

# Protection from Undesirable Neighbors: The Use of Deed Restrictions in Shaker Heights, Ohio

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## Abstract

Stringent architectural and building restrictions were put in place as the Van Sweringen Company laid out Shaker Heights, Ohio, an exclusive planned community, incorporated in 1912. In 1925, as African Americans and Jews sought to purchase property there, the company devised and implemented a new restriction that, while containing no *overtly discriminatory* language, succeeded in achieving the company's discriminatory objective. The company and, later, the City of Shaker Heights would continue to enforce this restriction well beyond 1948 when the U.S. Supreme Court ruled religious and racial covenants unenforceable.

## Keywords

Shaker Heights, Cleveland, deed restrictions, anti-Semitism, racial discrimination, suburban planning, Van Sweringen Company, real estate, Newton D. Baker, African Americans

When the Van Sweringen brothers developed Shaker Heights, Ohio, between 1905 and 1929, they did more than transform treeless farmland into an Olmsted-inspired suburb of unusual beauty. Located on a plateau 400 feet above industrial Cleveland's soot and smoke, Shaker Heights offered clean air and congenial neighbors to those with the means to escape the city. The village, incorporated in 1912, the same year that Ohio municipalities won home rule, was named for the millennial religious sect that once owned the land. The Van Sweringen Company capitalized on this imagined association with the spiritual values of the Shakers. "Peace and fellowship are still the keynotes of this community," the Van Sweringen Company assured its upper-class clientele. "Exclusion of all that disturbs home welfare is still the community rule."<sup>1</sup>

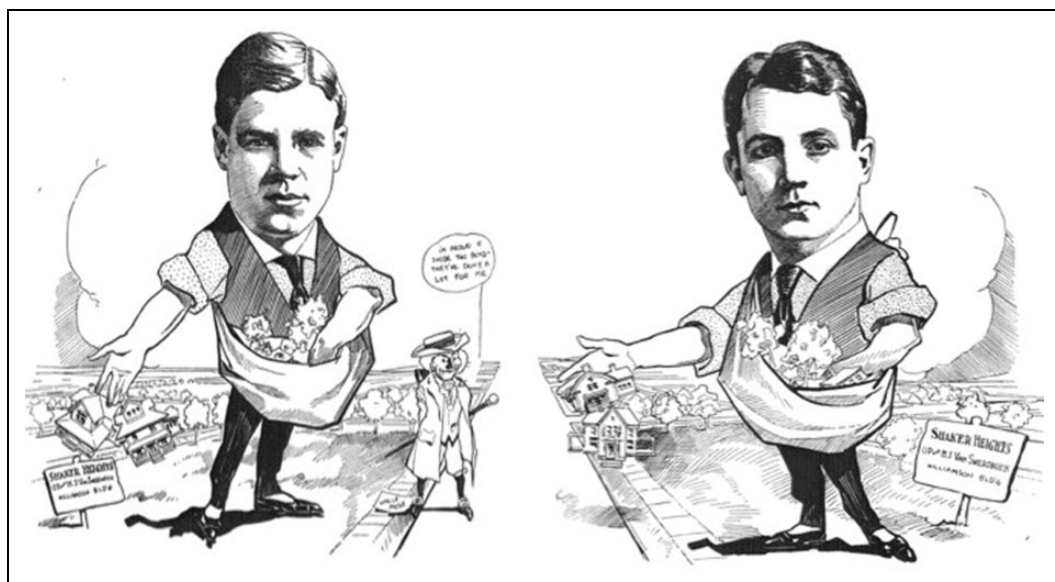
Like many elite suburbs of the 1920s, the Van Sweringens could make this promise because of their emphasis on planning. "The ugly residence injures surrounding property values, particularly with relation to possibilities of re-sale," the company-issued *Shaker Village Standards* warned. "This represents a damage for which there is no insurance coverage."<sup>2</sup> Restrictions in deeds to

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**Figure 1.** Brothers O.P. and M.J. Van Sweringen developed Shaker Heights between 1905 and 1929. It was still a work in progress when they went bankrupt and died in the mid-1930s. *Cleveland Club Men in Caricature*, 1910. Library of Congress.

property in Shaker Heights prohibited industrial uses and limited commercial development. They specified minimum setbacks, the position of driveways, garages, fences, and the size and cost of homes depending on location. The company limited acceptable architectural styles to four: Colonial, English Renaissance or Tudor, a less formal English Cottage style, and French Provincial. It published a guide to exterior paint colors appropriate for each style. Buyers were required to employ an architect with professional or comparable training. A company architect reviewed plans and inspected the home during and after completion (Figure 1).

Beyond protecting the way the suburb looked, the Van Sweringen Company went to great lengths to keep out the wrong sort of neighbor, particularly African Americans. As Shaker Heights was taking form on high ground east of the city, Cleveland, like many Northern cities, was experiencing the Great Migration—the relocation of African Americans from the Deep South to Cleveland, drawn by the availability of jobs in its booming manufacturing sector. Between 1910 and 1920, Cleveland’s African American population increased almost fourfold, from 8,763 to over 35,000. Regardless of income, blacks were confined within a single, teeming ghetto: the Cedar-Central section on the city’s southeast side. If they tried to penetrate the nearby ethnic neighborhoods, they faced violence and intimidation. Cleveland experienced scattered instances of interracial violence during and after World War I but avoided the rioting and loss of life that occurred in East St. Louis and Chicago. Nevertheless, journalists for Cleveland’s white newspapers had no compunction about stirring up racial prejudice by printing derogatory stories about newly arrived African Americans.<sup>3</sup>

Suburban developers like the Van Sweringens assured residents and future buyers that their property would hold its value into the distant future. Not only were they marketing the suburb’s aesthetic appeal but also its safety from “social invasion.” In 1925, the Van Sweringens sought community acceptance for a new restriction requiring company approval of all sales and transfers of Van Sweringen property—not only future sales but retroactively (Figure 2).

Known as “Restriction No. 5” because it was usually the fifth section of the company’s deeds, the restriction would outlive the Van Sweringens (who went bankrupt and died in the mid-1930s)



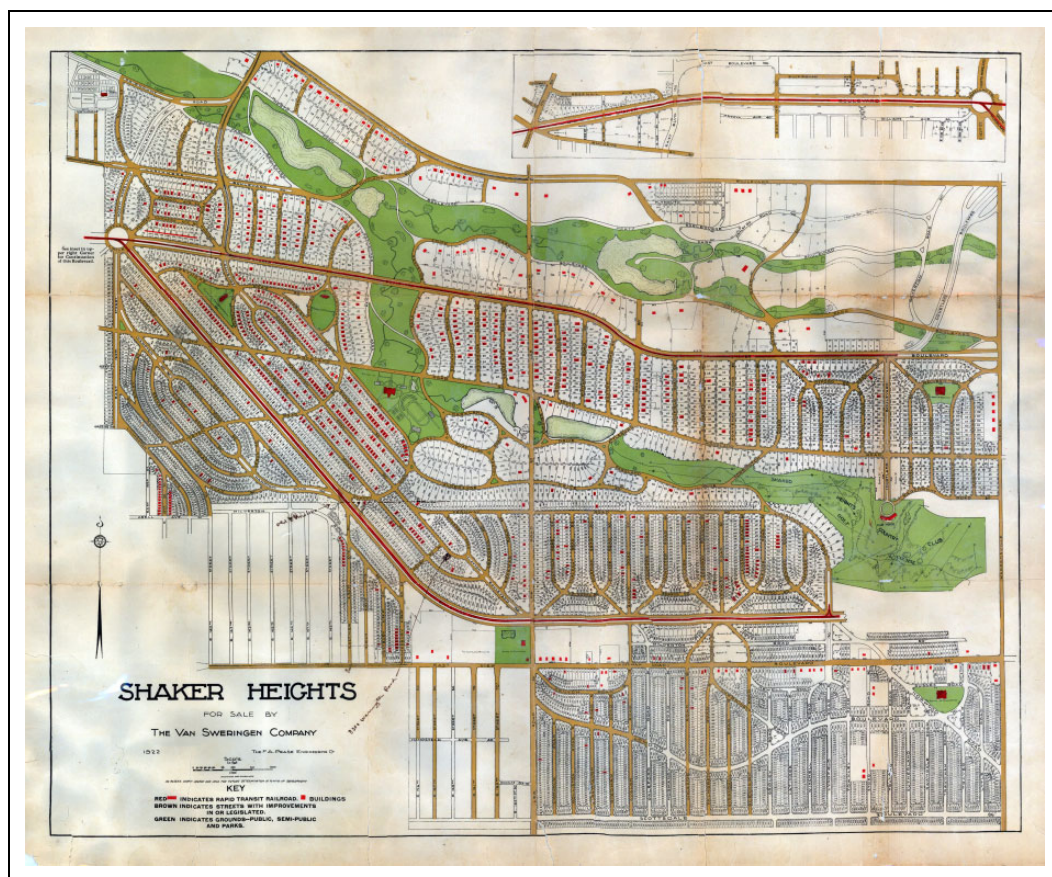
**Figure 2.** 1927 Van Sweringen Company advertisement from *My Garden* with caption: “Shaker Village and Shaker Country Estates are the only home sections of Greater Cleveland protected against invasion and unwholesome change.” The image was meant to convey the idea that the restrictions walled in the noxious aspects of the city, including its black population, leaving Shaker Heights residents free to enjoy the sunshine. Shaker Historical Society.

and continue in force through the twenty-three-year reorganization of their company. Restriction No. 5 required the written consent of the company for all sales or transfers of property. If the company withheld its consent, buyers were given the opportunity to submit a waiver with the signatures of the majority of owners of twenty-one adjacent lots: five lots on each side of the property, the lot across the street, and the five lots on either side of that lot. Remarkably, the company, the city, and a nonprofit foundation would defend this restriction well beyond 1948 when *Shelley v. Kraemer* made restrictive covenants unenforceable. This article focuses on the creation, implementation, and perpetuation of this restriction, together with its challenge by African American and Jewish homebuyers.<sup>4</sup>

## The Bailey Incident

In June 1925, letters had gone out over the signature of A. L. Sackett, vice president of the Van Sweringen Company, urging property owners to return their deeds so they could be reissued with a new restriction to address the menace of undesirable neighbors. Although few Van Sweringen Company records have survived, correspondence with Helen Luthi in the early summer of 1925 documents the fear tactics the company used to compel property owners to agree to the revision of their deeds. Luthi owned Lot 790 at the corner of Albion and Southington Roads in the Ludlow area of Shaker Heights.

The company’s first letter included a sample deed with the proposed restriction and admonished: “You cannot afford not to join in this, for one single case in your neighborhood might destroy the value of your home. You alone, cannot protect your district as well as you can by joining your neighbors in this matter.” A second letter warned Luthi that her property would lose value if “an undesirable” purchased the property next door. The third and final letter urged immediate action,



**Figure 3.** Van Sweringen Company sales map of Shaker Heights, 1922. The suburb's two east-west thoroughfares run parallel to the two rapid lines. It was planned in the Olmsted style by Civil Engineer Fred Pease with the largest homes on the north, next to the park, and single- and two-family homes located in the area south of the rapid (bottom right). This area integrated in the 1960s. Shaker Historical Society.

reassuring her that the Van Sweringen Company had “nothing to gain from this undertaking except the satisfaction of maintaining the values which you and your neighbors have established in the finest residence section of its size in the United States (Figure 3).”<sup>5</sup>

The test of whether the residents of Shaker Heights would accept the Van Sweringen Company's solution to the threat of social invasion came on September 19, 1925, when Edward A. Bailey, a black surgeon, moved with his wife and their seventeen-month-old daughter into a home they had purchased at 2869 Huntington Road (Figure 4).<sup>6</sup> The *Cleveland Gazette*, Cleveland's oldest black newspaper, regarded the Bailey's move as a test of the 1917 Supreme Court decision in *Buchanan v. Warley*. This decision had raised the hopes of African Americans that zoning could not be used to bar them from purchasing homes on streets where a majority of residents were white.<sup>7</sup> “Their new home is a beautiful one in exceptionally beautiful surroundings as far as the eye will reach. A spacious double-garage houses the Doctor's Dodge coupe and Mrs. Bailey's beautiful new Lincoln car. When our successful business and professional men and women locate in the better and best residential sections of any city, here in the North at least,” the *Gazette* opined, “they not only help the race's progress but they also furnish the other group a much-needed object lesson, particularly in these days of the K. K. K.”<sup>8</sup> This was a reference to the distressing





**Figure 4.** Rapid station and Plymouth Congregational Church, 1923. The uproar over the 1925 purchase of a home in the Onaway neighborhood (top, left) was used by the Van Sweringen Company to win community approval of deed restrictions designed to keep out African Americans and other “undesirables.” Shaker Heights Public Library.

resurgence of the Ku Klux Klan in the North’s industrial cities in the wake of the Great Migration. Purchases of lots by Howard Murrell, the president of the black-owned Empire Savings & Loan Company, on Fairmount Boulevard in Shaker Heights, and by Dr. Charles Garvin in the exclusive Wade Park Allotment on the edge of Cleveland’s Glenville section were seen as further signs of upward mobility and racial progress.<sup>9</sup>

The reception the Bailey family received when they moved in belied the *Gazette’s* optimism. Vandals pelted the home with stones, breaking the glass in a door, and setting fire to the garage. On September 29, about 400 residents rallied at the high school to protest the sale. They formed a “protective association” and appointed a blue ribbon committee ostensibly to recommend a course of action. The *Cleveland Gazette* urged the three to “Hold the Fort!” It was confident that Bailey would prevail. “Undoubtedly encouraged by local kluxers . . . they say they want to stop any more ‘Negroes, Jews,’ etc. from purchasing out there. This they cannot do legally. A little thing, very much like a US Supreme Court decision, stands in their way.”<sup>10</sup>

The Bailey incident played into the hands of the Van Sweringens and their close friend and surrogate, Mayor William Van Aken. Van Aken turned down Bailey’s request for police protection, leaving the family to fend for itself when the vandals returned. To ward them off, Bailey’s chauffeur

fired one warning shot into the ground. He was promptly arrested and charged with unlawful discharge of a firearm. The mayor then posted guards with instructions to search everyone going into or out of the Bailey home. After the court turned down Bailey's request for an injunction to stop this harassment of his family, he sued the mayor and chief of police for depriving him of his rights, property, and reputation. He lost the case. Fearing for the safety of his family, Bailey had no choice but to retreat back to Cleveland.<sup>11</sup>

While these events unfolded, on October 19, 1925, the Shaker Heights Protective Association issued its report. The nine-member committee simply sanctioned the new restriction. In addition, it recommended an application process (slightly more liberal than the process used for admission to private clubs) to screen out undesirable future residents.<sup>12</sup> The committee also approved of the idea of a waiver that allowed residents to decide whether they wanted a particular buyer as a neighbor. "The controlling consent," the committee's report explained, "is then a majority of those owners within these twenty-one lots who have accepted the restrictions. The majority vote controls." The report went on to state that if rejected "without prejudice, religious or otherwise," the candidate should have "sufficient pride not to insist upon living in a restricted residential community in which he is not desired."<sup>13</sup> Appended to the report were letters from the Union Trust Bank, the New York Life Insurance Company, and two prominent Cleveland law firms supporting feasibility and legality of the new restriction. Participation on the committee by the Reverend Charles H. Myers, rector of the Plymouth Congregational Church, lent moral authority to the "club idea."<sup>14</sup>

The national prestige of Newton D. Baker added to the weight of the report's recommendations. The former mayor of Cleveland had served as secretary of war under President Woodrow Wilson. Upon his return to Cleveland, he had resumed the practice of law as a founding partner of the firm of Baker, Hostetler & Sidlo.<sup>15</sup> Baker's involvement in the Shaker Heights Protective Association did not go unnoticed by the National Association for the Advancement of Colored People (NAACP), which issued a press release headlined "Newton D. Baker Ex-war Secretary on Cleveland Segregation Committee."<sup>16</sup> Baker, a Democrat with aspirations to the American presidency, had a financial stake in maintaining property values in Shaker Heights. He had built a US\$50,000 home next to Shaker Heights Country Club in 1922. He returned his original deed for revision in 1925. The new deed included Restriction No. 5.<sup>17</sup>

That fall, Baker was preparing to argue *Euclid v. Ambler* before the US Supreme Court. This was one of the most important cases of his career and a decision with vast implications for suburban development. As historian David Freund has written, "it wrote into law assumptions about property and exclusion that would prove foundational to zoning politics in the modern suburb."<sup>18</sup> Baker represented Ambler Realty. The case turned on whether municipalities had a constitutional right to control development through zoning. The Village of Euclid had denied Ambler Realty's petition to allow its entire property to be zoned for commercial use, which would have entitled the company to profit more handsomely from the sale of the entire parcel than if apartment buildings and two-family zoning were permitted. Baker won in U.S. District Court in January 1924, but the Village appealed the case to the US Supreme Court. Two years later, the Court decided in favor of the Village of Euclid.<sup>19</sup>

The calculated avoidance of discriminatory language in Restriction No. 5 turned out to be unnecessary because *Corrigan v. Buckley*, also decided in 1926, upheld the use of covenants to keep out certain religious and racial groups.<sup>20</sup> Thus, simultaneously, both the new restriction and the new sanction for zoning provided the legal tools to keep Cleveland's blacks from moving beyond the confined urban spaces in which white Americans expected them to live.

The Shaker Heights' restrictions were similar in intent to other upper-class suburbs in the United States. In 1928, Monchow, a real estate analyst for the Chicago-based Institute for Research in Land Economics and Public Utilities, compared the restrictions in eighty-four elite suburbs. Her study included Roland Park (Baltimore), Forest Hills Gardens (Queens), Palos Verdes Estates (Los Angeles), Scarsdale Estates (White Plains), Highland Park (Chicago), and Shaker Heights.

Restrictions, she emphasized, were an aspect of planning. All the suburbs in her survey had restrictions related to what she called physical development, namely, the type of structures that could be built. About half had covenants that barred specific racial groups, using language such as “Caucasians Only,” “Asiatics and Negroes,” and “Mongolians and Africans.” Seven required the approval of the developer for sale or transfer, which reflected the same discriminatory intent. Monchow found Shaker Heights’ restrictions unrealistic in the length of time they were to remain in effect—in some cases, up to 101 years. She also questioned the effectiveness of the waiver because it required the cultivation of an “active community spirit,” which she doubted a busy homeowner would want to be bothered with.<sup>21</sup> In this, she was mistaken. The Van Sweringen Company was still using a version of the application and waiver into the 1970s. This one-page application asked for a current address and two references. The sellers were required to sign the application verifying its accuracy and asserting that to their knowledge, the buyers had “no objectionable qualities.” If the candidates passed muster, the company issued a standard approval form, which banks and title companies required before title could be transferred to the new owner.<sup>22</sup>

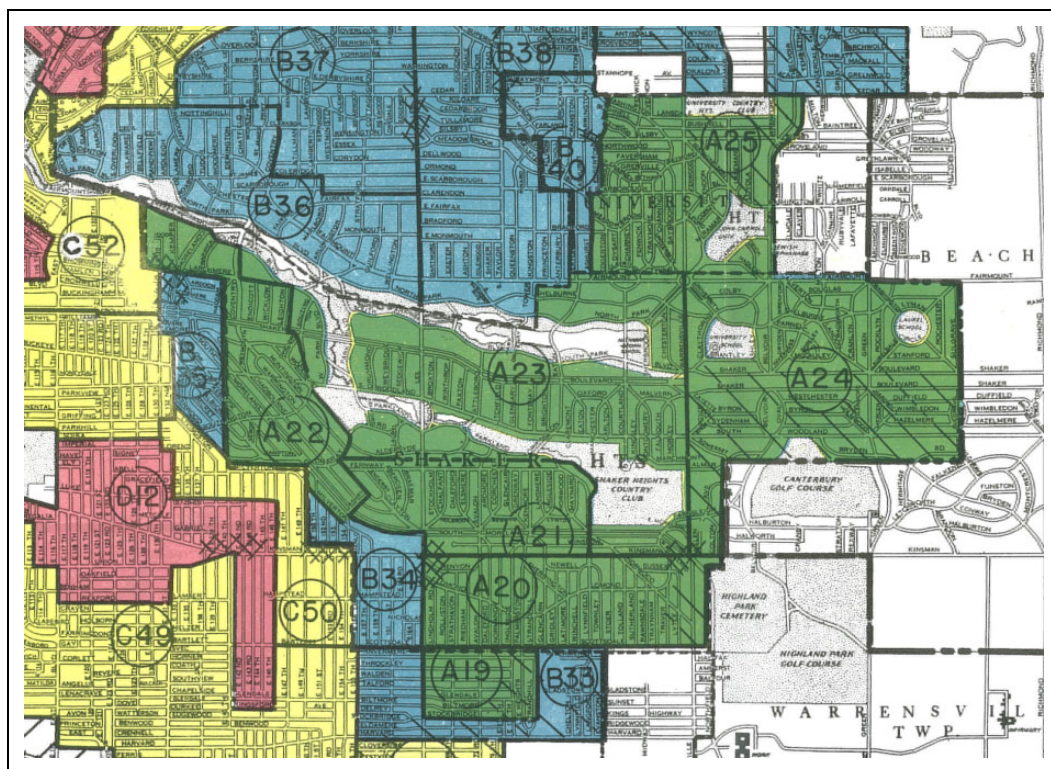
Significantly, Monchow recognized the impact of the Great Migration had on postwar suburban planning. The older suburbs in her study (planned between 1890 and 1913), she observed, were unlikely to have racial covenants. Such covenants were much more common in suburbs located near “the larger eastern and northern cities which have experienced a large influx of colored people in recent years.” On the West Coast, they were “directed primarily against the Orientals.”<sup>23</sup> Although Monchow did not mention any specific prohibitions against Jews, it is likely that most suburbs in her study had some way of limiting the number of Jewish residents. In the case of Shaker Heights, since not all residents returned their deeds for revision in 1925, affluent Jews had little difficulty settling on “unprotected” streets, particularly in the developed areas west of Lee Road. By the 1950s, Jews were at least 40 percent of the city’s population.<sup>24</sup>

Buyers of Van Sweringen property had accepted the limitations placed on what they could build and to whom they could sell their homes in exchange for protection. Restricted suburbs had higher property values and residents assumed the value of their homes would continue to increase. When the Stock Market crashed in 1929, the Van Sweringens had not yet realized their vision of an entirely restricted planned community. Many lots remained in the company’s inventory. Liquidation of the company would put at risk the protections that the Van Sweringens had guaranteed buyers of property in Shaker Heights.

## **Bankruptcy and Continued Enforcement of the Restrictions**

When the Van Sweringen Company declared bankruptcy in February 1936, oversight of its reorganization by the U.S. Bankruptcy Court prevented the sale of its unsold lots.<sup>25</sup> In 1937, a syndicate headed by financier Robert R. Young purchased the Van Sweringens’ remaining assets. He planned to consolidate the Van Sweringens’ railroad holdings and sell off the real estate.<sup>26</sup> Known as “the populist of Wall Street,” Young announced he would allow affordable Cape Cod or ranch-style homes to be built. These two styles were distinctly out of keeping with the rest of the architecture in Shaker Heights.<sup>27</sup> Fearful of lowering architectural and building standards, city council passed an emergency ordinance barring alteration or construction of buildings that would “destroy the value of neighboring realty.”<sup>28</sup>

In 1939, an appraisal of Cleveland real estate by the Home Owners Loan Corporation’s (HOLC) relieved some of the uncertainty surrounding the unsold lots. It left no doubt that Shaker Heights was a good investment—at least for the present. HOLC, a federal institution created under the 1934 Housing Act, not only assessed the physical condition of the homes the government insured but also the racial and ethnic makeup of the neighborhoods in which they were located. Black and mixed-race neighborhoods were automatically ruled unsafe for investment, a process called redlining (Figure 5).<sup>29</sup>



**Figure 5.** 1939 Home Owners Loan Corporation Map of Shaker Heights showing “best” sections in green, “still desirable” sections B34 and B35 in blue. A24 is the section yet to be developed east of Warrensville Center Road. “Robert K. Nelson, LaDale Winling, Richard Marciano et al., “Mapping Inequality,” In *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers, accessed February 18, 2018, <https://dsl.richmond.edu/panorama/redlining/#loc=11/41.5189/-81.4101&opacity=0.8&city=clevelandoh&text=bibliograph>.

Five sections of the city received the top rating of “best” (green) indicating they were safe for investment. The HOLC appraisers regarded an undeveloped area east of Warrensville Center Road (A24) as the one with the highest investment potential. Only two sections received second-class but “still desirable” ratings: Moreland (B34) and Ludlow (B35).<sup>30</sup> No blacks and only a few people with ethnic backgrounds had succeeded in penetrating these sections, but their location on the Cleveland border made them appear vulnerable to “infiltration.” The appraisers’ evaluations proved prescient. Moreland and Ludlow were the first to integrate—Ludlow in the late 1950s and Moreland in the 1960s.<sup>31</sup>

During World War II, the promise of high-paying industrial jobs again drew thousands of African Americans from the segregated Southern states to the industrial centers of the North.<sup>32</sup> Cleveland’s black population increased from 84,504 in 1940 to 147,847 in 1950 creating pressure on housing in Cedar-Central and on its fringes as the “black belt” spread beyond the ghetto. Todd Michney’s important recent book, *Surrogate Suburbs: Black Upward Mobility and Neighborhood Change in Cleveland, 1900–1980*, documents the migration of Cleveland’s black middle class in the 1950s and 1960s into four residential areas of Cleveland: Glenville, Mount Pleasant, Lee-Harvard, and Lee-Seville. Two of these areas, Mount Pleasant and Lee-Harvard, were located on Shaker Heights’ southern border. Racial incidents in Cleveland’s integrating neighborhoods were common, though they did not compare in ferocity to white resistance in Midwest cities like Chicago and Detroit.



Michney has suggested that blacks may have encountered less overt hostility because of the heavy concentrations of Jews in these “*surrogate suburbs*.” The migration of Jews to the eastern suburbs of Cleveland Heights, University Heights, and Shaker Heights had started before the second Great Migration. The leaders of the Jewish community supported open housing and carefully monitored racially sensitive situations.<sup>33</sup>

The most notorious incident took place in Lee-Harvard in 1953 when Wendell Stewart, a black funeral director, moved into a home on Talford Avenue, several blocks south of Lee-Harvard’s border with Shaker Heights. After a crowd of angry white residents grew menacing, several major social service agencies helped to defuse the situation, including the Cleveland Welfare Federation, the Community Relations Board, the NAACP, the Jewish Community Federation, and the Mayor of Cleveland. The mayor’s involvement was important in reassuring blacks that they would receive police protection when they moved into hostile white neighborhoods.<sup>34</sup>

In postwar Shaker Heights, Jews still met with discrimination, but there was apparently enough flexibility in the application process to assure their acceptance in sections of the suburb where residents had never returned their deeds for revision. Realtors avoided showing homes to their Jewish clients on streets where they knew the company would refuse consent. One prominent realtor, who happened to be Jewish, recalled only one client with the temerity to try to obtain a waiver after the company turned him down. He discussed the incident in a confidential interview conducted by sociology professor Maurice Klain, now the property of the Western Reserve Historical Society.<sup>35</sup>

The rejected buyer, he said, was the son of a department store executive and a graduate of Shaker Heights High School, Class of ‘50. He had set his sights on a home for his young family on Lomond Boulevard near the Sussex Elementary School. The realtor had shown him the home with the caveat that it was likely that the company would not grant consent. When his application was turned down, his client persevered, convinced that his future next-door neighbor would welcome someone as attractive, well-spoken, and well-connected as he. But when he asked her to sign his petition, she demurred, informing him that she owed it to her neighbors to talk it over with them first. Mortified by this response, he took his realtor’s advice and purchased a more expensive property on Shaker Boulevard where the realtor was confident the company would swiftly grant approval.

## The Opening of the “Club Section”

A large swath of undeveloped Van Sweringen property east of Warrensville Center Road area also remained closed to Jews. Opened for sale in 1929, it was close to eight country clubs and four exclusive private schools.<sup>36</sup> By 1945, back taxes owed by the Van Sweringen Company raised the specter of the liquidation of the company’s unsold lots. Both the city and the company’s owner, Robert Young, had a common interest in finding a way to sell the lots. They worked out an agreement with the bankruptcy court that gave them joint control over lot sales. An appraisal carried out by the city in 1946 fixed the price of the lots. As they were sold, the city issued a tax-waiver to the company in exchange for 60 percent of the sales price (split between the city, school board, and Cuyahoga County).<sup>37</sup> This so-called 60-40 plan gave the city leverage over the company and a role in the enforcement of the restrictions. Young still owned the company, but the plan tied his hands.

In 1953, impatient with the slow rate of sales under the plan, Young directed his agent to place one hundred lots on the market without restrictions. Fifty were immediately sold to Jewish buyers. City council retaliated by repealing the 60-40 plan and canceling all sales at midnight June 15, 1953. This action raised the hackles of the real estate community, which protested that the council’s action would lead directly to foreclosure and forfeiture of the lots. The Jewish editor of the local *Sun-Press*, Harry Volk, happened to be one of the disappointed buyers. He warned city officials: “A public auction will be a gala field day for real estate speculators and the builders of row houses who will not have the watchful Van Sweringen Company officials around to enforce deed restrictions.”<sup>38</sup>

The primary concern of the city, as always, was to preserve its upper-class character. City officials apparently feared that real estate speculators might purchase the lots, bulldoze away its scenic hills, and build thousands of identical tract homes reminiscent of Levittown, a postwar housing development on Long Island. After spending the summer debating what to do, city council passed a resolution to allow the sale of no more than two contiguous lots on the same street and to limit buyers to a total of seven. The sale also required the consent of five abutting neighbors.

The Klain interviews make clear that the Jewish buyers were offended by the need for *any* consent. Already well represented in the population of Shaker Heights, they regarded the resolution as an effort to keep Jews from building homes on lots the Van Sweringens had intended to be the most exclusive area of the suburb. It was an emotional issue, recalled Senator Howard Metzenbaum. "Not all members of our own community were in total accord; some felt we should not 'rock the boat.'"<sup>39</sup> Nevertheless, the Community Relations Committee of the Jewish Community Federation decided to confront the city. It demanded a meeting with the mayor, members of city council, and the Van Sweringen Company's lawyer. This meeting took place on a Saturday in mid-September in the law offices of the president-elect of the Cleveland Bar Association and chair of the Jewish Community Federation. Two representatives of the Jewish Community Federation also participated in this meeting, as well as lawyers representing three of the buyers whose sales had been canceled.<sup>40</sup>

Although *Shelley v. Kraemer* (1948) made racial and religious discrimination unenforceable, the lawyers for the Jewish Community Federation had concluded that it would be hard to prove anti-Semitism because the proposed restriction did not contain any discriminatory language.<sup>41</sup> The Jewish participants informed the mayor and members of city council they planned to bring a taxpayers' lawsuit against the city challenging the 60-40 plan. The real issue, however, was whether neighbors had a right to pass judgment on who would make a good neighbor. The sole criterion, they argued, ought to be whether they could afford to purchase the property. After a brief debate, the mayor, members of city council, and the lawyer for the company capitulated. On September 21, 1953, the Shaker Heights City Council passed Resolution 5955 without the offending restriction.<sup>42</sup> Jews apparently purchased most of the lots in the area east of Warrensville Center Road. So great was the increase in school-age population in the 1950s that, in addition to a new elementary school, the city needed a second junior high school.

In 1959, the bankruptcy of the Van Sweringen Company ended after twenty-three years in reorganization. The company conveyed its only remaining asset, about 169 acres of undeveloped land in Shaker Heights, Pepper Pike, and Beachwood to its last creditor, the National City Bank of Cleveland. The company's stock was transferred to a foundation created for the sole purpose of perpetuating the restrictions. The Van Sweringen Company Foundation, the *Wall Street Journal* reported, retained the "*right to pass on any individual purchasing a residence, even in the resale of a home.*"<sup>43</sup> The foundation continued to arbitrarily turn down African Americans (as will be seen below). The board of the foundation was made up of three representatives selected by the mayors of the three suburbs. The Mayor of Pepper Pike served for many years as the president of the foundation. Modified restrictions also continued to be enforced in parts of Beachwood and Pepper Pike. This story is yet to be told.

## Ludlow: The Suburb's Achilles Heel

By 1956, a group of African American professionals found a way to gain access to the Shaker school system. This was the first step toward full access to the suburb. They began purchasing tax-delinquent Van Sweringen lots in the part of the Ludlow Elementary School District located in Cleveland. This anomalous school district straddled the Cleveland/Shaker Heights boundary, an arrangement negotiated with the Cleveland School Board in 1912. Ludlow proved to be Shaker Heights' Achilles' heel.<sup>44</sup>



**Figure 6.** The bombing of the home of John and Dorothy Pegg in the Ludlow area of Cleveland precipitated the founding of the Ludlow Community Association in 1957. This association served as the model for three other neighborhoods associations organized in the 1960s to control the integration of the south side of the suburb. In 1967, the four associations became the nucleus of the Shaker Communities Housing Office funded by the city. Cleveland Press Collection, Cleveland State University.

While not the first to purchase a lot in the Ludlow school district, John and Dorothy Pegg became a symbol of the black struggle to gain entrance to Shaker Heights, then Cleveland's most desirable suburb. In 1956, they purchased a lot at 13601 Corby Road on the Cleveland side of the Ludlow boundary. Pegg, a member of the law firm of Bustamante, Donohoe, & Palmisan, had served as a local campaign manager for Senator (R) Robert A. Taft. A measure of Pegg's stature in the community was his appointment in 1956 to the Board of the Community Relations Board. His wife was treasurer of the Cleveland League of Women Voters. None of this civic involvement counted when it came to getting a mortgage. Cleveland Trust, where the Peggs did their banking, turned them down. After securing a mortgage from the black-owned Dunbar Life Insurance Company, the Peggs hired an architect and a black contractor, H. D. Dobbins, to build a center hall colonial home. During construction, they received threatening phone calls and letters and their home was repeatedly vandalized (Figure 6).<sup>45</sup>

A group of white homeowners, led by the neighbor across the street, called a meeting at Ludlow School to protest the invasion of their neighborhood by "undesirables." They organized an association and put pressure on residents to sell only to prospects approved by the association. While the group's motivation was clearly racist, organizers claimed they were only trying to make sure the Van Sweringen Company's building standards were enforced.<sup>46</sup> Gilbert Seldin, a Jewish labor mediator active in the Cleveland Clearinghouse on Civil Liberties, organized a "countermovement" to advocate open occupancy and discourage "running away from Negro neighbors."<sup>47</sup>

As neighborhood tension mounted, on January 3, 1956, a bomb destroyed the Peggs' garage and blew a hole in the dining room wall. Whether this incident was racially motivated or a response to his builder's use of nonunion labor was unclear.<sup>48</sup> Seldin rallied neighbors who helped clean up the Peggs' yard and the couple moved in under the protection of the Cleveland police.

Other black professionals built homes in Ludlow. This exceptional group included dentists Winston S. Richie and Theodore Mason, graduates of the Western Reserve University School of Dentistry; Drue King, a graduate of Harvard and Tufts Medical School; businessman Alonzo Wright, Jr.; J. Howard Battle, who became the first black member of the Cleveland Area Board of Realtors (CABOR) and head of the Urban League's Operation Equality; and *Call & Post* editor, William O. Walker. Many of their homes were designed by Arthur Saunders, a black architect who had to use a colleague to pull Cleveland building permits.<sup>49</sup>

Ludlow's Jewish residents made common cause with their black neighbors in an effort to keep the neighborhood integrated. They formed block clubs to stop blockbusting, a tactic used by real estate operators to promote panic selling by inundating white homeowners with leaflets, calling cards, and phone calls urging them to sell before the value of their homes fell. To stop panic selling, residents founded the Ludlow Community Association in the summer of 1957 with a membership of some eighty families committed to the goal of achieving a racially balanced community. By this time, white realtors had stopped listing homes in Ludlow.<sup>50</sup>

The Ludlow community faced the institutional racism of the real estate and banking communities. The CABOR did not allow its members to show homes to black clients in white neighborhoods. To do so was considered an ethical violation that risked loss of license. Conversely, CABOR did not show homes to white clients in black or "changing" neighborhoods. At the same time, Cleveland's established banks refused to mortgage homes in Ludlow because, following HOLC guidelines, Ludlow was considered unsafe for investment because it was integrated. Cut off from real estate investment, the community feared being caught up in a downward spiral of increasingly less financially qualified black buyers. Physical decline of the neighborhood appeared inevitable.

The leaders of the Ludlow Community Association hoped to slow the flow of black residents into the neighborhood by controlling real estate listings. Among the most unusual actions they took was to set up their own mortgage company to assist young white couples in purchasing their first homes. Funds were raised through the sale of stock in the Ludlow Company. An initial stock offering sold at US\$100 per share raised US\$16,000. Shaker Savings and Loan Association agreed to appraise the homes and offer first mortgages to qualified white buyers. The Ludlow Company offered a second mortgage toward the down payment at 1/2 percent higher than the prevailing rate. The maximum loan was US\$5,000. The risk to Shaker Savings was small since potential buyers were carefully vetted and a relatively large down payment reduced the amount owed on the first mortgage.<sup>51</sup>

In January 1962, the Ludlow Community Association hired a housing coordinator who was on leave from the Western Reserve Medical School after the birth of her fifth child. Her salary was paid out of a grant from the Greater Cleveland Associated Foundation. Dr. Joanne Finley projected a positive image of Ludlow as a sophisticated, highly accomplished community of professionals. The vacuum left by CABOR's refusal to show homes to white prospects had left the Ludlow market open only to blacks. Controlling listings made it more difficult for blockbusting to take place. However, the policy of showing homes in Ludlow only to white prospects proved controversial. John Diekhoff, the young vice-provost of Western Reserve University, expressed his unease with the policy in an article in *The Educational Forum*: "It is not easy for a community integrated by choice and on principle to tell a Negro homeseeker that there is nothing the housing coordinator can show him," he wrote. "It is not easy for the Negro parent who wants for his children the equality of the Ludlow school to distinguish the discrimination that maintains integration from that which prevents it. Either excludes him."<sup>52</sup> Both black and white residents reconciled themselves to the need for living with a difficult compromise. The commitment of the Ludlow community to sustaining a racially balanced community was considered so unusual at the height of the Civil Rights Movement that it brought national media attention to Ludlow as a leader in integration.<sup>53</sup>

Ludlow's housing office became the model for similar efforts by the other integrating neighborhoods of Moreland, Lomond, and Sussex, all located south of Van Aken Boulevard. In 1967, the city



consolidated the four neighborhood offices into the Shaker Communities Housing Office and hired a director and fourteen part-time staffers. In its early years, this department of the city operated on a budget of roughly US\$100,000 a year with one-third from the board of education and two-thirds from the city.

The office limited its services to assisting white couples looking for homes in the integrating areas south of Van Aken Boulevard. African Americans had to find their own listings, a task made more difficult by the city's ban on "For Sale" signs. Blacks who wanted to move into the more expensive, predominately white areas north of Van Aken Boulevard were referred to Fair Housing, Inc., a company that specialized in pro-integrative moves, or to Operation Equality, funded by the Urban League. Many people, both black and white, were sharply critical of this policy. The policy justified as a necessary method of maintaining integration at a time the city feared the entire south side of the city would become black. Accusations of unequal treatment of blacks bedeviled the work of the office until it was phased out in 2002.<sup>54</sup>

### **Integrating the "Lily-white Neighborhoods" to the North**

The size and cost of the homes in the neighborhoods north of Van Aken Boulevard made integrating this area more difficult. The Van Sweringens had planned Shaker Heights in sections beginning with the largest homes along South Park Boulevard and Lee Road. Each section had lots of relatively the same size. Lot sizes became progressively smaller, with most affordable single- and two-family homes south of Van Aken Boulevard. Homes north of Van Aken Boulevard were often beyond the means of most African Americans and Shaker Heights did not make it easy for the few financially qualified black families to move there.

A new program sponsored by the Cleveland branch of the Urban League was set up to match financially qualified African Americans with homeowners in white East Side neighborhoods who had signed a pledge in support of open housing. In 1962, a black dentist, Ervin Mason, and his wife Thomasine, a homemaker with two preschool children, volunteered to participate in this program. Ervin Mason was the brother of Theodore Mason, one of the founders with his wife Beverly of the Ludlow Community Association (Figure 7).

Bernard Grenell, a former Bobbie Brooks Sportswear executive, was setting up a new sportswear company in Beverly Hills, California. The Grenells owned a home at 3320 Aberdeen Road in the Onaway section of Shaker Heights. Although the Grenells had several bids, they accepted the Masons' offer because Barbara Grenell felt that "they would be the kind of people who would fit comfortably into this neighborhood."<sup>55</sup> The two parties signed a sales agreement on July 30, 1962. The selling price was US\$29,250. The contract gave them sixty days to close the sale. The Masons financed the home through Quincy Savings and Loan. Warned not to reveal the details of the sale, Barbara Grenell waited until the day they moved to tell her next-door neighbor they had sold to a black family. He was outraged. Neighbors quickly organized to fight the sale. Joan Cole, the Urban League's director of housing, asked Alan Kandel and Sidney Vincent of the Jewish Community Federation, and Reverend Bruce Whittemore of the Cleveland Area Church Federation to intervene in hopes of quelling neighborhood panic.<sup>56</sup>

Aberdeen homeowners, determined to fight the sale, sought the advice of Alexander Mintz, President of Shaker Savings and Loan Association. The bank carried as many as one-third of the mortgages in Shaker Heights. He warned that "this was just the beginning of a complete inundation of Negroes into their heretofore 'lily white' neighborhood." In twenty-four hours, the group raised US\$8,500 to purchase the Grenell home. Mintz promised that Shaker Savings would approve a loan of US\$21,000 and assist in finding an appropriate buyer for the property.<sup>57</sup>

After they pressured Grenell to cancel the sale, the group formed a trust and purchased the home. At this point, Mason's lawyers, Thomas Watson and Joe Finley, teamed up with NAACP



**Figure 7.** Ervin and Tomasine Mason, owners of a home at 3320 Aberdeen Road, waited two years for their lawsuit against twenty-six neighbors for housing discrimination and conspiracy to be decided in their favor in 1964. Cleveland Press Collection, Cleveland State University.

lawyers J. B. Taylor and Clarence Holmes. They filed a lawsuit against the Grenells and twenty-four neighbors for housing discrimination and conspiracy, asking for US\$675,000 in damages. After two difficult years of waiting, the Masons won the lawsuit. Thomasine Mason's daughter, Hilary Mason King, recalled that her mother told her that when they moved in she was overwhelmed by the warm reception they received. Presumably, in the intervening two years, those opposed to the sale had moved. Hilary King had only happy memories of growing up on Aberdeen and the friends she made there.<sup>58</sup>

The sale of a home in the club section east of Warrensville Center Road also had to be litigated. This home at 24250 South Woodland Road was purchased in 1962 through white intermediaries Sidney and Esther Dubin. The use of third parties to purchase homes in Shaker Heights was unusual. The Dubins immediately transferred title to Dr. Harry C. Garvin, a specialist in internal medicine. Garvin was the son of Dr. Charles H. Garvin, whose home on Wade Park Avenue in Cleveland had

been bombed and defaced in the 1920s. Harry Garvin was not intimidated when the William J. Van Aken Realty (Van Aken was the former mayor's son) brought a suit against the Dubins and the Garvins claiming "sham and subterfuge" resulting in serious loss of business and reputation. Had the firm known the buyers were black, the suit alleged, it would not have acted as agents in the sale. Van Aken Realty lost the lawsuit. The Garvins moved in without incident and, like the Masons, lived in the same house for over fifty years.<sup>59</sup>

By the mid-1960s, many of Ludlow's black pioneers were ready to move into larger homes in the more expensive sections of Shaker Heights. What is remarkable is that in 1965, the Van Sweringen Company still required buyers in some areas to submit an application. It turned down Winston Richie when he sought to purchase a lot at 2741 Green Road. Not to be denied, Richie went door-to-door, petition in hand, to collect the signatures of his future neighbors. "The person next door, a banker, said he needed to think about it. The lady across the street would not sign it either," he recalled. "She was Jewish, and her attitude was that if the Jews let the blacks in, then the Jews would not be admitted to the neighborhood to which they might want to move."<sup>60</sup> When he rang the doorbell of Thomas Boardman, editor of the *Cleveland Press*, Boardman not only signed but insisted on taking the petition to neighbors he knew would have no compunction about signing.<sup>61</sup> The Richies' home, designed by the black architectural firm of Madison and Madison and built by the black-owned Ozanne Construction Company, met the required architectural and building standards.<sup>62</sup>

Richie did not stop there. He took the Van Sweringen Company to task for its "screening methods," noting that they did not appear to be uniformly applied.<sup>63</sup> The Shaker Heights League of Women Voters took up the issue, urging an end to the requirement for an application. In a letter to James Lewis, Mayor of Pepper Pike and president of the board of the Van Sweringen Company Foundation, league president Norie Bruckman wrote: "While it remains in effect, it is a potential tool for harassment and embarrassment, as well as for outright discrimination; we see no countervailing benefit deriving from it. Moreover, we understand that it is legally unenforceable."<sup>64</sup> Lewis responded that the board still considered the application process "essential to carry out the directive of the deeds" but indicated the board's willingness to study the issue. Apparently, the only change made to the application, known as Form 80, was to drop the requirement that the seller must sign a statement that the prospective buyer had no "objectionable qualities."<sup>65</sup>

Richie hoped his example would motivate other African Americans to move into Shaker's white neighborhoods north of Van Aken Boulevard. "The consensus of those most active in the field of integrated housing," he wrote in *Ludlow News, Notes and Neighbors*, "is that significant progress has been made in overcoming all obstacles except one—FINDING NEGRO BUYERS." Not all the black families who want to move to the suburbs can fit into Ludlow. "THE WAY TO ACHIEVE INTEGRATION IS TO INTEGRATE," he wrote.<sup>66</sup> Nevertheless, black families were often reluctant to leave the security of Ludlow and move into neighborhoods where they could not be sure they would be welcomed.

The commitment and leadership of residents like Richie gradually changed the culture of Shaker Heights from one of exclusion to inclusion.<sup>67</sup> In the early 1990s, the *New York Times* featured the city's "30-year Crusade for Integration" and noted that "what has become a delicate and divisive subject most every place else is as ordinary as mowing the grass here." It showed a photograph of Winston and Bea Richie striding across an expanse of lawn arm in arm with other black and white pioneers in the integration of the suburb.<sup>68</sup> The national reputation of Shaker Heights as a successfully integrated community is a source of community pride and often the reason why people choose to live there.

The city's effort to manage integration by funding its own housing office avoided panic selling and contributed to keeping property values from plummeting, but it could not stop the shift of population to the developing outer suburbs once the interstate highway system was completed in

the 1970s. In the 1980s, the drop in public school attendance made it necessary to close five of the suburb's twelve schools. The total population of Shaker Heights has declined from 36,460 in 1960 (when Shaker Heights had the highest median income of any community its size in the United States) to 28,448 in 2010. At the time of the last census, Shaker Heights was 54.7 percent white, 34.2 percent black, 5.9 percent Asian, and 5.2 percent Hispanic and mixed race. The city weathered the foreclosure crisis of 2007 and 2008, when it was necessary to raze scores of homes in the areas south of Van Aken Boulevard. With so many homes removed from the city's tax base, the city faced a fiscal crisis in 2012. To maintain the quality of services expected by residents, voters approved a city income tax increase on top of what were then the highest property taxes in the state.<sup>69</sup> One problem that the city could never solve is the absence of commercial property that could have strengthened its tax base. A ban on commercial property was one of the protections that the Van Sweringen restrictions offered buyers in the 1920s. By the 1960s, when the suburb was fully built out, it became more difficult to fund its school system. Fortunately, its citizens have consistently passed school levies to support its integrated schools.

The rising fortunes of Cleveland may bode well for the future. After fifty years of deindustrialization and loss of population, Cleveland is drawing capital investment for redevelopment. Its smoky skies have cleared and fish swim in the Cuyahoga River, once so polluted with industrial waste that it periodically caught fire. This story is well told in Mark Souther's *Believing in Cleveland: Managing Decline in "The Best Location in the Nation."* Believing that Cleveland's revitalization would increase the desirability of suburbs closer to the city, Shaker Heights razed a 1950s shopping center surrounded by acres of parking, making way for new restaurants, retail shopping, office space, and apartments at the end of the Van Aken rapid line.<sup>70</sup> Some streets have been reconfigured to make the new complex the center of a walking and biking city. The city teamed up with neighboring Cleveland Heights and the City of Cleveland's planning department to build a "Lakes to Lake" bikeway through University Circle and the city's Cultural Gardens, terminating at Lake Erie. In the Moreland area, townhouses are rising on land vacant since the depression. Instead of a sanctuary offering protection *from* the city, in 2018, Shaker Heights has embraced a new urban dynamic while working to preserve the quality of its schools, the beauty of its historic homes, and its parklike ambiance.

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### Notes

1. *The Heritage of the Shakers* (Cleveland, OH: The Van Sweringen Company, 1923), 6, Cleveland Public Library.
2. *Shaker Village Standards*. 2nd ed. (Cleveland, OH: the Van Sweringen Company, 1928), 5. Shaker Historical Society, Shaker Heights, OH.
3. Kenneth Kusmer, *A Ghetto Takes Shape, 1870–1930* (Urbana: University of Illinois Press, 1978), 174–75. Also, Kenneth Kusmer, "Black Cleveland and the Central-woodland Community, 1865–1930," in



- Cleveland: A Metropolitan Reader*, ed. W. Dennis Keating, Norman Krumholz, David C. Perry (Kent, OH: Kent State University, 1995), 265–82; Russell H. Davis, *Black Americans in Cleveland* (Washington, DC: Associated Publishers, 1985), 222–26. On the national context of the Great Migration, see Nicholas Lemann, *The Promised Land: The Great Black Migration and How It Changed America* (New York: Knopf, 1992) and James N. Gregory, *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America* (Chapel Hill: University of North Carolina Press, 2005).
4. On restrictions in elite suburbs, see Evan McKenzie, *The Rise of the Community Builders* (New York: Columbia University Press, 1987); Marc Weiss, *Privatopia: Homeowners and the Rise of Residential Private Government* (New Haven, CT: Yale University Press, 1994); Robert Fogelson, *Bourgeois Nightmares* (New Haven, CT: Yale University Press, 2005); Helen C. Monchow, *The Use of Deed Restrictions in Subdivision Development* (Chicago, IL: The Institute for Research in Land Economics and Public Utilities, 1928). On the Van Sweringen restrictions, see Gerald Korngold, “The Emergence of Private Land Use Controls in Large-scale Subdivisions: The Companion Story to Village of *Euclid v. Ambler Realty Co.*,” *Case Western Reserve Law Review* 51 (2000–2001): 617–43; Marian Morton, “Deferring Dreams: Racial and Religious Covenants in Shaker Heights, Cleveland Heights and East Cleveland, 1925 to 1970,” accessed October 21, 2018, <http://teachingcleveland.org/deferring-dreams.-racial-and-religious-covenants-in-shaker-heights-and-cleveland-heights-1925-to-1970-by-marian-morton/>. For a recent case study of Los Angeles’ deed restrictions, see Laura Redford, “The Intertwined History of Class and Race Segregation in Los Angeles,” *Journal of Planning History* 16, no. 2 (2016, November): 305–22.
  5. Letters from the Van Sweringen Company to Helen Luthi, June 15, July 2, and July 25, 1925, Helen Luthi file, Shaker Historical Society, Shaker Heights, OH.

Luthi returned her deed, as instructed. Her new deed, registered by the Cuyahoga County Records Office May 26, 1926, included the new restriction.

Restriction No. 5 in the sample deed included in one of the letters to Luthi stated:

No subplot of the property hereby conveyed shall be occupied, leased, rented, conveyed, or otherwise alienated, or shall the title or possession thereof pass to another, without the written consent of The Van Sweringen Company, except that said The Van Sweringen Company may not withhold such consent, if and after a written request has been made to The Van Sweringen Company to permit such occupation, leasing, renting, conveying, or alienation, by a majority of the owners of the sublots, which are subject to the same restrictions as are in this Section No. 5 set forth, and which adjoin or face the subplot, concerning which consent is requested, upon both sides of the street, or streets, such subplot fronts or abuts and within a distance of five (5) sublots from the respective sidelines thereof, except transfer of title by way of devise or inheritance, or which case the devisee or heir shall take such property subject to the restrictions herein imposed, and except that said property may be mortgaged or subjected to judicial sale, provided in any such case that no purchaser of said premises at judicial sale shall have the right to occupy, lease, rent convey or otherwise alienate said premises without the written consent of The Van Sweringen Company first had and obtained in the manner above stated.

6. Bailey was born in Texas where his father was a landowner of some means. He graduated from the historically black colleges of Tillotson in Austin, Texas, and Meharry Medical College in Nashville, Tennessee. In Nashville, he married Clara Hodgkins, the daughter of a lawyer and college president. The couple moved north in 1912. Bailey’s practice was located at East 40th Street and Central Avenue in the Cedar-Central area. See “Dr. Edward Anderson Bailey and Mrs. Bailey Attend the American Medical Association’s Annual Meet in San Francisco and Return thru Southern Canada—Exceptional Experience,” *Cleveland Gazette*, July 21, 1923, 1, and “Charging Run Around Dr. Edw. A. Bailey Runs,” *Cleveland Gazette*, June 24, 1939, 1.
7. On *Buchanan v. Warley*, see Clement E. Vose, *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases*, 3rd ed. (Berkeley: University of California Press, 1973), 51–52. David Freund,

- Colored Property: State Policy & White Racial Politics in Suburban America* (Chicago, IL: University of Chicago Press, 2007), 59, 65, 83, 94.
8. *Cleveland Gazette*, September 19, 1925, 1. "The 'Shaker Heights' Protest, Not Only against Our People!" *Cleveland Gazette*, October 3, 1925.
  9. Davis, *Black Americans*, 224–26. William W. Giffin, *African Americans and the Color Line in Ohio, 1815–1950* (Columbus: Ohio State University Press, 2005), 126. Murrell's lot, purchased from a Van Sweringen competitor, had no restrictions.
  10. "Hold the Fort!" *Cleveland Gazette*, October 17, 1925, 2.
  11. "Judge A. J. Pearson; Atty. John L. Roundtree; Dr. Edward A Bailey," *Cleveland Gazette*, October 24, 1925, 4.
  12. "Report of the Committee of the Shaker Heights Protective Association, October 19, 1925." Members of the committee listed in alphabetical order: Newton D. Baker; H. C. Cannon, treasurer; Mrs. H. K. Ferguson; David E. Green; James L. Lind; the Reverend Charles H. Myers; Welles K. Stanley, chairman; Louis A. Wells, secretary; and George R. Williams, executive secretary. Shaker Historical Society, Shaker Heights, OH.
  13. "Report of the Committee," 1925.
  14. "Report of the Committee," Myers' participation is singled out in the Report of the Committee and in "The Shaker Heights' Protest, Not Only against Our People!" *Cleveland Gazette*, October 3, 1925, 1.
  15. On Baker, see C. H. Cramer, *Newton D. Baker, A Biography* (Cleveland, OH: World Publishing Company, 1961).
  16. NAACP press release, December 4, 1925, NAACP Records, 1: G157, Folder 9, Manuscript Division, Library of Congress.
  17. See building permit for 19200 South Woodland Road, dated March 24, 1922. Architect M. Hamilton, Est. Cost: US\$50,000. Parcel ID: 733-299-008. <http://shakerbuildings.com>. A new deed, AFN 192509280134, Bk. 3376, 532, recorded by the County September 28, 1925, included Restriction No. 5. Cuyahoga County Recorder's Office.
  18. Freund, *Colored Property*, 82.
  19. On *Euclid v. Ambler*, see Freund, *Colored Property*, 81–87; Michael Allan Wolf, *The Zoning of America: Euclid v. Ambler* (Lawrence: The University Press of Kansas, 2008), 81–84. The Village of Shaker Heights approved its first zoning plan in December 1927. The plan reflected deeds as to zones for single family, two family, and retail zones. Zoning Ordinance, 1927, No. 3128. Shaker Heights Housing Department.
  20. On *Corrigan v. Buckley*, 271, United States. 323 (1926), see Vose, *Caucasians Only*, 17–19.
  21. Monchow, *The Use of Deed Restrictions*, 70–71.
  22. The Van Sweringen Company used a standard application form after 1925. Applications processed in the 1960s and 1970s were found in Van Sweringen Company Records, Box 227, Shaker Heights Law Department, City Hall.
  23. Monchow, *The Use of Deed Restrictions*, 50. Also, Ian McKenzie, *Privatopia: Homeowners Associations and the Rise of Residential Private Government* (New Haven, CT: Yale University Press, 1994), 43–45.
  24. Raymond Blosser made the undocumented claim in his "Untitled Biography" of the Van Sweringens that 75 percent of property owners agreed to the new restriction. Raymond Blosser Papers, 153, Ms. 2543, Western Reserve Historical Society. On Jewish population, see Lloyd P. Gartner, *History of the Jews of Cleveland* (Cleveland, OH: Western Reserve Historical Society, 1978), 296. Gartner estimated that by 1940, 873 Jewish families had settled in Shaker Heights, compared to 5,252 in Cleveland Heights, a larger suburb with fewer restrictions. In the 1950s, the Jewish population of Shaker Heights increased after a synagogue was built in the working-class Moreland area. Using Day of Atonement studies, Judah Rubenstein estimated Jewish enrollment in Shaker Schools in 1961 was at least 43.3 percent. See Ms. 4563, Jewish Community Federation, Container 11, Folder 184, WRHS.
  25. On the Chapter VIII, Section 77B (Chapter I1), see M. Susan Murnane, *Bankruptcy in An Industrial Society: A History of the Bankruptcy Court for the Northern District of Ohio* (Akron, OH: University of

- Akron Press, 2015), 138–43. The Van Sweringen bankruptcy, which included seven railroads, was considered among the largest Midwestern bankruptcies of the New Deal era.
26. Joseph Borkin, *Robert R. Young, the Populist of Wall Street* (New York: Harper & Row, 1969).
  27. Eliot H. Sharp, “The New Van Sweringen Owners and Their Plans,” *Forbes*, June 1, 1937, 14–15, 54–55; Charles Lawrence, “New Van Owners to ‘Open’ Shaker,” *Cleveland Plain Dealer*, July 16, 1937; Milton Widder, “Ease Van Land Restrictions in East Section,” *Cleveland Press*, July 16, 1937; Van Sweringen Company Clipping Files, 37.105, Special Collections HD277.V36 1926, Cleveland Public Library, Cleveland, OH.
  28. Minutes of the Shaker Heights City Council, October 11, 1937, Shaker Heights, City Hall.
  29. Freund, *Colored Property*, 111–35. Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (Oxford, UK: Oxford University Press, 1985), 195–205; Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright, 2017), 63–67.
  30. Robert K. Nelson, LaDale Winling, Richard Marciano, et al., “Mapping Inequality,” in *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers, accessed December 3, 2017, <https://dsl.richmond.edu/panorama/redlining/#loc=10/41.4900/-81.6740&opacity=0.8&city=cleveland-oh&text=bibliograph>.
  31. The neighborhoods of Shaker Heights along its Southern border with Cleveland were the focus of continuing efforts from 1959 through 1987 to seal off cross streets along Scottsdale Boulevard to prevent access from the black neighborhoods of southeast Cleveland. See Mark Souther, *Believing in Cleveland: Managing Decline in “the Best Location in the Nation”* (Philadelphia, PA: Temple University Press, 2017), 117–18. In the 1980s, Cleveland sued Shaker Heights over its barricades. The Ohio Supreme Court decided in favor of Shaker Heights in 1987. See Douglas Martin, “Fence is Not Neighborly in a Suburb of Cleveland,” *New York Times*, June 27, 1987, accessed June 2, 2018, <http://www.nytimes.com/1987/06/27/us/fence-is-not-neighborly-in-a-suburb-of-cleveland.html>.
  32. On the second Great Migration, see Arnold Hirsch, *Making the Second Ghetto: Race & Housing in Chicago, 1940–1960* (Cambridge, UK: Cambridge University Press, 1985, repr. ed.) and Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, NJ: Princeton University Press, 2014). Leah Platt Boustan, *Competition in the Promised Land: Black Migrants in Northern Cities and Labor Markets* (Princeton, NJ: Princeton University Press, 2017) presents a compelling case for treating both Great Migrations as one long progression of blacks out of the South after the Civil War, which slowed after 1970 and reversed in the 1980s.
  33. Todd Michney, *Surrogate Suburbs: Black Upward Mobility and Neighborhood Change in Cleveland, 1900–1980* (Chapel Hill: University of North Carolina Press, 2017), 141, 155, 257.
  34. Michney, *Surrogate Suburbs*, 125–35.
  35. Klain interview, # 185, Folders 374–376, # 322, Folder 670, Maurice Klain Research Papers: Cleveland Area Leadership Studies, Series I, Ms 4219, Western Reserve Historical Society, Cleveland, OH. Klain, a professor of political science at Western Reserve University, conducted these interviews between 1956 and 1962. Klain was intensely interested in racial and religious discrimination and rarely failed to question interviewees who lived in Shaker Heights on this topic, including the mayor, members of city council, and the superintendent of schools. Because Klain promised his interviewees confidentiality, they cannot be quoted. They can be referenced by interview and folder number. In a few cases, permission has been granted by the family for the interviews to be opened. I am indebted Mark Souther, who called my attention to these interviews and to John Grabowski, vice president and director of research for the Western Reserve Historical Society, for his role in contacting the families.
  36. *Shaker Village East of Center Road* (Cleveland, OH: the Van Sweringen Company, 1929). Shaker Historical Society.
  37. Resolution 5066 (60-40 plan). Shaker Heights City Council Minutes, August 13, 1945, City Hall.
  38. Minutes of the Shaker Heights City Council, June 15, 1953, 652, 661, and July 27, 1953, 672. “Shaker Kills 60-40 Plan; Cancels Sale of 50 Van Lots.” *Sun-Press*, June 18, 1953, 1–2, 4. Harry Volk, “Entire Shaker

- Council Must Act to Prevent a Debacle,” *Sun-Press*, August 13, 1953, 1. Klain interview # 185, Folder 374, # 322, Folder 670.
39. “Community Relations Committee Turns 50,” *Cleveland Jewish News*, September 8, 1995, 1.
  40. Klain interviewed most of the participants in this meeting. It is discussed in Klain interviews: # 14, Folder 342; # 97, Folder 209; # 322, Folder 670; # 408, Folder 100; # 8, Folder 451; # 322, Folder 670; Eugene Freedheim interview # 97, Folder 209.
  41. On the US Supreme Court case, *Shelley v. Kraemer*, see Vose, *Caucasians Only*, 109–116; Freund, *Colored Property*, 97–98, 208–211; Rothstein, *The Color of Law*, 85–91.
  42. Resolution No. 5955, September 21, 1953. Records of Shaker Heights City Council, City Hall.
  43. Harlan Byrne, “Cleveland Firm, Remains of Van Sweringen Brothers’ Rail-Land Empire, Folds Today,” *Wall Street Journal*, February 13, 1959, 20. Italics added for emphasis.
  44. Sources on the integration of Shaker Heights include W. Dennis Keating’s, *The Suburban Racial Dilemma* (Philadelphia, PA: Temple University Press, 1994), 96–151; Davis, *Black Americans*, 356–58. Cynthia Mills Richter, “Integrating the Suburban Dream: Shaker Heights, Ohio,” (PhD Diss., Iowa State University, 1999, December); Kent and Karen Weeks, “A Suburb Faces Its Future” (typescript, 1968), Local History Collection, Shaker Heights Public Library; Nicole Nelson, “‘The Good Life in Shaker Heights,’ Integrating One of Cleveland’s Most Iconic Suburbs,” accessed May 28, 2018. <https://themetropole.blog/2017/10/11/the-good-life-in-shaker-heights-integrating-one-of-clevelands-most-iconic-suburbs/>.
  45. Klain interview # 286, Folder 500. Michney, *Surrogate Suburbs*, 135.
  46. “Organizing Group to ‘Guard’ Homes,” *Plain Dealer*, September 23, 1955, 32; “Says Meeting Was on Building Plans,” *Plain Dealer*, September 26, 1955, 56; “Home Owners Organizer Denies Racial Motives,” *Cleveland Press*, September 24, 1955.
  47. Minutes, Cleveland Clearinghouse on Civil Liberties, September 1955, NAACP (Cleveland Branch) Records, Ms. 3520, 32:6, Western Reserve Historical Society. Michney, *Surrogate Suburbs*, 106–8, 132–33.
  48. Cleveland’s building trades were unionized and the only way gain entrance to a craft was through apprenticeship programs run by the Cleveland Board of Education, from which blacks were systematically excluded until 1957. See Carol Poh, *The Construction Employers Association: A Century of Union Construction in Cleveland, 1916–2016* (Cleveland, OH: Construction Employers Association, 2016), 26–27.
  49. Don Spinell, “Arthur Saunders, AIA,” *Ludlow Notes, News & Neighbors*, May 29, 1967. Ludlow Community Association Records, Ms. 4981, Ser. III, Cont., 4, Folder 12, Western Reserve Historical Society.
  50. Interview with Emilie Barnett by the author. August 25, 2014. On blockbusting in Ludlow and areas adjacent to Shaker Heights, see “Is It Blockbusting?” Series by Julian Krawcheck and Bill Tanner, published by the *Cleveland Press*, August 14–21, 1961.
  51. Klain interview with Alan Fonoroff, # 104, Folder 201. Also interviews: #209, Folder 71; # 286, Folder 500; # 510, Folder 194. Also, Weeks and Weeks, 63–66. Shelley Stokes Hammond, “Recognizing Ludlow—A National Treasure: A Community that Stood Firm for Equality” (master’s thesis, Goucher College, 2011).
  52. John S. Diekhoff, “My Fair Ludlow,” *The Educational Forum* (1969, March, repr. ): 281–88.
  53. Lee Burton, “Integration on Trial: Area in Cleveland Suburbs Struggles to Keep Racial Balance,” *Wall Street Journal*, September 2, 1964, repr.; Roldo Bartimole and William S. Davis, “Whites Moving into Ludlow Explode Integration Myths,” *Plain Dealer*, May 12, 1965, 68; Saul Friedman, “The Ludlow Precedent,” *National Review*, July 16, 1968, 691–95, 709.
  54. Stephen J. Alfred and Charles R. Marcoux, “Impact of a Community Association on Integrated Suburban Housing Patterns,” *Cleveland State Law Review*, 19 (1970, January): 96; Nelson, “The Good Life in Shaker Heights”; William K. Stevens, “Integrated Housing Thrives in Suburb,” *New York Times*, October 18, 1975, 1. In 1985, using private funding, the city established the Fund for the Future of Shaker Heights to provide financial assistance for pro-integrative moves by blacks.
  55. Joan Cole, “The Grenell Housing Case, [August 1962]” typescript. Ms. 3520 NAACP Housing, Cont. 51, Folder 1, Western Reserve Historical Society.



56. Joan Cole, "The Grenell Housing Case," 1962.
57. In addition to Cole, see *Mason v. Grenell*, NAACP Records," Id No: 34140, Part V, Legal Dept.; Box V: 2020, Manuscript Division, Library of Congress.
58. Joan Cole, "The Grenell Housing Case," 1962; Marc D. Gleisser, "Negro Dentist Sues 26 after House Deal Fails," *Plain Dealer*, October 4, 1962, 1. Interview with Hillary Mason King by the author, August 19, 2011. Also, Correspondence relative to the case in James A. Norton Papers, Ms. 4539, Container 1, Folder 2, WRHS.
59. Marc D. Gleisser, "Shaker Realty Firm Sues in Switch of Home to Negro," *Plain Dealer*, November 3, 1962, 7. Telephone interview with Doris Armstrong Garvin, October 14, 2013.
60. David G. Molyneaux and Sue Sackman, eds., *75 Years: An Informal History of Shaker Heights* (Shaker Heights, OH: Shaker Height Public Library, 1987), 84.
61. Interview with Fred Ball by the author, October 11, 2012.
62. Building card for 2741 Green Road, Shaker Heights, <http://shakerbuildings.com>.
63. Winston H. Richie to James Lewis, President, Van Sweringen Company, May 26, 1966. Van Sweringen Company Records, Box 163, Shaker Heights Legal Department, City Hall.
64. Norie Bruckman, President LWV, to James B. Lewis, March 7, 1967. Van Sweringen Company Records, Box 163, Shaker Heights Legal Department, City Hall.
65. James B. Lewis to Bruckman, April 4, 1967. Van Sweringen Company Records, Box 163; applications processed by the Van Sweringen Company in the 1960s and 1970s, Box 227; minutes of the shareholders' meetings of the Van Sweringen Company Foundation, Box 153, Shaker Heights Law Department Records, City Hall.
66. *Ludlow News and Notes*, 8 (May 29, 1967), 4. Capitalization in the original. Form 80A presumably continued in use in Beachwood and Pepper Pike until 1986 when the Van Sweringen Foundation renounced discrimination on the basis of race, color, religion, and national origin and sought to have illegal and discriminatory deed restrictions lifted on all parcels of property located in the cities of Shaker Heights, Beachwood, and Pepper Pike. See Minutes of the Van Sweringen Foundation, March 28, 1986, Van Sweringen Foundation, Box 153, Shaker Heights Law Department, City Hall. Also, Michney, *Surrogate Suburbs*, 195.
67. Winston Richie served as Chairman of the Board of Fair Housing, Inc. He won a seat on city council in 1971 and again in 1991. Between 1985 and 1990, he served as director of the East Suburban Council for Open Communities (ESCOC) organized in 1984 to promote integration in the six Hillcrest area suburbs of Highland Heights, Lyndhurst, Mayfield Heights, Mayfield Village, Richmond Heights, and South Euclid. Although ESCOC received funding from the three sponsoring cities, Shaker Heights, Cleveland Heights, and University Heights, as well as generous foundation and corporate support, apparently few African American families took advantage of the services offered.
68. Isabel Wilkerson, "One City's 30-year Crusade for Integration," *New York Times*, December 30, 1991, 1, 7.
69. U.S. Census Quick Facts. Also, Erik Eckholm, "Foreclosures Force Suburbs to Fight Blight," *New York Times*, March 23, 2007, A1.
70. On this national trend in suburban design, see Ellen Dunham-Jones, *Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbia* (Hoboken, NJ: Wiley, 2011).

## Author Biography

**Virginia P. Dawson** is an Independent scholar and an adjunct associate professor in the History Department of Case Western Reserve University, where she received her PhD in the History of Science and Technology. She is the author of contracted histories for NASA and other public and private companies and organizations. She is coauthor with Terry S. Reynolds of *Iron Will: Cleveland Cliffs and the Mining of Iron Ore, 1847–2006*, published by Wayne State University Press in 2011. She is currently working on a history of Shaker Heights where she has resided since 1971.