

Urban Space, Restrictive Covenants and the Origins of Racial Residential Segregation in a US City, 1900–50*

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Introduction

The origins of racial residential segregation in US cities have been a central concern to scholars examining the relationship between race, racism and urban development. Conventional accounts focus on the advent of industrialization, the 'Great Migration' of southern blacks to northern cities after the first world war, and white prejudice and racial discrimination in creating racially segregated neighborhoods in the early decades of the twentieth century (Hershberg *et al.*, 1979; Taylor, 1993). A position put forth by scholars such as Feagin and Vera (1995), Bullard *et al.* (1994), and buttressed by Massey and Denton's (1993) research on '*American apartheid*' holds that 'white racism' is a permanent and ineradicable feature of American society. Central to this 'permanent racism' thesis is the argument that while the conditions of white racism and anti-black prejudice have changed over the century, racial discrimination remains the 'structural linchpin' (Pettigrew, 1979) of urban poverty, residential segregation and metropolitan development. However, a number of scholars have recently argued that the relationship between race, racism and residential segregation is far more complicated, especially considering the socially constructed nature of 'race' and historically changing manifestations of racism (Bonilla-Silva, 1997; Omi and Winant, 1994; Winant, 1994). While much research has focused on the role of racism and racial discrimination in the creation of racial residential segregation in US cities, few researchers have situated early twentieth-century meanings of race and racism within broader processes of urban development and the emergence of the modern real estate industry.

Recently, a much spirited debate has ensued in the *IJURR* over the origin of the black ghetto and its identification with a host of pejorative labels such as 'deviancy', 'disorder' and 'pathology', among others. A number of scholars, including Wacquant (1997), Katz (1997), Abu-Lughod (1997), Gans (1997), Auyero (1997), Kusmer (1997) and Jargowsky (1998) have contributed to this debate by commenting on the 'pernicious premises' that define current urban research on the black ghetto, the use and misuse of the 'underclass' label in contemporary analyses of poverty and inequality, and the excessive reliance upon the Chicago model of ghetto development. Specifically, Wacquant (1997: 341–2) argues that contemporary urban research continues to embrace a century-old view of the black ghetto as a 'morally defective' and 'nefarious place that disrupts and corrupts social life'.

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Thus, there is a tendency to 'exoticize the ghetto and its residents' by focusing on the 'most extreme and unusual aspects of ghetto life as seen from outside and above, i.e., from the standpoint of the dominant'. Other contributors to this debate, including Katz (1997), Kusmer (1997) and Gans (1997), emphasize the socially constructed and historically changing scholarly discourse on race and the urban poor, especially the damaging implications that seemingly objective categories such as the 'underclass', 'ghetto' or other terms can have once the media have appropriated them.

This paper attempts to contribute to this debate in two ways. First, this research provides a historically situated account of how ideas about race and manifestations of racism emerged in the context of the development of local housing markets in US cities during the turn of the century. As I show, key actors within the emerging real estate industry, as well as housing reformers and social workers, helped nurture and promulgate a segregationist ideology and negative image of the emerging black ghetto as a pathological, dangerous and nefarious place, to be avoided by whites and other ethnic groups. I argue that the cultivation and development of this racial ideology was simultaneously an exercise in the *racialization of urban space* that linked race and culturally specific behavior to place of residence in the city. As the twentieth century progressed, the association of black behavior and culture with deteriorating neighborhoods and the creation and maintenance of the color-line in housing became the *raison d'être* of the real estate industry. Later scholarly inquiries into inner-city life reinforced this racialized image of urban space, embracing negative stereotypes of black life and living space to blame blacks for the social problems found in their neighborhoods (Frazier, 1932; 1939; Drake and Clayton, 1945). In essence, the conjoining of place, race and behavior fueled early academic debates over the causes and consequences of ghetto 'culture', thereby justifying the geographical separation of the races. Today, the 'underclass' has become the newest metaphor in scholarly research on the urban poor and reflects a long history of negative images, shifting themes and racialized meanings attached to place and minority groups, especially blacks, residing in US cities (Katz, 1997; Kusmer, 1997).

Second, this research moves beyond the 'specificity of the Chicago ghetto' (Abu-Lughod, 1997) to examine the origin of racial residential segregation in Kansas City, Missouri, with an eye toward making comparisons and drawing contrasts with other cities. Large cities such as Chicago, Detroit and Philadelphia have been the focus of much social science research, but scholars have given less attention to medium-sized cities such as Cincinnati, Indianapolis and Kansas City. My effort here is to move beyond the focus on Chicago as 'the model of ghetto development' (Kusmer, 1997: 708) to uncover new data and provide fresh insights into existing debates on racial residential segregation. Specifically, I draw upon archival and census data, private real estate documents, and government reports and housing analyses to examine the creation of racial residential segregation in Kansas City, Missouri, from 1900 to 1950. Before the 1900s, race- and class-mixed neighborhoods and undifferentiated land uses dominated the spatial organization of residence in the city. With the rise of the modern real estate industry, local land developers and real estate firms worked to create racially segregated neighborhoods through the use and enforcement of racially restrictive covenants (Monchow, 1928; Dean, 1947; Stach, 1988). Racially restrictive covenants were contractual agreements between property owners and neighborhood associations that prohibited the sale, occupancy or lease of property and land to certain racial groups, especially blacks. Racially restrictive covenants did not exist before 1900 and legal restrictions on the transfer and sale of property were contained in deed restrictions which covered single parcels of land. After 1910, the use of restrictive covenants became more widespread through the promotional efforts of large 'community builders', local real estate boards and national real estate associations, especially the National Association of Real Estate Boards (NAREB), created in 1908 (Mikva, 1951; Abrams, 1955: 182-91;

Osofsky, 1963: 107–9; Spear, 1967: 55; Weiss, 1987). Although there is no systematic evidence, scholars have estimated that racially restrictive covenants were in place in more than half of all new subdivisions built in the United States until 1948, when the US Supreme Court declared them unenforceable (Massey and Denton, 1993: 36–8).

Up to now, little sociological research has focused on the role of racially restrictive covenants and the land development process in determining the racial character of cities during the first half of the twentieth century. Most scholarly research on racial residential segregation has focused on the post-second-world-war era, especially the segregative effect of the Federal Housing Administration's (FHA) homebuilding and homeownership subsidies that drew whites out of central cities, denied mortgages to blacks and channeled capital into suburban housing construction (Jackson, 1985; Weiss, 1987; King, 1995: 189–99; Bayor, 1996; Sugrue, 1996). For earlier periods, scholars have focused on the impact of industrialization (Zunz, 1982; Taylor, 1993; Orum, 1995), the segregative effect of municipal zoning (Thomas and Ritzdorf, 1997) and the 'Great Migration' of southern blacks to northern cities from 1915 to 1930 as crucial factors in the creation of the nascent urban ghetto (for an overview see Massey and Denton, 1993: 26).

Sugrue's (1996) case study of Detroit and Davis' (1990) study of Los Angeles investigate the role of grassroots homeowner associations in reinforcing residential segregation in the decades after 1950. Yet, few scholars have examined the links between homeowner associations and the nascent real estate industry before the 1950s, the formidable decades of racial residential segregation in US cities. In particular, the impact of racially restrictive covenants, as applied by community builders and homeowner associations, on the racial and spatial development of the US city has yet to be examined.

This article begins by examining the efforts of community builders and homeowner associations to create racially homogenous neighborhoods during the first decades of the twentieth century. It focuses on the segregative effect of racially restrictive covenants and the extent to which real estate firms and builders used them to channel racial population growth and influence the spatial development of entire subdivisions and metropolitan areas. It discusses how the adoption and application of racially restrictive covenants helped nurture and reinforce emerging racial stereotypes that identified black living space and culture with deteriorating neighborhoods and dilapidated housing. Before the rise of the modern real estate industry and the creation of segregated neighborhoods, there is no evidence that residents in Kansas City perceived a connection between race, culturally specific behavior and place of residence. Because blacks and whites tended to live close to one another in shared neighborhoods, local residents did not associate specific racial groups with a particular place of residence in the city. However, with the emergence of the modern real estate industry and the creation of racially restrictive covenants, real estate elites promulgated a segregationist ideology that identified the residential presence of blacks with neighborhood instability and declining property values. This segregationist real estate ideology was buttressed by local housing reformers and social workers who equated black neighborhoods with violent crime, disease and other negative vices. Over time, this perceived connection between race, place and behavior, in Kansas City and elsewhere, became an important impetus and justification for maintaining the residential separation of the races, disinvesting in racially mixed and non-white areas, and directing investment resources into racially homogenous, all-white neighborhoods.

Population and settlement patterns before 1900

Up until the beginning of the twentieth century, most Kansas City residents did not live in racially segregated neighborhoods (Brown and Dorsett, 1978: 48; Martin, 1982: 8–11; Schirmer, 1995). Census enumeration data for 1880 show that blacks tended to live in

small heterogeneous residential clusters, usually with whites and other minorities. Table 1 presents the Kansas City black population in 1880 broken down by wards. This shows a fairly even distribution of the black population with no ward having more than 21% of the total black population. This low level of residential segregation remained fairly constant over the next two decades as demonstrated by the fact that the Kansas City 'isolation index' changed little, ranging across 13.3 in 1880, 12.7 in 1890 and 13.2 in 1900. The 'isolation index' measures the extent to which blacks live within neighborhoods that are mostly black. A value of 100 means complete segregation, indicating that all blacks live in an all-black area. A value of 50 or lower means that blacks are more likely to have whites rather than blacks as neighbors (Lieberson, 1980: 266, 288; Massey and Denton, 1993: 23–4). The isolation indices show that before 1900 the average black person in Kansas City tended to live in a ward that was only 13% black.

Interestingly, city neighborhoods remained racially mixed in spite of rapid black immigration and mammoth population increases in the metropolitan area during the last three decades of the nineteenth century. Table 2 presents total and black population in Kansas City from 1860 through 1950. This shows that from 1870 to 1890 Kansas City's total population increased more than four times, from 32,260 to 132,716. The black population increased 116.3% during the 1870s, 68.2% during the 1880s and 28.2% in the 1890s. Despite the increasing black population, the percentage of black residents living in the city remained fairly stable, ranging across 11.7% in 1870, 14.6% in 1880, 10.3% in 1890 and 10.7% in 1900.

Table 1 *Kansas City, Missouri, population by wards in 1880*

| Ward Number | Total Population | Black Population | % Black of Population |
|-------------|------------------|------------------|-----------------------|
| 1 | 9,489 | 1,098 | 11.6 |
| 2 | 12,259 | 2,537 | 20.7 |
| 3 | 8,057 | 963 | 11.9 |
| 4 | 9,106 | 855 | 9.4 |
| 5 | 8,934 | 1,060 | 11.9 |
| 6 | 7,528 | 1,401 | 18.6 |
| Total | 55,373 | 7,914 | 14.3 |

Source: Enumeration of the 1880 US Manuscript Census.

Table 2 *Total and black population, Kansas City, Missouri, 1860–1950*

| Year | Total Population | % Increase | Black Population | % Increase | % Black of Total |
|------|------------------|------------|------------------|------------|------------------|
| 1860 | 4,418 | — | 190 | — | 4.3 |
| 1870 | 32,260 | 630.2 | 3,764 | 1,881.1 | 11.7 |
| 1880 | 55,785 | 72.9 | 8,143 | 116.3 | 14.6 |
| 1890 | 132,716 | 137.9 | 13,700 | 68.2 | 10.3 |
| 1900 | 163,752 | 23.4 | 17,567 | 28.2 | 10.7 |
| 1910 | 248,381 | 51.7 | 23,566 | 34.2 | 9.5 |
| 1920 | 324,410 | 30.6 | 30,719 | 30.4 | 9.5 |
| 1930 | 399,746 | 23.2 | 38,574 | 25.6 | 9.7 |
| 1940 | 399,178 | −0.1 | 41,574 | 7.8 | 10.4 |
| 1950 | 456,622 | 14.4 | 55,682 | 33.9 | 12.2 |

Source: US Census Bureau.

In addition to living in heterogeneous city neighborhoods, blacks were widely distributed throughout the metropolitan area and were not likely to be systematically excluded from public facilities and accommodations. Most public establishments catered to blacks and whites and actively patronized many black business enterprises (Slingsby, 1980: 31–2; Martin, 1982: 6, 9–11). The city's first two parks were open to blacks, as were prestigious hotels, restaurants and drug stores (Brown and Dorsett, 1978: 46). As of 1900, all 25 townships in suburban Platte, Clay and Jackson Counties in Missouri reported black populations.¹ In addition, blacks made up almost the same proportion of school children in suburban Platte, Clay and Jackson Counties (7%), as in Kansas City (9%).² In the city, whites not only lived on every street where blacks resided but usually also outnumbered them. Even on those streets where blacks were heavily concentrated, whites could be found living in large numbers (Martin, 1913: 30–4; Martin, 1982: 8; Schirmer, 1995: 63–7). Interestingly, blacks moving into nineteenth-century Kansas City did not form a unitary, autonomous and racially and culturally defined community with specific geographical boundaries. Thus, local residents did not interpret black culture or behavior as connected to a particular 'place' occupied exclusively by blacks. Kansas City's experience was not unique, however. Throughout the nineteenth century, in both the north and south, blacks lived in biracial residential areas intermixed with both the wealthy and the poor (Spear, 1967; Katzman, 1975; Kusmer, 1978; Daniels, 1980; Zunz, 1982; Massey and Denton, 1993: 17–26; Taylor, 1993: 159).

Racializing urban space: the Great Migration and the rise of the US real estate industry

Beginning in the second decade of the twentieth century and continuing afterwards, residential segregation began to increase markedly in Kansas City. Indices of black isolation within Kansas City wards shot up from 13.2 in 1900 to 21.7 in 1910, and continued to increase to 23.7 in 1920 and 31.6 by 1930 (Massey and Denton, 1993: 24). Before 1900, the average black person in Kansas City tended to live in a heterogeneous and racially stable neighborhood. However, every decade after 1900 witnessed more and more blacks living in increasingly homogenous and segregated neighborhoods. The city's black population increased from 17,567 in 1900 to 23,566 in 1910 (a 34.2% increase), to 30,719 in 1920 (30.4%), and 38,574 by 1930 (25.6%) (see Table 2).

Other cities experienced a tremendous increase in black population as a result of the 'Great Migration' of southern blacks to northern cities from 1915 to 1930 (Marks, 1989). In Chicago, the black population increased more than five times from 44,000 to 234,000 between 1910 and 1930. Likewise, New York City's black population more than tripled from 100,000 to 328,000, while Philadelphia's population grew from 84,500 to 220,600. Detroit's black population increased 611% from 1910 to 1920 and nearly 200% during the 1920s, climbing from less than 6000 to more than 120,000. In Los Angeles, the black population grew from 7600 in 1910 to nearly 40,000 by 1930. During this same period, Cleveland's black population increased from 8500 to nearly 72,000 (Weaver, 1948: 26, 35, 49; Clark, 1967; Spear, 1967; Katzman, 1975; Kusmer, 1978; Trotter, 1993: 68). In many cities, the huge influx of black migrants was accompanied by increased competition

1 X43A: 'Black enumeration by township in Clay County, 1900, 1910'; X43B: 'Black enumeration by township in Platte County, 1900, 1910'; X43C: 'Black enumeration by township and enumeration districts in Jackson County, outside Kansas City, Missouri (KCMO), 1900, 1910'; Box 200, KC 250, Arthur A. Benson, II, Legal Papers, Western Historical Manuscript Collection-Kansas City (WHMC-KC).

2 X51: 'Population and population change by race in four-county area, 1900–1950'; X53E: 'Black school enumeration as a percentage of total enumeration in Clay, Jackson (excluding KCMO), and Platte Counties, 1881–1954'; Box 200, KC 250, Arthur A. Benson, II, Legal Papers, WHMC-KC.

for housing and consequent racial conflicts including intimidation, harassment and cross burnings, and violent race riots (Tuttle, 1980; Mohl, 1997: 62).

These striking increases in the black population of Kansas City and other cities established the basis for the formulation of an exclusionary real estate ideology that associated the presence of blacks with declining property values and neighborhood instability. This ideology was disseminated and amplified through the National Association of Real Estate Boards (NAREB), which published numerous textbooks, pamphlets and periodicals warning real estate firms that racial minorities threatened property values and that neighborhoods should be racially homogeneous to maintain their desirability (Davies, 1958; Weiss, 1987). Central to the propagandizing effort of the real estate industry was the view that all-white racially homogeneous neighborhoods were a superior atmosphere for residential life and a requisite for protecting the homeowner's investment (Abrams, 1965: 155–62; Helper, 1969). By the first world war, real estate boards in Chicago, St Louis, Milwaukee, Detroit and other cities had approved measures endorsing the maintenance of racial homogeneity to protect property values and neighborhood stability (*Chicago Real Estate Bulletin*, 1917: 313; *St. Louis Real Estate Bulletin*, 1923; Helper, 1969: 223–30; Hirsch, 1983; 1993). These discriminatory actions were incorporated as official policy of the NAREB which amended its code of ethics in 1924 to read 'a Realtor should never be instrumental in introducing into a neighborhood ... members of any race or nationality ... whose presence will clearly be detrimental to property values in that neighborhood' (Helper, 1969: 201).

The development of brokerage and appraisal techniques, and the creation of specialized real estate education and research facilities in the second decade of the twentieth century, institutionalized the notion that racial homogeneity is a natural characteristic of residential neighborhoods (Abrams, 1965: 151–60; Helper, 1969; Mohl, 1997). One early real estate textbook, *City growth and values*, by McMichael and Bingham (1923: 181), argued that 'colored people must recognize the economic disturbance which their presence in a white neighborhood causes and forego their desire to split off from the established district where the rest of their race lives'. As this text insisted:

With the increase in colored people coming to many Northern cities they have overrun their old districts and swept into adjoining ones or passed to other sections and formed new ones. This naturally has had a decidedly detrimental effect on land values for a few white people ... Segregation of the Negro population seems to be the reasonable solution to the problem, no matter how unpleasant or objectionable the thought may be to colored residents (*ibid.*: 181–2).

Other authoritative real estate industry textbooks, including *Real estate business as a profession* (Spilker, 1923), *California real estate principles and practices* (Schneider, 1927), *Valuation of real estate* (Babcock, 1932) and *Real estate fundamentals* (Male, 1932), among others, stressed rigid segregation as a requisite for maintaining profitable land sales and neighborhood value (Abrams, 1965: 151–2, 158–60).

The beginnings of racial residential segregation and the promulgation of a segregationist real estate ideology coincided with the emergence of a new discourse and way of thinking about the connection between place, race and culture. Before the advent of segregated living environments, there is no evidence that local residents in Kansas City 'racialized' urban space — e.g. identified places where specific racial groups lived with culturally specific behavior. However, during the first two decades of the twentieth century, local social workers, public officials and other elites began to associate the presence of blacks living in a particular area of the city with deteriorating neighborhoods, poor schools, high crime and other negative characteristics. In addition to the efforts of the real estate industry, much of this emerging thinking about the relationship between race, place and behavior was fueled by housing reports and analyses issued by local welfare agencies and Kansas City's Board of Public Welfare, the nation's

first public welfare agency (Katz, 1986: 154). Organized in 1910, the Board of Public Welfare's (1912) *Report on housing* and (1913) *Social prospectus of Kansas City*, as well as other housing analyses (e.g. Martin, 1913), reflected housing reformers' and social workers' beliefs that race, place and behavior were intimately connected.

Failing to distinguish between character and environment, these housing surveys of Kansas City's nascent ghettos provided ostensibly objective and scientific evidence to reinforce emerging prejudices and stereotypes that made it appear that blacks were responsible for the social problems found in their neighborhoods. Martin's (1913: 106) housing study informed readers that 'social workers say that no class of people with whom they have to deal is so shiftless, indolent, and lazy as the Negro; that he has very little self-pride, and hence will lie and misrepresent the facts in order to get any assistance whatever'. This widely circulated housing study equated blacks with moral laxity, instinctively mean character, disorderly conduct and criminality, and property devaluation (*ibid.*: 18, 98). The high death rate among black youth (more than double that of local whites) was not due to poverty or deleterious structural conditions but was 'largely because of the ignorant manner in which Negroes care for their children'. The housing study also warned that black churches were learning to reproduce the inferior culture and defective behavior of black men. 'They are discovering', Martin wrote, 'that it is his laziness, misdirected energy, lack of foresight, pleasure seeking propensities and immorality that to a large extent are keeping him in poverty' (*ibid.*: 46, 48, 93). In a study of local housing conditions, Martin found that 'there is the unsanitary condition of the streets and alleys in the Negro districts, which is due to a large extent to the negligence ... ignorance and carelessness of the Negro in supplying the needs of his physical being ...' (*ibid.*: 116). While Martin devoted much attention to describing the tragic living conditions of black residents he also pointed out that 'hundreds of Negroes ... seem perfectly satisfied, not only with their accommodations, but also with their station in life' (*ibid.*: 97).

Along with Martin's (1913) housing study, the Board of Public Welfare's (1912) *Report on housing* confirmed the depressed state of neighborhoods in which black residents were a majority, repeatedly identifying race as the underlining cause of housing deterioration, and attributing urban squalor to blacks as a 'negative social force'. A year later, the Board's (1913) *Social prospectus* identified black neighborhoods with 'low civilization', and blacks as 'steeped in crime, with lost virtue, and without purpose and without hope'. Despite their differences, Martin's housing study and the publications of the Board of Public Welfare aimed to demonstrate, as Martin (1913: 87) succinctly put it, 'that cleanliness, sense of security, modesty, health, and good citizenship all depend upon the kind of houses in which people live'. While all three popular studies attempted to identify the causes of urban blight and suggest possible remedies for the conditions they described, their effect was to publicize and dramatize the deteriorating conditions of black neighborhoods. In essence, this linking of place, race and behavior worked to racialize urban space, thereby focusing public attention on the behaviors of blacks as the cause of urban problems and, in effect, justifying their segregation from the white population.³

3 Michael Katz's (1986: 146–78) seminal social history of welfare, as well as Philpott's (1978) case study of Chicago, Bodnar *et al.*'s (1982) study of Philadelphia and Taylor's (1993) edited volume on the history of racial relations in Cincinnati, identify a similar racialization of urban space at work during the early twentieth century. Despite their benevolent and humanitarian intentions, housing reformers and other social welfare activists in US cities transmitted the idea that culture and behavior were intimately connected to place of residence. In Chicago, Philpott (1978: 215–300) found that housing reformers tended to view blacks as socially inferior and capable of upward mobility only with appropriate behavior modification through the intervention of enlightened whites. In Philadelphia, Bodnar *et al.* (1982) found that decisions to provide separate welfare services in segregated facilities helped popularize and legitimize the notion that whites and blacks should be socially and geographically separated. In essence, reformers believed that blacks blighted neighborhoods and therefore must be segregated from other racial groups, especially whites, in order to prevent the spread of dilapidated housing, congestion and slums.

Race restrictive covenants, community builders and homeowner associations

Race restrictive covenants were the primary mechanism used by the emerging real estate industry to create and maintain racially segregated neighborhoods in response to the Great Migration and the 1917 US Supreme Court ruling that made racial zoning ordinances unenforceable (*Buchanan v. Warley*) (Silver, 1997: 31–2; Tuttle, 1980). Throughout the first two decades of the century, many older cities used racial zoning ordinances as the chief tool to create and enforce residential segregation (Spear, 1967; Philpott, 1978; Tuttle, 1980). In Kansas City, however, it was not until June 1923 that the city council passed a zoning ordinance and began hiring professional city planners to fashion zoning plans to officially separate land uses — more than five years after the Supreme Court had declared racial zoning unenforceable (Shirmer, 1995: 146–7). Before this time, prominent real estate firms and builders, through the vehicle of the Kansas City Real Estate Board (formed in 1900), had been employing the restrictive covenant as the primary mechanism for creating segregated living spaces.⁴ The impetus behind the creation of restrictive covenants was the idea that racial separation of residences was necessary to maintain property values, real estate profits and neighborhood stability. As real estate interests recognized, the advantage of restrictive covenants was that they could be applied by private action that was beyond public scrutiny or legal challenge by the courts (Davies, 1958: 97–103).

The mass application of restrictive covenants was also related to changes in the structure of the real estate industry, especially the rise of large-scale ‘community builders’ and exclusionary homeowner associations (Weiss, 1987). From the advent of the twentieth century, real estate firms and community builders began heavy promotion of racially restrictive covenants through the NAREB and other professional organizations. By the first world war, the real estate industry in Kansas City and elsewhere was applying the racially restrictive covenant as a chief land-use tool for creating racially homogenous neighborhoods to maintain property values and residential stability, profitable housing transactions, and for controlling the movement of racial groups in urban space. By 1920, it was unethical for real estate firms and land developers not to restrict certain ethnic and racial groups, especially blacks, to specific areas of the city through the use and enforcement of racially restrictive covenants (Slingsby, 1980).

Table 3 shows racially restrictive covenants and subdivisions built in the Kansas City metropolitan area from the turn of the century through 1948, the year the Supreme Court declared racial covenants unenforceable (*Shelley v. Kraemer*). There was a total of 354 explicit racially restrictive covenants recorded on subdivisions in the four county metropolitan area before 1948, including 148 in Johnson County, 138 in Jackson County, 34 in Clay County and 34 in Platte County. The figures show that 96% of subdivisions built before 1947 in Johnson County, 62% of subdivisions in Jackson County, 71% in Clay County and 74% in Platte County contained racially restrictive covenants. The vast majority of subdivisions in these four counties contained racially restrictive covenants, and more than 6100 acres of residential land in Johnson, Jackson and Clay Counties were developed with explicitly racially restrictive covenants prior to 1948. The first explicit racially restrictive covenant recorded in the metropolitan area was in Johnson County in 1900 with Clay County following in 1903, Jackson County in 1908 and rural Platte County in 1930.

4 In her official study of the historical development of the NAREB, Davies (1958: 100) maintains that the national real estate organization’s first formal code of ethics, adopted in 1913, was a ‘restatement of the Kansas City code’. According to Davies, the NAREB took its code of ethics and other professional guidelines from the rules and clauses used by the Kansas City Real Estate Board.

Table 3 *Racially restrictive covenants and subdivisions in metropolitan Kansas City, 1900–47*

| | Johnson County (KS) | Jackson County (MO) | Clay County (MO) | Platte County (MO) |
|---|------------------------|------------------------|---------------------|-----------------------|
| Total number of restrictive covenants | 148 | 138 | 34 | 34 |
| Total Subdivisions | 154 | 221 | 48 | 46 |
| % of subdivisions with restrictive covenants | 96% | 62% | 71% | 74% |
| Total acreage of subdivisions | 3,105 | 3,322 | 1,086 | NA |
| Total acreage of subdivisions with restrictive covenants | 3,023 | 2,160 | 948 | NA |
| % of acreage of subdivisions with restrictive covenants | 97% | 65% | 87% | NA |
| Year first restrictive covenant recorded | 1900 | 1908 | 1903 | 1930 |
| Year last restrictive covenant recorded | 1962 | 1954 | 1960 | 1954 |

Sources: Plat Books and Guarantor Books at the Recorder of Deeds Offices for Johnson County, Jackson County, Clay County and Platte County; Slingsby (1980: 112) X1239A: 'Explicit racially restricted covenants against blacks, 1900–1965, Jackson, Clay, and Platte Counties'; X22 (oversized): 'Restrictive covenant location map, Kansas City Metropolitan Area, 1947'. Both exhibits prepared by Gary Tobin. Racially restrictive covenants including date recorded, name of subdivision and land developer are located in Box 343, KC 250, Arthur A. Benson, II. Legal Papers, WHMC-KC and in Box 47, folder 1, KC 206, Hare and Hare, WHMC-KC.

By the time the Supreme Court declared racially restrictive covenants unenforceable in 1948, they were in place in almost every Kansas City suburb and newly developed residential area. Interestingly, the courts of Missouri were still enforcing explicit racially restrictive covenants up to at least five years after the Supreme Court's decision (see, e.g., *Weiss v. Leason*, 225 S.WE.2d 127 [1949]; *Barrow v. Jackson*, 346 U.S. 249 [1953]) and they continued to appear on deeds through the 1960s.⁵ From 1948 through the 1960s, there was a total of 1243 explicit racially restrictive covenants recorded on Kansas City subdivisions. These figures show that real estate firms and builders recorded and applied more restrictive covenants in the two decades *after* the Supreme Court outlawed them than in the preceding four decades. After 1948, there were 222 racially restrictive covenants recorded on subdivisions in Johnson County, 957 in Jackson County and 54 in Clay County. The last explicit racially restrictive covenant recorded in the metropolitan areas was in Johnson County in 1962. The last race restrictive covenant recorded in Clay County was in 1960 and Jackson County and Platte County in 1954 (see Table 3).

There were two basic patterns in how restrictive covenants were applied in the Kansas City metropolitan area. The first type of restrictive covenant was applied by community builders on property in new subdivisions before they constructed the homes. The second type was applied by homeowner associations in already established white neighborhoods that bordered black neighborhoods. Real estate interests were heavily involved in promoting the use and enforcement of both types of racially restrictive covenants.

⁵ Private appraisal associations and real estate firms in Kansas City, Missouri, continued to cite and record explicit racial restrictive covenants through the 1960s and they still appear on the deeds of some suburban subdivisions (Letter from Stuart D. Hines to all McDaniell Title and Subsidiary Examiners, 15 December 1969; RE: Restrictions filed subsequent to 15 February 1950, X2854, Box 210, KC 250, Arthur A. Benson, II, Legal Papers, WHMC-KC; see also Urban League of Greater Kansas City, 1984: 21; *Johnson County Sun*, 26 April 1991).

Race restrictive covenants and community builders

The first type of restrictive covenant was proactive, written and applied by community builders on new residential subdivisions before potential occupants had purchased the homes. One of the first and most prominent developer-builders to promote the use and enforcement of this type of explicit racially restrictive covenant was the J.C. Nichols Company. Historians and other scholars have recognized the pioneering role J.C. Nichols played in residential land development, homebuilding and shopping center construction.⁶ Scholars have given less attention to how Nichols' use of self-perpetuating racially restrictive covenants and homeowners associations, as well as his local and national prominence, helped shape racial population patterns of American cities in the twentieth century. Nichols' local prominence is revealed by the fact that he was Director of the Kansas City Real Estate Board in seven separate years — 1912, 1913, 1915, 1920, 1921, 1936 and 1938 — spanning a period of three decades (*Kansas City Realtor*, 21 March 1940: 3; *Kansas City Times*, 24 November 1984: section C). The high national esteem bestowed on the J.C. Nichols company can be seen in the February 1939 *National Real Estate Journal*, which was devoted entirely to the Nichols company. On the national level, J.C. Nichols helped create the Federal Housing Administration (FHA), the Urban Land Institute (ULI) and the National Association of Homebuilders (Weiss, 1987).

Beginning in 1908 and continuing through at least 1949, the Nichols company built dozens of racially restricted subdivisions for upper- and middle-income whites and explicitly prohibited all housing sales to blacks. Nichols advertised his subdivisions as the 'most protected and highest class region in or near Kansas City', and his property deeds always warned prospective buyers that 'none of the lots hereby restricted may be conveyed to, used, owned, nor occupied by Negroes as owners or tenants'.⁷ By the 1920s, Nichols was applying racially restrictive covenants on all classes of white neighborhoods as a necessary and indispensable land-use tool to exclude blacks (Slingsby, 1980: 54; Freilich, 1983; Worley, 1990). By the late 1930s, the Nichols Company had acquired control of more than 4000 acres of land and was building racially restricted subdivisions in Johnson County, Kansas, across the state line, and adjoining his original projects in Kansas City, Missouri. These areas included more than 80,000 white Kansas City residents and would eventually encompass entire communities such as Prairie Village, Roeland Park and Fairway in Kansas (Slingsby, 1980: 110; Worley, 1990). As late as 1962, Nichols' Prairie Village subdivision in Johnson County contained more than 50,000 residents but only two black families.

The creation of the Federal Housing Administration (FHA) in 1934 encouraged community builders to expand the scope of operations, market share and segregative land-use practices by providing federally insured mortgages and homebuilding subsidies to facilitate uniform housing construction on a widespread scale (Checkoway, 1984: 160; Weiss, 1987). From 1938 through the end of the 1950s, the FHA insured mortgages on nearly one-third of all new housing produced annually in the United States, the vast majority located in suburban areas and reserved for whites only (Weaver, 1948: 70; Weiss, 1987: 154). From the 1930s through the 1950s, the FHA's *Underwriting manuals*

6 Urban historian Marc Weiss (1987: 64) credits Nichols' 1916 speech before the National Association of Real Estate Boards (NAREB) and the National Conference on City Planning (NCCP) with 'defining an agenda for public action' in the areas of city planning, subdivision development and zoning regulation. Nichols' developments were cited by Charles Glaab and Theodore Brown (Glaab and Brown, 1976: 276–8) as an exemplar of suburban development in the United States during the 1920s. Evan McKenize (1994: 38–43) refers to Nichols as the 'Dean of Community Builders' whose subdivision regulations and mandatory homeowner associations were later adopted by community builders throughout the nation (see also Worley, 1990; Pearson and Pearson, 1994).

7 See Nichols' advertisements in the *Kansas City Star* (30 April, 28 May and 5 June 1905; 4 March 1906; 4 July 1907). Racial restriction quote from property deed of Mission Hills Restrictions, Folder 106, J.C. Nichols Company Records, KC 106, WHMC-KC.

considered blacks 'adverse influences' on property values and the agency warned personnel not to insure mortgages on homes unless they were in 'racially homogenous' white neighborhoods and covered with a restrictive covenant (Federal Housing Administration, 1936; 1947; 1952). Although the FHA removed explicitly racist language from its manuals in the 1950s, private appraisal associations, real estate agents and firms, and banks continued to use such language through the 1970s.⁸ As many scholars recognize, the FHA set national standards in valuation and appraisal criteria that actors throughout the housing market, including realtors, builders, developers and banks, adopted and applied to reinforce racial housing segregation on a national scale (Jackson, 1985: Chapter 11; King, 1995: 189–99). As a result, the housing policies and practices of the FHA influenced lending and home mortgage financing decades after the second world war, thus subsidizing suburban housing construction, contributing to and exacerbating neighborhood deterioration in inner cities, and institutionalizing the segregative and discriminatory housing market on a national scale.

While the number of housing sales and scale of operations for community builders like Nichols and others were unprecedented, their real significance was in the way they and the FHA thought about neighborhoods and housing. They conceived of the ideal home as the focal point of an entire package of community living programmed to include schools, churches, hospitals and health care, entertainment venues, and other cultural amenities in an all-white, racially homogenous neighborhood. This housing package was scientifically analyzed, rationally managed, inexpensively produced, and organized to be reproducible on a widespread scale on open tracts in suburban areas throughout the United States (Checkoway, 1984; Sies and Silver, 1996: 463). In addition to maintaining property values, Nichols' purpose in applying restrictive covenants to his subdivisions was to 'establish harmonious surroundings and give permanency to the character of the neighborhood'. According to Nichols, a 'feeling of security' produced by restrictive covenants could create 'a more interested citizenship, and a more home-loving family' (Nichols, 1914: 132–3). The promotional literature distributed by the Nichols company aimed at convincing middle-class whites that residential life in a racially segregated neighborhood was a mark of social status, upward mobility and protection from the chaos and social problems of the city.

Another Nichols innovation was the requirement that residents in his residential developments establish a mandatory homeowner association to insure that racial restrictions were strictly enforced (Abrams, 1955: 183; Worley, 1990: 7–8). Nichols recognized that the success of racially restrictive covenants in keeping blacks out of white neighborhoods depended on neighborhood solidarity. The objective of a homeowner association was to create an organizational base for maintaining neighborhood cohesion and identity that would be powerful enough to forestall attempts by property owners to breach the subdivision's restrictive covenant. For example, in predominantly white neighborhoods bordering segregated black residential areas, white residents frequently ignored the covenants when black invasion and racial turnover seemed unavoidable. Up to the late 1940s, almost every suit to enforce a racially restrictive covenant in Kansas City occurred in transitional neighborhoods where blacks were moving into white districts (*Kansas City Call*, 3 August 1928; 25 March 1932; 27 November 1936; 11 March 1938; Webster, 1949: 174). Interestingly, these racially restrictive covenant suits often did not include black litigants but white litigants who wanted to stop a white

8 As late as 1977, private appraising manuals still contained listings of ethnic groups ranked in descending order from those who are most desirable to those who have the most adverse effect on property values. Whites were ranked at the top of the list while blacks and Mexican-Americans were ranked at the very bottom (Missouri Housing Development Commission, August 1977, *Housing and neighborhood investment, Part VI, An analysis of underwriting and appraisal practices and their impact on credit availability*, prepared by Ochsner and Associates, X1458, Box 206, Arthur A. Benson, Legal Papers, KC 250, WHMC-KC).

homeowner from selling a home to a black resident (Slingsby, 1980: 9; Freilich, 1983: 39). As civil rights groups such as the NAACP and the Urban League began to challenge these racially restrictive covenants, court battles would last for years and by the early 1940s their legality in some courts was uncertain (*Kansas City Call*, 23 December 1949; *Kansas City Star*, 14 June 1948; *Kansas City Times*, 31 December 1949). As Nichols recognized, a mandatory homeowner association could operate as a racial gatekeeper, an organizational means to foster white racial solidarity and cohesiveness as an impetus to enforcing the racial exclusiveness of the neighborhood. By the late 1940s, community developers routinely included mandatory homeowner associations in the building of new subdivisions throughout the United States (Abrams, 1965: 183; McKenzie, 1994: 56–78).

Race restrictive covenants and homeowner associations

A second type of race restrictive covenant was reactive, written by voluntary homeowner associations in response to an immediate threat of black movement into white middle-class neighborhoods. Homeowner associations used a number of devices to prevent the movement of blacks into white neighborhoods. They raised money to purchase property from recent black homeowners, bought homes from landlords renting to blacks and acquired vacant homes in their neighborhoods. Homeowner associations also lobbied city hall for the passage and enforcement of discriminatory land-use ordinances and the closing of streets where black residents resided. In some neighborhoods, homeowner associations organized demonstrations protesting the movement of blacks and threatened boycotts of white businesses who catered to black clients. In addition, homeowner associations launched suits to revoke the licenses of real estate agents who sold homes to blacks and to enforce racial restrictions on the sale and purchase of land in their neighborhoods (Webster, 1949: 174; Schirmer, 1995; Worley, 1990). Homeowner associations determined to resist racial mixing did not apply restrictive covenants spontaneously but were actively encouraged by professional real estate firms and community builders to use these legal devices to bar blacks from white neighborhoods and maintain racial homogeneity. Elite real estate firms such as the J.C. Nichols Company, Kroh Brothers, Strang Company, Hocker Grove Company and the landscape architectural firm S. Herbert Hare took the lead in promoting the necessity and desirability of using restrictive covenants in older neighborhoods to prevent black infiltration. The Kansas City Real Estate Board designed and circulated restrictive covenants to homeowner associations who applied them throughout city neighborhoods to maintain the color line in housing (Slingsby, 1980). According to the Kansas City Real Estate Board:

Neighborhood factors maintain or build up real estate values. Only if owners in a neighborhood have some vehicle which they can work effectively can results be obtained. Every good developer recognizes this and organizes property owners associations as a matter of course. Older neighborhoods have greater need of such associations because they are more subject to destructive forces (*Kansas City Realtor*, 31 March 1937: 2).

Real estate agents dominated the leadership positions of numerous homeowner associations, including the Linwood Improvement Association (created in 1915), Greenwood Improvement Association (1923), Southeast Home and Protective Association (1923), Home Owners Mutual Benefit Association (1926), the East Side Improvement Association (1926) and the Southeast Improvement Association (1926) (*Kansas City Call*, 19 January 1923: 1; 25 June 1926: 1; 20 August 1926: 1). From the second decade of the century through at least the 1940s, these homeowner associations recorded and applied restrictive covenants legally to bind all present and future property owners from selling their homes to blacks. These associations would then sue to either eject black buyers from the residence covered by a restrictive covenant, or prevent real estate agents from selling to blacks. The success of homeowner associations in maintaining the color line rested on their ability to generate the necessary legal and

financial resources to enforce racial restrictions through the court system (*Kansas City Star*, 14 June 1948; *Kansas City Call*, 23 December 1949; *Kansas City Times*, 31 December 1949; Webster, 1949: 174).

In addition to the restrictive covenant, homeowner associations engaged in various activities to resist black movement, including organized meetings and door-to-door soliciting to encourage neighbors not to sell to blacks. Threatening letters, signs and posters appeared frequently in Kansas City neighborhoods warning blacks to stay out of white neighborhoods or face the risk of violence and possibly death. In 1910, a number of homes received written threats that black residents living in the area were to leave in thirty days or face death (Martin, 1913: 34; Schirmer, 1995: 145–6). In 1926 flyers appeared on the doors of residents in one neighborhood with the caption: 'Warning! We must restrict our homes against Negroes' (*Kansas City Call*, 24 December 1926). That same year, the Linwood Improvement Association launched a metropolitan-wide drive to form a 'National Protective Association' to apply racially restrictive covenants to protect property values and 'keep Negroes where they are' (*Kansas City Call*, 4, 11, 18 and 25 June 1926; 16 and 29 July 1926). In 1927, intimidating letters were circulated through neighborhoods and sent to the *Kansas City Call* warning that 'Niggers have no business in this neighborhood' (Slingsby, 1980: 45–6). In 1928, posters began appearing on trees in one city neighborhood warning: 'Danger! Colored people are hereby notified that they will not be allowed to live in this block. This block is white and is going to stay white at any cost' (*Kansas City Call*, 26 October 1928: 1). In March 1932, signs appeared in another city neighborhood warning blacks that the area was 'a white district for white people' (*Kansas City Call*, 25 March 1932: 1).

In a large part, these actions were attempts to identify racial territory and social status, to mark off and defend racial turf and remind racial minorities that to violate the racial residential borders was to risk intimidation, harassment and violence. Efforts by the Linwood Improvement Association and other homeowner associations to keep blacks out of white neighborhoods were not always successful (*Kansas City Call*, 28 May 1926: 1; 4 November 1927; 23 December 1932). Yet the effectiveness of homeowner associations can be measured by the long term influence they had on race relations and racial attitudes. Their well-publicized campaigns encouraged racial animosity and division by disseminating the stereotype that racially mixed neighborhoods are undesirable and lead to declining property values. These stereotypes did not arise spontaneously but were constructed and disseminated by elite real estate firms and community builders to protect their investments from the infiltration of racial minorities. Other organized efforts by real estate boards to create and reinforce racial residential segregation by promoting restrictive covenants through homeowner associations occurred in Washington, DC, Detroit, Los Angeles, Chicago, St Louis and Philadelphia, among other places (Drake and Clayton, 1945: Chapter 8; Weaver, 1948: 39–40, 246–54; Mikva, 1951: 99–100, 118–19, 198; McEntire, 1960: 244–50; McKenzie, 1994: 73; Sugrue, 1996: 44–6). In Kansas City and elsewhere, the real estate industry used homeowner associations to transmit their segregationist ideology, discourage racially mixed neighborhoods, and attract broad support for racial homogeneity of residences. The adoption of restrictive covenants in older neighborhoods and intense resistance to black neighbors became widespread due to the deliberate and organized efforts of the real estate industry to market racial exclusivity as requisite for neighborhood stability.

Conclusion

This paper has examined the efforts of community builders and homeowner associations to create racially segregated neighborhoods through the use and enforcement of racially restrictive covenants during the first half of the twentieth century. In a 1916 speech, J.C. Nichols proclaimed that 'cities are the handiwork of the real estate man', meaning that

community builders could profoundly shape the spatial development of cities and metropolitan areas by using restrictive covenants and homeowner associations (Nichols, 1916). Like all land-use controls, racially restrictive covenants were designed to regulate the distribution of population, direct investment into certain geographical areas and away from others, and shape the development of entire subdivisions and neighborhoods. By the 1930s, all major actors and segments of the US housing industry held firm to the belief that neighborhood decay, poor housing conditions and diminished property values would inevitably follow if racially restrictive covenants governing future land use and racial occupancy were not implemented and enforced. In Kansas City, the block-level index of non-white/white segregation in 1940 stood at 88.0, indicating that at least 88% of all minorities would have had to change their place of residence to live in an integrated neighborhood. This high segregation level would remain relatively fixed over the next three decades ranging from 91.3 in 1950, to 90.8 in 1960 and 88.0 by 1970 (Sorensen *et al.*, 1975: 128–30). In recent years, scholars have identified Kansas City as one of the nation's *hypersegregated* metropolitan areas due to the high degree of segregation in housing patterns on a range of indices (Denton, 1994). These high and relatively stable measures show the tenacity and persistence of racial residential segregation despite the passage of numerous anti-discrimination statutes, Supreme Court decisions and fair housing legislation over the past decades.

In recent years, much debate has focused on the role of racial discrimination in the creation, development and persistence of racial residential segregation in US metropolitan areas. While scholars do not discount the importance of racial discrimination in the ghettoization of the black population, a number of historical studies have suggested that debates about the seemingly enduring features of 'white racism' oversimplify a complicated and multifaceted reality (Omi and Winant, 1994; Sugrue, 1996; Bonilla-Silva, 1997). This does not mean that institutional racism is declining in significance or that informal patterns and mechanisms of housing discrimination no longer exist. However, recent research recognizes that the concepts of race and racism are politically constructed and historically situated rather than timeless in their meaning and effects (Almaguer, 1994; McGreevy, 1996; Solomos and Black, 1996; Gans, 1997; Katz, 1997; Kusner, 1997; Ray *et al.*, 1997; Wacquant, 1997). This analysis has shown that the origin of racially segregated neighborhoods was not the foreordained consequence of decades of an unchanging racial prejudice or overt discrimination by local white residents. I have argued that early twentieth-century racial prejudices, negative stereotypes of black neighborhoods and subsequent discriminatory acts were cultivated and disseminated through the organized efforts of housing reformers and real estate interests, community builders and homeowner associations. Race in the first half of the twentieth-century city was not just a cultural or ideological construction. Instead, racial identity and racial difference assumed a material dimension imposed on the geography of the city by the emerging real estate industry through the use and enforcement of racial restrictive covenants and the creation of exclusionary homeowner associations.

These findings suggest that constructions of race and manifestations of racism are closely tied to meanings of urban space (e.g. residence, neighborhood, community). A number of scholars argue that people organize their 'everyday life' within the constraints or opportunities of the built environment (Harvey, 1989; Lefebvre, 1991; Gottdiener, 1994). Rather than viewing urban space as a container of otherwise exogenous social processes, I have emphasized urban space as a metaphor for perceived racial difference and social identity. The rise of the real estate industry was intimately bound up with the emergence of new meanings of white racial solidarity and homeowner identity that were forged through the promotion and protection of the status value of 'home' and 'neighborhood'. Through the institutional framework of real estate professional organizations and homeowner associations, community builders worked to convince whites that residence in a racially homogenous neighborhood was a reflection and

outcome of upward mobility and material success. Underlying this image of mobility and success was the perception that residence in a racially exclusive neighborhood was a source of protection and security. Racial restrictive covenants, like other segregative land-use tools, encoded possession and racial difference in urban space, and helped legitimate and popularize the notion that racially diverse neighborhoods were inferior and less valuable than all-white homogenous neighborhoods, a belief that still continues. As the primary mechanism for enforcing restrictive covenants, mandatory homeowner associations became the vehicle for promoting neighborhood racial homogeneity and defense of racial space, as well as reinforcing racial identity based on exclusivity. In this sense, the meanings that people assign to home, neighborhood and community are intimately connected to constructions of race and racial identity that together reinforce and perpetuate residential segregation (Gotham, 1998).

The connection between race, racism and urban space helps us to understand why racial residential segregation remains a persistent and tenacious feature of US metropolitan areas despite the passage of fair housing and numerous anti-discrimination statutes over the past decades. While state and federal laws make overt housing discrimination illegal, real estate steering practices, appraising techniques and stereotypical views of white and black neighborhoods have changed little in the last few decades (Feagin, 1994). Racial segregation in housing persists because the majority of participants in the housing industry still adhere to the belief that racially mixed or predominantly black and minority neighborhoods are of lesser value than all-white neighborhoods (Oliver and Shapiro, 1995: 127–77; Massey and Denton, 1993: 223–36; Feagin, 1994: 26). Moreover, survey data over the last few decades consistently show that most US residents continue to associate majority black neighborhoods with violent crime, poor schools and other negative vices — an insidious and ‘pernicious premise’ (Wacquant, 1997) that shapes whites’ perceptions of social reality that lead to prejudiced attitudes, minority scapegoating and acceptance of individualistic explanations that focus on black culture and behavior as the cause of urban deterioration. The everyday practices and actions prescribed by the norms of real estate firms and social networks of actors within the housing industry continue to have a differentiated and negative impact on blacks and other minorities. In this sense, the persistence of housing segregation is not a vestige of ‘historical discrimination’ (Wilson, 1987). Focusing on how housing discrimination has become more ‘subtle’ or ‘covert’ deflects attention away from identifying how the production of specific racialized images of urban space is an integral element of present day race relations and the *modus operandi* of the US real estate industry.

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