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Segregated Seattle

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Racial Restrictive Covenants History

Enforcing Neighborhood Segregation in Seattle

by Catherine Silva

Richard Ornstein, a Jewish refugee from Austria, contracted to purchase a home for his family in the Sand Point Country Club area of Seattle in late 1952. Unknown to both Ornstein and the seller, the property's deed contained a neighborhood-wide restrictive covenant barring the sale or rental of the home to non-Whites and people of Jewish descent. In spite of the U.S. Supreme Court ruling that deemed racial restrictive covenants unenforceable in 1948, Ornstein's case reveals that this ruling yielded little power over the application of these restrictions on the individual level. Daniel Boone Allison, Head of the Sand Point Country Club Commission, approached the realtor negotiating the sale and announced: "the community will not have Jews as residents."1 Over the next several weeks Allison campaigned to stop the sale by both citing the covenant barring the sale of homes to Jews and by threatening Ornstein with a list of ways intolerant area residents "could" respond to the presence of the Ornstein family in the neighborhood. Despite the willingness on the part of the home seller, despite the support of civil rights

This sign at the entrance of Innis Arden advertised to all entering the Shoreline subdivision that it was a "restricted community."

activists, and despite the 1948 court ruling, Ornstein eventually became a victim of Allison's threats and "made it clear that he [had] no intention of moving" into an area that did not accept his presence. 2

What happened to Richard Ornstein is part of a long and extensive history of racial restrictive covenants and housing segregation in Seattle. Throughout the 1920s, 1930s and 1940s, restrictive covenants played a major role in dictating municipal demographics. Neighborhoods in North Seattle, West Seattle, South Seattle and in the new suburbs across Lake Washington adopted deed restrictions to keep out non-White and sometimes Jewish families. Some central neighborhoods in Capitol Hill, Queen Anne, and Madison Park also armed themselves with covenants. By the end of the 1920s, a ring of deed restrictions meant that people of color had few options. The older areas of the Central District and Chinatown were nearly the only "open neighborhoods" in Seattle. African Americans, Chinese Americans, Japanese Americans, Filipino Americans and some of the region's Jewish population shared a ghetto that followed an L-shape from the International District, east along a corridor of blocks surrounding the Jackson Street, then north in another corridor surrounding 23rd Avenue to Madison. Covenants lost the force of law after 1948, but the map of segregation they helped to create lasted much longer.

What is a Racial Restrictive Covenant?

The Civic Unity Committee, in a 1946 publication, defined racial restrictive covenants as: "agreements entered into by a group of property owners, sub-division developers, or real estate operators in a given neighborhood, binding them not to sell, lease, rent or otherwise convoy their property to specified groups because of race, creed or color for a definite period unless all agree to the transaction."3 When a restrictive covenant existed on a property deed or plat map, the owner was legally prohibited from selling to members of the specific minority group or groups listed in the covenant. These contracts thus hampered the individual freedoms of the signer and all future property owners to sell to whomever they chose. If an owner violated the restriction, they could be sued and held financially liable. Because of this legal obligation, racial restrictions were rarely contested, which is the key reason why they were


New World

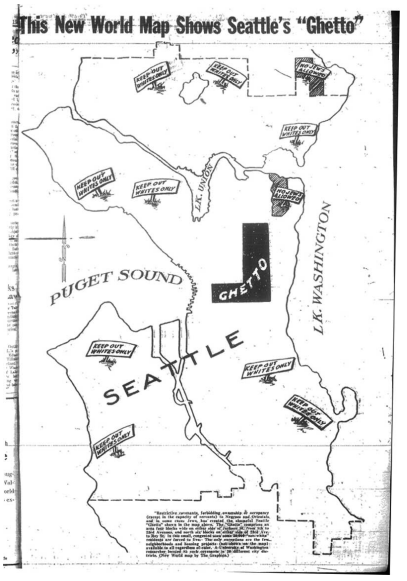
Map of "Ghetto" Page 3:

Seattle Is Blighted By Restrictive Covenants

Trial Dates Set For Film Group

The Communist Party Newspaper, *New World*, published articles attacking racial restrictive covenants in 1948.

[click to enlarge images]



A *New World* Map Shows Seattle's "Ghetto," 1948.

so effective. In addition, the use of racial restrictive covenants removed the need for zoning ordinances.4 In that way, they served to segregate cities without any blame being placed on municipal leaders.

The popular use of racial restrictive covenants emerged in 1917, when the U.S. Supreme Court deemed city segregation ordinances illegal. In Buchanan v. Warley, the court ruled that outright segregation ordinances violated the Fourteenth Amendment. In the aftermath of this ruling, segregationists turned to restrictive neighborhood covenants and a decade later, the Supreme Court affirmed their legality. The 1926 ruling in Corrigan v. Buckley stated that while states are barred from creating race-based legislation, private deeds and developer plat maps are not similarly affected by the Fourteenth Amendment. This is because individuals entering into covenant agreements are doing so of their own volition, whereas segregation ordinances were forced upon populations from the state and municipal levels. Racial restrictive covenants consequently superseded segregation ordinances as instruments to promote and establish residential segregation among races in U.S. cities.5

The National Housing Act of 1934 also played a part in popularizing these covenants. Passed during the Great Depression to protect affordable housing, the Housing Act introduced the practice of "redlining," or drawing lines on city maps delineating the ideal geographic areas for bank investment and the sale of mortgages. Areas blocked off by redlining were considered risky for mortgage support and lenders were discouraged from financing property in those areas. This legislation was intended to ensure that banks would not over-extend themselves financially by exceeding their loan reserves, but it resulted in intensified racial segregation.

The Housing Act encouraged land developers, realtors and community residents to write racial restrictive covenants to keep neighborhoods from being redlined. This trend can be seen on the red-lined "residential security maps," which essentially divided cities according to their racial demographics in order to determine the economic desirability of certain neighborhoods.6 This practice provided a financial justification for racial restrictive covenants and allowed for their popular use. On top of this, redlining made it exceedingly more difficult for non-Whites to purchase property because

Racial Covenants Before High Court

By Terry Pettus

WITH the constitutionality of restrictive covenants now before the U. S. supreme court for the first time, The New World is interrupting its series on the local application of this discriminatory practice to deal with the legal aspects as brought out in the arguments before the high tribunal.

These covenants are widely used in almost every northern state to prevent Negroes, Jews or "non-Caucasians" from owning, occupying or renting property covered by the agreements. Often the restrictive clause is inserted in the deed, while others are drawn up by the property owners in a given community.

The historic case went to the supreme court on appeals from lower courts in California, Missouri, and the District of Columbia. Three justices disqualified themselves on the grounds that they own or occupy restricted property. They were Justices Stanley Reed, Robert H. Jackson and Wiley Rutledge.

As was pointed out in the first of this series (Jan. 15th) the covenants are not "zoning ordinances." Attorneys defending the practice contend that they are legal and "private agreements" but opponents point out the covenants cannot be enforced except through the courts and they thus "amount to legislation" which is prohibited under the constitution.

Acting for the Dept. of Justice, U. S. Solicitor General Philip Perlman told the court that the covenants should be outlawed because they **"involve discrimination which works irreparable injury to all our people at home and harm to our relationships abroad."**

Perlman said that all **"involve discrimination based on race or color."** He cited the various language used. In the Dist. of Columbia cases the covenants provide **"that said lot shall never be rented, leased, sold, transferred or conveyed to any Negro or colored person."** The Michigan formula says the property shall not **"be used or occupied by any person or persons except those of the Caucasian race"** while the Missouri deeds exclude use or occupancy by **persons "not of the Caucasian race."** The only exceptions are in case of domestic servants.

Similar language is to be found in the 85 known covenants which **cover some 20 areas in Seattle. In addition two local covenants, Sand Point Country Club and Broadmoor** also exclude any **"Hebrew"** in addition to Negroes, Orientals and "non-Caucasians."

Such covenants, Perlman said, has resulted in **"hottling up an ever-increasing Negro population within narrow confines of colored zones or ghettos"** and this in turn has had "the most unfortunate economic, social and psychological effects." He also pointed out that the groups discriminated against pay **"excessively high rents"** as they are forced to compete for living space in the crowded ghettos.

Ghetto Area Is Not All "Slum"

In re-reading the first of this series it occurs to me that the description of Seattle's Ghetto as a "slum for the most part and a breeding ground for disease and crime" may be misconstrued.

Part of the "Ghetto" can properly be described as a "slum" and is certainly a breeding ground for disease and crime. Also some of the area is certainly sub-standard and all of it is highly profitable, thanks to restrictive covenants, to real estate owners and landlords. But the article was not intended to imply that all of the area is a slum. Terry Pettus.

Enforcement of the covenants by state courts, Perlman said, has "embarrassed" the federal government **"in the conduct of foreign affairs"** as our efforts to **"teach universal respect for the dignity of man are hampered by the discriminations and inequalities which we as a nation have failed to protect."**

Attorneys defending the covenants argued that in bringing the action **"Negroes are asserting rights they never had"** and that the covenants are no more discriminatory than zoning ordinances restricting certain property to residences only or those which set a minimum cost for dwellings erected in certain areas.

Harry Gilligan, pro-covenant attorney, told the court that **"discrimination is as much a part of nature as the law of gravity" and that "forced social equality is tyranny."**

On the other hand Thurgold Arnold, widely known Negro attorney of New York, said that **"the right to occupy property without discrimination as to race is equal to the right to freedom of speech."**

Many organizations filed briefs against covenants. These include the American Civil Liberties Union, Natl. Lawyers Guild, American Veterans Committee, the AFL and CIO. **Briefs filed by real estate boards supported the covenants.**

The court is expected to hand down its decision in March. A 3 to 3 tie of the remaining six justices would result in upholding the lower courts which have ruled the covenants legal.

* * *

(Next week The New World will list many of the Seattle areas in which covenants now operate.)

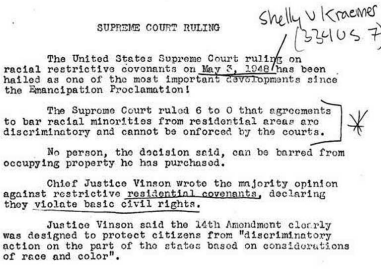
New World

An independent newspaper owned and published by the Free Press Publishing Corp. Stock in the publishing corporation is owned by 35 A. F. of L. and C. I. O. unions and 400 individuals residing in the state.

Gas Companies Want Increase

Application of three domestic

A January 22, 1948 New World column addresses the 1948 court struggles against racial restrictive covenants.



SUPREME COURT RULING

Shelly v Kraemer (334 US 7)

The United States Supreme Court ruling on racial restrictive covenants on May 3, 1948 has been hailed as one of the most important developments since the Emancipation Proclamation!

The Supreme Court ruled 6 to 0 that agreements to bar racial minorities from residential areas are discriminatory and cannot be enforced by the courts.

No person, the decision said, can be barred from occupying property he has purchased.

Chief Justice Vinson wrote the majority opinion against restrictive residential covenants, declaring they violate basic civil rights.

Justice Vinson said the 14th Amendment clearly was designed to protect citizens from "discriminatory action on the part of the states based on considerations of race and color".

In 1948, the Supreme Court ruled 6 to 0 that agreements to bar racial minorities from

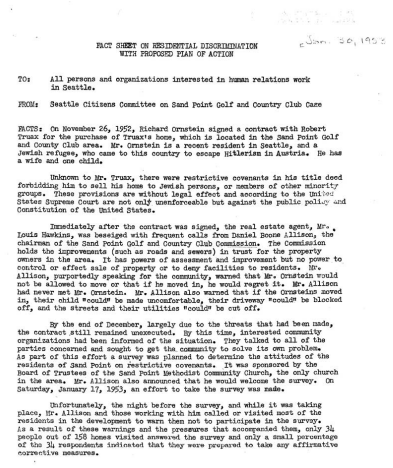
financing was refused in the only neighborhoods they were able to live.

In 1945, an African American couple named J.D. and Ethel Shelley knowingly purchased a restricted home in St. Louis, Missouri. They made the purchase in order to protest the legitimacy of the restrictive covenant that had been drafted by the St. Louis Real Estate Exchange, resulting in the court case titled Shelley v. Kraemer.[7] The following year, the circuit court decided that the restrictive covenant was unenforceable because it had been haphazardly assembled. The Missouri Supreme Court, however, rejected that ruling and upheld the covenant by invoking Corrigan v. Buckley. Traveling up to the U.S. Supreme Court in 1948, the final court decision in the case of Shelley v. Kraemer favored the Shelleys. The Court ruled that although racial restrictive covenants are private, not government contracts, they are nonetheless legally unenforceable, as they are in violation of the Equal Protection Clause of the Fourteenth Amendment.[8] This ruling was a milestone in the campaign against racial restrictive covenants, but it did not put a stop to their use. Although racial restrictive covenants were no longer legally enforceable, they were not illegal to establish and privately enforce. Despite the court decision, these null and void restrictive covenants continued to govern where minority individuals were able to reside.

Social Enforcement

Social enforcement had always been as important as legal enforcement by the courts in upholding racial restrictions. This is apparent in the threat tactics employed by Daniel Boone Allison to prevent the Ornstein family from moving to Sand Point. According to a report by Leonard Schroeter, Director of the Anti-Defamation League, Allison "warned that Mr. Ornstein would not be allowed to move in or that if he moved in, he would regret it."[9] "Mr. Allison also warned that if the Ornsteins moved in, their child 'could' be made uncomfortable, their driveway 'could' be blocked off, and the streets and their utilities 'could' be cut off."[10] More details emerge in a questionnaire developed by Sand Point Methodist Community Church, which was meant "to determine the attitudes of the residents of Sand Point on restrictive covenants."[11] Residents were asked to respond to a hypothetical scenario that was very similar to the Ornstein Case, in which an area leader "tells the residential areas are discriminatory and cannot be enforced by the courts.

The Ornstein Case



FACT SHEET ON RESIDENTIAL DISCRIMINATION
WITH PROPOSED PLAN OF ACTION

TO: All persons and organizations interested in human relations work in Seattle.

FROM: Seattle Citizens Committee on Sand Point Golf and Country Club Case

FACTS: On November 26, 1952, Richard Ornstein signed a contract with Robert Truax for the purchase of Truax's home, which is located in the Sand Point Golf and Country Club area. Mr. Ornstein is a recent resident in Seattle, and a Jewish refugee, who came to this country to escape Hitlerism in Austria. He has a wife and one child.

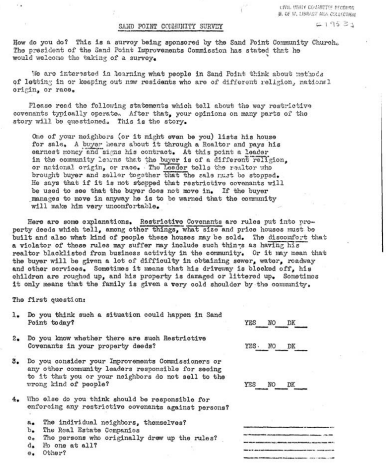
Unknown to Mr. Truax, there were restrictive covenants in his title deed forbidding him to sell his home to Jewish persons, or members of other minority groups. These provisions are without legal effect and according to the United States Supreme Court are not only unenforceable but against the public policy and Constitution of the United States.

Immediately after the contract was signed, the real estate agent, Mr. Louis Hawkins, was besieged with frequent calls from Daniel Boone Allison, the chairman of the Sand Point Golf and Country Club Commission. The Commission holds the improvements (such as roads and sewers) in trust for the property owners in the area. It has powers of assessment and improvement but no power to control or effect sale of property or to deny facilities to residents. Mr. Allison, purportedly speaking for the community, warned that Mr. Ornstein would not be allowed to move or that if he moved in, he would regret it. Mr. Allison had never met Mr. Ornstein. Mr. Allison also warned that if the Ornsteins moved in, their child "could" be made uncomfortable, their driveway "could" be blocked off, and the streets and their utilities "could" be cut off.

By the end of December, largely due to the threats that had been made, the contract still remained unexecuted. By this time, interested community organizations had been informed of the situation. They talked to all of the parties concerned and sought to get the community to solve its own problem. As part of this effort a survey was planned to determine the attitudes of the residents of Sand Point on restrictive covenants. It was sponsored by the Board of Trustees of the Sand Point Methodist Community Church, the only church in the area. Mr. Allison also announced that he would welcome the survey. On Saturday, January 17, 1953, an effort to take the survey was made.

Unfortunately, the night before the survey, and while it was taking place, Mr. Allison and those working with him called or visited most of the residents in the development to warn them not to participate in the survey. As a result of these warnings and the pressures that accompanied them, only 34 people out of 158 homes visited answered the survey and only a small percentage of the 34 respondents indicated that they were prepared to take any affirmative corrective measures.

Fact Sheet on Ornstein's Residential Discrimination and Proposed Plan of action, January 30, 1953.



SAND POINT COMMUNITY SURVEY

How do you do? This is a survey being sponsored by the Sand Point Community Church. The president of the Sand Point Improvements Commission has stated that he would welcome the taking of a survey.

We are interested in learning what people in Sand Point think about methods of keeping in or keeping out new residents who are of different religious, national origin, or race.

Please read the following statements which tell about the way restrictive covenants typically operate. After that, your opinions on many parts of the story will be questioned. This is the story.

One of your neighbors (or it might even be you) lists his house for sale. A buyer hears about it through a Realtor and pays his earnest money and signs his contract. At this point a leader in the community learns that the buyer is of a different religion, or national origin, or race. The leader tells the realtor who brought buyer and seller together that the sale must be stopped. He says that if it is not stopped that restrictive covenants will be used to see that the buyer does not move in. If the buyer manages to move in anyway he is to be warned that the community will make him very uncomfortable.

Here are some explanations. Restrictive Covenants are rules put into property deeds which tell, among other things, what size and price houses must be built and also what kind of people those houses may be sold. The discomfort that a violator of these rules may suffer may include such things as having his realtor blacklisted from business activity in the community. Or it may mean that the buyer will be given a lot of difficulty in obtaining sewer, water, roadway and other services. Sometimes it means that his driveway is blocked off, his children are roughed up, and his property is damaged or littered up. Sometimes it only means that the family is given a very cold shoulder by the community.

The first question:

1. Do you think such a situation could happen in Sand Point today? YES___NO___DK___
2. Do you know whether there are such Restrictive Covenants in your property deeds? YES___NO___DK___
3. Do you consider your Improvements Commissioners or any other community leaders responsible for seeing to it that you or your neighbors do not sell to the wrong kind of people? YES___NO___DK___
4. Who else do you think should be responsible for enforcing any restrictive covenants against persons?
   a. The individual neighbors, themselves? _____
   b. The Real Estate Companies _____
   c. The persons who originally drew up the rules? _____
   d. No one at all? _____
   e. Other? _____

The questionnaire developed by the Sand Point Methodist Community Church, to reveal resident's attitudes towards racial restrictive covenants.

realtor who brought buyer and seller together that the sale must be stopped. He says that if it is not stopped that restrictive covenants will be used to see that the buyer does not move in." More ominously, "[if] the buyer manages to move in anyways he is to be warned that the community will make him very uncomfortable."

> "The discomfort that a violator of these rules may suffer may include such things as having his realtor blacklisted from business activity in the community. Or it may mean that the buyer will be given a lot of difficulty in obtaining sewer, water, roadway and other services. Sometimes it means that his driveway is blocked off, his children are roughed up, and his property is damaged or littered up. Sometimes it only means that the family is given a very cold shoulder by the community"12

Respondents to this survey were asked a series of questions asking how they felt about the given situation and how realistic they found the proposed outcome to be.

The report notes that "unfortunately, the night before the survey was to be conducted, Mr. Allison and those working with him called or visited most of the residents in the Sandpoint development and warned them not to participate in the survey."13 As a result, only 34 residents of the 158 homes visited participated, and only a small percentage of those respondents indicated that they opposed Allison and the use of racial restrictive covenants.

Despite the fact that the law no longer supported restrictive covenants, Allison and his allies successfully prevented the sale and upheld the covenant. The Civic Unity Committee and the Anti-Defamation League held meetings and discussed establishing educational programs to combat prejudices but, in the end, it was the social enforcement of the restrictive covenant that held the most weight in determining how the situation was resolved.

The success of social enforcement in upholding racial restrictive covenants even after Shelley v. Kraemer was enhanced by the growing involvement of realtors in the matter. In his study of St. Louis, historian Colin Gordon wrote that "the use of restrictive covenants grew alongside the modern real estate industry and the urban boom of the early twentieth century."14 And, according to the Code of Ethics for the National Association of Real Estate Boards that was enforced in Seattle in the early

Civic Unity Committee Memo summarizing the Ornstein family's situation.

Housing restriction was publically condoned and enforced.

A Victory Heights plat map in the North Seattle area.

Database of Seattle Restrictive Covenants
Click above to browse

1950's, a realtor "should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood." 15 As the "residential security maps" illustrated, it was genuinely believed that the presence of racial minorities in Seattle neighborhoods would bring down real estate values. Therefore, realtors encouraged racial segregation in order to maintain property values and sell housing.

Twenty years after the Supreme Court ruling in Shelley v. Kraemer, The Fair Housing Act of 1968 was passed. This prohibited "discrimination of sale, rental, and financing of dwellings and other housing-related transactions, based on race, color, national origin, religion, sex…"16 This law officially made the use of racial restrictive covenants in housing illegal. The 1968 law essentially filled in the gap that Shelley v. Kraemer left, and prohibited restrictive covenants from being upheld both privately and judicially. Actions taken to uphold racial restrictive covenants, such as those taken by Allison against Ornstein, were finally banned. However, this ruling did not force the removal of racial restrictions from property deeds. As a result, a language of segregation remains in the fine print of deeds all over the country and acts as a historical reminder of the segregationist systems that for so long mapped Seattle and other cities.

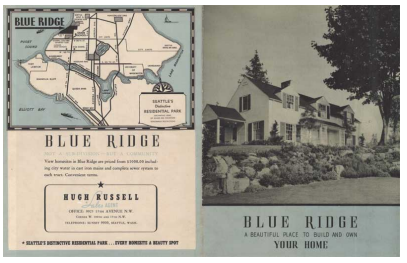
Database of Covenants

Seattle's first known racial restrictive covenant was written in 1924 by the Goodwin Company and applied to three tracts of land and one block of the company's development in the Victory Heights neighborhood in north Seattle.17 Over the next two and a half decades, until 1948, hundreds of other covenants were written. To date, student researchers for the Seattle Civil Rights and Labor History Project have located nearly 500 racial restrictive covenants and deed restrictions in the King County Archives, covering tens of thousands of homes in Seattle and suburban King County. This database provides a wealth of information about the geography of segregation, about the developers and homeowners who practiced this form of segregation, and about the curious language of racial exclusion.

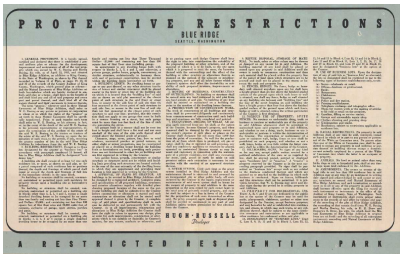
Land developers and real estate companies wrote most of the region's racial restrictive covenants. The easiest way

nearly 500restrictive covenants and see King County neighborhoods affected by restrictive covenants

W.E. Boeing Neighborhood Developments



A pamphlet cover advertizing the Blue Ridge "restricted" neighborhood as "a beautiful place to build and own your home." Blue Ridge was one of several neighborhoods developed by Bill and Bertha Boeing.



This Blue Ridge list of "protective restrictions" is included in the same pamphlet that described the Blue Ridge area as "a beautiful place to build and own your home."

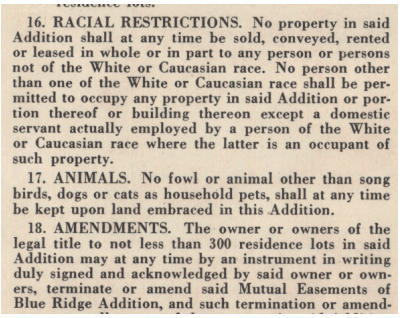
to impose deed restrictions on large areas was before the parcels were sold and developed. Some developers included restrictions in the plat maps filed with the County Recorder. Others affixed deed restrictions as they sold off parcels or blocks. As a result, properties that were subdivided after 1926 were more likely to be restricted than those in the older areas and that means that North and South Seattle and the suburbs were more thoroughly restricted than neighborhoods that are more centrally located.

The biggest names in land development were also the biggest names in Seattle's segregation industry. The Goodwin Company, South Seattle Land Company, Seattle Trust Company, Puget Mill Company, Crawford & Conover Real Estate partnership—these firms subdivided hundreds of acres and laid out neighborhoods throughout the region, always with racial restrictions permanently following the deeds. No name was bigger than W.E. Boeing, the founder of Boeing Aircraft Company Between 1935 and 1944, Bill Boeing and his wife Bertha set aside a massive tract of land north of Seattle city limits for subdivision, including the future communities of Richmond Beach, Richmond Heights, Innis Arden, Blue Ridge and Shoreview. As they plotted those developments, Bill and Bertha added racial restrictive covenants to property deeds. A typical covenant for one of Boeing's developments reads as follows:

> "No property in said addition shall at any time be sold, conveyed, rented, or leased in whole or in part to any person or persons not of the White or Caucasian race. No person other than one of the White or Caucasian race shall be permitted to occupy any property in said addition of portion thereof or building thereon except a domestic servant actually employed by a person of the White or Caucasian race where the latter is an occupant of such property."18

Although the language varies among W.E. Boeing's covenants, each states that only White or Caucasian individuals may live on Boeing property, with the exception of domestic servants.

The Goodwin Company used very similar verbiage in the covenants attached to the subdivisions it developed in the Northgate, Hawthorne Hills, Lake City, Lake Ridge, and Windermere neighborhoods from 1924 to 1938. The Goodwin property deeds similarly stated that property



16. RACIAL RESTRICTIONS. No property in said Addition shall at any time be sold, conveyed, rented or leased in whole or in part to any person or persons not of the White or Caucasian race. No person other than one of the White or Caucasian race shall be permitted to occupy any property in said Addition or portion thereof or building thereon except a domestic servant actually employed by a person of the White or Caucasian race where the latter is an occupant of such property.

17. ANIMALS. No fowl or animal other than song birds, dogs or cats as household pets, shall at any time be kept upon land embraced in this Addition.

18. AMENDMENTS. The owner or owners of the legal title to not less than 300 residence lots in said Addition may at any time by an instrument in writing duly signed and acknowledged by said owner or owners, terminate or amend said Mutual Easements of Blue Ridge Addition, and such termination or amend-

Lake Ridge was developed by the Goodwin Company and sold to the public as a "restricted" community. Click above to see the 1930 promotional brochure for the south Lake Washington neighborhood.

could not be sold: "to any person not of the White race; nor shall any person not of the White race be permitted to occupy any portion of said lot or lots or of any building thereon, except a domestic servant actually employed by a White occupant of such building."19 The Seattle Trust Company, another large developer which developed large areas of Shoreline, parts of Lake Forest Park, and the Bryant and Haller Lake areas, likewise allowed only members of the White or Caucasian race to purchase or rent their restricted properties.

Not all developers used homologous and consistent language regarding "any person not of" the White or Caucasian race in their restrictive covenants. Developers like the South Seattle Land Company often listed the specific races restricted from purchasing their properties. For example, covenants established by the South Seattle Land Company frequently maintained that no "part of said property hereby conveyed shall ever be used or occupied by any person of the Ethiopian, Malay, or any Asiatic race."20 In a 1930 covenant, the South Seattle Land Company also listed "Hebrews" among the races restricted from occupying their properties in the McMicken Heights and Beverly Park neighborhoods. To clarify, from the 1920s to 1940s terminology, "Hebrews" meant Jews; "Ethiopians" meant African ancestry; "Malays" meant Filipinos; and "Asiatic" meant anyone from the Asian continent.21

Some of Seattle's racial restrictive covenants made use of even more specifically exclusionary terms. A set of 1946 restrictive covenants established by the Puget Mill Company for the Lake Forest Park area listed Hawaiians as a restricted race. The Puget Mill Company also named specific Asian countries in covenants applied to Sheridan Park, prohibiting Chinese and Japanese individuals from moving to that neighborhood. In covenants applied to the Broadmoor neighborhood developed by the Puget Mill Company, property could not be "occupied by any Hebrew or by any person of the Ethiopian, Malay or any Asiatic Race."22 Interestingly, no restrictive covenants that excluded Mexicans or Native Americans have been found to-date, although such restrictions were common in Los Angeles and a few other U.S. cities.

White Neighbors Organize

Land development companies were responsible for most but not all of the racial restrictive covenants in Seattle. In

THE NEW WORLD — Thursday, February 5, 1948

(Walt Partymiller cartoon from The Gazette & Daily, York, Pa.)

Greed of Real Estate Interests Reason for "Racial Covenants"

RESTRICTIVE covenants, which force Seattle's thousands of "non-Caucasian" citizens to live for the most part in a congested, run-down "Ghetto" area, are the source of big profits for powerful real estate interests.

In Seattle, as elsewhere, additional profit is extracted through these restrictions. Here how such discriminatory practices in housing line private pockets at the expense of the community as a whole.

Members of minority groups, particularly of Negro or Oriental ancestry, are forced to bid against each other to rent or buy property in the "Ghetto" area. This competition existed even before the housing shortage became acute generally.

And the "restrictive covenants" are used to further jack-up prices of real estate on the phoney ground of a "refined" neighborhood. This snob appeal, this encouraging of racial prejudice, pays off handsomely in hard cash.

That discrimination is the official policy of the real estate industry is candidly admitted in the "Code of Ethics" of the National Association of Real Estate Boards (NAREB).

Article 34 of the code, which governs the conduct of Seattle Realtors, reads: "A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood."

Before the Congressional Joint Committee on Housing in Washington, D. C., last week, Leslie Perry, official of the Natl. Association For the Advancement of Colored People (NAACP), charged that the NAREB "code" lists the "bourgeoisie," "laundress" and "gangster" along with Negroes as being "objectionable."

He urged Congress to help solve the housing problem for minority groups by "outlawing restrictive covenants and by declaring as unlawful restraints on trade all agreements between real estate agents, or rules or real estate associations, not to sell or rent property because of race or religion."

The NAACP is also asking Congress to act to end discrimination in housing projects and to forbid federal aid to any private or municipal housing projects which discriminate or make use of restrictive covenants. (Next week: federal encouragement of covenants will be dealt with).

In the booklet "Racial Restrictive Covenants," issued by the Chicago Council Against Racial and Religious Discrimination, Leon Miller, California attorney, repeatedly charges that greed is the basis for the discriminatory practices.

Inciting the need for housing, Miller says "grasping landlords and selfish real estate brokers have turned this situation to their advantage; the prospective renter or home buyer must accept whatever terms he can get in this protected and artificial seller's market."

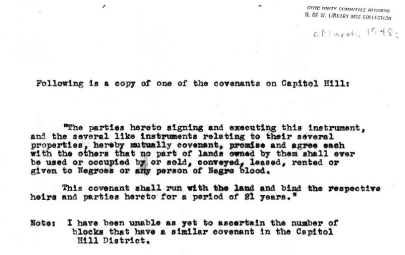
This booklet, which sells for 25 cents, also contains an article by the Most Rev. Bernard Sheil, auxiliary Bishop of Chicago, from the "Council" at 123 W. Madison St., Chicago 2, Ill.

(More on covenants next week.)

Something Rotten?

Restrictive covenants were a source of big profits for powerful real estate interests.

Capitol Hill Covenant Campaign



Following is a copy of one of the covenants on Capitol Hill:

"The parties hereto signing and executing this instrument, and the several like instruments relating to their several properties, hereby mutually covenant, promise and agree each with the others that no part of lands owned by them shall ever be used or occupied by, or sold, conveyed, leased, rented or given to Negroes or any person of Negro blood.

This covenant shall run with the land and bind the respective heirs and parties hereto for a period of 21 years."

Note: I have been unable as yet to ascertain the number of blocks that have a similar covenant in the Capitol Hill District.

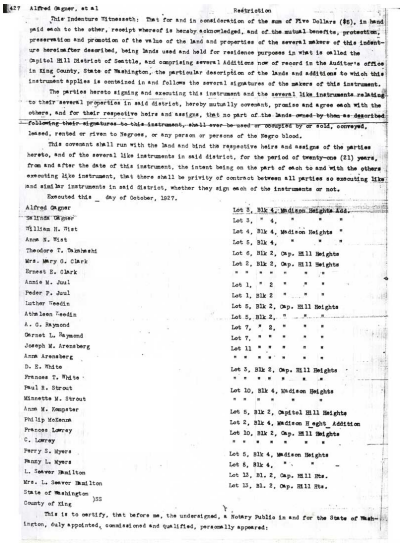
Capitol Hill Racial Restrictive Covenant.

some areas, homeowners themselves organized campaigns to restrict their own properties. This was most common in the older areas of the city that had been developed before the 1920s. Much of Seattle had already been plotted and developed before the era of racial covenants. In those neighborhoods, homeowners' associations and homeowners themselves engaged in a more complicated process of establishing deed restrictions.

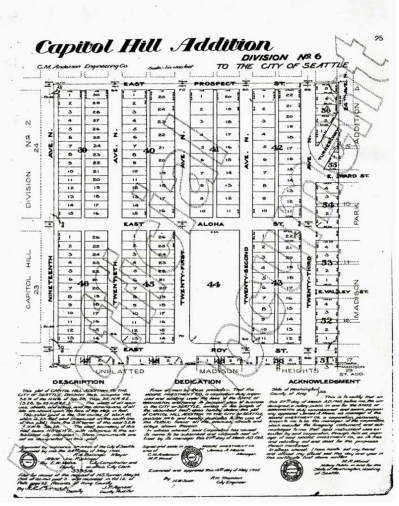
The best example of this occurred in Capitol Hill. Worried that African American families might seek housing north of Madison Ave, a group of white homeowners in the upscale neighborhood of Capitol Hill began a campaign in 1927 to change all of the deeds in the area. This was a more complicated undertaking than adding a restriction to newly subdivided property. An extensive effort was required to convince the hundreds of homeowners to sign on to the restrictive covenant that would bind their property and limit their freedom and that of future owners. Just who led the campaign is not clear, but it seems to have been associated with the Capitol Hill Community Club. In a letter written 20 years later, Martha B. Cook, a club leader, stated that "a small group of interested people worked and kept 90 blocks [of Capitol Hill] safe through racial restrictions."23 She went on to extol the "mutual benefits, protection, preservation and promotion of the value of that land and properties" achieved through the covenant campaign. According to Katherine Pankey, a University of Washington student who examined the Capitol Hill covenants in 1947, the restrictions ultimately covered 183 blocks and required the signatures of 964 homeowners24.

The campaign lasted more than three years as organizers persuaded block after block of white property owners to sign the agreement in the presence of a notary. The first of the covenants was filed with the County Recorder on October 10, 1927. It covered the twenty properties in the block surrounded by 21st and 22nd Ave N between Aloha and Prospect. E.A and Lillian Goetz were listed first among the nineteen property owners, mostly couples, who signed. 25 Targeting African-Americans but not mentioning Asian Americans, its wording was shared by most of the Capitol Hill covenants:

> "The parties hereto signing and executing this instrument and the several like instruments relating to their several properties in said district, hereby mutually covenant, promise and agree each with



27 property owners signed this 1927 petition to restrict property use on their block.



Plat map of Capitol Hill showing some of the blocks covered by the restrictive covenants filed by homeowners after 1927.

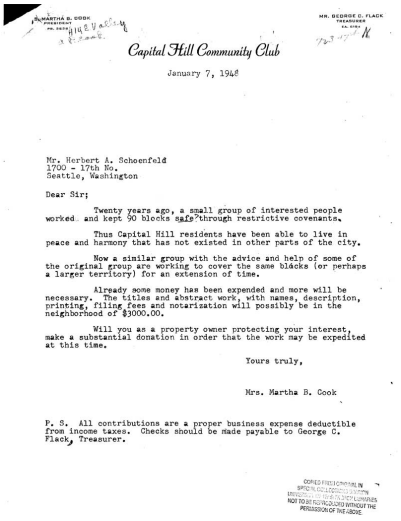
the other, and for their respective heirs and assigns, that no part of the lands owned by them as described following their signatures to this instrument, shall ever be used or occupied by or sold, conveyed, leased, rented or given to Negroes, or any person or persons of the Negro blood."26

Interestingly, the Capitol Hill covenants specified that they would expire in 21 years. This was in contrast to the restrictions placed on plat maps and deeds by land developers which were intended to be enforced in perpetuity. This expiration date came into play during the campaign to stop the use of racial restrictive covenants and will be discussed in more detail later in this essay.

Campaigns for restriction occurred in other neighborhoods, including Montlake, Madrona, and Queen Anne. Two real estate firms, F.W. Keen Company and J.L. Grandey, Inc., organized most of the racial restrictive covenants for Queen Anne from 1928 to 1931, using tactics nearly identical to those for Capitol Hill. They did change the language of restriction, specifying that "No person or persons of Asiatic, African or Negro blood, lineage, or extraction shall be permitted to occupy a portion of said property, or any building thereon; except domestic servants may actually and in good faith be employed by white occupants of such premises.27"

One of the more interesting examples of a neighborhood-based campaign took place in the area known as Squire Park in the late 1920s. Located between Alder Street and Cherry Street from Fourteenth to 22nd Avenue, this two block area today is in the Minor neighborhood of the Central District.28 In 1928 white homeowners organized a covenant campaign and agreed to restrictions similar to the Capitol Hill campaign, again specifying that the signers "hereby mutually covenant … that no part of said lands owned by them … shall ever be used, occupied by or sold, conveyed, leased, rented or given to negroes, or any person or persons of the negro blood."

Unlike most of the covenants which accomplished their segregationist goals, the Squire Park agreement at some point fell apart. The details are obscure. We don't know how the covenant was broken and what kinds of efforts were made to enforce it. It appears from the list of 19 property owners who signed the document that not all houses in the two block area were covered. That might have undermined its effectiveness. In any case, by the late 1940s, some African American families were living in the



Capital Hill Community Club

January 7, 1948

Mr. Herbert A. Schoenfeld
1700 - 17th No.
Seattle, Washington

Dear Sir;

Twenty years ago, a small group of interested people worked and kept 90 blocks safe through restrictive covenants.

Thus Capital Hill residents have been able to live in peace and harmony that has not existed in other parts of the city.

Now a similar group with the advice and help of some of the original group are working to cover the same blocks (or perhaps a larger territory) for an extension of time.

Already some money has been expended and more will be necessary. The titles and abstract work, with names, description, printing, filing fees and notarization will possibly be in the neighborhood of $3000.00.

Will you as a property owner protecting your interest, make a substantial donation in order that the work may be expedited at this time.

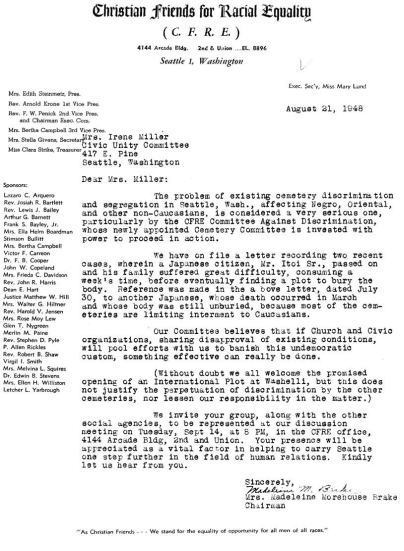
Yours truly,

Mrs. Martha B. Cook

P. S. All contributions are a proper business expense deductible from income taxes. Checks should be made payable to George C. Flack, Treasurer.

A letter from the Capitol Hill Community Club petitioning Capitol Hill residents to donate the funds necessary to protect Capitol Hill's racial restrictive covenants.

The Campaign Against Racial Restrictive Covenant



Christian Friends for Racial Equality

(C. F. R. E.)

4144 Arcade Bldg. 2nd & Union ... EL. 8896

Seattle 1, Washington

Exec. Sec'y, Miss Mary Lund

August 21, 1948

Mrs. Irene Miller
Civic Unity Committee
417 S. Pine
Seattle, Washington

Dear Mrs. Miller:

The problem of existing cemetery discrimination and segregation in Seattle, Wash., affecting Negro, Oriental, and other non-Caucasians, is considered a very serious one, particularly by the CFRE Committee Against Discrimination, whose newly appointed Cemetery Committee is invested with power to proceed in action.

We have on file a letter recording two recent cases, wherein a Japanese citizen, Mr. Itoi Sr., passed on and his family suffered great difficulty, consuming a week's time, before eventually finding a plot to bury the body. Reference was made in the a bove letter, dated July 30, to another Japanese, whose death occurred in March and whose body was still unburied, because most of the cemeteries are limiting interment to Caucasians.

Our Committee believes that if Church and Civic organizations, sharing disapproval of existing conditions, will pool efforts with us to banish this undemocratic custom, something effective can really be done.

(Without doubt we all welcome the promised opening of an International Plot at Wasaelli, but this does not justify the perpetuation of discrimination by the other cemeteries, nor lessen our responsibility in the matter.)

We invite your group, along with the other social agencies, to be represented at our discussion meeting on Tuesday, Sept 14, at 8 PM, in the CFRE office, 4144 Arcade Bldg, 2nd and Union. Your presence will be appreciated as a vital factor in helping to carry Seattle one step further in the field of human relations. Kindly let us hear from you.

Sincerely,
Mrs. Madeleine Morehouse Brake
Chairman

"As Christian Friends - - - We stand for the equality of opportunity for all men of all races."

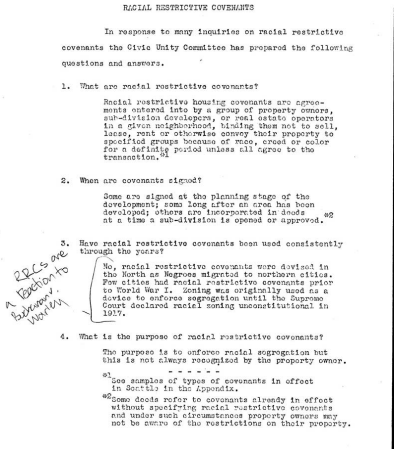
The Christian Friends for Racial Equality (CFRE) Committee Against Discrimination appointed a cemetery committee to combat the problem of cemetery discrimination.

neighborhood and in the next decade many more joined them.

White residents also failed to create effective covenant campaigns in other areas of Seattle. To date, few deed restrictions applying to Wallingford or Fremont neighborhoods have been discovered. It is not clear why Whites did not produce covenant campaigns in these areas. They may have had other means of maintaining exclusivity, as few non-whites managed to find homes in either area. In 1960 only 27 African Americans lived in Wallingford or Fremont, along with 21,823 Whites and 335 persons identified in the census as "other races." This can be seen on the residential distribution maps on the Seattle Civil Rights and Labor History Project's website.29 The maps suggest little difference in the demography of Wallingford, where no covenants have been located, from the demography of Ballard, Loyal Heights, and Greenlake, where they were common. This reemphasizes the point that social enforcement of segregation was every bit as important as legally enforcing deed restrictions.

Racial Restrictive Covenants in Cemetery Deeds

Racial restrictive covenants affected non-White individuals in death as in life. Several Seattle cemeteries enforced "White Only" policies, with the racial restrictive covenants written into the deeds for individual grave-sites. According to a 1948 investigation by the Christian Friends for Racial Equality (CFRE), this practice "made it difficult or impossible for non-Caucasians to purchase burial plots."30 In 1948, "a Japanese citizen, Mr. Itoi Sr., passed on and his family suffered great difficulty, consuming a week's time, before eventually finding a plot to bury the body." 31 That same year, another Japanese American was left unburied for upwards of five months "because most of the cemeteries [were] limiting interment to Caucasians." 32 Acacia Memorial Park in the Shoreline neighborhood of Seattle was one of the cemeteries preventing these two Japanese-Americans from purchasing burial plots, having made use of a restrictive covenant from 1929 through 1947. The Acacia Memorial Park covenant stated: "the grantee agrees that no transfer of said (lot) or portion thereof shall be valid unless conveyed to a member of the Caucasian race."33 Washington Memorial Park also had a racial restrictive



RACIAL RESTRICTIVE COVENANTS

In response to many inquiries on racial restrictive covenants the Civic Unity Committee has prepared the following questions and answers.

1. What are racial restrictive covenants?

Racial restrictive housing covenants are agreements entered into by a group of property owners, sub-division developers, or real estate operators in a given neighborhood, binding them not to sell, lease, rent or otherwise convey their property to specified groups because of race, creed or color for a definite period unless all agree to the transaction.[#1]

2. When are covenants signed?

Some are signed at the planning stage of the development; some long after an area has been developed; others are incorporated in deeds at a time a sub-division is opened or approved.[#2]

3. Have racial restrictive covenants been used consistently through the years?

No, racial restrictive covenants were devised in the North as Negroes migrated to northern cities. Few cities had racial restrictive covenants prior to World War I. Zoning was originally used as a device to enforce segregation until the Supreme Court declared racial zoning unconstitutional in 1917.

4. What is the purpose of racial restrictive covenants?

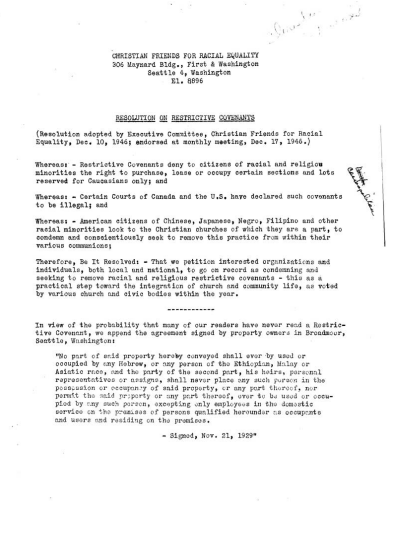
The purpose is to enforce racial segregation but this is not always recognized by the property owner.

- - - - -

[#1] See samples of types of covenants in effect in Seattle in the Appendix.

[#2] Some deeds refer to covenants already in effect without specifying racial restrictive covenants and under such circumstances property owners may not be aware of the restrictions on their property.

The Civic Unity Committee (CUC) issued this fact sheet on racial restrictive covenants in 1948 to educate others about the abuses of restrictive housing covenants.



CHRISTIAN FRIENDS FOR RACIAL EQUALITY
306 Maynard Bldg., First & Washington
Seattle 4, Washington
Ma. 8896

RESOLUTION ON RESTRICTIVE COVENANTS

(Resolution adopted by Executive Committee, Christian Friends for Racial Equality, Dec. 10, 1946; endorsed at monthly meeting, Dec. 17, 1946.)

Whereas: - Restrictive Covenants deny to citizens of racial and religious minorities the right to purchase, lease or occupy certain sections and lots reserved for Caucasians only; and

Whereas: - Certain Courts of Canada and the U.S. have declared such covenants to be illegal; and

Whereas: - American citizens of Chinese, Japanese, Negro, Filipino and other racial minorities look to the Christian churches of which they are a part, to condemn and conscientiously seek to remove this practice from within their various communions;

Therefore, Be It Resolved: - That we petition interested organizations and individuals, both local and national, to go on record as condemning and seeking to remove racial and religious restrictive covenants - this as a practical step toward the integration of church and community life, as voted by various church and civic bodies within the year.

In view of the probability that many of our readers have never read a Restrictive Covenant, we append the agreement signed by property owners in Broadmoor, Seattle, Washington:

"No part of said property hereby conveyed shall ever by used or occupied by any Hebrew, or any person of the Ethiopian, Malay or Asiatic race, and the party of the second part, his heirs, personal representatives or assigns, shall never place any such person in the possession or occupancy of said property, or any part thereof, nor permit the said property or any part thereof, ever to be used or occupied by any such person, excepting only employes in the domestic service on the premises of persons qualified hereunder as occupants and users and residing on the premises.

- Signed, Nov. 21, 1929"

This Christian Friends for Racial Equality (CFRE) Resolution to condemn Restrictive Covenants.

covenant established in 1934 by the Washington Cemetery Association.34

Seattle's Campaign Against Racial Restrictive Covenants

Seattle's minority populations resented and resisted racial restrictive covenants from the very beginning. The history of resistance actually starts earlier than the establishment of the first racial covenant in Seattle. In his book, _The Forging of a Black Community_ (1994), Quintard Taylor details the life of African American journalist and politician for the Republican Party, Horace Cayton, and his family's fight against racial discrimination. The Caytons were a prominent middle class Seattle family. Each member individually fought discrimination in the educational, labor, housing and other sectors in Seattle.35 In 1903, before restrictive covenants prevented Blacks from purchasing homes, the family moved to the Capitol Hill neighborhood. Six years later, in 1909, "a white realtor went to court, charging that the Horace Cayton family…had caused real estate values to depreciate and asked that they be removed."36 The Caytons fought back and prevailed in the court case, winning a victory that was important for the entire black community. Unfortunately, the victory was short-lived. Five months after this triumph, financial downfall forced the family to sell the house and leave the neighborhood.

The experience of the Cayton family demonstrates that members of the minority community were not content to remain inside of Seattle's "ghettos." Taylor further explains the continued effort by minority populations to move out of the Central District after the implementation of racial restrictive covenants. He writes of Elva Moore Nicholas, who remembered people walking all over the city in 1938 in search of adequate housing with "For Rent" signs. Nicholas maintained that when minorities viewed homes, "[they] had no protection, and they [the realtors] could say anything they wanted to say, and you just had to take it or else."37

These stories from Taylor's book illustrate that while minority individuals tried to obtain better housing, a collective rather than an individual effort would be necessary to effect change. The Seattle chapters of the National Association for the Advancement of Colored People (NAACP) and the National Urban League

Thursday, February 12, 1948 THE NEW WORLD

Carl Brooks Calls On Seattle To Fight Race 'Covenants'

A RINGING call for an all-out fight against restrictive covenants in Seattle and for a municipal Fair Employment Practices ordinance was sounded this week by Carl Brooks, Negro leader and candidate for the city council.

Brooks, who is president of the AFL Ship Scalers & Dry Dock Workers Union, also asserted that "labor in Seattle can never be secure and free and prosperous until the Taft-Hartley law is repealed."

In calling for the use of the Seattle police powers to combat inflation as well as discrimination, Brooks also hit out at candidates who talk about "building the port of Seattle" but who decline to take a forthright position on a foreign policy that will mean peace.

"Only when we stop sending guns and arms, planes and tanks with which our prospective customers destroy each other, and supply them with the plows, machines and materials to build a peaceful, productive world, will Seattle and its marvelous harbors prosper," he said. Brooks again announced his opposition to the Universal Military Training bill before congress.

In scoring the wide-spread local practice of "restrictive covenants," the candidate said "Many of you don't know what the term actually means. In plain ordinary language it means that some people think that they are a lot better than other people, and so they provide in deeds to real property that certain people cannot live in a certain neighborhood.

"The real estate trust fosters these covenants because in this way they can inflate the price of homes so that eventually the majority of us will not be able to own a home."

The candidate charged that the covenants, which have been exposed in a series of New World articles, "mean ghettos in our city and ghettos mean slums, disease, crime and juvenile delinquency.

"Restrictive covenants violate every democratic and American right; the principle of equality and freedom guaranteed by our state and federal constitutions is obliterated. Just as all of us demand that we be able to speak, think, worship, organize and work without discrimination because of race, creed or color, we all must be free to own a home without such discrimination."

Brooks charged that a group is even now trying to drive a Negro family from a home they purchased in the Mount Baker community.

"These people would create racial hatred in order to manipulate upward their property values," he said. "They would force Negro and other minority groups into ghettos. They actually hated democracy. They are the same people who scuttled our rent control laws and lost their influence and effort to the inflation that is gradually destroying us. This group of greedy real estate profiteers have stopped low-cost housing program so that there are still two veterans in every garage.

"We must elect a city council that will adopt a rent control ordinance, that will sponsor and help finance a real low-cost housing program and above all an ordinance that outlaws all un-American and un-democratic restrictive covenants."

KLAN IN ACTION: Hooded Klansmen gather around a fiery cross before the courthouse in Wainsboro, Georgia, after parading through town. In spite of protests Gov. H. E. Thompson made no effort to stop the hate demonstration.

Hollywood Backing Fight On Canwell

Carl Brooks, an outspoken civil rights activist, labor leader, and member of the Communist Party (CP), speaks out against racial restrictive covenants.

Civic Unity Committee (CUC) Meeting minutes from one of several meetings organized to combat racial restrictive covenants.

campaigned against racial restrictive covenants from the 1920s and on. In the 1940s, the Christian Friends for Racial Equality and the Civic Unity Committee added their voices to the fight. Their combined effort yielded some victories.

The CFRE was founded in Seattle in 1943 and was a mostly female, multiracial, religious civil rights group that focused on examining and campaigning against inequalities in a variety of community areas.38 "Though rarely involved in legal campaigns, the CFRE pioneered in race and religious relations and laid the groundwork required to change community attitudes, thus enabling the success of political and legal campaigns in the Seattle area."39 Combating restrictive covenants was part of the agenda from the beginning. In its founding year, the CFRE began to collect the "satanic [c]ovenants" with the goal of publishing and distributing informational brochures. 40 These brochures were meant to spread awareness of the existence of racial restrictive covenants and also "made an earnest effort to find Caucasian owners willing to sell to non-Caucasians." 41

One victory in the struggle against racial restrictive covenants in Seattle came in 1946, when White residents of the Rainier District launched a campaign to impose restrictive covenants in response to an African American's attempt to purchase a home there.42 The Christian Friends for Racial Equality (CFRE) held a meeting protesting the restriction, and "circulated a list of people who might be called upon to help in such an emergency."43 As a result of this effort, the Rainier racial restrictive covenant was successfully blocked.

The CFRE was also active during the 1940s and 1950s in working to desegregate cemeteries. In response to the refusal to bury the two Japanese Americans in 1948, Madeleine Morehouse Brake, the chairman of the CFRE, sent a letter to the Civic Unity Committee (CUC), a multiracial organization formed in 1944 to combat fears of racial violence in Seattle, requesting support for their campaign to "banish this undemocratic custom" of discrimination.44 After bringing this issue to the attention of other civil rights organizations, the CFRE also joined with the Puget Sound Association of Congregational Christian Ministers, an organization that went on record that year for "denouncing the discriminatory practices of certain Seattle cemeteries, in enforcing Restrictive Covenants and practicing

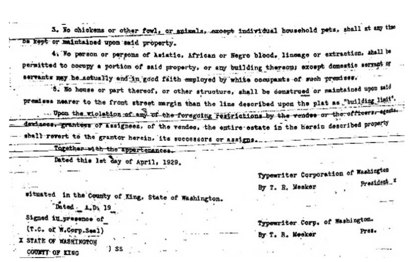

Thursday, January 29, 1948 THE NEW WORLD 3

Restricted Seattle Areas Are Listed

Race Bans Created "Ghetto" In City

This January 1948 article from the *New World* argues that the race bans in Seattle's restricted housing areas created the "ghetto" in the city.

Katharine I. Grant Pankey's Report, "Restrictive Covenants in Seattle: A study in Race Relations."


3. No chickens or other fowl, or animals, except individual household pets, shall at any time be kept or maintained upon said property.

4. No person or persons of Asiatic, African or Negro blood, lineage or extraction, shall be permitted to occupy a portion of said property, or any building thereon; except domestic servant or servants may be actually and in good faith employed by white occupants of such premises.

5. No house or part thereof, or other structure, shall be construed or maintained upon said premises nearer to the front street margin than the line described upon the plat as "building limit".

Upon the violation of any of the foregoing restrictions by the vendee or the officers, agents, devisees, grantees or assignees, of the vendee, the entire estate in the herein described property shall revert to the grantor herein, its successors or assigns.

Together with the appertenances.

Dated this 1st day of April, 1929.

Typewriter Corporation of Washington
By T. R. Meeker President

situated in the County of King, State of Washington.

Dated A.D. 19

Signed in presence of

(T.C. of W.Corp.Seal)

Typewriter Corp. of Washington.
By T. R. Meeker Pres.

STATE OF WASHINGTON
COUNTY OF KING) SS

Windermere racial restrictive covenant.

segregation based on color or racial group."[45] It is not clear whether these actions changed cemetery policies.

A more successful campaign against racial restrictive covenants in Seattle centered in the Capitol Hill neighborhood in 1948, the year most of the Capitol Hill covenants were up for renewal. The Capitol Hill Community Club petitioned for area residents to extend their covenants in order to ensure the continued "protection" of the neighborhood. Furthermore, the Community Club hoped for a possible addition of residential blocks covered by restrictive covenants. In order to extend the covenants, new property titles needed to be notarized and filed with the city. The Community Club was asking for donations amounting to $3,000 from community members in order to cover this cost.[46]

In response to this move on the part of the Community Club, the Civic Unity Committee (CUC), in alliance with the CFRE and NAACP, attempted to convince area residents not to extend their covenants.[47] As part of this campaign, CUC published an informational booklet that answered questions on the scope and definition of racial restrictive covenants.[48] This booklet maintained that having a non-White neighbor was not detrimental to either the quality of the neighborhood or to the real estate value of homes: "White people are apt to associate ill kept and unsightly neighborhoods with Negroes," with the result that when a black family moves nearby, "white people may offer their property for sale at less than it is worth and move out with almost panic speed."[49] The CUC was compelled to mention this fact in their informational booklet because real estate devaluation was one of the most widely cited reasons for upholding racial segregation in Seattle. This publication was thus an attempt to educate Whites about the faulty logic behind certain prejudices, in order to persuade them to change their mind about the necessity for racial restrictive covenants.

Along with the pamphlet, the CUC sent letters to area residents, urging them not to sign the petition to renew the covenants. One Capitol Hill resident, a jewelry dealer named Harry Druxman, thoughtfully responded by stating that he could not "be party to deprive any one of their rights," and as such had already declined to sign the petition prior to receiving the letter from the CUC.[50] Harry Druxman's response illustrates that some Whites by 1948 opposed racial segregation in Seattle. CUC's letter campaign was a success, as not one of the Capitol

Because restrictive covenants often pushed black people out of restricted communities, the National Association of Real Estate Boards gathered to discuss housing provisions for "Negroes."

Realtors advertised housing developments to Nisei, even though they were restricted from purchasing housing in those developments.

Hill covenants was extended in 1948. The fact that the U.S. Supreme Court ruled that summer that covenants would no longer have the force of law probably helped the CUC campaign.

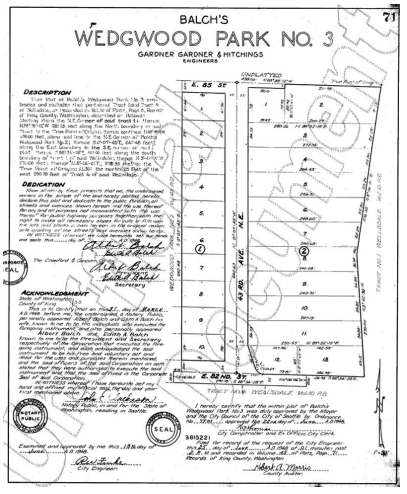
Also joining the campaign against covenants in 1948 was *The New World*, a weekly Seattle-based Communist newspaper, which ran a series of articles exposing the effects of restrictive covenants. The first article, by editor Terry Pettus, plainly states that "citizens of Negro and Oriental ancestry, and (in some cases) Jews are prevented from buying or renting the homes of their choice," due to restrictive covenants.51 No similar articles have yet been found in any of Seattle's major newspapers. This newspaper, therefore, provided readers with information that had not been widely circulated.

As with publications distributed by the CFRE and the CUC, articles in _The New World_ attempted to explain why minority populations remained so heavily concentrated in the city center and essentially acted as a primer explaining the "blight" of Seattle. In one such article, Pettus encouraged White readers to identify with minorities by describing the universally difficult experience of finding suitable housing. In the article, he maintains: "[Our] fellow citizens are subjected to an additional 'handicap'—their color or religion."52 Not only was this statement an attempt to appeal to readers' consciences and inspire them into identifying with people of different skin colors or religions, it was also an effort to convey the difficulties racial minorities encountered due to restrictive covenants that had prevented them from finding adequate housing. Pettus states that covenants had "spread like a plague in Seattle" and that "these restrictive covenants account for Seattle's notorious 'Ghetto.'"53

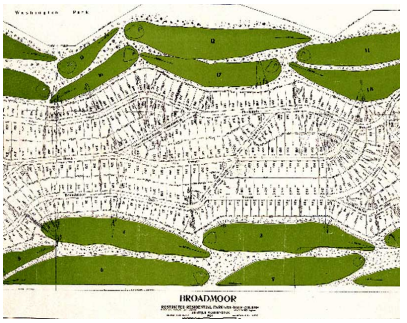
_The New World _attributed much of the factual information on covenants to the research accomplished by University of Washington student Katharine Pankey. For an Anthropology assignment, Pankey cataloged "eighty-five covenants for twenty different districts," especially those covering the Capitol Hill neighborhood. She concluded by stating, "even though a non-White person surmounts the formidable barriers of economic inequalities, he still is not permitted to live where he might on the basis of his choice and the availability of homes."54 This statement, and Pankey's work in general, provided a candid portrayal of the experiences of non-


SEATTLE URBAN LEAGUE

With the help of the Seattle Urban League, one residential community sought to prevent an elderly Black woman from purchasing a home, all in the name of democracy.



Wedgewood Plat Map, 1948.

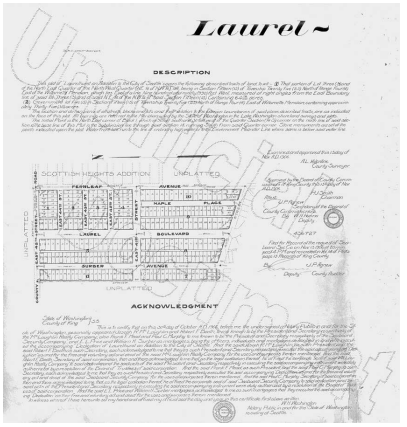


Broadmoor Restricted Residential Park, ca. 1934.

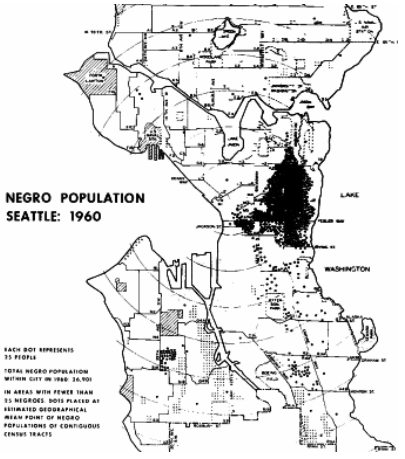
Whites in an era when most Whites were still blissfully ignorant of the profound effects of racial restrictions.

Shelley v. Kraemer Decision

Efforts to block new restrictive covenants continued even after the Supreme Court ruled them unenforceable in the 1948 Shelley v. Kraemer case. The CFRE wanted "to believe that with the 1948 court decision such monstrosities [would] automatically die."55 In reality, little changed. Realtors and white homeowners continued to refuse to sell to minorities while land owners filed new covenants. Nonetheless, the 1948 decision provided legal legitimacy to the campaign against the use of racial restrictive covenants.



Laurelhurst plat map.



In one early example, the Seattle City Council refused to accept a plat map for Windermere because it had a racial restrictive covenant. P. Allen Rickles of the CFRE sent a letter to the City Council in 1949, commending the Council for their action. According to Rickles, this "was the first time that this courageous position taken by the Seattle City Council on the subject of restrictive covenants was made public. It was especially commendable since it happened long before restrictive covenants were outlawed by our Supreme Court, and at a time when they enjoyed a certain popular approval." 56

However, the City Council may have later waffled on their refusal to accept plat maps, as four years later the president of the Civic Unity Committee, John H. Heitzman, recommended to the City Council "that the city of Seattle establish a policy that no new plat of city property will be approved if it contains racial restrictive covenants."57 While M. B. Mitchell from the City Council replied that "it has long been the policy of the City Council that no new plats of city property be approved if they contain such restrictions,"58 it is doubtful that the CUC would have sent this letter if issues involving covenants had not persisted. After all, this was the same year that Richard Ornstein was bullied out of moving to the Sand Point Country Club area on the grounds of a racial restrictive covenant. Clearly, changes in municipal and legislative policy had not yet solidified.

1960s Open Housing Campaign

The campaign against racial restrictive covenants won several modest victories but did little to change overall housing patterns until the 1959 to 1968 fight for Open Housing in Seattle. Even though Shelley v. Kraemer prevented the enforcement of covenants, many White Seattleites still believed that the covenants were an acceptable form of social practice in the exchange and sale of housing. Well into the 1960s it was very difficult for African Americans or Asian Americans to find housing outside of the Central District, International District, Rainier Valley, or Beacon Hill.

In 1964, the Congress for Racial Equality (CORE) tested the discriminatory practices of Seattle's housing industry by separately sending Black and White individuals of the same socio-economic standing to view the same apartment. Joan Singler, co-founder of Seattle CORE, said that she "could not remember a test for rental units where a black person went to apply for a rental unit and was actually given the rental unit. Almost 99% of the time the White person was offered the unit."59

While CORE was working to change social discrimination practices, in 1962 the Mayor's Citizen Advisory Committee on Minority Housing advised the Mayor and City Council to create an ordinance for fair housing. This advice was initially ignored until March 10,1964, when a fair housing ordinance was put to a vote. That day, an ordinance proposing to prohibit discrimination in the sale, lease, or rental of housing based on race was voted down from 115,627 to 54,448.60 White Seattle was still not ready to desegregate. It was not until April of 1968 that an "open housing ordinance was passed unanimously by the City Council, with an emergency clause making it effective immediately."61

The road to "open housing" was a lengthy and arduous one. Arguments in support of racial restrictive covenants and segregation were premised on a faulty logic veiled with hypocrisy and difficult to change through any appeal to reason. Seattle realtors opposed open housing not only on the grounds that housing integration would cause real estate devaluation, but also by insinuating that open housing would force White people to relinquish both liberty and equal rights. Realtors printed and distributed flyers with banners proclaiming "Personal Freedom" and "Your Rights Are at Stake" as if open housing would frustrate rights rather than foster them.62 This approach was highly effective in swaying the general public. For example, a White Seattleite named Caroline Root sent a letter to the City Council in 1961, emphatically asking: "Why should 27,000 Negroes in this city tell 600,000 people how they may live, rent and sell?"63

The realtors' charge that an open housing law would limit fundamental freedoms and property rights was tragically hypocritical. A few years before, many of these same realtors had helped to write and defend restrictive covenants that expressly limited property rights, restricting owners' freedom to sell to whomever they chose. Now the segregationists embraced the concept of freedom in a desperate attempt to maintain the system that was in place. Despite the faulty logic, the opposition was quite successful in convincing voters to reject the open housing law in 1964. Four year later, in 1968, the U.S. Congress finally passed the Fair Housing Act banning all forms of housing discrimination and bringing the campaign against racial restrictive covenants to a successful close.

Conclusion

Racial restrictive covenants have had a profound and lingering impact on the Seattle area, reflected even today in the distribution of minorities through the city and its suburbs. A look at the demographic maps from 2000 on the Seattle Civil Rights and Labor History Project website, demonstrates that the majority of African Americans continue to live below the ship canal, primarily in the Central District and sprawling southward through Rainer Valley and into the southern suburbs. Asian Americans are more widely distributed, but are also more heavily concentrated in Central and South Seattle rather than in the North, which remains, along with Queen Anne, Magnolia, and West Seattle, largely White.64

As this paper has illustrated, there is a long history behind these race-based housing patterns. From the 1920s to the 1960s, racial restrictive covenants prevented non-Whites from moving out of the "ghetto" and into neighborhoods where today they are still underrepresented. The history of racial restrictive covenants and racial segregation, while generally forgotten, is an immensely important aspect of Seattle's past. It has left its mark on all Seattle neighborhoods and has shaped the demographics of Seattle's residential neighborhoods.

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1 Memo written by John H. Heitzman, 29 January 1953, Civic Unity Committee (CUC) Collection. University of Washington Libraries, Special Collections. Accession 479, Box 13, Folder 2.

2 Ibid.

3 Katharine I. Grant Pankey, "Restrictive Covenants in Seattle: A Case Study in Race Relations," 1947, CUC Collection, Box 17, Folder 19.

4 Colin Gordon, _Mapping Decline: St. Louis and the Fate of the American City_ (Philadelphia: University of Philadelphia Press, 2008), 71.

5 Several texts discuss the trajectory of racial restrictive covenants, including: Colin Gordon, *Mapping Decline*; Xavier De Souza Briggs, ed., *The Geography of Opportunity: Race and Housing Choice in Metropolitan America* (Washington, D.C.: The Brookings Institution, 2005), 220-223; and Michael Klarmen, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (New York: Oxford University Press, 2004), 142-146.

6 The purpose of these maps was to graphically portray the trend in [economic] desirability in neighborhoods from a residential viewpoint. See Richard B. Pierce, *Polite Protest: The Political Economy of Race in Indianapolis, 1920-1970* (Indianapolis: Indiana University Press, 2005), 60-62; Craig Steven Wilder, "Vulnerable People, Undesirable Places," in *A Covenant With Color: Race and Social Power in Brooklyn* (New York: Columbia University Press, 2000), 175-200; Gordon, _Mapping Decline, _109-111.

7 Gordon, _Mapping Decline,_ 73.

8 Gordon, _Mapping Decline,_ 82.

9 "Fact Sheet on Residential Discrimination with Proposed Plan of Action," 30 January 1953, CUC Collection, Box 13, Folder 2.

10 Ibid.

11 Ibid.

12 "Sand Point Community Survey," 1953, CUC Collection, Box 13, Folder 1.

13 "Fact Sheet on Residential Discrimination with Proposed Plan of Action."

14 Gordon, _Mapping Decline,_ 71.

15 Terry Pettus, “Greed of Real Estate Interests Reason for ‘Racial Covenants’,” _The New World,_ 5 February 1948.

16For details on the Fair Housing and Equal opportunity laws, see Washington, D.C.: U.S. Department of Housing and Urban Development. Information available online at://www.hud.gov/offices/ fheo/FHLaws.

17 Covenants for Victory Heights, 1924, from the Database of Racial Restrictive Covenants, in the possession of James Gregory and the Seattle Civil Rights and Labor History Project. For more on covenants, see: covenants.htm.

18 Covenant for Innis Arden, 28 August 1941. Database of Racial Restrictive Covenants.

19 Covenant for Windermere/Hawthorne Hills, 30 December 1938. Database of Racial Restrictive Covenants.

20 Covenant for Beverly Park, 1933. Database of Racial Restrictive Covenants.

21“Racial Restrictive Covenants,” from the Seattle Civil Rights and Labor History Project.

22 Covenant for Broadmoor, 1928. Database of Racial Restrictive Covenants.

23 Letter written by Martha B. Cook of the Capitol Hill Community Club, CUC Collection, 7 January 1948.

24 Katharine I. Grant Pankey, “Restrictive Covenants in Seattle: A Case Study in Race Relations.”

25 There may have been earlier petitions. This is the earliest date of those in the database. Covenant for Block 41, Capitol Hill addition to Seattle, District No. 6. Notarized by J. L. Fitzpatrick on 10 October 1927. In the possession of Professor James Gregory and the Seattle Civil Rights and Labor History Project.

26 Ibid.

27 Database of Racial Restrictive Covenants.

28 Covenant for Squire Park, 17 August 1928. Database of Racial Restrictive Covenants.

29“Seattle Segregation Maps 1920-2000,” Seattle Civil Rights and Labor History Project.

30 Christian Friends for Racial Equality, “Chapter Seven: May 1948 to May 1949,” _Twenty Year History_ (unpublished ms, n.d.), in Christian Friends for Racial Equality (CFRE) Records, University of Washington Libraries, Special Collections, Box 1, Folder 2.

31 Letter From: Madeleine Morehouse Brake To: Irene Miller, CUC Collection, 21 August 1948, Box 17, Folder 19.

32 Ibid.

33 Covenant for Briarcrest/Acacia Memorial Park, 1929. Database of Racial Restrictive Covenants.

34 The party responsible for establishing the covenant, as listed in the covenant, was The Washington Cemetery Association. See the Covenant for Washington Memorial Park, 1934, in the Database of Racial Restrictive Covenants. Also see the Washington Cemetery Association website: //www.wcfa.us/. The Washington Cemetery Association created the racial restrictive covenant for the cemetery the same year that the organization was established (1934).

35 Michelle L. Goshorn, "Susie Revels Cayton: 'The Part She Played," Seattle Civil Rights and Labor History Project.

36 Quintard Taylor, _The Forging of a Black Community: Seattle's Central District from 1870 through the Civil Rights Era_ (Seattle: University of Washington Press, 2003), 82.

37 Ibid._,_ 84.

38 For additional information on the Christian Friends for Racial Equality (CFRE), see Johanna Phillips, "Christian Friends for Racial Equality: 1942-1970," Seattle Civil Rights and Labor History Project. Also see HistoryLink: //www.historylink.org /index.cfm?DisplayPage=output.cfm&file_id=3164.

39 Johanna Phillips, "Christian Friends for Racial Equality: 1942-1970," Seattle Civil Rights and Labor History Project.

40 Christian Friends for Racial Equality, "Chapter Six: May 1947 to May 1948," *Twenty Year History.*

41 Ibid.

42 Letter from Dorothy McClaine to Frank Bayley Sr., 29 April 1946, CUC Collection, Box 11, Folder 19.

43 Christian Friends for Racial Equality ,"Chapter Four: May 1945 to May 1946,",*Twenty Year History.*

44 Letter From: Madeleine Morehouse Brake To: Irene Miller, CUC Collection, 21 August 1948, Box 17, Folder 19.

45 Christian Friends for Racial Equality, "Chapter Seven: May 1948 to May 1949," *Twenty Year History.*

46 Letter written by Martha B. Cook of the Capitol Hill Community Club, CUC Collection, 7 January 1948

47 Heather MacIntosh, "Civic Unity Committee in Seattle," *HistoryLink*,//www.historylink.org accessed 8 December 2008.

48 Pankey, "Restrictive Covenants in Seattle: A Case Study in Race Relations."

49 Ibid.

50 Letter from to the Civic Unity Committee from Harry Druxman, CUC Collection, 1 May 1948.

51 Terry Pettus, "Seattle is Blighted by Restrictive Covenants," _The New World, _15 January 1948.

52 Ibid.

53 Ibid.

54 Pankey, "Restrictive Covenants in Seattle: A Case Study in Race relations."

55 Christian Friends for Racial Equality, "Chapter Six: May 1947 to May 1948," *Twenty Year History.*

56 Letter from Christian Friends for Racial Equality to City Council, 12 May 1949. Comptroller File 203110. Comptroller Files, 1802-01. Seattle Municipal Archives.

57 Letter from Civic Unity Committee to City Council, 12 June 1953, "The Seattle Open Housing Campaign, 1959-1968 - Digital Documents," Seattle Municipal Archives, available online at://www.seattle.gov/cityarchives/exhibits/Openhous/1953 Jun12.pdf, accessed 8 June 2009.

58 Ibid.

59 Interview, 6 October 2006, by Trevor Griffey and James Gregory and Trevor Griffey. Seattle Civil Rights and Labor History Project.

60 "Seattle Opening Housing Campaign, 1959 to 1968," _Seattle Municipal Archives_ //www.seattle.gov/CityArchives/ Exhibits/Openhous/default.htm; internet; accessed 8 June 2009.

61 Ibid.

62 Paid Advertisements, "Seattle Open Housing Campaign," Seattle Municipal Archives. //www.seattle.gov/cityarchives/ Exhibits/Openhous/1963ads.pdf. See also "Open Housing News Coverage," Seattle Civil Rights and Labor History Project.

63 Caroline Root Statement, 5 December 1961, "Seattle Open Housing Campaign," Seattle Municipal Archives.

64 "Seattle Segregation Maps 1920-2000," Seattle Civil Rights and Labor History Project_,_ available online at: //depts. washington.edu/civilr/segregation_maps.htm; internet; accessed 8 December 2008.