



## CHAPTER 3

# The New Pioneers

*" 'We, the people.' It is a very eloquent beginning. But when that document was completed on the seventeenth of September in 1787 I was not included in that 'We, the people.' I felt somehow for many years that George Washington and Alexander Hamilton just left me out by mistake. But through the process of amendment, interpretation and court decision I have finally been included in 'We, the people.' "*

— Barbara C. Jordan  
Statement at Debate on Articles of Impeachment,  
Committee on the Judiciary, House of Representatives,  
Ninety-third Congress (July 25, 1974)

For the first few years after World War I, Santa Fe Place remained high on the list of fashionable neighborhoods for well-to-do white families. Although the residential areas ringing Kansas City's downtown were changing rapidly in their mix of residents, white neighborhoods felt quite comfortable in their assumption that racially segregated areas would remain sacrosanct. After all, Santa Fe Place residents knew they had more than

tradition, and even more than covenants, protecting their neighborhood from integration. The United States Constitution was on their side.

Along with a few cities in the nation's South, Kansas City was one of the first U.S. cities to adopt zoning laws for black residential areas. According to these zoning laws, white families lived where they wanted; African-Americans were restricted to black-only zones. Not surprisingly, when the laws

were first written, most of those black-only zones were already inhabited by African-American families. Codifying that fact made it easier to chart future zoning areas.

The goals for those areas included setting aside land as commercial and industrial zones which would ring minority communities, serving as a buffer to white neighborhoods. As one study in 1990 pointed out, "Although the black residential use predated the adoption of zoning, the nonconforming status of these areas formed part of the basis for later clearance through renewal." The impact of this social manipulation struck at every aspect of people's lives.

As the white population of Kansas City increased, it moved in all directions, but primarily south, creating distinct socio-economic neighborhoods with boundaries.

This was not true in the African-American community. Unlike white neighborhoods, the black neighborhoods were homogeneous, a blend of various socio-economic levels. Lawyers and laborers lived side by side.

Certainly, like the white population, the black population grew. It rose from 30,714 to 38,574 in the decade between 1920 and 1930, an increase of 25.6 percent. This increase was 2 percent more than the percentage increase of the city's total population. During the next ten years, the number of blacks increased from 38,574 to 41,574, an increase of 7.8 percent. As their numbers grew, the African-American population moved slowly but steadily

southward — but only as far as 27th Street. Twenty-seventh street was the line in the dirt, separating the races.

Twenty-seventh street was also the northern boundary for Santa Fe Place. And therein lay the central focus for both the whites, who feared the encroachment of blacks, and for the blacks, who hoped to cross over that boundary.

Middle-class blacks in particular had high hopes for more and better housing. These were people who had played by the rules, worked hard, and had attained a measure of prosperity well above that of most of their black neighbors. These



*This intersection at 29th Street and Benton represents the former "boundary line" between races. The area on the left of the street was for blacks, the right side for whites.*

Joe Kitahara



were the doctors, lawyers, teachers and other professional and skilled workers in the African-American community. Beginning in the 1930s, and certainly by the 1940s, many civic leaders in Kansas City recognized that the city's chief social problem was housing for the black population.

In addition to feeling the pressure to extend minority housing beyond 27th Street, Santa Fe Place residents faced other problems. Several factors contributed to the eroding of Santa Fe Place's reputation as a prestigious and desirable neighborhood. The deaths of key members of Bell Investment and the success of Nichols' developments were factors. Perhaps the most devastating, however, was the Great Depression.

Faced with economic deprivations unknown to them until the 1930s, Santa Fe Place residents, some of whom were the city's leading families, were unable to afford the upkeep on their houses. From lack of care, the homes of Santa Fe Place, both grand and modest, began to deteriorate.

In 1931, Santa Fe residents took action. Desperate to retain some fragment of its waning stature and to guarantee exclusivity, the struggling neighborhood created a second covenant.

The owners promised and obligated themselves that *"none of the owners real estate could, for a period of thirty years from and after the fifth day of February, 1931 sell, convey, lease or sub-lease to any persons of the Negro race."*

Most Santa Fe Place residents signed the agreement. On July 28, 1931 in Book B, 3011 at page

541, this final covenant was registered with the Jackson County Recorder of Deeds. And thus, except for a few black servants who lived over coach houses, Santa Fe Place remained all white for another 17 years.

If the prejudicial nature of the covenant had represented an aberration within the larger community of Kansas City, its impact would not have endured for 17 minutes, much less 17 years. But the covenant, and many like it from other neighborhoods, received powerful backing from the judicial system.

Furthermore, such covenants received full support from the business community. Real estate agents honored racial barriers like 27th Street. Private builders and banks systematically neglected the housing needs of African-Americans. That negligence lasted into World War II and beyond.

And yet the implications of the covenant — the panicky desperation written between its lines — foretold its ultimate and utter collapse.

During World War II, Santa Fe Place continued to change. Prospect Avenue, its western boundary, developed into a main artery carrying heavy traffic north to downtown and transporting war-time workers south to defense plants. Unable to live within the Santa Fe neighborhood, blacks migrated around it. By World War II, blacks lived on the west side of Prospect, as well as along the north side of 27th Street.

Santa Fe Place residents felt the squeeze of this migration. Once again, they struck back. In

September 1947, the neighborhood reinforced its former, racially-restrictive covenant. By then, most of the original, wealthy owners, and even the second owners, had moved out of the neighborhood. The remaining residents, primarily elderly people with fairly modest incomes, believed this renewed covenant was necessary.

In the meantime, World War II and its aftermath brought to a boiling point the problems of African-Americans. Thousands of blacks had come north during the war to work in Kansas City's war industries. But not enough jobs existed for them, especially after the war, and the housing shortage, which had always been a problem, became a crisis.

The African-American response to what was a nationwide crisis was not passive. Throughout the country lawsuits were filed by activists seeking to challenge covenants.

Finally, after a series of suits which originated in St. Louis, a case made its way to the United States Supreme Court in 1948. James T. Bush was a black real estate agent in St. Louis in the 1940s. By rallying the support of other African-American agents in the city, Bush helped the J.D. Shelley family pursue their housing discrimination case all the way to the Supreme Court.

Although it never received the fame of the landmark case *Brown v. the Topeka Board of Education*, which outlawed school segregation, *Shelley v. Kraemer* was equally significant. It was the milestone case that many legal scholars say paved the way for the *Brown* case and that, for once and all, declared

restrictive covenants unconstitutional.

On May 3, 1948 the U.S. Supreme Court ruled that *If a Negro is able to buy or rent a piece of property and occupies it, the courts may not be used to evict him for it . . . that no arm of the state can be used to help carry out such discriminatory acts which are based purely on race and color.* [334 U.S. 1 1948]

The decision's anti-covenant language was irrefutably clear. The Fourteenth Amendment would no longer support racial discrimination. Nevertheless, African-Americans had learned that the time between the call for justice and the practice of that justice could span many years. A court decision of this magnitude would most certainly be tested.

And it was.

Even after *Shelley v. Kraemer*, African-Americans still had to fight for the right to live in the housing they were entitled to, according to the court. In Kansas City, no one knew this better than Dr. D.M. Miller, a very mild-mannered, determined black man.

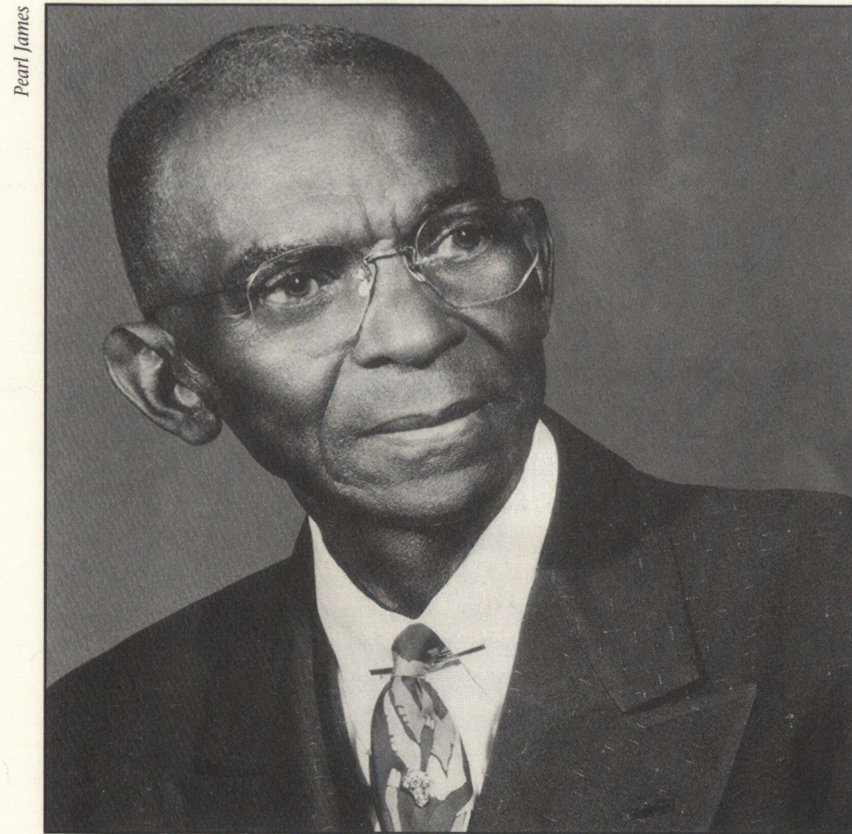
Dr. Miller was a good friend of Harry Truman. When Mr. Truman was a Presiding Judge in Jackson County, he had named Dr. Miller as Superintendent of General Hospital Number Two, known familiarly in Kansas City as "the colored hospital." Early in 1948, Dr. Miller and his wife, Clara, bought a home in Santa Fe Place at 2944 Victor.

"I will always remember Dr. Miller with fondness," recalled Mr. E. P. O'Neal, who by 1992 had lived for almost forty years in Santa Fe Place. "I was in his office one day, and he told me how



wonderful he thought it was that we were so young and were buying our Santa Fe house. He was much older than we were and he said if I got into difficulties he would as soon help us as anyone he knew. Then he said, 'I mean that'."

But in 1948, despite the widespread admiration



*Dr. D.M. Miller, Superintendent of General Hospital Number Two, was the first black resident in Santa Fe Place.*

he enjoyed, Dr. Miller had no illusions about what he was up against.

Although the highest Court in the land may have been on his side, the doctor recognized that every square block within Santa Fe Place had been declared off-limits to people of his race. And he knew that old fears were deeply ingrained. Fearing eviction and reprisals from white residents, the Millers waited until December, 1948 to move in.

While the Miller's successful effort to integrate Santa Fe Place was not violent, the psychological struggle began immediately. As the Millers attempted to move their belongings into their new home, some white residents harassed them. At all hours, strange cars drove back and forth in front of their house. They were threatened.

The day after the Millers moved in, they and the white family who sold them the property received Court summons. Not surprisingly, petitions had been filed to evict the new residents.

The Millers spent the next two years and thousands of dollars defending their right to their home. By the time it was over, a total of four cases, and 28 separate lawsuits involving \$400,000 in damage claims would be heard seven times in City and Circuit Courts before being appealed to Missouri's Supreme Court. In the end, Missouri's high Court refused to re-hear any of the cases, nor would the Court transfer the suits to the Circuit Court of Appeals. The cases were dead.

Finally free to live in Santa Fe Place without the threat of legal retaliation, middle-class black

families began migrating into the neighborhood in large numbers.

Sadly, the tremendous interest in Santa Fe Place among blacks brought out the worst in some unscrupulous real estate agents. These agents tried to extort hundreds, sometimes thousands, of dollars from eager buyers.

"In my case," recalled Mr. O'Neal, "they tried to add \$500 to an agreed-upon price on a house on Lockridge. My wife refused and the owner — a woman — dropped the \$500. The lady said the salesman had suggested the lug. My wife told her they



*Dr. and Mrs. D.M. Miller pioneered the way for black residents when they purchased this house in Santa Fe Place in 1948.*

were both crooks — and they were. That agent then tried to charge us for the gasoline he used to take us to show the houses, an unheard of practice."

Between 1949 and 1953, despite these discouragements, blacks moved into Santa Fe Place four times faster than into any other part of Kansas City where they could purchase property.

For the first time in Kansas City's history, well-to-do black families could live together in a neighborhood that reflected their economic and educational status. For the first time in Kansas City's history, black families could live together in a totally residential area.

The Millers were twentieth century pioneers who made a dream come true. The families who followed would keep the dream of desirable housing alive. For future African-American residents, maintaining that dream would require as much dedication as Dr. Miller and his family had shown.