

RACIALLY RESTRICTIVE COVENANTS



Courtesy of the State Historical Society of Missouri

WORDS TO KNOW

restrictive covenants

perpetuity

Shelley v. Kraemer

deed

14th Amendment

mortgage

Caucasian

Corrigan v. Buckley

deed scrubbing

THINK BEFORE YOU READ

What does it mean to call a neighborhood “exclusive?”

Who should be able to control who a person sells their property to?

Cover: The Country Club District is a series of upscale neighborhoods outside of Kansas City, Missouri. Developer J.C. Nichols included racially restrictive covenants on home deeds, preventing Black Americans from purchasing homes. Courtesy of the State Historical Society of Missouri

WRITING PEOPLE OUT

Sometimes, all it took was the power of the written word to keep people out. Racially, religiously, or ethnically **restrictive covenants** were another tool used to exclude buyers.

A “covenant” is an agreement in a contract, a binding promise. Most home **deeds** include covenants. Usually, they limit how a house can be used, whether more buildings can be added, or what a house looks like from the street. Covenants are a way to assure neighbors, buyers, and lenders that the value of their homes will not decline.

But starting in the 1890s, some covenants were written specifically to prevent homeowners from selling to certain people based on their race, religion, or ethnicity. A typical restricted covenant might say something like “...hereafter no part of said property or any portion thereof shall be...occupied by any person not of the **Caucasian** race.” Restrictive covenants often included words such as “in **perpetuity**” to place those neighborhoods under White control forever. Developers proudly advertised their deed-restricted homes in “exclusive” communities.

In some places, White neighborhood associations enforced covenants with intimidation and violence. On the West Coast, some of the earliest restrictive covenants were used against Chinese Americans. As the Great Migration gained momentum, restrictive covenants became common in the North to prevent Black families from moving in.



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FIGHTING RESTRICTIVE COVENANTS

Restrictive covenants were tested in the U.S. Supreme Court case **Corrigan v. Buckley** (1926). Irene Corrigan, a White woman in Washington, D.C., sold her home to a Black couple. She was sued by a group of 30 White neighbors for breaking a racially restrictive covenant in her deed. The Supreme Court sided with the neighbors, ruling that a housing sale was a private contract not governed by the **14th Amendment**. Racially restrictive covenants were upheld as legal. People from restricted groups who had managed to buy restricted property were now at risk of being sued and losing their homes.

In 1948, civil rights activists brought the case of **Shelley v. Kraemer** to the U.S. Supreme Court. A Black couple, J.D. and Ethel Lee Shelley, bought a home in St. Louis that had a covenant preventing sale to “people of the Negro or Mongolian race.” They were sued by the Kraemers, who were supported by their White neighborhood association. In its ruling, the Supreme Court did not challenge the private nature of the contracts but did require states to enforce equal protection, as promised in the 14th Amendment. It was a partial victory. People could still put restrictive covenants in their deeds but couldn’t sue anyone for breaking them.

It took another 20 years of work before housing activists, homeowners, and lawyers won the fight to make discrimination in property deeds illegal. Still, some people continued to use racially restrictive covenants. Until the 1960s, the Federal Housing Authority (FHA) required deed restrictions in order to insure a loan. Restrictive covenants were finally outlawed by the 1968 Fair Housing Act. But since deeds are not often revised, covenants still exist on many deeds. Recently, a national movement for **deed scrubbing** has inspired people to find and remove ethnic, racial, and religious restrictive covenants on deeds for their own properties.



William and Daisy Myers, the first Black residents of Levittown, Pennsylvania, socializing with their neighbors, 1957. Courtesy of the Library of Congress

GARY HEIGHTS

PROPERTY HIGHLY RESTRICTED

Only White People and Fine Homes



TERMS: 10% down and 3% per month
Pay cash and save 11%

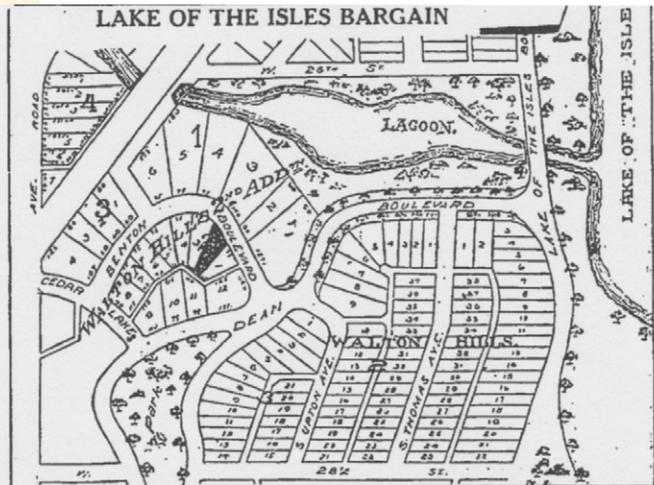
Why Pay Rent When You Can Secure
A Homesite for the Small Sum of
\$290

Think of a lot 30x125 ft. near
the street car line ∴ ∴ ∴ for **\$290.00**

Real estate developers advertised their restrictions to make their developments attractive to White buyers. An advertisement for homes in Gary Heights, Indiana, highlights its racial restrictions.

Courtesy of the Historical Society of Oak Park and River Forest

Advertisement for restricted homes in Lake of the Isles, Minnesota.
Courtesy of Mapping Prejudice



A fellow cannot interest the dollar without using dollar instincts, and this lot is purposely slashed in price to attract the dollar. The map shows you where it is and what it looks at. The lot has curb and gutter, stone sidewalk, city water, gas and electricity. It is a beautiful lot, high and commanding, with a frontage of 75 feet and a depth of 140 feet. Mr. Stiff lives next door, at 2815 Benton boulevard. Old price \$4,000. Today's discount \$1,250. New price **\$2,750**. Terms, \$750 down, balance on or before 3 years; 6% interest.

I appeal to the instincts of those about to marry. Isn't this the most remarkable offering you ever heard of. Restrictions—

The party of the second part hereby agrees that the premises hereby conveyed shall not at any time be conveyed, mortgaged or leased to any person or persons of Chinese, Japanese, Moorish, Turkish, Negro, Mongolian, Semetic or African blood or descent. Said restrictions and covenants shall run with the land and any breach of any or either thereof shall work a forfeiture of title, which may be enforced by re-entry.

Lake Street Frontage

QUESTIONS TO CONSIDER

- Restrictive covenants have been called “invisible walls.” Why was this type of discrimination called “invisible?”
- Some homeowners with restrictive language on their deeds work to get them “scrubbed” of restrictive language. Others prefer to leave the language as evidence of the history of discrimination. If you owned a home with a deed restriction, which choice would you make? Why?
- Deed covenants are no longer legal, but many neighborhoods remain segregated. What are some other forces that keep neighborhoods from integrating?
- Does your town include houses or land with restrictive covenants on deeds or other legal documents?