

HEMMED IN

# HEMMED IN

ABC's of Race Restrictive  
Housing Covenants

**A**merican Council on Race Relations

by Robert C. Weaver  
Community Services Director  
American Council on Race Relations

1945

Printed in United States of America



## RESIDENTIAL SEGREGATION

### IS A NEW DEVICE

The essence of the housing problem of Negroes and other minority groups in the North and the West for the last twenty-five years has been a lack of space and housing facilities. This condition has arisen because colored and other minority people no longer have free access to all sections of the city. They are limited to well-defined and inadequate areas.

Prior to World War I there was little enforced segregation in housing in the North and West. Except for Orientals on the West Coast, the concentration of minorities in certain neighborhoods was due chiefly to their low incomes. Even in cities like Chicago, where today the Negro ghetto is surrounded by an iron band of restrictive agreements, Negroes lived in all sections until 1910.

Then, as the cities began to grow rapidly, colored Americans were barred from new areas opened to residential use. By the end of the first World War, Negroes in most northern cities had been concentrated in Black Belts. Usually these were located in the older sections of cities, contained little vacant land and afforded inadequate space for a growing population.

Overcrowding, with all its ills and social dangers followed. By 1915, the situation was so bad that a violent explosion seemed inevitable, and ultimately a wave of postwar race riots swept the nation. Negroes attempted to get out of the limited areas to which they were restricted; whites objected to their expansion. The general failure of the law enforcement agencies to give equal protection to Negroes encouraged acts of violence on the part of whites. Lack of confidence in the police led many normally law-abiding Negroes to take steps to protect their lives and families, and they fought back.

## ENTER RACIAL COVENANTS

Following the period of physical violence, the new segregation was reinforced through many devices, some definitely illegal, others of doubtful legality. Zoning was used to keep Negroes out of certain areas until the Supreme Court declared such action unconstitutional. Then race restrictive housing covenants were developed to effect a similar result through individual agreements. Economic and social pressures supplemented and sometimes substituted for covenants. Physical violence has often been used—especially in lower-income areas. All of this produced the new phenomenon of enforced residential segregation.

Race restrictive housing covenants are compacts entered into by a group of property owners, subdivision developers, or real estate operators in a given neighborhood binding them not to sell, rent, lease or otherwise convey their property to specified groups (usually colored people) for a definite period unless all agree to the transaction. Some racial covenants are signed long after an area has been developed; others are incorporated in deeds at the time a new subdivision is opened or when it is first improved.

The constitutionality of race restrictive housing covenants is doubtful. Professor D. O. McGovney, of the University of California, for example, stated in an article in the March, 1945, issue of the *California Law Review* that state court enforcement of race restrictive covenants is unconstitutional.

This does not imply that it may be illegal for a group to sign such agreements, but it does mean that when one or more of the signers breaks the agreement (as one or more usually does sooner or later), it may be unconstitutional for the state court to force the recalcitrant to keep his original pledge. If it is established that the state courts cannot take such action, or if these covenants are declared unenforceable on any other grounds, the race restrictive covenant will no longer be an effective means of excluding minorities from given areas.

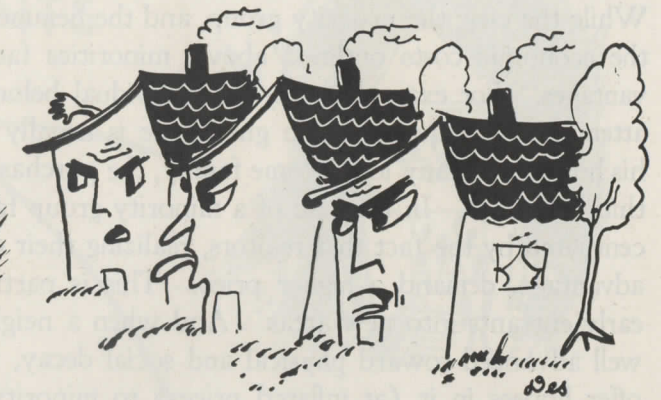
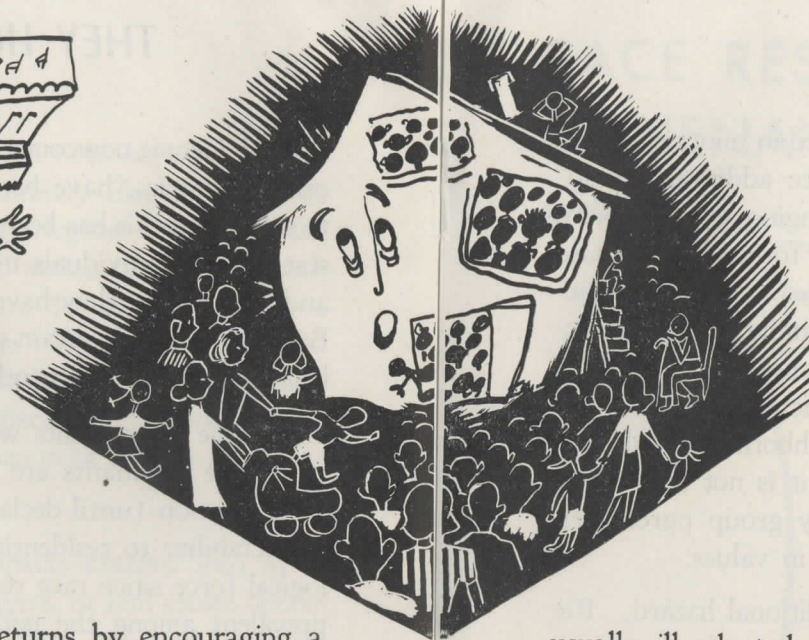
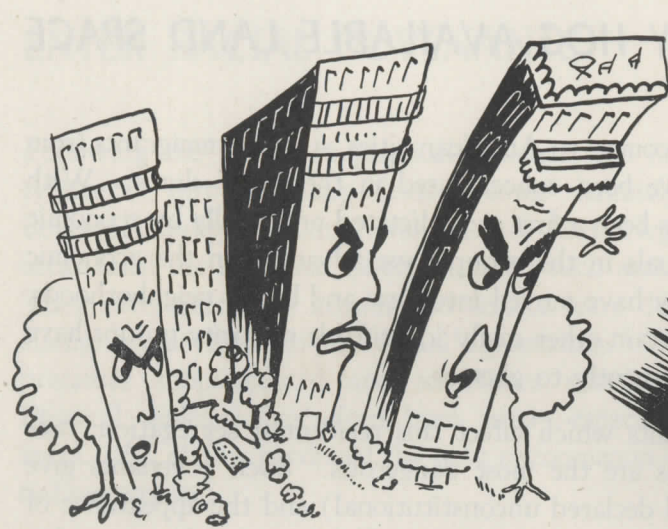
## THEY HOG AVAILABLE LAND SPACE

All low-income newcomers to American cities, such as immigrants from other countries, have been concentrated in the cities' slums. With most groups, this has been a first step, dictated principally by economic status. As individuals in the group have advanced in the economic and social scale, they have moved into new and better neighborhoods. But Negroes and certain other easily identifiable minority groups have been relegated permanently to ghettos.

Of all the instruments which effect this residential segregation, race restrictive covenants are the most dangerous. Such covenants give legal sanction (until declared unconstitutional) and the appearance of respectability to residential segregation. This is a significant psychological force since race restrictive housing covenants are usually most prevalent among the middle and upper-income groups in the community. As a result, other groups resort to less formal but equally effective means of keeping minorities out. As long as the "better people" in a community sign restrictions against certain groups and the courts enforce such agreements, other elements will "protect" their neighborhoods against minorities, too.

Closely associated with this psychological factor are the economic results of race restrictive covenants and the residential segregation they facilitate. The most important of these is the limitation of the supply of housing available to minority groups on all income levels. The white population develops deep-rooted interests in all neighborhoods not already occupied by Negroes; even vacant land is given color status. Consequently, even when there are private or public funds available for the construction of more housing open to minorities, any and all sites outside established ghettos are opposed, while the ghettos, already over-populated, seldom offer desirable sites for new construction.

The restricted minorities are also exposed to economic exploitation. Slum property owners and race restrictive covenant manipulators are two sides of the same coin. Both develop special interests in main-



taining the Black Belt. One reaps large returns by encouraging a limited supply of housing for minorities; the other sells a false sense of protection to white occupants of surrounding neighborhoods. Neither is concerned with the social and economic costs to the city. Meanwhile, the restricted non-white family pays more rent (and higher purchase prices) for inferior accommodations.

There is another related effect. Negro and other minorities expand in a geographic pattern of gradual accretions to existing areas of occupancy. This occurs without regard to the type of housing involved. *As a matter of fact, race restrictive covenants have not prevented and cannot prevent the expansion of living space for mounting Negro populations. They delay this movement, and create unyielding determination on the part of present occupants to keep Negroes out. The final break-through becomes almost a rout.*

## CONGESTION FOLLOWS

Since the supply of housing and vacant land available to minorities never equals or even approaches the demand, the result is a perpetuation of overcrowding. And the fact that the dwellings involved are

usually ill adapted to the family needs and rent-paying abilities of low-income families leads inevitably to doubling-up and physical deterioration. Residential segregation becomes contagious and spreads to other areas—areas into which low-income families would normally move.

Race restrictive housing covenants, by diverting the normal movement of minorities, force these groups to pour into areas adjacent to their present centers of concentration. The internal pressures for expansion in the ghettos are so great that when any new area is open, the already overcrowded and restricted minorities rush in and extend the area of overcrowding.

The only way to protect these adjacent areas is to provide adequate space and housing accommodations for minorities elsewhere. This cannot be done in a framework of residential segregation and race restrictive covenants. It requires the construction of more low-rent housing, the removal of restrictions against the movement of minorities into existing low-rent areas, and the orderly entrance of higher-income minority group families into established neighborhoods designed for families of their economic level.

## MINORITIES HAVE TO BUY

While the city, the majority group, and the hemmed-in minorities bear the economic costs outlined above, minorities face additional disadvantages. For example, when an individual belonging to a minority attempts to escape from the ghetto, he is usually forced to purchase his house. For any low-income family, the purchase of a home is something of a risk. In the case of a minority group family, the risk is accentuated by the fact that realtors, realizing their customer is at a disadvantage, demand a higher price. This is particularly true of the early entrants into new areas. And when a neighborhood is already well advanced toward physical and social decay, it is not unusual to offer houses in it (at inflated prices) to minority group purchasers. Often this temporarily arrests the normal decline in values.

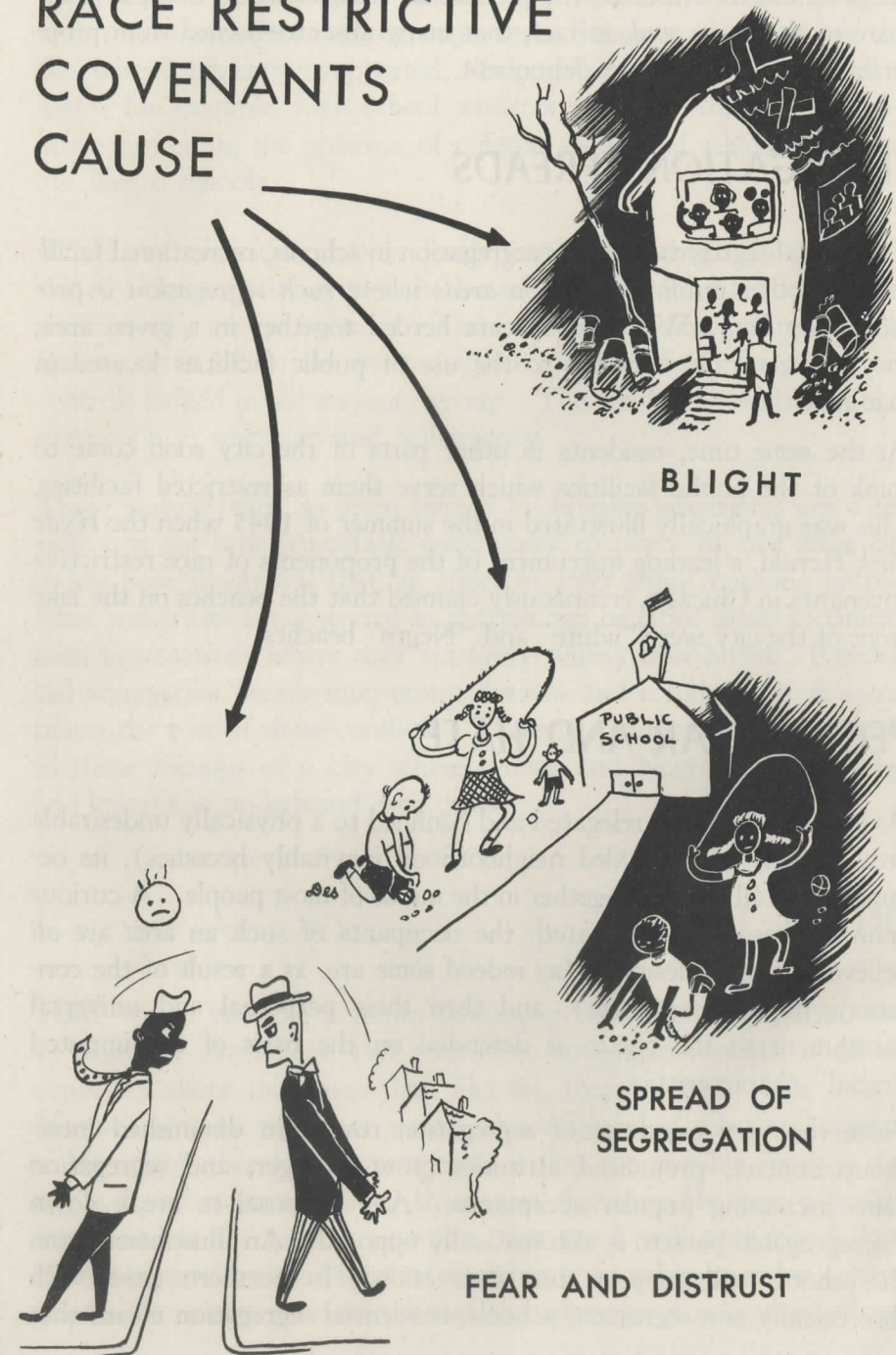
Today's inflated real estate market creates an additional hazard. Restrictions on space available to minority groups are now forcing many of their members to initiate or contemplate home ownership. But the prospects of declining values when inflation recedes, and the low and uncertain future incomes of many potential purchasers make home ownership doubly risky for minorities.

## SEGREGATION CAUSES BLIGHT

The social ills of residential segregation (which result in part from race restrictive covenants) are too numerous to catalogue. Only the most important will be outlined, since a visit to the Black Belt or Chinatown of any city offers sufficient evidence to anyone who will take the trip.

Deterioration of physical facilities is the most obvious result of residential segregation. Physical deterioration is caused by economic and not racial factors. It occurs whenever and with whomever overcrowding is prevalent. But overcrowding, regardless of its cause, brings a decline of neighborhood standards and an inevitable inadequacy of neighborhood services such as street repair, garbage and trash removal, police and fire protection. Cities also lose heavily through decreased

## RACE RESTRICTIVE COVENANTS CAUSE



tax revenues, because records prove that slum areas do not pay their share of the taxes, and, in fact, that many absentee-owned slum properties are perpetually tax-delinquent.

## SEGREGATION SPREADS

Residential segregation causes segregation in schools, recreational facilities and other public services *in areas where such segregation is prohibited by law*. When groups are herded together in a given area, they are generally confined to the use of public facilities located in that area.

At the same time, residents in other parts of the city soon come to think of the public facilities which serve them as restricted facilities. This was graphically illustrated in the summer of 1945 when the *Hyde Park Herald*, a leading instrument of the proponents of race restrictive covenants in Chicago, erroneously claimed that the beaches on the lake front of the city were "white" and "Negro" beaches.

## PEOPLE FEAR AND HATE

As long as a group is relegated and confined to a physically undesirable area (as any overcrowded neighborhood inevitably becomes), its occupants are all lumped together in the minds of most people. A curious train of reasoning is initiated: the occupants of such an area are *all* believed to be undesirable (as indeed some are, as a result of the conditions imposed on them), and then their perpetual and universal banishment to the ghetto is defended on the basis of the imputed "racial" characteristics.

Since the very existence of segregation results in diminished inter-group contact, prejudiced attitudes grow stronger, and segregation gains increasing popular acceptance. Any proposal to break down the segregated pattern is automatically opposed. An illustration from the schools will support this observation. In northern cities with theoretically non-segregated schools, residential segregation means that

many schools are attended exclusively by whites. When Negroes are introduced, white students often resist the move on the theory that the school, albeit tax-supported, "belongs" to them. In the fall of 1945, for example, high school students at Gary, Indiana, staged a strike protesting the presence of colored pupils and advocating separate Negro schools.

While the majority group is developing fears and erroneous conceptions of the minority group, the latter is acquiring and strengthening anti-majority group attitudes. The frustrations, disappointments and limitations of life in the ghetto become identified with the power and controls lodged in the majority group. The resulting resentment finds expression in suspicion and belligerency.

These mutual fears, so often fanned by housing situations, are a terrible cost for any democratic community to pay. In city after city it has been illustrated that, in times of inter-group tensions or conflicts, minorities concentrated in ghettos can be more easily victimized than in situations where they are fairly widely distributed. Residential segregation breeds inter-group distrust and conflict, and it accentuates the cost of these conflicts. There has seldom been racial strife in those sections of a city where whites and Negroes live together and know and understand each other.

## WHAT TO DO

There would be little point in discussing residential segregation and its principal instrument, race restrictive housing covenants, if all we could say about them was that, like sin, they are bad. Nor does it do much good to explain to a man who is fearful of what will happen to his neighborhood if Negroes enter it that the possible result is due to social and economic rather than racial factors. He fears a certain result, and in the present situation, that result will probably follow. He has seen what has happened to other areas taken over by colored tenants; he is easily convinced that the entrance of even one colored

family will bring in many more and that the neighborhood will deteriorate. Even if he is a low-income person, living in a congested slum, he has at least a psychological stake in maintaining his neighborhood for white occupancy. What is needed, therefore, is the kind of planning which will guard against the results he fears.

Such planning is possible. It will require (a) an attack upon race restrictive covenants, (b) the development of certain neighborhood controls, and (c) the creation of more housing and more space available to minorities. In order to accomplish these objectives, there must be action on several fronts, involving the courts, the legislatures, the media of publicity, and direct economic action.



## HOW TO DO IT

The fight against race restrictive housing covenants in the courts is of long standing. Recent legal research suggests that this attack has a good chance to succeed if it is carefully planned and expertly executed. The psychological, economic and social costs of these covenants have rarely been assembled. Even less frequently have they been combined with the moral issue and presented to the public. Nor has it been stressed that race restrictive covenants do not actually offer the protection they are said to afford. These things must be done in each community.

At the same time, aroused public opinion should press for legislation barring race restrictive housing covenants. Such action, already initi-

ated in many states, is significant for several reasons. If it is successful, it will prevent the spread of race restrictive covenants. Even if the legislation is not passed, its consideration offers a forum from which the issue can be discussed and through which a large number of people can be reached.

## ONE POINT OF AGREEMENT

In the final analysis, however, the solution to the housing problem of minorities and the way to remove the fear of their "invasion" into new neighborhoods is to provide more space and facilities. In this regard the opponents and the proponents of race restrictive covenants are on common ground. On the one hand, minorities *must* have more housing. This housing should be designed to meet their needs and rent-paying abilities. It should not all be hand-me-downs. It should be located in relation to work opportunities and community facilities. On the other hand, those who embrace race restrictive covenants as a means of protecting high-rent neighborhoods from overcrowding by low-income families (who happen to be composed of minority group persons) will find their greatest protection in the development of adequate housing for low-income occupants.

The most significant action which both groups can take, therefore, is to open new areas to minorities. This means access to established neighborhoods for members of minority groups, the construction of new housing available to minorities and the removal of race restrictive covenants.

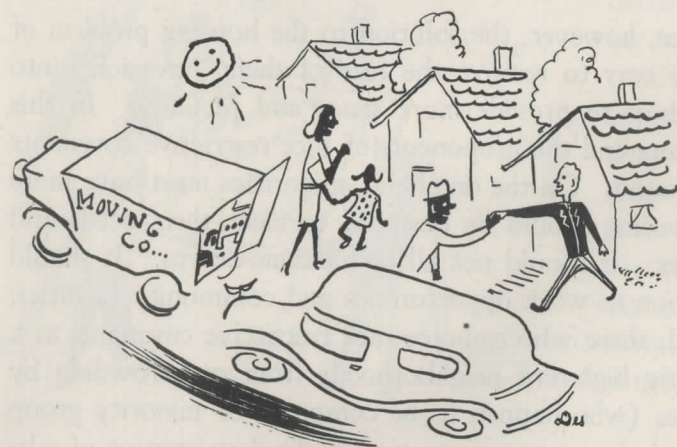
## OCCUPANCY STANDARDS ARE DESIRABLE

If, instead of restrictions on account of race, creed, and color, there were agreements binding property owners not to sell or lease except to single families, barring excessive roomers, and otherwise dealing with the type of occupancy, properties would be better protected



during both white and Negro occupancy. This would both protect the integrity of the neighborhood and afford an opportunity for the member of a minority group who has the means and the urge to live in a desirable neighborhood. It would also prevent, or at least lessen, the exodus of *all* whites upon the entrance of a few Negroes—and *this is what depresses property values.*

Covenants based on occupancy standards would also become an important factor in removing racial covenants and other restrictive devices



in improved and vacant areas. Such action would permit areas open to minority group occupancy to expand more normally. It would provide more space and housing units for colored people.

This, in turn, would lessen the pressure upon other neighborhoods (ill adapted from the economic point of view), permit selective infiltration of minorities into such areas, and reinforce the type of protection mentioned above.

## NO NEW SEGREGATION

As soon as there is a proposal for opening new areas to certain minorities, many people assume that they should be occupied exclusively by these groups. Yet, if the neighborhoods are well planned and desirably located, and if there is adequate protection of neighborhood standards, they will meet the needs and aspirations of all groups. From a long-run point of view, it is extremely desirable that these

neighborhoods remain open to all groups in the community, and the community will gain if it takes specific steps to encourage Negro and white occupancy in such areas.

Encouragement will often be necessary, since individuals accustomed to "white" and "Negro" areas will hesitate to depart from existing patterns of living.



At the end of World War I we had a serious housing problem in our northern cities similar to that of today; it was the result of segregation. If we simply create more and larger segregated areas in the postwar period, we will not have solved the problem; we will have attempted to postpone it. But it cannot be postponed without the risk of rising racial tensions and possible conflicts. Segregation creates racial vested interests and prevents a normal growth of group participation, whether in jobs, schools or housing. To plan soundly for the future, we must plan for expansion; this means nonsegregation. And unless we develop non-segregated housing, we cannot make real progress in establishing democratic schools, recreation and other public facilities.

The longer we postpone action on these basic problems, the greater will be the costs. Hemmed in people are frustrated people. Those who restrict them soon become frightened, insecure people forced to accept and invent prejudices to justify their actions. Community development is delayed and complicated because it conflicts with segregated patterns of living. Groups in the population become increasingly suspicious of each other. Democratic America suffers from internal weakness and international loss of prestige.

Copies of this pamphlet are available at the American Council on Race Relations at a cost of 10¢ each.

50 copies or more — 7¢ each  
100 copies or more — 5¢ each  
(Express Collect)

*Distributed by*

International Union United Automobile,  
Aircraft, Agricultural Implement Workers  
of America (UAW-CIO)  
Education Department — Housing Department  
Fair Practices Committee  
Maccabees Building Detroit 2, Michigan

Much of the material included in this pamphlet has appeared in two articles by the same author, "Race Restrictive Housing Covenants," *The Journal of Land and Public Utility Economics*, August, 1945; and "Congestion and Racial Conflict," the *Atlantic Monthly*. The author and the American Council on Race Relations wish to express their appreciation for permission to reproduce parts of these articles.

Designed by Information Service

AMERICAN COUNCIL ON RACE RELATIONS  
32 West Randolph St.  
Chicago 1, Ill.