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Systematic Restrictions against
African Americans
in San Leandro’s Housing History
Or:
Why There is No Black History
in San Leandro**

M.L. Barr, MLS

February 2019



FINAL DRAFT

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Author’s note: This report represents the most detailed and extensive response I have ever made as the San Leandro Public Library’s local history specialist to a local history question. The question was actually from one of my nine history researchers who asked me “Why is there no black history in San Leandro?” What follows is a result of my research to answer this question as accurately and completely as possible.

For those who wish to examine the documents, articles, reports, Internet site pages, etc. that this report cites, please visit the History Room of the San Leandro Public Library and ask for Volume 27A of the Local History Archives. Many of the books that are cited can also be found in the History Room. The History Room’s current hours of operation can be found on the library’s website at www.sanleandrolibrary.org.

INTRODUCTION

A dark chapter in San Leandro’s long history was the virtual non-existence of African Americans living in San Leandro from 1860 to 1970, according to census data. This, unfortunately, was no accident but a purposeful objective of European Americans to keep African Americans from settling in San Leandro for much of the city’s existence. This city’s prejudicial history against African Americans was not by any means unique; other Bay Area cities, including San Francisco, Berkeley and Oakland and in fact, cities throughout California and throughout the United States, had housing restrictions, but San Leandro stood alone for having restrictions so complete and so effective that virtually no African Americans lived in or owned homes within its city limits for decades.

THE COMPROMISE OF 1850

The history of the invisible barrier against African Americans from owning homes in this state began with the early years of California statehood. When California petitioned to become a state, the controversy over whether slavery should exist in California and the southwest territories of New Mexico and Utah led to the **Compromise of 1850**. This compromise was a series of acts by which the U.S. Congress hoped to settle the strife between opponents of slavery in the North

and slave owners in the South. These acts, which helped delay the Civil War for 10 years, made California a free state when it was granted statehood on September 9, 1850.

In return, however, slave owners were promised a much more stringent **Fugitive Slave Act**. This law, which was passed on September 18, 1850, required the return of runaway slaves who escaped across state lines back to the state claiming ownership. Any bystander, white or black, could be forced to assist in the capture of a fugitive slave. Heavy penalties were imposed on anyone who aided a slave's escape or interfered with a slave's recovery. Special commissioners were awarded \$10 (which was a considerable sum for those days) for each fugitive slave captured and returned to slavery.

All African Americans, including those born free or whose masters had lawfully freed them, or African Americans who had been living in freedom for years were now at great risk of being hunted down by slaveholders armed with this new law. Added to the injustice against African Americans was the 1851 "**Homestead Law**" which did not permit African Americans the right to homestead, through mine claims or purchase.

Faced with these laws as well as the 1852 "**Anti-Testimony**" law of California, which stated that "No Indian, or Negro, or persons having one-half or more Indian blood, and Negroes or persons having one-half or more of Negro blood, shall be allowed to testify as a witness in action which a white person is a party," the African American had little to hope for in this new state.

But the Fugitive Slave Act was the most threatening to their personal freedom. Consequently, California as a new state was no haven for African Americans. Now, true freedom could only be obtained by crossing into Canada.

With this perilous and unjust situation, it is quite possible that many African Americans avoided census officials for fear their whereabouts would be discovered by the commissioners, who would then forcibly return them to slavery. Some African Americans sought to escape legal and societal restrictions by passing as Mexican, European or Native American. Perhaps this explains why so little is known about the existence of African Americans in California prior to 1860.

And the records of the 1860 Federal Census of Eden Township listed only a handful of African Americans and their occupations were menial and most probably under the direction of a white boss or even master. These occupations included laborers, cooks and servants. The only African American listed in this census as self-employed was a 39-year old man. He was a barber originally from Tennessee, a slave state, who identified himself only as the "Empoere [sic] of the West." Did he refuse to give his real name for fear of being taken back to Tennessee by a slave hunter? The answer to this question may always be

shrouded in mystery. The horrible concession to slave states to regard those of African descent as property was finally ended on January 1, 1863 when Abraham Lincoln issued the **Emancipation Proclamation** to end slavery.

THE REIGN OF TERROR

Even when the Civil War ended with General Robert E. Lee's surrender on April 9, 1865, it did not end by any means the suffering of the African Americans throughout the South and much of the United States for many decades to come. In these southern states, many European Americans held a reign of terror over the African Americans well into the 20th Century.

Deeply rooted prejudice and racism led to a despicable and heinous free license to murder by lynching as many as 4,084 African Americans - men, women and children – mainly across the Southern states, including Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia. These lynchings, in which murderous vigilantes had little or no fear of any governmental intervention or subsequent punishment, occurred over the decades until, horrifyingly recently, the murder of Michael Donald in Mobile, Alabama on March 21, 1981 by two members of the Ku Klux Klan who randomly selected Mr. Donald as a victim.

According to the Equal Justice Institute (EJI), to be simply accused of a crime without any substantiating evidence was enough reason for an African American to be lynched by a mob. To be accused of assaulting a white woman could mean almost instant execution by lynching for an African American. In some instances, if the suspect himself could not be found, then a relative of his, even a female relative, would be lynched in his place.

Of the over 4,000 African American lynching victims EJI documented, nearly 25 percent were accused of sexual assault and nearly 30 percent were accused of murder. Hundreds more black people were lynched based on accusations of far less serious crimes such as arson, robbery, non-sexual assault, and vagrancy, many of which were not punishable by death if convicted in a court of law. Many victims of terror lynchings were murdered without being accused of any crime; they were killed for minor social transgressions or for demanding basic rights and fair treatment.

It is important to note here that it wasn't until December 19, **2018** that Congress finally passed legislation that made lynching a federal hate crime. That it took over a century for the **Justice for Lynching Act** to pass proved that the will to preserve lynching as a powerful means of terrorism in order to maintain white supremacy was greater than the will to enforce justice for all.

This blatant disregard for justice for all African Americans was prominent in the early 1900s. In fact, whenever a Southern-state-lynching occurred or was about

to occur, the *San Francisco Call*, a newspaper in publication from 1895 to 1913, reported it as an ordinary event. Even when it reported the arrest of an African American on murder charges in a southern state, the *San Francisco Call* made the casual assumption that the individual would probably be lynched. Such an unfeeling and callous disregard for African Americans' lives permeated California, although not in the despicable depths that such low regard sank in the Southern states.

EARLY BEGINNINGS OF RACIAL PREJUDICE IN THE BAY AREA

Racial prejudice, however, did run deep in the Bay Area in the early decades of the 20th Century and revealed itself in either a subtle or a direct manner, sometimes with great hypocrisy. For example, the *San Francisco Call* reported in a September 27, 1913 front-page article that Mrs. Clement Harry Miller, a socially prominent member from the Oakland Center of the California Civic League, protested the presence of five members of the Colored Women's Alameda Center attending as guests at the same luncheon at the Ebell Clubhouse (a very prominent clubhouse of this era).

"We are workers for a broader humanitarianism, but our principles do not presuppose social equality with the people we are endeavoring to aid," declared Mrs. Miller. She then tendered her resignation from this club. She was described in this article as a leader in club circles and a member of a widely-known Southern family. She further stated: "There were several other women of the same social position as myself equally incensed because they were forced to associate with colored women at a strictly social function. The feeling against the intrusion of the colored women was not alone confined to the Southern women present, but to many Northern women whom I heard object."

The article further reported that the management of the Ebell Clubhouse also protested having to serve the "West Oaklanders," as the visiting African American women club members were described.

As a point of interest, West Oakland became heavily populated with African Americans starting in the 1870s when the famous Pullman Company (manufacturer of railroad passenger cars) began its Palace Car Service to the West Coast and hired only African American porters for the sleeping cars to serve their first-class customers. Oakland's population boomed when it became the western terminus for the Central Pacific Railroad. The porters, with their families, mainly settled in West Oakland. These porters rose in social and economic scale enough to buy homes and to establish institutions, including churches and unions.

Coming to the defense of the visiting ladies, the president of the Oakland center, a Mrs. Cora E. Jones, warmly stood by her action in inviting Mrs. Myra Simons, president of the West Oakland center and other women to attend the affair. "Dr.

Luella Clay Carson, president of Mills College, personally congratulated me for bidding the women to be present.” She further stated, “Members of the West Oakland club are cultured and refined and many of them are college graduates.”

While the article in the end declared triumph for those extending a welcoming hand to African American club women in Oakland, it also makes clear the strong and pervading ill will held towards African Americans who desired to obtain a higher standing in Oakland society.

Mrs. Miller and her fellow Southern club members represented no insignificant minority of racist Californians. According to Chris Rhomberg’s book titled *No There There*, the Ku Klux Klan enjoyed significant support in Oakland by the 1920s. In fact, on the night of May 5, 1922, a crowd of some fifteen hundred men wearing white robes and masks gathered in the hills above Oakland and directed two searchlights to form a crucifix across the black sky while a fiery cross burned behind an altar draped with the American flag. At a given signal, 500 more unmasked men marched four abreast toward the altar to take their oaths and be initiated into the order of the Knights of the Ku Klux Klan.

This Klan gathering of 2,000 was not incidental. In fact, a powerful Ku Klux Klan movement started throughout America in the early 1920s, targeting Jews and Catholics as well as people of color. The numbers swelled to an estimated 4 to 6 million members, possibly the largest right-wing movement in the nation’s history.

By 1924, the Oakland Klan numbered two thousand members, including professionals, clergy, politicians, government employees and tradesmen. Local Klan leaders won election for public positions, such as county sheriff and a city commissioner of streets, and quickly established their patronage at the City of Oakland’s city hall.

FEDERALLY-IMPLEMENTED HOUSING SEGREGATION

This racism grew ever stronger and manifested itself as a cancer that spread to housing restrictions in subdivisions throughout the nation. Single-family home restrictions had an early beginning, starting after World War I. During this time, the federal government, under President Warren Harding’s administration, decided that the way to fight Bolshevism – the precursor to the Russian Revolution and then to Communism – was to create a means that would encourage white families to move into single-family homes. The rationale behind this objective was that if a citizen owned a home, then he couldn’t be a Communist.

That this rationale developed concerning white family home ownerships, and white families only, was no accident. Historically, race had long been believed to be associated with property value. During the 1920s, real estate professionals connected property values to color as a means of legitimizing racial exclusion

and protecting “all white” communities. Realtors used racial categories in property valuation and promoted deferential treatment as an industry standard during an early and critical stage of suburban growth throughout the United States.

Frequently included in property deeds for nearly every new housing development during this time and for decades to come, these racial exclusions prevented the use or ownership of homes by anyone other than “the Caucasian race” and were delineated in the **Covenants, Conditions and Restrictions, or CC&Rs**. CC&Rs all had a “racial occupancy” clause stating or similarly stating, “No lot or plot or building in this tract shall be occupied or resided upon by persons not wholly of the white Caucasian Race except servants or domestics employed by and domiciled with a White Caucasian owner or tenant.”

When new subdivisions were advertised in San Leandro in the 1920s and 1930s, euphemisms such as “intelligent restrictions” for Best Manor lots or “restrictions intelligently supervised” for the Estudillo Estates and “careful and wise restrictions” for the New Broadmoor development were used to denote that no one other than “white Caucasians” would be allowed to purchase these homes. Broadmoor Park, which opened in November of 1928, proudly stated in its advertisement that “race and building restrictions make this the most fashionable home community.”

These widely-used restrictive covenants were brought before the Supreme Court in 1926 but it determined that it was not a violation of the U.S. Constitution to implement these covenants against African Americans.

In 1931, President Herbert Hoover held a conference on homebuilding that was attended by the leading planners and developers in the country, many of whom were segregationists. This building conference recommended that suburbs have restrictive covenants and that the suburbs have zoning rules that prohibited low-income African Americans from moving nearby.

HOLC AND RACIST RED-LINING IN THE EAST BAY

In 1932, the housing market collapsed during the Great Depression. The following year after President Franklin D. Roosevelt took office, he signed the National Housing Act of 1934, which founded the **Federal Housing Administration** (FHA) to revive the housing and the construction industries and to stimulate homeownership by promoting buying and lending. When the FHA was created, only 4 in 10 households owned homes, and limited mortgage loan terms and difficult repayment schedules made the process especially challenging for buyers in the recovering economy.

The segregation that was rationalized under Hoover’s administration passed on to President Franklin Roosevelt’s administration when the FHA subsidized mass-

production builders of entire subdivisions with the requirement that no homes be sold to African Americans and that every home in these subdivisions had a clause in the deed that prohibited resale to African Americans.

The FHA then subsidized white families to move out of urban areas into suburbs where African Americans were prohibited to follow. They were prohibited because the developers of these suburbs got bank loans on condition that they sell no homes to African Americans. The justification was that if African Americans bought homes in these suburbs, the property values of the homes that the FHA was insuring would decline and therefore their loans would be at risk. Its lending structure was developed by the **Home Owner's Loan Corporation** (HOLC) and helped to solidify the racial segregation that still exists today.

The HOLC, working in tandem with local and national banks to assess real estate, developed the ***Underwriting Handbook***, which endorsed red-lining (or redlining, the practice of refusing to back mortgages in neighborhoods based on racial and ethnic composition).

HOLC's handbook incorporated "residential security maps" into its standards to determine where mortgages could or could not be issued. HOLC appraisers divided neighborhoods by categories including occupation, income and ethnicity of inhabitants and color coded these areas. These color-coded maps were created for every metropolitan area in the nation with the safest neighborhoods colored green and the riskiest colored red.

For example, a neighborhood earned a red color if African Americans lived in it, even if it was a solid middle-class neighborhood of single-family homes. The color codes were described in the *Underwriting Handbook* as follows:

- **Green** areas represented new, well-planned sections of a city; a homogenous area in demand as a residential location.
- **Blue** areas were completely developed; it was still good but not bought by people who could afford a new home.
- **Yellow** areas were characterized by age, obsolescence and change of style, expiring restrictions or lack of them, "infiltration" of a lower grade population, insufficient utilities, poor maintenance of homes, etc.
- **Red** areas (hence the term "red-lining") represented neighborhoods characterized by detrimental influences in a pronounced degree such as undesirable population or infiltration of it, low percentage of home ownership, very poor maintenance. Vandalism often prevailed. Unstable incomes of the people would have perhaps given mortgage lenders reason to refuse to make loans.

In HOLC's July 15, 1937 *Report of a Survey in Oakland-Berkeley (East Bay Area) Alameda County, California for the Division of Research and Statistics*,

seven East Bay cities, including San Leandro, were considered as important suburban communities of Metropolitan San Francisco and therefore rated by credit-worthiness of potential homeowners based on these cities' neighborhood descriptions and assessments. Neighborhoods/areas occupied by immigrants and minorities, or transitional mixed-income neighborhoods, were deemed "high risk" for lenders by the HOLC. The language used in these security maps were shockingly dehumanizing and demeaning, using such terms in reference to minorities as "infiltration," and "undesirable concentration" as well as use of now-antiquated terms in reference to African Americans.

For San Leandro, the HOLC assessed 7 areas in this report. These areas are listed below:

Area No. D-19: This area was from west of East 14th Street to San Leandro Blvd., to just south of 135th Avenue and just north of Davis Street. Its security grade was rated as **Red**. This area was close to the Caterpillar Tractor Company and several fruit-packing plants. The type of inhabitants was listed as "factory workers and common laborers."

It rated the "infiltration" of African Americans as occurring "very slowly" and there were at the time very few, making only ¼% of the area's population. The type of buildings in this area were described as "old homes and shacks" and that the trend of desirability would be "slowly downward" and "will probably degenerate into cheap rooming houses and lodgings for [a] poorer class of factory workers.

The clarifying remarks were as follows: "Zoned first and second residential and industrial in lower part. There are very few Negro families in San Leandro. The predominating race are Italians and Portuguese, which make up 80% of the population of this area. This was one of the first areas settled in the East Bay and was part of the home of the Peralta Family, original Spanish land grantees."

Area No. C-31: This area was as far east to Covington Drive (past Highway 580), as far north as Victoria Avenue, as far west as two blocks off of MacArthur Blvd. and as far south as Marlow Drive. Its security grade was rated as **Yellow**.

It rated the "infiltration" of African Americans as "remote," with no existing population in this area. The type of buildings was described as "cheap and cottage" and that the trend of desirability was stable at the low-medium price.

The clarifying remarks were as follows: "This is an area of cheaply constructed homes, financed in 1926-1928. There were many foreclosures in this area in 1932-1933 and the district has not fully recovered and will never show any marked degree of recovery as homes being built now are in better areas and of better class. This area looks somewhat "run down." Very little home building during the last year..."

Area No. C-32: This area included Broadmoor and Sheffield Village, extending almost as far east as Covington Street, as far south as Begier Avenue, as far west as Kenilworth Avenue and as far north as Victoria Avenue. Its security grade was rated as **High Yellow**.

It rated the “infiltration” of African Americans as “remote,” with no existing population in this area. The type of buildings was described as modern, one-family detached homes.

The clarifying remarks were as follows: “Homogenous neighborhood of attractive, well maintained, medium-priced bungalows. If it were not for the detrimental influence mentioned [far distance to business center and shopping district], this area would be graded **Low Blue** and may yet develop into **Blue**. Zoned first residential...”

Area No. C-33: This area included the “Assumption Parish,” extending 2 1/2 blocks east of East 14th Avenue, and two blocks east of Benedict Drive, as far north as Dolores Avenue and as far south as Kenyon Avenue. Its security grade was rated as **Yellow**.

It rated the “infiltration” of African Americans as “no threat,” with no existing population in this area. The type of homes was described as “single-family cottages.”

The clarifying remarks were as follows: “Very little construction in this district and prospects for future activity rests largely on increase of industrial development in San Leandro and southeast Oakland. Thirty blocks zoned first residential, balance business and second residential. Parts of district verging on **Low Yellow** on account of age of structures. In extreme southeast of area, there is a small new subdivision of **Low Blue** class, but with very little building activity to date...”

Area No. B-39: This area included the “Durant Manor” neighborhood, extending as far north as 108th Avenue, as far east as Bancroft Avenue, as far west as ½ block from Beverly and as far south as Broadmoor Blvd. The security grade rating was **Blue**.

It rated the “infiltration” of African Americans as non-existent. The type of buildings in this area were described as detached one- and two-story homes.

The clarifying remarks were as follows: “District known as Durant Manor. Was subdivided and practically built up in 1927-1928. There were many building and loan foreclosures in the area, with consequent big decline in sales prices. There has been considerable recent building activity from funds provided mainly by F.H.A. The area is zoned first residential; the industrial area immediately south, was formerly occupied by Durant Motor Company. Now is operated by the

Chevrolet Motor Company as a truck assembly plant. This is considered a beneficial influence, rather than otherwise.”

Area No. B-41: This area included the “Best Manor” neighborhood, extending north to Stoakes Avenue, 1 block west of Lafayette Avenue, south to Estudillo Avenue and 2 blocks east of E 14th Street. The security grade rating was **Low Blue**.

It rated the “infiltration” of African Americans as “no threat” and this population as non-existent. The types of buildings were described as Spanish and English bungalows.

The clarifying remarks were as follows: “There were many foreclosures in this area in 1932 and 1933, with consequent big decline in value. District has not recovered as rapidly as other areas north of East 14th Street. Moreover, new building construction in this area has been very scarce as compared with the great activity in northeast San Leandro. This area known as Best Manor, is zoned first residential. There is a district south of this area zoned for industry, but is as yet largely undeveloped. The Chevrolet Motor Company has a truck assembly plant at the corner of Fourteenth and Durant, but this is considered a favorable factor, rather than otherwise.”

Area No. B-42: This area included the “Estudillo Estates, Bancroft Gardens and Broadmoor Park,” extending 1 block north of Glen Drive, 1 block east of Graff Avenue, 2 blocks west of San Rafael and as far south as just before Dolores Avenue. The security grade rating was **High Blue**.

It rated the “infiltration” of “undesirables” as “remote,” with no existing population of African Americans.

The clarifying remarks were as follows: “Area consists of Estudillo Estates, Bancroft Gardens, Broadmoor Park. High degree of maintenance of both improvements and grounds. Estudillo Estates, south of San Leandro Creek is a new district and there was practically no development prior to 1930. Many F.H.A. and California Veterans Administration loans in this area. This area promoted in 1930 and 1931 had a high percent of foreclosures; all this acquired property now liquidated to north and west of San Leandro Creek; the area was built up over ten years ago. Very few sales in 1933 and practically no houses rented. Zoned first residential. North and east of this area is a vacant tract which is now being platted and improved for a subdivision, which when occupied will undoubtedly be a **High Blue**. This area has great charm and one of the most attractive sections of the East Bay area. It may easily develop into a **Low Green** area.”

The red-lining and the restrictive covenants that existed in San Leandro exemplified these same practices that occurred on a nationwide scale; the main objective again was to prevent African Americans from purchasing property in

segregated neighborhoods. While Richard Rothstein in his book *The Color of Law* concedes that minorities experienced housing discrimination in the nation's history, he stressed that only African Americans had been systematically and unconstitutionally segregated for so many decades.

The restrictive covenants became so universally accepted that in a February 1937 issue of *Good Housekeeping*, a magazine with a nationwide circulation, awarded 10 neighborhoods a "shield of honor" for having the "proper restrictions" against the "wrong" kind of neighbors. Other criteria the magazine noted that warranted the shield included: good zoning, a reputable bank that will give a loan, proper architectural designs, good planning, businesses that will improve the value of the neighborhood, parkways, schools, churches and convenient shopping. The ten neighborhoods listed were:

Country Club District, Kansas City, Missouri
River Oaks, Houston, Texas
Strathmore, Manhasset, Long Island
Riverdale Heights, Riverdale-on-Hudson, New York
Rollingwood, Chevy Chase, Maryland
Roland Park, Baltimore, Maryland
Bloomfield Hills, Detroit, Michigan
River Road, Scarborough-on-Hudson, New York
Chatham Manor, Chatham, New Jersey
Wychwood, Westfield, New Jersey

A NEW APPROACH TO PRESERVING HOUSING SEGREGATION

The racist covenants that existed across the nation continued throughout World War II, as well as the early post-war years. In 1948, however, the U.S. Supreme Court reversed its decision it made in 1926 with the ***Shelley v. Kraemer*** decision.

In this case, J.D. and Fern Shelley bought a home in St. Louis, Missouri from an owner who agreed not to enforce the racist covenant. Louis Kraemer, another homeowner on the same street that the Shelleys bought their house, sued to enforce the restrictive covenants of the neighborhood.

The case eventually went to the U.S. Supreme Court. So pervasive had racist covenants become throughout the nation that three of the justices had to recuse themselves when they learned that their own deeds included such a provision. In the end, the remaining six justices struck down as unconstitutional the legal enforcement of racially restrictive covenants since this would constitute state action denying due process of the law in violation of the 14th Amendment to the U.S. Constitution. Although the case did not outlaw covenants, the Supreme Court did reinforce strongly the 14th Amendment's guarantee of equal protection of the laws.

Confronted by this judicial decision that nullified these covenants and faced with a new and great influx of an African American population into the East Bay during the war years, all-white neighborhoods quickly responded with new strategies to keep the status quo protected. In a *San Leandro News Observer* article, dated May 21, 1948 and titled “New Approach to Race Problems is Undertaken Here,” it was reported that San Leandrans were moving rapidly toward protecting their home values in response to this Supreme Court decision.

This new approach was presented by real estate firm **M.C. (Marvelle Craig) Friel and Associates**, headquartered in Hayward and with several offices in southern California. The main stock in trade for the Friels, Craig and his wife, Grace, was their intricate knowledge of covenants and how to draft them so they would be legally valid. Friel’s new tactic was to form protective associations, called corporations that were comprised of property owners who banded together for “mutual aid.”

Once a corporation was formed, property owners paid a membership fee of \$20 for a 25-year period. The corporation had wide powers, depending on its incorporation papers, and could include the right of determination of architecture, improvements, property ownership, etc.

Under these covenants, property owners also assigned to the corporation the right of determination of “desirable” prospective purchasers or occupants of property. The covenants would not stipulate race, color or creed, leaving desirability permits up to the board, and the board of the corporation would then issue its approval or rejection of the proposed occupant which permit would go to escrow with the other papers in the transaction. Upon approval, an occupancy permit would be issued by the corporation.

All covenants between property owners and the corporation would go on record, and failure to file a finding of the board would become a servitude* on the title.

Penalties imposed against property owners for failing to comply with their agreement would amount to one-half the sale price of the property, with the corporation bringing the action against the seller in a civil suit. M.C. Friel and Associates used the legal services of two prominent firms of Oakland attorneys: Breed, Robinson and Stewart; and Richards and Morse.

Through an informal agreement between M.C. Friel and the city council, as well as enjoying the full support from the City’s Chamber of Commerce, San Leandro

**A servitude is a registered right that a person has over the immovable property of another.*

managed to keep “white suburbs” free of African Americans for the remainder of the 1940s and all through the 1950s. San Leandro during this time was a working-class city of second- and third-generation Portuguese, Italian and Irish families and Protestant middle-class Americans. Nearly three-quarters of the residents were clerical, factory, transportation or construction workers.

According to Robert O. Self in his book *American Babylon: Race and the Struggle for Postwar Oakland*, the white working-class identity that arose in San Leandro in the post-war decades did not reflect a process of assimilation but rather a complicated product of white privilege. San Leandrans united in the effort of creating a civic space that excluded African Americans.

It is very important to note that, shocking as it is, these racist clauses to the covenants can still be found in many property deeds. However, according to a 2019 *East Bay Times* article, it is possible for a homeowner to have this exclusionary language redacted. The process, made through the Alameda County Recorder’s office, is listed in this report’s addendum.

The possibility of such redactions ever being considered or even erased from the covenants was never considered decades ago. Far from it. By the late 1950s, racist exclusions proved to be very effective statewide as well. The population of color in California rose dramatically and the practice of placing minorities in segregated areas had created a situation of congestion.

Sensing the need for action, local civil rights groups and California politicians aided those discriminated against on the basis of race by both equipping them with fair housing legislation and providing legal aid to challenge institutional discrimination in housing in court. In 1959, California lawmakers passed two key civil rights laws that outlawed discrimination in public housing (the **Hawkins Act**) and in business dealings (the **Unruh Act**).

THE STARTLING STATISTICS OF THE 1960 CENSUS

The Hawkins and Unruh Acts were significant legislative milestones in addressing discrimination in California. However, by the time the 1960 census data was released, it revealed that San Leandro stood out not only from the many other “white ghettos”* in California but the whole country as well by showing that the city was **99.1 percent white and .03 percent black**.

Sadly, this 1960 census data provided evidence that the 1948 *Shelley v. Kraemer* Supreme Court decision and California’s 1959 acts did not halt but only slowed housing segregation in San Leandro.

**A white ghetto can be defined as an all-white community (neighborhood or area) in which the residents are either poor or lower middle class.*

Then on November 20, 1962 President John F. Kennedy signed **Executive Order 11063**, mandating an end to housing discrimination. The presidential order banned federally-funded housing agencies from denying mortgages to any person based on race, color, creed or national origin. But again, though progressing in the right direction, Kennedy's order failed to provide a strong enforcement mechanism, thus allowing discriminatory lending practices to continue without threat of federal intervention.

While the nation maintained the status quo on discriminatory housing practices, the **California Fair Housing Act of 1963**, better known as the **Rumford Act** (AB 1240) became one of the most significant and sweeping laws protecting the rights of African Americans and other minorities to purchase housing without facing discrimination. Assemblyman William Bryon Rumford made California history when he sponsored the California Fair Housing Act. A descendant of former slaves, Rumford was a graduate of UC Berkeley and a pharmacist; later he was elected to the state assembly.

The Rumford Act called for an end to racial discrimination in all public and private housing in the state but it immediately met opposition in the California legislature. Republican legislators exempted most forms of private and single-family housing before the bill was finally passed on September 20, 1963. The new law made discrimination illegal in public housing and in all residential properties with more than five units.

Despite the exclusion of most of the homes occupied by Californians, the California Real Estate Association (CREA) immediately launched a repeal campaign for property owners' "sacred housing rights." Exploiting the growing hostility toward all liberal social programs, the CREA-led effort resulted in the **Proposition 14** referendum on November 3, 1964, which saw a 2-to-1 vote in favor of repealing the Rumford Act.

In San Leandro, there were some that took a stand against Proposition 14, but at a cost. According to a *San Francisco* magazine article, dated November 1971, Dorel Londagin, the minister of San Leandro's Christ Presbyterian Church and a salesman for Woodren Realty, used his pulpit to proclaim racial equality.

When he used it to oppose Proposition 14, however, more than half of his 500-member congregation quit in protest of his opposition, leaving only 125 members remaining. With a reduced congregation, came a severely reduced budget. Rev. Londagin, a European American, was quoted in this article saying: "The congregation that's left now is just great, they're with me all the way. But part of my reason for taking this job was independence. The way the church is structured, the laity [lay people, as opposed to the clergy] can immediately penalize you for anything they don't like by starving you" [of church donations].

He then explained that he saw his other job selling real estate as “an extension of my ministry. I’m in a position to know when houses are going to come on the market and I’m not going to play any of those racial games. I spent quite a bit of time researching brokers before I took this job and I was convinced that this firm has a good record and policies. I haven’t found any active discrimination in the firm – we’re told over and over to shoot straight.” However, he observed that “San Leandro has no public housing and its planning strategy is designed to provide housing for the upper income brackets.”

Despite the repeal of the Rumford Act, it was soon restored in 1966 when the California Supreme Court ruled that Proposition 14 was illegal. A year later, the U.S. Supreme Court strengthened this ruling stating that Proposition 14 violated the 14th Amendment and the Civil Rights Act of 1964, which “prohibits discrimination in the sale, rental of property and financing of dwellings based on race, color, religion, sex or national origin.”

A NEW MOMENTUM FOR FAIR HOUSING

A new national momentum was gaining traction that started to push back against racism. **The Civil Rights Movement**, started in 1954, continued through the 1960s. According to an April 11, 2018 *Washington Post* article titled “The Fair Housing Act was Languishing in Congress...,” President Lyndon B. Johnson had signed the Civil Rights Act of 1964 and orchestrated passage of the landmark **Voting Rights Act of 1965**, which he considered his greatest accomplishment. Johnson, who had grown up poor in Texas, was passionate about redressing inequality and wanted history to record him as a champion of civil rights.

Passage of these rights, however, did not guarantee that they were met with compliance. On May 1-3, 1967, the **U.S. Commission on Civil Rights** convened in San Francisco to collect information concerning civil rights problems constituting a denial of equal protection of the laws under the Constitution because of race, color, or national origin and to appraise the laws and policies of the Federal Government as administered in the counties of San Francisco, Contra Costa, Alameda, San Mateo, Marin, Santa Clara, Sonoma, Napa and Solano.

This hearing was part of a national study of civil rights issues which the Commission conducted in urban centers throughout the nation that had significant minority group populations and it focused primarily on issues of housing and employment opportunities for “Negroes, Spanish-speaking persons and other minorities.”

The Commission expressed serious concern that, in spite of the passage of the Rumford Act, a positive step forward for fair housing, the California Real Estate Association and local realty boards successfully led the passage of Proposition 14 that repealed the Rumford Act, a negative step backwards. In spite of this

proposition being struck down two years later, facts came before the Commission that showed an increasing pattern of residential segregation and violations of the current law.

Faced with these facts, the Commission concluded that the California real estate industry was opposed to laws providing equal opportunity in housing and thus had no affirmative program to increase the quality or quantity of housing available to “Negroes and Mexican Americans.”

The goal of the Commission for the May 1967 hearings was to contribute to a greater public understanding of civil rights problems in California and to suggest possible remedies which might be implemented by the state’s governmental and private institutions. Over 43 witnesses were requested to provide testimony for the Oakland hearings, including San Leandro’s Mayor Jack Maltester.

Many of the questions directed at Mayor Maltester by General Counsel Howard Glickstein of the Commission during this hearing regarded the surprisingly small number of African Americans living in San Leandro. An excerpt of this testimony is below:

Mr. Glickstein: How long have you lived in San Leandro?

Mayor Maltester: I was born in San Leandro.

Mr. Glickstein: On the basis of your knowledge in general, and on the basis of your experience as mayor, what factors in the local real estate market do you think have kept Negroes from buying homes in San Leandro?

Mayor Maltester: I don’t think it is the real estate people nor the lending institutions. I think it’s the people themselves. I’m quite sure that any real estate man would sell any home in San Leandro to a Negro if the seller of that home gave them the go-ahead.

There is still the fear that if one home is sold to a Negro, the whole block will be sold to Negroes and then the next block. This is a fear, I think - and I’m not a historian - which grew up over many, many years which ultimately, I guess it did happen in the West Oakland area. And this, I think is the basis of the fear.

I really don’t – oh, there may be one or two real estate people, maybe one or two lending institutions, but I think the basic problem is with the people themselves, not only in our community but in any other community.

Mr. Glickstein: But you have had some large tract developments in San Leandro where the homes were sold new by the developer.

Mayor Maltester: Right.

Mr. Glickstein: Not by individual sellers. Yet, those developments have turned out to be predominantly or exclusively white. Isn't that correct?

Mayor Maltester: It is correct, and yet probably the largest and latest development [Marina Fair tract] and the last one from the land standpoint that is available now has three Negro families living in it, and the development is only five or six years old ... [See Commission report for Maltester's full response.]

Mr. Glickstein: How do you account for the older tracts that were developed that were not integrated?

Mayor Maltester: This, again, I cannot account for except for the fact that I think it goes back to the people themselves. I've talked to apartment house owners that the rest of their tenants have threatened to move out if they rent one apartment to a Negro family. So then who do you blame, the people or the apartment house owner?

Mr. Glickstein: When Negroes have moved into San Leandro how have they been received by their neighbors?

Mayor Maltester: Normally very fine. We've had one bad incident that you have undoubtedly picked up on us. This happened to be on the most expensive one we were talking about, but it had nothing [to do] with racial problems, just outright hoodlums, but outside of that, they were well accepted.

In fact, I would think exceptionally so. The reports that I get from this Marina Fair area is that the people in the area are happy with these families. They have gone in and fixed up their homes better than they were before and joined the home owners' association, become active in this area. This is what I think is tending, as I say, to break down this barrier that is built up, but I don't think it will be broken down politically. It's got to be through the people.

Mr. Glickstein: And I gather from what has been said that you as mayor have been exercising some leadership in the direction of breaking these barriers down?

Mayor Maltester: I try as much as possible, in fact, maybe a little more than I am supposed to, but it has to be persuasion and on a friendly basis. Yes.

Mr. Glickstein: One of the witnesses said you had proposed to the city council that a human rights commission be set up and you were unsuccessful in getting that through.

Mayor Maltester: I went beyond the human relations commission. I also tacked the word responsibilities in there because this had been proposed right after President Kennedy addressed the United States Congress of Mayors in Honolulu and asked for this type of support throughout the country because I think every city has areas where the property is getting run down, and this is not always Negroes' areas. In fact, most of the time it isn't.

So we wanted not only the human relations commission aspect, we wanted some responsibilities put into it. Unfortunately, the city council decided on a five to two vote that it was not necessary, that we didn't have any problems, and I don't blame the city council because, believe me, when that proposal was put out in the press - before I made the proposal I had six votes, and when the people got through with the telephone calls I wound up with one [vote] besides my own.

Mr. Glickstein: Informally, then, your fellow councilmen agreed with your position, but when they had to indicate publicly what their position was, they voted differently.

Mayor Maltester: That is correct. [End of excerpt]

THE FAIR HOUSING ACT

Then in 1968, Senator Walter F. Mondale (D-Mass.) and Senator Edward Brooke (R-Mass.), the only African American in the Senate, sponsored **the Fair Housing Act of 1968** as an amendment to the pending civil rights bill. The Fair Housing Act was designed to protect people from discrimination when they were renting, buying or securing financing. The House passed the bill in 1966, and then it died in the Senate. The following year, President Johnson pushed again the following year, but the bill languished in committee.

Conservatives in both the House and Senate feared that the law would open the way for African Americans to move into European American neighborhoods. The proposed law was considered an "explosive issue."

Then tragedy ruthlessly struck the nation when Dr. Martin Luther King, Jr. was assassinated in Memphis, Tennessee on April 4, 1968. Just hours after King's death, President Johnson made a calculated move, when the nation was roiling in grief, anger and shock, to push hard for the Civil Rights Act through a racist Congress.

Johnson sent a letter to the Speaker of the House John W. McCormack (D-Mass.), urging immediate action. In his letter, Johnson implored Congress to "guarantee a basic American right – the right of a man to secure a home for his family regardless of the color of his skin." He continued: "Last night America

was shocked by a senseless act of violence. A man who devoted his life to the nonviolent achievement of rights that most Americans take for granted was killed by an assassin's bullet." Johnson pressed on writing, "When the nation so urgently needs the healing balm of unity, a brutal wound on our conscience forces upon us all this question: What more can I do to achieve brotherhood and equality among all Americans?"

Johnson urged Congress to respond immediately, as he wanted the bill passed before King's funeral in Atlanta, Georgia.

The debate on the bill, however, was heated. Opponents called the bill "obnoxious" and "discrimination in reverse," claiming that it was 'robbing all Americans of their basic rights of private property.' But on April 10, 1968, the day after King's funeral, the House voted 250 to 171 to pass the Civil Rights Act of 1968. "Now the Negro families no longer suffer the humiliation of being turned away because of their race," Johnson told the crowd in the East Room of the White House as he signed the bill into law on April 11, 1968.

The **Civil Rights Act of 1968 – which included the Fair Housing Act** (Title VIII of the Civil Rights Act of 1968) – prohibited discrimination in housing based on race, color, religion and national origin by landlords, real estate companies, cities, insurance companies and lending institutions, including banks. It prohibited discrimination in advertising, zoning, construction and outlawed the practice of "redlining" and racial discrimination through "restrictive covenants and deeds."

On July 8, 1968, San Leandro's City Council adopted the "**Policy of the City of San Leandro on Community Relations and Responsibilities.**" Citing the Civil Rights Act of 1866 (14 Stat. 27-30) and the Civil Rights Act of 1968 (P.L. 90-284) and the State of California prohibition of discrimination in employment, housing and civil rights, the City declared that the Charter of San Leandro "provides that no citizen shall be denied the right to present grievances or offer suggestions for the betterment of municipal affairs. These rights and these responsibilities are not limited. They extend to all facets of community and human relations."

The policy further stated: "In order for the Government of the City of San Leandro to help solve the urban problems facing us, it will require, in some instances, fundamental changes in people's attitudes, in their education and in the philosophy and direction of our society.

With this in mind, the City Council encourages a two-way communication between each citizen and the City Council, and encourages every group in our community to assume the responsibility for informing and educating its members against bias and discrimination, and for urging them to practice equality of treatment, so that each person in our community may enjoy his full rights and may recognize his full responsibilities."

But within a few months of the adoption of this policy, San Leandro City Councilman Joseph Gancos declared during a March 19, 1969 speech at Kennedy Elementary School (closed in 1977) that “[o]ur City is not a white spot by accident. San Leandro does not have one-quarter of one percent of its population black while neighboring communities have as much as 44 per cent per cent black population ‘just because.’”

NATIONAL ATTENTION FOCUSES ON SAN LEANDRO

Then, a *Morning News* article dated March 5, 1971 and titled “San Leandro Remains Almost Totally White” reported that San Leandro was 97 percent white and 12 percent black according to the 1970 census. The article mentioned that in the 1960 census, Alameda County was 78.8% white as a whole while San Leandro still remained predominately white.

As a result of the 1970 census, national attention was drawn to San Leandro by the National Committee Against Discrimination in Housing, Inc. (NCDH) with its exposé of “proven housing discrimination in the city of San Leandro, California” in its report titled ***A Study of Patterns and Practices of Housing Discrimination in San Leandro, California***, dated May 1971.

When this report was released, numerous requests were made from all over the country for copies of it. Findings of this report included:

- San Leandro is not 99.9 per cent “white” by accident. For 25 years, Federal monies and powers, municipal policies, practices of the real estate and home finance industries and pressures by property owners’ associations have operated to exclude black and other minority residents.
- Real estate industry operations in San Leandro reflect widespread patterns and practices of housing discrimination. The Southern Alameda County Board of Realtors (SACBOR) which serves San Leandro, refuses to exchange multiple listings with the integrated Oakland board.

This refusal bars Oakland’s minority population from the opportunity to purchase homes in San Leandro by denying these home seekers essential information about available housing on the market. The racist intent of this refusal to share listings is shown clearly by the Southern Alameda board’s willingness to exchange listings with the Contra Costa Real Estate Board which services an overwhelmingly white area.

- The Federal Government bears major responsibility for the creation of this all-white community. The racial character of San Leandro was determined in large measure by FHA- and VA-supported subdivisions built and marketed on a discriminatory basis in the 1950’s during a period of rapid growth.

FINAL DRAFT

- Federal support of patterns and practices of residential discrimination continues today, despite the mandate of the 1968 Civil Rights Act requiring all Federal agencies to administer their programs in a manner affirmatively to advance open housing and open communities.
- The City of San Leandro has taken no action to eliminate exclusionary practices and open housing opportunities without regard to race, color or national origin. A proposal for a human rights commission was defeated in a vote 5-2 by the City Council. *San Leandro is the only municipality in the county that refused to participate in the Alameda County Housing Authority's leased housing program to provide living quarters for families of modest income [emphasis added].*
- Twelve homeowners' associations blanketing the entire community dominate city politics and maintain a vigilante-like watch on local real estate brokers to make sure that none adopt an open housing approach to the handling of properties listed with them for sale.
- Mortgage lending institutions are the "silent partners" sustaining patterns and practices of housing discrimination in San Leandro. In 1970, FHA-insured mortgages alone brought six of these institutions business totaling \$1,328,600 in loans.
- Housing discrimination is denying blacks and other minorities equal access to 36,200 jobs in San Leandro. An estimated 600 black employees of firms under contract to the U.S. Department of Defense, for example, are forced to live elsewhere and commute to their work.
- Housing discrimination has built a white educational system in San Leandro. Almost 10,000 children attend the city's primary and secondary schools: 9,752 whites; 21 blacks.

The report concluded that the City of San Leandro has taken no action to protect the housing rights of minority citizens, or to insure that the real estate and mortgage finance industries comply with state and Federal laws prohibiting discrimination in housing.

To emphasize the city's inaction, it more closely addressed the defeat of the effort to establish a city human relations commission. The reasoning given by the 5 opposing councilmen was that "there is no problem" with housing discrimination. Yet, the NDCH emphasized that San Leandro is known throughout the Bay Area as a "bastion of racism" and a "white spot." In view of the continuing existence of housing discrimination in San Leandro, the NDCH made the following recommendations:

- The San Leandro City Council should immediately adopt and publish a statement unequivocally establishing open housing as city policy.

- The City should immediately take the necessary steps to participate in Alameda County's leased housing program.
- Through its licensing procedures, the City government should require that all apartments maintain a waiting list open at all times for inspection by applicants as well as city inspectors.

SAN LEANRO RESPONDS TO NDCH

First to respond to the NDCH report was John B. Engberg, Secretary for the **Associated Homeowners Association (AHO)**. In a column printed in the *Daily Review*, dated August 19, 1979, he spoke on behalf of San Leandro's twelve homeowners' associations (HOAs), claiming that the charge made by the NCDH against the homeowners' associations "appears to be without foundation and fact."

He noted that in "most cases the associations are forbidden from endorsing, supporting or establishing committees to elect officials" according to California state law.

Engberg further stated that recent elections indicated that HOAs have not elected or defeated candidates for any local office, so have no "political power." He concluded by stating that "we would be naïve and foolish to believe that individuals in any given community do not practice social, racial and religious discrimination. But a study paid in part by the accused taxpayers that is based on untruths is no way to encourage community cooperation to relieve an unjust situation."

In a follow-up *Daily Review* article, dated August 26, 1971, Frank J. Straface, President of the **Southern Alameda County Board of Realtors**, also responded to the NDCH report. "Although we do not require every listing a Broker takes to be placed in the Board's Multiple Listing Service, a large percentage of these listings are multiple listings. We have had a reciprocal listing agreement with the Oakland Board since [the] early 1950s whereby a member of this Board or the Oakland Board may, for a slight charge, place the listing in the other Board's multiple service."

Straface continued: "It should be rather obvious then that the statement made by NCDH was in error. However, I don't want to belabor this point except to state again, we do cooperate with members of the Oakland Real Estate Board and have shared our listings for many, many years."

According to a *Morning News* article dated September 28, 1971, the **City of San Leandro** responded with a 17-page report to NDCH's request to create a city-wide affirmative action program to eliminate discriminatory housing patterns in

San Leandro. “It is this positive spirit that the city has prepared these responses to the NCDH recommendations,” the city stated.

Some of those suggestions, the city officials continued, “are worthy of implementation and some deserve further study. Others are already being done by the city, and some are not within the legal jurisdiction of the city.”

Further, city officials stated that the city was committed to open housing, citing the city council policy statement of July 8, 1968, and its further implementation by committing expenditures for staffing toward carrying that policy.

The city council at that time firmly committed itself to the policy that “every man, within his abilities and means, is entitled to freedom of choice as to where he shall live and work.”

“In short,” city officials stated, “this city does not discriminate; it does not condone discrimination; and, in fact, the city by policy and [by] expenditures to carry out that policy, rejects discriminations and encourages freedom of choice in housing and employment.”

Even the *Morning News*, a local newspaper, weighed in, stating “Reckless charges have been hurled by many people both within and outside of the City of San Leandro. So far no specific instance has been cited.”

THE SUBURBAN WALL – SPOTLIGHT ON SAN LEANDRO

But the actions the city took came too late to prevent the airing of ***The Suburban Wall*** which was originally broadcasted October 1971 (and aired for the west coast on November 25, 1971) with this opening statement: “Th[is] documentary, recognizing that the place where a man lives is a basic part of his identity, offers no simple solutions...It does offer a valuable tour of a complex subject.” The “complex subject” was the “suburban wall” that existed in San Leandro that blocked black people from living there.

The documentary film next described San Leandro as a middle-class bedroom suburb but with the distinction of being “99.99 percent white,” according to the 1960 census, with virtually the same percentage of whites shown in the 1970 census.

The film further stated that out of 68,000 total residents, San Leandro had only 84 blacks. And that 15,000 homes were owned by whites and just 15 homes were owned by blacks. In stark contrast, the neighboring city of Oakland had a swelling black population.

When the documentary’s interviewer asked then-Mayor Jack Maltester why such a contrast exists between the two cities, he replied that housing discrimination

exists in every city in the United States. He continued: “There is no simple answer to why there is a large black population on one side in Oakland and right across the line the lack of even 1% of blacks within the City of San Leandro.” He further stated: “I know many blacks that live in Oakland that don’t want to move to San Leandro. They wouldn’t move here away from their own neighborhoods, probably even if you gave them a place here for half the price.”

Then a young black couple was interviewed about their experience looking for a home in San Leandro. They were both professionals with a combined income of \$15,000 (middle class status at the time). They searched for a home in San Leandro for 4 months and said that they didn’t see the inside of any house, stating that they couldn’t get any real estate broker to take them in and show them any property in the city. They were given many excuses by real estate agents such as:

- “Oh, that house just sold.”
- “Oh, we forgot to take it off the books”
- “Oh, that went on the market yesterday and it was just sold”
- “Oh, that has to be appraised.”

At which point, the black couple, tired of the fabricated excuses, gave up looking in San Leandro and bought a home in East Oakland. They knew they were being discriminated against but they didn’t know who to go to about filing a complaint. They were told that they had to have proof or it would be a waste of their time.

Ray Collins, an African American realtor in Oakland with an office less than 1 ½ miles from the Oakland/San Leandro border known as Durant Avenue, was next interviewed. Standing at Durant Avenue, Collins declared: “I’ve been a real estate broker in East Oakland for the last 20 years and I haven’t been able to break down this imaginary wall. I’ve sold hundreds of houses on the west side of Durant but I haven’t been able to make a sale to a black in San Leandro.”

Walt Egbertson, a San Leandro realtor interviewed for this documentary, made an effort to explain such above scenarios: “I really don’t think that there’s that much demand for black people to be in San Leandro because if you analyze what San Leandro has to offer in the way of cultural community activities, I really don’t think we have that much – we have a library [*laughs*], we have a city hall, but as far as real activities that people of certain ethnic backgrounds want, I don’t think San Leandro has it and I think that causes lack of demand.”

The documentary went on to report that the twelve homeowners’ associations in San Leandro make up the largest voting block in the city and they make certain that their voices are heard and apply pressure on the city council to keep the status quo. Glenie Noste, a European American and the Chairman of **San Leandro’s Fair Housing Committee**, (described as “an organization of very

limited influence”), stated: “They [the HOAs] are bound and determined that someone who happens to be black will not live here.”

She further said: “What they’re [the HOAs] saying is ‘We’re happy with the way the town is, leave us alone.’” “All I am saying,” Ms. Noste continued, “is if a person wants to live here, if they have a desire to live here, if they have friends that live here, let them buy, let them live here.”

There was a proposal for San Leandro to have a Human Rights Commission, but a “vigorous” campaign was raised against it and was successful in having it voted down. As Cal Gustuson, the **City’s Community Relations Representative** interviewed for this program, explained: “We can’t help there’s [only] 84 blacks living in San Leandro.” In 3 years, he said he had only received just one human rights complaint, insinuating that there was no need for a human rights commission.

But the documentary showed a very different reality. The Collins family, the only black family living in the then exclusive Bay-o-Vista neighborhood at the time when this documentary was made, stated that they were moving out of San Leandro because of the verbal abuse their little girl was suffering. Their daughter Robin described to the film’s interviewer how she was often called “Nigger,” “Blackie” and “Chocolate” by the other children. To avoid being taunted by the other children, Robin would only ride her bicycle in the backyard or stay inside the house, reading her books.

Frank King, the Executive Vice President of San Leandro’s Chamber of Commerce at the time this documentary was made, was asked about the local industry’s role in helping black people find housing in San Leandro:

King: “I think, in general, the [industrial sector] is hesitant to get into housing programs. As the black people improve themselves economically, then they become more accustomed to the white man’s ways and more desirous of becoming part of it.”

Interviewer: “Becoming part of the white man’s ways?”

King: “Well, becoming part of the white man’s culture.”

Interviewer: “Do you know of any black person who has said this?”

King (smiling): “No. [But] it seems to me that the blacks are accustomed to their own social and cultural circles and they like it this way. I think they feel out of place when they come into an area that doesn’t provide the things they’re accustomed to.”

Interviewer: “Have you ever heard any black people say this?”

King: “No.”

Interviewer: “Are black people qualified to live in San Leandro?”

King: “They’re qualified to live here if they’re willing to accept the kind of life that we have here, which is just an average, ordinary, middle-class American community.” [End of film].

THREAT OF LAWSUIT GALVINIZES SAN LEANDRO INTO ACTION

The same month that *The Suburban Wall* was aired, the NCDH asked the Department of Justice to bring a federal law suit against San Leandro because “amiable negotiations are no longer fruitful.” Del Green, the NCDH San Francisco Bay Area Project Director, blasted San Leandro for its “adversary attitude” and labelled the City once again as a “bastion of racism.” Green had earlier suggested that the Department of Housing and Urban Development freeze all funds for the City until San Leandro officials could demonstrate that it was taking positive steps to end racism in housing patterns.

Within days of this request, the City of San Leandro adopted an affirmative action program which encouraged many NCDH proposals and organized a **housing advisory committee** to act on any complaints of discrimination.

This reactive response to a lawsuit was not quick enough or significant enough to prevent the publication of a November 1971 issue of *San Francisco* magazine titled “San Leandro: The Making of a White Ghetto,” an article which contributed further to San Leandro’s poor reputation as an almost exclusively all-white community.

The article explained that the Federal Housing Administration was very effective in creating all-white suburbs throughout the country in past decades and that these patterns of discrimination still existed in San Leandro.

As an example, it described a black student, James Copes, who was transferred to San Leandro’s Pacific High School (a high school no longer in existence) in January 1969 and discovered that he was the only black student. “Kids wanted to touch my head because they’d never felt a black person’s hair before,” Copes reported.

Later that year, Copes and some students undertook a campaign to increase enrollment of minorities. During the next several weeks, 424 persons, mostly students, signed the petition urging the school board that a substantial number of minority students should be permitted to enroll the next semester.

After the campaign was reported in the local paper, many students asked that their names be removed from the petition, stating that their parents didn’t want them to support it. A counter-petition opposing integration was circulated which

claimed 600 signatures. Copes did not want to admit defeat and tried in vain to convince his white friends to favor integration. One friend, frustrated, said “We don’t want any other niggers here! We love you, Jim, but we don’t want any others!”

The article then mentioned that the city received criticism from several organizations, including the NCDH with its now famous report, and from an organization called the Coro Foundation as well as from a Ford Foundation study that asserted that “Oakland’s public finance burdens as well as its racial tensions are a consequence...of nearby San Leandro’s discouragement of Negro “immigration.”

The article described how one organization, the Human and Urban Development (HUD) agency was moved by the NDCH report. Laybon Jones, director of HUD’s equal opportunity division in the Bay Area and a former real estate broker, held conferences with San Leandro’s city officials, realtors and homeowner association representatives.

The realtors, Jones said, “conceded a pattern of discrimination...” but the homeowners “wouldn’t concede anything. They didn’t even agree that any problem existed.”

The article concluded that unless there is a federal response [to the problem] “the segregated suburban housing patterns which San Leandro symbolizes will go unchallenged.”

MORE CIVIC ACTION

But the City of San Leandro slowly started moving in the right direction. According to a *Morning News* article, dated January 18, 1972, San Leandro’s city council established its first **San Leandro Service Center**, an agency planned to serve as a referral center for persons seeking jobs or assistance in dealing with public agencies.

Then on January 19, 1972, five panelists at a PTA-sponsored seminar met at the Bancroft Junior High School’s gym to address the topic for the evening, which was: “Suburban Wall – Fact or Myth.” Panelists included Glenie Noste, representative of the San Leandro Fair Housing Committee, Dr. Edward Holden, superintendent of San Leandro schools, Mayor Jack Maltester, Del Bain of Woodren Realty and Del Green, San Francisco Project Director for NCDH. Green, as was noted earlier, was a co-author of the NCDH report that accused San Leandro officials of deliberately trying to block black people access to housing in the city. Over 300 people attended.

During this meeting, Maltester named the positive steps the city council took to address fair housing: an equal opportunity in housing resolution, a housing

committee and revamping personnel application forms to give minorities “a break.” He urged all citizens to join the city council’s efforts to combat San Leandro’s image. He also acknowledged there was a racial bias in San Leandro, and commented “We’re spending too much time arguing about the past, which, for good or bad, is gone. What we should be talking about is what we’re doing today and going to do tomorrow.”

He described the city council’s reaction to the committee report and the steps taken to implement an affirmative action program prescribed by Green and his associates. It included a nine-point program in which the city embraced the county leased-housing program, modified its own personnel practices and encouraged local realtors and apartment house owners to assure minorities of equal housing opportunities. Rightly or wrongly, Maltester admitted that San Leandro had a “lousy image,” and the city constantly faced those who felt that it was not correcting the problem quickly enough.

Del Bain told the crowd that even the Southern Alameda County Board of Realtors had joined the fight to end racial discrimination. In fact, South County realtors had included an equal opportunity clause on real estate forms given prospective renters and home buyers. Signage would also be posted at each San Leandro realtor’s office stating that realtors would not discriminate. Holden, however, admitted that the school district’s effort had been “spontaneous, isolated and individual.”

Green made comments during this meeting as well. “When I first met your mayor, we were political enemies. Now I’ve gotten very friendly with him. You’re lucky to have a mayor like Jack Maltester and I’d like to compliment the city and the city council of San Leandro.”

He then stated that people should work to destroy myths such as the one that San Leandro was going to become totally black or that there will be a great white exodus from the city. He continued: “Anyone who can afford to buy a house in San Leandro has to be a solid citizen, whatever his skin color.”

He praised San Leandro’s Service Center, stating that it “was off to a wonderful start.” He also praised San Leandro’s schools, stating that they “made a momentous decision” earlier in the week when the school board ordered preparation of a coordinated district-wide minorities program. He concluded: “The Suburban Wall is a wall of people’s minds...I don’t think there’s any wall in this whole great universe of ours that’s indestructible.”

But the “wall” still stood when a three-person panel of the San Leandro Fair Housing Committee declared on March 27, 1973 that a climate of unfair housing in San Leandro still existed. Doris Desoto, the committee’s executive director, stated that during a discussion hosted by the League of Women Voters she

found it hard to believe that people were still talking about whether or not fair housing is a problem.

Desoto believed that San Leandro, not unlike other cities' large core urban areas, is the way it is because of people "welcoming" racial isolation. She further stated that San Leandro's greatest problem was a lack of housing for low-income people, emphasizing that she did not mean public housing. She linked the lack of low-income housing to racial problems. "When there is no freedom of choice, there is no fair housing," she said.

Perhaps in response to this analysis, San Leandro passed a resolution to create a **San Leandro Freedom of Choice in Housing Project**. On November 20, 1972, a \$50,000 HUD demonstration grant provided for Del Green Associates to be brought in on a 12-month period as a consultant to a Mayor's Housing Advisory Committee (newly created by city resolution in March 1972) to help facilitate discussions and develop a work plan for open housing in San Leandro.

The housing project was a community educational program to create a healthy and harmonious atmosphere of racial and ethnic relations throughout the city. It was designed to prevent the creation of ghettos or concentrations of minority or ethnic groups.

Also during the 1970s, the City of San Leandro passed several resolutions regarding fair housing, including the creation of the **Human Resources Commission** in October 1973, which provided an overview of the city's social conditions, such as freedom of choice and employment. And on December 19, 1977, the City appointed its first representative to the Alameda County Housing Authority.

On August 6, 1979, the City contracted with the Eden Council of Hope and Opportunity (ECHO) for housing counseling services for homeowners. On the same day, the City also contracted with San Leandro Fair Housing for fair housing and anti-discrimination services.

Soon after, on August 20, 1979, San Leandro's City Council took the first step towards providing low and moderate income, family-oriented apartments by authorizing the preparation of environmental reports for four target site locations. The action was needed because receipt of millions of federal dollars was contingent on the city's efforts to provide homes for low- and moderate-income families. The federal government directed the city to eventually develop plans for 150 residential units.

During the last four years prior to 1979, San Leandro received an average of \$800,000 annually for housing rehabilitation and public works projects from the federal Housing and Community Development Act.

THE INVISIBLE WALL: STILL STANDING TEN YEARS LATER

Despite these efforts, a follow-up documentary to *The Suburban Wall*, titled ***The Invisible Wall***, was aired in 1981. The narrator was Andrew Hill, identified as part of *All Together Now*, a program created by award-winning broadcast journalist **Belva Davis** to spotlight ethnic communities.

In this film, Mr. Young described Durant Avenue as an “invisible wall” between Oakland and San Leandro which keeps black people from living in San Leandro. The film asked if this wall still existed 10 years after the release of “The Suburban Wall” and if San Leandro, once described as a “white ghetto” had changed for the better.

The film stated that in 1981, San Leandro was a different community from what it was 10 years ago. The black population had increased from 84 to 763 out of a total population of more than 63,000. One African American person interviewed in this film stated, however, that “there is more discrimination in San Leandro against a black person that has the ability to pay [for rent] than a divorced mother with kids or people with animals.”

This statement agreed with the findings of Ann Marquart, a European American and a representative of **Operation Sentinel-East Bay**, the largest Bay Area organization dedicated to monitoring housing discrimination complaints. She noted that housing complaints had increased in the last 3 years, even though she had observed that the acts of discrimination had become more subtle and less overt. In fact, she said that San Leandro’s Fair Housing Service received 20 complaints about racial discrimination.

Bill Rugg, the **Community Development Department** representative for San Leandro, offered this speculation as to why there were still so few African Americans living in San Leandro: “I don’t know why there’s a smaller number of black families than people might expect to be living here given the proximity of Oakland. But I think a lot of reasons for that may not be discrimination. They may have basis in economic, in social concerns. From what I’ve heard, there are a number of black families that prefer not to live in San Leandro for whatever reason.”

The film goes on to mention a 1980 landmark case involving a class action suit against the owners of the Rockridge Apartment Complex in Oakland by fair housing advocates. It was the first time the courts allowed a class action in a housing discrimination case and as many as 9,000 blacks who were seeking apartments there were discriminated against. The fair housing advocates won over \$50 million on behalf of the plaintiffs. This landmark case brought housing discrimination to the forefront, making it no longer possible to sweep this type of racism under the carpet of denial.

The film then made the statement “Because San Leandro is under such close scrutiny, it has probably done more than most suburban towns to tackle housing discrimination.”

In fact, on July 18, 1988, the City of San Leandro passed Resolution 88-160 to contract with Operation Sentinel – East Bay to investigate and resolve housing discrimination complaints. And on November 20, 1989, Resolution 89-242 was passed to contract with ECHO Housing for fair housing services and fair housing audits.

THE CITY ADDRESSES HUMAN RIGHTS AND DIVERSITY

In 1990, while serving as president of the Alameda County Mayor’s Conference, San Leandro’s Mayor Dave Karp organized a group called the **Mayor’s Advisory Caucus on Human Rights (MACOUR)**. The purpose of this caucus was to create a comprehensive plan for all communities in Alameda County. It included representatives from the Anti-Defamation League, the Fair Employment and Housing Commission, the NAACP, the U.S. Department of Justice, the San Leandro Clergy Association, the City of Oakland, Assemblyman Johan Kleh’s Office and other experts on hate crimes and racism.

On December 17, 1990, San Leandro’s city council appointed a **Mayor’s Committee for the Preservation of Human Rights and Against Racial and Religious Intolerance**. In 2001, the committee was renamed the **Human Relations Committee**.

This committee was charged to review and make recommendations on all matters relating to human rights and racial intolerance within or impacting the San Leandro community. It served as a forum to discuss programs, projects and issues that affect the racial well-being of the community.

In 1992, the City offered the community a **Cultural Diversity Program** with workshops and group discussions on cultural diversity, prejudice and intolerance. Then in 1994, a Cultural Diversity Task Force was created and a second series of workshops was offered.

And in 1996, the City began requiring all employees to participate in Diversity in the Workplace training every 5 years. And during the same year, the City received a \$5,000 state grant for African American Cultural materials.

THE CITIZENS OF SAN LEANDRO NOW CELEBRATE TRUE DIVERSITY

From 2000 to 2004 and then from 2005 to 2009, the City submitted 5-Year Strategic Housing Plans to HUD, noting that one of the City’s main objectives continued to be to reduce housing discrimination.

This objective seemed to have been successfully met when the Public Policy Institute of California identified San Leandro as the city having the **4th most diverse neighborhoods** in California, based on the 2000 census data.

This is indeed significant and shows how far San Leandro had come from a 99% white population to a current diverse population. However, the African American population was, according to the 2000 census, just 9.9% and in 2010, their population was 12.3%. In comparison, Oakland's African American population in 2000 was 35.7% and in 2010, 28.0%.

While the City of San Leandro is to be applauded for all of its efforts throughout the years starting from late 1971 to the present, there are still indicators that the City of San Leandro does not want to be reminded of the city's racist past. To this day, there is no published history of San Leandro that describes the city's past of housing discrimination against African Americans. Such an opportunity for a complete history of San Leandro to be written that included the housing discrimination that once existed in San Leandro was given to City officials in 2005, but the opportunity was rejected.

The following year, however, a very important and significant book titled *Not a Genuine Black Man: My Life as an Outsider* by **Brian Copeland** was published. Copeland's book is a memoir that details his childhood growing up in a racist San Leandro.

According to a *Daily Review* article dated June 2, 2007 and titled "San Leandro Report Details Racist Past," Copeland's book prompted the City to release a document titled ***Chronology of City of San Leandro's Efforts to End Housing Discrimination and Promote Community Diversity***.

This document was one of the two main topics discussed at a City Council Human Relations Committee on May 31, 2007. The other topic discussed at this meeting was the consideration of having a friendship city affiliation with **Yangchun, China**.

Ironically, this "friendship city" is located in the People's Republic of China, a country that has long oppressed its people with a continuum of authoritarian rule and human rights violations for decades, including censorship, suppression of the press, torture, suppression of religion, and targeted oppression towards political activists. Currently, Gao Feixiong, a Chinese human rights activist, is serving a six-year sentence in a prison located in Yangchun (the above-mentioned friendship city), suffering abuse and life-threatening mistreatment.

Rather than having a friendship city in a communist China that tolerates no opposition, it would seem that the Human Relations Committee missed an opportunity at the May 31, 2007 meeting to establish one in Africa - since housing rights was the other topic of discussion - particularly one located in one

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of several democratic countries such as Botswana, Ghana, Gambia or Kenya, as a means of atonement to all the African Americans who suffered housing discrimination within the City's boundaries.

It would also be hugely significant if the City of San Leandro followed the lead of the city council for East Lansing, Michigan and pass a resolution acknowledging and apologizing for the decades of housing discrimination and racism it held against black citizens. According to NBC Chicago News, dated March 10, 2018, the City of East Lansing's resolution read:

"The City Council and City of East Lansing profoundly acknowledges, apologizes for, and condemns all racially motivated, discriminatory or exclusionary aspects of the city's history and deeply regrets any pain or suffering such politics may have caused to any person."

While the City of San Leandro has yet to follow East Lansing's example, great strides have been made by the citizens themselves to reflect the City's diversity in its elected officials. In 1998, Surlene Grant, the City's first African American councilmember, was appointed and then elected in 2004. In 2012, Benny Lee became the City's first Asian American councilmember.

Then in 2014, Lee Thomas, an African American, was elected city councilmember. In the same election, Corina Lopez was elected as the City's first Hispanic American councilmember. The majority of San Leandro's citizens have truly come full circle and now seem to have completely embrace diversity.

END

Edit updates 4/9/19

Addendum

STEPS TO REDACT RACIST WORDING IN OLD PROPERTY DEEDS

In 2000, the Fair Employment and Housing Act (FEHA) was amended to establish procedures by which illegal restrictive covenants can be removed. Then in 2006, the procedures were greatly modified, transferring responsibility for such procedures to be administered by the local county recorders.

Effective January 1, 2006, any person holding an ownership interest of record in a property located in Alameda County that such a person believes is the subject of an illegal restrictive covenant may complete and record (have notarized) document (form) titled "Restrictive Covenant Modification" with the Alameda County Recorder.

Turn in this form, along with a copy of the document with the racially restrictive language stricken out, to the County Recorder's Office. Once the paperwork is reviewed, the modification will be recorded.

Be prepared to pay fees for the property document, a notary, and filing the form. It is recommended to contact this office to confirm these procedures.

The contact/location information for the *Alameda County Office of the Auditor-Controller/Clerk-Recorder* is below:

Contact by Mail:

Alameda County Clerk-Recorder's Office
1106 Madison Street
Oakland, CA 94607

Contact by Email:

Vitals, Clerk-Recorder: Vitals.Vitals@acgov.org

Contact by Telephone:

Toll Free: 1-888-280-7708
Local: 1-510-272-6362
TDD: 1-510-444-1396

Location:

1106 Madison Street
Oakland, CA 94607

Office Hours:

Monday - Friday 8:30 am - 5:00 pm (except holidays)
Document recordings only accepted until 4:30 pm.
Marriage license/ceremony services are available until 3:45 p.m.

Parking, Public Transit, and Accessibility Information:

There is limited metered street parking. Parking is available at a pay parking lot, located at 12th and Jackson Streets, and one located at the Oakland Museum on Oak, between 10th and 12th Street.

The Recorder's building is a few blocks from Lake Merritt BART station.

NOTE: Their busy time is noon to 2:00 p.m. Please avoid these hours, if possible, for faster service.

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