

EARL B. DICKERSON AND HYDE PARK

By Robert J. Blakely

"The victors are soon conquered by the vices of the vanquished." The Northern states illustrated this aphorism after the American Civil War. They rapidly adopted the Jim Crow laws or practices that the Southern states had invented after the defeat of Reconstruction. In 1907-1908, when Earl B. Dickerson was working his way through a semester at the University of Chicago High School, he found in Chicago a situation that in ways did not differ from that in Canton, Mississippi, from which he had fled in 1907, shortly before his 16th birthday. The white citizens of Hyde Park had driven out the few Negroes remaining in the community. In evenings, when the youthful Dickerson was returning to his room in the Negro ghetto from mowing lawns or shoveling walks in Hyde Park, policemen would often stop him and ask, "What are you doing in this neighborhood, boy?"

Beginning in 1927, white residents in Chicago had found a way better than violence to keep Negroes from owning and renting in "threatened" areas. That was the race restrictive housing covenant (invented on the West Coast against Orientals and adopted in St. Louis against Negroes and other minorities as early as 1910). Such a covenant is a mutual agreement entered into by a group of property owners not in any way to convey a property to Negroes or other specified minorities. The agreement was made to "run with the land"—that is, to be binding on subsequent owners even though they might not know about it.

The first case to challenge the enforceability of a restrictive covenant was *Hansberry and Others v. Lee* in 1940. Carl Hansberry was the father of Lorraine Hansberry, who later wrote the play *A Raisin in the Sun*. In 1937 he had bought and occupied a property at 6140 Rhodes, south of Washington Park, in an area covered by a race restrictive covenant. The "others" with Hansberry included Supreme Liberty Life Insurance Company, which had loaned Hansberry money to buy the property, and the president of the company, who also had bought a property in the restricted area. Earl Dickerson represented the company and its president. C. Francis Stradford represented Hansberry.

Anna Lee and others, members of the Woodlawn Property Owners Association and signers of the covenant, applied to and received from the Circuit Court an injunction against Hansberry, Supreme Liberty, its president, and others.



Dickerson, Stradford, and their colleagues appealed the injunction to the Illinois Supreme Court, which, without hearing, affirmed the injunction of the Circuit Court and denied the attorneys' appeal for a rehearing. Dickerson and Stradford and their colleagues applied to the U.S. Supreme Court for a writ of *certiorari* (an order from a higher to a lower court to send up the records for review). The U.S. Supreme Court granted *certiorari* of *Hansberry v. Lee* on April 22, 1940.

During the progress of the case, Dickerson, Irwin C. Mollison, and Loring C. Moore, all graduates of the University of Chicago Law School and all on brief in the Hansberry case, talked with Robert M. Hutchins, president of the university, trying to persuade him to keep the university at least neutral, but, according to Dickerson, the university paid, at least in part, the fees of the attorneys for the association. In 1983 Dickerson said: