

## Laurelhurst History of Racial Restrictive Deed Covenants and Participation in other Discriminatory Practices

Many know that the Laurelhurst neighborhood of Portland was founded in 1909, on what had been William S. Ladd's Hazel Fern Farm. They likely also know that the curving, tree-lined streets tracing the farm's natural contours were conceived by the famous landscape architecture firm founded by Frederick Law Olmsted and his sons, whose other work includes New York City's Central Park and the master plans for, amongst others, the University of California at Berkeley and Stanford University.

The Olmsted's horticulturist became Portland's first Superintendent of Parks and designed Laurelhurst Park. In 1919, the Pacific Coast Parks Association named Laurelhurst Park the "most beautiful park" on the West Coast. A walk through the neighborhood leaves little doubt that its houses represent a remarkable and remarkably intact collection of historic American residential architectural styles from the 1910s through 1940s. Students of urban history know that Laurelhurst was among the first planned residential developments on the West Coast. Its design by the innovative developer Paul C. Murphy incorporated parks, schools, street lighting, streetcar stations and other public amenities.

More about the history of this lovely and uncommon neighborhood can be found in the 2019 Laurelhurst National Register Historic District nomination<sup>1</sup>, the 2001 Laurelhurst Park National Register Historic Landmark nomination<sup>2</sup>, and the 2019 Laurelhurst walking tour guide<sup>3</sup>.

**A lesser-known aspect of the neighborhood's history is, sadly, neither lovely nor uncommon** in Portland and Oregon. The Board of the Laurelhurst Neighborhood Association (LNA) believes that this aspect of Laurelhurst's history must be documented and confronted. This summary is our initial effort.

We begin with a brief introduction to Oregon's history of excluding Black and Chinese persons as well as other populations of color, some of the exclusionary tools used, and then discuss the exclusionary deed restrictions used in Laurelhurst.

### Oregon's Black Exclusion Laws

The first Black persons visited what became Oregon as sailing ship crew, as early as 1579. In the early 1800s, Blacks participated in fur trapping and other exploration. From those early days, the authorities sought to exclude Blacks from the territory. In 1844 the territorial government ordered all Blacks to leave Oregon or be publicly flogged. This law was repealed the next year but its hostile intent was plain. In 1849 the "Black Exclusion Law" was enacted, and was enforced at least once before its repeal a few years later. The Homesteading Act of 1850 allowed only white settlers and so-called "half-breeds" (mixed-race White/Native Americans) to receive free land.<sup>4</sup>

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<sup>1</sup> "National Register of Historic Places Registration Form", Laurelhurst District, [http://heritagedata.prd.state.or.us/historic/index.cfm?do=v.dsp\\_siteSummary&resultDisplay=676858](http://heritagedata.prd.state.or.us/historic/index.cfm?do=v.dsp_siteSummary&resultDisplay=676858)

<sup>2</sup> "National Register of Historic Places Registration Form", Laurelhurst Park, <https://npgallery.nps.gov/GetAsset/c2486f54-16c3-4510-bb9f-65a90326ce15>

<sup>3</sup> "A Walking Tour of Laurelhurst", <https://www.laurelhurstpdx.org/history>

<sup>4</sup> "Cornerstones of Community" [https://pdxscholar.library.pdx.edu/black\\_studies\\_fac/60/](https://pdxscholar.library.pdx.edu/black_studies_fac/60/)

This policy of exclusion was enshrined in the State of Oregon. In 1857 Oregon's constitution prohibited Blacks from entering, residing in, or owning property in the new state, and denied Blacks, "Mulattos", and Chinese the right to vote. In 1862 through 1866 the state imposed a special poll tax on Blacks, excluded Blacks from juries, and prohibited interracial marriage between Whites and persons of other races. The Ku Klux Klan was prominent in Oregon and in 1922 the Democratic governor was elected with the KKK's open support.

Oregon's laws and other racial hostility largely accomplished the State's goal of keeping Blacks out for almost the entire first century of statehood. In 1890, there were only about 1,000 Blacks in Portland, many working for the railroads. By 1920, the Black population was still only about 2,000.

### **Oregon's Chinese Exclusion Laws**

The first Chinese people came to Oregon in the early 1850s, first as gold miners and camp merchants. Chinese then formed more permanent settlements and, in larger cities, "Chinatowns". Around 1870, political and labor leaders began pressing to remove Chinese from the state. Chinese residents were expelled from some cities; in 1887 thirty-four Chinese miners were massacred by white attackers.<sup>5</sup>

Starting with the 1882 federal Chinese Exclusion Act, Chinese were prohibited from entering Oregon and indeed, from entering the United States. Those Chinese already present were excluded from housing, banned from public schools, barred from many professions and from voting or holding office.

Oregon's Chinese population, just 3,330 in 1870, reached over 10,000 in 1900. As the Exclusion Act took hold, the state's Chinese population fell almost 80%, to just over 2,100 in 1950. The Chinese Exclusion Act remained in force until 1943 but was replaced by exclusionary quotas that initially permitted only about one hundred Chinese to immigrate to the US each year.<sup>6</sup>

### **Racially Restrictive Deed Covenant Restrictions in the early 1900s**

The system of laws and practices used to suppress and expel Blacks, Chinese and other minority populations included not only governmental discrimination, but also a system of private restrictions, both explicit and tacit. One such tool was the **racially restrictive deed covenant**, found in many original Portland property deeds. These covenants have been found in property deeds dating to the early 1900s in many areas of Portland including, based on research so far: Alameda, Beaumont-Wilshire, Cedar Hills, Concordia, Eastmoreland, Grant Park, Hillsdale, Hosford-Abernathy, Irvington, Laurelhurst, Mt. Tabor, Mock's Creek, Piedmont, Raleigh Hills, Richmond, Rose City Park, Sabin, University Park, and Westmoreland.

Racial covenants were common in Portland<sup>7</sup>, elsewhere in the Pacific Northwest,<sup>8</sup> and nationally.<sup>9</sup>

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<sup>5</sup> "Chinese-Americans in Oregon: Essay"

[https://oregonencyclopedia.org/articles/chinese\\_americans\\_in\\_oregon/#.Xvzv1-SIPY](https://oregonencyclopedia.org/articles/chinese_americans_in_oregon/#.Xvzv1-SIPY)

<sup>6</sup> "Repeal of The Chinese Exclusion Act" <https://history.state.gov/milestones/1937-1945/chinese-exclusion-act-repeal>

<sup>7</sup> "New research by PSU grad student reveals racist covenants across Portland" <https://www.portlandoregon.gov/bps/index.cfm?&a=677593>

<sup>8</sup> "Racial Restrictive Covenants History" [https://depts.washington.edu/civilr/covenants\\_report.htm](https://depts.washington.edu/civilr/covenants_report.htm)

<sup>9</sup> "Racially Restrictive Covenants in the United States: A Call To Action" [https://deepblue.lib.umich.edu/bitstream/handle/2027.42/143831/A\\_12%20Racially%20Restrictive%20Covenants%20in%20the%20US.pdf?sequence=1&isAllowed=y](https://deepblue.lib.umich.edu/bitstream/handle/2027.42/143831/A_12%20Racially%20Restrictive%20Covenants%20in%20the%20US.pdf?sequence=1&isAllowed=y) "Hidden In Old Home Deeds, A Segregationist Past" <https://www.npr.org/templates/story/story.php?storyId=122484215>

## Laurelhurst Deed Restrictions, 1909-1924

The language in some<sup>10</sup> original Laurelhurst deeds reads:

**“ . . . nor shall the same or any part thereof be in any manner used or occupied by Chinese, Japanese, or negroes, except that persons of said races may be employed as servants by residents; nor shall any old buildings be placed on said premises; nor shall any building or any part thereof, on said premises, be erected, maintained or used for flats, apartments, stables, stores or business or manufacturing purposes.”** [Sample, from a 1913 deed on Block 13 of Laurelhurst.]

These restrictive covenants had a 25 year term beginning 1909 and expired in 1934. All remaining restrictive covenants were invalidated in 1948 by the US Supreme Court’s Shelley v Kramer decision. While the language still exists on the original deeds, it is unenforceable.

## Other Racially Discriminatory Real Estate Practices

Even in the absence of restrictive deed covenants, the real estate industry used other discriminatory business practices to exclude Blacks, and Chinese, from purchasing property in most areas of Portland. The 1919 Realtors’ Code of Ethics prohibited agents from selling to buyers who would have a “detrimental effect” on real estate values; this was understood to mean, for example, that Black buyers would be confined to the Albina area of North Portland.

Federally sanctioned discriminatory lending practices (“redlining”) were added to the exclusionary toolset in the 1930s.

## World War II and Post-War Changes

Starting in the 1940s, Portland’s and Oregon’s Black and Chinese populations began to rise. Blacks came to Oregon in large numbers during World War II, building ships for the war effort at the three Henry J. Kaiser shipyards. About 20,000 Blacks settled in Portland, mostly in the Vanport temporary war housing project. In 1948, the Vanport Flood displaced them, mostly to the areas of N/NE Portland in and around Albina. Chinese also began returning to Oregon during the war, after the Chinese Exclusion Act was repealed in 1943 and in greater numbers as federal immigration quotas were expanded in 1965.

In the post-war decades, Oregon still lagged the rest of the country in addressing racial discrimination. Oregon did not ratify the 1870 15<sup>th</sup> Amendment to the United States Constitution which affirmed African American males’ right to vote until 1957, 87 years later. Similarly, it took Oregon 105 years to ratify the 1868 14<sup>th</sup> Amendment which granted citizenship to former slaves and asserted “equal protection under the law”.

Portland, too, dragged its feet. In 1950, the city council passed a law prohibiting racial discrimination in public places. In the 1950 general election, a solid majority of Portland’s voters repealed that anti-discrimination law. It was not until 1953 that the state Legislature overruled the voters of Portland with the passage of a statewide anti-discrimination public accommodations law.

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<sup>10</sup> We do not know if every original Laurelhurst deed contains similar language. However, we believe such language was generally used in developer Paul C. Murphy’s earlier “Laurelhurst” development in Seattle, and subsequently became the practice when Murphy’s company sold lots in the new Portland “Laurelhurst” development.

While the exclusionary laws and practices of the early 1900s had been superseded, new systems of racial discrimination developed. The Laurelhurst Neighborhood Association Board of Directors, as well as neighbors, believe that our past restrictive covenants were wrong in every possible way. We acknowledge and decry them.

Today, it is incumbent on Laurelhurst neighbors who want to:

- prevent displacement of residents with fixed or lower incomes;
- encourage greater diversity and inclusiveness in the neighborhood; and
- proactively address housing affordability issues

to work together to challenge the notion that historic designation is incompatible with change.