

# FROM THE 1947 LEAGUE TO THE 2025 OVERLAY: A CONTINUITY

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 COMPANION TO "VENEERS OF HISTORY IN GREEN HILLS EAST", NASHVILLE SCENE

## FINDING

A 1927 racial covenant, a 1947 league formed eight days after the Court agreed to hear *Shelley* with a committee to keep abreast of zoning, and a 2025 conservation overlay occupy the same Nashville ground — each arriving as its predecessor lost force, each secured by the same organized neighborhoods.

## SUPPORTS IN THE ARTICLE

- *the same neighborhoods, with the privilege to organize, won successive instruments of exclusivity*
- *keep abreast with zoning regulations*

## ABSTRACT

Three instruments, one geography, across ninety-eight years: a 1927 racial covenant, a 1947 property-owners' league organized eight days after the Supreme Court agreed to hear *Shelley v. Kraemer* with a standing committee formed "to keep abreast with zoning regulations," and a 2025 conservation overlay proposed for substantially the same ground. Each did the same structural work — fixing and protecting a residential boundary — and each arrived as its predecessor lost force. The same neighborhoods, holding the same capacity to organize at each stage, secured the successor instrument; the demographic residue is measurable, with conservation overlays running roughly a third whiter than the county. The continuity is structural, not a claim about the intent of any present-day actor: a boundary set long ago, a capacity to defend it inherited across generations, and a reach at each turn for whatever lawful instrument was available. The 2025 overlay was withdrawn before it became law; the argument rests on the attempt, not the outcome.

## SOURCES

The evidence is the companion briefs synthesized here, each resting on its own primary documents. The companions drawn on:

- [The 1947 Property Owners' Protective League](#) (Brief E5, evidentiary). The *Nashville Banner*, July 2, 1947, p. 6, "Property Owners Form League To 'Protect' Area" — the verbatim record of the founding meeting, its four hundred residents, its zoning committee, and its Lipscomb venue. The source of the "keep abreast with zoning regulations" language and the meeting's timing relative to *Shelley* — eight days after the certiorari grant, ten months before the decision.

- **From Covenant to Code: Nashville’s 1933 Zoning Map** (Brief C6, contextual). Pemberton’s Murphy Addition reconstruction, the Gimre survey memo of January 26, 1933, and the quantitative join of the hand-traced 1933 zoning map to 1930 census tracts. The source of the “stood in for the private covenants” framing and the Residence A ≈ 5 percent / Residence D ≈ 70 percent Black finding.
- **Overlay Demographics: “About a Third Whiter”** (Brief M2, methodology). 2020 Census PL 94–171 block-level area-weighted allocation to current conservation overlay boundaries. The source of 75.3 percent versus 56.0 percent and the required descriptive–not–causal caveat.
- **Racial Covenants and Shelley v. Kraemer** (Brief C5, contextual), for the *Buchanan–Corrigan–Shelley* arc and the post-*Shelley* migration into design and occupancy covenants “perfectly legal” under the decision.
- **Green Hills East NCZO — Metro Council legislative history.** Metro Council Bill BL2025–1175 (sponsors Jeff Preptit and Terry Vo), the ordinance applying the Neighborhood Conservation Zoning Overlay: filed November 25, 2025; passed first reading December 4, 2025; deferred January 20, 2026; Planning Commission recommended withdrawal April 23, 2026; withdrawn by the Metropolitan Council May 7, 2026. [Legistar File BL2025–1175](#).
- **Nashville secondary literature** (context, not evidence of the chain): Benjamin Houston, [The Nashville Way: Racial Etiquette and the Struggle for Social Justice in a Southern City](#) (Athens: University of Georgia Press, 2012), and Ansley T. Erickson, [Making the Unequal Metropolis: School Desegregation and Its Limits](#) (Chicago: University of Chicago Press, 2016), on the city’s broader twentieth-century pattern of managed racial exclusion and the organized advantage of its propertied white neighborhoods.
- **Planning–history scholarship** (context, not evidence of the chain): Darien Alexander Williams, Laura Humm Delgado, Nicholette Cameron, and Justin Steil, [“The Properties of Whiteness: Land Use Regulation and Anti-Racist Futures,”](#) *Journal of the American Planning Association* 89, no. 4 (2023): 505–16, and Jamie Bologna Pavlik and Yang Zhou, [“Are Historic Districts a Backdoor for Segregation? Yes and No,”](#) *Contemporary Economic Policy* 41, no. 3 (2023): 415–34, on how a protective land-use function carries forward from racial covenant to neutral regulation and on the measurable demographic correlate of historic–district designation.

Where a companion brief supports a point, its primary source is the citation of record; that evidence is not re-derived here.

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## FINDINGS

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### ONE GEOGRAPHY HELD WHILE THE INSTRUMENTS CHANGED

The three instruments share a footprint. The 1927 racial covenant encumbered Green Hills Plat 1 (Davidson County Deed Book 770, pp. 41–42). The 1947 league organized the “Granny White,

Belmont and Green Hills sections,” a description that maps directly onto the area of the 2025 Green Hills East overlay (see [The 1947 Property Owners’ Protective League](#)). The 2025 NCZO was proposed for that same ground. Across ninety-eight years the boundary being defended held still while the legal form of the defense changed around it. A covenant, a zoning committee, and a conservation overlay, successively, on one piece of Nashville.

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## **EACH INSTRUMENT ARRIVED AS ITS PREDECESSOR LOST FORCE**

The dates establish the sequence. The covenant had a term — January 1, 1960 — and a vulnerability the term did not anticipate: judicial enforcement, which *Shelley v. Kraemer* removed on May 3, 1948. The league’s zoning committee was constituted in July 1947, eight days after the Court granted certiorari in *Shelley* and ten months before it decided the case, while the covenant still had twelve years to run — the brief overlap when the old instrument retained legal force and the new one was being built (see [The 1947 Property Owners’ Protective League](#)). The same pattern recurs one cohort earlier: Nashville’s first comprehensive zoning code was adopted in 1933, “precisely as the city’s earliest covenant cohort was expiring,” and at the July 11, 1933 hearing Murphy Addition homeowners asked that the ordinance “perpetuate” the protection their lapsing deed restrictions had provided (see [From Covenant to Code: Nashville’s 1933 Zoning Map](#)). The conservation overlay program of the 2000s and 2010s is the latest entry: a layer of design control added atop base zoning whose protective force, in a city under redevelopment pressure, neighborhoods came to experience as insufficient. In each case the successor was assembled before, or just as, the predecessor failed. The instruments hand off.

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## **EACH SUCCESSOR DID THE PREDECESSOR’S WORK WHILE SHEDDING ITS LEGAL LIABILITY**

The migration is functional as well as chronological: each step traded explicit racial language for a facially neutral mechanism that did the same work. The covenant named a race. The 1933 code did not — the *Banner* was careful to note it “does not set aside this district as race segregation” — yet Gimre’s survey mapped “the location of the negro population” as a classification input, and the resulting Residence A class averaged about 5 percent Black while Residence D averaged about 70 percent (see [From Covenant to Code: Nashville’s 1933 Zoning Map](#)). The code performed the covenant’s sorting without the covenant’s words. The post-*Shelley* design and occupancy covenants — cost minimums, construction-quality standards — that Alfred Scanlan in 1949 called “perfectly legal” survivors did the same: they “policed the property and not the person” (see [Racial Covenants and Shelley v. Kraemer](#)). The conservation overlay sits at the end of that named lineage. A design-review regime that regulates massing, materials, and demolition descends from the cost-and-quality covenant, not from the racial clause; but it occupies the same place in the structure — the instrument that holds a neighborhood’s physical character, and thereby its boundary, once the cruder instruments have been retired.<sup>4</sup>

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## THE DURABLE RESOURCE WAS THE CAPACITY TO ORGANIZE, UNEQUALLY HELD

The capacity to organize carried across the three instruments. Securing a covenant required a developer and a trust; securing a favorable 1933 zoning classification required homeowners who could dominate a public hearing; securing a 1947 league required four hundred residents, officers, a board of governors, and a venue at David Lipscomb College. At the 1933 hearings, Murphy Addition residents protested commercial classifications and “each protest was successful,” while Watkins Park across the color line “got no such protection” (see [From Covenant to Code: Nashville’s 1933 Zoning Map](#)). Securing a 2025 conservation overlay requires organized petitioners, MHZC staff research, and the standing to carry a case through the commission. At every stage the same kind of neighborhood — propertied, networked, white — possessed the organizational capacity to obtain the instrument, and the neighborhoods on the other side of the line did not. The demographic residue is measurable: conservation overlays are about a third whiter than the county (see [Overlay Demographics: “About a Third Whiter”](#)), and former Residence A areas carry overlay coverage of about 22.9 percent against about 2.6 percent for former Residence D (see [From Covenant to Code: Nashville’s 1933 Zoning Map](#)). The pattern is sharpest in the oldest designations and softens in the newest: overlays adopted after July 1, 2014 run only 59.1 percent White alone, much nearer the county, so the continuity holds firmly for the covenant-to-code-to-older-overlay sequence and only weakly for the newest cohort, the proposed Green Hills East overlay among them. Across the century the instruments changed; the class that could command the older ones stayed the same. The historians of twentieth-century Nashville describe the same arrangement: a city that managed segregation through civic decorum and procedural moderation, adapting the forms of exclusion while preserving its substance,<sup>1</sup> and a metropolis whose interlinked decisions about schools, housing, and highways built and sustained racial inequality across the postwar decades.<sup>2</sup>

A national study of local historic commissions finds median property value the strongest predictor of where preservation regulation is adopted — a correlation of 0.75 across the states — though it cannot say whether the value precedes the protection or follows it.<sup>5</sup> Edgehill and Salemtown answer it. Both were overwhelmingly Black in 2000 — 67 and 88 percent — and both received conservation overlays as gentrification turned them white: Salemtown’s in 2013, Edgehill’s in 2018, each above 60 percent white by 2020.<sup>6</sup> Edgehill’s residents had asked for the protection first: the neighborhood design plan they initiated in 2002 recommended a conservation zoning overlay alongside homeowner-preservation funding and inclusionary zoning. The commission recommended the overlay sixteen years later, when the neighborhood was majority white, and the vast majority of speakers at the June 2018 hearing were white.<sup>7</sup>

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## THE CONTINUITY IS STRUCTURAL, NOT A CLAIM ABOUT MOTIVE

The chain is a succession of *functions* — boundary-fixing instruments handed from one form to the next by neighborhoods with the capacity to obtain them. It is not a succession of *intentions*. The 1927 covenant’s racial purpose is on its face. The 1933 code’s racial function is documented, but [From Covenant to Code: Nashville’s 1933 Zoning Map](#) expressly declines to attribute racial intent to the mapmaker. The 2025 overlay’s demographic correlate is documented, and [Overlay Demographics: “About a Third Whiter”](#) states flatly that the data “do not speak to the intent of anyone who voted to draw a line.” A mechanism can reproduce an exclusionary geography without any present actor intending exclusion: the boundary was set long ago, the capacity to defend it is inherited, and each generation reaches for whatever lawful instrument is available. The record does not stretch to indict the 2025 petitioners. The handoff itself is a pattern of instrument-succession on shared ground, not an institutional baton traced through identifiable persons from one instrument to the next; the 1947 league’s later history is unestablished (see [The 1947 Property Owners’ Protective League](#)), so the link between its zoning committee and any later overlay petition is inferential. The account covers Green Hills and its immediate Granny White–Belmont neighbors; whether the same succession holds across Nashville’s other favored-quarter geographies is unknown.

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## THE MOST RECENT ATTEMPT WAS WITHDRAWN BEFORE IT BECAME LAW

The 2025 overlay did not become law. The MHZC recommended approval 7–1 in December 2025; Metro Council Bill BL2025–1175 (sponsored by Councilmembers Jeff Preptit and Terry Vo) filed in November 2025, cleared first reading on December 4, was deferred on January 20, 2026, drew a Planning Commission withdrawal recommendation on April 23, and was withdrawn by the Metropolitan Council on May 7, 2026.<sup>3</sup> The continuity argument does not depend on the overlay’s adoption. The relevant fact is that the *attempt* belongs to the chain — the same geography reaching, a third time, for a successor instrument — and the outcome is simply that this particular reach did not close. The public reason for the withdrawal, and whether the permit moratorium in the proposed district lapsed with it, are not established by the present record, which likewise does not settle whether the withdrawal marks a break in the pattern or a pause in it.

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## NOTES

1. Benjamin Houston, [The Nashville Way: Racial Etiquette and the Struggle for Social Justice in a Southern City](#) (Athens: University of Georgia Press, 2012). ↩
2. Ansley T. Erickson, [Making the Unequal Metropolis: School Desegregation and Its Limits](#) (Chicago: University of Chicago Press, 2016). ↩
3. Metro Council Bill BL2025–1175 (sponsors Jeff Preptit and Terry Vo), the ordinance applying the Green Hills East Neighborhood Conservation Zoning Overlay. Recorded history: filed November 25, 2025; passed first reading December 4, 2025; deferred January 20, 2026; Planning Commission recommended withdrawal April 23, 2026; withdrawn by the Metropolitan Council May 7, 2026 (final action). [Metro Nashville Legislative Information Center, Legistar File BL2025–1175](#). ↩

4. The migration of a protective land-use function from racial covenant through facially neutral zoning to design-based control, requiring no racist intent at any later stage, has its own planning-history literature. Darien Alexander Williams, Laura Humm Delgado, Nicholette Cameron, and Justin Steil, "[The Properties of Whiteness: Land Use Regulation and Anti-Racist Futures](#)," *Journal of the American Planning Association* 89, no. 4 (2023): 505–16, draw on Cheryl Harris's account of whiteness as a property interest to trace how land-use regulation carries forward the protective function once served by racial covenants, so that neutral controls preserve an inherited racial geography. On preservation in particular, Jamie Bologna Pavlik and Yang Zhou, "[Are Historic Districts a Backdoor for Segregation? Yes and No](#)," *Contemporary Economic Policy* 41, no. 3 (2023): 415–34, find historic-district designation associated with a measurably whiter population of subsequent homebuyers. ↩
5. Sara C. Bronin & Leslie R. Irwin, "Regulating History," 108 *Minnesota Law Review* 241 (2023). Of thirteen state-level variables tested against the local adoption of historic-preservation regulation, the strongest correlation is median property value ( $r = 0.753$ ); the authors note that whether high values follow from the regulation or motivate it "remains a question for future research." ↩
6. Block-level racial composition, area-weighted to each overlay boundary — 2000 and 2010 from the decennial census, 2020 from PL 94-171 by the method of [Overlay Demographics: "About a Third Whiter"](#). Edgehill: 67.4 percent Black (28.9 percent White) in 2000, 62.5 percent White by 2010, 67.3 percent White by 2020; conservation overlay BL2018-1245, recommended June 20, 2018. Saletown: 87.8 percent Black in 2000, 70.9 percent Black in 2010, 63.3 percent White by 2020; conservation overlay BL2013-370, adopted May 17, 2013. The design-plan recommendation is the Nashville Civic Design Center's *Edgehill Neighborhood Study* (2003), 7 — the product of a neighborhood planning process residents initiated in 2002 — which recommends a Historic Conservation Zoning Overlay to prevent the demolition of the neighborhood's historic homes, alongside homeowner-preservation funding and inclusionary zoning. ↩
7. Metropolitan Historic Zoning Commission, public hearing on the Edgehill Neighborhood Conservation Zoning Overlay, June 20, 2018; [video](#), [Metro Nashville Network archive \(part two\)](#), the Edgehill item beginning at 47:30. The composition of the speakers is observable on the recording. ↩

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Erickson, Ansley T. [Making the Unequal Metropolis: School Desegregation and Its Limits](#). Chicago: University of Chicago Press, 2016.

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## **SUGGESTED CITATION**

Pemberton, Alex. "From the 1947 League to the 2025 Overlay: A Continuity." Research Brief 13, *Veneers of History in Green Hills East*. alexaustinpemberton.com/journalism/veneers-of-history/#league-to-overlay-continuity. Accessed [date].