

Racially-Based Housing Covenants in Burlington, Vermont: Assessing the Evidence

Service-Learning Report to the City of Burlington Reparations Task Force
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Report Summary

Research question: Is there evidence of racially restrictive covenants in Burlington's land records?

Key findings: There is evidence of racial discrimination in Burlington that restricted Black people's access to quality housing in the 20th century, but it is not necessarily codified in covenants or other legal property records. We found no evidence of racially restricted covenants in land deeds in a search conducted on a sub-set of deeds available in the digitized database of Burlington land records from 1935 – 1986.

Methods: We reviewed historic newspapers, reports from UVM's Special Collections, census data, and legal documents to understand the cultural context of racial discrimination in Burlington housing and real estate from 1920-1960s. We found advertisements for two housing developments built in the 1930s or earlier that imposed "reasonable restrictions" on potential residents. We selected a street from each of these developments to research in more detail in the available land records. The original deeds for homes in these developments were written before 1935. As we did not have access to land records earlier than 1935, we were unable to determine what the "reasonable restrictions" were. In addition, we conducted a pilot search of a selection of Burlington's digitized land records, using a set of keywords (*Caucasian, colored, white, Black, negro*) to test for any evidence of racially-based restrictions in these land deeds.

Limitations: We did not have access to land records earlier than 1935. The digitized set of records includes 1935-1986, approximately. Therefore, land records prior to 1935 were excluded from our analysis.

Cultural context: The population of Chittenden County was overwhelmingly white from 1920 through 1960. Black residents never constituted more than 1% of the population during this time. Records from the NAACP, the Burlington Free Press, and other sources show that Black Burlingtonians faced interpersonal hostility and discrimination that impacted their access to housing in the 1940s, 1950s, and 1960s.

Restrictive covenants of some kind may have been present in two developments--Ledgemere area and Scarff—that were advertised and constructed in the 1920s and 1930s. However, after 1948 it is unlikely any new housing developments would have included restrictive covenants because the Supreme Court ruled in *Shelley v. Kraemer* that racially restrictive covenants could not be legally enforced. Further, the Fair Housing Act of 1968 made it unlawful to bar the sale or rental of homes based on race, religion, or natural origin.

Recommendations:

1. Locate the original deeds for Ledgemere and Scarff developments to identify what is meant by "reasonable restrictions" and "desirable neighbors" referenced in advertisements in the 1920s and 1930s.
2. Conduct a full search of the digitized and non-digitized land records using these keywords and phrases: *reasonable restrictions, desirable neighbors, Caucasian, white, Black, negro*.
3. Consider researching individual acts of racially-based housing discrimination, as documented in city newspapers, reports, and NAACP newsletters

Full Report

PROJECT BACKGROUND

The Burlington Reparations Task Force was formed in the summer of 2020, in wake of the murder of George Floyd and the 2020 Black Lives Matter protest movement. The goal of the task force was to examine the effects of the slave trade in Burlington, as well as the effects of racialized covenants and land deeds on Black and other minority residents of Burlington. Resolution 7.06, "Establishing A Task Force to Study a Proposal for Reparations and to Consider a City Apology for the Institution of Slavery" was signed by Mayor Miro Weinberger on August 18, 2020. According to Resolution 7.06, "only 4 percent of homes in Burlington are owned by Blacks though people of color comprise 18 percent of Burlington's population," and "26 percent of Black residents are in poverty, compared to 10.6% of white residents." Our class was tasked with finding archival evidence for racialized covenants and housing discrimination in the City of Burlington in the 20th century.

Researchers

Students enrolled in Professor Cheryl Morse's University of Vermont Geography course titled "Qualitative Research Methods" conducted research for this project as a service-learning assignment. Dr Pablo Bose, a Geography and Geosciences professor, and member of the City of Burlington's Reparations Task Force, served as our community partner. Prudence Doherty, a faculty member in UVM Silver Special Collections, part of the UVM Libraries, provided instruction and materials for our archival research.

Research Questions What was the cultural and geographic context related to housing, race, planning, and discrimination in Burlington from 1920-1960s?

What keywords could be used to identify racial covenants or restrictions in Burlington's land records?

Is there evidence of racial covenants or restrictions in Burlington's land records?

What is a Land Covenant?

A land covenant is a formal agreement between two parties regarding the use of a certain piece of land. In other words, covenants dictate what can and cannot be done with the land in question. A restrictive covenant, as this project deals with, is any covenant that limits the landowner in some way or another. Thus, a racially restrictive covenant is one that dictates (indirectly or directly) which racial groups are

permitted to use the land.

RESEARCH METHODS

We reviewed several sources of archival records available at UVM's Silver Special Collections Library, as well as research databases accessed through UVM's Howe Library in order to understand the historical and cultural context of housing, planning, identity and discrimination, and the possible presence of racialized covenants in land deeds in Burlington from the 1920s through the 1960s. Working in small teams, we used the following sources of information.

Historic newspapers: A group of researchers gathered information from newspaper articles and advertisements from the years 1920-1960s related to housing and identity. We investigated the newspaper archives of the Burlington Free Press as well as Newspapers.com to find articles and advertisements that explicitly or implicitly mentioned restricted racialized covenants

Reports: This team examined various organizational reports available in UVM's Special Collections to gain an understanding of housing, planning, and racial discrimination in Burlington from 1920s-1930s. The reports included city planning documents, a study titled "We Americans", Annual Reports, and NAACP newsletters.

Census data: A group of researchers gathered data on the demographics and population geography of Burlington in the 1920-1960s using census records available in Ancestry.com and Social Explorer, online databases.

Neighborhood visits: One team of students visited streets in different neighborhoods and took photos of the current housing in order to gain a sense of the spatial layout and resources in neighborhoods in Burlington.

Legal documents: A researcher studied two federal-level decisions, which impacted the social and culture context of housing discrimination across the United States: Supreme Court Case Shelley v. Kraemer in 1948 that outlawed the use of racialized restrictive covenants, and the Fair Housing Act of 1968.

Data Analysis

Drawing on the contributions of each research team, we conducted the following analyses:

1. We developed a **timeline** and an analysis of **cultural contexts** related to housing in Burlington for the decades 1920-1960s.
2. We identified **two developments** which were advertised as having "reasonable restrictions" on residents. We selected two streets, one from each development to search in the land records to research in detail.
3. We created a **set of keywords** to search for possible racially based covenants in Burlington's Land Records: *Caucasian, colored, white, Black, and negro*.

4. We ran a **test of the keywords and streets** identified as possibly having “reasonable restrictions” in several volumes of Burlington’s digitized land records.

FINDINGS

Pilot Search of Burlington Land Records for Racial Restrictions or Covenants

We conducted a pilot search of twelve volumes of digitized land records (approximately 9000 pages total), from the time periods of 1934 to 1946. We searched the records using keywords: *reasonable restrictions*, *Caucasian*, *Black*, *colored*, *Negro*, and *white*. **We found no records that used these terms.**

Our search of newspaper advertisements and articles in the 1920s and 1930s identified two developments--Ledgemere and Scarff – that used words such as “desirable neighbors” and “reasonable restrictions”, which suggested that racially restrictive covenants may exist on these properties (see Figure 1). We used the search terms *Ledgemere* and *Scarff* in a search of the twelve volumes of land records to read the language in the property records of residences on those streets. We found no covenants in this set of records but would have pursued the records back to their original deeds if we had access to earlier land records.

THE HOME-BUILDERS

For the peace that is the sweetest isn't born of minted gold,
And the joy that lasts the longest and still lingers when we're old
Is no dim and distant pleasure—it is not tomorrow's prize,
It is not the end of toiling, or the rainbow of our sighs.
It is every day within us—all the rest is hippodrome—
And the soul that is the gladdest is the soul that builds a home.
—From Just For Us, by Edgar A. Guest.

Build Your Home at Ledgemere

Thirty lots from which to select your future home site. New homes now ready for market. Prices \$650-\$750. All street improvements. **Reasonable restrictions.** \$100 down gets warranty deed.

T. J. McDonnell, Sales Agent.
Free Press Building.

Figure 1: Advertisement for Ledgemere Place (Burlington Free Press Archive, February 25, 1927)

CULTURAL CONTEXT OF BURLINGTON, 1920-1960s

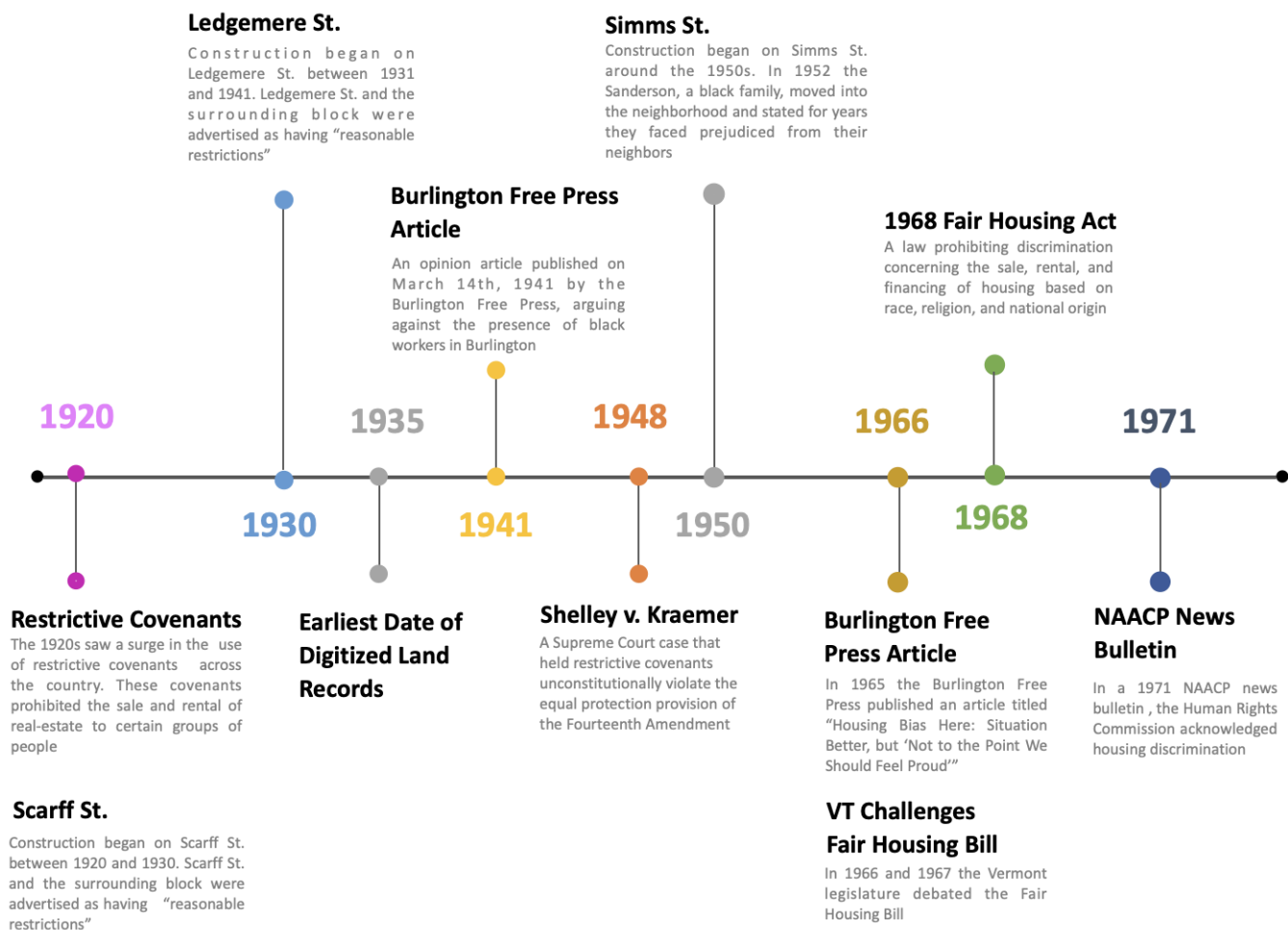


Figure 2: A Timeline of Burlington Housing Related to Discrimination, 1920 - 1971

Chittenden County’s Population by Race, 1920-1960

Throughout the 20th century, Chittenden County’s population grew from 43,708 in 1920 to 74,425 in 1960. Despite the population increasing by 30,000 during this time frame, the Black population steadily decreased until 1960, when it reached a high of 215. It is interesting to observe this decline in population, which raises questions about what life was like for Black Burlington residents at the time.

Chittenden County Population by Race, 1920-1960

	1920	1930	1940	1950	1960
Total Population	43,708	47,471	52,098	62,570	74,425
White	43,528	47,283	51,973	62,453	74,141
Black	175	156	114	n/a	215
Indian	n/a	n/a	n/a	n/a	9
Japanese	n/a	n/a	n/a	n/a	17
Chinese	n/a	n/a	n/a	n/a	31
Filipino	n/a	n/a	n/a	n/a	2
Other races	5	32	11	117	10

Figure 3 - Social Explorer Dataset (SE), Census 1930-1960, Digitally transcribed by Inter-university Consortium for Political and Social Research. Edited, verified by Michael Haines. Compiled, edited and verified by Social Explorer.

1920s Burlington

In the 1920's, the city of Burlington contained an estimated population of 23,000 people. Chittenden County had a total population of 43,708 people, of which 99.6% (44,528) were recorded as being white, 0.4% (175) being black, and just over 0% (5) being categorized as 'other'. The earliest mention of the term "reasonable restrictions" is in this advertisement in a newspaper article from 1926.



Charlotte Street Extension, Ledgemere

Build a Home at Ledgemere--

Paul D. Kelley's Twenty-Five Acre Protected Development in Burlington's Rapid Growing South End

Ledgemere is Ideally Located
Everybody knows that the past ten years has shown a wonderful building development in the south section of the city, but no section opened in recent years has the advantages to be found at Ledgemere—between two trolley lines, adjoining the thickly settled sections of Catherine, Charlotte, and Caroline streets and only one block from Pine street, this development property has an unexcelled view of the Adirondack mountains and Lake Champlain.

Streets, Cement Walks, Water, Sewer, Gas and Electricity
Every modern convenience can be had at Ledgemere. 770 feet of street is already in and graded as shown in the illustration, and curbing and cement sidewalks are in for the entire length of the Charlotte street extension.

Seven Lots Already Sold
Before a dollar was spent for advertising seven of the Ledgemere lots were sold for home sites. This entire property is meadow land, clear from stone, at good elevation and requires practically no grading. The lots now on the market border Charlotte street. Lots 1 to 15 are 110x45 on the west side selling for \$600, and lots 16 to 20 are 127x45 feet on the east side selling for \$750 each.

Reasonable Building Restrictions
For the protection of home owners the building line is 20 feet from the street property, and no house can be erected at a cost of less than \$4,000.

Buy Now for Spring Building
Select your lot now and build in the spring. At Ledgemere you are in the path of Burlington's building boom and ALL city advantages are yours.

T. J. McDonnell, Exclusive Agent, Free Press Bldg., Burlington

The advertisement includes a photograph of a dirt road under construction and a detailed plat map showing lot numbers (1-20) and street names (Charlotte, Caroline, Street, Catherine).

Figure 3: October 2, 1926 (Page 11 of 16). (1926, Oct 02). Burlington Free Press (1923-2007)



Figure 4: Provorny, C. (2022) Ledgemere Street, Burlington Vermont [Photograph]

1930s Burlington

In the 1930s, the population of Burlington was around 25,000 people. It was described by researcher Elin Anderson in the 1937 book "We Americans" as, "conservative, rural, and individualistic... too big to be a small town, too small to be a city" (12-13). The city was largely white, and most immigrants came from European countries or were French-Canadians, which made up the largest ethnic group. The book made no mention of Black people in any way. Discrimination in the city seemed to be based more on class than on race. Burlington is built on a hill, and as Anderson describes, the hill serves as an apt metaphor for the ways that different classes were regarded in the city, as, "At the foot of the hill are the wharves and warehouses, shabby tenement houses, and railroad tracks... on the upper slope is a residential section of large, comfortable houses and spacious lawns" (9). The poor residents "at the bottom of the hill" include those in the north end (now officially known as the Old North End):

"Where many houses are close together... where lawns are narrow strips of grass and the children play in the streets for lack of any more suitable playground... this side of the city has its own business section, which is only frequented by the 'other half' of Burlington only when it seeks a bargain" (10).

The phrase “the other half” accurately sums up attitudes of Burlington at the time: there were the haves and the have-nots, and the distinction between them was clearly defined.

While Elin Anderson’s volume on Burlington in the 1930s provided an incredibly detailed and useful snapshot of life in the city, the study was not originally published to serve as a mere descriptor of life in Burlington. In the introduction to Anderson’s study, she states, “This study was made under the auspices of the Eugenics Survey of Vermont” (8). The study does not seek to describe the different ethnic groups of Burlington simply to promote understanding between the groups; rather, Anderson believes that prejudices stand in the way of “proper” eugenics work, because people with “desirable qualities” that eugenicists sought to promote might come from certain marginalized backgrounds. Anderson’s study was written as “an attempt at providing some groundwork upon which may be built a eugenics program of the future” (8), a “progressive” eugenics movement that did not allow certain prejudices to stand in the way of the cruel process of selective breeding.

Not only is this important to keep in mind when citing Anderson’s work, it provides further context to the culture of Burlington at that time. Burlington was particularly focused on creating an “ideal” society and keeping those who did not fit the ideal out by any means necessary, whether through using dog whistles in home advertising (as demonstrated throughout the piece), or through more drastic measures like eugenics.

1940s Burlington

In the 1940’s, the estimated population of the city of Burlington was 28,000 people. Chittenden County contained a total population of 52,098 people, of which 99.8% (51,973) were recorded as being white, 0.2% (114) being black, and just over 0% (11) being categorized as ‘other’.

Burlington newspapers from the time record discrimination against Black workers, and a dislike for the rising population of Black laborers in the city, with many believing them to be the reason for housing shortages in the area. There was an opinion article published about this on March 14, 1941 in the Burlington Free Press Archive, arguing against the presence of Black workers in Burlington, and blaming them for the housing issues that plagued the city.

In 1948 the Supreme Court ruled on the landmark case *Shelley v. Kraemer*. The court found that “private racial covenants could not be enforced by the state to evict black buyers of ‘restricted’ homes,” because such restrictions are in violation of the equal protection provisions of the Fourteenth Amendment (Kucheva & Sander, 2014). Thus, it is highly unlikely that racially restrictive language would be found in property deeds of any new homes built after 1948.

In the United States, racially restrictive covenants “were only easy to use... when developers created new subdivisions” (Kucheva & Sander, 2014). When racially restrictive covenants first came into popular use in the United States in the 1920s, Burlington consisted mainly of established neighborhoods therefore it was less likely that racially restrictive covenants be found here than in newer cities developing in other locations.

1950s Burlington

In the 1950s, Burlington experienced suburban development and sprawl which was common across the country at this time. One example in the New North End was the development of several streets of single-family housing plots, grouped under the name "Northern Acres". No evidence of discriminatory language was found in these deeds. There was, however, the case of the Sanderson family. The Sandersons, a Black family, faced opposition and resentment from white neighbors and residents of the New North End when attempting to move to Simms St. ("Sanderson to Move Into His Home Friday", 1952). This story received a fair amount of press coverage, and there were editorial discussions about race and housing bias, culminating in the reversal of the restrictive sentiments of the neighborhood. The residents eventually welcomed the arrival of the Sandersons to their new home ("Sanderson's Receiving Welcoming Calls", 1952).

A 1952 editorial in the Burlington Free Press titled *Good Things Come in Colored Packages* advocated for no discrimination based on skin color in housing, emphasizing the importance of character rather than race or ethnicity. The editorial stated "Negroes, Chinese, Japanese, Indians...compare favorably with the average member of the white race in intellectual ability, honesty, regard for the law and the property of others, and in other qualities which we associate with being a good neighbor and a good citizen" ("Good Things Come In Colored Packages", 1952).

The 1950s also brought the arrival of many Black families to Burlington due to the proximity to the Ethan Allan Air Force Base ("Negro Airmen Face Recreation, Housing Problems", 1952). Burlington's Black population almost doubled from 1940 to 1960, growing from 114 in the 1940 census to 215 by 1960. (U.S. Census Bureau, 1940, 1960). Many Black airmen struggled to find housing in Burlington as a result of discriminatory practices by landlords ("Negro Airmen Face Recreation, Housing Problems", 1952; "Housing Bid Hits Snarls", 1957). Homes that were offered to the airmen were seen as so unsuitable that they couldn't be accepted as adequate housing. "Most of the homes offered did not suit the needs of the homeless airmen and so were not accepted" ("Housing Bid Hits Snarls", 1957).



Figure 5: Contemporary Photo of Simms Street

Motovidlak, Z. (2022) Simms St, Burlington Vermont, Google Street View [Photograph]

1960s Burlington

Development in Burlington continued in the 1960s (see Figure 6). At this time there was increased awareness and discussion of potential housing bias in Burlington. The local media began to run stories which highlighted the prevalence of discrimination in housing and real estate practices, with testimony from residents about how they felt about the issue. The Burlington Free Press ran several stories in 1965, one titled "Housing Bias Here: Situation Better, but 'Not to the Point We Should Feel Proud'" (see Figures 7, 8, 9). The article went on to quote a local real estate agent who had sold a house to a Black client. When asked "what he'd do for another prospective negro client, the broker said, 'I'd sell him a house, I can't say I'd work so hard on him, but I'd sell him one.'" (Myers, E. 1965). This attitude reflects the general form of discrimination facing Black families in Burlington during this time. Blatant and restrictive rules might not have been governing where families could live, but a lack of guidelines and penalties for brokers enabled discriminatory practices.

The NAACP discussed employment discrimination and integrating schools, and housing discrimination in Vermont (Myers, E. 1965) (See figures 7 – 9 for examples of NAACP documents). The NAACP also mentioned other instances and forms of racial discrimination, including Kakewalks and racially exclusive clubs. For example, the NAACP News Bulletin from March 1970 states that on Sunday, February 15th of the same year, "...University of Vermont fraternity students made a well-publicized, purposeful, public attempt to revive Kakewalk on campus" (Meyer and Kennedy 1970). Kakewalk, according to VT Cynic, was a practice that involved UVM fraternity members "...dancing in blackface and satin tuxedos" (*Kake Walk: Time to right our wrongs* 2016). The NAACP supported a series of reforms which would improve the situation (Myers, E. 1965). The Vermont legislature debated the Fair Housing Bill in 1966 and 1967. The opposition was led by representatives of business organizations and real estate groups ("Rep. Alden Says Gov. Hoff...", 1967). When the federal Civil Rights Act was passed in 1968, the federal government stepped into the housing debate, making it unlawful to discriminate in the sale or rental of property based on "race, religion or natural origin" ("Housing Discrimination Complaints...", 1969).

There is later evidence within the May 1971 NAACP News Bulletin that the Human Rights Commission is aware that there are problems with housing and is searching for a way to solve them. As the bulletin states, "The Housing Committee has discovered that many of the problems that arise in housing cannot be handled by the Human Rights Commission but are legal problems that should be handled on an individual basis" (Harris and Kennedy 1971).

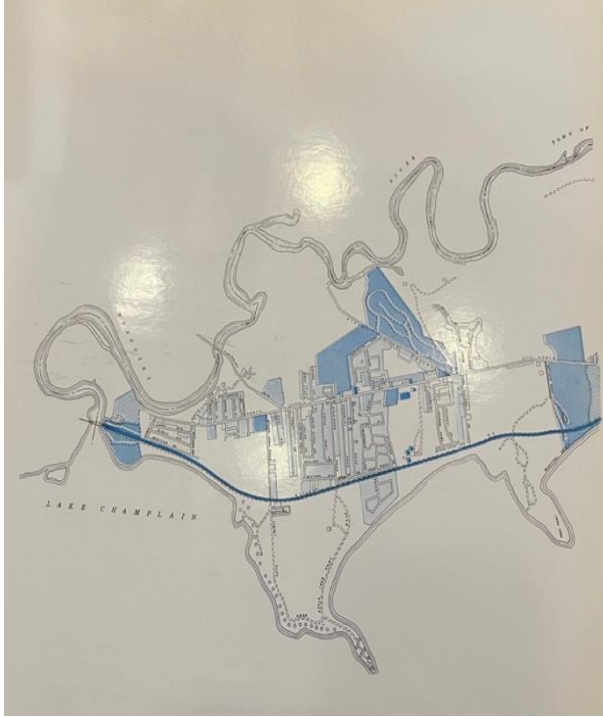


Figure 6: Proposed Development north of North Avenue (now known as the New North End), 1961 (Candeub, F., & Robert Charles Associates).



Figure 7: Myers, E. (1965). 'Housing Bias Here: Situation Better but Not to the Point We Should Feel Proud' *Burlington Free Press*. 10-11. Found in Silver Special Collections, University of Vermont. Box 11540

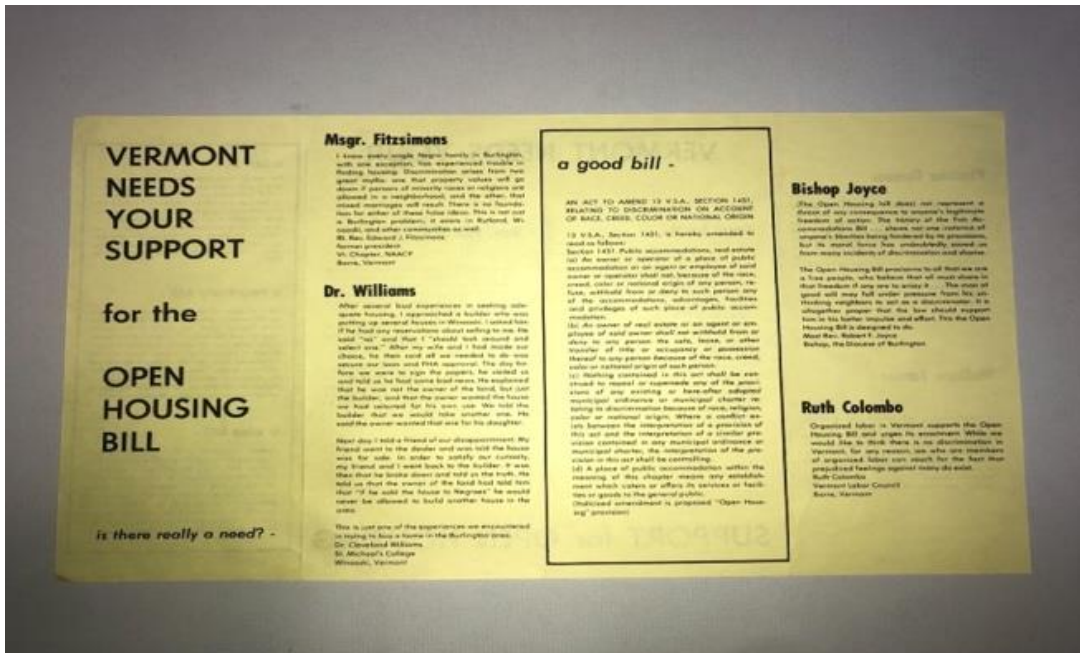


Figure 8: NAACP Burlington Chapter. 11/5/44

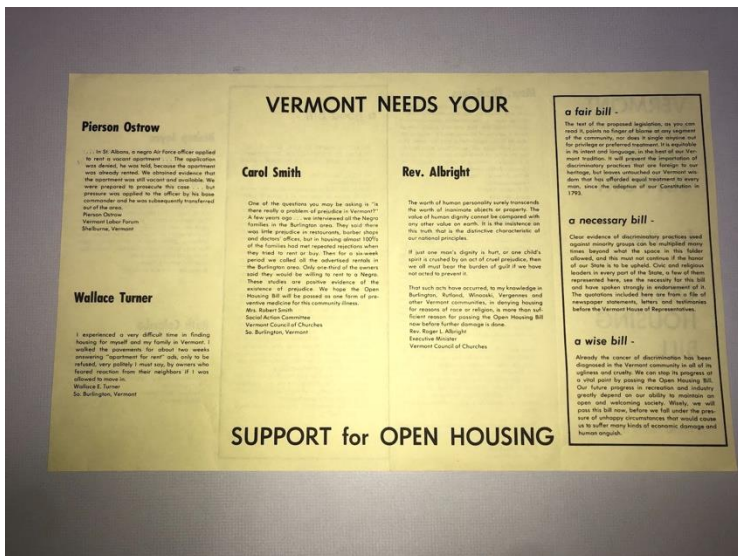


Figure 9: NAACP Burlington Chapter (VT Chapter?) 11/5/44

RECOMMENDATIONS FOR FUTURE RESEARCH ON RACIALLY-BASED HOUSING in BURLINGTON

1. Locate the original deeds for Ledgemere and Scarff developments to identify what is meant by “reasonable restrictions” and “desirable neighbors” referenced in advertisements in the 1920s and 1930s.
2. Conduct a full search of the digitized and non-digitized land records using these keywords and phrases: *reasonable restrictions, desirable neighbors, Caucasian, white, Black, negro*.
3. Consider researching individual acts of discrimination, as documented in city newspapers, reports, and NAACP newsletters



Figure 10: June 18, 1929 (Page 17 of 20). (1929, Jun 18). Burlington Free Press (1923-2007)
<https://login.ezproxy.uvm.edu/login?url=https://www.proquest.com/historical-newspapers/june-18-1929-page-17-20/docview/1952668826/se-2>

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