

The Burger Court Opinion Writing Database

Havens Realty Corp. v. Coleman

455 U.S. 363 (1982)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

April 13, 1981

Re: No. 80-988, Havens Realty v. Coleman

Dear Bill,

Please add my name to your dissenting
opinion.

Sincerely yours,

P.S.
/

Justice Rehnquist

Copies to the Conference

ET TO SIA

Agree but not his.

April 10, 1981

80-988 Havens Realty v. Coleman

Dear Bill:

I agree with your persuasive dissent from the denial of cert, but probably will not join it as the case involves housing in Richmond, Virginia.

I will, however, adhere to my vote to grant and expect to participate if the case is granted.

Sincerely,

Mr. Justice Rehnquist

lfp/ss

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Stevens

Re: No. 80-988 Havens Realty v. Coleman

From: Mr. Justice Rehnquist

Circulated: APR 10 1981

JUSTICE REHNQUIST, dissenting.

Recirculated: _____

The Court of Appeals for the Fourth Circuit has held that "testers" have standing to sue under the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq. The Court of Appeals has also held that these testers, who reside in the same metropolitan area in which housing discrimination is allegedly occurring at two apartment complexes, have standing because they are being denied the social and professional benefits of living in an integrated society. Finally, the Court of Appeals has concluded that the organization for which these testers work has standing because its individual members would have standing to bring suit and because the organization itself has suffered direct injury. Because I believe all three of these determinations are not supported by prior decisions of this Court and raise important constitutional issues, I dissent from the denial of the petition for a writ of certiorari.

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Stevens

From: Mr. Justice Rehnquist

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Circulated: _____

SUPREME COURT OF THE UNITED STATES

Circulated: APR 14 1981

HAVENS REALTY CORPORATION ET AL. v.
SYLVIA COLEMAN ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 80-988. Decided April —, 1981

JUSTICE REHNQUIST, with whom JUSTICE STEWART joins,
dissenting.

The Court of Appeals for the Fourth Circuit has held that "testers" have standing to sue under the Fair Housing Act of 1968, 42 U. S. C. § 3601 *et seq.* The Court of Appeals has also held that these testers, who reside in the same metropolitan area in which housing discrimination is allegedly occurring at two apartment complexes, have standing because they are being denied the social and professional benefits of living in an integrated society. Finally, the Court of Appeals has concluded that the organization for which these testers work has standing because its individual members would have standing to bring suit and because the organization itself has suffered direct injury. Because I believe all three of these determinations are not supported by prior decisions of this Court and raise important constitutional issues, I dissent from the denial of the petition for a writ of certiorari.

This action involves a claim that the petitioners, a real estate brokerage firm that owns and operates two rental apartment complexes in Henrico County, Va. (a suburb of Richmond, Va.), and one of its employees, have engaged in racial steering with regard to the two complexes. The complaint alleges, *inter alia*, that two testers, one of whom is black and the other white, sought information about vacancies at the petitioners' apartments. The black tester was informed on several occasions that an apartment was available only in an area of one complex rented predominantly