primary source)
- Handout 3: Anti-Covenant Campaign (secondary source)
- Handout 4: *Shelley v. Kraemer* Scaffolded Activity
- Lesson 5 Discussion Questions and Writing Prompt

Relevant Articles to Consider for Further Exploration

- <https://www.seattletimes.com/seattle-news/the-deed-to-your-house-may-contain-racist-covenants-heres-how-to-fix-it/>
- <https://www.nytimes.com/2005/04/21/garden/restrictive-covenants-stubbornly-stay-on-the-books.html>

Probing for Prior Knowledge
(5-10 minutes)

- Review the different exclusionary housing practices that have been discussed thus far. Review the Court’s rulings in *Buchanan v. Warley (1917)* and *Corrigan v. Buckley (1926)*.
- Explain to students that this lesson will examine a 1948 court case in which the Supreme Court shifted from its previous rulings on the constitutionality of restrictive covenants. In this case, the Court examined whether or not the enforcement of these agreements by state Supreme courts was constitutional. It will be important to discuss various legal terms, including the **state action doctrine**.
- This lesson uses a secondary source that cites primary source material (Handout 1) as well as an annotated and shortened version of the original primary source (Handout 2). Handout 1 is a summary of the case with the important facts, legal issue and the Supreme Court’s decision and reasoning. Students should be able to understand these parts of a case. Students can also refer to Handout 2 for a closer examination of the Court’s majority opinion.

SHELLEY V. KRAEMER ET UX. MCGHEE ET UX. V. SIPES ET AL. (1948)
Historical Background
(5 min)

Explain the following to students (*sample language*):

In the previous lesson, we learned that the Supreme Court upheld racially restrictive covenants in the 1926 case of *Corrigan v. Buckley*. Two decades later, the Court would re-examine the constitutionality of racially restrictive covenants. In the 1948 case of *Shelley v. Kraemer*, the Supreme Court of the United States had to determine whether restrictive covenants could be enforced through state courts.

The Fourteenth Amendment prohibits discriminatory action by state or government powers. This is called the **state action doctrine**. This doctrine typically does not apply to private behavior of individuals. In *Shelley v. Kraemer et al.*, individuals in all-white neighborhoods in Missouri and Michigan had created private agreements to prevent families who were not white from moving into their neighborhoods. When two Black families (the Shelleys in Missouri and the McGhees in Michigan) tried to move in, white property owners sued. The state courts of Missouri and Michigan ruled in favor of the white respondents. The Black couples appealed these decisions to the Supreme Court. The Supreme Court combined these cases because they both dealt with restrictive covenants. This is why the court case uses “et al.” which means “and others.”

We will also be examining how people worked on the grassroots level to fight against discriminatory housing policies and racial covenants. These people struggling against racial inequality played a major role in shaping change in the legal system.

Key Terms

(10-15 minutes)

Review terms and definitions as a class. Clarify any terms students may have had difficulty with. Make sure to reinforce the vocabulary as students read the material.

Reading Materials

(20-30 min)

Break students up into groups of 4-5 students. Students can read individually or together in groups/pairs. Students can use the graphic organizer provided while reading to help track their comprehension.

Be sure to explain the difference between primary and secondary sources with students:

Sample Language:

- Primary sources are firsthand accounts of what happened during a particular historical time period. They can be letters, diary entries, speeches, newspapers (from that time period), photographs, etc.
- Secondary sources are not complete firsthand accounts, although they can contain primary source information such as quotes from people who lived during that time in history. Secondary sources are accounts recorded outside of (that is, after) the particular historical time period they discuss. They can be published research articles, books, and other forms of media on a particular historical topic.¹

Groups should be heterogeneous based on reading levels so that students can collaborate effectively with less assistance from the teacher. Circulate and offer help if needed.

¹ For more information, see <https://umb.libguides.com/PrimarySources/secondary>

Discussion
(30 minutes)

After reading and reviewing documents, instruct students to begin answering discussion questions. Explain to students that they will be working together to determine the best argument/position for each question. To do this, they will engage in three rounds of dialogue (time permitting) with each question.

- In the first round, students will consider one position and come up with reasons or evidence to support it.
- In the second round, students will consider the opposing position, identifying reasons or evidence to refute the first position.
- In the third round, students will work together to come up with the best answer to the question.

Remind students that they are working together to come up with the most convincing argument.

You can also assign roles within groups, such as question reader, note taker, reporter.

Students will share responses with the whole class after the group discussion.

Circulate while students discuss; do not necessarily provide answers but ask probing questions to proposed simple solutions.

Writing Prompt

Have students independently answer the writing prompt after whole class discussion

- *The writing prompt can be assigned as homework if time does not permit completion.*

Standards

Common Core Social Studies Standards

- **CCSS.ELA-Literacy.RH.9-10.1**
Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.
- **CCSS.ELA-Literacy.RH.9-10.2**
Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text
- **CCSS.ELA-Literacy.RH.9-10.3**
Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.
- **CCSS.ELA-Literacy.RH.9-10.4**
Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.
- **CCSS.ELA-Literacy.RH.9-10.9**
Compare and contrast treatments of the same topic in several primary and secondary sources.
- **CCSS.ELA-Literacy.RH.11-12.1**
Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
- **CCSS.ELA-Literacy.RH.11-12.2**
Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
- **CCSS.ELA-Literacy.RH.11-12.3**
Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters uncertain.
- **CCSS.ELA-Literacy.RH.11-12.5**
Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.
- **CCSS.ELA-Literacy.RH.11-12.7**
Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.
- **CCSS.ELA-Literacy.RH.11-12.8**

Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

- **CCSS.ELA-Literacy.RH.11-12.9.**

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

VA Standards of Learning (SOL)

- **VUS.1:** The student will demonstrate skills for historical thinking, geographical analysis, economic decision making, and responsible citizenship by a) synthesizing evidence from artifacts and primary and secondary sources to obtain information about events in Virginia and United States history; b) using geographic information to determine patterns and trends in Virginia and United States history; c) interpreting charts, graphs, and pictures to determine characteristics of people, places, or events in Virginia and United States history; d) constructing arguments, using evidence from multiple sources; e) comparing and contrasting historical, cultural, economic, and political perspectives in Virginia and United States history; f) explaining how indirect cause-and-effect relationships impact people, places, and events in Virginia and United States history; g) analyzing multiple connections across time and place; h) using a decision-making model to analyze and explain the incentives for and consequences of a specific choice made; i) identifying the rights and responsibilities of citizenship and ethical use of material and intellectual property; and j) investigating and researching to develop products orally and in writing.
- **VUS.9a:** The student will apply social science skills to understand the emerging role of the United States in world affairs during the end of the nineteenth and early twentieth centuries by explaining changes in foreign policy of the United States toward Latin America and Asia and the growing influence of the United States, with emphasis on the impact of the Spanish-American War.
- **GOVT.1:** The student will demonstrate skills for historical thinking, geographical analysis, economic decision making, and responsible citizenship by a) planning inquiries by synthesizing information from diverse primary and secondary sources; b) analyzing how political and economic trends influence public policy, using demographic information and other data sources; c) comparing and contrasting historical, cultural, economic, and political perspectives; d) evaluating critically the quality, accuracy, and validity of information to determine misconceptions, fact and opinion, and bias; e) constructing informed, analytic arguments, using evidence from multiple sources to introduce and support substantive and significant claims; f) explaining how cause-and-effect relationships impact political and economic events; g) taking knowledgeable, constructive action, individually and collaboratively, to address school, community, local, state, national, and global issues; h) using a decision-making model to analyze the costs and benefits of a specific choice, considering incentives and possible consequences; i) applying civic virtues and democratic principles to make collaborative decisions; and j) communicating conclusions orally and in writing to a wide range of audiences, using evidence from multiple sources and citing specific sources.

- **GOVT.3:** The student will apply social science skills to understand the concepts of democracy by a) recognizing the fundamental worth and dignity of the individual; b) recognizing the equality of all citizens under the law; c) recognizing what defines a citizen and how noncitizens can become citizens; d) recognizing majority rule and minority rights; e) recognizing the necessity of compromise; and f) recognizing the freedom of the individual.
- **GOVT.12:** The student will apply social science skills to understand the role of the United States in a changing world by a) describing the responsibilities of the national government for foreign policy and national security; b) assessing the role of national interest in shaping foreign policy and promoting world peace; and c) examining the relationship of Virginia and the United States to the global economy, including trends in international trade.