

United States Department of the Interior  
National Park Service

# National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

### 1. Name of Property

Historic name: McGhee, Orsel and Minnie, House

Other names/site number: Rucker, Tony and Velma, House

Name of related multiple property listing:

The Civil Rights Movement and the African American Experience in 20th Century Detroit  
(Enter "N/A" if property is not part of a multiple property listing)

### 2. Location

Street & number: 4626 Seebaldt Street

City or town: Detroit State: Michigan County: Wayne

Not For Publication:  Vicinity:

### 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,


I hereby certify that this X nomination      request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property X meets      does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

X national      statewide      local

Applicable National Register Criteria:

X A      B      C      D

	Deputy SHPO	July 5, 2022
Signature of certifying official/Title		Date
Michigan State Historic Preservation Office		
State or Federal agency/bureau or Tribal Government		

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In my opinion, the property ___ meets ___ does not meet the National Register Criteria.	
_____	_____
<b>Signature of commenting official/Title</b>	<b>Date</b>
_____	
<b>State or Federal agency/bureau or Tribal Government</b>	

**4. National Park Service Certification**

I hereby certify that this property is:

- entered in the National Register
- determined eligible for the National Register
- determined not eligible for the National Register
- removed from the National Register
- other (explain): \_\_\_\_\_

*James Gabbert*  
Signature of the Keeper

8.16.2022

Date of Action

**5. Classification**

**Ownership of Property**

(Check as many boxes as apply.)

- Private
- Public – Local
- Public – State
- Public – Federal

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**Category of Property**

(Check only **one** box.)

- Building(s)
- District
- Site
- Structure
- Object

**Number of Resources within Property**

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	<u>0</u>	buildings
<u>0</u>	<u>0</u>	sites
<u>0</u>	<u>0</u>	structures
<u>0</u>	<u>0</u>	objects
<u>1</u>	<u>0</u>	total

Number of contributing resources previously listed in the National Register: 0

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**6. Function or Use**

**Historic Functions**

(Enter categories from instructions.)

Domestic/Single Dwelling

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**Current Functions**

(Enter categories from instructions.)

Domestic/Single Dwelling

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**7. Description**

**Architectural Classification**

(Enter categories from instructions.)

LATE 19TH AND EARLY 20TH CENTURY AMERICAN  
MOVEMENTS/Bungalow/Craftsman

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**Materials**

(enter categories from instructions.)

Principal exterior materials of the property: Brick, Asphalt, Wood

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### Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

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### Summary Paragraph

The Orsel and Minnie McGhee House is a two-story, single-family, foursquare house built in 1912, its front facade facing south onto Seebaldt Street in Detroit. The two-bay house features a rectangular footprint, cubelike massing, and a hip roof with dormer. Notched, decorative rafter ends beneath the eaves demonstrate a Craftsman influence. A full length, half-hip roof front porch provides access to an off-center front doorway. Alterations include red, brick-patterned asphalt siding (applied over the original wood clapboard siding), largely rebuilt front and back porches, and replacement windows. The building interior, divided roughly into quarters with four major rooms on each floor, is largely unaltered.

In addition to the house, the property also includes a relatively shallow front yard, which includes shrubbery, a concrete walkway, and a State of Michigan historical marker. A larger back yard contains several mature trees as well as a concrete slab foundation that formerly held a garage building. The McGhee House is located in a densely developed urban neighborhood of single-family and two-family houses of similar scale and style, dating from 1912 through 1920. The Orsel and Minnie McGhee House possesses historic integrity and continues to convey its historic significance. Porches have been rebuilt, replacement windows have been installed, and a detached garage has been demolished, somewhat diminishing the integrity of the McGhee House. However, other features—including the replacement siding—reflect the Period of Significance, and fundamental site features such as landscaping and walkways remain unchanged.

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### Narrative Description

#### Environment and Setting

The location where the McGhee House now stands was once a beech-sugar maple forest<sup>1</sup> inhabited by Ottawa, Ojibwe, Wyandot, and Potawatomi nations, who formally ceded the area with the Treaty of Detroit in 1807. It is located about four miles northwest of downtown Detroit, and less than half of a mile south of Grand River Avenue—one of Detroit's primary, radial thoroughfares, approximately corresponding to the Shiawassee Trail, a historical Native American route leading west from the Detroit River.

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<sup>1</sup> "Vegetation Circa 1800," Michigan Natural Features Inventory, Michigan State University, <https://mnfi.anr.msu.edu/resources>.

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The area was incorporated within Springwells Township in 1818 and then became part of the newly created Greenfield Township in 1832. Centered around the village of Greenfield—located at what is now the intersection of Grand River Avenue and Livernois Avenue—the township remained largely rural until being annexed by the growing city of Detroit in 1906. The vicinity developed rapidly in the 1910s, a decade when Detroit’s population more than doubled. Commercial development centered on Grand River, Warren, and Tireman Avenues, with the remaining area devoted to residential neighborhoods of mostly single-family and two-family houses.

In the area surrounding 4626 Seebaldt Street, like in most of urban Detroit, the topography is flat, sloping imperceptibly toward the Detroit River, with residential yards graded to provide drainage to the street. The neighborhood consists of a series of rectangular blocks, oriented parallel to the Detroit River, twenty-seven degrees north by northwest. The neighborhood is densely developed and urban, with detached single-family and two-family houses—a mix of foursquares and bungalows—displaying battered porch supports, exposed rafter ends, three-over-one and four-over-one sash windows, and other Craftsman-style influences. Homes in the area largely date from 1912 to 1920, with a handful built in the early 1920s, according to public records.<sup>2</sup> Buildings are of balloon frame construction, clad in either brick or wood, though most of the wooden houses have since been reclad in asphalt or aluminum siding. A majority of buildings appear to be occupied and well maintained, though some are in disrepair, are vacant, or have been demolished. The house immediately to the west of 4626 Seebaldt Street (4634 Seebaldt Street, the former Sipes home) is in the latter category, having been replaced by an open, grassy lawn. Municipal improvements to the streetscape include an asphalt roadway, poured concrete sidewalks and alleys, sandstone and concrete curbs, and single-arm streetlights mounted on wood poles.

Historical photographs show a canopy of street trees throughout much of the twentieth century; however, only a few mature deciduous trees of various species remain on the Seebaldt block today. Perhaps the most significant change to the urban environment came in the 1960s when most of the houses on the south side of Seebaldt on this block were razed for the construction of Andrew Porter Biddle School, a single-story, International style brick elementary school building with open lawns and playfields directly across the street from the McGhee House that was completed in 1964.<sup>3</sup> The building closed in 2005 and is presently vacant.

## Exterior

The McGhee House sits on a parcel 35 feet wide by 128 feet deep, facing south<sup>4</sup> onto Seebaldt Street. The house is set approximately fifteen feet back from the public sidewalk, creating a

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<sup>2</sup> Wayne County, Michigan, property tax records, referenced via <https://app.regrid.com/us/mi/wayne/detroit>.

<sup>3</sup> *Detroit, Mich.*, Volume 15 (Sanborn Map Company: Pelham, New York, 1997), 95.

<sup>4</sup> Consistent with the street grid, the McGhee House faces roughly south, 27 degrees east. Cardinal directions are used throughout this description for simplicity.

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shallow front yard and a deeper back yard. Poured concrete walkways, perpendicular to the street, lead from the sidewalk to the front porch steps, from the sidewalk to a side entrance on the building's east facade, and from a rear entrance to a concrete slab that was once the location of a detached garage. The front yard also contains a Michigan historical marker (the garage and marker are described below).

Two hedges of California privet (*ligustrum ovalifolium*) flank the property on each side, extending from the sidewalk to the plane of the south facade. Similar hedges are also visible in photographs from 1944;<sup>5</sup> it is possible that the present-day shrubbery is the same or a descendant of that which existed during the Period of Significance. In the back yard, a mature black maple (*acer nigrum*) rises well above the top of the house; smaller white mulberry (*morus alba*) trees line the western edge of the back yard.

The house itself dates from 1912, with a City of Detroit building permit for a "frame dwelling" issued on July 8 of that year. The house is twenty-four feet, eight inches wide, and twenty-eight feet, seven inches deep, excluding porches. It sits on a three-foot-high foundation of running-bond, red brick, with red-tinted mortar joints, featuring non-original glass block windows, two on each side. Access is by front and rear doors at the first-floor level, and by an at-grade side door on the east side.

The building is two bays wide. On the first floor, south (front) facade, a single-entry door is located next to a single front foyer window, opposite a projecting bay window that serves the living room, creating an asymmetrical arrangement. Above, on the second floor, are a pair of windows centered on the facade in a symmetrical pattern. Windows on the east, west, and north of the building are irregular in placement and size. On the east facade, an interior stair landing projects through the plane of the facade to create a cantilevered, boxed bay with a half-hip roof.

On the south facade, the main entrance to the building is a half-glass, horizontal panel door behind a more recent aluminum storm door; the north (rear) entrance is a mid-twentieth century replacement, solid wood door. On the second floor, a half-glass, horizontal panel door, behind a wood, screen door, opens from a bedroom to the rear porch roof; at ground level, an eight-light panel door provides access to the basement and interior stairway. All but the north door appear to be original. Windows are vinyl replacement sash windows; the only exception is the central section of the bay window, which is a fixed and undivided vinyl window. Window trim and sills are obscured by vinyl flashing.

Original clapboard siding remains on the building, but has been covered in red, brick-patterned, asphalt sheets. The date of this alternation is not known, though the siding can be seen in 1944 photographs, where it appears to be in new condition. Original paint colors and any architectural details are obscured behind the siding.

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<sup>5</sup> "Historic Houses: McGhee, Dabney Orsel," Burton Historical Collection, Photography Collection, Detroit Public Library. The photographs are dated July 19, 1944.

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The original appearance of the south-facing front porch is difficult to determine. In the 1944 photographs, its base is concealed beneath the asphalt siding; presently, much of the porch appears to have been rebuilt with unpainted, pressure-treated lumber. The overall spatial arrangement remains unchanged, the porch divided by brick piers into thirds. Seven wood steps comprise the middle third in both present configuration and historical photographs, with wood railings defining the outer thirds. An electric, vertical platform wheelchair lift has been added to the western third of the porch.

Three porch columns are concealed behind asphalt siding; one visible brick pier lacks an associated porch support. This feature is also lacking in the 1944 photographs; presently, a pressure-treated wood lumber four-by-four sits upon the original pier and supports the porch roof. The columns are topped by an unembellished wood header, supporting a half-hip roof with asphalt shingles and aluminum gutters and downspouts. Any column details are obscured behind the applied siding.

A smaller porch on the north side of the building also appears to have been replaced. Here, a deck of unpainted, pressure-treated wood bears a series of wrought iron-style metal porch supports, capped by a wood, flat roof (the latter component appears to be original to the building).

On top of the building, a hip roof, with ridge oriented perpendicular to the facade, bears a hip roof dormer at the south facade, with a single, sliding vinyl window. The roof, dormer, and north (front) porch roof are covered in asphalt shingles. Eaves feature exposed, notched rafter ends. Gutters and downspouts are steel. A red brick slope chimney exists at the north of the building. This is the location of the only significant deterioration to the structure, where water damage, likely caused by a leak at the chimney flashing, has led to deflection in the roof decking and the loss of several sheets of asphalt siding, exposing the clapboards beneath.

Most exterior surfaces are not painted. The remaining original section of the north porch, along with the second-floor screen door on the north facade, are painted a red-brown color. The front (south) door, east door, eaves, and rafter ends are white. Tan-colored paint is visible where clapboards are exposed.

### **Interior Description**

The McGhee House displays an interior layout typical of the American foursquare house type, with principal rooms dividing each floor roughly into quarters. On the first floor, the main entrance opens to an entry foyer occupying the southeast quarter, opening to a living room comprising the southwest quarter. A dining room sits in the northwest, and a kitchen in the northeast. A U-shaped, single-landing, open stairway is located between the foyer and kitchen and provides the only means of access to the second floor, where four bedrooms surround a central landing. The building's only bathroom lies on the second floor directly opposite the stairway.



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Alterations to the building interior are minimal. Wood panel doors, along with wood door and window surrounds with a simplified entablature, remain in place. These elements are unpainted on the first floor and painted on the second floor. Square posts and turned balusters on the stairway balustrade show a subtle Arts and Crafts influence. Kitchen cabinets appear to be original oak built-ins, along with an added porcelain-enamel sink unit. Wood floors are oak.

A significant feature located in the second-floor landing area is an Armstrong's Quaker Rug dating from 1940. Linoleum rugs—expanses of linoleum, painted with oil paint to resemble woven textile rugs—were a product developed by the Armstrong Rug Company in 1917. The rug measures nine feet tall by twelve feet wide and is permanently affixed to the floor. It depicts a colorful map of the United States with images representing the major agricultural and industrial products of each region. Its date<sup>6</sup> suggests that it would likely have been installed shortly before, or possibly during, the Period of Significance for the property.

### Additional Features

A concrete slab foundation located at the northern end of the property indicates the former location of a detached garage, accessed via the alley. A City of Detroit building permit dated June 9, 1924, for a “frame garage” suggests a construction date. Sanborn maps show that this building existed as late as 1996.<sup>7</sup> No other information exists as to the appearance of the garage or the date of its demolition.

In the front yard of the house, a tall steel pole features a painted metal historical marker placed by the State of Michigan in 1983. The marker provides an overview of the significance of the property, describing the McGhee family's 1944 move to the house and the 1948 Supreme Court case that followed, prohibiting racially restrictive covenants nationwide. (These events are described in greater detail in the Narrative Statement of Significance, below.)

### Integrity

The Orsel and Minnie McGhee house, as with many Civil Rights Movement sites in Detroit more broadly, integrity of location, setting, feeling, and association play a larger role than that of materials, design, and workmanship. Indeed, the National Register of Historic Places Multiple Property Documentation Form, *The Civil Rights Movement and the African American Experience in 20th Century Detroit*, provides guidance for evaluating the integrity of such sites, observing:

“[t]he activities and associations of the Civil Rights Movement will generally be more important than a building's architectural or design integrity . . . It is expected that common alterations, such as replacement windows and doors and the removal of or damage to architectural and ornamental elements, will not

<sup>6</sup> *Armstrong Pattern Book*, (Lancaster, Penn: Armstrong Cork Company, 1940), 233.

<sup>7</sup> *Detroit, Mich., Volume 15* (Sanborn Map Company: Pelham, New York, 1997), 95.

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automatically disqualify a property for listing if the essential spaces and characteristics related to its civil rights significance remain intact.”

Although porches have been rebuilt, windows have been replaced, and a detached garage has been demolished, the “essential spaces and characteristics” of the property remain intact. The form, massing, and most details of the house remain unchanged; replacement siding reflects the Period of Significance. Site features, including trees, hedges, and walkways, are consistent with historical photographs. On the interior, physical features, other than having been painted, remain mostly unchanged from the period when the McGhee family occupied the house. Further, integrity of feeling and association—exhibited by the ongoing status of the McGhee house as a landmark in the local neighborhood as well as the broader community (described in the Narrative Statement of Significance, below) remains strong.

### **Archaeological Potential**

According to the State Archaeological Site File, there are no previously reported archaeological sites on or adjacent to the property. The property has not been archaeologically surveyed, but the environmental context is not remarkable from an archaeological perspective and the property has been historically developed; thus, the potential for significant early archaeological resources is low. Additionally, there is no expectation that archaeological deposits related to the property’s proposed Period of Significance are present.<sup>8</sup>

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<sup>8</sup> Stacy Tchorzynski, Michigan Department of Natural Resources, email to authors, April 5, 2022.

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## 8. Statement of Significance

### Applicable National Register Criteria

(Mark "X" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

### Criteria Considerations

(Mark "X" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

### Areas of Significance

(Enter categories from instructions.)

Law \_\_\_\_\_

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Ethnic Heritage/Black  
Social History

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Period of Significance**  
1944–1948

\_\_\_\_\_  
\_\_\_\_\_

**Significant Dates**

1944

1948

\_\_\_\_\_

**Significant Person**

(Complete only if Criterion B is marked above.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Cultural Affiliation**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Architect/Builder**

Not known

\_\_\_\_\_  
\_\_\_\_\_

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**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

On December 22, 1944, Minnie and Orsel McGhee moved into 4626 Seebaldt Street, crossing the de facto “color line” of Detroit’s Tireman Avenue by moving into a White neighborhood from their prior residence in a majority-Black area of the city’s west side. Their neighbors, supported by a racially based covenant, began legal proceedings to remove them from their home. Rather than leaving, the McGhee family, with assistance from the National Association for the Advancement of Colored People (NAACP), marshaled support of the nation’s African American community and successfully fought for the legal right to remain in their home. Due to its connection with these events, the Orsel and Minnie McGhee House is eligible for listing in the National Register of Historic Places under Criterion A in the areas of Social History and Ethnic History: Black at the national level of significance.

The property is further significant under Criterion A in the area of Law, also at the national level of significance, for its connection to the landmark Supreme Court case, *Shelley v. Kraemer*, argued by the NAACP’s lawyer Thurgood Marshall and decided in 1948.<sup>9</sup> This case marked the legal end to the enforcement of racially restrictive covenants in housing. It also brought about new alliances among groups devoted to civil rights, provided an opportunity for these groups to develop and test new legal strategies, and constructed a legal foundation for expanding civil rights for African Americans into the 1960s.

This property is nominated under the *Civil Rights Movement and the African American Experience in 20th Century Detroit* Multiple Property Documentation Form (MPDF) for the identified property type of Buildings, subtype Residential Dwelling. The McGhee House is significant under the “Housing” theme and the period of significance “1941–1954: The Birth of the Civil Rights Movement” as well as the theme “The Demand for Fair Housing in Detroit 1918–1976” as described in the MPDF. The period of significance begins when the McGhee family purchased the home in 1944 and ends with the ruling of *Shelley v. Kraemer* in 1948.

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<sup>9</sup> McGhee v. Sipes was a companion case to Shelley v. Kraemer and argued together with it as they both involved state action (by Michigan and Missouri, respectively), while two other companion cases, Hurd v. Hodge and Urciolo v. Hodge, were decided simultaneously but separately as they involved only the federal government (in the District of Columbia). The Shelley House was listed as a National Historic Landmark in 1990.

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**Narrative Statement of Significance** (Provide at least **one** paragraph for each area of significance.)

### **Background: Housing discrimination in the United States through the Civil War and Reconstruction**

Housing discrimination against minority groups in the United States has existed nationwide since the country's creation. In one early example from 1793, a White minister in Salem, Massachusetts, decried the alleged depreciation of property values due to what he described as a "Negro hut" built nearby as he fought to remove a Black residence from the neighborhood.<sup>10</sup> Such discrimination was often maintained and furthered by actions that lie in between public and private affairs,<sup>11</sup> including the use of racially restrictive covenants that restricted the supply of housing for African Americans and other ethnic minorities.

After the Civil War, a series of constitutional amendments and acts of Congress essentially redefined United States citizenship to include formerly enslaved African Americans, creating legal tools that would later come to be used in the battle for equality and fair housing. The Thirteenth Amendment (1865) abolished slavery "except as punishment for a crime;"<sup>12</sup> issues of housing discrimination were addressed by the Fourteenth Amendment (1868), which required state governments to provide equal protection under the law to all people,<sup>13</sup> and the Civil Rights Act of 1866, which affirmed equal protection at the federal level.<sup>14</sup>

This Reconstruction Era legislative activity that enforced rights for African Americans was soon tempered, as opponents sought to limit these gains. The Civil Rights Cases of 1883, a grouping of five such cases decided at the United States Supreme Court, drew a line between public and private action, limiting the reach of the 1866 act, and the United States Supreme Court's 1896 *Plessy v. Ferguson* ruling upheld segregation as long as "separate but equal" facilities were (theoretically) provided.<sup>15</sup> The implementation of Jim Crow laws, beginning in the 1870s, enforced legal segregation; extralegal means, often violent, were also used to segregate and intimidate.<sup>16</sup>

<sup>10</sup> Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961), 169-70.

<sup>11</sup> Matthew D. Lassiter and Susan Cianci Salvatore, *Civil Rights in America: Racial Discrimination in Housing*, A National Historic Landmarks Theme Study produced by the National Park Service (March 2021), 3-4.

<sup>12</sup> Exclusion from housing markets has been argued to be a mark of slavery. Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright, 2017), vii-ix.

<sup>13</sup> For more on the Fourteenth Amendment and its drafting, see Earl M. Maltz, *Civil Rights, the Constitution, and Congress: 1863-1869* (Lawrence: University Press of Kansas, 1990), 79-92.

<sup>14</sup> The act was ratified in 1870 to clarify a dispute over its legality. Lassiter and Salvatore, *Civil Rights in America*, 6-7; and Maltz, *Civil Rights*, 61-78.

<sup>15</sup> Lassiter and Salvatore, *Civil Rights in America*, 7-8.

<sup>16</sup> Richard R.W. Brooks and Carol M. Rose, *Saving the Neighborhood: Racially*

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## Racial Zoning and Restrictive Covenants

In the late nineteenth and, especially, early twentieth centuries, new laws imposed housing restrictions upon African Americans and other minorities.<sup>17</sup> Cities, for instance, began to implement racial zoning. In 1879 a new California constitution allowed cities and towns to exclude or segregate people of Chinese descent, and in 1890 San Francisco introduced a segregation ordinance (though it was soon found unconstitutional by a federal court).<sup>18</sup> Zoning itself was a fairly new idea, arguably first implemented in 1899 in Washington, D.C., with a restriction on building heights; restrictions on land use delineating residential and industrial areas began in Los Angeles in 1908.<sup>19</sup> In 1910, the first explicitly racial zoning was codified in Baltimore, and Southern cities soon enacted similar rules.<sup>20</sup> These zoning laws formalized housing segregation, forbidding people of non-White races to live with White people—usually with an exception for in-house servants. The legal rationale of these laws centered on arguments of keeping the peace and preventing violence; they also theoretically fit with the “separate but equal” ideal, since they affected all races.<sup>21</sup>

Racial zoning was found unconstitutional by the United States Supreme Court in 1917. In 1914, Louisville, Kentucky, enacted a racial zoning ordinance. The next year, the National Association for the Advancement of Colored People (NAACP) was instrumental in setting up a case to deliberately challenge the ordinance. William Warley, a Black man and a local branch leader of the NAACP, agreed to purchase property from a White man named Robert Buchanan. Warley refused to pay for the property, citing the racial zoning ordinance as the reason, and the NAACP paid any legal fees Buchanan incurred.<sup>22</sup> After Kentucky courts ruled against Buchanan, thereby enforcing the zoning rules, the NAACP appealed the case. In *Buchanan v. Warley*, the United States Supreme court found that racial zoning violated the Fourteenth Amendment, specifically its protections for freedom of contract.<sup>23</sup> Despite the ruling in *Buchanan*, many cities continued

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*Restrictive Covenants, Law, and Social Norms* (Cambridge: Harvard University Press, 2013), 17-31.

<sup>17</sup> *Ibid.*, 26.

<sup>18</sup> *Gandolfo v. Hartman*, 49 F. 181 (9th Circuit 1892); Brooks and Rose, *Saving the Neighborhood*, 51; and Loren Miller, *The Petitioners: The Story of the Supreme Court of the United States and the Negro* (New York: Pantheon Books, 1966), 246-48.

<sup>19</sup> Christopher Silver, “The Racial Origins of Zoning in American Cities,” in *Urban Planning and the African American Community: In the Shadows*, ed. June Manning Thomas and Marsha Ritzdorf (Thousand Oaks: Sage Publications, 1997), 23.

<sup>20</sup> *Ibid.*, 24-27.

<sup>21</sup> Brooks and Rose, *Saving the Neighborhood*, 34-38.

<sup>22</sup> Susan D. Carle, “Race, Class and Legal Ethics in the Early NAACP (1910-1920),” *Law and History Review* 20 (2002): 124-28. See also Richard A. Epstein, “Lest We Forget: *Buchanan v. Warley* and Constitutional Jurisprudence of the ‘Progressive Era,’” *Vanderbilt Law Review* 51, no. 4 (1998): 787-89.

<sup>23</sup> Brooks and Rose, *Saving the Neighborhood*, 38; Miller, *The Petitioners*, 248-50; and Mark Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961* (New York: Oxford University Press, 1994), 84.

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to enact racially restrictive zoning, though often in a less explicit manner.<sup>24</sup> It soon became clear to segregationists, however, that a different type of restriction was both more practical and more likely to withstand legal challenges: racially restrictive covenants.

Racial covenants had existed prior to the *Buchanan* decision on racial zoning.<sup>25</sup> Deed restrictions based on racial exclusion had long been placed on new and, especially, luxurious real estate developments throughout the nineteenth century and even during the eighteenth century (generally they were enacted by the subdivider).<sup>26</sup> Unlike zoning, deed restrictions were considered private actions, and were unaffected by rulings like *Buchanan*; indeed, the banning of racial zoning may have encouraged the rise of covenants in the early twentieth century.<sup>27</sup> Deed restrictions using racial language began to appear towards the end of the nineteenth century, the earliest directed at Chinese immigrants in California.<sup>28</sup> As they spread, they tended to adopt broad wording, forbidding, for example, "any person other than of the white or Caucasian race" to live on the property, though some would specifically mention people of various ethnic and national origins.<sup>29</sup>

There was still some legal ambiguity to racially restrictive covenants, and they were challenged by groups like the NAACP.<sup>30</sup> In 1926, however, the United States Supreme Court ruled them to

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<sup>24</sup> Brooks and Rose, *Saving the Neighborhood*, 45-46; and Silver, "The Racial Origins of Zoning," 32-37. Even as late as 1931, the city of Charleston attempted to remove black residents using zoning rules, as part of a revitalization plan linked to "neighborhood preservation" (*ibid.*, 35). Zoning could also turn residential areas with large African American populations into slums by placing industrial and sometimes toxic areas next to them or placing polluting facilities like incinerators and factories within them (Rothstein, *The Color of Law*, chap. 3, esp. 54-57).

<sup>25</sup> Covenants were not, therefore, simply a substitution once racial zoning was found unconstitutional. See Jones-Correa, "The Origins and Diffusion of Racial Restrictive Covenants," 551; and Leland B. Ware, "Invisible Walls: An Examination of the Legal Strategy of the Restrictive Covenant Cases," *Washington University Law Quarterly* 67 (1989): 739-40.

<sup>26</sup> Evan McKenzie, *Privatopia: Homeowner Associations and the Rise of Residential Private Government* (New Haven: Yale University Press, 1994), 29 and 33-36. The practice of real estate restrictions continuing to affect future owners of the property was a medieval one, slowly developed in England over centuries, partly related to the division of the common field system (*ibid.*, 31-33).

<sup>27</sup> Clement E. Vose, *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases* (Berkeley: University of California Press, 1959), 5 and 9.

<sup>28</sup> Michael Jones-Correa, "The Origins and Diffusion of Racial Restrictive Covenants," *Political Science Quarterly* 115, no. 4 (2000-2001): 544-48.

<sup>29</sup> Brooks and Rose, *Saving the Neighborhood*, 2; and Lassiter and Salvatore, *Civil Rights in America*, 10-11. The wording used in the covenant in the McGhee case, although not a deed restriction, was very similar.

<sup>30</sup> There were also many legally nuanced differences between them, such as restrictions just on the alienability (i.e., the sale or transfer) of the property versus its use. A court in Los Angeles, for instance, ruled in one case that an African American could purchase a house despite a covenant, but they were not allowed to occupy it (Brooks and Rose, *Saving the Neighborhood*,



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be legally binding private contracts. The case, *Corrigan v. Buckley*, was brought by a White man in Washington, D.C., suing for an injunction to prevent a neighbor from selling property to an African American, contrary to a racially restrictive covenant.<sup>31</sup> In this case, the covenant was a voluntary petition signed by most of the White homeowners of the neighborhood, but the effect was largely the same (it was this kind of covenant that the McGhee family faced).<sup>32</sup> The court ruled that such covenants were private agreements, and therefore not unconstitutional. Although racially restrictive covenants, whether enacted in deeds or by agreements, were already entrenched throughout the United States, they now had the blessing of the United States Supreme Court. New legal techniques, arguments, and social activism would be needed to dismantle them.

### The Great Migration: The Rise of Detroit's African American Population

At the time of the 1910 census, Black residents in Detroit comprised only a little over 1 percent of the population, or 5,741 people out of 465,766. Many of these individuals were those who had fled slavery, including some who had returned from Canada after Emancipation, or their descendants.<sup>33</sup> As was the case in many other Northern cities, however, the African American population of Detroit increased significantly in the 1910s, mostly in the second half of the decade. By the 1920 census, the city had grown to nearly one million residents, 40,838 of them (four percent) Black.<sup>34</sup>

These African American migrants were seeking to improve their quality of life by escaping a long list of objectionable conditions in the rural South—racist violence, voter disenfranchisement, segregation, inferior schools for Black students, and a lack of economic opportunity for Black workers trapped in a sharecropping economy were among their complaints.<sup>35</sup> A survey by the Detroit Urban League produced around the start of World War I found that the reasons newcomers gave for leaving the South were, in order: “unbearable conditions,” “better advantages (aside from wages)” [in the North], “low wages,” “oppression,” leaving “voluntarily,” “threats,” “education,” “health,” “death in family,” and “floods.”<sup>36</sup> African American newspapers such as the *Chicago Defender* glorified the way of life in Northern cities

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<sup>31</sup> Brooks and Rose, *Saving the Neighborhood*, 54-55; Miller, *The Petitioners*, 252-54.

<sup>32</sup> These kinds of covenants, where a number of neighborhood residents would agree to not sell their property to non-Whites, could be applied to existing housing without deed restrictions; they were written so that that future buyers were bound by the agreement as well. For a discussion of the differences, see McKenzie, *Privatopia*, 69-74; and Rothstein, *The Color of Law*, 78-79.

<sup>33</sup> Forrester Washington, *The Negro in Detroit: A Survey of the Conditions of a Negro Group in a Northern Industrial Center during the War Prosperity Period* (Detroit: Associated Charities of Detroit, 1920), II, H.

<sup>34</sup> Elizabeth Ann Martin, *Detroit and the Great Migration: 1916-1929* (Ann Arbor: Michigan Historical Collections/Bentley Historical Library, the University of Michigan, 1993), 1.

<sup>35</sup> *Ibid.*, 1-2.

<sup>36</sup> Washington, *The Negro in Detroit*, V, A. An exact date for the survey is not given.

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and promoted job opportunities while downplaying the challenges migrants would face. African American communities in the South formed networks that provided social, financial, and emotional support as their members moved en masse to seek a better life in Northern cities, with Detroit being a major destination.<sup>37</sup>

Led by the region's automobile industry, Detroit's industrial economy was booming. At first, however, opportunity was largely available only to White workers.<sup>38</sup> Black workers were hired for domestic or janitorial work, but these jobs did not pay well and were not numerous. As late as 1916, most companies still did not hire African Americans; only when White workers were striking did management consider hiring Black workers at reduced wages.<sup>39</sup>

This changed around 1916, and especially in 1917, as war production increased demand for labor in all sectors and industrial jobs became available in large number to Black workers. What had been, to this point, a stream of migrants, had now become a flood. By the mid-1920s Detroit had become the fourth largest, and the fastest growing, city in the United States. As wartime and postwar conditions had greatly slowed the movement of immigrants from Europe, northern industries rapidly switched from discriminating against, to actively recruiting African American workers from the South.<sup>40</sup>

Arriving in northern cities, Black migrants often faced considerable hardship.<sup>41</sup> White workers, including organized labor, often feared that the influx of migrants would drive down wages. Black workers, in general, worked tougher and more dangerous jobs, with longer hours, for lower pay than their White counterparts. And while men were nonetheless able to enjoy a higher income than they would have earned in the South, Black women typically did not see these same gains.<sup>42</sup> Migrants also faced resentment from Detroit's established African American community, who often associated the arrival of the less educated, rural newcomers with an overall loss of social and economic status for Black Detroiters as a whole.<sup>43</sup>

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<sup>37</sup> Martin, *Detroit and the Great Migration*, 2. Georgia, Alabama, and Tennessee, in that order, were the origin of largest number of migrants. Interestingly, most had lived and worked in another Northern city briefly before coming to Detroit. The most commonly cited reason for this was the cost and availability of transportation, though Detroit was often envisioned from the start to be the final destination (Washington, *The Negro in Detroit*, V, A).

<sup>38</sup> In many instances, White workers in factories went on strike upon learning that some previously all-White jobs would be opened to Black people: Joe T. Darden, Richard Child Hill, June Thomas, and Richard Thomas *Detroit, Race and Uneven Development* (Philadelphia: Temple University Press, 1987), 67-68.

<sup>39</sup> Martin, *Detroit and the Great Migration*, 15.

<sup>40</sup> *Ibid.*, 4.

<sup>41</sup> Meyer, *As Long as They Don't Move Next Door*, 30-47.

<sup>42</sup> Martin, *Detroit and the Great Migration*, 17.

<sup>43</sup> As one skilled Black tradesperson remarked, "These damn southern [expletive] have spoiled the jobs for all of us . . . so many unskilled [expletive] from the South have come in that none of us have a chance now. They think we are all the same. I used to do all sorts of skilled molding but now I'm kept on the machines." *Ibid.*, 16.

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## Early African American Neighborhoods in Detroit

Along with employment, housing was the other key area in which Black newcomers faced formidable opposition.<sup>44</sup> Rapid urban growth created challenges for all people, but African Americans encountered severe segregation and discrimination. Prior to the Great Migration, Detroit, like many Northern cities of the time, lacked a segregated African American neighborhood. Black residents typically lived in lower income areas of the city alongside recent White immigrants from Europe, including those from Germany, Italy, Russia, and Poland (many from the latter two countries were Jewish); a smaller, wealthy professional class was interspersed among White neighborhoods throughout the city.<sup>45</sup>

This would soon change. In addition to general racial prejudice on the part of White property owners, two factors restricted newly arriving Black households to certain areas of the city. Restrictive covenants increased in use in the wake of the 1917 *Buchanan* decision described above, just as the Great Migration was bringing large numbers of African Americans to Detroit. Also, realtors, encouraged by the National Association of Real Estate Boards codes, conspired to contain Black residents within segregated neighborhoods.<sup>46</sup> The relationship between restrictive covenants, discrimination, and substandard housing was thus self-perpetuating—with the restrictions ensuring a guaranteed supply of tenants in African American neighborhoods, there was little incentive for landlords to maintain or upgrade their properties. The unsafe and unsanitary conditions that resulted, in turn, were only used as further justification advocating for the continued use of covenants.<sup>47</sup> Landlords were able to charge Black tenants higher rents than White tenants for the same property, knowing that the Black tenants would have no place else to go.<sup>48</sup> Thus, densely populated, working-class areas that did not initially suffer from poor quality housing would, over time, deteriorate.

In the early 1910s the Detroit African American community was centered around a Black-owned business district on St. Antoine street just east of downtown, with its population slowly expanding, by mid-decade, south and east into Black Bottom—a multiethnic neighborhood that, at the time, was home to a large European immigrant population.<sup>49</sup> Its transition to a segregated

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<sup>44</sup> This was especially apparent in cities with no preexisting African American neighborhoods but that had segregated neighborhoods created through federal housing policies during World War II (Rothstein, *The Color of Law*, chap. 1, esp. 13-14).

<sup>45</sup> Beth Tompkins Bates, *The Making of Black Detroit* (Chapel Hill: University of North Carolina Press, 2012), 94.

<sup>46</sup> Real estate agents actively spread the myth that Black residents would reduce property values—even though they could have the opposite effect, as African Americans were generally accustomed to paying much higher rents. Martin, *Detroit and the Great Migration*, 3-4, and 29-30.

<sup>47</sup> *Ibid.*, 3-4.

<sup>48</sup> *Ibid.*, 27.

<sup>49</sup> *Ibid.*, 5; and Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2014), 23-24. This no-longer extant neighborhood would remain the center of Detroit's African American community until it was razed during the 1950s and

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Black neighborhood occurred during and after World War I, when the arrival of African Americans in large numbers coincided with an abrupt decline in European immigration (White residents of Black Bottom could more easily move out of the poor conditions and into other White neighborhoods). A decade later, two additional enclaves<sup>50</sup> had formed: the “West Side” district in the vicinity of Tireman and Warren Avenues (of relevance to this National Register nomination and discussed in greater detail below), and a concentration of new development marketed to African Americans on the urban/rural fringe in Detroit’s Eight Mile Wyoming neighborhood and adjacent Royal Oak Township.

African Americans in Detroit experienced many barriers to moving out of these enclaves. Even when they had the financial means and were not legally prevented from doing so, it could be extremely difficult for households to relocate. One noteworthy example occurred in September of 1925, when Ossian Sweet, a Black doctor, moved with his family into a house at 2905 Garland Street, located in a predominately White neighborhood on the east side.<sup>51</sup> Neighbors protested, and a mob formed a day after the move. Family members and friends came to the home to help defend it. After some protesters threw rocks at the house, shots were fired from inside and a White man was killed. The NAACP supported the Sweet family throughout the legal proceedings that followed, and Clarence Darrow took up their defense. After a much-publicized court case argued in front of Judge Frank Murphy (later one of the United States Supreme Court Justices to decide *Shelley v. Kraemer*), a hung jury resulted in a mistrial. After the defendants were severed, a new trial was held for Sweet’s brother, but he was acquitted and the other charges were then dropped. The Sweet case demonstrated the right to defend one’s home, even if owned by African Americans, and brought these problems and the NAACP’s efforts to fight them to the attention of more liberal White people, helping to build political alliances.<sup>52</sup> It also inspired: after the case, Willis Graves, a Black lawyer and a friend of Dr. Sweet, resolved to work towards ending policies of segregation, and would go on to be one of the McGhee family’s attorneys.<sup>53</sup>

While the Sweet case was well known, other court cases and legislation also had an impact. Although Michigan had banned racial segregation in certain social spheres, such as public education, there was no such legislation when it came to housing.<sup>54</sup> In the 1920s, the Ku Klux

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1960s urban renewal era for the I-375 expressway, Lafayette Park, and adjacent developments, dispersing the heart of the Black community into other areas of the city.

<sup>50</sup> Detroit Bureau of Governmental Research, *The Negro in Detroit*. Report prepared for the Mayor’s Inter-Racial Committee, 1926.

<sup>51</sup> For an extended analysis of Sweet’s life and the trials that followed the purchase of the home, see Kevin Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age* (New York: Picador, 2004).

<sup>52</sup> Arthur L. Johnson, “The Fight Against Discrimination in Detroit,” *Negro History Bulletin* 26, no. 1 (1962): 19; and Tompkins Bates, *The Making of Black Detroit*, 109-10.

<sup>53</sup> Jeffrey D. Gonda, *Unjust Deeds: The Restrictive Covenant Cases and the Making of the Civil Rights Movement* (Chapel Hill: The University of North Carolina Press, 2015), 71; and Vose, *Caucasians Only*, 122-24.

<sup>54</sup> In 1867, the first legislation banned segregation in Michigan’s public education; anti-miscegenation was repealed in 1883, and in 1885

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Klan was active in Detroit, organizing protests and using violence to keep neighborhoods segregated.<sup>55</sup> Various exclusionary policies banned African Americans from living in certain suburbs of Detroit—Dearborn, Bloomfield Hills, and Birmingham are notable examples<sup>56</sup>—and restrictive covenants kept particular Detroit neighborhoods segregated.<sup>57</sup>

### Segregation Intensifies: The 1930s and 1940s

Adding to the impact of restrictive housing covenants already in use, African Americans were discriminated against in the policies put in place by newly created federal housing agencies under the New Deal in the 1930s. The actions of real estate organizations, banks, and private and extralegal efforts were intertwined and related: federal, state, and local policies on race did not just institutionalize private forms of discrimination, they were the impetus to create new ones.<sup>58</sup>

Beginning in 1933 with the creation of the Home Owners' Loan Corporation (HOLC), the federal government directly influenced housing policies. The HOLC refinanced mortgages on private homes facing foreclosure. Its appraisal and lending practices, however, helped to create systematic segregation by directly blaming homes owned by or rented to African Americans for the depression of property values in particular areas. Its practice of redlining, discriminatingly withholding services from areas the HOLC determined to be hazardous to investment—areas that were inhabited by African Americans and other minorities—spread and was adopted by other governmental and private mortgage providers.<sup>59</sup>

The Federal Housing Administration (FHA), established in 1934, helped to institutionalize segregation in America. Created to stimulate new home construction and renovate older homes,

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discrimination in public places of accommodation and amusement was banned; see Sidney Fine, *Expanding the Frontiers of Civil Rights: Michigan, 1948-1968* (Detroit: Wayne State University Press, 2017), 11.

<sup>55</sup> Tompkins Bates, *The Making of Black Detroit*, 81-88.

<sup>56</sup> Abrams, *Forbidden Neighbors*, 99. In 1946 only nine African American families lived in Dearborn, despite 14,000 Black individuals working in the city; see Lester Velie, "Housing: Detroit's Time Bomb," *Collier's* 118, no. 21 (November 23, 1946): 78.

<sup>57</sup> A newspaper article from the 1960s attributed the rise in the use of racial covenants in Detroit to the Sweet case ("Mobility Restraints in Housing Boost Local Bias Patterns," *Michigan Chronicle*, January 23, 1960, 1 and 4). We could not find scholarly studies that make such a claim, however, probably since racial covenants already existed and distinguishing between the influence of the case, the growth of the African American population, and housing shortages is difficult.

<sup>58</sup> Rothstein (*The Color of Law*, xii-xvii) discusses some differing opinions on the matter. While he argues that government institutional support for segregation meant all these policies were essentially de jure, others have noted a stricter separation between de jure and de facto segregation, while many more recent United States Supreme Court cases regarding segregation have interpreted it as a largely social, not governmental, phenomenon.

<sup>59</sup> David M. P. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America* (Chicago: University of Chicago Press, 2007), 111-18.

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by relying on the HOLC maps it endorsed the practice of redlining. African American neighborhoods were thus largely ineligible for participation in the FHA's 30-year low-interest mortgage loan programs to which White home buyers had ready access. It also deliberately promoted<sup>60</sup> racially restrictive covenants: the FHA granted higher investment ratings to areas with covenants, seen as "protection from adverse influences,"<sup>61</sup> and perpetuated the idea that segregation was necessary for social stability and the maintenance of property values.<sup>62</sup> In very rare cases, the FHA did give limited loans to African Americans, but only for property in Black neighborhoods, thereby reinforcing patterns of segregation.<sup>63</sup> The impact of FHA policy went far beyond just approving of racial discrimination. Discriminatory policies were made integral to its policies, as its underwriting manual explicitly supported the segregation of housing by race.<sup>64</sup>

Real estate developers and agents, as well as homeowners' associations, followed federal practices. The National Association of Real Estate Brokers, for instance, adopted explicitly racial segregationist policies.<sup>65</sup> Realtors were instructed to never allow African Americans to purchase homes in White neighborhoods.<sup>66</sup> The language used to justify such policies often invoked one of an enemy force, an "invasion" or "incursion" of undesirable racial groups.<sup>67</sup> Property owners' associations supported segregation through a variety of means, working with realtors to implement voluntary covenants in existing neighborhoods and continually further segregation.<sup>68</sup> Of course, tightly-knit (and often very affluent) communities could effectively exclude outsiders without even the need of any formal discriminatory structures.<sup>69</sup>

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<sup>60</sup> Freund, *Colored Property*, 118-28; Lassiter and Salvatore, *Civil Rights in America*, 29-31; and John Kimble, "Insuring Inequality: The Role of the Federal Housing Administration in the Urban Ghettoization of African Americans," *Law & Social Inquiry* 32, no. 2 (2007): 402-7.

<sup>61</sup> "Generally, a high rating should be given only where adequate and properly enforced zoning regulations exist or where effective restrictive covenants are recorded against the entire tract, since these provide the surest protection against undesirable encroachment and inharmonious use." Federal Housing Administration, *Underwriting Manual: Underwriting and Valuation Procedure under Title II of the National Housing Act* (Washington, D.C.: U.S. Government Printing Office, 1938), sec. 980.

<sup>62</sup> "If a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes. A change in social or racial occupancy generally contributes to instability and a decline in values." *Ibid.*, sec. 937.

<sup>63</sup> Rothstein, *The Color of Law*, 74-75.

<sup>64</sup> *Ibid.*, 83-84; and Kimble, "Insuring Inequality," 407-411.

<sup>65</sup> Charles Abrams, *Forbidden Neighbors: A Study of Prejudice in Housing* (New York: Harper, 1955), chap. 13.

<sup>66</sup> Until 1950, the National Association of Real Estate Brokers' Code of Ethics read: "A realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood." McKenzie, *Privatopia*, 60-62.

<sup>67</sup> Raymond A. Mohl, "The Second Ghetto and the 'Infiltration Theory' in Urban Real Estate, 1940-1960," in *Urban Planning and the African American Community*, 58-74.

<sup>68</sup> McKenzie, *Privatopia*, 74-78.

<sup>69</sup> Brooks and Rose, *Saving the Neighborhood*, 8-9.

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African Americans' challenges in finding housing became even more acute during World War II and the years that followed. While the Servicemen's Readjustment Act of 1944, commonly known as the GI Bill, had entitled veterans to mortgages guaranteed by the Veteran's Administration, few African Americans could qualify for them.<sup>70</sup> As described above, other federal agencies like the FHA refused to give loans to African Americans who attempted to move into White neighborhoods. This divided the city into areas that had a largely White population that could receive mortgage and equity loans and neighborhoods populated by African Americans and other minorities that were not able to reap the benefits of federal funding.<sup>71</sup>

One of the most visible marks of Detroit's segregation from this period remains standing: the Birwood Wall,<sup>72</sup> an eight-foot-high concrete wall built in the existing African American Eight Mile-Wyoming neighborhood in 1941 to separate it from a planned White neighborhood. It was constructed by the developer to satisfy the FHA, thereby allowing White homeowners access to federally backed mortgages.<sup>73</sup> Local agencies like the Detroit Housing Commission adopted and condoned segregation, and a greater percentage of available housing funding was spent on developing public housing for White residents. The lack of funding and difficulty in finding "acceptable" locations distant from White neighborhoods meant that few public housing projects were begun for African Americans.<sup>74</sup>

When new African American neighborhoods were built, they could be met with severe resistance from White supporters of segregation. An example was the Sojourner Truth Homes in northeast Detroit, one of the few public housing developments for African Americans that was federally funded nationwide. White protesters pushed the planners of the development, the Federal Works Agency, to make it exclusively for White residents. Counter protests by African Americans, however, caused a change back to the original plan. When families first attempted to move into the complex in February of 1942, a White mob formed, not just protesting but attacking African Americans by throwing rocks. In response, the mayor of Detroit, Edward Jeffries, halted the move. In March, Detroit's Black leaders then made a direct appeal to President Roosevelt asking for federal help to open the housing complex and allow Black families to move in. The Michigan National Guard was called in at the end of April to protect Black families and no violence occurred on the day of the move.<sup>75</sup>

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<sup>70</sup> Louis Lee Woods II, "Almost 'No Negro Veteran . . . Could Get a Loan': African Americans, the GI Bill, and the NAACP Campaign against Residential Segregation, 1917-1960," *The Journal of African American History* 98, no. 3 (2013): 392.

<sup>71</sup> Sugrue, *The Origins of the Urban Crisis*, 43-44.

<sup>72</sup> The Birwood Wall was listed in the National Register of Historic Places in 2021.

<sup>73</sup> Abrams, *Forbidden Neighbors*, 92; and Sugrue, *The Origins of the Urban Crisis*, 34. For more on the wall, see Gerald Van Dusen, *Detroit's Birwood Wall: Hatred and Healing in the West Eight Mile Community* (Charleston: The History Press, 2019).

<sup>74</sup> Shaw, *Now is the Time*, 46.

<sup>75</sup> Gonda, *Unjust Deeds*, 23-24; Quinn Evans Architects and Amy L. Arnold, *Civil Rights Movement and the African American Experience in 20th Century Detroit, Michigan: The Survey Report*, April 2021, 116-21; and Rothstein, *The Color of*

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The Sojourner Truth Homes project was not the only source of conflict, as racial tensions were exacerbated by a range of social issues. Civil rights advocates fought against segregated employment practices in factories around Detroit, such as Ford's refusal to hire Black women at its Willow Run plant and the lack of housing around the plant, while in 1943 White workers walked out of Detroit's Packard plant to protest the hiring of Black women.<sup>76</sup> That same year, racial violence broke out on Belle Isle, an island park in the Detroit River. The conflict then spread west to downtown and lasted three days; ultimately thirty-four people were killed, most of them Black, and 675 were seriously injured.<sup>77</sup> Mayor Jeffries, along with the governor of Michigan, requested federal troops to enter the city. Housing was identified as one of the main causes of the riot.<sup>78</sup> While the mayor later formed the Interracial Committee to mitigate the city's racial tensions, he ran for reelection on a platform that supported racial segregation in public housing.<sup>79</sup> The Detroit Housing Commission continued that policy until the state of Michigan passed Public Act 101 of 1952, which ended discrimination in public housing.<sup>80</sup>

As the housing shortage for African Americans continued, the use of racially restrictive covenants also increased. By 1947, they covered more than 80 percent of the residences in Detroit outside of the older portion of the city within the confines of Grand Boulevard.<sup>81</sup> The *Michigan Chronicle* noted the number of covenants rose dramatically from 1940 to 1945, with between ten and twenty filed in Wayne County each month.<sup>82</sup> White homeowners believed that the mere presence of African American residents would drive down property values, a concern fueled by the "blockbusting" fearmongering of real estate agents, who stood to profit each time a property changed hands.<sup>83</sup> More and more discriminatory homeowners associations that were

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*Law*, 26-27. For more on the Sojourner Truth Housing incidents, see Dominic J. Capeci Jr., *Race Relations in War Time Detroit: The Sojourner Truth Housing Controversy of 1942* (Philadelphia: Temple University Press, 1984). After the riot in 1943, Willis Graves (later the attorney for the McGhee family), worked with Thurgood Marshall on a suit involving the exclusion of African Americans from public housing for war workers in nearby Willow Run (Gonda, *Unjust Deeds*, 72).

<sup>76</sup> Gonda, *Unjust Deeds*, 24; and Sugrue, *The Origins of the Urban Crisis*, 28.

<sup>77</sup> Sugrue, *The Origins of the Urban Crisis*, 28-29. For an extensive study of the 1943 riot's participants, see Dominic J. Capeci Jr. and Martha Wilkerson, *Layered Violence: The Detroit Rioters of 1943* (Jackson: University of Mississippi Press, 1991).

<sup>78</sup> Vose, *Caucasians Only*, 124-25.

<sup>79</sup> Gonda, *Unjust Deeds*, 24; and Stephen Grant Meyer, *As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* (Lanham: Rowman & Littlefield, 2000), 91.

<sup>80</sup> Fine, *Expanding the Frontiers of Civil Rights*, 82.

<sup>81</sup> Harold Black, "Restrictive Covenants in Relation to Segregated Negro Housing in Detroit" (M.A. thesis, Wayne University, 1947), 42; and Gonda, *Unjust Deeds*, 29.

<sup>82</sup> "Restrictive Covenants Balk Efforts to Get Better Homes," *Michigan Chronicle*, Aug 25, 1945, 3.

<sup>83</sup> Brooks and Rose, *Saving the Neighborhood*, 111-13. The president of the Detroit Real Estate Board noted that he was involved in the construction of 50 new subdivisions, all of them with restrictive covenants; without them he believed that he could not sell the properties (Velie, "Housing," 76). He



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established during the war and the years that followed,<sup>84</sup> supported by the policies of governmental agencies and the actions of the real estate industry.<sup>85</sup>

It is not known when racial covenants first came into use in Michigan, though an early mention of one in a court case was in 1922,<sup>86</sup> when the Michigan Supreme Court upheld racially restrictive covenants in *Parmalee v. Morris*.<sup>87</sup> Narrow victories against covenants could be won by African Americans in situations where the wording was unclear or otherwise deficient, but since covenants were considered agreements between private parties, they were legal in most circumstances.<sup>88</sup> It was not until the *McGhee v. Sipes* case, in 1948, when a major blow would be dealt to restrictive covenants, changing the form of housing discrimination not only in Detroit but nationwide.

By 1940, largely Black areas<sup>89</sup> now included a growing list. An east side corridor extending from Black Bottom had gradually expanded northwards through the city of Highland Park. Along with the West Side, Eight Mile Wyoming and Royal Oak Township, there was now northeast Detroit's Conant Gardens,<sup>90</sup> and the village of Inkster. The latter, an incorporated community

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also noted that even in places without restrictive covenants, gentleman's agreements kept African Americans out.

<sup>84</sup> In Detroit during the war there were around 50 active associations, a third of those founded during the war (Gonda, *Unjust Deeds*, 27). Between 1943 and 1965, there were 192 associations in Detroit (Sugrue, *The Origins of the Urban Crisis*, 211-18).

<sup>85</sup> Covenants were often written into the deeds of new developments (Gonda, *Unjust Deeds*, 29-30). The Detroit Real Estate Board's policies mirrored those of the National Association, namely that their members should "never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any industry whose presence will be clearly detrimental to real estate values." Sugrue, *The Origins of the Urban Crisis*, 46.

<sup>86</sup> It was only around this time that court cases involving covenants appeared in the north and northeast of the country (Jones-Correa, "The Origins and Diffusion of Racial Restrictive Covenants," 550).

<sup>87</sup> "The law is powerless to eradicate racial instincts or to abolish distinctions which some citizens draw on account of racial difference in relation to matters of purely private concern." *Parmalee v. Morris*, 218 Mich. 625 (1922); see Miller, *The Petitioners*, 252; and Vose, *Caucasians Only*, 1-2.

<sup>88</sup> In *Kathan v. Stevenson*, 307 Mich. 485 (1943), a White resident in the Arden Park neighborhood in Detroit sued to prevent an African American couple from moving in based on deed restrictions from 1912, but since there was no explicit mention of race, the complaint was dismissed (Brooks and Rose, *Saving the Neighborhood*, 49-50). The case was argued by attorneys Francis Dent and Lloyd Loomis: Dent would go on to represent the McGhee family (Quinn Evans Architects and Amy L. Arnold, *Civil Rights Movement*, 124). In 1947, a judge ruled that the racially restrictive covenant that was claimed to cover Jehovah Missionary Baptist Church at Six Mile and Joseph Campau in Detroit only applied to residents: since the organization in question was an ecclesiastical one, it could not be considered Black or White ("Judge Rules Out Racial Covenant in Church," *Detroit Tribune*, May 31, 1947, 1).

<sup>89</sup> Sugrue, *The Origins of the Urban Crisis*, 24 and 35.

<sup>90</sup> Tompkins Bates, *The Making of Black Detroit*, 103.

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about fourteen miles west of downtown Detroit, was particularly attractive to African Americans due to its proximity to Ford Motor Company jobs in Dearborn, where racist policies<sup>91</sup> led by mayor Orville Hubbard excluded Black residents. The downriver suburbs of River Rouge and Ecorse, bordering Detroit to the southwest, also contained a significant African American population.<sup>92</sup>

### Tireman Avenue and the “West Side”

The McGhee House is situated on the northern edge of a loosely defined area of the city that would eventually come to be known—especially by its African American residents—as simply, the “West Side” (later, the Old West Side,<sup>93</sup> to distinguish the particular neighborhood from the city’s west side at large). The area, extending for some distance south of Tireman Avenue and Grand River Avenue, is significant as the first area where Black residents successfully established an enclave outside of the traditional Black Bottom. The Mayor’s Inter-Racial Committee observed this movement occurring “since 1915;” Detroit Board of Education records note “the influx . . . began about 1919.” John C. Dancy, then director of the Detroit Urban League, suggested “about the year 1920.”<sup>94</sup>

Curiously, neither these contemporary observers,<sup>95</sup> nor more recent analyses,<sup>96</sup> have suggested a reason why the West Side was chosen as a destination by African Americans. A community history and memoir produced by West Side residents in 1997 mentions only “a quest for better housing.”<sup>97</sup> Thirtieth Street was the first to be occupied by Black residents, followed by Twenty-Eighth Street and Scotten Street; soon this had expanded to create a community bounded by the avenues of Tireman, Grand Boulevard, Warren, and Epworth.<sup>98</sup> The West Side grew rapidly and would remain the largest Black neighborhood outside of Black Bottom, containing about a third of the city’s African American population by 1940.<sup>99</sup>

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<sup>91</sup> Sugrue, *The Origins of the Urban Crisis*, 76-77.

<sup>92</sup> Washington, *The Negro in Detroit*, The Environment of the Negro in Detroit (unpaginated section).

<sup>93</sup> WestSiders Society, *Remembering Detroit’s Old West Side, 1920-1950* (Detroit: WestSiders, 1997), 84-85.

<sup>94</sup> Detroit Bureau of Governmental Research, *The Negro in Detroit*, Section II, 10. Detroit Board of Education, *Histories of the Public Schools of Detroit* (1938, revised 1961), 1251. Wingert School, on Grand Boulevard in the West Side, was one-third African American by 1922; “this percentage has increased rapidly in the 1920s.” John C. Dancy, *Sand Against the Wind: The Memoirs of John C. Dancy* (Detroit: Wayne State University Press, 1966), 58.

<sup>95</sup> See also Washington, *The Negro in Detroit*. Chapter II, Section 10.

<sup>96</sup> Sugrue, *The Origins of the Urban Crisis*, 37-39; Zunz, 393-398. Sugrue (*The Origins of the Urban Crisis*, 242-44) discusses a relationship between Jewish and Black migration on Detroit’s northwest side, but this would not come into play until the 1940s.

<sup>97</sup> WestSiders, 1.

<sup>98</sup> Dancy, *Sand Against the Wind*, 58.

<sup>99</sup> Sugrue, *Origins of the Urban Crisis*, 36.

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The West Side was socioeconomically distinct as well. While the Black Bottom vicinity had a homeownership rate of ten percent at the beginning of World War II, with sixty percent of its dwellings considered to be of substandard quality, West Side homeownership rates were between forty and forty-nine percent, much higher than for White residents citywide. Most houses were newly constructed, with only seventeen percent of substandard quality.<sup>100</sup> The area included a thriving Black-owned business district on Milford Street.<sup>101</sup> Many residents were of Detroit's pre-Great-Migration middle class African American community, who purchased upscale homes in the West Side neighborhood as they sought to escape changing conditions in the Black Bottom area.<sup>102</sup>

Prior to World War II, Black residents were drawn to the location because of the number of nearby major employers, including the Kelsey Hayes Wheel Company on McGraw Avenue, the Michigan Central Railroad, and the United States Post Office, that employed Black workers.<sup>103</sup> The latter—where Minnie McGhee would later work—was considered a particularly desirable employer for Black workers due to the sick leave, paid vacation, and retirement benefits that were often hard to find in other industries.<sup>104</sup> The Ford Motor Company was also a short distance to the west in neighboring Dearborn.

The demand for war matériel during the World War II led to a Second Great Migration as Detroit's manufacturing industry transitioned to defense work. The need for factory workers during wartime created a huge demand for labor, while simultaneously the construction of housing was restricted due to the war. In 1942, it was estimated that Detroit alone needed 65,000 new homes, but the amount produced in the entire country was less than 155,000.<sup>105</sup> Between 1941 and 1944, less than 2,100 units of public and private housing combined had been built for African American occupancy; their quality tended to be inferior.<sup>106</sup> The desperate need for housing continued after the war, with thousands of families living in shacks, trailers, sheds, and makeshift buildings.<sup>107</sup> The situation for African Americans was worse: Detroit's African American population doubled from 1940 to 1950 in large part due to the federal equal

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<sup>100</sup> Sugrue, 38. Sugrue uses the term "Paradise Valley" instead of Black Bottom, citing a 1938 Real Property Survey conducted by the Detroit Housing Commission. Zunz questions the homeownership statistic, estimating a much lower number of 12 percent, still a relatively high degree of homeownership for Black residents. Zunz, 397.

<sup>101</sup> National Register of Historic Places, Nacirema Club, Detroit, Wayne County, Michigan, National Register #110000867.

<sup>102</sup> Sugrue, *The Origins of the Urban Crisis*, 38.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid, 13.

<sup>105</sup> Gonda, *Unjust Deeds*, 18.

<sup>106</sup> Sugrue, *The Origins of the Urban Crisis*, 34 and 42. In 1945, near the end of the war, there had only been 3,000 units built available for African Americans; "Foresee Detroit Negro Population of 400,000: A Detroit Neighborhood Paper Gives Its Views on Race," *Michigan Chronicle*, February 24, 1945, 7.

<sup>107</sup> In 1947, the Detroit Housing Commission estimated that 25,000 new units were needed to fill the annual demand, yet only one tenth that number had been constructed in the first half of that year (Gonda, *Unjust Deeds*, 20).

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employment requirements imposed on defense work, but restrictive covenants, intimidation, and the threat of violence meant that they were largely confined to their already crowded enclaves.<sup>108</sup> By 1947 the Detroit area had 545,000 housing units, but only 47,000 of those were available for Black residents.<sup>109</sup>

Under these conditions, even the West Side soon became crowded, though it would not be characterized by the same degree of substandard housing associated with areas such as Black Bottom—one resident remembers well maintained homes and “lawns of golf course quality.”<sup>110</sup> Still, issues of sanitation, structural deficiency, and fire hazards became increasingly common on the West Side during the 1940s.<sup>111</sup> After World War II the West Side remained in a state of growth as economic opportunity continued to increase. Black-owned businesses proliferated in the area, especially on Tireman and Milford Avenues, which facilitated a significant concentration of African American middle-class households. Even as the area grew, however, Tireman Avenue remained the de facto northern boundary for Black residents, with White households located to the north.<sup>112</sup>

### Resisting Covenants: The National Association for the Advancement of Colored People

Improved access to housing, and the elimination of racially restrictive covenants, had long been the focus of African American advocacy groups like the National Association for the Advancement of Colored People (NAACP). The NAACP was founded in 1909 upon the idea that African Americans should not be satisfied until they were granted the full political, social, and civil rights that they deserved.<sup>113</sup> Its leadership had long supported using lawsuits to further their aims, and by 1915 it was involved in nearly every case involving the rights of African Americans that reached the United States Supreme Court.<sup>114</sup> In the late 1920s, a more rigorous and systematic approach to training lawyers to engage with cases involving discrimination began at Howard University Law School led by Charles Hamilton Houston.<sup>115</sup> Houston went on to become the NAACP special counsel, and helped train Thurgood Marshall, future lawyer on the *McGhee* case and United States Supreme Court Justice.<sup>116</sup> Marshall went on to succeed Houston as the central figure of the NAACP’s legal activities. He expanded their legal staff, which had

<sup>108</sup> Sugrue, *The Origins of the Urban Crisis*, 33 and 41-47.

<sup>109</sup> *Ibid.*, 43.

<sup>110</sup> WestSiders Society, *Remembering Detroit’s Old West Side*, x.

<sup>111</sup> Sugrue, *The Origins of the Urban Crisis*, 38; and Martin, *Detroit and the Great Migration*, Martin, 27.

<sup>112</sup> City of Detroit Historic Designation Advisory Board, “Proposed Blue Bird Inn Historic District;” and Sugrue, *The Origins of the Urban Crisis*, 183.

<sup>113</sup> Arising out of the Niagara Movement, the NAACP’s founders agreed with W. E. B. Du Bois’ egalitarian ideal, as opposed to the more incremental policies of African American advancement espoused by Booker T. Washington (Vose, *Caucasians Only*, 30-34).

<sup>114</sup> *Ibid.*, 39.

<sup>115</sup> Tushnet, *Making Civil Rights Law*, 6-7.

<sup>116</sup> Houston himself would also be involved in discussing legal strategies surrounding the *McGhee* and *Shelley* cases, as well as arguing the *Hurd v. Hodge* companion case.

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previously been limited to himself as the lone legal staff member, in order to pursue a wide range of legal activities.<sup>117</sup>

During the 1940s, Marshall and his staff fought racial discrimination on many fronts: employment, union representation, transportation, criminal procedure, education, and housing.<sup>118</sup> The legal battles that involved housing issues became all the more pressing during the post-World War II shortage.<sup>119</sup> The NAACP's Veterans Affairs Department challenged the segregated housing policies of federal agencies.<sup>120</sup> The Veterans Administration, for instance, provided guaranteed mortgages, but until 1945 required the race of the applicant to be listed; this was justified, in that agency's view, by segregationist state laws and the desire to avoid their applicants being "embarrassed" when rejected due to their race.<sup>121</sup>

Restrictive covenants had been targeted by the NAACP since the 1920s, but often unsuccessfully.<sup>122</sup> But even after the dramatic defeat of *Corrigan v. Buckley* in 1926, efforts continued. There were, starting in the 1940s, some limited successes, but they tended to revolve on technical details of the case and only slightly limited the effectiveness of covenants in general.<sup>123</sup> *Hansberry v. Lee* was the most prominent of these.<sup>124</sup> Carl Hansberry, a real estate agent, working alongside an insurance company that provided mortgages for African Americans, purchased land covered by a racially restrictive covenant in the Washington Park Neighborhood of Chicago. Neighbors sued to keep them out, and eventually the United States Supreme Court ruled against the covenant; yet it did so by ruling that too few of the neighborhood landowners had supported the covenant, not that racially restrictive covenants were themselves illegal.<sup>125</sup> Despite these setbacks, the NAACP continued to seek new cases and approach them with new lines of argument and techniques. These would culminate in the efforts behind the *McGhee v. Sipes* and related *Shelley v. Kraemer* cases.

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<sup>117</sup> Tushnet, *Making Civil Rights Law*, 26-35.

<sup>118</sup> *Ibid.*, 67-70.

<sup>119</sup> Vose, *Caucasians Only*, 56.

<sup>120</sup> Woods II, "African Americans, the GI Bill, and the NAACP," 402-4.

<sup>121</sup> *Ibid.*, 404-10.

<sup>122</sup> Tushnet, *Making Civil Rights Law*, 84-86; and Ware, "Invisible Walls," 738-40. Charles Hamilton Houston was instrumental in attacking covenants (*ibid.*, 742-45).

<sup>123</sup> For instance, *Hundley v. Gorewitz*, 132 F.2d 23 (D.C. Circuit, 1942), where the Washington, D.C., Court of Appeals declined to enforce a racially restrictive covenant based on the "changed circumstances" of the neighborhood, namely that several other African Americans already lived there (Ware, "Invisible Walls," 745). Cases involving covenants that the NAACP brought forth to the United States Supreme Court could also be declined a hearing, as with *Mays v. Burgess*, 152 F.2d 123 (D.C. Circuit, 1945), which the NAACP had initially hoped would be the case where covenants were finally found unconstitutional (Gonda, *Unjust Deeds*, 3-4).

<sup>124</sup> *Hansberry v. Lee*, 311 United States 32 (1940).

<sup>125</sup> Brooks and Rose, *Saving the Neighborhood*, 124-25. For more details on the case, see Allen R. Kamp, "The History Behind *Hansberry v. Lee*," *U.C. Davis Law Review* 20 (1986): 481-99. Lorraine Hansberry, daughter of Carl, later based her 1959 play *A Raisin in the Sun* on this and other struggles with racism during her life.

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It was not just the NAACP's national organization that fought against discrimination: the Detroit chapter was quite active as well. Organized in 1911, just two years after the NAACP's foundation, the Detroit chapter was especially active in the 1920s when it worked to rally support in the Ossian Sweet case. Its membership grew rapidly in the post-war period, from roughly two thousand members in 1943 to over twenty-one thousand by 1962,<sup>126</sup> perhaps a result of its proactive work in using the law to eliminate discrimination. By the end of World War II, the Detroit NAACP chapter was the largest in the nation—possibly reflecting Detroit's strong economy and its large and prosperous African American middle and professional class.<sup>127</sup> Like the national organization, the Detroit chapter supported and brought numerous lawsuits against discriminatory practices, as it did when it fought the Bob-Lo Excursion Company's policy of excluding African Americans from the boats that ferried people to its amusement park on Boblo Island.<sup>128</sup> The chapter also attacked racially restrictive covenants, and its successful effort in the Arden Park neighborhood had led to homes there being purchased by African Americans.<sup>129</sup> In 1944 they were called to fight another battle over a covenant in Detroit: this time in the West Side neighborhood.

### The McGhee Family and 4626 Seebaldt Street

Dabney Orsel "Mac" McGhee was born May 10, 1901, and lived in Eutaw, a town in western Alabama. Orsel's father, who was White, died when Orsel was still a child, leaving the family home to Orsel's Black mother. However, Orsel and his mother were soon evicted from their home—a court, refusing to recognize the marriage as valid, had sided with a White woman who claimed to own the house from a previous marriage to Orsel's father. Family history describes this as a formative event in Orsel's childhood, furthering his own resolve in the events that would unfold several decades later.<sup>130</sup> "They were forced to move away from their land and the house my grandfather had grown up in... I believe he was determined never to have his home taken from him again," one family member later related in an interview.<sup>131</sup>

Orsel moved to Detroit in the 1920s, and married Doree Diffay, a schoolteacher also originally from Alabama, on July 11, 1925.<sup>132</sup> They had two children, Reginald and Orsel Jr; Doree died in 1937. Orsel worked at the National Bank of Detroit before becoming a custodian at the *Detroit*

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<sup>126</sup> Johnson, "The Fight Against Discrimination in Detroit," 19.

<sup>127</sup> Arthur L. Johnson, *Race and Remembrance: A Memoir* (Detroit: Wayne State University Press, 2008), 136.

<sup>128</sup> *Bob-Lo Excursion Co. v. Michigan*, 333 United States 28 (1948).

<sup>129</sup> Johnson, "The Fight Against Discrimination in Detroit," 19 and 29; and Velie, "Housing," 76-77.

<sup>130</sup> Kathleen McGhee-Anderson and Reginald Lawrence McGhee (grandchildren of Orsel and Minnie McGhee), interview with authors, February 3, 2022. Interracial marriage was prohibited in Alabama until the *Loving v. Virginia* Supreme Court decision in 1967.

<sup>131</sup> Lynne Heffley, "They Built a Home in Which All Could Live," *Los Angeles Times*, February 9, 1999, <https://www.latimes.com/archives/la-xpm-1999-feb-09-ca-6230-story.html>.

<sup>132</sup> *McGhee v. Sipes* 334 United States 1 (1948), transcript of record, 49.

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*Free Press*, where he eventually became superintendent of the maintenance crew (and stayed until his retirement in 1963).<sup>133</sup> Orsel's light skin color allowed him to "pass" as White, at times deliberately, to his advantage in White-dominated professional and social settings.<sup>134</sup> He is remembered as being affable, with a dry sense of humor, but also modest—not wishing to draw attention to himself and never seeking fame or recognition for his role in the *McGhee v. Sipes* case.<sup>135</sup>

Minnie Leatherman Simms was born on March 30, 1903. She lived in Elberton in northern Georgia when she was a child. She attended the Tuskegee Normal School (later Tuskegee University) and returned to Elberton to teach elementary school for two years.<sup>136</sup> Later she moved to Cleveland, Ohio, where a hospital employed her as a dietitian.<sup>137</sup> She eventually moved to Detroit in 1938 and worked as a postal clerk. She met Orsel soon after and they married on November 26, 1938.<sup>138</sup> Minnie is described as having been the more socially conscious of the pair, the "fighter"—a union member and block club leader, concerned about the plight of the African American community.<sup>139</sup>

After they married, Orsel and Minnie began to save for a home of their own. They first rented south of Tireman Avenue, in the predominately African American West Side community. In 1944 they had saved enough to begin looking to buy, and later that year saw a listing for a house in the *Detroit Free Press* at 4626 Seebaldt Street, only five blocks from their current residence. They walked over and found a house with the features that they had been looking for; the neighborhood itself was also an improvement over where they had previously lived.<sup>140</sup> The house was owned by a White man named Walter Joachim, who sought to quickly sell so that he could move his family to California. Orsel asked if the owner was willing to sell to a Black family, to which he replied that he was. The McGhee family purchased the house on November 30, 1944, and moved in on December 22.<sup>141</sup>

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<sup>133</sup> Minnie McGhee, interview by Margaret Ward, October 27–29, 1978, audiocassette, Burton Historical Collection, Manuscript Collection, Detroit Public Library (hereafter Minnie McGhee, interview); and Neal Shine, "Orsel McGhee's Quiet Fight Opened Doors for Millions," *Detroit Free Press*, January 29, 1984, 2. N.b.: some secondary material report background information on the McGhees incorrectly; for instance Orsel is incorrectly called an autoworker (Sugrue, *The Origins of the Urban Crisis*, 181).

<sup>134</sup> Kathleen McGhee-Anderson and Reginald Lawrence McGhee, interview.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> McGhee-Anderson, Notes of interview of Minnie McGhee and Reginald McGhee, 1.

<sup>138</sup> *McGhee v. Sipes* 334 United States 1 (1948), transcript of record, 48.

<sup>139</sup> Kathleen McGhee-Anderson and Reginald Lawrence McGhee, interview.

<sup>140</sup> Minnie McGhee, interview; and McGhee-Anderson, Notes of interview of Minnie McGhee and Reginald McGhee, 3. Certain records, including court documents, sometimes call the street Seebaldt Avenue. Kristine McGhee, daughter-in-law of Orsel and Minnie, later related "I've lived in the house and it's a fine house ... it was quite an improvement from where Black people lived on the other side of Tireman. This was a big move upward for Black people." Orsel and Minnie McGhee House Community Meeting, held October 19, 2021.

<sup>141</sup> Minnie McGhee, interview; and Minnie McGhee, Draft of letter to Walter

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The McGhees were aware that the home was located on the other side of an invisible barrier: only White people owned homes north of Tireman Avenue.<sup>142</sup> Seebaldts Subdivision, where 4626 Seebaldt Street was located, was a middle-class neighborhood of single-family and two-family, modestly detailed, foursquare and bungalow homes developed in the 1910s and early 1920s. The property at 4626 Seebaldt was built in 1912 and had changed hands several times before being occupied by John C. and Meda Furgeson.

It was the Furgesons who, in 1934, agreed to and signed a racially restrictive covenant with other White residents of the neighborhood, before selling the house to Walter Joachim.<sup>143</sup> The houses in the subdivision, including 4626 Seebaldt, did not initially have racially restrictive covenants attached to their deeds. Rather, a group of neighbors had come together in the mid-1930s to agree to three covenants, each covering a different part of Seebaldts and the neighboring Brooks and Kingons Subdivisions. Other neighbors signed on in 1935. The restriction was binding to Joachim and all future owners until it was set to expire in 1960.

The McGhee family not only secured a mortgage to finance the purchase of the house;<sup>144</sup> they also consulted a lawyer, who warned them of the covenant. But once Orsel had settled on the house he liked he did not want to give it up. The memory of losing his childhood home may also have played a role. Further, since Orsel had so often passed as White, and got along well with his White coworkers, the family believed that any initial opposition to their move would soon fade.<sup>145</sup>

This turned out not to be the case. On January 7, 1945, a group of neighbors confronted the McGhees.<sup>146</sup> Ten members of the Northwest Civic Association, the local neighborhood association, came to the house and spoke with the McGhees; this group included Benjamin Sipes, who lived next door at 4634 Seebaldt Street with his wife Anna. The group presented Orsel with a letter written by Sipes, but composed as a group, informing them that the property was restricted to people of the “Caucasian race” and that since the McGhees were “Negroes” they had to vacate. If they did not, the association would take them to court.<sup>147</sup> When

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White.

<sup>142</sup> There had been at least one previous attempt by African Americans to live north of Tireman. Around 1928, a doctor bought and moved into a house on Spokane Street, six blocks north of Seebaldt, but was soon forced to leave. In the words of Benjamin Sipes at the Sipes v. McGhee Wayne County trial, “they got him out.” McGhee v. Sipes, transcript of record, 24.

<sup>143</sup> Mildred E. Odbert owned the property for six months during its construction, suggesting she may have been a builder or speculative investor. It is not clear when Joachim purchased the house, as the transaction was not recorded until his sale to the McGhees. Liber 849, page 305; liber 643, page 144; liber 1173, page 249; liber 7284, page 135, 137, Wayne County Records; C145299, Wayne County Tract Book.

<sup>144</sup> McGhee-Anderson, Notes of interview of Minnie McGhee and Reginald McGhee, 3.

<sup>145</sup> Minnie McGhee, interview; and Gonda, *Unjust Deeds*, 37.

<sup>146</sup> Kathleen McGhee-Anderson and Reginald Lawrence McGhee, interview.

<sup>147</sup> Minnie McGhee, interview; McGhee v. Sipes, transcript of record, 25.



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a neighbor asked Orsel: “Why did you move to this neighborhood? Couldn’t you find any other place to move rather than here?” he replied: “Yes, I no doubt could have found some other place to live south of Tireman, but how about the other fourteen million Black Americans that have no place to live than the ghetto or doubling up living, having no place to go?”<sup>148</sup>

### *Sipes v. McGhee*

The McGhee’s neighbors filed a bill of complaint with the Wayne County Circuit Court on January 30, 1945.<sup>149</sup> The relevant text of the covenant cited by the complaint:

We, the undersigned . . . for the purpose of defining, recording and carrying out the general plan of developing the subdivision which has been uniformly recognized and followed, do hereby agree with each other that the following restriction be imposed on our property in said subdivision, to remain in force until January 1st, 1960, to run with the land and to be binding on our heirs, executors and assigns: “This property shall not be used or occupied by any person or persons except those of the Caucasian race.” It is further agreed that this restriction shall not be effective unless at least eighty percent of the property fronting on both sides of the street in the block where our land is located is subjected to this or a similar restriction.<sup>150</sup>

The violation of this restriction was the basis for Benjamin Sipes and the Northwest Civic Association’s suit against the McGhees. The case, *Sipes v. McGhee*, was brought before the Wayne County Circuit Court on May 28 and 29, 1945.

The McGhees contacted the NAACP for help,<sup>151</sup> and two members of the Detroit chapter’s Legal Redress Committee who previously had worked on cases related to housing access, Willis M. Graves and Francis M. Dent, took their case. Graves, originally from North Carolina, graduated from Howard University School of Law in 1919 and later practiced in Michigan. The struggles of his friend Ossian Sweet had helped spur him to work on housing discrimination cases. The head of the NAACP’s Legal Redress Committee from 1939 to 1949, he worked with Francis Dent on numerous covenant cases. Francis M. Dent was from Georgia, and after serving in the

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<sup>148</sup> Minnie McGhee, interview. An Old West Side resident (unnamed) recalls that the neighborhood association even offered to purchase the house from the McGhee family at twice its value, but the McGhees refused (WestSiders Society, *Remembering Detroit’s Old West Side*, 193); however, this contradicts Minnie McGhee’s own account, who said Orsel asked if the association wanted to buy the house, but they equivocated.

<sup>149</sup> For more on the plaintiffs’ lawyer, Lloyd Chockley, who filed the complaint, see Gonda, *Unjust Deeds*, 88–89.

<sup>150</sup> McGhee v. Sipes, transcript of record, 39. Another portion of Seebaldts Subdivision and the neighboring Books & Kingons subdivision also had their agreements entered as exhibits in the court case; their covenants used the same language (McGhee v. Sipes, transcript of record, 37–44).

<sup>151</sup> McGhee-Anderson, Notes of interview of Minnie McGhee and Reginald McGhee, 8.

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United States Army in World War I, received his law degree from the Detroit College of Law. He, along with Graves, helped found the Wolverine Bar Association, a group of Michigan African American attorneys supporting the legal needs of the state's Black community.<sup>152</sup>

Before Judge Guy A. Miller, Graves and Dent argued not only on technical grounds that certain signatories of the covenant had signed incorrectly, but also more broadly that covenants went against Michigan's public policy, since the state prohibited discrimination in other contexts. Further, to highlight the problematic nature of racial categorization, they asked how the plaintiffs could prove that the McGhees were indeed "Negroes" (the defense did not call the McGhees to the stand but did have two anthropologists from Wayne State University testify about the difficulty of determining a person's race).<sup>153</sup> Most importantly, they argued that racially restrictive covenants violated the Fourteenth Amendment to the United States Constitution.

On August 23, however, Judge Miller ruled against the McGhee family, dismissing Graves and Dent's arguments, and noted the precedent that covenants had been upheld in the courts before.<sup>154</sup> While the McGhees were ordered to vacate their home in ninety days, a stay was granted as the case was appealed to the Michigan Supreme Court.

### Appeal to the Michigan Supreme Court

Even as Graves and Dent were filing for leave to appeal,<sup>155</sup> the *McGhee* case was already one of nationwide legal significance. The briefs and other case documents were rapidly disseminated, and some of the arguments used by Graves and Dent (e.g., the problematic nature of the concept of "race") were immediately adopted in other cases across the country related to racial covenants.<sup>156</sup> They had also gained allies from both local and national organizations: amicus

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<sup>152</sup> For background on Graves and Dent, see Vose, *Caucasians Only*, 122-24; and Gonda, *Unjust Deeds*, 71-73.

<sup>153</sup> The defense called two professors, Norman D. Humphrey and Melvin Tumin, of the Sociology and Anthropology Department to the stand (*McGhee v. Sipes*, transcript of record, 27-31). Humphrey argued that a layman could not accurately determine someone's "racial stock" without proper training as it could not be based solely on skin color (Tumin later agreed). This very idea was baffling to Judge Miller, who responded to Humphrey's testimony with "I don't follow you. You are using a lot of words that I cannot know what you mean" (*ibid.*, 28).

<sup>154</sup> Judge Miller found the irregularities in the covenant's signing to be minor, stated that the McGhees were clearly Negroes, and that various state (e.g., *Parmalee v. Morris*) and federal (*Corrigan v. Buckley*) cases made it clear that racially restrictive covenants were legal.

<sup>155</sup> On December 1, 1945; the appeal itself and their arguments were filed in April of the next year (*McGhee v. Sipes*, transcript of record, 1).

<sup>156</sup> Gonda, *Unjust Deeds*, 76-77. Although the concept that human "races" are a social construct was not yet common, the changing academic approach to the very idea of race and the use of such anthropological concepts in civil rights cases is exemplified by Dent and Graves calling the professors as witnesses.

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curiae briefs were filed in support not just by the NAACP's national office, but the United Auto Workers, the American Jewish Congress, and several legal advocacy groups.<sup>157</sup>

In their appeal to the Michigan Supreme Court, Graves and Dent made additional arguments, building on the Wayne County case. On October 16 and 17 of 1946, they argued before the court that the Second World War had been fought for egalitarian ideals, and the rhetoric of freedom and democracy was at odds with racially restrictive covenants. They also extended their argument regarding public policy, arguing not only that such covenants were against Michigan law, which in some areas banned racial discrimination, but international law, citing the 1945 United Nations Charter. On January 7, 1947, however, the Michigan Supreme Court was unanimous in finding against the McGhees. The constitutional arguments that Graves and Dent had reiterated were dismissed: covenants were found to be private contracts and the enforcement of them by the courts was not a state action and therefore they were not in violation of the Fourteenth Amendment. Problems with racial identity were also set aside, and the public policy arguments were found by the court to not cover the sale of property. The justices would not overrule *Parmalee v. Morris*, and racially restrictive covenants continued to be legal in Michigan.<sup>158</sup>

### McGhee Family Efforts and African American Community Support

Losing the appeal was a blow to the McGhee family. Even before the legal defeat, however, they lived in uncertainty and fear as the process unfolded. Over the years spent in litigation, Orsel, Minnie, and their sons (who eventually both left Detroit to serve in the United States Armed Forces) were continually harassed and threatened. They were called derogatory names and yelled at in public, received threatening letters, and heard rumors that their house might be set on fire. Evenings were an especially fraught time, and Minnie was concerned about walking to the bus stop to go to work after dark. Minnie McGhee recalled demonstrations in front of the house, groups carrying firearms walking in front of the house, an attempted break in, and a cross set alight on their lawn.<sup>159</sup> At times Orsel would sit in the front room at night with a gun, worried about the safety of his family.<sup>160</sup> The emotional toll was borne by Orsel and Minnie's sons as well: "my father, the oldest son, he was subjected to a great deal of torment . . . and eventually my father dropped out of high school," related Kathleen McGhee-Anderson, granddaughter of Orsel and Minnie.<sup>161</sup>

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<sup>157</sup> Vose, *Caucasians Only*, 136-42.

<sup>158</sup> McGhee v. Sipes, transcript of record, 60-70; see also Gonda, *Unjust Deeds*, 95-97.

<sup>159</sup> Minnie McGhee, interview. According to McGhee-Anderson, "our grandmother was very strong for what she did. Having to walk often to the bus stop, down that hostile walk, for all those years, back and forth every day, took a big toll on her." Orsel and Minnie McGhee House Community Meeting, held October 19, 2021.

<sup>160</sup> Shine, "Orsel McGhee's Quiet Fight," 2.

<sup>161</sup> "The psychic duress they went through is such a testimony to the strength that they had back then, and they knew they were standing for something important." Orsel and Minnie McGhee House Community Meeting, held October 19, 2021.

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But the McGhees were not just passive onlookers leaving their fate to lawyers as the legal battle progressed. They not only decided to take the initial steps of fighting the case and subsequently appealing it, but also actively sought support. At the Wayne County Circuit Court level, the McGhees initially covered the attorney fees themselves,<sup>162</sup> though they were soon assisted by the St. Stephens African Methodist Episcopal Church (on John E. Hunter Street in the West Side neighborhood), where they were members.<sup>163</sup> Afterwards, the local branch of the NAACP held fundraising events, which became all the more intense after the loss at the Michigan Supreme Court.<sup>164</sup> Orsel himself attended these fundraising meetings held in churches, schools, and community clubs.<sup>165</sup> Minnie joined him at some of the meetings, and also pursued her own fundraising efforts.<sup>166</sup> She also wrote a letter to Walter White, executive secretary of the NAACP, urging the national organization to help them. She appealed to him on a personal level by writing that she and her family needed financial and legal aid to remain in their home, and described the dire housing situation in Detroit and its impact on the Black community. She wrote, "it would not only help us, but members of our race, as there is a shortage of housing in Detroit. Do you think we deserve a chance to save our home?"<sup>167</sup>

The combination of the McGhees' courageous stand against segregationist covenants and their social position as a hardworking African American family looking for a decent place to live was essential in galvanizing support. The African American community and their allies rallied to their cause.<sup>168</sup> Major newspapers like the *Detroit News* covered the court losses,<sup>169</sup> but African American newspapers such as the *Michigan Chronicle* did not merely follow every new legal

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<sup>162</sup> Kathleen McGhee-Anderson and Reginald Lawrence McGhee, interview. The NAACP helped fund the appeal to the Michigan Supreme Court.

<sup>163</sup> Ibid.

<sup>164</sup> "Funds Sought in Program Planning of Local NAACP," *Michigan Chronicle*, January 26, 1946, 9; and "NAACP Holds Mass Meeting Sunday on Restrictive Covenant Battle," *Detroit Tribune*, February 15, 1947, 1 and 14.

<sup>165</sup> "Citizens Protest Meeting Maps M'Ghee Case Fight," *Michigan Chronicle*, January 25, 1947, 1 and 19.

<sup>166</sup> Minnie McGhee's bridge club helped raise money for the NAACP ("Emergency Declared for Restriction Battle," *Michigan Chronicle*, May 3, 1947, 1 and 19); see also Wartman, "The McGhee Case", 1.

<sup>167</sup> Minnie McGhee, Draft of letter to Walter White, 1945, private collection of Kathleen McGhee-Anderson. The draft of Minnie McGhee's letter to Walter White was written on the back of the Bill of Complaint delivered by the McGhee's neighbors that began the legal process. It is undated, but notes that a court case was lost, and that the McGhee family had ninety days to leave their house. Since only one case is noted and the family and their lawyers had national aid in their appeal to the Michigan Supreme Court, it can be dated to between August 23, 1945, when the Wayne County circuit court decision was made, and December 6, 1945, when a stay was granted while an appeal was started. It is not known with certainty if a copy of the letter was sent to White.

<sup>168</sup> "The whole community, all the Negroes throughout the country rallied to us. We had good friends, Whites who supported the NAACP." Minnie McGhee, interview.

<sup>169</sup> "Negro Loses Property Plea," *Detroit News*, January 8, 1947, 11.

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development<sup>170</sup>—they also provided encouraging words with reports on fundraising efforts and pleas for support.<sup>171</sup> Orsel was portrayed as brave, continuing to work for not just himself but all African Americans: “Orsel McGhee, whose name has become a household word for thousands, awaits his fate and that of thousands of other prospective home owners, quietly and unafraid.”<sup>172</sup> The McGhee’s efforts were vital in contributing to the national movement attacking racially based covenants. The Northwest Civic Association, for their part, also publicized the case to raise funds from their supporters, but their fundraising was no match for the NAACP and their coalition.<sup>173</sup>

### *Shelley v. Kraemer and McGhee v. Sipes*

Soon after the McGhees began their fight to stay in their home, a family in Missouri faced a similar dilemma. In August of 1945, J.D. and Ethel Shelley purchased a home on Labadie Avenue in St. Louis. It too was covered by a racially restrictive covenant, and the Shelleys were sued by Louis Kraemer, who lived nearby. Their situation differed in some ways from the McGhees: they had not been aware of the covenant and had bought the property through a real estate agent who, since the seller did not want to sell it to African Americans, first arranged for a White woman to purchase the house to then sell it to the Shelleys. Since other African Americans lived in the neighborhood, the Shelleys did not think they were taking a serious risk.<sup>174</sup> The Shelleys were even initially successful, as the St. Louis City Circuit Court, in

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<sup>170</sup> For instance: “McGhee Family Eviction Case Set to Feb. 16,” *Michigan Chronicle*, February 17, 1945, 1; “Deny Injunction in McGhee Fight against Bias,” *Michigan Chronicle*, February 24, 1945, 4; “Court Rules against McGhee in Home Suit,” *Michigan Chronicle*, October 6, 1945, 1; and “High Court Temporarily Bars Eviction of McGhees,” *Detroit Tribune*, May 17, 1947, 1. At times the information in newspapers could be muddled or erroneous, such as an article on a November 1945 rehearing with Wayne State University professors, when they had already testified back at the initial trial and did not return, and the motion for a rehearing in the Wayne County Circuit Court had been denied (“McGhee Case Reopened for New Testimony,” *Michigan Chronicle*, November 10, 1945, 1).

<sup>171</sup> “We Want Justice Done,” *Michigan Chronicle*, January 25, 1947, 6; “Restrictive Covenant Fight Gains Force,” *Michigan Chronicle*, February 8, 1947, 4.

<sup>172</sup> Charles J. Wartman, “The McGhee Case: A Fight of Man for His Home,” *Michigan Chronicle*, January 24, 1948, 1.

<sup>173</sup> Vose, *Caucasians Only*, 174–75. The Northwest Civic Association side often used racist language in their appeals. “If we lose this case, the negroes [sic] will be able to move in next door to you, whether in Detroit, in the State of Michigan, or in any other state, as they did to Sipes and there will be no legal way to stop them,” the Northwest Civic Association wrote in a July 1947 fundraising letter, “the proper defense of this case before the Supreme Court in Washington means heavy additional expenses.” “Group Seeks to Give NAACP Fight of its Life,” *Detroit Tribune*, August 9, 1947, 1.

<sup>174</sup> Gonda, *Unjust Deeds*, 34–37. See also *Shelley v. Kraemer*, transcript of record.

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*Kraemer v. Shelley*, found not enough people had signed the covenant to make it valid.<sup>175</sup> Yet the case was appealed to the Missouri Supreme Court, which reversed the decision.<sup>176</sup>

Another two cases, both from Washington, D.C., worked their way through the courts in the early 1940s, around the same time as *Sipes v. McGhee*: *Hurd v. Hodge* and its companion case *Urciolo v. Hodge*.<sup>177</sup> They both involved suits brought by Lena Hodge, a White woman who lived on Bryant Street in an area with a restrictive covenant. James and Mary Hurd moved to a house on the street in May of 1944; although they were aware of the covenant, they had lived in a White neighborhood before, and James identified as Mohawk, not Black. The next year, three African American families bought houses on the street from a real estate lawyer, Raphael Urciolo, who became the target of Hodge's second lawsuit.<sup>178</sup> The cases were joined at Washington's district court and were taken up by NAACP attorney Charles Hamilton Houston. In December of 1945, despite his efforts, the judge found against the Hurds and the other non-White families; later the court of appeals curtly dismissed Houston's comprehensive appeal.<sup>179</sup>

Many supporters of the McGhees, Shelleys, and other families wanted to press on. The question was how best to do so. In all of these cases, the courts (whether state supreme courts or federal appeals courts), found in similar manners. Most arguments were dismissed, and racially restrictive covenants were deemed private contracts and therefore constitutional. The NAACP, with so much experience fighting these kinds of cases, was well aware of the risks and dangers of appealing to the United States Supreme Court. Another decision like *Corrigan v. Buckley* would have only served to further entrench the legality of racial covenants, but even a narrow, technical victory, like in *Hansberry v. Lee*, could serve as a setback. An ideal case was sought, one that would be as suitable to their arguments as possible and backed with fully developed legal theories and arguments.<sup>180</sup>

The framework for doing so had been discussed at a conference held in Chicago in July of 1945, convened by Thurgood Marshall. Sociological data showing the harm covenants posed and the substandard state of African American housing would be gathered and studied.<sup>181</sup> As some academics began to argue against the traditional rationales for segregation, especially the alleged superiority of one race over another, such data was easier to acquire, and older concepts and

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<sup>175</sup> Gonda, *Unjust Deeds*, 60-65.

<sup>176</sup> *Ibid.*, 96-97.

<sup>177</sup> *Hurd v. Hodge*, 334 United States 24 (1948).

<sup>178</sup> Hodge not only defended her neighborhood's covenant but tried (unsuccessfully) to expand it. After the Hurd family, Robert and Isabelle Rowe moved to Bryant Street in March of 1945, with Pauline Stewart and her family moving there shortly after. Herbert and Georgia Savage moved to the street at the end of the summer. See Gonda, *Unjust Deeds*, 39-42 and 46-52.

<sup>179</sup> *Ibid.*, 77-84 and 93-94.

<sup>180</sup> Brooks and Rose, *Saving the Neighborhood*, 155-56; and Tushnet, *Making Civil Rights Law*, 86-87.

<sup>181</sup> The NAACP hired a sociologist to further this aim (Tushnet, *Making Civil Rights Law*, 88-89). New studies like those authored by Robert C. Weaver were integral in this effort; see "Race Restrictive Housing Covenants," *The Journal of Land & Public Utility Economics* 20, no. 3 (1944): 183-93.

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intolerance itself were now seen as tied to the racial ideologies of Nazism.<sup>182</sup> New legal theories that argued the covenants were unconstitutional were also discussed and incorporated into cases.<sup>183</sup> Already in 1945 the McGhee case was included in the discussion, as Willis Graves attended the Chicago conference, even though at that point the Wayne County judge had yet to rule.<sup>184</sup>

By 1947 each of the cases regarding racial covenants that were then available to move forward was problematic, but in a different way.<sup>185</sup> The NAACP's legal team disliked the *Shelley* case due to the involvement of real estate agents who had a clear profit motive. In addition, the attorney working on the case, George Vaughn, appeared too ambitious and reckless to NAACP lawyers (including Marshall and Houston) for wanting to move his case forward without aid from national organizations like the NAACP, especially since he had no prior experience in front of the United States Supreme Court.<sup>186</sup> Involvement with *Urciolo v. Hodge* would have required siding with Raphael Urciolo, who had already been expelled by the Washington, D.C., Real Estate Board for his blockbusting tactics.<sup>187</sup> Ultimately, Vaughn filed for a stay in early 1947 and then submitted a petition for certiorari to the Supreme Court.

Thurgood Marshall and others on the national NAACP legal team believed they had to act and file their own petition for a case that was more favorable to their cause. That case was *McGhee v. Sipes*. (Once judicial review was sought, the case name was inversed from *Sipes v. McGhee*.) Graves and Dent had previously argued that the NAACP should use the case as a vehicle to end racially restrictive covenants, while other NAACP attorneys worried that Graves and Dent had not brought enough sociological data to bear in their arguments.<sup>188</sup> Yet the important constitutional arguments—directly addressing the Fourteenth Amendment issues—had been made. Its narrative was also more favorable than the other cases moving to the United States

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<sup>182</sup> Gonda, *Unjust Deeds*, 139-42.

<sup>183</sup> Such as D. O. McGovney, "Racial Residential Segregation by State Court Enforcement of Restrictive Agreements, Covenants or Conditions in Deeds is Unconstitutional," *California Law Review* 33 no. 1 (1945): 5-39. While the opinions in legal journals were not unanimous, new ways of approaching the legality of covenants were developing (Vose, *Caucasians Only*, 68-71).

<sup>184</sup> Gonda, *Unjust Deeds*, 105-14.

<sup>185</sup> There were other cases across the country filed against racially restrictive covenants, such as some the NAACP found favorable in California, including one of attorney Loren Miller's. But by 1947 they were not far along in state courts to be of consequence (Gonda, *Unjust Deeds*, 55-56; and Tushnet, *Making Civil Rights Law*, 88-89).

<sup>186</sup> Even in September of 1947, many NAACP lawyers worried Vaughn was ill-prepared to argue in front of the Supreme Court, as at a conference he could not answer their questions well, and Charles Houston noted that the justices of the Supreme Court would question him even further (Gonda, *Unjust Deeds*, 130-31; and Tushnet, *Making Civil Rights*, 90-91). Vaughn also wanted to argue from a different angle, namely that covenants were an extension of slavery and unconstitutional due to the Thirteenth Amendment (Brooks and Rose, *Saving the Neighborhood*, 146-47).

<sup>187</sup> Brooks and Rose, *Saving the Neighborhood*, 135; and Gonda, *Unjust Deeds*, 58-60.

<sup>188</sup> Gonda, *Unjust Deeds*, 122; and Tushnet, *Making Civil Rights*, 89.

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Supreme Court, since it did not involve real estate agents, but rather a family that knowingly defied a covenant. Since the *Shelley* case was seen as much weaker by the NAACP if not accompanied by *McGhee*, in April of 1947 the organization submitted a petition for certiorari.<sup>189</sup>

The national NAACP office now assumed complete financial responsibility for the McGhee case. In addition, Marshall requested that Graves and Dent step down so that lawyers with more depth of experience could argue the case in front of the United States Supreme Court. The choice was theirs, but both Graves and Dent assented. Dent later said: "I was not interested in personal credit, so much as having the principle established. I think we adopted the right course."<sup>190</sup> The Supreme Court then joined *McGhee v. Sipes* with *Shelley v. Kraemer*.

The brief for the *McGhee* case, written by Thurgood Marshall, Loren Miller,<sup>191</sup> Willis Graves, and Francis Dent, among other contributors, provided the group's most important arguments. Restrictions on the right to use and occupy real estate as a residence went against the Fourteenth Amendment (and the Civil Rights Act of 1866): since no state can deny civil rights due to race, color, religion, or national origin, judicial enforcement of a racially restrictive covenant was a denial of the civil rights of the McGhees. Judicial enforcement also violated treaties between the United States and United Nations members. This case, while centered on the McGhee House, was not a matter of a single isolated agreement, but rather an issue that was widespread and divided the whole country: state-sanctioned discrimination caused the "nation-wide destruction of human and economic values."<sup>192</sup>

The arguments presented in the NAACP's brief were not the only ones supporting the case. This was already evident in the amicus briefs filed in support of *Sipes v. McGhee* when it was appealed to the Michigan Supreme Court, but the organization had continuously reached out to supportive groups and encouraged them to write amicus curiae. The AFL-CIO, American Civil Liberties Union, Jewish advocacy groups, Veteran's support groups, several Christian organizations, legal associations, the Anti-Nazi League, and the Order of Elks all wrote briefs.<sup>193</sup> While united in working to stop racially restrictive covenants, the different perspectives provided by these national organizations served to expand the arguments opposing them and to demonstrate the widespread nature of the problems caused by these covenants. Charles Houston

<sup>189</sup> Gonda, *Unjust Deeds*, 122-26; and Vose, *Caucasians Only*, 151-76. Soon after Charles Houston filed petitions for the Washington, D.C., cases as well.

<sup>190</sup> Gonda, *Unjust Deeds*, 128-29. Somewhat awkwardly, Marshall had failed to note that Loren Miller, who would argue the case alongside him, had no experience in front of the Supreme Court either.

<sup>191</sup> Loren Miller, an attorney who practiced in California and had worked closely with the NAACP's national office before, had become involved with litigation involving racially based covenants (Gonda, *Unjust Deeds*, 55-56). At the time of the McGhee and Shelley cases, there were several cases from California that were pending, but not far along enough through the state's legal process to be of use (Tushnet, *Making Civil Rights Law*, 89). Miller also wrote a book, *The Petitioners*, concerning civil rights cases brought before the United States Supreme Court from the late eighteenth century to the 1960s.

<sup>192</sup> *McGhee v. Sipes*, Brief for Petitioners.

<sup>193</sup> Gonda, *Unjust Deeds*, 150-54; and Tushnet, *Making Civil Rights*, 91.



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suggested that the NAACP was supported in its case by more amicus curiae than in any other case in recent Supreme Court history.<sup>194</sup> Amicus briefs were also filed in support of the respondents, but these were few and were limited to real estate organizations and neighborhood associations.<sup>195</sup>

Perhaps the most important amicus brief was provided by the United States Department of Justice. In 1946, the NAACP had met with President Harry S. Truman to discuss a variety of issues, including housing. This led Truman to establish the President's Committee on Civil Rights, and to support the NAACP's fight against racially based covenants.<sup>196</sup> The attorney general, Tom C. Clark, and solicitor general, Philip Perlman, submitted the amicus brief of the United States, the first time such a brief was filed in a civil rights case.<sup>197</sup> Indeed, Philip Perlman even spoke in front of the Supreme Court, arguing that covenants "should be relegated to the limbo of other things as dead as slavery."<sup>198</sup> The cooperation of the Justice Department and the NAACP in the *McGhee* and *Shelley* cases laid the groundwork for further civil rights litigation campaigns.<sup>199</sup>

After oral arguments, which took place on January 15 and 16 in 1948, it was not clear how the Supreme Court would rule on the cases. Prognostication was made more difficult by the immediate recusal of three justices (all were thought to own residences covered by racially restrictive covenants), and those that remained asked few questions.<sup>200</sup> It also seemed the justices might not be convinced by the sociological data compiled by the NAACP.<sup>201</sup> According to one of his clerks, Chief Justice Frederic Moore Vinson<sup>202</sup> might have leaned towards deciding in favor of the McGhees, Shelleys, and others after reading the briefs. Although he wanted to decide on purely legal grounds, he could not ignore the plight of Black homeowners.<sup>203</sup> After oral arguments, Vinson worked on building consensus among the five remaining justices: he wanted the decision to be unanimous.<sup>204</sup>

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<sup>194</sup> "Covenant Ruling Reaction Runs from Silence to Jubilation," *The Evening Star*, May 4, 1948, A-4. The NAACP often used patriotic language in its appeals, suggesting that advances in civil rights would be "a potent weapon against communism" and increase the United States' standing and reputation abroad.

<sup>195</sup> Using often racist language, these groups warned about the "commingling of racial stocks" and argued covenants were a private affair (Mount Royal Protective Association, Inc., Brief of Amicus Curiae, 1947, 15).

<sup>196</sup> *To Secure These Rights: The Report of the President's Committee on Civil Rights* (Washington, D.C.: Government Printing Office, 1947). For a summary, see Gonda, *Unjust Deeds*, 117-19.

<sup>197</sup> Gonda, *Unjust Deeds*, 157-73.

<sup>198</sup> *Ibid.*, 176-77.

<sup>199</sup> *Ibid.*, 156.

<sup>200</sup> *Ibid.*, 181-82. Justices Robert H. Jackson, Stanley Reed, and Wiley B. Rutledge recused themselves.

<sup>201</sup> *Ibid.*, 178.

<sup>202</sup> For more on Vinson and his life, see James E. St. Clair and Linda C. Gugin, *Chief Justice Fred M. Vinson of Kentucky: A Political Biography* (Lexington: University Press of Kentucky, 2002).

<sup>203</sup> Gonda, *Unjust Deeds*, 182-83.

<sup>204</sup> *Ibid.*, 183-85.

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On May 3, 1948, the United States Supreme Court decision was promulgated: while racially restrictive covenants were indeed considered to be private actions, and therefore were not banned themselves, their enforcement by states (e.g., forcing African Americans out of their homes by court order) violated the equal protection clause of the Fourteenth Amendment. These covenants now had no legal force backing them. This reversed the decisions of the Supreme Courts of Michigan and Missouri.<sup>205</sup> In addition, the companion cases of *Hurd v. Hodge* and *Urciolo v. Hodge* were decided simultaneously, but the reasoning was based on the statutes derived from the United States Civil Rights Act of 1866 (since the Fourteenth Amendment only covered actions by states).<sup>206</sup>

### After the Victory

The legal support for racially based covenants, as heralded by the numerous reports on the decision in newspapers nationwide, was now gone.<sup>207</sup> African American newspapers, in particular, celebrated the victory, pointing out that, in the words of one paper, “hundreds of such cases which were pending throughout the United States were effected [sic] by this ruling handed down by the Supreme Court.”<sup>208</sup> The immediate impact on the families involved was that they could remain in their homes, and if they had been forced out, they could return.

The multi-year battle was over, and that brought relief to the McGhees. While it was clear to all their supporters that other civil rights battles would be forthcoming, this was a significant victory. Orsel stated to the *Detroit News*: “We’re mighty happy. We’ve tried to be good neighbors and good citizens. We get along nicely with most of our neighbors. If some of them don’t like us, we just can’t help it.”<sup>209</sup> Orsel also praised all those who supported his family throughout the years, especially the NAACP, Willis Graves and Francis Dent, and the *Michigan Chronicle*.<sup>210</sup>

The impact that the decision of *Shelley v. Kraemer* had was not immediate nor fully encompassing in resolving housing segregation.<sup>211</sup> George Schermer, head of the Detroit

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<sup>205</sup> *Shelley v. Kraemer*, 334 United States 1 (1948), decision.

<sup>206</sup> *Hurd v. Hodge*, 334 United States 24 (1948), decision.

<sup>207</sup> Some include: “Anti-Negro Pacts on Realty Ruled Not Enforceable,” *The New York Times*, May 4, 1948, 1 and 2; Dillard Stokes, “High Court Voids Racial Ban in Realty Transactions,” *The Washington Post*, May 4, 1948, 1 and 3; and “High Court Outlaws Realty Agreements Barring Negroes,” *Los Angeles Times*, May 4, 1948, 1 and 4.

<sup>208</sup> “U.S. Supreme Court Rules Against Restricted Covenant,” *Arizona Sun*, May 7, 1948, 1.

<sup>209</sup> “Zone Rule Welcomed by Family: Race Curb Upset Cheers Negroes,” *Detroit News*, May 4, 1948, 1 and 2.

<sup>210</sup> “Detroiters See New Future in Restriction Ban,” *Michigan Chronicle*, May 8, 1948, 1.

<sup>211</sup> Thomas J. Sugrue argues that covenants were expensive to litigate, and that once one Black person moved into a neighborhood White people often fled, and therefore it was not a “root cause” of housing segregation; see *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York:

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Interracial Committee, praised the ruling, yet noted that it would not lead to a massive movement of people into new neighborhoods.<sup>212</sup> Yet the ruling changed the lives of the families involved in the court who could now live in their own homes without facing the indignity of being forced out of their own property and without any fear of being removed through legal means. Other families unrelated to the cases who had previously been forced out of their homes announced their plans to move back,<sup>213</sup> and other minority groups benefited from the decision as well.<sup>214</sup> Thurgood Marshall stated about the victory: "It is obvious that no greater blow to date has been made against the pattern of segregation existing within the United States."<sup>215</sup>

Marshall and other supporters knew that the outcome of one court case would not solve all the housing problems facing African Americans.<sup>216</sup> This is made clear by the statements then made by White neighbors of the McGhees: some were defiant, believing the fight only temporarily lost, and one suggested that White homeowners could perhaps be sued for breaching their contract in selling their property to a non-White person. Indeed, this loophole would soon be exploited by segregationists as they continued to push back against the *Shelley* decision. Neighborhood associations, like those in Detroit's Boston-Edison and Indian Village neighborhoods, were soon to discuss the issue in an attempt to remain segregated.<sup>217</sup> The practice of suing those selling to non-Whites for breaching a contract had to be challenged separately, and in 1953 the United States Supreme Court stopped it with its decision in *Barrows v. Jackson*.<sup>218</sup> This decision was only possible because of the ruling in the *McGhee* and *Shelley* cases.

Despite the ban on enforcement, racially restrictive covenants did not disappear right away, and new ones continued to be written even if they were legally unenforceable. Even federal agencies, most notably the FHA, continued to support housing segregation. In response to NAACP inquiries, the FHA's commissioner stated that the *Shelley* decision would not change any of their policies, which included redlining and the devaluation of homes and neighborhoods when African

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Random House, 2008), 209.

<sup>212</sup> "Hail High Court Ruling on Housing," *Detroit Tribune*, May 5, 1948, 1 and 2.

<sup>213</sup> Charles J. Wartman and Bill Matney, "High Court Curbs Race Bars," *Michigan Chronicle*, May 8, 1948, 1. Collins Reynolds, who had been forced out of his house at 17927 St. Aubin St. in Detroit, said: "I am moving back into my house immediately." Reynolds had been forced out of his home after losing court cases; see "Two Families Lose Cases Against Restrictions," *Michigan Chronicle*, April 26, 1947, 1 and 2.

<sup>214</sup> Gonda, *Unjust Deeds*, 205-6.

<sup>215</sup> "Court Voids Racial Housing Curbs," *Detroit Free Press*, May 4, 1948, 1 and 3.

<sup>216</sup> Horace White, "The Facts in Our News," *Michigan Chronicle*, May 15, 1948, 6. White noted the importance of the decisions, but noted that gentleman's agreements would help to avoid the ban on covenant enforcement.

<sup>217</sup> "They Have Faith: Neighbors of McGhee Take Decision Calmly," *Detroit Free Press*, May 4, 1948, 2; and "Detroiters See New Future in Restriction Ban," 1.

<sup>218</sup> 346 United States 249 (1953). Oddly, there was one dissent on the Supreme Court in this case: Chief Justice Vinson, who stated that since there were no damages directed at any minority party, the practice should be able to continue; see Brooks and Rose, *Saving the Neighborhood*, 169-70; Gonda, *Unjust Deeds*, 202-3; Miller, *The Petitioners*, 324-26; and Rothstein, *The Color of Law*, 89-90.

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Americans resided there.<sup>219</sup> By 1950, however, the FHA declared it would no longer issue mortgages to homes covered by restrictive neighborhood covenants.<sup>220</sup> The use and relevance of racially based covenants had been dealt a mortal blow.

Housing conditions for non-White groups remained a problem even after racially based covenants became unenforceable.<sup>221</sup> Improvements were gradual in Detroit: from 1948 to 1960 the number of dilapidated buildings and those without running water or indoor plumbing decreased from 29.3 to 10.3 percent, and overcrowding was reduced from 25.3 to 17.5 percent.<sup>222</sup> But these numbers also reflect the destruction of Black neighborhoods like Black Bottom due to urban renewal policies, and housing segregation in Detroit and its suburbs remained pervasive in the 1950s and 1960s.<sup>223</sup> Real estate groups also continued to exclude minorities from buying, leasing, or renting property,<sup>224</sup> and extralegal violence targeting African Americans certainly did not disappear.<sup>225</sup> Broad legislation did come eventually: Michigan adopted a fair housing law in 1968,<sup>226</sup> and with the Fair Housing Act, a subsection of the Civil Rights Act of 1968, discrimination by federal housing agencies was made illegal.<sup>227</sup>

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<sup>219</sup> Commissioner Franklin D. Richards wrote: "I can assure you that there has been no change either in our basic concepts or any phase of underwriting processing or procedure as a result of the Court's decision." Woods, "African Americans, the GI Bill, and the NAACP," 407. See also Kimble, "Insuring Inequality," 417-18.

<sup>220</sup> Abrams, *Forbidden Neighbors*, 222-26, and 232-34; Kimble, "Insuring Inequality," 418-23; and Rothstein, *The Color of Law*, 85-99. The positive language concerning racially based covenants found in the FHA's *Underwriter's Manual* as late as the 1947 revision was removed by the 1952 revision.

<sup>221</sup> Robert C. Weaver, "The Relative Status of the Housing of Negroes in the United States," *The Journal of Negro Education* 22, no. 3 (1953): 347-54.

<sup>222</sup> Sugrue, *The Origins of the Urban Crisis*, 183.

<sup>223</sup> Fine, *Expanding the Frontiers of Civil Rights*, 115; and Fine, "Michigan and Housing Discrimination," 83.

<sup>224</sup> One example was a systematic screening system used by the Grosse Pointe Brokers Association to prevent African Americans and other minorities from moving to Grosse Pointe, a suburb of Detroit. Its use would not become public knowledge until 1960. See Sidney Fine, "Michigan and Housing Discrimination, 1949-1968," *Michigan Historical Review* 23, no. 2 (1997): 87-92. In addition, groups of realtors and rental managers in Ann Arbor continued to discriminate into the early 1960s (*ibid.*, 94).

<sup>225</sup> A few examples of violence in Detroit include: "Probe Cross Burning at Princeton St. Home," *Detroit Tribune*, February 18, 1950, 1; and "Vandals Beer-Bottle Race Home 3 Times," *Detroit Tribune*, May 13, 1950, 1. See also B.T. McGraw and George B. Nesbitt, "Aftermath of Shelley versus Kraemer on Residential Restriction by Race," *Land Economics* 29, no. 3 (1953): 286-87. For an overview of violence against African Americans moving into white neighborhoods across the United States, acts which persists into the twenty-first century, see Jeannine Bell, *Hate Thy Neighbor: Move-In Violence and the Persistence of Racial Segregation in American Housing* (New York: New York University Press, 2013).

<sup>226</sup> Fine, "Michigan and Housing Discrimination," 81.

<sup>227</sup> Lassiter and Salvatore, *Civil Rights in America*, 33.

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Despite continuing housing segregation, the *McGhee* and *Shelley* cases helped lay the groundwork for ameliorating housing conditions by legal means. They were a triumph that helped legal activists, and one that was seen as a necessary step before moving on to other civil rights issues.<sup>228</sup> The alliances built between activist groups and the Justice Department, as well as the legal arguments and social studies, played a role in later court victories involving other forms of segregation, such as education in *Plessy v. Ferguson*.<sup>229</sup>

## Legal Influence

Initially, the legal impact of *Shelley v. Kraemer* was fairly limited beyond its immediate effect of making covenants unenforceable. Scholars have pointed out flaws in the reasoning of Chief Justice Vinson and the other justices, namely that if any enforcement by the state of a private contract is a public action, how can there be a private sphere?<sup>230</sup> While its ruling on covenants remained, the legal reasoning of *Shelley v. Kraemer* was often ignored and isolated.<sup>231</sup> Despite all this, *Shelley v. Kraemer* demonstrated that new techniques, such as the use of sociological data, could be an effective legal argument.<sup>232</sup> Its reasoning was still relevant in 2021, where it was used in the opinions of *Whole Woman's Health v. Jackson*.<sup>233</sup>

The strategies used in *Shelley v. Kraemer* did not just help to end covenants, but, once successful, were later used on other discrimination issues, such as segregated education in the early 1950s.<sup>234</sup> The Open Housing Movement was inspired by the case, and housing advocates worked to abolish segregated housing in the 1950s and 1960s.<sup>235</sup> For the NAACP, the victory (and especially the successful lobbying of the Justice Department for aid) meant setting aside the old idea of gradualism with regards to civil rights.<sup>236</sup> Some within the organization, like Loren Miller, noted that legal means had to be used in concert with mass activism.<sup>237</sup> The McGhee case was not just successful due to skilled attorneys: their efforts would have been much more difficult without the support provided by Black newspapers (such as the *Michigan Chronicle*) and activists spreading news about the case and fundraising.

## National Level of Significance

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<sup>228</sup> An activist from Chicago who had campaigned against covenants wrote to Loren Miller saying that "we can move on to other battle fields." Gonda, *Unjust Deeds*, 208.

<sup>229</sup> Gonda, *Unjust Deeds*, 210-12.

<sup>230</sup> Mark D. Rosen, "Was *Shelley v. Kraemer* Incorrectly Decided? Some New Answers," *California Law Review* 95, no. 2 (2007): 451-454.

<sup>231</sup> Brooks and Rose, *Saving the Neighborhood*, 142-45; and Rosen, "Was *Shelley v. Kraemer* Incorrectly Decided?" 457-70.

<sup>232</sup> Ming, "Racial Restrictions and the Fourteenth Amendment," 212.

<sup>233</sup> *Whole Woman's Health v. Jackson*, 595 United States (2021), Opinion of the Court, 9, and Opinion of Justice Sotomayor, 6.

<sup>234</sup> Tushnet, *Making Civil Rights Law*, 81.

<sup>235</sup> Sugrue, *The Origins of the Urban Crisis*, 190-94.

<sup>236</sup> Gradualists preferred to push White people to voluntarily reject segregation, rather than seeking changes through legal means (Tushnet, *Making Civil Rights Law*, 152).

<sup>237</sup> Gonda, *Unjust Deeds*, 208-10.

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The McGhee House is eligible for the National Register of Historic Places at the national level of significance due to its association with the *Shelley v. Kraemer* Supreme Court decision rendering racially restrictive covenants unenforceable. While the United States Supreme Court case is known as *Shelley v. Kraemer*, this is because its petition for certiorari was filed first; the *McGhee* and *Shelley* cases stand together as being of equal importance. The Shelley House in St. Louis Missouri, subject of the companion case, was recognized as a National Historic Landmark in 1990.

Of equal importance, the property is eligible at the national level for the efforts of Orsel and Minnie McGhee, who actively and successfully drew attention to their case and organized the support of the nation's African American community. Without the determination of the McGhee family and their continuing efforts to stay in their home, without the efforts of Detroit attorneys Willis Graves and Francis Dent, without the backing of the NAACP and the legal acumen of Thurgood Marshall, racially restrictive covenants might not have been found unenforceable in 1948.

The impact of *Shelley v. Kraemer* on the continuing struggle for African American civil rights is significant, despite the pushback by segregationists after the ruling. It marked a turning point in civil rights campaigning and the embrace of new legal strategies based on sociological studies. The NAACP formed alliances with academics, as well as other minority groups, labor unions, and even the Justice Department. While many discriminatory policies at the federal level would remain in place after 1948, following the decision in *Shelley v. Kraemer*, here began their erosion.

### ***The Civil Rights Movement and the African American Experience in 20th Century Detroit, Michigan Multiple Property Documentation Form: Registration Requirements and Areas of Significance***

The significance of the McGhee House can be more closely evaluated within the context of the *Civil Rights Movement and the African American Experience in 20th Century Detroit, Michigan Multiple Property Documentation Form (MPDF)*, submitted to the National Register of Historic Places and approved in 2020. To gain significance within this context, properties must (in addition to being located in Detroit, dating from the time period 1900–1976, and retaining “integrity”) “possess historical associations related to the theme of twentieth century African American civil rights” as described in the MPDF.<sup>238</sup>

In this case, the McGhee House fits within the context theme “The Demand for Fair Housing in Detroit: 1918–1976” described in Section E of the document. Specifically, the MPDF highlights the McGhee House as exemplifying “continued resistance by White neighborhoods to integration”<sup>239</sup> during this period. It also aligns with the thematic framework of “Housing”, and the period of significance “1941–1954: Birth of the Civil Rights Movement in Detroit” (both first

<sup>238</sup> *The Civil Rights Movement and the African American Experience in 20th Century Detroit*, 39.

<sup>239</sup> *Ibid.*, 19.

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identified by the National Park Service in *Civil Rights in America: A Framework for Identifying Significant Sites*).

The MPDF states “The overarching Area of Significance for civil rights resources in Detroit is Ethnic Heritage: Black;”<sup>240</sup> the document also suggests Social History.<sup>241</sup> Further, the MPDF suggests, “Residential properties purchased by pioneering African Americans in what were formerly White neighborhoods often resulted in a seminal event that led to changes in policies and practices at the local, state and national levels, such as ending the use of restrictive covenants.”<sup>242</sup> Law is therefore a third Area of Significance.

### Community Significance: 1948 to the Present

Upon the conclusion of the *Shelley v. Kraemer* case, the McGhee House immediately became a landmark, both to the surrounding community and beyond. According to a draft National Register of Historic Places form prepared between 1974 and 1978 and largely based on an interview with Minnie McGhee, “curiosity seekers” began to visit the house “in droves” as soon as the decision was announced.<sup>243</sup> The McGhee family largely sought to return to a normal life and avoided seeking praise or recognition for their role in the case.<sup>244</sup>

The end of the *Shelley v. Kraemer* case also marked the beginning of a new, more personal, relationship that would develop between McGhee and Sipes families, who would remain next-door neighbors for many years to come. Benjamin and Anna Sipes, the very plaintiffs who attempted to remove Orsel, Minnie, and their family from their home, became apologetic.<sup>245</sup> Anna Sipes, in particular, “started out adversarial and then wound up being supportive of my family,” according to McGhee-Anderson, who describes the Sipes’ as having been “put up to it by the neighborhood association.” Benjamin and Anna Sipes, a working-class family from Pennsylvania, had come to Detroit for a job in the automobile industry, and felt out of place in their largely upper-middle-class neighborhood. “[Benjamin] did everything to try to fit in with them, but they never, in the end, accepted him,” relates Buck Bard, the Sipes’ grandson. “I think they ended up growing quite ashamed of their participation... I think that was the one thing they regretted in life.”<sup>246</sup>

The two families grew to know each other, and, as Minnie McGhee later recounted: “She [Mrs. Sipes] and I have become very good friends, the whole family, Mr. Sipes and her husband, we have become very good friends.”<sup>247</sup> The relationship between the two families would continue to

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<sup>240</sup> Ibid., 5.

<sup>241</sup> Ibid., 2.

<sup>242</sup> Ibid., 39.

<sup>243</sup> Undated draft document provided by the Michigan State Historic Preservation Office.

<sup>244</sup> Kathleen McGhee-Anderson and Reginald Lawrence McGhee, interview.

<sup>245</sup> “They [the Sipes] were very apologetic down through the years after the case was settled.” Minnie McGhee, interview.

<sup>246</sup> Buck Bard, interview with authors, March 20, 2022.

<sup>247</sup> Minnie McGhee, interview.

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evolve over the decades that followed.<sup>248</sup> Benjamin and Anna Sipes would be the last White family to remain in what would by the 1970s become an all-Black neighborhood, with Benjamin living in the home until his death and Anna moving out in 1974.<sup>249</sup> Bard recalls, during an era of White flight, family members urging Anna to leave the neighborhood. But she resisted, saying “I love my neighbors.” In time, however, she grew unable to maintain a house on her own and moved in with her daughter Geraldine and her family in a Wayne County suburb. “My grandmother, she would always speak very sadly about having to leave,” Bard remembers.<sup>250</sup>

Wishing to downsize to a smaller home,<sup>251</sup> Orsel and Minnie McGhee moved to a one-and-one-half-story bungalow at 4610 Seebaldt Street in 1968. They sold the 4626 Seebaldt Street house on February 16, 1968, to Eddie Mitchell and Gladys Mitchell; Gladys Mitchell in turn sold the property to John D. Lewis on May 11, 1980. The current owners, Velma and Tony Rucker, purchased the home on August 12, 2011.<sup>252</sup>

The property was recognized as a Michigan Historic Site in 1976. A State of Michigan historical marker, commemorating the McGhee family, the 1948 United States Supreme Court decision, and describing the role of Thurgood Marshall and the NAACP, was installed in 1983. The McGhee House remains an enduring symbol of the McGhee family itself and their successful efforts to overcome legal arguments, hatred, and intimidation. Presently the house is valued as place of community pride, education, and hope.<sup>253</sup>

Kathleen McGhee-Anderson, granddaughter of Orsel and Minnie, later wrote the screenplay for a USA Network movie portraying the stories of the McGhee and Sipes families, focusing on a dramatized account of the evolving relationship between Minnie and Anna. McGhee-Anderson

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<sup>248</sup> Descendants of both families provide different perspectives on this relationship. “They didn't hang out and have dinner or anything. But they were very pleasant neighbors... my grandmother [Minnie McGhee] was an avid gardener, and I would see her chatting with Mrs. Sipes across the fence,” remembers Kathleen McGhee-Anderson (interview with authors). Buck Bard, grandson of Benjamin and Anna Sipes, highlights the relationship by providing an anecdote recalled by his mother, Geraldine (Sipes) Bard: “During the riot [in 1967], the McGhees actually sat on my grandparents' porch with a shotgun” to defend the home.

<sup>249</sup> According to McGhee-Anderson, it was “a curiosity to be in that all-Black (then) neighborhood and to have one White set of neighbors next door. That was the family that brought the lawsuit against my grandparents and they never moved . . . that, in and of itself, is worthy of examination.” Orsel and Minnie McGhee House Community Meeting, held October 19, 2021.

<sup>250</sup> Buck Bard, interview with authors.

<sup>251</sup> Kathleen McGhee-Anderson and Reginald McGhee, interview.

<sup>252</sup> Liber 16612, page 527; liber 20861, page 487; and liber 49317, page 1332, Wayne County Records.

<sup>253</sup> As noted by members of the public at the Orsel and Minnie McGhee House Orsel and Minnie McGhee House Community Meeting, held October 19, 2021. “It's a pleasure and honor to be able to go to the home... I've taken my grandchildren there to allow them to see the marker that's there... being able to go there and visit and know that it is a historic site is just a wonderful thing for my family,” noted one attendee.



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reflected in a 2022 interview:

Stories of our grandparents need to come out more, because it's not just the Kings, it's not just the John Lewises, it's not just the major leaders who are helping bring about the change, it's the ordinary man that is doing that, like our grandfather. And those kinds of stories have to be celebrated so that it gives us—the people—the will and the courage to stand up in their own lives. And that's what makes a sea change.<sup>254</sup>

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<sup>254</sup> Kathleen McGhee-Anderson and Reginald McGhee, interview.

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McGhee, Orsel and Minnie, House  
Name of Property

Wayne County, MI  
County and State

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McGhee, Orsel and Minnie, House

Name of Property

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Wayne County, MI

County and State

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McGhee, Orsel and Minnie, House  
Name of Property

Wayne County, MI  
County and State

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**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67) has been requested
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_
- recorded by Historic American Landscape Survey # \_\_\_\_\_

**Primary location of additional data:**

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other
- Name of repository: \_\_\_\_\_

**Historic Resources Survey Number (if assigned):** \_\_\_\_\_

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**10. Geographical Data**

**Acreeage of Property:** Less than one (0.103 acres)

Use either the UTM system or latitude/longitude coordinates

**Latitude/Longitude Coordinates**

Datum if other than WGS84: \_\_\_\_\_  
(Enter coordinates to 6 decimal places)

1. Latitude: 42.355336                      Longitude: -83.119470
2. Latitude:                                      Longitude:
3. Latitude:                                      Longitude:
4. Latitude:                                      Longitude:

**Or**

McGhee, Orsel and Minnie, House  
Name of Property

Wayne County, MI  
County and State

**UTM References**

Datum (indicated on USGS map):

NAD 1927 or  NAD 1983

- |          |           |           |
|----------|-----------|-----------|
| 1. Zone: | Easting:  | Northing: |
| 2. Zone: | Easting:  | Northing: |
| 3. Zone: | Easting:  | Northing: |
| 4. Zone: | Easting : | Northing: |

**Verbal Boundary Description** (Describe the boundaries of the property.)

Lot 52 of Seebaldts Subdivision, Liber 27, Page 34, Wayne County Records.

**Boundary Justification** (Explain why the boundaries were selected.)

Lot 52 comprises the entire parcel owned by the McGhee family during the Period of Significance.

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**11. Form Prepared By**

name/title: Michael F. Webb, Melanie A. Markowicz, and Timothy Boscarino  
organization: Twosixfour LLC  
street & number: 1068 Vinewood Street  
city or town: Detroit state: Michigan zip code: 48216  
e-mail: melmarkowicz@gmail.com  
telephone: 313-265-9266  
date: May 27, 2022

McGhee, Orsel and Minnie, House  
Name of Property

Wayne County, MI  
County and State

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### Additional Documentation

Submit the following items with the completed form:

- **Maps:** A USGS map or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items** (Check with the SHPO, TPO, or FPO for any additional items.)

### Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

### Photo Log

Name of Property: McGhee, Orsel and Minnie, House  
City or Vicinity: Detroit  
County: Wayne State: Michigan  
Photographer: Timothy Boscarino  
Date Photographed: April 2, 2022

Description of photograph(s) and number:

- 1 of 11. 4600 Block of Seebaldt Street contextual view. Photo taken from Biddle School parking lot, 4601 Seebaldt Street.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0001
- 2 of 11. Front (south) facade of house.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0002
- 3 of 11. Southwest corner of house.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0003
- 4 of 11. Northwest corner of house.

McGhee, Orsel and Minnie, House  
Name of Property

Wayne County, MI  
County and State

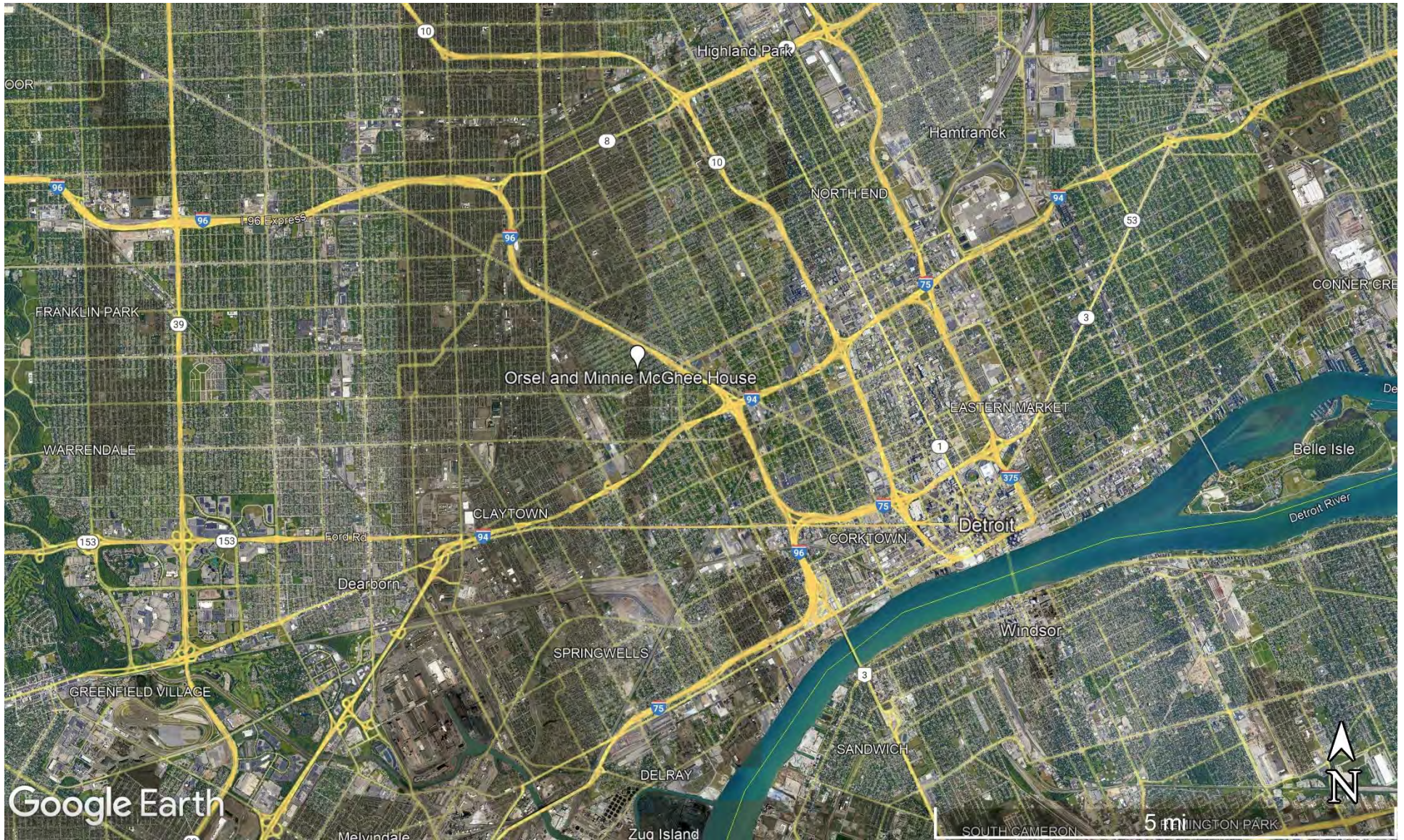
- MI\_Wayne\_Orsel and Minnie McGhee House\_0004
- 5 of 11. Rear (north) facade of house.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0005
- 6 of 11. Northeast corner of house.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0006
- 7 of 11. Southeast corner of house.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0007
- 8 of 11. Detail of entry foyer and stairway balustrade.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0008
- 9 of 11. Detail of kitchen built-ins and woodwork.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0009
- 10 of 11. Detail of second floor vestibule and Armstrong linoleum rug.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0010
- 11 of 11. Garage, viewed from center of back yard facing north.  
MI\_Wayne\_Orsel and Minnie McGhee House\_0011

**Paperwork Reduction Act Statement:** This information is being collected for nominations to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

**Estimated Burden Statement:** Public reporting burden for each response using this form is estimated to be between the Tier 1 and Tier 4 levels with the estimate of the time for each tier as follows:

- Tier 1 – 60-100 hours
- Tier 2 – 120 hours
- Tier 3 – 230 hours
- Tier 4 – 280 hours

The above estimates include time for reviewing instructions, gathering and maintaining data, and preparing and transmitting nominations. Send comments regarding these estimates or any other aspect of the requirement(s) to the Service Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive Fort Collins, CO 80525.

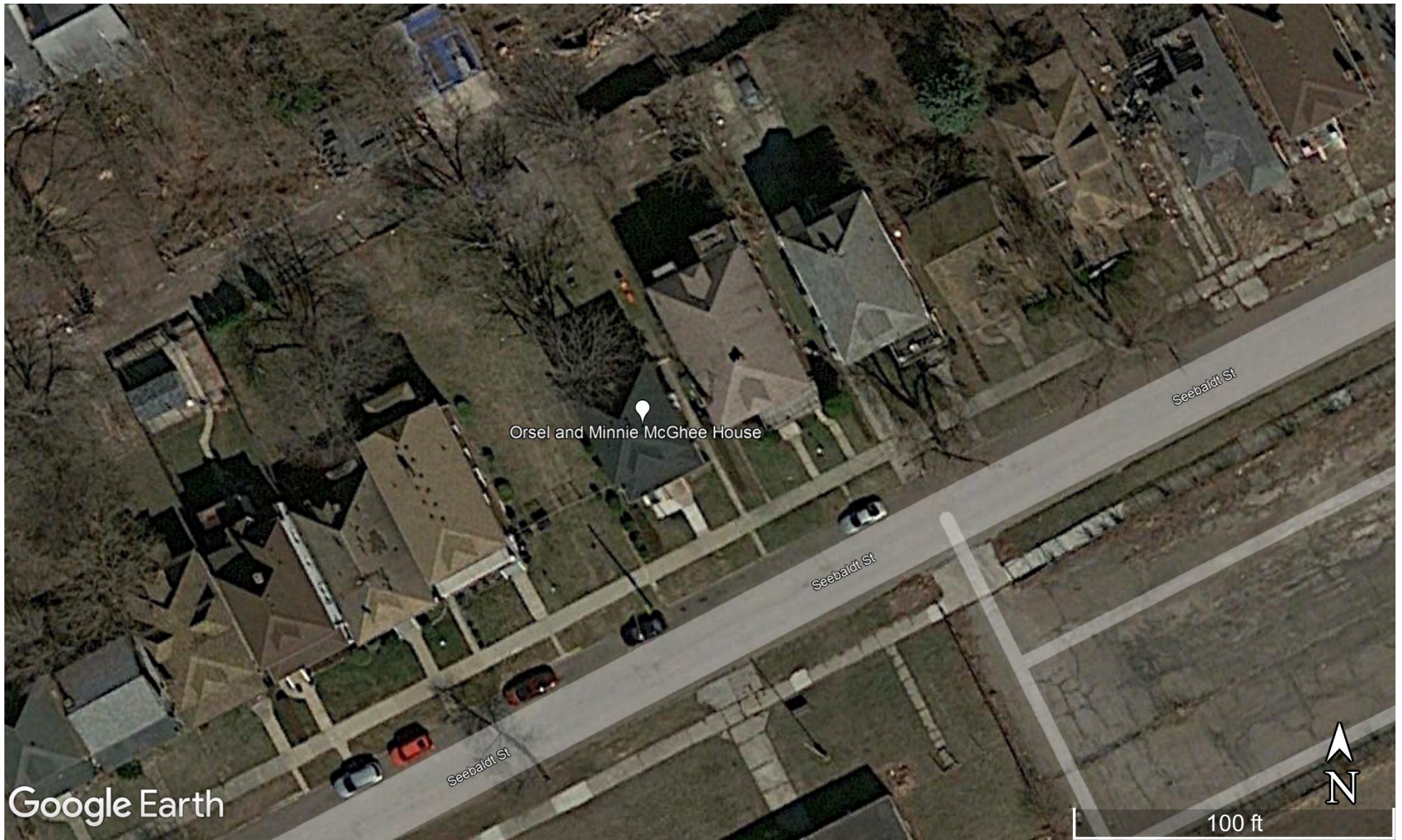


## Orsel and Minnie McGhee House

4626 Seebaldt Street, Detroit, Wayne County, Michigan

Latitude: 42.355336  
Longitude: -83.119470



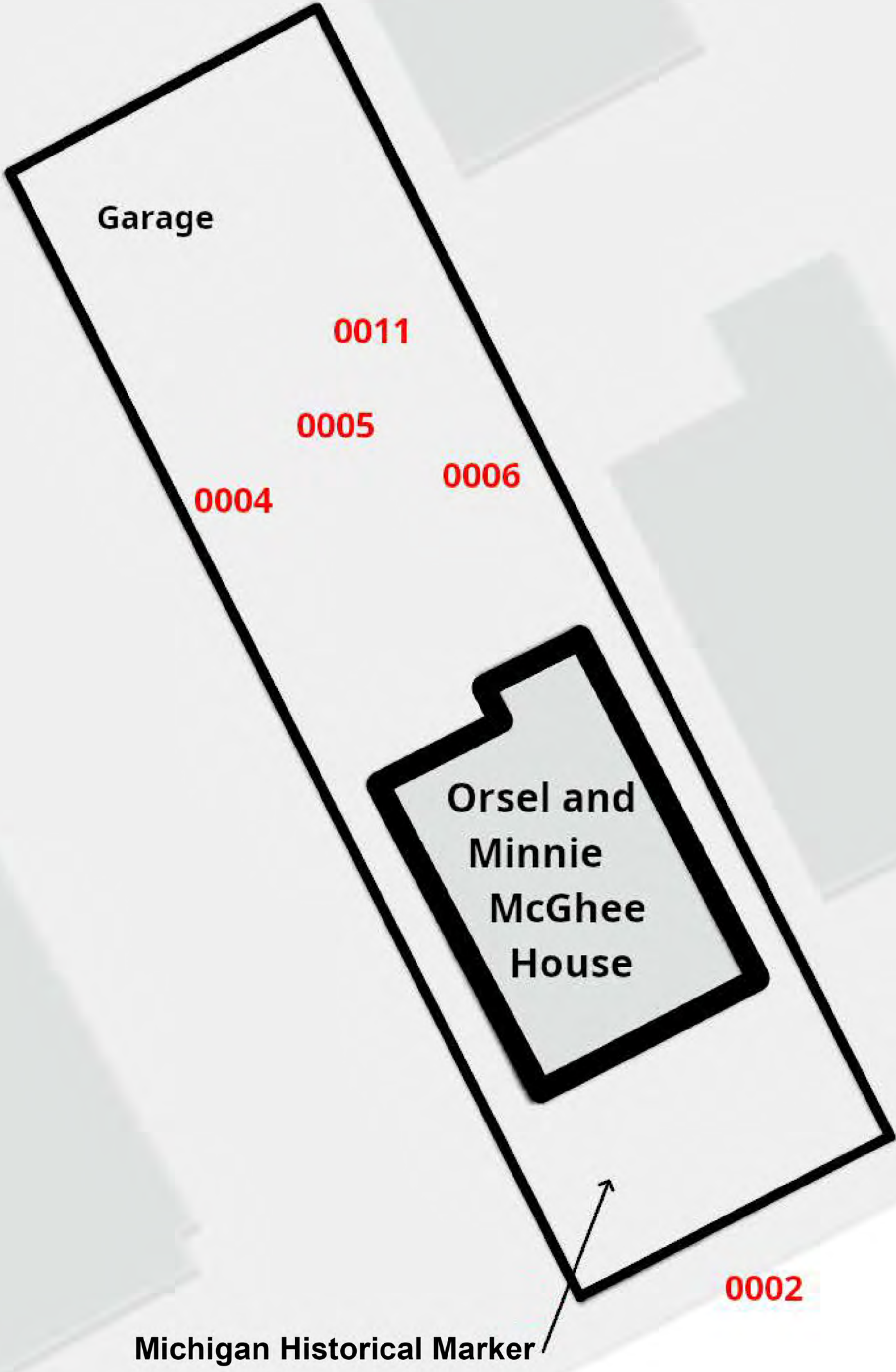


## Orsel and Minnie McGhee House

4626 Seebaldt Street, Detroit, Wayne County, Michigan

Latitude: 42.355336  
Longitude: -83.119470





Garage

0011

0005

0004

0006

Orsel and  
Minnie  
McGhee  
House

0002

Michigan Historical Marker

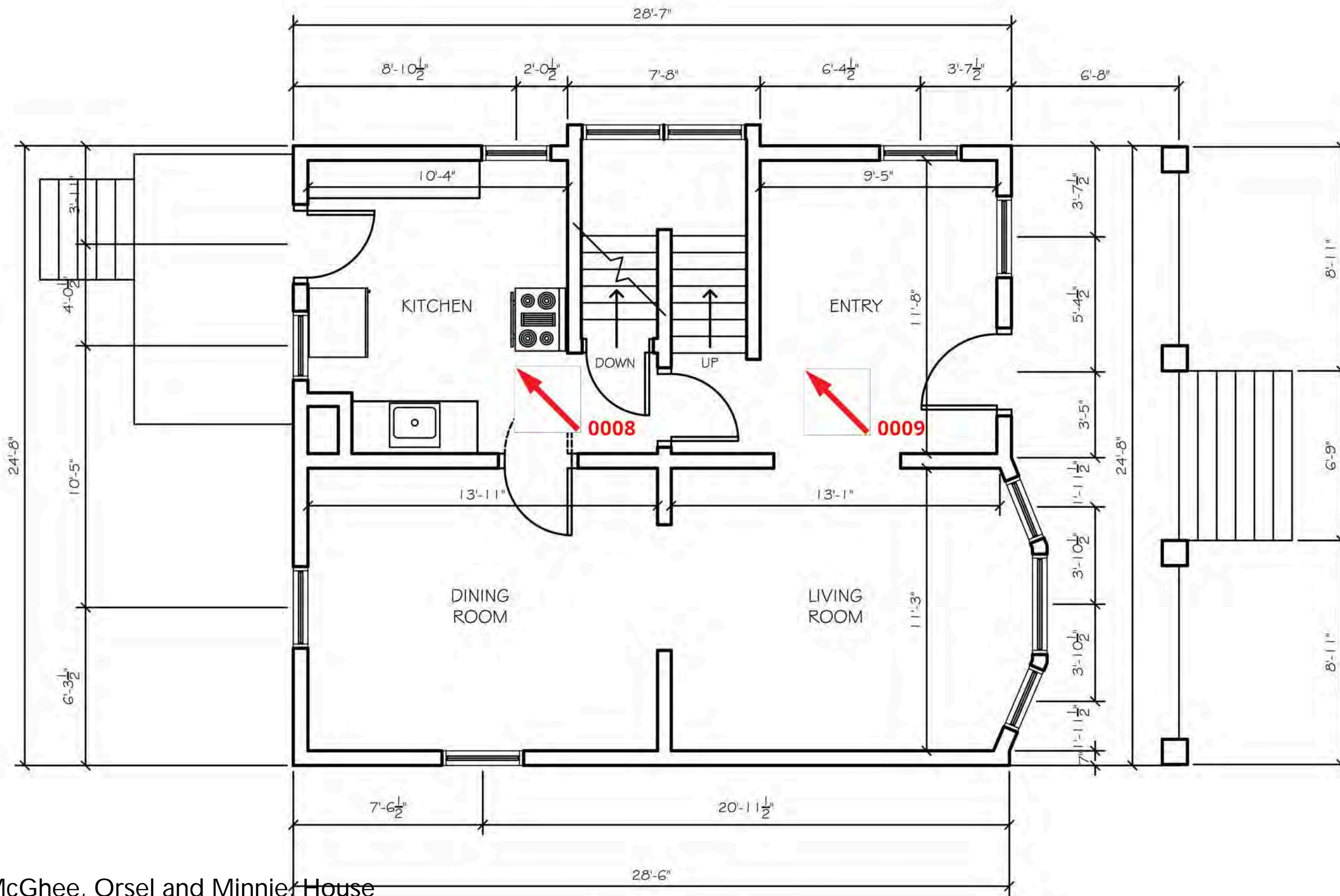
0003

Seebaldt St

McGhee, Orsel and Minnie, House  
Detroit, Wayne County, Michigan

Site Plan and Exterior Photo Key





McGhee, Orsel and Minnie House  
 Detroit, Wayne County, Michigan

First Floor Photo Key

NORTH  **FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'0"



**ORSEL MCGHEE HOUSE**  
 4626 Seebaldt  
 Detroit, MI 48204

Project Number:  
 PD.McGhee.12

Drawn By:  
 G.Kandalaft

Issued for:

Sheet Title:  
 FIRST FLOOR PLAN

Sheet No.:  
 A.102



# ORSEL MCGHEE HOUSE

4626 Seebaldt  
Detroit, MI 48204

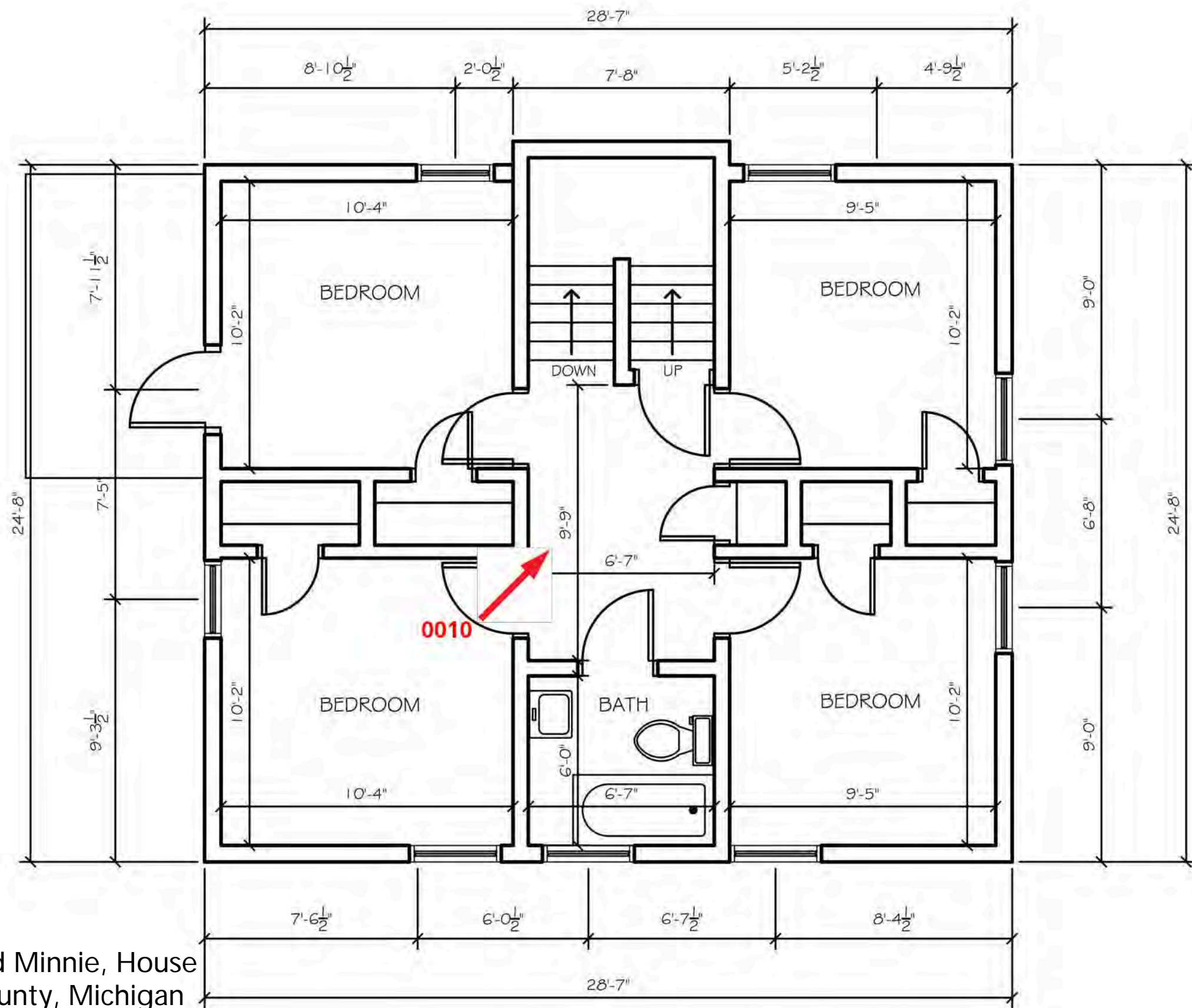
Project Number:  
PD.McGhee.12

Drawn By:  
G.Kandalaft

Issued for:

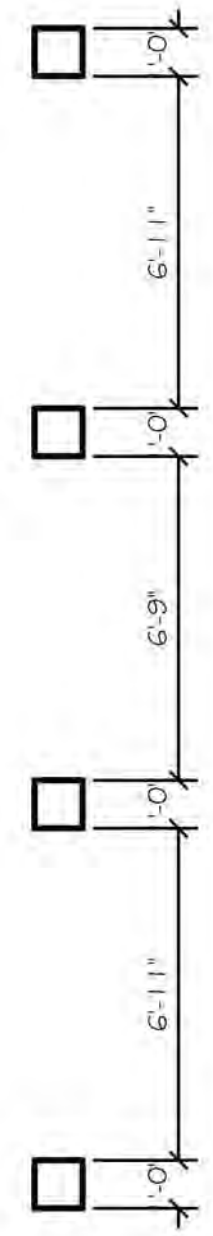
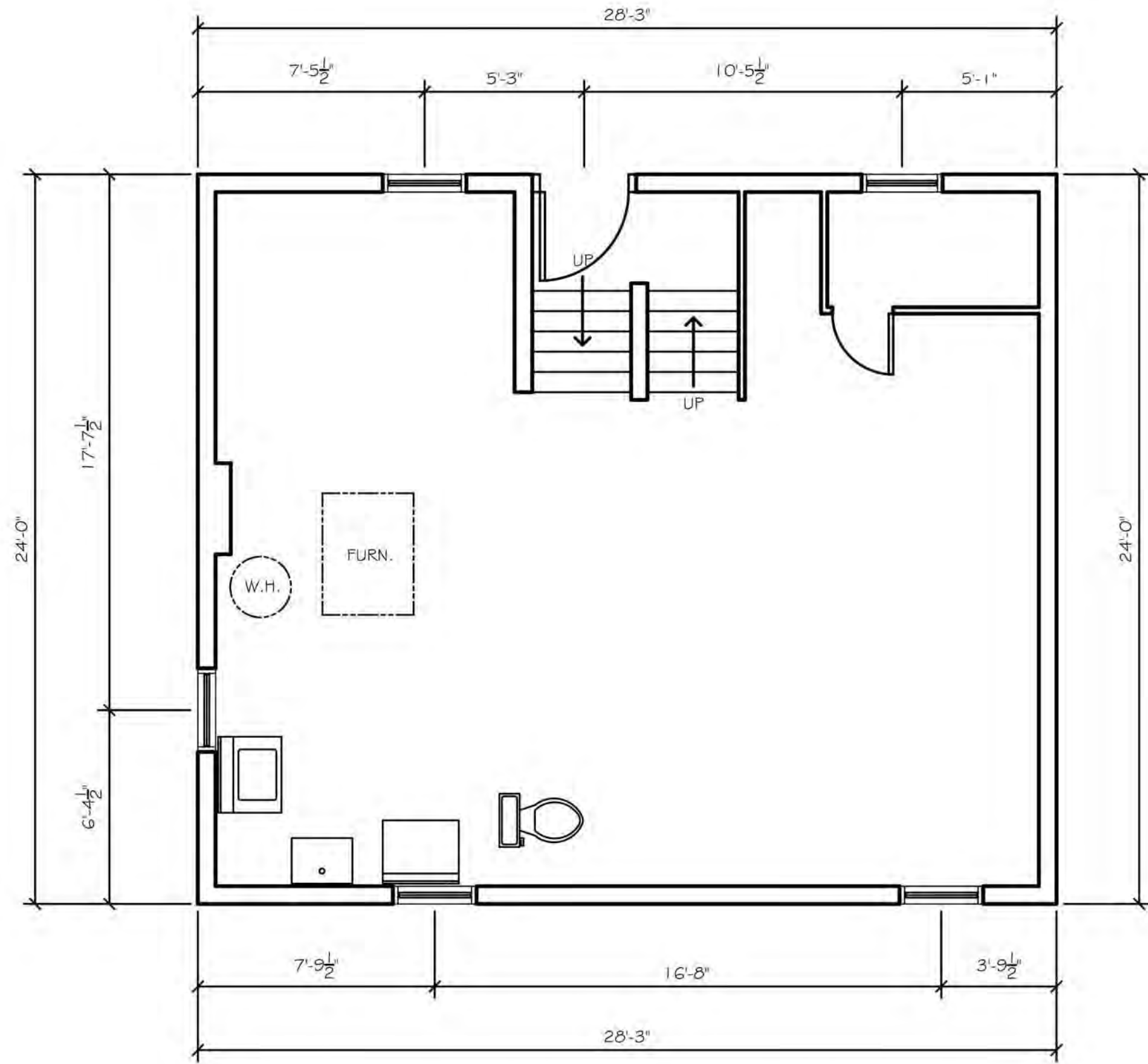
Sheet Title:  
SECOND FLOOR PLAN


Sheet No.:  
A.103



McGhee, Orsel and Minnie, House  
Detroit, Wayne County, Michigan

Second Floor Photo Key



NORTH  **BASEMENT FLOOR PLAN**  
 SCALE: 1/4" = 1'0"

**ORSEL MCGHEE HOUSE**  
 4626 Seebaldt  
 Detroit, MI 48204

Project Number:  
PD.McGhee.12  
 Drawn By:  
G.Kandalaff

Issued for:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sheet Title:  
BASEMENT FLOOR PLAN  
 Sheet No.:  
A.101



AHEAD

SPEED  
HUMP



4626



**ORSEL MCGHEE HOUSE**  
In 1944 the Orsel McGhee House was built by Orsel McGhee, a black family member of the white family who was then an all-white neighborhood. A neighborhood family was a co-owner and Orsel McGhee was a co-owner of the house on the basis of a restrictive covenant forbidding non-white persons. The McGhee family, represented by the NAACP, sued to the U.S. Supreme Court. The court's 1948 decision in favor of the McGhees upheld the principle of freedom from discrimination in the enjoyment of property rights.

6626





MIKE KAGAN







**ORSEL MCGHEE HOUSE**  
In 1898 the Orsel McGhee House, a three-story red brick house, was built by Orsel McGhee, a prominent local businessman. The house is a fine example of the Queen Anne style, with its gabled roof, decorative brackets, and a wrap-around porch. The house is listed on the National Register of Historic Places.

4626







Map labels and abbreviations include: ND, MINN, SD, WIS, IOWA, ILL, MO, KY, TENN, MISS, ALA, GA, SC, N.C., VA, MD, PA, NY, N.J., MASS, VT, NH, ME, W.VA, WY, COLO, NEB, NE, IA, ARK, LA, TX, OK, NM, AZ, CAL, IDA, WYO, MONT, WASH, OR, ORE, HI, AK, ALASKA, and HAWAII. Major cities shown include: SIOUX FALLS, MINNEAPOLIS, CHICAGO, SPRINGFIELD, INDIANAPOLIS, CINCINNATI, CLEVELAND, DETROIT, LANSING, COLUMBUS, HARRISBURG, PITTSBURGH, ERIE, BUFFALO, ALBANY, BOSTON, HARTFORD, CONN, NEW YORK, PHILADELPHIA, BALTIMORE, DOVER, CHARLOTTE, RALEIGH, NORFOLK, WASHINGTON, RICHMOND, NASHVILLE, MEMPHIS, KNOXVILLE, CHARLOTTE, COLUMBIA, ATLANTA, SAVANNAH, JACKSONVILLE, TAMPA, JACKSON, BATON ROUGE, HOUSTON, SAN ANTONIO, DALLAS, AUSTIN, SUGAR LAND, NEW ORLEANS, and MIAMI.





UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES  
EVALUATION/RETURN SHEET

Requested Action:

Property Name:

Multiple Name:

State & County:

Date Received: 7/5/2022      Date of Pending List: 7/18/2022      Date of 16th Day: 8/2/2022      Date of 45th Day: 8/19/2022      Date of Weekly List:

Reference number:

Nominator:

Reason For Review:

- |                                       |  |   |
|---------------------------------------|--|---|
| <input type="checkbox"/> Appeal       | <input type="checkbox"/> PDIL                | <input type="checkbox"/> Text/Data Issue    |
| <input type="checkbox"/> SHPO Request | <input type="checkbox"/> Landscape           | <input type="checkbox"/> Photo              |
| <input type="checkbox"/> Waiver       | <input checked="" type="checkbox"/> National | <input type="checkbox"/> Map/Boundary       |
| <input type="checkbox"/> Resubmission | <input type="checkbox"/> Mobile Resource     | <input type="checkbox"/> Period             |
| <input type="checkbox"/> Other        | <input type="checkbox"/> TCP                 | <input type="checkbox"/> Less than 50 years |
|                                       | <input type="checkbox"/> CLG                 |   |

Accept       Return       Reject      8/16/2022 Date

Abstract/Summary Comments:

Recommendation/ Criteria:

Reviewer Jim Gabbert      Discipline Historian

Telephone (202)354-2275      Date \_\_\_\_\_

DOCUMENTATION:    see attached comments : No    see attached SLR : No

If a nomination is returned to the nomination authority, the nomination is no longer under consideration by the National Park Service.





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
MICHIGAN STRATEGIC FUND  
STATE HISTORIC PRESERVATION OFFICE

QUENTIN L. MESSER, JR.  
PRESIDENT

Tuesday, July 5, 2022

Ms. Joy Beasley, Keeper  
National Park Service  
National Register of Historic Places  
1849 C Street, NW, Mail Stop 7228  
Washington, DC 20240

Dear Ms. Beasley:

The enclosed file contains the true and correct copy of the nomination for the **Orsel and Minnie McGhee House, 4626 Seebaldt Street, Detroit, Wayne, Michigan**. This property is being submitted for listing in the National Register of Historic Places. This nomination is a   X   New Submission        Resubmission        Additional Documentation        Removal.

- 1   Signed National Register of Historic Places Registration Form
- 2   Locational maps (incl. with nomination file)
- 5   Sketch map(s) / figures(s) / exhibits(s) (incl. with nomination file)
- 1   Pieces of correspondence (incl. with nomination file)
- 11   Digital photographs (incl. with nomination file)
- Other (incl. with nomination file): \_\_\_\_\_

COMMENTS:

- Please ensure that this nomination is reviewed.
- This property has been approved under 36 CFR 67.
- The enclosed owner objections constitute a majority of property owners.
- X   This nomination has been funded by the following NPS grant:  
Underrepresented Communities Grant (2019)
- Other:

Questions concerning this nomination should be addressed to Todd A. Walsh, National Register Coordinator, at (517) 331-8917 or walsht@michigan.gov.

Sincerely yours,

Martha MacFarlane-Faes  
Deputy State Historic Preservation Officer

