

Deferring Dreams: Racial and Religious Covenants in Shaker Heights,
Cleveland Heights and East Cleveland, 1925 to 1970
By Marian Morton

Suburbia is mostly about dreams - of more gracious homes and more spacious lawns, dreams of leaving behind the old neighborhood for greener pastures, better schools, and nicer neighbors. Two realtors – the legendary Van Sweringen brothers and Abeyton Realty, created by the son of the legendary John D. Rockefeller – sold those dreams. “As you drive through Shaker Village and marvel at the consistent beauty of its development, remember this: it is a HOME SANCTUARY,” boasted the Van Sweringen Company’s advertisement in August 1925. “Protection attracts the finest homes.”¹ Five years later, Abeyton Realty, developer of the Forest Hill allotment in Cleveland Heights, promised “surroundings ... where your neighbors are inevitably people of tastes in common with yours The careful restrictions placed on Forest Hill today will never be lowered.”² That “protection” and those “restrictions” referred to the racial covenants embedded in Shaker Heights and the Rockefeller’s Forest Hill property deeds that for four decades deferred but did not defeat the suburban dreams of Jews and African Americans.

Before cities and suburbs imposed zoning restrictions, developers of residential allotments customarily included in deeds covenants that mandated home prices and sizes, setbacks and sometimes landscaping. The assumption was that a factory or store or some other undesirable land use lowered property values.

Racial covenants were based on the assumption that undesirable racial groups lowered property values. Municipal efforts to impose racial restrictions on property ownership were declared unconstitutional in 1917 by the U.S. Supreme Court. However, in 1926 in *Corrigan v. Buckley*, the court affirmed the right of private individuals or corporations to impose through covenants restrictions on home sales by race or other criteria. These covenants prevented property owners from selling to specific groups or selling without the permission of the developer.³ (In the same year, the court affirmed the right of cities to impose zoning restrictions on private property in *Village of Euclid v. Ambler Realty*; zoning would often have the same effect as racial covenants.) These decisions reflected two simultaneous trends: the rampant anti-Semitism and racism that found open expression in the (short-lived) rise of the Ku Klux Klan, tightened federal immigration restrictions, and the enormous suburban boom of the 1920s.

Although there have always been other strategies for keeping undesirable persons out of a community – for example, realtors could simply refuse to show them homes-, racial covenants came into common use in much of the United States from the mid-1920s through the 1940s. Most covenants targeted specific racial groups that appeared to be a threat at that time and place: African Americans in many places but Asians on the West Coast; some covenants mentioned “Hebrews.”⁴

The covenants in Shaker Heights and Forest Hill did not mention any specific racial group but required that a property could not be re-sold without the consent of the developer and/or the surrounding neighbors. This vagueness meant that any undesirable neighbor could be excluded – for his occupation or politics, for example. The context in which those covenants were created in Shaker

¹ *Cleveland Plain Dealer*, August 15, 1925:17.

² *Cleveland Plain Dealer*, November 9, 1930: 74.

³ Robert M. Fogelson. *Bourgeois Nightmares. Suburbia, 1870-1930*. (New Haven and London: Yale University Press, 2005), 95-105.

⁴ <http://www.bostonfairhousing.org>; <http://washington.edu/civilr/covenants.htm>

Heights and Forest Hill, however, make it clear that the real targets, as elsewhere, were Jews and African Americans.⁵

Shaker Heights began as a planned community. Inspired by their success at selling distinguished homes in the Cleveland Heights' neighborhood now referred to Shaker Farm, along Fairmount Boulevard east of Coventry Road to Lee Road, Oris Paxton and Mantis James Van Sweringen (the Vans) purchased 1,200 acres of the former community of Shakers (the United Society of Believers in Christ's Second Appearing) from a Buffalo real estate syndicate in 1906. The Vans' Shaker Heights Village separated from Cleveland Heights in 1911 and was officially recognized as an independent village by the state of Ohio in 1912. The Vans quickly delivered on the suburban dream and laid out grand boulevards, green parks, curving streets, handsome public schools, two exclusive country clubs, two new lakes in addition to the two built by the Shakers, and tasteful commercial districts – and also built a rapid transit to carry their homeowners to and from downtown Cleveland. The early property deeds placed strict restrictions on the homes and property use, specifying architectural styles, colors, landscaping, locations of homes, driveways, garages, allowing the growing of flowers but not vegetables, prohibiting “weeds, underbrush, or other unsightly objects.”⁶ “No spirituous, vinous, or fermented liquors” and no “barns, stables, or water closets” were permitted.⁷

Shaker Heights quickly became a smashing success; its 1911 population of 200 soared to 1,600 in 1920.⁸ Although prices of the homes varied, the initial assumption was that even moderately priced homes would be beyond the reach of undesirable buyers.

Right next door, however, on Shaker's southwestern boundary was the Kinsman-Mount Pleasant neighborhood, which stretched along Kinsman Road from E. 116th to E. 154th Streets. In the 1920s this became a working--class Jewish community. Its streets were lined with two-family homes, clothing stores, confectionaries, groceries, and delicatessens that catered to the Jewish clientele who also built the Kinsman Jewish Center (Congregation B'nai Jacob Kol Israel) and the Jewish Carpenters Hall.⁹ Most were not Reform or Conservative Jews, who had become more or less assimilated into American life, but Orthodox Jews, recent immigrants from Eastern Europe, who had moved east from the Jewish neighborhood around Woodland Avenue. (Kinsman Road within the Shaker boundaries was re-named Chagrin Boulevard in 1959.)

In early 1925, the Vans began to add to their property deeds the covenants that restricted re-sale of properties: “No subplot of the property ... shall be occupied, leased, rented, conveyed, or otherwise alienated ... without the written consent of the Van Sweringen Company.” This consent could be granted, however, if the company was presented with a written request from the majority of

⁵ There may have been efforts to keep Catholics out of these communities as well. However, documentation is scant because individual Catholics are difficult for real estate agents and neighbors (and later historians) to identify. There are suggestions that the Shaker Heights Zoning Board made it difficult for St. Dominic's, the only Catholic congregation in Shaker, to build its church, completed in 1948. The congregation was a spinoff from St. Cecelia's Church in Mount Pleasant and may have had African American members. (<http://www.stdominicchurch.net>). St. Louis Church (now closed) was denied permission to build in Forest Hill – Forest Hill Church Presbyterian had already bought property there - but did complete its building across the street on Taylor Road in 1951. (Marian J. Morton, *Cleveland Heights Congregations* (Charleston, S.C.: Arcadia Publishing, 2009), 81.

⁶ Cuyahoga County Recorders Office, #1812714, Volume 3379, 101

⁷ Cuyahoga County Recorders Office, #1715174, Volume 3204, 557

⁸ David G. Molyneaux and Sue Sackman. *75 Years: An Informal History of Shaker Heights* (Shaker Heights: Shaker Heights Public Library, 1987), 24.

⁹ Lloyd P. Gartner, *History of the Jews of Cleveland* (Cleveland: Western Reserve Historical Society, 1978), 183. Judah Rubinstein and Jane Avner. *Merging Traditions: Jewish Life in Cleveland*. Revised edition (Cleveland: Western Reserve Historical Society, 2004), 161-184.

neighbors within five sublots of the home in question. If the company was not available to provide the consent, it could be provided by the majority of those same neighbors.¹⁰

In late September 1925, a crowd of 500 angry residents united “to bar undesirables ... aroused by the fact that two colored persons have purchased property in their neighborhood.”¹¹ In October 1925, the Shaker Protective Association attempted to get pre-1925 home owners to sign re-sale covenants, warning them of an “ever-present menace to every resident of Shaker Village and throughout Cleveland.... Unless a street is 100% signed up for restrictions, ... the danger of an undesirable neighbor is an ever-present one.”¹²

Two ugly racial incidents had also taken place that fall; the first, in the Wade allotment in University Circle where a black doctor’s home was bombed. The second happened in Shaker in September when the Huntington Road home of another black doctor, Dr. Edward A. Bailey, was attacked. Shaker police stood guard outside the home, but Bailey regarded this as harassment and threatened to sue Mayor W.J. Van Aken.¹³

The immediate impetus for the Shaker Protective Association was the fear of African American neighbors. The newly restrictive covenants, however, pre-dated these incidents by some months. Possibly the Vans were as prescient about blacks’ desire for suburban life as they were about whites.’ But most blacks, newly arrived in Cleveland from the South, were concentrated in the Central and Woodland neighborhoods, not close enough to be an imminent threat yet. Regardless, whether compelled by a Jewish neighborhood nearby or by a few blacks in their midst, three-quarters of Shaker residents had agreed to extend their deed restrictions for 99 years by 1927.¹⁴

Cleveland Heights developed piecemeal and haphazardly. Developers had started carving suburban allotments out of the farms and vineyards of East Cleveland Township in the 1890s. Cleveland Heights became independent of East Cleveland Township in 1901. The village early included middle-class allotments such as Cedar Heights (Bellfield and Grandview Avenues south of Cedar Road) and Mayfield Heights, just east of Coventry. But in the first two decades of the twentieth century, Cleveland Heights was just as socially ambitious as Shaker Heights; Cleveland Heights too had its curving boulevards, grand homes, green parks, and handsome schools. In addition, it included a portion of John D. Rockefeller’s estate and the Severance family mansions and was home to dozens of families listed in the *Cleveland Blue Book*.¹⁵ They lived in the elegant allotments of Euclid Heights, Ambler Heights, Euclid Golf, and the Vans’ Shaker Farm. Deed restrictions on these properties mandated only single-family residential use and specified sizes and prices of homes. Advertisements often described these allotments as “exclusive,” but deeds did not restrict sales.¹⁶ As in Shaker Heights, developers and homeowners assumed that the high cost of the properties would limit sales to desirable neighbors.

Much of Cleveland Heights was already built out by the time the Rockefellers’ Forest Hill allotment got underway in late 1929. John D. Rockefeller had made his legal residence in New York City in 1884 but kept a summer home and working farm on his estate, Forest Hill, with a golf course, riding trails, and scenic pond and boat house, until 1917 when the house burned down. In 1923, he sold the property, bounded roughly by Glynn Road (in East Cleveland) on the north, Taylor Road on the east, Mayfield Road on the south, and Superior Road on the east, to his son, John D. Rockefeller Jr., to

¹⁰ Cuyahoga County Recorders Office, #1715174, Volume 3204, 557.

¹¹ *Heights Dispatch*, October 1, 1925: 1.

¹² Molyneaux and Sackman, 85.

¹³ Kenneth L. Kusmer, *A Ghetto Takes Shape: Black Cleveland, 1870-1930* (Urbana and Chicago: University of Illinois Press, 1978), 168-169; *Heights Dispatch*, October 15, 1925: 1.

¹⁴ Molyneaux and Sackman, 20.

¹⁵ Marian J. Morton. *Cleveland Heights: The Making of an Urban Suburb* (Charleston, S.C.: 2002), 39.

¹⁶ Morton, 56-57.

develop. The local press was ecstatic: the development would improve “the whole tone ... in the entire eastern end of Cleveland Heights and [check] certain isolated tendencies toward inferior development.”¹⁷ After some years of bickering with Cleveland Heights over roadways and sewers, Rockefeller Jr., with the help of architect Andrew J. Thomas, began building homes along the northern boundary of the allotment. Six hundred homes, all in the French Norman style, were planned; these elegant homes in East Cleveland and Cleveland Heights were not Shaker Heights mansions, but they were definitely designed for a middle-class clientele who knew elegance when they saw – or bought - it.

In imitation of the Vans’, Rockefeller properties had stringent restrictions on land use, mandating the price of the homes, placement of the garage, home, and driveway, and landscaping. From the very beginning of the development, however, deeds also included covenants that limited resale. Abeyton Realty and prospective Forest Hill homeowners had far better reason than the Van Sweringens to worry about Jewish neighbors, for there was already a significant Jewish presence in northern Cleveland Heights: the Mayfield Cemetery, just west of Coventry; the Montefiore Home on Mayfield, just east of the Heights Rockefeller Building; Jewish-owned shops on Coventry Road, and across Mayfield from the Montefiore Home, the congregation B’nai Jeshurun’s Temple on the Heights. The Rockefeller interests in 1924 had tried to persuade the congregation to exchange that location for a larger parcel on Superior Road; the congregation actually halted the construction of its new building, but the land swap fell through.¹⁸ These were Conservative, not Orthodox, Jewish institutions, but hardly more welcome in the neighborhood.

Rockefeller’s timing was dreadful. The first advertisements for the Forest Hill allotment appeared in 1930, only months after the bottom fell out of the American economy and the Great Depression began. Only 81 of the French Norman homes, most in East Cleveland, and the Heights Rockefeller building, at Lee Boulevard and Mayfield in Cleveland Heights, were completed in the early 1930s.

The ads for Forest Hill always stressed the prestige that homeowners would gain just by living on or near the Rockefeller estate, but in the early years of the Depression, ads also emphasized that these homes were a great bargain (which was undoubtedly the case) and a good financial investment. Nevertheless, home-building and buying slowed to a crawl in the mid-1930s. In 1938, after his father’s death, John D. Rockefeller Jr. gave much of the original estate to East Cleveland and Cleveland Heights for a public park. When the economy began to recover in the late thirties, the exclusivity of the allotment once again became a key selling point: “Its high residential standards are carefully guarded by well chosen restrictions intelligently administered.”¹⁹ This Rumson Road deed, dated 1939, required that the Grantor (the developer) had to give permission for the owner to re-sell the property; if the Grantor was not available, permission “shall be deemed to be sufficiently obtained if obtained from a majority of the owners of the ten (10) nearest sublots,” who also had the right to enforce the restrictions.²⁰ In early 1946, Rockefeller re-issued deeds to hundreds of Forest Hill residents that extended this restrictive covenant from ten to 20 years. When Rockefeller sold the remaining parcels to George Roose in 1950, the covenants were included in the deed of sale.²¹ Roose also included the covenants in property deeds until at least 1959. They were not included when he sold the remaining parcels to Vinewood Incorporated in 1962.

In 1948 the Supreme Court had ruled that restrictive covenants could not be legally enforced. The court decision did not preclude informal or extra-legal means of enforcing covenants, however, and

¹⁷ *Heights Press*, April 17, 1925: 1.

¹⁸ Morton, 110.

¹⁹ *Cleveland Plain Dealer*, November 23, 1939: 51.

²⁰ Cuyahoga County Records Office, #2734469, Vol. 5020, 514.

²¹ Cuyahoga County Records Office, #207187 Vol. 6646, 524.

the vagueness of the Shaker Heights and Forest Hill covenants meant that any group considered undesirable could still be excluded.

By the early 1950s, African Americans presented a much more likely threat to suburban exclusivity than they had in the 1920s. In 1950, they constituted 16 percent of Cleveland's population (up from 14 percent in 1940),²² and like other Americans in the prosperous postwar period, they dreamed of green lawns, fine homes, and social acceptance. They became the targets not only of racial covenants but of racial violence. In 1954, the home in the Ludlow neighborhood of a prominent black attorney, John Peggs, was bombed. There were several racial bombings and a racially inspired murder in Cleveland Heights in the late 1960s.²³

But a seismic change in racial attitudes, reflecting the strengthening civil rights movement, was underway. In 1968, Congress passed the Housing Rights Act that made illegal racial or religious discrimination by housing providers and home-owners.

Shaker citizens, energized by the 1954 bombing, had already begun to work for peaceful racial integration, forming citizens' groups in the Ludlow, Moreland, and Lomond neighborhoods. These organizations welcomed black neighbors and at the same time, tried to halt blockbusting and white flight. In 1965, the city's Shaker Heights Housing Office assumed these responsibilities.²⁴ Cleveland Heights residents followed a similar path. Led by members of St. Ann Church (now Communion of Saints), residents formed the Heights Community Congress to achieve a racially integrated community. Cleveland Heights City Council passed fair housing legislation and in 1976 established a city housing service.²⁵ Both cities still maintain fair housing programs.

It is difficult to assess the impact of restrictive covenants during the decades when they were legally viable. Memories of those who were made unwelcome remained vivid and sometimes bitter decades later. In the 1980s, Manny Rocker, then Shaker Heights Municipal Court Judge, remembered his unsuccessful efforts to buy a house on Lomond Boulevard forty years earlier; when his realtor offered to evade the restrictions against Jews, Rocker refused: "I considered the whole business a slap in the face." He bought a house in another Shaker neighborhood, apparently without difficulty.²⁶ Bernard Isaacs described the Van Sweringen covenants (probably incorrectly) this way: "as absolute and as restrictive as any in the nation ... The covenant was used to deter Jewish families from settling in certain parts of Shaker."²⁷ Winston Ritchie recalled that in 1966, already a resident of Shaker although he was African American, he applied for but did not get the "Van Sweringen consent" to buy a lot on Green Road; he finally did get the consent of five people on either side of the lot and ten across the street, but not before he was turned down by one of his Jewish neighbors. Ritchie was later elected to the Shaker Heights City Council.²⁸

Forest Hill residents had similar memories. "The Rockefeller area was very restricted, especially at the beginning ... [T]hey did not want either Catholics or Jewish people, or blacks or anybody who wasn't WASP to be a part of the area. ... When we moved back in [19]65, we were interviewed and asked many questions to see whether they were willing to accept us;" Catherine Ballew was herself a former Forest Hill resident.²⁹ Dr. Herbert Jakob had lived in Cleveland Heights almost all his life. When

²² Carol Poh Miller and Robert A. Wheeler. *Cleveland: A Concise History, 1796-1996* (Bloomington: Indiana University Press, 1997), 157.

²³ Molyneux and Sackman, 81; Morton, 126-130.

²⁴ W. Dennis Keating, *The Suburban Racial Dilemma: Housing and Neighborhoods* (Philadelphia: Temple University Press, 1994), 96-106.

²⁵ Morton, 126-130.

²⁶ Molyneux and Sackman, 92.

²⁷ Molyneux and Sackman, 81,

²⁸ Molyneux and Sackman, 84. .

²⁹ Oral History, Catherine Ballew, July 27, 2002.

he and his family moved to Forest Hill in 1967, "Forest Hill was totally segregated and to get in there you had to pass an inspection by a person who was very arrogant whose name I can't recall. But in a very subtle manner he would determine whether or not you were eligible. To the best of my knowledge I was the first Jew that moved in there."³⁰

Yet the racial covenants did not cover all homes in Forest Hill and Shaker Heights all the time. Twenty-five percent of Shaker residents apparently resisted the 1925 plea by the Shaker Protective Association. The covenants of the first Forest Hill residents expired after ten years, which would have allowed them to resell without permissions. (This may explain the 1946 efforts by the Rockefeller interests to extend the covenants.) Clearly, covenants were difficult for developers to enforce, placing the burden on home-owners. But home-owners, anxious to sell and/or opposed to racial covenants in principle, may have ignored them; home-buyers, anxious to buy or opposed in principle, may have evaded them.

Consequently, demographic data tells a slightly different story than the personal recollections. In 1937, demographer Howard Whipple Green located Jewish children in all of Shaker's public schools, most clustered near the border of Kinsman-Mount Pleasant in what is now the Lomond neighborhood; he estimated that there were already 873 Jewish families in Shaker.³¹ The Jewish Community Federation of Cleveland estimated that Jewish children constituted 9.3% of Shaker's school population in 1944, 16 percent in 1951, and 18.4 percent in 1968. The federation also estimated that there were 14,700 Jews in Shaker Heights in 1970, slightly more than 40 percent of Shaker's population.³² Shaker was home to only two Jewish institutions, however. Beth-El Synagogue was built on Kinsman just within the Shaker boundaries in 1954, leaving in 1998 to join the congregation that is now Beth El-Heights Synagogue in Cleveland Heights. Only one other Jewish congregation established a synagogue in Shaker Heights, Shaker Lee Synagogue, completed in 1961; this Orthodox congregation left in 1971 to join the Warrensville Center Synagogue.

Green's data on Cleveland Heights in 1937 shows a heavy concentration of Jews along Mayfield and Coventry Roads and Jewish children in all public schools, but especially those in northern Cleveland Heights. Dr. Jakob's recollections notwithstanding, Green counted more than 70 Jewish families in the census tracts that included the still almost undeveloped Forest Hill in 1937.³³ A post-war influx of Orthodox Jews swelled Cleveland Heights' Jewish population to an estimated 27,000 in 1944, perhaps half of the city's population.³⁴ The Jewish Community Federation estimated that Jewish children constituted 33.6 percent of Cleveland Heights public school children in 1944, 47.3 percent in 1951, and 19.8 percent in 1968. The federation also estimated that there were 15,300 Jews in Cleveland Heights in 1970, about 25 percent of the total population.³⁵ There are no precise figures on a Jewish population in Forest Hill, but in 1970, there were two large Conservative congregations on Mayfield Road, and several small Orthodox congregations and the Jewish Community Center on Taylor Road on the southern and western boundaries of the allotment.

The black migration to suburbia, prior to the 1968 federal legislation, was slower, impeded not just by covenants but by real and threatened violence in both suburbs, as well as by economic barriers.

³⁰ Oral History, Dr. Herbert Jakob, January 18, 2002.

³¹ Howard Whipple Green. *Jewish Families in Greater Cleveland* (Cleveland: Cleveland Health Council, 1939), 6, 64.

³² Judah Rubinstein, *Estimating Cleveland's Jewish Population* (Cleveland: Jewish Community Federation of Cleveland), 6, 9, Appendix C.

³³ Green, 6, 64.

³⁴ Morton, 113.

³⁵ Rubinstein, 6,9, Appendix C.

Nevertheless, in 1970, blacks constituted two percent of Cleveland Heights' population (25 percent a decade later) and 14.5 percent of Shaker's.³⁶

Despite the 40 years of racial covenants, Cleveland Heights, Shaker Heights (and University Heights) in 2011 have retained the largest share of Cuyahoga County's Jewish population: 27 percent, an estimated 22,200 people and a decline of four percent from 1996 as the Jewish community continues to move east and south.³⁷ Shaker Heights' 2010 population was 28,448; 55 percent were white, 37 percent were black, and the rest were American Indian or Asian. Cleveland Heights' population in 2010 was 46,121; 49.8 percent were white; 42.5 percent were black, and the rest were American Indian or Asian; African Americans lived in all neighborhoods, including Forest Hill.³⁸

Shaker Heights and Cleveland Heights today pride themselves on their racial, religious and economic diversity, diversity that their founders never imagined. Suburbia is still about dreams – same dreams, different dreamers.

³⁶ Keating, 135, 101.

³⁷ <http://issuu.com/jcfcleve>.

³⁸ <http://quickfacts.census.gov>; Keating, 137.