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Development

BROWN SCHOOL AT WASHINGTON UNIVERSITY

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## **Confronting Racial Covenants**

*A story of segregation, disinvestment, and  
lingering implications*

Fadya Al Hammam, Janeka Haden, Livi Logan-Wood, Joe Roeder



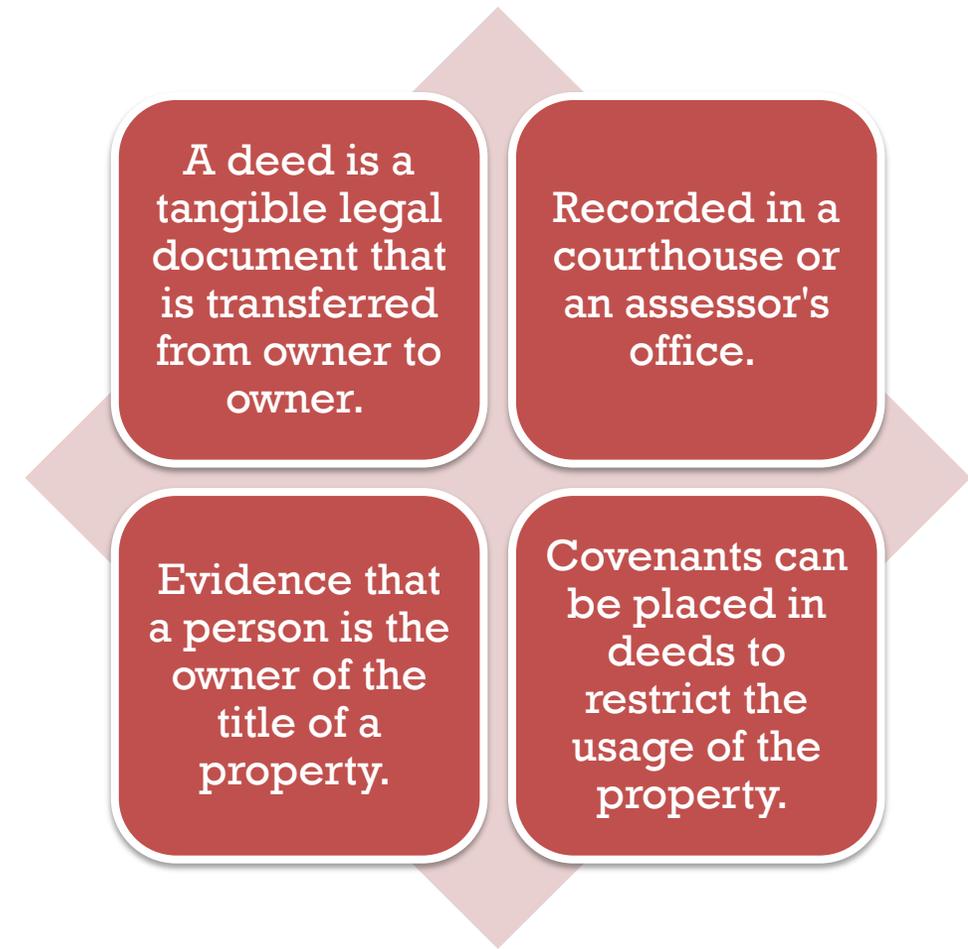
## What are Racially Restricted Covenants?

- A condition precedent to the sale of the property (majority)
- A legally binding document.
- A legal extension of residential housing segregation until 1948.



# Homebuying 101

- What is a deed?





# St. Louis: An Overview - history

Mostly enacted during the early 20th century in response to the Great Migration.

1916 referendum passed that banned anyone buying a home in a neighborhood that occupied 75% or more of another race. First of its kind in the nation.

Historic Shelley V. Kraemer Case

While present in St. Louis City, these covenants are more prevalent in St. Louis County, with 80% of properties built before 1950 having one on their deed



## Formation & Variations

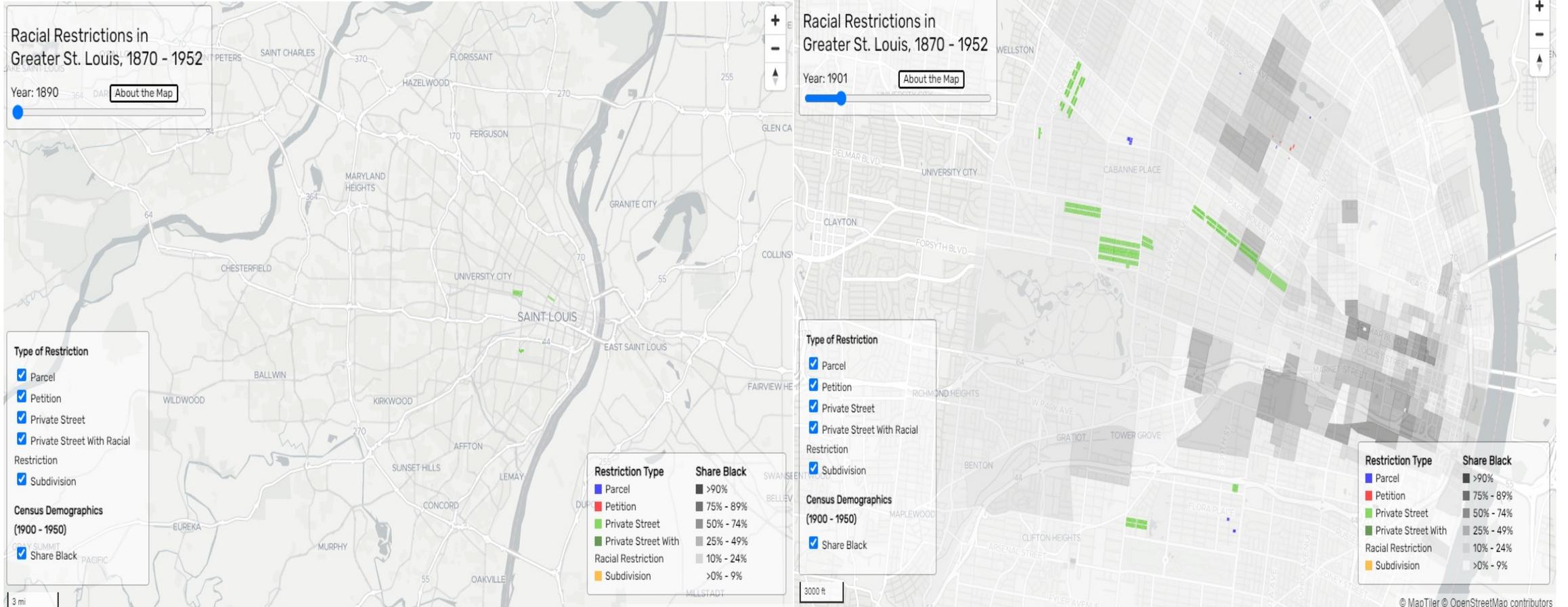
The court case *Buchanan v Warley* made the recently passed referendum illegal in 1917.

People resulted to using racially restrictive covenants in their place.

Petitions, parcel, subdivisions, private streets, and private streets with restrictions.

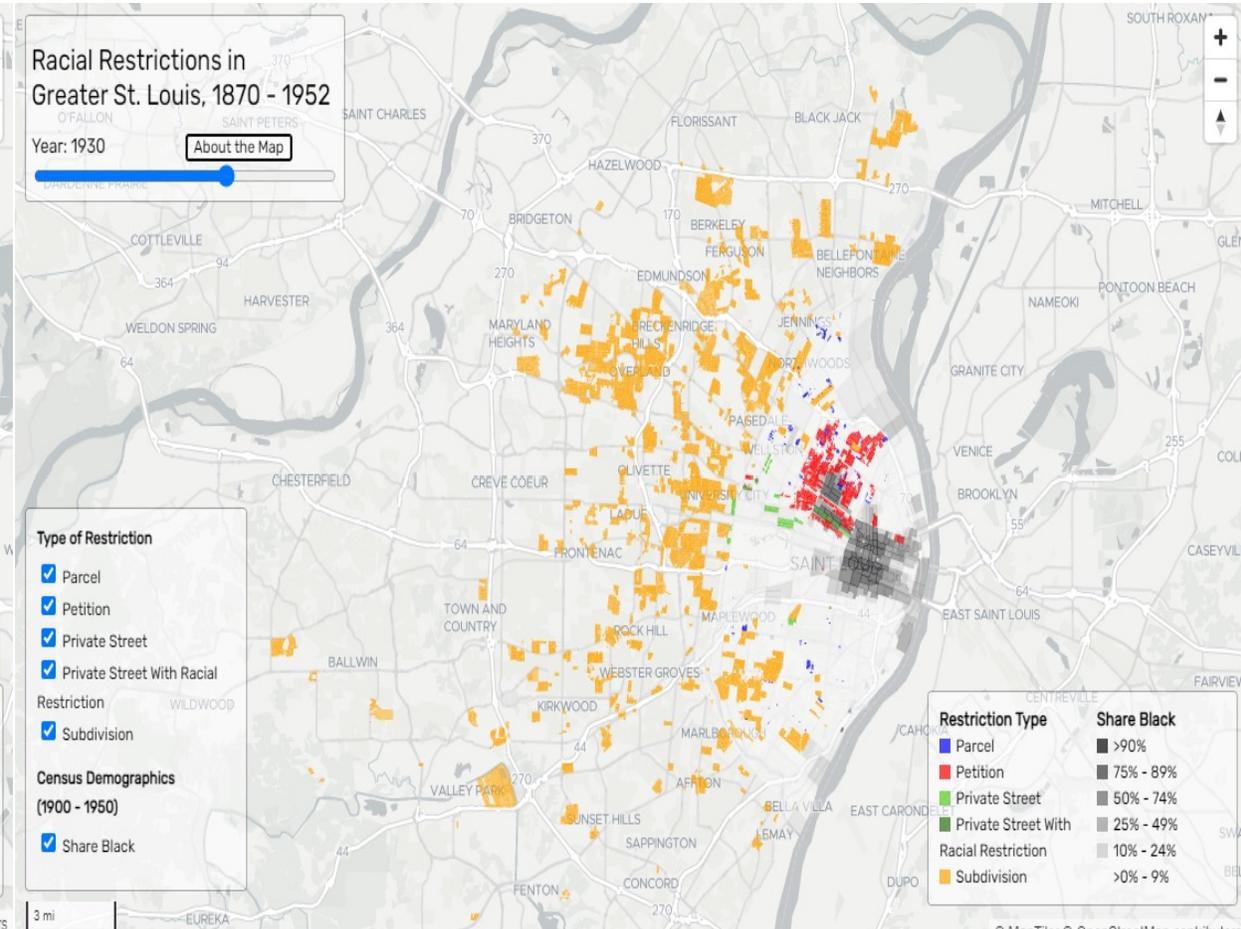
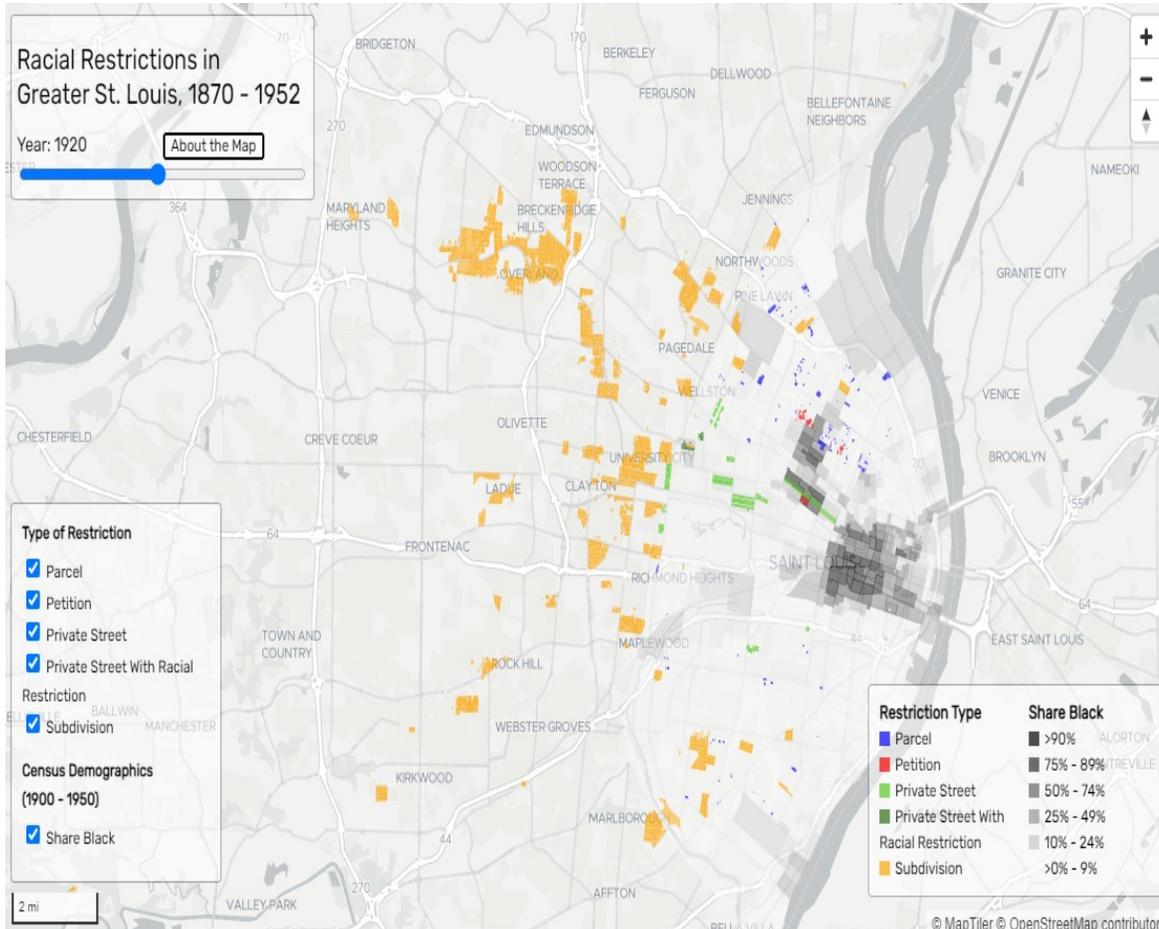


## 1890-1910



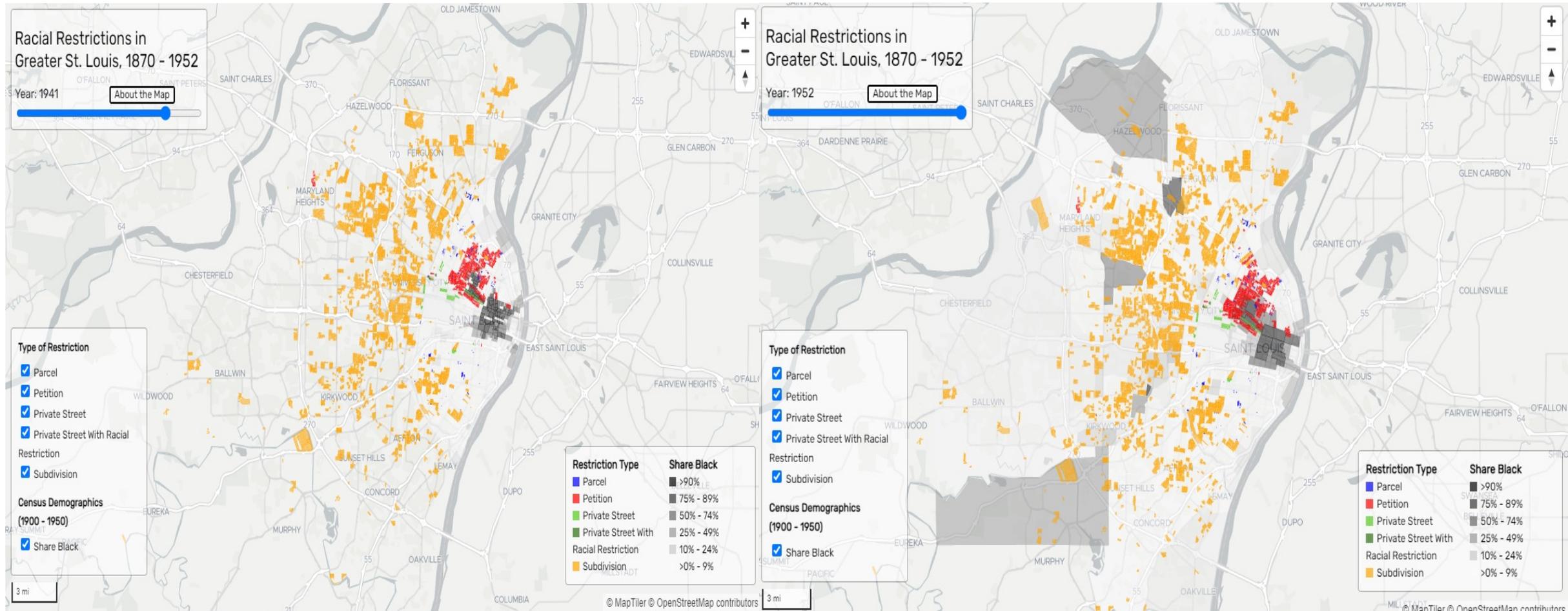


## 1920-1930





# 1940-1950





# Initiative Petition

The process of collecting signatures and majority agreement that property could not be sold to undesirable group for a fixed amount of time.

FORM 623 Printed and For Sale by the Real Estate Printing and Publishing Co., St. Louis CLASS 3

## UNIFORM RESTRICTION AGREEMENT

Adopted by ST. LOUIS REAL ESTATE EXCHANGE

THIS INDENTURE, Made and entered into this 24<sup>th</sup> day of APRIL, 1939  
 by and between the subscribing owners of land situated in City Blocks Numbers 4446<sup>E</sup> and \_\_\_\_\_ of the  
 City of St. Louis, Missouri, Parties of the First Part, and ARTHUR C. HOERN, J. MELVIN LEVI AND  
OLIVER F. HANNAUER (hereinafter called Trustees), Parties of the Second Part, WITNESSETH:

WHEREAS, the subscribers hereto are the owners of various parcels of land in the district situated  
 within City Blocks Numbers 4446<sup>E</sup> and \_\_\_\_\_ of the City of St. Louis, State of Missouri, bounded  
 on the NORTH by NATURAL BRIDGE AVE Street; on the EAST by ~~the center line of a public alley, run-~~  
~~ning~~ NEWSTAD AVE through said City Block Number \_\_\_\_\_; on the SOUTH by \_\_\_\_\_  
LEXINGTON Street, and on the WEST by ~~the center line of a public alley running~~ PARIS  
~~and~~ AVE through said City Block Number \_\_\_\_\_; the several parcels owned by the Parties of the  
 First Part being more particularly described as follows:

STREET	NAME OF PROPERTY OWNER	FRONT	DEPTH	LOT NUMBER
<u>NATURAL BRIDGE AVE</u>	<u>ANDREW M. &amp; OLGA SMITH</u>	<u>30'</u>	<u>125'</u>	<u>12</u> ✓
	<u>JACK &amp; SARAH WENTUS</u>	<u>28'</u>	<u>125'</u>	<u>11</u> ✓
	<u>ALANNE J. &amp; HENRY B. HOFFMANN</u>	<u>28'</u>	<u>125'</u>	<u>10</u> ✓
	<u>BOB &amp; MARIAN HARRIS</u>	<u>28'</u>	<u>125'</u>	<u>9</u> ✓



# Initiative Petition

"	GEORGE T. G. WALKER	30'	"	6
"	JOSEPH EISELE & MARY M.	30'	"	7
"	<del>HAROLD E. STEELE</del>	30'	"	8
"	<del>GOODFORD INV CO. &amp; ALVINA WHETSAL</del>	30'	"	

And, WHEREAS, it is to the mutual benefit and advantage of all of the parties of the First Part to preserve the character of said neighborhood as a desirable place of residence for persons of the Caucasian Race and to maintain the values of their respective properties, and to that end they desire to restrict the use and disposition of their several said parcels of land for the benefit of all parties of the First Part, their heirs, successors and assigns, in the manner hereinafter set forth; and,

WHEREAS, the St. Louis Real Estate Exchange, a corporation, of which said Trustees are respectively the President, Treasurer, and Secretary, is organized to promote the interests of the property owners of the City of St. Louis, and is, therefore, in thorough sympathy with said purpose, and desires to cooperate in the establishment of said restrictions; and,

WHEREAS, it is the desire and intention of the parties of the First and Second Parts to also provide for the enforcement of said restrictions;



## Initiative Petition

First: Erect, maintain, operate or permit to be erected, maintained or operated any slaughter house, junk shop or rag picking establishment on any of the parcels of land belonging to parties of the First Part and hereinabove described.

Second: Sell, convey, lease or rent to a negro or negroes, or deliver possession to or permit to be occupied by a negro or negroes (no matter how the right to occupancy or title shall be attempted to be acquired) any of the said parcels of land belonging to parties of the First Part and hereinabove described, or any part thereof or any interest therein.

The foregoing restrictions and each of them shall remain and be in force and effect for a period of twenty (20) years from the date hereof, unless sooner terminated by writing executed and acknowledged by the owners in fee of at least seventy-five (75) per cent of the total number of feet frontage upon ~~NATURAL BRIDGE MANOR~~ LEXINGTON AND PARIS Street, of the land of parties of the First Part, hereinabove described and duly recorded.

that part of the said covenants in this



# Petition



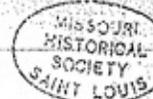
- Blocks that were petitioned to be restricted in 1952.
- MLK Drive, and most surrounding streets had covenants obtained by the petition process.



FELIX P. LAWRENCE, President

OFFICERS

WAYNE E. WHEELING, Secretary  
Attorney, 322 Central National Bank Building



SIXBY COLLECTION

GEO. H. SCHELP, Treasurer

## UNITED WELFARE ASSOCIATION

Organized to Secure the Enactment of an Ordinance that Will Prevent Further Invasion of White Resident  
Neighborhoods by Negroes and Vice Versa

Mr. Wm. K. Bixby,  
508 Century Bldg.,  
City.

SAINT LOUIS



February  
5th  
1915.

Dear Neighbor :-

DO YOU REALIZE that at any time you are liable to suffer an irreparable loss, due to the coming of NEGROES into the block in which you live or in which you own property? The race question is one of vital interest to property owners. A colored resident in your immediate neighborhood destroys the value of your property immeasurably. Perhaps you do not think that your neighborhood will be invaded. Neither do you believe you are going to have a fire when you pay your fire insurance. While perhaps you have not yet been affected by this class of people coming into your neighborhood, you surely want protection against this growing danger which is more menacing than fire or the elements. At present you have no remedy in a matter of this kind.

The UNITED WELFARE ASSOCIATION, composed of representatives from the organizations appearing below, was organized to secure the enactment of the necessary laws that will effectively check the inroads of negroes into white resident districts. The Baltimore law, now in successful and satisfactory operation, was written in conformity with recommendations made by the Maryland Court Of Appeals, which court unanimously held that the segregation of the Negro for the preservation of the peace does not violate his Constitutional rights. By means of the Initiative, we propose submitting this question to a vote of the people, and we are confident that this law will be adopted by an overwhelming majority. This will relieve our lawmakers who for



## UWA Post Card

Solidifying the idea of  
decreased home values.



**LOOK At These Homes NOW!**

An entire block ruined by negro invasion. Every house marked "X" now occupied by negroes. ACTUAL PHOTOGRAPH OF 4300 WEST BELLE PLACE.

**SAVE YOUR HOME! VOTE FOR SEGREGATION!**



## St. Louis Today

- Hyper segregated and pockets of concentrated poverty.
- Locked out of wealth building due to housing discrimination mechanisms such as redlining that partnered with racially restrictive covenants.
- Currently 30,000 covenants are still on the books in the city.
- Gov. Parson signed HB 1662 into law, which mandates the removal of Racially Restrictive Covenants in all newly-recorded deeds in 2022.

Groups such as the Metropolitan St. Louis Equal Housing and Opportunity Council, in partnership with Professor Colin Gordon, have been mapping the prevalence of Racially Restrictive Covenants in St. Louis.

A few municipalities are taking steps to address the Racially Restrictive Covenants still present in their communities.



# Spotlight: Clayton



Clayton Equity Commission



Working to identify and address the City of Clayton



## **Recommended Solutions**

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**Historical land markers that commemorate historically Black neighborhoods such as the areas referenced on the earlier maps.**

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**Community land trusts, with subsidies from city budgets.**

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**Acknowledgment statements on city/municipality websites.**



## Recommended Solutions

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Discharging of covenants, pro-fair housing covenants inserted.

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Eliminate fees associated with eliminating racial language in deeds.

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Discard documents with racial language that are properly digitized, supported by legislation.

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Widely educate your communities on the newly passed legislation in MO and encourage people to seek to vacate the covenants.



# Is there a blueprint?

## Rochester NY

- Anti-covenant notices calling racial covenants “illegal” and “racist” have been posted in the places where deeds can be viewed by the public. An anti-covenant warning has also been placed on the login page featured on the County Clerk’s online records database.

## Delaware

- Digitizing the entire deed that includes racist language and storing it within an online database that requires special permission to view.
- Displaying redacted deed for public view, with the notice that the full deed contains a racial covenant and can be accessed with special permission.



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# Parting thoughts



- Reconciliation, Justice, and a more equitable society
- Social Responsibility
- What's in your deed?



# Racially Restrictive Covenants: References

- *Confronting racial covenants - yale law school.* (n.d.). Retrieved November 17, 2022, from [https://law.yale.edu/sites/default/files/area/clinic/document/2020.7.31\\_-\\_confronting\\_racial\\_covenants\\_-\\_yale.city\\_roots\\_guide.pdf](https://law.yale.edu/sites/default/files/area/clinic/document/2020.7.31_-_confronting_racial_covenants_-_yale.city_roots_guide.pdf)
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- <https://missouriindependent.com/2022/06/30/new-missouri-law-mandates-removal-of-discriminatory-covenants-from-property-deeds/>
- <https://house.mo.gov/Bill.aspx?bill=HB1662&year=2022&code=R>



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## Envisioning Community Land Trusts

A Toolkit for Public Dialogue



The policies and market forces that shape housing production in the United States have led to massive failures and injustices, including but not limited to crises of housing affordability and eviction; extreme wealth inequality mapped onto patterns of segregation by race, ethnicity, and social class; and communities displaced both by disinvestment and by gentrification.

The Community Land Trust (CLT) model emerged out of the Civil Rights Movement as one means by which

<https://csd.wustl.edu/items/envisioning-community-land-trusts/>

<https://www.youtube.com/watch?v=ZFWNqZxdrZI&t=2s>



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