Introduction

The Declaration of Independence clearly states that all human beings are entitled to life, liberty, and the pursuit of happiness. Justice is meant to prevent any actions that may somehow impose on these natural rights of man. Supreme Court cases that have been pivotal in the progression of African American justice are Brown v. Board of Education, Shelley v. Kraemer, and Loving v. Virginia. Each one represents an important landmark in the struggle for justice for the African American community and remains relevant to this day.

Research Question

What is “Justice” to African Americans?

Background

Since slavery, African Americans have fought mightily on both individual and collective fronts for equality and justice in the land they helped build. Much of that struggle has taken place in the courts. Three precedent-setting Supreme Court rulings shed light on how African Americans have fought in the areas of education, interracial marriage and housing. The cases are:

- **Brown v. Board of Education**: The Court ruled that schools would have to desegregate their classes;
- **Loving v. Virginia**: The Court ruled miscegenation (interracial marriage) is unconstitutional;
- **Shelley v. Kraemer**: The Court ruled that you cannot constitutionally enforce people of a certain race from owning and occupying property.

Details


In 1952, The Supreme Court tilted all cases referring to school desegregation under Brown v. Board of Education where several parents petitioned for better school opportunities for their children.

**Loving v. Virginia (1967)**

In 1958, Robert and Mildred Loving were arrested because they were married, which was illegal at the time because Robert was white and Mildred was a Native American and African-American mix.

**Shelley v. Kraemer (1948)**

In 1945, the petitioners Shelley were a black couple that bought a home in St. Louis, Missouri where 30 out of the 39 people who lived in the neighborhood signed a restrictive contract saying that no property could be sold or rented to Asian and African Americans.

Relevance

**Brown v. Board of Education**

- This case was the backbone for the famous story of the Little Rock Nine.
- Segregation is in schools and it is evident in high school dropout and graduation rates.
- A Charleston high school in Mississippi had its first integrated prom in 2008.

**Loving v. Virginia**

- The judgment of Loving v Virginia clarifies that denial of gay marriage is unconstitutional.
- The freedom to marry is a natural right that cannot be infringed upon by the State.

**Shelley v. Kraemer**

- Today, long after Shelley v. Kraemer, studies still find that the higher the percentage of African Americans in the neighborhood, the less homes are worth; and that African Americans have to go through more hurdles to purchase or secure loans needed to own a house.
- It brings up questions about the wealth inequality between races in the U.S. and the connection between homeownership and owning land (Forbes).

Conclusions

**Brown v. B.O.E.:**

The Supreme Court handed down two verdicts. In one case, they decided that in public education the doctrine of “separate but equal” has no place. Separate educational facilities are unequal. While in the latter case, they decided all schools must be desegregated with deliberate speed.

**Loving v. Virginia:**

Robert and Mildred Loving escaped to Washington, D.C. to avoid facing either a year in jail or 25 years of absolute banishment from Virginia. In 1963, Mildred, with the help of the American Civil Liberties Union, challenged the laws on miscegenation and the result managed to overturn the limits on interracial marriage in 16 states.

**Shelley v. Kraemer:**

The Supreme Court ruled that under the 14th amendment you could not enforce racial barriers on public real estate. It effectively made residential segregation laws that were common in those times unenforceable. Eventually with Title VIII of the Civil Rights Act of 1968 and statutes in states, private discrimination in housing was deemed unenforceable too.

References