

THE 1947 PROPERTY OWNERS' PROTECTIVE LEAGUE

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

FINDING

Eight days after the Supreme Court agreed to hear *Shelley v. Kraemer* — the covenant still twelve years from expiry — four hundred Green Hills residents formed a civic league with a zoning committee, the institutional hinge between the covenant era and the 2025 MHZC overlay.

SUPPORTS IN THE ARTICLE

- *On July 1, 1947, four hundred residents formed a property-owners' league with a committee to keep abreast with zoning regulations*
- *Holt Bean was one of five speakers*
- *the league formed ten months before Shelley v. Kraemer*

ABSTRACT

Eight days after the Supreme Court agreed to hear *Shelley v. Kraemer* — the case that would strip racial covenants of judicial enforcement — four hundred residents of the Granny White, Belmont, and Green Hills sections organized a civic league in the auditorium of the college whose trust had written the Green Hills racial covenant twenty years earlier. Called to discuss a utility district, the meeting produced instead a standing committee to monitor zoning, constituted while the Green Hills covenant still had twelve years to run. The league's stated language — protecting property owners, the absence of beer joints on Granny White Pike — carried the commercial-invasion rhetoric that Nashville scholars had already identified as a racial-exclusion proxy; the *Banner* set "Protect" in scare quotes. Holt Bean, whose deed the covenant still bound, was among the five speakers. The meeting is the institutional hinge between the covenant era and the zoning-overlay era now before the MHZC.

METHODOLOGY

The evidentiary core is two newspaper reports of the same July 1, 1947 meeting: the *Nashville Tennessean's* morning-of-advance ("New Utility District Talks Slated Tonight," July 1, 1947, p. 15, ProQuest Historical Newspapers) and the *Nashville Banner's* next-afternoon account ("Property Owners Form League To 'Protect' Area," July 2, 1947, p. 6, Newspapers.com image 603047929). The *Banner* transcription is verbatim from the high-resolution Newspapers.com viewer; the *Tennessean* passages are transcribed verbatim from the ProQuest image.

The analytical frame draws on two period-contemporary sources for the substitution thesis — Long and Johnson's *People vs. Property* (Fisk University Press, 1947) and Scanlan's 1949 *Notre Dame Law Review* article — and on a prior published analysis of the Murphy Addition for the reading of commercial-invasion rhetoric as a racial proxy in Nashville zoning (see "The Last Single-

Family House in the Murphy Addition,” *Nashville Scene*, July 31, 2024). The covenant background — *Buchanan, Corrigan, Shelley*, and the post-*Shelley* migration — is treated in the companion brief on [Racial Covenants and Shelley v. Kraemer](#) and not re-derived here.

SOURCES

Primary documents

- *Nashville Tennessean*, July 1, 1947, p. 15, “New Utility District Talks Slated Tonight.” ProQuest Historical Newspapers. The morning-of advance for the same evening meeting; identifies I. H. Gibson, a realtor at 4101 Belmont Boulevard, as the meeting’s sponsor and reports his proposal for a utility district that “would result in the creation of a separate corporation ... comparable to Belle Meade.” Transcription verbatim from the ProQuest image.
- *Nashville Banner*, July 2, 1947, p. 6, “Property Owners Form League To ‘Protect’ Area.” Newspapers.com image 603047929. The fullest contemporaneous record of the meeting and the only one to report what was organized; all transcriptions are verbatim from the high-resolution Newspapers.com viewer.
- Davidson County Deed Book 770, pp. 41–42 (Green Hills Plat 1 racial covenant, 1927). Encumbers the properties in the league’s organizing geography; granted through American Trust as trustee for David Lipscomb College; expired by its terms January 1, 1960.
- Davidson County Deed Book 1512, p. 564 (O. B. Hayes Subdivision racial covenant, August 5, 1947). A mutual covenant signed by Nashville landowners in the Belcourt area twenty days after Houston’s Fisk address — documenting that the covenant apparatus was being actively extended the same summer the league constituted its zoning committee.
- *Nashville Banner*, July 17, 1947, p. 6, “Segregation Hit, at Fisk Race Institute.” Newspapers.com image 603048165. Reports Charles Hamilton Houston’s address on “Restrictive Covenants” to the Fisk Institute of Race Relations; Houston named “those who favor restrictive covenants as *protectors* of residential segregation” directly.

Scholarship

- Long, Herman H., and Charles S. Johnson. [People vs. Property: Race Restrictive Covenants in Housing](#). Nashville: Fisk University Press, 1947. Published the same year as the league meeting, from a Nashville institution. Its substitution thesis — that neighborhood-improvement associations had replaced civic betterment with racial exclusion as their “controlling motive” — anchors the reading of the league’s stated concerns.
- Scanlan, Alfred L. [“Racial Restrictions in Real Estate — Property Values Versus Human Values.”](#) *Notre Dame Law Review* 24, no. 2 (1949): 157–96. Written eight months after *Shelley v. Kraemer*; catalogs the post-*Shelley* evasion strategies and identifies cost-minimum and dwelling-quality

covenants — the direct lineage of preservation–overlay design guidelines — as “perfectly legal” survivors.

- Pemberton, Alex. [“The Last Single–Family House in the Murphy Addition.”](#) *Nashville Scene*, July 31, 2024. [Extended version](#). The analysis of commercial encroachment as racial–exclusion proxy in Nashville zoning, applied to the league’s stated concerns.
- Pemberton, Alex. [“Affluence and Effluence in the Favored Quarter.”](#) *Nashville Scene*, February 25, 2025. [Extended version](#). Documents the post–1947 incorporation of Davidson County’s “favored quarter” — Berry Hill, Oak Hill, Forest Hills — as a zoning–control strategy with an explicit racial subtext; the context for reading Gibson’s utility–district proposal.

FINDINGS

[FIGURE: Nashville Banner, July 2, 1947, p. 6 — headline “Property Owners Form League To ‘Protect’ Area” — source: Newspapers.com image 603047929]

FOUR HUNDRED RESIDENTS ORGANIZED IN THE LIPSCOMB AUDITORIUM ON JULY 1, 1947

The Banner reported it the next afternoon:

“A civic league, composed of 400 residents of the Granny White, Belmont and Green Hills sections, was organized last night for the purpose of ‘protecting interests of property owners in the area,’ it was announced today.”

Officers elected at the mass meeting were Hillary H. Osborn, chairman; I. H. Gibson, vice chairman; Howard Fish, secretary; and Sam Wilson, treasurer. An executive committee to serve as a board of governors, drawn from each section in the league, was to be named at a later meeting.

The organizing geography — “Granny White, Belmont and Green Hills sections” — covers the area of today’s proposed Green Hills East Neighborhood Conservation Zoning Overlay. A civic league of property owners is the unit Long and Johnson were anatomizing nationally that same year: the neighborhood–improvement association whose original civic functions had, by the 1940s, been subordinated to racial exclusion as the controlling motive.

THE MEETING WAS CALLED TO WEIGH A UTILITY DISTRICT — “A SEPARATE CORPORATION ... COMPARABLE TO BELLE MEADE”

The league was the meeting’s outcome, not its announced business. On the morning of July 1, the *Tennessean* previewed the evening’s gathering under the headline “New Utility District Talks Slated Tonight,” and the purpose it described was municipal:

“The possibility of creating a utility district for the Granny White, Belmont and Green Hills sections will be discussed tonight at a mass meeting in the auditorium at David Lipscomb College. ... Gibson said if the utility district was established it would result in the creation of a separate corporation for the sections involved which would be comparable to Belle Meade. ... Taxpayers at the meeting also would discuss zoning, Gibson said.”

The sponsor was I. H. Gibson, identified by the *Tennessean* as a realtor at 4101 Belmont Boulevard — the same Gibson the Banner would list the next afternoon as the league’s vice chairman and one of its five speakers. He set the meeting for eight o’clock and expected five hundred property owners; the Banner put the league that formed at four hundred. What Gibson proposed was a government. A utility district, he said, “would result in the creation of a separate corporation ... comparable to Belle Meade” — the wealthy enclave west of the city that had incorporated as its own municipality in 1938 and written its own zoning. The comparison was Gibson’s own. Belle Meade was the standing Nashville example of a white residential district that had walled itself off behind a municipal charter and a land-use code of its own making, beyond the reach of the city’s zoning politics.

The Banner’s report records no utility district and no separate corporation — only the league and its zoning committee. Gibson had hedged from the start: he told the *Tennessean* that “the matter had not been decided definitely” and that the night’s talk “would be limited to preliminary discussion of what might be done”; he “did not know of any violations of zoning ordinances at present,” but had called the meeting “for a general discussion of the situation as it is now and as it may be in the future.” The separate corporation comparable to Belle Meade did not materialize. The standing committee “to keep abreast with zoning regulations” did. The meeting reached for the maximal form of self-governing exclusion and settled, that night, for the workable one.

THE BANNER SET “PROTECT” IN SCARE QUOTES

The headline reads “Property Owners Form League To ‘Protect’ Area.” The body attributed “protecting interests of property owners in the area” to the league’s own announcement, in regular quotes. The scare-quoted headline was a deliberate editorial choice by Nashville’s conservative afternoon daily, whose editors were no reflexive critics of residential exclusion. By flagging “Protect” they marked the word as the league’s framing and kept it out of the paper’s own voice.

The same register runs through the Green Hills record from one decade to the next: “RESTRICTIONS — For Your Protection” in the 1927 marketing; “restrictive covenants as *protectors* of residential segregation,” as Charles Hamilton Houston put it at Fisk, reported on the Banner’s own page 6 fifteen days after the league meeting; “protective covenants” in the MHZC’s 2025 overlay language. The Banner printed the euphemism and disowned it in the same breath, in 1947.

THE LEAGUE STOOD UP A ZONING COMMITTEE EIGHT DAYS AFTER THE COURT AGREED TO HEAR SHELLEY, WHILE ITS OWN COVENANT HAD TWELVE YEARS LEFT

The Banner recorded it in one line: “A special committee was named to keep abreast with zoning regulations.” That language singles out zoning from any broader civic-improvement agenda. The committee was constituted on July 1, 1947 — eight days after the Supreme Court, on June 23, granted certiorari in *Shelley v. Kraemer* (331 U.S. 803), agreeing to decide whether a state court could enforce a racial covenant consistent with the Fourteenth Amendment. A certiorari grant is the moment a constitutional question stops being academic and becomes one the Court will answer; with it, the central vulnerability of the covenant regime passed from a lawyers’ worry into a case with a docket number. Charles Hamilton Houston was preparing the District of Columbia companion, *Hurd v. Hodge*; Long and Johnson’s book naming that vulnerability was in circulation in the same city. Property owners whose plat covenants were of record, who read the Banner, and who could turn out four hundred people for a founding meeting did not need the ruling to see that the legal machinery of residential exclusion was now in question. A committee to monitor zoning, stood up in that window, reads as institutional hedging: the next enforcement apparatus going up before the old one came down.

The timeline is exact. The Green Hills Plat 1 covenant ran until January 1, 1960. *Shelley* was decided May 3, 1948. From July 1947 to May 1948 the covenant remained judicially enforceable; from May 1948 to January 1960 the text stayed on file at the Davidson County Register of Deeds and continued to govern voluntary practice, even where a court could no longer order its enforcement. The league set up its zoning committee inside the narrow window when the old instrument still had legal teeth and the replacement was already being built. The full legal background — *Buchanan*, *Corrigan*, *Shelley*, and the migration of exclusion into design standards and zoning — is set out in the companion brief on [Racial Covenants and Shelley v. Kraemer](#). That brief is the doctrine; this one is the Nashville institutional evidence that the doctrine predicts.

THE “BEER JOINT, DANCE HALL, OR HONKY-TONK” BOAST SPOKE THE COMMERCIAL-INVASION CODE FOR RACIAL TRANSITION

The Banner records: “It was brought out at the session that Granny White Pike is the only road leading from Nashville that does not contain ‘a single beer joint, dance hall, or honky-tonk.’”

The remark was offered as a badge of the area’s desirability — the absence of these establishments was what made the corridor worth protecting. The establishments are not arbitrary. In 1947 Nashville, the beer joint, the dance hall, and the honky-tonk were working-class entertainment venues coded as sites of racial mixing and as the leading edge of the commercial encroachment that white owners treated as the predicate for racial transition; naming the commercial nuisance was the accepted way to name the racial one.

The Murphy Addition homeowners who testified at Nashville’s July 11, 1933 zoning hearing made the same move. They protested filling stations, chain stores, and even “half-eaten ice cream cones, thrown away, [which] draw all the flies and when they have dined they visit our homes” — a complaint that reads as overwrought until set against the period understanding that commercial nuisance depressed adjacent values, invited lower-class and often Black tenants, and so set off the chain of flight and transition. The purpose of zoning, in that fight, was to protect *white* neighborhoods from commercial invasions and from the racial transition those invasions were thought to bring. Fourteen years later, Granny White Pike’s distinction was the same absence of beer joints and honky-tonks, and the league organized to preserve it. The zoning committee was its instrument.

Long and Johnson, writing the same year from Fisk, had named the move directly. Their survey of forty-five Chicago and Detroit improvement associations found that 86.7 percent would consider it objectionable to have Negroes move into their districts — yet almost none called themselves exclusion organizations; they operated “in the guise of protecting and improving the physical aspects of housing and neighborhoods.” The Green Hills league used the same guise. The Banner’s scare quotes acknowledged it.

THE LEAGUE MET IN THE LIPSCOMB AUDITORIUM — THE COLLEGE WHOSE 1927 TRUST HAD WRITTEN THE COVENANT

The 1927 Green Hills covenants were conveyed through American Trust Company, acting as trustee for David Lipscomb College. The restriction — “Neither said property nor any part thereof shall be aliened or conveyed to persons of African blood or descent and no person of African blood or descent shall be permitted to own or occupy the premises except in the capacity of servants” — ran with the land in every Plat 1 deed until January 1, 1960. Twenty years later, the civic league organized to protect that ground met in Lipscomb’s auditorium.

The same network — the A. M. Burton–Life & Casualty–Lipscomb axis — bound the 1927 trust to the 1947 meeting. The social and institutional geography had held for two decades; what was changing were the legal instruments around which it organized, and the meeting was one of the responses.

AMONG THE FIVE SPEAKERS WAS HOLT BEAN, OWNER OF THE MODEL HOME, WHOSE OWN DEED THE COVENANT STILL BOUND

The Banner: “Speakers at the organization meeting were Gibson, Holt Bean, Chancellor Thomas A. Shriver, Phil Ottarson, and V. O. Foster.”

Holt Bean had bought Lot 6 of the Plan of Green Hills in May 1927 — the *Tennessean* Model Home at 1612 North Observatory Drive — and held it still. The Plat 1 covenant barring “persons of African blood or descent ... except in the capacity of servants” ran with his deed and would run until

January 1, 1960. By 1947 he sat in the executive ranks of Life & Casualty Insurance Company, A. M. Burton's firm — the same Burton who had funded the college whose auditorium now held the meeting. The man who owned the house built to sell the subdivision's lots, his own title still carrying the racial restriction, rose to address the league at its founding — eight days after the Court agreed to decide whether such restrictions could be enforced. The Banner records that he spoke; it does not record what he said. His purchase, the household that kept the house, and the covenant on his title are detailed in the companion brief, [Holt Bean: A Life](#).

I. H. Gibson was the meeting's sponsor and the league's elected vice chairman. The *Tennessean's* advance placed him as a Nashville realtor at 4101 Belmont Boulevard; it was Gibson who called the meeting, set it for eight o'clock at Lipscomb, and proposed the utility district and the separate corporation "comparable to Belle Meade." His full name and firm are not established — period Nashville newspaper archives and Tennessee State Library and Archives finding aids return no confirmable expansion of the "I. H." initials — but his role is now documented on both sides of the meeting: the realtor who convened it and the officer it elected.

Chancellor Thomas A. Shriver sat on the Davidson County Chancery Court — a judicial officer addressing an organizing meeting of white property owners whose covenants were then under constitutional pressure. The Banner gives only his name and title. The same Chancellor Shriver granted a temporary injunction in *Kain v. Lewis*, a post-*Shelley* Murphy Addition racial-covenant case, in July 1951; the Chancery roster shows a single Thomas A. Shriver holding Part I continuously from 1940 to 1955, establishing that the 1947 speaker and the 1951 chancellor — who in that capacity moved to enforce a racial covenant — are one man. (Chancery Court of Metropolitan Nashville & Davidson County, "Chancery Court History," chancellor roster; Tennessee Portrait Project, "Shriver, Judge Thomas A.")

Phil Ottarson has not been identified beyond the Banner article. The surname is unusual, but a search of reputable digitized sources (newspaper archives, Tennessee General Assembly and Nashville municipal rosters, library-digitized directories) returned no confirmable match; the Banner spelling itself is unverified against a second source.

V. O. Foster has not been identified beyond the Banner article; no confirmable match was found in reputable digitized records.

IN THE SAME YEAR, FROM ACROSS THE SAME CITY, FISK'S SCHOLARS PUBLISHED THE DEFINITIVE INDICTMENT OF THE PRACTICE

Herman Long, Associate Director of the Race Relations Department of the American Missionary Association at Fisk, and Charles Johnson, then president of Fisk, published *People vs. Property: Race Restrictive Covenants in Housing* from the Fisk University Press in 1947. The book set out to show that neighborhood-improvement associations had replaced civic betterment with racial exclusion as their operative purpose:

"In fairness to these groups, it should be pointed out that they do not exist, at least they did not originally, for the primary purpose of racial baiting and exclusion. Many of them arose from altruistic and useful motives, serving the valuable function of neighborhood improvement and beautification, providing a means of neighborhood communication and acquaintanceship, and promoting morale and esprit de corps among the residents of the area. ... Nevertheless, it seems apparent that the original function has changed or become subordinate, and in its stead the function of Negro residential exclusion has been substituted as the controlling motive. In the guise of protecting and improving the physical aspects of housing and neighborhoods, the 'protection of property values' through maintenance of Caucasian-pure residence areas has come to be a dominant purpose."

— Long and Johnson, *People vs. Property*, p. 40

The league meeting is a case study in the substitution Long and Johnson described. The stated purposes — protecting the interests of property owners, monitoring zoning, keeping out beer joints and honky-tonks — are the guise. The Lipscomb venue, the covenants running on the plat books, and the ten-month interval before *Shelley* are the context that makes the guise legible. The manuscript was reviewed by Z. Alexander Looby, one of Nashville's first Black city councilmen and the attorney who, in 1951, would argue against post-*Shelley* racial covenants in the Murphy Addition before the same Chancery Court. The scholarship that named what this league was doing has been Nashville-resident for seventy-nine years.

FIFTEEN DAYS LATER, NAACP COUNSEL CHARLES HAMILTON HOUSTON CAME TO FISK TO ATTACK "RESTRICTIVE COVENANTS"

Houston was lead counsel on *Hurd v. Hodge*, the District of Columbia companion to *Shelley*, and was then in active preparation for argument. He came to Fisk in July 1947, to the institute where Long and Johnson were based. His phrasing, per the Banner: "Those who favor restrictive covenants as *protectors* of residential segregation point to the clause of reciprocity in which those discriminated against can employ the same restriction in their neighborhood, but who cares about being restricted from a 'ghetto'?"

The two clauses turn the reciprocity defense against itself: the right to exclude in return is worthless to those penned into a "ghetto." The country's lead covenant litigator was in Nashville in the weeks between the certiorari grant and the briefing, in the same institutional home as the period's most important Black scholarly indictment of the covenant regime. Nashville was a node in the national fight, on both sides at once. The Banner covered Houston on page 6 of its July 17 edition — the same page, in the same section of the same paper, that had carried the league's founding fifteen days earlier. Whatever its editors thought of the question, the paper carried both arguments.

TWENTY DAYS AFTER HOUSTON, BELCOURT LANDOWNERS SIGNED A FRESH THIRTY-YEAR RACIAL COVENANT

Davidson County Deed Book 1512, page 564, dated August 5, 1947, covered the O. B. Hayes Subdivision, Rokeby Addition, on 15th and 14th Avenues South near Belcourt, in the Belmont section to the north of Green Hills; the mutual covenant bound the signers' properties for thirty years against use, occupation, sale, or conveyance "to any negro or negroes." The geography is distinct; the date is the argument. The racial-covenant apparatus was being extended in Davidson County in August 1947 — twenty days after the country's leading covenant litigator told a Nashville audience the practice was indefensible, thirty-three days after the Granny White–Belmont–Green Hills league stood up a zoning committee. The old instrument was being extended at the very moment its replacement was going up. The two projects ran in parallel, in the same county, in the same summer.

THE REACH FOR A SEPARATE CORPORATION WAS THE FAVORED QUARTER'S SIGNATURE MOVE, AND ITS SUBTEXT WAS RACIAL

Gibson's utility district belongs to a pattern that would define southwest Davidson County for the next decade. In the years after 1947, affluent white sections on Nashville's southwestern flank — the "favored quarter" anchored by Oak Hill, Forest Hills, Green Hills, and Hillwood — turned to incorporation, chartering their own small municipalities to put local land use beyond the city's reach. The promoter Ewing Clouse made a career of it, incorporating Berry Hill in 1950, Oak Hill in 1952, and Forest Hills in 1957. Services were rarely the point. The reporting collected in "Affluence and Effluence in the Favored Quarter" documents what these incorporations were for: these communities "rejected the annexation-or-consolidation binary and sought a third way," one that "valued zoning controls over urban services." The Oak Hill organizers said plainly that they wanted "to have our own zoning board comprised of citizens in our locality," and the first act of the Forest Hills commission, "as in the other favored quarter incorporations, was the passage of a zoning code which mandated large lots and prohibited commercial or industrial uses."

The favored quarter's program — large lots, no commerce, a zoning board of one's own — was what the Granny White league had reached for in 1947. Its beer-joint boast spoke the anti-commercial half; Gibson's "separate corporation ... comparable to Belle Meade" named the governing structure, the favored quarter's signature move five years before Clouse incorporated Oak Hill. Belle Meade, chartered in 1938, was the model all of them followed.

The subtext was racial, and contemporaries said so. An Oak Hill incorporation circular told residents that "the law of preservation should certainly begin with our homes and families." On the other side of the same politics, the councilman Glenn Ragsdale, pushing to annex the working-class Urbandale section — "uncomfortably close to Hadley Park and other all-Black sections of North Nashville" — argued the city should take it in to capture its votes "to offset the growing Negro vote." Incorporation walled the favored quarter off from exactly that arithmetic: a separate

charter and a large-lot zoning code kept the city's annexations and its shifting electorate on the far side of the municipal line. Green Hills never got its charter — Clouse's later pushes to incorporate it failed — and so the zoning watch the league stood up in 1947, never a municipal corporation, became the section's durable instrument of control, the one that runs forward to the 2025 overlay.

Two contemporaneous newspaper sources cover the meeting — the *Tennessean's* morning-of advance and the *Banner's* next-afternoon report — and no other Nashville coverage of the July 1, 1947 founding has surfaced; the *Tennessean's* own after-the-fact account, if it ran one, and any follow-up in either paper have not been pulled. Three of the four officers, and Ottarson and Foster among the speakers, are unidentified beyond their names; Gibson is now placed by the *Tennessean* as a realtor at 4101 Belmont Boulevard, though his full name and firm remain unconfirmed. The league's later history is blank: whether it persisted, filed zoning petitions, or retained Bean, what became of the zoning committee, and whether the utility district Gibson floated was ever pursued — let alone chartered as the separate corporation he likened to Belle Meade — is unrecorded in these sources. The *Banner* and *Tennessean* indices for 1947–1955 remain unsearched, and that follow-up coverage is the evidence most likely to convert the institutional-hedging reading from inference into documented sequence. The Shriver–*Kain v. Lewis* connection is now confirmed by the Chancery Court roster — a single Thomas A. Shriver held Part I from 1940 to 1955, spanning both the 1947 speaker and the 1951 chancellor — though the underlying *Kain v. Lewis* docket, which would establish the substance of the 1951 injunction beyond the Murphy Addition published record, has not been pulled. The Lipscomb venue is established and confirmed as the institution that held the Plat 1 trust; the tie between the choice of that auditorium and the Burton–Life & Casualty–Lipscomb relationships among the league's principals rests on the documented structural overlap, and whether the room was chosen with that overlap in mind is not recorded. The month of *People vs. Property's* 1947 publication, before or after the July meeting, is unpinned — the HathiTrust record supplies no month, and the Fisk University Press archives have not been searched; the print date bears on whether the organizers could have read the book, and it does not touch the significance of the two events' co-occurrence in the same city in the same year.

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