

SUMMA

US History

**Residential Segregation:
A Tale of Two Houses**

James Prince '23
The Blake School
Minnesota, USA

Abstract

This tale begins in Minneapolis, where the history of racism continues to impact homeownership in the largely segregated city and its suburbs. Starting in 1910, Minneapolis developers and realtors used a systemic form of racial exclusion to sell homes profitably, exploiting and furthering the underlying racial bias in the community. As the use of these legal mechanisms spread, racially restrictive covenants were further cemented into the Minneapolis and national markets by financial, legal, and government systems. In Minneapolis, racially restrictive covenants exist in over 24,000 homes in Hennepin County, which includes Minneapolis. This paper examines the effects racially restrictive covenants had on two communities: one with a racially restrictive covenant and the other without. Even though the self-perpetuating structures became illegal under the 1968 Fair Housing Act, the impact of these once-legal systems continues to be felt. These historical systems contribute to the inequality between white and Black homeownership in Minneapolis, resulting in the biggest disparity in the US today when compared to the 100 cities with the largest Black populations. This story about the forces impacting Black homeownership in two Minneapolis communities is a small microcosm of what occurred across the United States in the 1900s.

Introduction

More than a few houses conceal a history of racial exclusion. If their walls could talk, they would reveal systemic discrimination. Buried deep in the small print of housing deeds, clauses barred people of color from owning or occupying the property, making entire neighborhoods off-limits for non-whites. These legal mechanisms, called racially restrictive covenants, were first used in California and Massachusetts at the end of the 19th century and spread across the country until 1968 when the Fair Housing Act mandated equal access to housing.¹ But the deeds and their racist language remain an unseen scar. It is time to tell one of the stories behind this hidden inequity. In Minneapolis, the history of racial inequality lingers: racially restrictive covenants exist in over 24,000 homes in Hennepin County, which includes Minneapolis.² This past exclusion contributes to the inequality apparent in Minneapolis today, as evidenced by the fact that the gap between white and Black homeownership is 50 percent, placing Minneapolis's disparity 100th in the US among the 100 cities with the largest black populations.³ White developers and realtors used systemic racial exclusion to profitably sell new homes, exploiting and furthering the underlying racism in the community.

Two Adjacent Communities Become Divergent

This story begins as a tale of two houses built in Minneapolis in the 1920s, one in a development called Shenandoah Terrace, the other in a neighborhood formerly called Southside. They were similar in many ways, including lot size and proximity to the center of Minneapolis. Adjacent to each other, the neighborhoods had similar patterns of local business owners and thriving neighborhood communities.

When built, these houses and the communities they stood in were comparable; now, they are opposites. The Shenandoah Terrace house, like the others in its neighborhood, included a racially restricted covenant when it was constructed, creating an all-white neighborhood. This precipitated a chain of events through generations – its value appreciated

¹ R. Rothstein, *The Color of Law*, New York, Liveright, 2017, p. 78.

² K. Ehrman-Solberg et al., 'Racial Covenants in Hennepin County,' retrieved from the Data Repository for the University of Minnesota, published 25 November 2020, <https://doi.org/10.13020/a88t-yb14>, (accessed 12 October 2021).

³ A. McCargo and S. Stochak, 'Mapping the Black Homeownership Gap,' *Urban Institute*, March 5, 2018, <https://www.urban.org/urban-wire/mapping-black-homeownership-gap>, (accessed 10 September 2022).

over the years as more houses were added, along with a nearby park. Owning such an asset allowed a family to create generational wealth.

The story of the Southside house ends differently. Swedish and Norwegian immigrants first populated its neighborhood and gradually attracted more Black residents. By the 1930s, the change in demographics from white to Black led the Southside neighborhood to be redlined, making it difficult for potential property buyers to find financing. Predictably, since Southside was viewed as undesirable by real estate agents, lending institutions, and the government, it withered until it was partially demolished in the late 1950s to make room for an interstate highway that cut it in two.

Today, that Southside neighborhood is 33 percent white with a median household income of \$58k.⁴ Meanwhile, the adjacent neighborhood which includes the Shenandoah Terrace house is 90 percent white, with a median household income of \$94k.⁵ The tale of these houses is rooted in racially restrictive covenants, key influences in the persistent racial inequity in US urban housing.

Racial Diversity in Minneapolis

From its introduction into statehood in 1858, Minnesota had a sizeable non-native-born population. Totaling 172,000, 98 percent were white, 33 percent were foreign-born, 51 percent were under the age of 20, and 91 percent were rural.⁶ With a third of the population being immigrants, Minnesota was an immigrant state from its inception.

⁴ 'Household Income in Block Group 011703-1, Hennepin County, Minnesota (Block Group)', *The Demographic Statistic Atlas of the United States – Statistical Atlas*, <https://statisticalatlas.com/block-group/Minnesota/Hennepin-County/011703-5/Household-Income>, (accessed 10 September 2022); 'Race and Ethnicity in Block Group 011703-5, Hennepin County, Minnesota (Block Group)', *The Demographic Statistic Atlas of the United States – Statistical Atlas*, <https://statisticalatlas.com/block-group/Minnesota/Hennepin-County/011703-5/Race-and-Ethnicity>, (accessed 10 September 2022).

⁵ 'Household Income in Tract 110000, Hennepin County, Minnesota (Tract)', *The Demographic Statistic Atlas of the United States – Statistical Atlas*, <https://statisticalatlas.com/tract/Minnesota/Hennepin-County/110000/Household-Income>, (accessed 10 September 2022); 'Race and Ethnicity in Tract 110000, Hennepin County, Minnesota (Tract)', *The Demographic Statistic Atlas of the United States – Statistical Atlas*, <https://statisticalatlas.com/tract/Minnesota/Hennepin-County/110000/Race-and-Ethnicity>, (accessed 10 September 2022).

⁶ US Department of Commerce and Labor, 'Thirteenth Census of the United States Taken in the Year 1910: Statistics for Minnesota', *Bureau of the Census*, 1913, <https://www2.census.gov/library/publications/decennial/1910/abstract/supplement-mn.pdf>, (accessed 10 September 2022).

Following the Civil War and emancipation, more Black people arrived in Minneapolis and were integrated into the urban community. In the 1880s-1900s, Minnesota and Minneapolis actively took steps towards creating a racially equitable society; both state and city introduced laws against discrimination. For example, in 1885, Minnesota passed the Equal Accommodations Act guaranteeing Black people equal access to all public places and hotels, and in 1897, it passed a civil rights law.⁷ Frank Wheaton, a Black lawyer, won election in 1898 to the Minnesota legislature, where he authored two pieces of legislation that dealt with civil rights and public accommodations.⁸ In Minnesota, Black rights were codified in law and enforced in the courts.⁹

Nonetheless, racial inequity began to surface. In the 1910 census, less than 1 percent of the state's population was Black.¹⁰ Although Minnesota's population grew by over 1,000 percent in the first fifty years of statehood, there were only 7,084 Black people in the state in 1910, most (81 percent) living in Minneapolis and St. Paul. The Black population grew to 8,800 by 1920 but was still only 0.4 percent of the state's population.¹¹ Similarities emerge when looking at demographics in Minneapolis itself where the Black population grew far more slowly than the white. According to the 1910 census, Blacks represented 0.9 percent of the city's population and were distributed across the city, representing no more than 15 percent of the total population in any one community. The near-north and northeast areas of Minneapolis were emerging integrated communities.¹²

⁷ Secretary of State, *General Laws of Minnesota: Passed and Approved at the Twenty-Fourth Session of the Legislature*, Minnesota, 1885, ch. 224, p. 296; Secretary of State, *General Law of the State of Minnesota: Passed During the Thirtieth Session of the State Legislature*, Minnesota, 23 April 1897, ch. 349, p. 616.

⁸ 'An Ebony Legislator', *The St. Paul Globe*, 12 February 1899, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=749ae28b-361d-49b0-aedc-a79155e2ac30%2Fmnhi0031%2F1HMADF59%2F99021201, (accessed 10 September 2022); Leg.state.mn.us. 2021, *Wheaton, John Francis 'Frank, J. Frank' - Legislator Record - Minnesota Legislators Past & Present*, <http://www.leg.state.mn.us/legdb/fulldetail.aspx?ID=12076>, (accessed 10 September 2022).

⁹ 'Minneapolis: Doings In and About the Great 'Flour City'', *The Appeal: A National Afro-American Newspaper*, 26 March 26 1898, p. 4, <https://chroniclingamerica.loc.gov/lccn/sn83016810/1898-03-26/ed-1/seq-4/>, (accessed 10 September 2022).

¹⁰ US Department of Commerce and Labor, 'Thirteenth Census of the United States Taken in the Year 1910: Statistics for Minnesota', *Bureau of the Census*.

¹¹ US Department of Commerce and Labor, 'Thirteenth Census of the United States Taken in the Year 1910: Statistics for Minnesota', *Bureau of the Census*.

¹² M. Mills and Mapping Prejudice Project, 'Minneapolis Black Population 1910', *University of Minnesota Digital Conservancy*, 2020, <https://hdl.handle.net/11299/217473>, (accessed 10 September 2022).

A decade later, between 1910 and 1920, the number of Blacks in Minneapolis grew by 51.5 percent (from 2,592 to 3,927) but was still around 1 percent of the city's population.¹³ Fifty percent growth in the Black population over a decade seems significant, yet it was small compared to the growth of other Midwest cities, and the Black population as a percentage of Minneapolis's total population did not change. For context, between 1910 and 1920, Chicago's Black population grew 148 percent, from 44,103 (3.9 percent of the population) to 109,458 (4.1 percent of the population).¹⁴ St. Louis's Black population grew 59 percent, from 43,960 (6.4 percent of the population) to 69,854 (9 percent of the population).¹⁵ Lastly, Detroit's Black population grew 611 percent, from 5,741 (1.2 percent of the population) to 40,838 (4.1 percent of the population).¹⁶ In this broader context, Minneapolis's Black population was not increasing at the same rate as similar cities in the Midwest during the 1910s.

While both state and city were experiencing explosive growth and economic expansion, the Black population remained small with relatively slow growth. One plausible explanation behind this relatively flat growth could be the economic discrimination facing Blacks in Minneapolis. In 1926, an Urban League study found that 76 percent of the 192 employers surveyed would not hire Black people. Furthermore, the average annual earning of a married Black man in Minneapolis was \$1,172 – more than \$1,000 below the federal poverty level of 1919.¹⁷ Minneapolis was not an economically progressive city for Black people.

Another possible factor was the underlying racist sentiment in the expanding and predominately white community. This explanation is

¹³ Mills, 'Minneapolis Black Population 1910'.

¹⁴ US Department of Commerce and Labor, 'Fourteenth Census of the United States: State Compendium for Illinois', *Bureau of the Census*, 1924, <https://www2.census.gov/prod2/decennial/documents/06229686v8-13ch5.pdf>, (accessed 10 September 2022); US Department of Commerce and Labor, 'Thirteenth Census of the United States Taken in the Year 1910: Statistics for Illinois', *Bureau of the Census*, 1913, <https://www2.census.gov/library/publications/decennial/1910/abstract/supplement-il-p1.pdf>, (accessed 10 September 2022).

¹⁵ US Department of Commerce and Labor, 'Fourteenth Census of the United States: State Compendium for Missouri', *Bureau of the Census*, 1920, <https://www2.census.gov/prod2/decennial/documents/06229686v20-25ch4.pdf>, (accessed 10 September 2022).

¹⁶ US Department of Commerce and Labor, 'Fourteenth Census of the United States: State Compendium for Michigan', *Bureau of the Census*, 1920, <https://www2.census.gov/prod2/decennial/documents/06229686v20-25ch1.pdf>, (accessed 10 September 2022).

¹⁷ T. Thurber, *The Politics of Equality*, New York, Columbia, 1999, p. 26.

supported by the numerous documented high-profile cases of white residents in Minneapolis publicly and actively preventing Blacks from moving into their neighborhoods during the early 1900s. It should be noted that the wealthy areas of Minneapolis were all white in the 1900s; minority groups naturally lacked the economic means to move into these communities. The racial tension occurred primarily in those developing neighborhoods where the growing middle-class and working-class whites vied for the same finite set of new homes as the city expanded, like the homes in the Shenandoah Terrace and Southside neighborhoods.

One example of this growing racial bias in 1909 was when “a party of 125 residents of [Prospect Park], among them many leading business and professional men of Minneapolis, called at the home of a negro family last night and read its members a prepared paper which told in plain language that none of the colored race was wanted in that neighborhood.”¹⁸ That quote, from the *Minneapolis Tribune*, describes how publicly the community sought to segregate Black people. This racial tension continued to gain steam. In December of 1909, Marie Canfield tried to sell her house in southwest Minneapolis to a Black preacher, the Reverend William S. Malone. It allegedly caused a “race war” that was covered for several weeks in the newspaper.¹⁹ Her Black neighbor, Mary Myrick, owned a small house two blocks away and became the subsequent controversy. She had purchased the lot many years previously on which she built her house, but she now refused to sell it to her white neighbors. The neighbors tried to “oust” both the preacher and the “home of the negress” which the reporter pejoratively refers to as a “small shack.”²⁰ The paper described the situation as “race conflicts over negroes trying to make their homes in exclusive neighborhoods.”²¹ Two neighborhood committees, the Prospect Park Improvement Association, and the Lake Harriet District, eventually

¹⁸ ‘Race War Started in Prospect Park’, *The Minneapolis Tribune*, 22 October 1909, p. 1, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=4a0c6900-28ec-40e6-bafa-8705a70f68f8%2Fmnh0005%2F1DFC5F5A%2F09102201, (accessed 10 September 2022).

¹⁹ ‘Race War at Harriet Involves More Blacks’, *The Minneapolis Sunday Tribune*, 2 January 1910, p. 1, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnh0005%2F1DFC5G5B%2F10010201, (accessed 10 September 2022).

²⁰ ‘Race War at Harriet Involves More Blacks’, *The Minneapolis Sunday Tribune*.

²¹ ‘End of Both Race Wars is Believed Near at Hand’, *The Minneapolis Morning Tribune*, 7 January 1910, p. 8, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnh0005%2F1DFC5G5B%2F10010701, (accessed 10 September 2022).

brokered a deal that used the money raised from each community member to buy out the two Black homeowners in early 1910.²²

Active community intent to create segregated housing had arrived in Minneapolis, and with support in both the Black and White communities, it spread. In response to Blacks purchasing residential property in white neighborhoods, a Black minister's sermon titled "Where Shall a Black Man Live?" was featured on the *Minneapolis Morning Tribune's* front page in January 1910. The Reverend T. W. Stout stated, "Black people should avoid going into a community where their presence is Irritating." The newspaper then editorialized this sermon by adding that the "African preacher" was "wise in his statement." The article openly suggested that Blacks not live among whites. Racial segregation in Minneapolis had a public written voice.²³

This voice emboldened its supporters. In 1931, Arthur Lee, a Black man, purchased a home in a non-covenanted, predominately white neighborhood two blocks north of the previously mentioned Shenandoah Terrace house. Lee, a World War I vet who worked for the Post Office, was met with violence when thousands of whites surrounded and vandalized his home. The incident made the front page of the *Minneapolis Tribune* with a story entitled "Home Stoned in Race Row."²⁴ The Lee family moved out in 1934. While not all Minneapolis residents supported residential segregation, those who did often prevailed. In Minneapolis, despite their relatively small numbers, Blacks faced increased racial bias.

Racial violence was a blunt instrument. What was needed was a set of systems to prevent Blacks from buying homes in specific areas. While systemic discrimination was not unique to Minneapolis (indeed, it was endemic throughout the country), its combination of economic disadvantages and social impediments is a textbook for the examination of racial discrimination.

²² 'End of Both Race Wars is Believed Near at Hand', *The Minneapolis Morning Tribune*.

²³ 'Fairness to Negro Urged by Minister', *The Minneapolis Morning Tribune*, 10 January 1910, p. 1, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnh0005%2F1DFC5G5B%2F10011001, (accessed 10 September 2022).

²⁴ 'Home Stoned in Race Row', *The Minneapolis Tribune*, 15 July 1931, p. 1, <https://startribune.newspapers.com/clip/88996869/home-stoned-in-race-row-tribune/>, (accessed 10 September 2022).

Restrictive Covenants Codify Housing Segregation

In the early part of the 20th century, Minneapolis saw a majority white population experiencing explosive growth driven by economic prosperity and immigrants. This fueled the city's encouragement of segregated housing, precipitating the creation of legal systems that made it possible to create the all-white Shenandoah Terrace development and forcing Black people into neighborhoods like the Southside slated for stagnation.

The primary instrument behind this turn was a legal device known as a racially restrictive covenant. When buying a property, the purchaser traditionally receives the documentation, called a deed, tracing every time the property has changed hands. A deed is “a written instrument, which has been signed and delivered, by which one individual, the grantor, conveys the title to real property to another individual, the grantee.”²⁵ A warranty deed, the most common way of transferring title, contains promises, called covenants, that the grantor makes to the grantee. Homebuyers want these types of promises, and lenders often require a warranty deed to qualify for financing. These covenants may include simple assurances like the grantor owns the land described in the deed; that the grantor has the right to transfer title to the land; or that there are no undeclared encumbrances on the land. The grantor may also make certain future covenants in the deed. These restrictions track with the deed indefinitely.²⁶ If a covenant is breached, the owner loses the house, and the property reverts to the initial granting party (the person who first attached the covenant).

However, a legal mechanism cannot spread racism without the people who use such tools. The first perpetrators responsible for introducing this legal form of racial bias into Minneapolis were Henry and Leonora Scott. Since racially restrictive covenants did not originate in Minnesota, it is not surprising to learn that the Scotts were non-residents. In 1910 they inserted language into the warranty deed that contained the following restriction: “...the premises shall not at any time be conveyed, mortgaged or leased to any person or persons of Chinese, Japanese, Moorish, Turkish, Negro, Mongolian or African blood or

²⁵ West's Encyclopedia of American Law, 'Definition of a Deed,' *Encyclopedia.com*, <https://www.encyclopedia.com/social-sciences-and-law/law/law/deed>, (accessed 10 September 2022).

²⁶ A. Hayes, 'What Is a Warranty Deed?,' Investopedia, 17 August 2022, <https://www.investopedia.com/terms/w/warranty-deed.asp>, (accessed 10 September 2022).

descent.”²⁷ Scott’s success in imposing racially biased terms of sale emboldened other individuals and companies to do the same.

Within eight years, 1,158 properties in Hennepin County were similarly covenanted, most of them in Minneapolis proper.²⁸ An investigation into the grantors of these first thousand restrictive covenants reveals there were three key companies responsible for leading the expansion of racially restrictive covenants in Minneapolis: The Seven Oaks Corporation, Thorpe Brothers, and the Estates Improvement Company.²⁹

Although these three companies were independently managed, the men leading these companies were linked through their involvement on the Minneapolis Real Estate Board (Minneapolis Board).³⁰ When the National Association of Real Estate Exchange (National Association) was created on May 12, 1908, in Chicago,³¹ the 19 founding boards included Baltimore; Kansas City, MO; the California State of Realty Federation (now the California Association of REALTORS); and the

²⁷ ‘Henry Scott and Leonora Scott to Nels Anderson’, Transaction on 26 May 1910, *Hennepin County Deeds Book 759*, p. 538, Document 712111, recorded 23 April 1914.

²⁸ K. Ehrman-Solberg, ‘Racial Covenants in Hennepin County.’

²⁹ K. Ehrman-Solberg, ‘Racial Covenants in Hennepin County.’

³⁰ Office of the Minnesota Secretary of State, Seven Oaks Corporation File Number 22633-AA, Original Filing – Business Corporation, *State Archives*, St. Paul, Minnesota: Filed 16 November 1914; Office of the Minnesota Secretary of State, Thorpe Brothers File 207-AA, Original Filing – Business Corporation, *State Archives*, St. Paul, Minnesota: Filed 22 December 1898; Office of the Minnesota Secretary of State, Estates Improvement Company File Number 10113-AA, Original Filing - Business Corporation, *State Archives*, St. Paul, Minnesota: Filed 10 December 1912; ‘Tingdale Brothers, Inc. Advertisement’, *The Minneapolis Tribune*, 17 June 1919, p. 30, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnh0005%2F1DFC5G5B%2F19061701, (accessed 10 September 2022); ‘Realty Men Prepared for National Convention’, *The Minneapolis Morning Tribune*, 14 June 1910, p. 7, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnh0005%2F1DFC5G5B%2F10061401, (accessed 10 September 2022); ‘“Spotless Town” Lots to Go Under Hammer to Minneapolis Homeseekers for Realty Dealers Fund to Entertain Boosters at the Convention’, *The Minneapolis Morning Tribune*, 25 April 1910, p. 2, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnh0005%2F1DFC5G5B%2F10042501, (accessed 10 September 2022).

³¹ ‘Minneapolis Board Joins National Body: Real Estate Men Take Action Following Meet at Chicago’, *The Minneapolis Morning Tribune*, 28 May 1908, p. 8, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=4a0c6900-28ec-40e6-bafa-8705a70f68f8%2Fmnh0005%2F1DFC5F5A%2F08052801, (accessed 10 September 2022).

Minneapolis Real Estate Board.³² The leader of Thorpe Brothers served as the President of the National Association in 1911.³³ Today, the organization is called The National Association of Realtors.

The Minneapolis Board and the National Association were critical venues for real estate industry members to share ideas about implementing racially restrictive covenants. Several members of the National Association used deeds for restrictive purposes before their appearance in Minneapolis. One of the Kansas City, MO members, CJ Nichols, used deeds for restrictions beginning in 1908 when developing the Country Club area in Kansas City. In addition, other communities with members of the National Association, such as Baltimore and Oakland/Berkley, California, were also using racially restrictive covenants in the early 1900s.

As these concepts spread through the Minneapolis Board, various exclusionary phrases appeared in these restrictive deeds. One example was: “The said premises shall not at any time be sold, conveyed, leased, or sublet, or occupied by any person or persons who are not full blood of the so-called Caucasian or White race” (*Minneapolis Deed*).³⁴ By 1919, restrictive covenants moved from a mere phrase in a legal document to a feature of advertisements for real estate. An ad in the *Minneapolis Morning Tribune* for the Walton Hills development contained the following language: “The party of the second part hereby agrees that the premises hereby conveyed shall not at any time be conveyed, mortgaged or leased to any person or persons of Chinese, Japanese, Moorish, Turkish, Negro, Mongolian, Semitic or African blood or descent. Said restrictions and covenants shall run with the land and any breach of any or either thereof shall work a forfeiture of title, which may be enforced by re-entry.”³⁵ Racially restrictive covenants had become a marketing strategy.

The escalation of housing segregation continued from 1910 to the 1950s as real estate developers built “planned communities” in undeveloped regions of Minneapolis and its bordering western and

³² ‘About NAR: History’, *National Association of Realtors*, 2022,

<https://www.nar.realtor/about-nar/history>, (accessed 10 September 2022).

³³ ‘Realty Dealers Honor Thorpe’, *The Minneapolis Morning Tribune*, 19 November 1911, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnhhi0005%2F1DFC5G5B%2F11111901, (accessed 10 September 2022).

³⁴ K. Ehrman-Solberg, ‘Racial Covenants in Hennepin County.’

³⁵ ‘Real Estate Mart Advertisement’, *Minneapolis Morning Tribune*, 12 January 1919, p. 10, https://newspapers.mnhs.org/jsp/PsImageViewer.jsp?doc_id=addabf07-f848-43e3-a488-2782562f220d%2Fmnhhi0005%2F1DFC5G5B%2F19011201, (accessed 10 September 2022).

southern communities, creating over five thousand racially restrictive covenant properties.³⁶ At the same time, neighboring communities to the south and west of Minneapolis (Golden Valley, St. Louis Park, Edina, and Richfield) were developed extensively, leveraging racially restrictive covenants to keep out Black residents. This effectively created a ring around the city where Blacks could not buy property. By the 1950s, over twenty-four thousand restrictive covenants were in place. The Shenandoah Terrace house was outside that ring, and the Southside house was inside the ring. The lines had been drawn, and the figurative walls between the two houses were erected.³⁷

This period of dramatic expansion in the use of racially restrictive covenants resulted in fewer housing options for Black people in the growing Minneapolis area, restricting the increase in the area's Black population. Between 1920 and 1940, Minneapolis's Black population only added 719 people. In the same period, Minnesota's total population grew by 400,000 people, from 2.4M in 1920 to 2.8M by 1940, but the Black population only grew by 2,844 people state-wide. By 1940, Minnesota was home to only 9,928 Black residents, of which 4,646 lived in Minneapolis. The Black population was not significantly increasing anywhere in the state.³⁸

Although the 1940 census shows the number of Blacks remained relatively constant (an increase of .5 percent), the concentration of where Black people lived in Minneapolis shifted dramatically. Once dispersed throughout the city, the 1940 census data showed there no longer was any census district in northeast Minneapolis containing multiple Black residents. Instead, for the first time in the city's history, majority-minority neighborhoods were created. Census data shows that an influx of new minority families did not create these neighborhoods. Instead, they were engineered through the relocation of existing minority families and concentrated into small pockets. One such area was Southside.³⁹

Additional Barriers Preventing Equitable Access to Housing

The division between the two houses was continually reinforced by a system filled with self-perpetuating structures. Besides the barriers

³⁶ K. Ehrman-Solberg, 'Racial Covenants in Hennepin County.'

³⁷ K. Ehrman-Solberg, 'Racial Covenants in Hennepin County.'

³⁸ US Department of Commerce and Labor, '1940 Census of Population: Volume 2, Characteristics of the Population, Minnesota', *Bureau of the Census*, 1940, <https://www2.census.gov/library/publications/decennial/1940/population-volume-2/33973538v2p4ch2.pdf>, (accessed 10 September 2022).

³⁹ US Department of Commerce and Labor, '1940 Census of Population: Volume 2, Characteristics of the Population, Minnesota', *Bureau of the Census*, 1940.

erected by real estate developers, other institutions were also involved. For instance, the National Association of Realtors, the Federal Housing Administration, the Home Owners Loan Corporation, and a Supreme Court case all supported racially restrictive covenants.

In 1916, the National Association devised the term “REALTOR” to identify a real estate professional who is a member of the National Association and subscribes to its strict Code of Ethics. The Code of Ethics was the vehicle used to formalize the agents’ use of racial barriers. In 1924, the National Association modified its “Code of Ethics” in Article 34 that required “A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will be detrimental to property values in that neighborhood.”⁴⁰ It was not until 1950 that Article 34’s phrase “members of any race or nationality, or any individuals whose presence...” was removed.⁴¹ The National Association further supported the use of racial covenants when, in 1927, they issued a standard restrictive covenant for members to use in communities across the country.

Such actions of the real estate industry, and the covenants themselves, were authorized by the national and regional legal system. The US Supreme Court first validated the use of covenants in the 1926 *Corrigan v. Buckley* case. Thirty white residents from Washington DC neighborhood sought to uphold a racially restrictive covenant. The property in question had a covenant, making it illegal for it to be used, occupied, sold, or leased to any one of the negro race or blood. The covenant was connected to the land and bound the respective heirs for twenty-one years. The court’s decision in favor of the white residents’ claim supported the constitutionality of covenants.⁴²

Federal lending institutions further validated the use of covenants. In 1933 President Franklin D. Roosevelt formed the Home

⁴⁰ National Association of Real Estate Boards, ‘1924 Code of Ethics, Adopted by the National Association of Real Estate Boards at its Seventeenth Annual Convention, 6 June 1924’, *National Association of Realtors*, 2022, <https://www.nar.realtor/about-nar/governing-documents/code-of-ethics/previous-editions-of-the-code-of-ethics>, (accessed 10 September 2022).

⁴¹ National Association of Real Estate Boards, ‘Code of Ethics, adopted in November 1950’, *National Association of Realtors*, 2022, <https://www.nar.realtor/about-nar/governing-documents/code-of-ethics/previous-editions-of-the-code-of-ethics>, (accessed 10 September 2022).

⁴² *Corrigan v Buckley* (1926) 271 US 323, <https://scholar.google.com/scholar_case?case=11135903580197116691&q=corrigan+v.+buckley&hl=en&as_sdt=6,24&as_vis=1>, (accessed 10 September 2022).

Owners Loan Corporation to create government-insured mortgages with fixed interest rates, having the goal of giving all middle-class people the opportunity to purchase a home. To appraise homes, the federal agency established designations to classify neighborhoods based on the occupants of those neighborhoods. This practice laid the groundwork for making it harder for Blacks to purchase any home, no matter the neighborhood.

When, in 1934, the Federal Housing Administration (FHA) became law, the federal agency built upon the practice of ranking neighborhoods based on their occupants. For each large city in the United States, the FHA created color-coded maps to show the value of each section in the city. Red = hazardous, Yellow = declining, Blue = still desirable, and Green = the best. The term “redlining” was officially created and institutionalized as a practice where banks refused to extend housing loans in certain geographic areas, often inner-city neighborhoods.

Such financial lending laws led to the eventual deterioration of many Black neighborhoods. The city of Minneapolis participated in the practice of redlining, and as a result, the neighborhood around the Southside house received a “Red” designation because “of a gradual infiltration of Negroes.” Conversely, a Green-lined designation was often not given unless restrictive covenants were already in place. Thus, the Shenandoah Terrace neighborhood received a “Green” rating. This is an important distinction because it shows that a thriving Black community, like Southside, could be redlined based exclusively on its racial demographics, not other race-neutral factors. As a result of the “redlining” practice, less than 2 percent of all mortgages in the US between 1934 and 1962 were granted to non-whites.⁴³

In 1936, the FHA extended the practice of labeling areas to include new development loan applications. This practice appeared in the FHA’s 1936 Underwriting Manual (Manual) which clearly stated appraisers were not allowed to recommend a federal bank guarantee to a suburban subdivision that would include Blacks in a white development. The Manual also informed appraisers that deed restrictions should include a “prohibition of the occupancy of properties except by the race for which they are intended,” and that “inharmonious racial groups” and

⁴³ A. Gordon, ‘The Creation of Homeownership: How New Deal Changes in Banking Regulation Simultaneously Made Homeownership Accessible to Whites and Out of Reach for Blacks’, *The Yale Law Journal*, vol. 115:186, 2005, p. 209, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4977&context=yjlj>, (accessed 10 September 2022).

“incompatible racial elements” would cause the devaluation of a neighborhood. Furthermore, appraisers could not recommend a federal bank guarantee for an all-white project that was near a Black neighborhood because it would “run the risk of infiltration by inharmonious racial groups.” The Manual also recommended highways be used to separate white neighborhoods from Black neighborhoods. This is exactly what happened to the neighborhood of the story’s Southside house. In 1957, a highway was built right through the middle of the neighborhood, splitting it into two. The community never recovered. The rules established by the federal agency created two additional barriers: neighborhood labeling and uncrossable roads.⁴⁴

Existing racial covenants made it illegal for Black people to purchase homes in certain areas. In areas that didn’t initially have racial covenants, “redlining” institutionalized and spread their use. The federal government created racist policies requiring restrictive covenants to qualify to receive the highest ratings and most favorable loan terms for development projects. Furthermore, the FHA’s practices denied the predominately Black homeowners in the redlined communities access to affordable mortgages. This also made it hard for people in these redlined neighborhoods to sell their homes, leading to declines in home valuations. By contrast, the white families who received the FHA loans benefited from the equity appreciation of their homes. In addition to driving further residential segregation in cities across the country, these practices contributed to the challenges Blacks faced in accumulating wealth over time from homeownership, creating economic disparity.

Conclusion

To bring change, major social shifts were needed in the very systems that prevented equal access to housing. The first major legal victory against restrictive covenants occurred at the US Supreme Court in 1948 in *Shelley v. Kramer*. This case banned courts from evicting Black people who purchased homes with deeds containing racially restrictive covenants. The result of this decision prohibited judicial enforcement, but it did not prevent private parties from writing and voluntarily abiding by them.⁴⁵ The legality of racially restrictive covenants ended with the US Congress passing the Fair Housing Act in 1968, more than fifty years

⁴⁴ Federal Housing Administration, ‘1938 Underwriting Manual, Underwriting and Valuation Procedure Under Title II of the National Housing Act’, *HUD User Home Page*, <https://www.huduser.gov/portal/sites/default/files/pdf/Federal-Housing-Administration-Underwriting-Manual.pdf>, (accessed 10 September 2022).

⁴⁵ *Shelley v. Kramer* (1948) 334 US 1, <https://supreme.justia.com/cases/federal/us/334/1/>, (accessed 10 September 2022).

after the first covenant was introduced in Minneapolis. During those years, racially restrictive covenants were placed in over 24,000 homes across Hennepin County, an area that includes Minneapolis.

The introduction of racially restrictive covenants in Minnesota began slowly. The men behind them were colleagues, real estate leaders, and connected to organizations coordinating national real estate activities. Leveraging this interconnection, they tapped into an underlying base of racism in a largely homogenous state to pursue economic gain. As the use of these legal mechanisms spread, covenants were further cemented into the Minneapolis and national markets by financial, legal, and government systems, seeking to pursue economic gain and prevent Black people from purchasing homes in white neighborhoods. The Shenandoah Terrace and the Southside house never stood a chance at parity: racial hurdles were too steep to overcome. Even though changes have reduced the barriers, the impact of these once-legal systems continues to be felt. Although no longer legally enforceable, there is no way to remove the impact of exclusionary language from the deeds today. Minnesota has the highest racial housing gap in the country. In 2013, 78 percent of white families owned the homes they occupied in Minnesota, but only 25 percent of Black families owned the homes they occupied.⁴⁶ Understanding the past, and reading this story, is one step towards a more inclusive future. By doing so, we can start to close the door to a chapter of history that has systematically created “walls” within the community.

⁴⁶ K. Skobba, ‘Understanding Homeownership Disparities Among Racial and Ethnic Groups, Report of Minnesota Homeownership Center,’ *University of Georgia*, 2013, <https://hdl.handle.net/10724/33286>,(accessed 10 September 2022).

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