

A HISTORY OF RESIDENTIAL SEGREGATION IN
BERKELEY, CALIFORNIA, 1878–1960

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At home and abroad the City of Berkeley conjures up images of the Free Speech Movement and antiwar protests, hippies, and today's espresso-drinking, tie-dye-wearing, Prius-driving liberals. The city is renowned for its university, famous for the state's first socialist mayor, and celebrated for the nostalgic peace, love, and freedom associated with Telegraph Avenue. Despite being known for progressive liberal politics and vocal political correctness, Berkeley's history tells a much more conventional, at times conservative, and even racist story.¹ The 2000 Berkeley census confirms that significant differences persist among Berkeley neighborhoods with respect to the racial composition of the residents; 84 percent of East Berkeley's residents are Caucasian, and the majority of Berkeley's African American population live in the South and West.^{2,3} Acknowledging and symbolically uniting Berkeley's long-standing racially divided neighborhoods, Grove Street was renamed Martin Luther King Jr. Boulevard in 1984. For over half a century, this central thoroughfare had marked the line above which Asians and Blacks could not live.⁴ Grove Street's history reflects the racist real estate practices and public zoning laws that developed hand in hand with the City of Berkeley. Beginning at

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the turn of the 19th century, civic leaders and powerful real estate interests, prominently the Mason-McDuffie Company, made use of deed restrictions, private covenants, districting ordinances and zoning laws to keep those not of “pure Caucasian blood” out of East Berkeley’s residential neighborhoods.⁵ The enduring legacy of privately-controlled land development augmented by public policy resulted in more than half a century of residential segregation in Berkeley, the vestiges of which are still apparent today.

Rapid population growth and economic development in the first two decades of the 20th century ushered in Berkeley’s transformation from a largely rural area to an increasingly cohesive urban city, becoming the fifth largest in California by 1910.⁶ After the 1906 San Francisco earthquake, an influx of refugees and new permanent residents inundated Berkeley, fueling industrial development and homebuilding.⁷ By 1907, the West Berkeley landscape was remarkable for paved streets, electric lights, telephones, and many small factories, including soap and glass works, foundries, and manufactories of cigars, perfumes, and medicines.⁸ East Berkeley was home to the University of California, founded in 1868, as well as the California Theological Seminary, which had moved to Berkeley in 1901, and the Greek Theater, the pinnacle of Berkeley’s increasing cultural development, which opened in 1903.⁹ Alongside these intellectual, spiritual and cultural attractions, East Berkeley was the site of newly conceived “residential parks,” forerunners of today’s gated communities.¹⁰

Duncan McDuffie played an essential role in Berkeley’s real estate and land development, and tirelessly worked to mobilize the City’s first planning efforts. He was also a prominent political figure who used his influence to preserve and promote the aesthetic riches of California’s environment. A lifelong conservationist, McDuffie helped establish the California State Parks system and was a long-term president of the Sierra Club as well as chair of the Save-the-Redwoods League.^{11, 12} McDuffie’s commitment to protecting native California beauty was also evident in his approach to landscape and garden design. In every instance he strived to integrate all developments and architecture with the natural contours of the land.¹³ In keeping with his high standards for

environmental and aesthetic sensitivity, McDuffie hired Frederick Law Olmstead, the renowned landscape designer of New York's Central Park, to design the celebrated Claremont Hotel gardens as well as his Claremont Park project, St. Francis Wood development in San Francisco, and his own property within Claremont Park.¹⁴ Through his work McDuffie earned a reputation as one of the most idealistic community builders of the early 20th century. Nonetheless his record will always be tarnished by the racial discrimination perpetuated by the Mason-McDuffie Company.

After its founding in 1905, the Mason-McDuffie real estate corporation began buying up large land tracts in Berkeley with the intent of establishing private residential developments.¹⁵ Guided by the ideal of "private residence parks," McDuffie sought to develop high-end subdivisions featuring state-of-the-art homes and exquisite parks.¹⁶ Between 1905 and 1948, the company conceived, built, managed, and sold tracts throughout East Berkeley and the surrounding hills.^{17, 18} By 1916 McDuffie's company was already "Northern California's largest real estate brokerage and development corporation" and over the next 30 years 100,000 people would settle in Mason-McDuffie Co. neighborhoods.^{19, 20} In a 1950 corporate brochure promoting the company's "Controlled Developments," the advertising copy vaunts their unparalleled success: "during the more than 65 years of this company's continuous activity, it has played a major role in shaping the residential character of the San Francisco Bay Area."²¹ What the brochure does not mention is that the agency's "shaping of residential character" was a product of racially-restrictive property deeds and covenants that controlled all aspects of property use and acquisition within its subdivisions.²² The Mason-McDuffie Co. relied on race-restrictive covenants to protect the firm's ongoing financial investment in the property they managed and sold.

The promotional material for the Mason-McDuffie Co.'s first subdivision, Claremont Park, portrays a suburban haven secured by private restrictions meant to assure community sanctity. The pastoral drawings and dreamy text of the 1905 "color pamphlet and map" for prospective investors is addressed to a fictitious "San Francisco businessman."²³ The advertising copy suggests that Cla-

remont Park will release him from the “smothering” conditions of the city and the “advancing tide” of undesirable “flats or shops.” In contrast to such uncontrollable threats, a home in Claremont Park would offer an ideal lifestyle for the “happy healthy growth of his children—out of doors! out of doors!” and assure the crucial bottom line of ever-increasing property value.²⁴ The corporate conditions governing Claremont Park’s pastoral promise specified not only what structures could be built on the land, but set a property price that effectively established the development’s class standards. The \$2,500 to \$4,000 minimum on each parcel ensured the homogenous nature of the developing community, a social engineering mechanism true to what the pamphlet calls a “a pre-figured plan” of “enlightened forethought.”²⁵ Further stipulating that only single-family dwellings were permitted, the Claremont Park Company contract with buyers cautioned that if a business or multi-family dwelling was established in violation of said policy, the property and land rights would be confiscated and returned to the Company effective immediately.²⁶

While the deed and covenant restrictions alluded to in the Claremont Park pamphlet are cloaked in euphemisms, the Mason-McDuffie Company makes clear in its legal contracts that only higher-income Caucasian buyers are welcome. During the early 20th century it was common practice for deeds to contain clauses specifically banning minorities; the Mason-McDuffie Co.’s policies were therefore in accord with the legal and cultural context of the time. As articulated by professor Clement E. Vose of Wesleyan College, 1959:

Racial restrictions varied in language, but their constant objective had been to make localities ‘more attractive to white people.’ The clearest phraseology devised to express this purpose was found in a restriction which excluded ‘any person other than of the Caucasian race.’ Such persons have been referred to as ‘of Negro descent,’ ‘of African, Chinese, or Japanese descent,’ and of the ‘Negro or African race.’²⁷

The standard legal form of the Mason-McDuffie Co. indentures conforms to Vose’s example of the “clearest phraseology” meant to fulfill the “constant objective” of excluding all non-whites from property ownership. Drafted between 1905 and 1911, the Mason-

McDuffie Co. race-restrictive covenant uniformly states as its final condition: “if prior to the first day of January 1930 any person of African or Mongolian descent shall be allowed to purchase or lease said property or any part thereof, then this conveyance shall be and become void....”²⁸ Carrying the condition forward to 1930 indicates the Company’s desire to control not only the racial composition of the insipient Claremont Park community of 1910 but to engineer and guard the social culture of the “residence park” for decades to come.

The third covenant carried by the Mason-McDuffie Co.’s deeds likewise furthered racial homogeneity by prohibiting the operation of businesses in their subdivisions. The property agreements forbade all forms of commerce not only for the purpose of protecting residential tranquility, but also to exclude Chinese, Japanese and Irish Catholic populations whose businesses such as laundries, food production, and saloons were often conducted in or nearby their homes. As civic planning expert Marc Weiss, Ph.D. explains, in California during the late 19th and early 20th centuries “laundry regulation was a clear-cut proxy for Chinese exclusion from certain Caucasian neighborhoods.”²⁹ The “express conditions” of the Mason-McDuffie Co.’s indenture dictate these restrictions:

If prior to the said first day of January, 1930, any trade, business, or manufacturers of any kind, or anything of the nature thereof, shall be carried on or conducted upon said real property...or any saloon shall be maintained or conducted upon said premises, then this conveyance shall be and become void and the entire estate title...shall forthwith cease and terminate and the title in and so said premises shall therefore at once revert to and vest in the Claremont Park company.³⁰

While protecting residential neighborhoods from potentially disruptive industry or trade businesses was undoubtedly essential, such protections only existed for upper-class Caucasian residential developments such as Claremont Park.³¹

Legal exceptions to Mason-McDuffie Co. deed restrictions were difficult to procure, requiring written consent from the corporation, all property owners, and the Claremont Improvement Club. The case of the Place sisters, who petitioned in 1912

to change the conditions of their 1906 deed in order to found “a private school for minor children” on their property, illustrates that race restrictions were intrinsic to concerns regarding property use. Strikingly, the Place Sisters’ revised deed, signed by Duncan McDuffie, grants permission for the school but specifies:

Said premises may be used for school purposes by the said Belle Place and Elisabeth Place as a private school for minor children of sound mind, on the further condition that during school hours the pupils attending said school shall be kept within the boundary lines of said premises and that no children of African, Mongolian or Asiatic descent shall be admitted to said school.³²

Enforcement of racial covenants is of the uppermost concern even when the perceived threat arises from the possible trespass of “minor children.” Permission to amend property use restrictions was first and foremost contingent on affirming the intransience of the racial restrictions governing the Claremont Park development. But such tight control over property use was a product of the private agreements governing subdivisions and did not extend to the municipal jurisdiction. The possibility that the Mason-McDuffie Co.’s developments and financial interests could be negatively impacted by lax municipal control over surrounding neighborhoods led Duncan McDuffie to lobby for new land-use policies in Berkeley.³³

In 1914, McDuffie organized the Berkeley City Club to initiate the Civic Art Commission with the purpose of influencing the quality and scope of the city’s development. In a well-documented public lecture on “The Development of Real Estate Districts,” McDuffie urges the implementation of new forms of regulation and oversight powers by city leaders in the interest of effectively governing the “subdivision of property” in Berkeley.³⁴ McDuffie’s scope of concern in recommending the creation of city districts showed prudent foresight, as did his creation of the Civic Art Commission to oversee the districting process. In anticipating future contingencies that could negatively impact the quality of life for residents, McDuffie adopts a cautionary tone; he warns of incursions “which may one day be inside its [East Berkeley’s] boundaries.” McDuffie’s language relies on an antagonistic spatial metaphor

that presupposes a conflict between “inside” and “outside”—in other words, desirable and undesirable residents and residential cultures. The City of Berkeley, in consideration of the “interest of all its people,” should, according to McDuffie, protect the power of real property developers and current homeowners. He commends the superior enforcement power facilitated by a private public partnership; in his words the city “must supervise private restrictions and adopt municipal restrictions.”^{35, 36} Without the addition of new districting ordinances and city zoning policy, the Mason-McDuffie Co.’s subdivisions were vulnerable to changes in neighborhoods bordering their own but not subject to the deeds and covenants carried in their contracts.

The Civic Art Commission’s high intentions commenced in 1915 with the hiring of world-renowned German architect Werner Hegemann to develop plans for land use in Berkeley and Oakland. Based on one of McDuffie’s survey maps of existing development in Berkeley’s residential East and industrial West, in his *Report on a City Plan for the Municipalities of Oakland & Berkeley*, Hegemann identifies a geographical dividing line between the opposing sides of the city. As illustrated in his 1915 proposal and map, Hegemann recommended that a contiguous chain of parks be established across Central Berkeley—in his words, a “Midway Plaisance”—to create a boundary permanently separating the City’s principal districts.³⁷ This noteworthy aspect of Hegemann’s work with McDuffie and fellow city planning activist Charles Cheney supported the Civic Art Commission’s goal of incorporating pragmatic yet aesthetic city planning while prioritizing the protection of the East’s residential sanctity.³⁸ As the Commission ultimately could not fund the full extent of Hegemann’s proposals, including the “Midway Plaisance,” they devoted their financial and lobbying resources towards what proved to be their most pressing concern: that of city zoning aimed to achieve the same results.^{39, 40}

With the passage of the City Planning Enabling Act, authorized by the California Legislature in 1916, Duncan McDuffie concentrated his efforts on establishing the first zoning ordinances in Berkeley. In an address recorded in the March 1916 Berkeley

Civic Bulletin, McDuffie argues that “protection against the disastrous effects of uncontrolled development” with the “so-called zone system,” will prove “of vital importance to every citizen of Berkeley.” To support his view McDuffie cites the significance of landmark municipal zoning ordinances in Los Angeles. In particular, McDuffie extols Los Angeles’ success against Chinese laundries: “the fight against the Chinese wash-house laid the basis for districting laws in this State, and Los Angeles has the honor of having been the first important city in the United States to adopt a districting ordinance.”⁴¹ Indeed, as in Los Angeles, the perceived threat to residential neighborhoods in Berkeley stemmed mainly from deeply ingrained anti-Chinese sentiment.^{42, 43} Racial bias against Chinese residents was further justified by California Supreme Court decisions from the 1880s to the 1913 *Hadachek* decision that legally sanctioned anti-Chinese zoning laws employed in the state. By upholding the discriminatory Los Angeles zoning ordinances, the California Supreme Court set the precedent that marked the beginnings of widespread adoption of zoning ordinances as a form of public control.⁴⁴

With the passage of Berkeley districting Ordinance No. 452 N.S., the efforts of McDuffie through the auspices of the Civic Art Commission became public policy enforceable by the Berkeley police department. Ordinance 452 N.S. was first applied to Elmwood Park, a subdivision bordering on McDuffie’s and thus posing a threat outside his control.⁴⁵ The Elmwood district was designated for only single-family residences; the Ordinance made it “unlawful to carry on certain trades or callings,” and as it happened the legislation was expedited “to prevent a prominent negro dance hall from locating on a prominent corner.”^{46, 47} W.L. Pollard, of the Los Angeles Realty Board and the California Real Estate Association, stated in his “Outline of the Law of Zoning in the United States,” 1931, that in the first decades of the 20th century, racism like that evident in the application of Ordinance No. 452 N.S. was the general rule rather than the exception motivating early zoning efforts:

It may sound foreign to our general ideas of the background of zoning, yet racial hatred played no small part in bringing to the front some of the early districting ordinances which were sustained by the United States Supreme Court, thus giving us our first important zoning decisions.⁴⁸

Public zoning ordinances used to maintain residential segregation, however, became more problematic after 1917 when the United States Supreme Court ruled in the *Buchanan v. Wareley* decision that municipalities could no longer zone for purposes of race separation. With public agency curtailed—public zoning restrictions still furthered segregation, albeit not explicitly—the real estate industry responded by strengthening private covenant restrictions.⁴⁹

When in 1919 the Civic Art Commission presented its *Proposed Comprehensive Zone Ordinance For the City of Berkeley, California* to the City Council, the stated intent of the proposal was “to ensure the permanency of character of districts when once established, to stabilize and protect property values and investments.”⁵⁰ Over the next decade, the Mason-McDuffie Company would fulfill the goals of the 1919 ordinance through a joint strategy of legal zoning laws and ever more explicit private racial restrictions governing their subdivisions. By 1929, the standard Mason-McDuffie Co. indenture would stipulate:

No part of the said lands now owned by the said Property Owners... shall ever be used or occupied by any person or persons of other than pure Caucasian blood. In the case persons of other than pure Caucasian blood are employed upon the premises as nurses or in domestic service by a person or persons of pure Caucasian blood, this agreement shall not apply.⁵¹

The 1929 deeds carry residential segregation interminably forward in anticipation of the imminent expiration in 1930 of the racial covenants on the original 1905 indentures. Moreover, the Company’s racial exclusions were further distilled to include only those of “pure Caucasian blood.” The Mason-McDuffie Co.’s policy was in keeping with nationwide private planning methodology as described in Helen Monchow’s 1928 book, *The Use of Deed Restrictions in Subdivision Development*. Monchow’s text outlines the

common use of racially-restrictive covenants, specifically those “directed against those persons not of the Caucasian race” as a means of private planning created and enforced by “community builders,” home owners associations, and real estate boards such as the National Association of Real Estate Boards.⁵² The “enforcement” arm of the 1929 Mason-McDuffie Co.’s deed restrictions, what Monchow identifies as the “home owners association,” was the “Claremont Improvement Club, Incorporated, owner of the reversions, and authorized and empowered to enforce the penalties for breach of restrictions.”⁵³

A 1935 pamphlet advertising the Mason-McDuffie Company’s new subdivision, the Berkeley View Terrace, headlines racial “restrictions” next to “taxes” and “surroundings” in describing the essential features of the development.⁵⁴ Laid out in a question-and-answer format, the promotional material incongruously juxtaposes the assertion “only persons of Caucasian race may reside in the district except in the capacity of servants,” with “electric, water, and telephone lines are already established.”⁵⁵ At the opening of the Berkeley View Terrace—promoted by General Electric’s “New American Home” campaign—the 1935 Mayor of Berkeley “pledged his support” in a public letter, celebrating the development’s prominence as a model for new neighborhoods across America.⁵⁶ Twenty years previously the company had genteelly chosen to use euphemisms to allude to their racially restrictive deeds in the promotional material for Claremont Park. Clearly the passage of time only heightened the social acceptability of unambiguously racist practices. Ironically, the Mayor genuinely extols “the progressive character of the people of this country” in his letter.⁵⁷

After May 3, 1948, when the Supreme Court’s landmark *Shelley v. Kramer* decision ruled that racial covenants on real estate could not be enforced through the courts, the Mason-McDuffie Co. reacted by immediately altering the wording but not the sentiment of their restrictive covenants. A letter found in the company archives reveals a prominent shareholder’s apprehension regarding the implications of the case. Written to Duncan McDuffie’s

successor, M.G. Reed, the letter from his secretary warns that Mr. York is “anxious to see you regarding the ‘colored clause’ in the restrictions.”⁵⁸ The 1949 promotional material published in the *Berkeley Gazette* for Arlington Manner, the subdivision being developed at the time of the *Shelley v. Kramer* decision, was unlike that of Berkeley View Terrace. The pamphlets could only allude to the perpetuation of intended residential segregation as it was officially illegal yet still socially enforceable. The property brochure reassures prospective buyers that the subdivision is governed by “protective covenants that safeguard future values, and assure good neighbors.”⁵⁹ The revised 1948 Declaration of Restrictions for the Mason-McDuffie Co. contract reads:

...It is the purpose of Declarant by provisions hereof...to restrict the use and occupancy of said property to persons of a cultural status conducive to the creation and estimation of congenial friendship and fraternization between and among the occupants of said property, and in general to provide for and maintain well-designed and high-quality improvements upon said property and therefore to maintain and enhance the values of investments.⁶⁰

What was once “Caucasians Only” became “persons of a cultural status” after the Supreme Court’s ruling; a use of euphemism demonstrated the Mason-McDuffie Company’s intent to continue shaping the demographics of its subdivisions.

Although it was legal for black families to purchase homes in once racially-restricted subdivisions like Claremont Park after *Shelley v. Kramer*, the real estate agencies of the Bay Area found ways to discourage buyers from crossing long-established dividing lines. In 1961, Berkeley Law Students who were members of the Committee on Discrimination in Housing conducted a study to determine how active a role Berkeley real estate agencies, including the Mason-McDuffie Co., played in perpetuating residential segregation by neighborhood. They found that individual real estate agents had been scripted to dissuade and deceive buyers interested in listings from the “wrong” neighborhood.⁶¹ Realtors repeatedly warned white buyers that “investment in a negro or transitional area was risky” and that they would not want their children attending schools “overrun with negro children” with

whom they would have to “associate.” Conversely, realtors told “negro” couples that the listing they were interested in did not exist, and if the couples offered proof, quoted “higher prices to negroes than to whites for the same property.” They also only showed listings for houses out of the couples’ stated price range and often demonstrated “abrupt and discourteous conduct toward the applicant,” further “claiming that the owners refused to sell to negro buyers.”⁶² The business practices of the real estate agencies reflect how deeply-ingrained residential segregation was in Berkeley even more than half a century after the Mason-McDuffie Co.’s first deed was signed.

Carefully divided into distinct residential developments, the “ideal” aesthetically-pleasing communities developed by the Mason-McDuffie Co. created some of Berkeley’s most beautiful neighborhoods, while simultaneously building a benighted legacy of segregation. An in-depth analysis of independent primary sources documenting practices of real-estate development, public policy, and urban planning in early 20th century Berkeley reveals the origins of residential segregation, and offers insight into the divided racial demographics that persist even today. The Mason-McDuffie Company’s idyllic vision for Berkeley included the desirability of homogeneity, which was realized through racial segregation and enforced by deed restrictions and covenants. For more than 40 years, the Mason-McDuffie Company, the Berkeley Planning Commission, and many influential Berkeley community members such as McDuffie himself, together made use of key mechanisms to ensure both immediate and lasting segregation. Early private actions, most significantly the Mason-McDuffie Company’s restrictive covenants of the early 1900s, combined with complementary public policies, such as the passage of City zoning ordinances, affect and haunt Berkeley to this day: it seems residential segregation, divisions of class and race, remain so tightly-woven into the fabric of our city that it will take more than radical liberalism to unwind it. Next time you drive down MLK, take BART from the Ashby Station, or workout at the Club at the Claremont, consider Berkeley’s legacy of residential segregation, how far we have come, and how far we have yet to go.

Notes

¹ During the Roosevelt era, for example, Berkeley was overwhelmingly conservative and Republican, and one of a tiny handful of California cities in 1932 to support Hoover. Susan Landauer, Elmer Bischoff: The Ethics of Paint (Berkeley: University Of California Press, 2011) p. 14

² City of Berkeley Department of Planning and Development, “Housing and Social Services,” City of Berkeley, http://www.ci.berkeley.ca.us/Planning_and_Development/Home/West_Berkeley_Housing_Social_Services.aspx (accessed October 15, 2012)

³ City of Berkeley Housing and Community Services Department, “City of Berkeley Analysis of Impediments to Fair Housing Choice,” City of Berkeley, http://www.ci.berkeley.ca.us/uploadedFiles/Housing/Level_3_General/050610_2010AnalysisofImpediments.pdf (accessed November 10, 2012) pp. 74, 75

⁴ Charles Wollenberg, Berkeley: A City in History (Berkeley: University of California Press, 2008) p. 82

⁵ Agreement Regulating Use and Occupancy of Property, 1929, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, container 18, folder 33

⁶ Berkeley’s population grew steadily from 1,600 in 1878 at the founding of the city, to 13,000 in 1900, and reached 56,000 by 1910. Workers of the Writers’ Program of the Work Projects Administration in Northern California Co-Sponsors, Berkeley The First Seventy-Five Years (Berkeley: Gillick Press, 1941) p. 73

⁷ In the year after the Great San Francisco Earthquake of 1906, 37 new factories were built in West Berkeley, many of San Francisco’s most prominent businesses relocated to Berkeley, and 1,238 housing permits were issued, double that of the previous year. Wollenberg, p. 49

⁸ Berkeley The First Seventy-Five Years, pp. 73, 82

⁹ Wollenberg, pp. 30, 37–40, 82

¹⁰ The railway following the modern Adeline to Shattuck demarcated East from West Berkeley, the former a residential neighborhood composed of upper class native-born Protestants with professional occupations, and the latter West Oceanview district the industrial section, an ethnically-diverse community made up of largely working-class Chinese and Irish Catholics. Wollenberg, pp. 33–37

¹¹ American Academy for Park and Recreation Administration, “Duncan McDuffie Cornelius Amory Pugsley Silver Medal Award, 1928,” <http://www.aapra.org/Pugsley/McDuffieDuncan.html> (accessed October 6, 2011)

¹² He received the prestigious Pugsley Silver Medal Award in 1928. *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Corporate History Guide to Mason-McDuffie Co Records, 1904–1933, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley

¹⁶ Claremont Park Development Promotional Pamphlet, 1905, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, Volume 4: 11

¹⁷ The most well known of these subdivisions include Claremont Park, Claremont Court, Northbrae Properties, Berkeley View Terrance, Berkeley Highlands Terrace, Arlington Manner, and its flagship San Francisco Development St. Francis Woods. Corporate History Guide to Mason McDuffie Co. Records, 1904–1983

¹⁸ *Ibid.*

¹⁹ Marc A. Weiss, “Urban Land Developers and the Origins of Zoning Laws: The Case of Berkeley,” Berkeley Planning Journal Volume 3, Issue 1, (1986) p. 12

²⁰ Claremont Park Development Promotional Pamphlet, 1905

²¹ *Ibid.*

²² Weiss, “Urban Land Developers and the Origins of Zoning Laws,” pp. 12–13

²³ In 1903 the commute to San Francisco by way of electric train and ferry cost 10 cents enabling Berkeley to become a viable suburb for those who worked in San Francisco. Berkeley The First Seventy-Five Years, p. 83

²⁴ Mason-McDuffie Company, Claremont A Private Residence Park At Berkeley (Berkeley, 1905)

²⁵ *Ibid.*

²⁶ Claremont Park Company Indenture, 1910, index to documents recorded prior to 1969 on microfilm at County of Alameda Clerk-Recorders Office

²⁷ Clement E. Vose, Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases (Berkeley: University of California Press, 1959) p. 6

²⁸ Claremont Park Company Indenture, 1910

²⁹ Weiss, The Rise of the Community Builders (New York: Columbia University Press, 1987) p. 84

³⁰ Claremont Park Company Indenture, 1910

³¹ As Weiss clarifies, it was not until 1935 that any protective districting regulations were extended to include middle-class families, and low-income families remained unprotected even then. Weiss, "Urban Land Developers and the Origins of Zoning Laws," p. 11

³² Place School Indenture, 1912, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, container 19, folder 3

³³ Weiss, "Urban Land Developers and the Origins of Zoning Laws," p. 18

³⁴ "McDuffie Lectures on Needs of City," Berkeley Daily Gazette (March 25, 1914) microfilm

³⁵ That the nature of the governing body overseeing such controls should be "permanent in character" also speaks to McDuffie's overarching plan to "permanently" protect the quality or "character" of his subdivisions according to the standards he applied in creating them.

³⁶ "McDuffie Lectures on Needs of City"

³⁷ Werner Hegemann, Ph.D., Report On A City Plan For The Municipalities Of Oakland and Berkeley (Berkeley: The Municipal Governments of Oakland and Berkeley, The Supervisors of Alameda County, The Chamber of Commerce and Commercial Club of Oakland, The Civic Art Commission of the City of Berkeley, The City Club of Berkeley, 1915) p. 137

³⁸ Mel Scott, The San Francisco Bay Area: A Metropolis in Perspective (Berkeley: University of California Press, 1959) p. 164

³⁹ San Francisco Bay Area, an encyclopedic volume published in 1959 that chronicles the region's development corroborates that the Art Commission's top objective was the preservation of East Berkeley's residential neighborhoods. *Ibid.*, p. 165

⁴⁰ *Ibid.*, p. 165

⁴¹ Duncan McDuffie, "City Planning in Berkley," Berkeley Civic Bulletin (March 15, 1916)

⁴² In Forbidden Neighbors, a Study of Prejudice in Housing, author Charles Abrams describes California "literature on Chinese immigration" as "literature of abomination." Violence against Chinese immigrants was well-

documented: during a 1871 Los Angeles political campaign, an “anti-Chinese outburst” not only gave rise to many burned and looted homes, but 18 innocent Chinese were tragically killed.

Charles Abrams, Forbidden Neighbors A Study of Prejudice in Housing (New York: Harper & Brothers, 1955) p. 31

⁴³ *Ibid.*, pp. 30–36

⁴⁴ Weiss, The Rise of the Community Builders, p. 85

⁴⁵ Weiss, “Urban Land Developers and the Origins of Zoning Laws,” p. 18

⁴⁶ Civic Art Commission, Districting Ordinance of the City of Berkeley, County of Alameda, State of California, 1916 (Berkeley, 1916) p. 1

⁴⁷ Weiss, “Urban Land Developers and the Origins of Zoning Laws,” p. 18

⁴⁸ Weiss, The Rise of the Community Builders, pp. 83, 84

⁴⁹ Vose, p. 3

⁵⁰ Berkeley City Planning Commission, Proposed Comprehensive Zone Ordinance For the City of Berkeley, California (Berkeley 1919) p. 5

⁵¹ Agreement Regulating Use and Occupancy of Property, 1929

⁵² Helen C. Monchow, The Use of Deed Restrictions in Subdivision Development (Chicago: The Institute for Research in Land Economics and Public Utilities, 1928) p. 46

⁵³ Agreement Regulating Use and Occupancy of Property, 1929

⁵⁴ Berkeley View Promotional Materials, 1935, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, container 18, file 22

⁵⁵ *Ibid.*

⁵⁶ Letter from Berkeley Mayor, 1935, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, container 18

⁵⁷ *Ibid.*

⁵⁸ Letter to M.G. Reed, May 13 1948, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, container 18

⁵⁹ Arlington Manner Promotional Material, 1949, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, container 18 file, 14

⁶⁰ Declaration of Restrictions, May 1948, Mason-McDuffie Co., Records, BANC MSS 89/12 c, The Bancroft Library, University of California, Berkeley, container 18, file 13

⁶¹ The students had “negro” couples and white couples try to buy houses in neighborhoods dominated by the other race and published their findings, naming the study “Segregation: Professional Ethics of the Berkeley Realty Board.” This study can be found in the Berkeley Public Library, History Room, Real Estate Clippings Folder.

⁶² Committee on Discrimination in Housing, “Segregation: Professional Ethics of The Berkeley Realty Board” (Berkeley: Berkeley Law Students Democratic Club, 1961) p. 1

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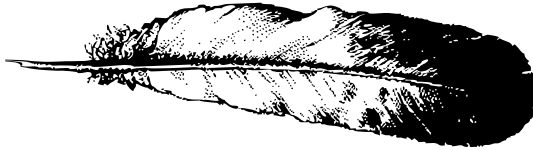
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4 May 1998

Will Fitzhugh
Editor & Publisher
The Concord Review
Concord, Massachusetts 01742

Dear Will:

I often feel somewhat discouraged about the state of American education today. Signs of progress are hard to find, and many of the trends seem to be in just the wrong direction. But my gloomy mood lifts for a bit when I leaf through the pages of *The Concord Review*. There is excellence out there, and you are doing the nation a great service by cultivating it. I found your Winter 1996 issue, which I have just been thumbing through, outstanding, with fine essays on subjects as diverse as the Nazis' efforts to suppress jazz, Thomas Jefferson's views on slavery, President Eisenhower's strategy for dealing with Senator McCarthy, and the Liberal Party in Colombia in the 1940s.

The level of thought and the quality of the writing are both very impressive indeed. It is splendid that you are providing exceptional high school students with the opportunity to publish writing on historical topics. I hope that you will be able to garner the support that you need to keep this invaluable publication going.

Sincerely yours,
[signed]
Stephan Thernstrom
Winthrop Professor of History