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# Where's Jonesville? How the Destruction of Jonesville Left a Legacy of Housing Discrimination in Bowling Green, KY

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WHERE'S JONESVILLE?  
HOW THE DESTRUCTION OF JONESVILLE LEFT A LEGACY OF HOUSING  
DISCRIMINATION IN BOWLING GREEN, KENTUCKY

A Capstone Experience/Thesis Project

Presented in Partial Fulfillment of the Requirements for

the Degree Bachelor of Arts with

Honors College Graduate Distinction at Western Kentucky University

By

George Carpenter

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Western Kentucky University  
2014

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## ABSTRACT

Jonesville was a small tight-knit African-American community in Bowling Green, Kentucky with a unique cultural identity. Family-oriented and extremely self-sufficient, Jonesville thrived as a prime example of southern black culture in the mid 20<sup>th</sup> century. However, Jonesville did not stand a chance placed against a powerful local institution. In the late 1950s and early 1960s the community was destroyed to create space for an expanding Western Kentucky University. Fueled by the entirely unjust urban renewal legislation, Kentucky Project R-31, Jonesville was wiped from the Bowling Green map. Due to locally sanctioned discriminatory action, the displaced citizens of Jonesville were forced into specific areas of town, including Shake Rag, prolonging the problem of residential discrimination past its legal lifespan. As giant gravestones, Diddle Basketball Arena, Feix Football Field, and Nick Denes Baseball Field pay no tribute to the formerly thriving and loved community.

Keywords: Jonesville, Urban Renewal, Bowling Green, Residential Segregation, Western Kentucky University, African American

Dedicated to the past residents of Jonesville

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## VITA

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## PRESENTATIONS

- Western Kentucky University Reach Week – “The Destruction of Jonesville: The Fate of an African-American Community in Bowling Green, KY.” March 2014
- Western Kentucky University Reach Week – “Playing with Reality: An Aesthetic and Thematic Exploration of *Scott Pilgrim vs. the World*’s Interpretation of Reality.” March 2014
- Kentucky Honors Roundtable – “The Destruction of Jonesville: The Fate of an African-American Community in Bowling Green, KY.” February 2014
- Ohio Valley History Conference – “Where’s Jonesville? Housing Disparity in Bowling Green, KY.” October 2013
- WKU Undergraduate History Research Conference – “America’s Montesquieu: The Transformation of Montesquieu’s Ideas on Separation of Powers When Applied to the United States of America.” April 2013
- Potter College of Arts and Letters International Symposium – “The Mirror of High School: How Discrimination in a Costa Rican High School Reflects Discrimination in a Costa Rican Society.” March 2013

## FIELDS OF STUDY

Major Field 1: History

Major Field 2: Film Studies

Minor Field: Legal Studies

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## CHAPTER 1

### INTRODUCTION

The legacy of a community is drawn from the space it consumes and the memories it creates. Local history is a testament to the development of identities in communities across the world. However, when a district is destroyed and the displaced people are scattered, the chances of maintaining a cohesive history decline dramatically. Without a collective history, the survival of a cultural identity is sacrificed to time. This is especially true when the community that is destroyed is faced with intense institutional and structural inequalities. Jonesville, a small African-American community that used to exist in Bowling Green, Kentucky faced this scenario in the late 1950s. Despite its self-sufficiency and post-Civil War roots, Jonesville was destroyed by the middle of the twentieth century. The horrors of destruction haunted not only Jonesville, but also many other black communities around the United States during the mid-twentieth century. In cities across the countries institutions, such as universities or city governments invited Urban Renewal programs into cities, under the guise of progress, as bulldozers for the clearance of neighborhoods labeled “slums.” The degree to which these neighborhoods consisted of non-white populations reveals not only troubling facts on the nature of residential segregation, but also shows the strategy by which white supremacy reigned supreme. Jonesville’s story was far from unique. According to George Lipsitz, American Studies scholar and author of *The Possessive Investment in Whiteness: How White People*

*Profit from Identity Politics*, “Between the 1930s and the 1970s, urban renewal demolished some sixteen hundred black neighborhoods in cities north and south.”<sup>1</sup> The urban renewal statistics reveal a huge racial disparity. African Americans, Hispanics, and other racial minority groups made up more than 60 percent of individuals displaced by urban renewal.<sup>2</sup> Even more shockingly, despite relocation’s existence as an ostensible priority for urban renewal, the programs replaced only ten percent of destroyed low-income housing units.<sup>3</sup> These statistics reveal striking, nation-wide, institutional inequalities within urban renewal programs. Although small, Jonesville experienced all of the injustices that urban renewal created. Understanding the process of Jonesville’s destruction and the injustice that followed in its wake is crucial to remember what was lost. Jonesville resident Lavinia Gatewood recalls fondly: “We were just like brothers and sisters. Everyone had a wonderful time... Everybody took care of one another.”<sup>4</sup> To her, Jonesville is a memory she can never relive, and for everyone else Jonesville is a memory on the verge of being forgotten.

Presently, a drive down Avenue of Champions on Western Kentucky University’s campus is an impressive sight. Lining the road on both sides is Western’s athletic complex including: Diddle Basketball Arena, Feix Football Field, and Nick Denes Baseball Field. These athletic monuments, however should also be seen as tombstones

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<sup>1</sup> George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 2006), 6.

<sup>2</sup> *Ibid.*, 6.

<sup>3</sup> *Ibid.*, 7.

<sup>4</sup> *Jonesville: An Neighborhood in Bowling Green, Kentucky*, documentary, directed by Gordon Van Ness, (2009, Bowling Green), <http://vimeo.com/4167095>; Historical Road Marker, Bowling Green, Kentucky; See also, Steve Gaines, “Jonesville, A Once Thriving Small Community Gets Its Place in History,” *Bowling Green Daily News*, April 7, 2001, accessed April 11 2013, <http://news.google.com/newspapers?nid=1696&dat=20010407&id=ARcfAAAAIBAJ&sjid=JJgEAAAIAAJ&pg=5316,802969>.

for the thriving community they destroyed and replaced. Between 1957 and 1968, using the Urban Renewal legislation titled Kentucky Project R-31, the state took the property through eminent domain.<sup>5</sup> By 1968 Urban Renewal sold the property to the university to utilize in any fashion necessary.<sup>6</sup> The only physical monument to note Jonesville's existence is a single roadside marker that reads:

The lives of most residents of the close African American community revolved around church, school, and family activities. In the late 1950s Jonesville was one of two areas in Bowling Green designated for Urban Renewal. By 1968 the state had acquired the land and sold it to the University.<sup>7</sup>

Nonetheless, there have been numerous attempts to preserve the history of Jonesville. Maxine Ray's work studying the history of Jonesville, Gordon Van Ness's documentary *Jonesville: A Neighborhood in Bowling Green, Kentucky*, and numerous newspaper articles and radio stories are all valuable historic preservation work.<sup>8</sup> It is impossible to understand the social consequences of history if the work is not put forth to preserve the history. However, while the work of these preservationists is very valuable, their work does not address at length the social injustice which characterized the entire Jonesville situation. Remembering Jonesville is important because it places what happened in an appropriate historical context and provides the facts necessary for

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<sup>5</sup> "Notable Kentucky African Americans Database," University of Kentucky Libraries, accessed April 11, 2013, [http://www.uky.edu/Libraries/NKAA/record.php?note\\_id=323](http://www.uky.edu/Libraries/NKAA/record.php?note_id=323)

<sup>6</sup> Ibid.

<sup>7</sup> Historical Road Marker, Bowling Green, Kentucky

<sup>8</sup> *Jonesville: An Neighborhood in Bowling Green, Kentucky*, documentary, directed by Gordon Van Ness, (2009, Bowling Green), <http://vimeo.com/4167095>; Historical Road Marker, Bowling Green, Kentucky; See also, Steve Gaines, "Jonesville, A Once Thriving Small Community Gets Its Place in History," *Bowling Green Daily News*, April 7, 2001, accessed April 11 2013, <http://news.google.com/newspapers?nid=1696&dat=20010407&id=ARcfAAAAIABAJ&sjid=JJgEAAAIAIBAJ&pg=5316,802969>.

analysis. It is equally important to remember why and how Jonesville was destroyed, for this reveals the truth of what is remembered. This paper's purpose is to remember why and how Jonesville was destroyed, in order to reveal the injustice and structural racism of this process, and how their legacy continues in Bowling Green's housing market today.

## CHAPTER 2

### JONESVILLE: A BRIEF HISTORY

Jonesville has a very rich history. Freed slaves established Jonesville in post-Civil War Bowling Green in the 1860s.<sup>9</sup> The first deed mentioning different lots in Jonesville can be traced to 1898, indicating that members of the community owned much of the property for a very long time.<sup>10</sup> While the history is cloudy, according to an interview with Reverend J.H. Taylor, a past resident of Jonesville, the community was named after “Grandmother Jones ... (who) owned a lot of property.”<sup>11</sup> According to Maxine Ray, a past resident of Jonesville who appears in the documentary *Jonesville: A Neighborhood in Bowling Green, Kentucky*, there were only two rental properties in Jonesville both owned by the Baileys, wealthy members of the Jonesville community.<sup>12</sup> Therefore, the residents of Jonesville had a very powerful sense of ownership in their community. Past residents often describe the people of Jonesville as a very close knit and independent group. According to Reverend Porter Bailey, before Jonesville’s destruction in the early 1900s, “we had a shopping center down in this area, and it had multiple stores in it, just about anything you wanted, from a pizza place. I’m a Reverend, but they even

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<sup>9</sup> Steve Hutchinson, *Personal Experience Narratives: As a Matter of Record Jonesville (c. 1859 to 1967)*, (Paper: Western Kentucky University, 1980), 3.

<sup>10</sup> *Ibid.*, 4.

<sup>11</sup> *Ibid.*, 7.

<sup>12</sup> *Jonesville: An Neighborhood in Bowling Green, Kentucky*, documentary, directed by Gordon Van Ness, (2009, Bowling Green), <http://vimeo.com/4167095>

had a liquor store here,"<sup>13</sup> Similarly, former resident Henrietta Buford thought fondly on Jonesville, "...there's never been a place in Bowling Green as good as Jonesville ... Everybody tried to be nice to one another. We all feel like relatives but we're not... I just love it and it brings on tears..."<sup>14</sup> According to Maxine Ray, "We had everything we needed in the community.... There were two churches – Mount Zion and Salters Chapel – two grocery stores, three beauty shops, an elementary school, and several business in Jonesville."<sup>15</sup> In essence, the community was self-sufficient. Yet, it is important to realize that this sense of self-sufficiency largely evolved from discrimination and racial prejudice. According to Ray, "Because of segregation you couldn't go places," which meant she had not spent a significant portion of time on the other side of the Hill, which for Bowling Green meant the white world.<sup>16</sup>

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<sup>13</sup> "Jonesville, Kentucky: A Community Gone, but Not Forgotten," WBKO: Stay Connected, Accessed April 11, 2013, <http://www.wbkco.com/home/headlines/139070774.html>

<sup>14</sup> Steve Hutchinson, *Personal Experience Narratives: AS a Matter of Record Jonesville (c. 1859 to 1967)*, (Paper: Western Kentucky University, 1980), 11.

<sup>15</sup> Steve Gaines, "Jonesville, A Once Thriving Small Community Gets Its Place in History," *The Daily News*, April 7, 2001, accessed April 11 2013, <http://news.google.com/newspapers?nid=1696&dat=20010407&id=ARcfAAAIBAJ&sjid=JJgEAAAIBAJ&pg=5316,802969>

<sup>16</sup> Ibid.

## CHAPTER 3

### THE CULTURE OF DISCRIMINATION IN BOWLING GREEN

Around the turn of the century and continuing into the mid 20<sup>th</sup> century a black educated class began to emerge in Bowling Green, KY. Ora F. Porter, educated at the Tuskegee Institute in Tuskegee, Alabama, became the first registered nurse in Bowling Green in 1916.<sup>17</sup> In 1894, Otho Dandrith Porter, roommate to W. E. B. DuBois while at Fisk University, earned a medical degree from Meharry Medical College in Nashville and established a practice in Bowling Green at the turn of the century.<sup>18</sup> Zacharia K. Jones was another prominent black doctor in Bowling Green during the mid 20<sup>th</sup> century.<sup>19</sup> A growing black medical community was not the only evidence of an emerging black educated class, J.E. Kuykendall and his family rose to prominence by owning a very profitable funeral home.<sup>20</sup> In fact, Herbert Oldham remembers that in Shake Rag “anything you would want was right there and black owned... (the) restaurants and clubs were where people went to party...”<sup>21</sup> This meant that there was also a flourishing black business community in Bowling Green during this time.

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<sup>17</sup> Jonathan Jeffrey and Mike Wilson, *Mt. Moriah Cemetery: A History and Census of Bowling Green, Kentucky's African-American Cemetery* (Bowling Green: Landmark Association, 2002), 192.

<sup>18</sup> *Ibid.*, 192.

<sup>19</sup> *Ibid.*, 199.

<sup>20</sup> *Ibid.*, 198.

<sup>21</sup> Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (Paper: Western Kentucky University 2011), 12.



With the emergence of this somewhat affluent black middle class, who possessed enough financial power to move from their traditionally bound areas, Jonesville and Shake Rag, some white citizens began to fear their status as privileged citizens was threatened. As a result, many white Bowling Green citizens began to retreat from their spaces of traditional residence to developing suburbs further from areas of black residence in a miniature “white flight” movement.<sup>22</sup> A lot of these moves took place during the Great Depression, which is not a surprise. With the threat of economic calamity, white Bowling Green residents who feared that increasing black power threatened their status made the move to protect their class status in the mid to late 1930s. In essence, in Bowling Green, whiteness was a primary value and a definition of status. Without question, race was the catalyst for this move because racial covenants began to be applied to the newly acquired properties and constructed houses in the Bowling Green suburbs, while they did not exist on older properties.<sup>23</sup> For instance, in 1936, 1937, and 1938 racial restrictions were placed on many newly constructed properties including 1328, 1320, 810, and 1332 Edgewood Drive.<sup>24</sup> On all of these deeds, racial restrictions had not existed until this point. They were intentionally added to these properties during the 1930s because, in some manner, race posed a threat to these individuals. This also explains why there are no restrictions in the downtown Bowling Green area. Instead of

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<sup>22</sup> On white flight see generally, Kevin Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age*, (New York: Henry Holt and Company, 2004), and Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*, (New York: Random House, 2008).

<sup>23</sup> \*See table

<sup>24</sup> Warren County Deed Book 177, 548, Warren County Courthouse, Bowling Green, Kentucky, Warren County Deed Book 129, 358, Warren County Courthouse, Bowling Green, Kentucky, Warren County Deed Book 183, 611, Warren County Courthouse, Bowling Green, Kentucky, Warren County Deed Book, 182, 478, Warren County Courthouse, Bowling Green, Kentucky.

adding restrictions to the deeds for their original property, some affluent Bowling Green citizens merely moved from downtown to the new suburbs on the outskirts of town.

Individually deeded properties were not the only method of enforcing racial restrictions. Entire neighborhoods emerged that were created for white residents only. Edgewood Drive and the surrounding area was one of the most notorious suburbs for racial restrictions. As of 1933, sections A and B of the Oak Forest Addition prohibited black residency. This is outlined in Plat Book 2, page 81, which reads that none of the lots “shall be sold to one of the negro or colored race. Any such deed to be void.”<sup>25</sup> Additionally, in 1936 no lot in sections C and D of the subdivision known as the Edgewood addition could be sold to “a person other than of the white or Caucasian race.”<sup>26</sup> Between 1937 and 1941 eight new properties were purchased on Edgewood Drive, all of which contained private racial covenants in their deeds.

The restriction outlined in Plat Book 3, Page 7 for the Collet Addition and the Cherry Addition is perhaps the most disturbing. Like the other areas, the racial restriction exists, “No persons of any race other than the Caucasian race shall use or occupy any building or lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.”<sup>27</sup> The exception allows for permanent live-in black servants, who at the time were a staple of the white upper class. This exception incorporates an element of intersectionality in that it makes an exception for class. Racial residential restrictions could therefore be ignored only if they

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<sup>25</sup> Warren County Plat Book 2, 81, Warren County Courthouse, Bowling Green, Kentucky. Plats are essentially land maps which mark and organize lots that are due for construction.

<sup>26</sup> Warren County Plat Book 2, 92, Warren County Courthouse, Bowling Green, Kentucky.

<sup>27</sup> Warren County Plat Book 3, 7, Warren County Courthouse, Bowling Green, Kentucky.

impeded services provided to wealthy white citizens. Caste, as well as race, was the chain that continued to bind the African-American population to the whims of white supremacy.

The restriction in Plat Book 3, Page 7 is exceedingly unsettling because it was filed on January 5 1949, a year after the *Shelley v. Kraemer* U.S. Supreme Court decision that ruled that restrictions, such as the one present in Plat Book 3, Page 7, were illegal.<sup>28</sup> However, the city of Bowling Green and real estate agents and lawyers displayed their general disregard for Federal law when filing this restriction in 1949. In fact, according to the plats these restrictions were to be enforced until 1975, well past the destruction of Jonesville.<sup>29</sup> At least 259 lots documented in Warren County Plat Books two and three contained a racially discriminatory clause.<sup>30</sup> Despite Federal prohibition, housing segregation occurred and was enforced in Bowling Green, Kentucky.

In addition to the racial restrictions, the majority of these Plats also include some form of class discrimination. No one in the Edgewood addition was allowed to build a house for less than \$4,000.<sup>31</sup> The Oak Forrest Addition prohibited any dwelling worth less than \$3,500 from being constructed.<sup>32</sup> Lastly for the Collet and Cherry Additions, “No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any

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<sup>28</sup> Warren County Plat Book 3,7, Warren County Courthouse, Bowling Green, Kentucky.

<sup>29</sup> Ibid.

<sup>30</sup> Warren County Plat Books 2 and 3, Warren County Courthouse, Bowling Green, Kentucky.

<sup>31</sup> Warren County Plat Book, 2, 92, Warren County Courthouse, Bowling Green, Kentucky.

<sup>32</sup> Warren County Plat Book 2, 81, Warren County Courthouse, Bowling Green, Kentucky.

structure of a temporary character be used as residence.”<sup>33</sup> This generally prohibited the emergence of rental property in their neighborhoods. Restrictions such as these existed despite all the action taken against residential segregation in both *Buchanan v. Warley* (1917) and *Shelley v. Kraemer* (1948). In fact as the evidence shows, some of the restrictions lasted into the late 20<sup>th</sup> early 21<sup>st</sup> century. These deeds serve as powerful evidence for the forces that existed which concentrated black individuals in certain areas of Bowling Green

The following tables indicate the properties checked for private racial covenants. The first table documents properties that have racial restrictions. The second table shows the properties checked that do not have racial restrictions associated with their properties.

Address	Deeds	Deed with Restriction/Date	Restriction lasts until
810 Edgewood	336/63 743/725 767/33 1043/282	183/611 1938	Withdrawn: 1043/282 2012
1306 Edgewood	457/699 524/489 792/55	References to Plat book 2, page 83, “wherein the racial restriction is maintained for the entire Edgewood Neighborhood Issued: May 3, 1934	Still exists in 792/555 Aug 6, 1999
1320 Edgewood	536/557 541/539 669/656 526/225	181/490 Sept. 30, 1937	541/539 1984
1328 Edgewood	424/383 580/003 845/574 1046/572	392/423 October 16, 1946	424/383 August 1, 1973

<sup>33</sup> Warren Count Plat Book 3, 7, Warren County Courthouse, Bowling Green, Kentucky.

1332 Edgewood	282/65 728/292	282/65 1955	Still Exists in 728/292 July 1996
1336 Edgewood	425/522 796/659 810/378 956/570	182/488 March 29, 1938.	425/522 1973 (Still exists)
1340 Edgewood	383/317 (will)30/323 659/279 721/130 912/575 1042/478 1051/172	185/323 March 21, 1939	659/279 Oct. 13, 1992
1342 Edgewood	464/222 847/566 90/319	160/260 Jan. 31 1941	464/222 March 8,1978
1400 Edgewood	435/33 448/710 1023/11	192/571 May 14 1941	
1404 Edgewood	995/662	192/571 May 14 1941	995/662 October 30, 2009 “Subject to ... reservations and protective covenants o record...”
938 Parkway	406/65 623/154 670/224 730/182	183/47 1938	406/65 1966
942 Parkway	170/548 251/289 757/34 1015/ 741 (Affidavit) 1021/ 62	170/548 1932	1015/741 2010
1510 Scottsville  “James T Gilbert and wife Nancy V. Gilbert – Sold to George T. Tabor and wife, Terri T. Tabor	242/544 449/327 – August 9, 1976. Re-printed the restriction 853/324 – December 10, 2002. Reprinted. 866/255 – August2003	242/544 August 29' 1950	August 2003 866/255 “Nor shall the property ever be conveyed to any person of African blood or descent.
1503 Scottsville	734/317 789/297 826/935 875/877 907/941	226/347 – sept.16, 1948	734/317 – 10/18/1996

<b>1502 Scottsville C.A. Smith Subdivision</b>	<b>465/826 466/779 – June 7, 1978 668/213 – May 4, 1993 Subject to all previous restrictions 894/338</b>	<b>209/355 Nov. 28, 1934 C.A. Smith Subdivision</b>	<b>Still exists</b>
<b>1404 Scottsville</b>	<b>327/270 485/202 -1980 763/226 787/318 826/764</b>	<b>169/111 Sept. 1931</b>	<b>485/202 - 1980</b>
<b>1324 Scottsville</b>	<b>201/531 757/501 759/96 950/741</b>	<b>Plat Book 1, 79</b>	
<b>1328 Scottsville</b>	<b>552/543 557/443 694/636</b>	<b>170/418, 1/3/32</b>	<b>694/636</b>
<b>1318 Scottsville</b>	<b>477/684 546/604 600/555 626/549 626/554 666/222 853/143 1058/280</b>	<b>C.A. Smith Subdivision</b>	
<b>1101 Covington *</b>	<b>176/248 183/512 772/712 434/668</b>	<b>176/248 (1935)</b>	
<b>1043 Covington</b>	<b>932/167 379/220</b>	<b>Plat Book 2 pg. 81 “Oak Forest Subdivision” Restriction 1 For all lots in Section A and B. 12/28/1933</b>	<b>434/668 “subject to the existing easements and restrictions relative to the within conveyed property” Oct. 9, 1974 772/712 November 18, 1998</b>
<b>1035 Covington</b>	<b>1024/852 201/316 May 27 1944.</b>	<b>Lot number 6 in Oak Forest Subdivision</b>	<b>379/221 – No restriction mentioned May 28, 1968</b>
<b>1025 Covington</b>	<b>882/814</b>	<b>Lot number 7</b>	<b>Same Neighborhood</b>

			<b>“Oak Forest” All restrictions still apply in 882/814.</b>
<b>1017 Covington</b>	<b>1025/9 295/497</b>	<b>175/419</b>	<b>Same neighborhood “Oak Forest. 1024/9 – Aug. 19 2011 still apply.</b>
<b>1015 Covington</b>	<b>450/198 340/664</b>	<b>Plat book 2 page 81 . Lot #9 Sec. B</b>	<b>340/664 – 7/22/63 references plat book 2.</b>
<b>947 Covington</b>	<b>600/455</b>	<b>600/455, 10/13/88 Restrictions in Plat. 2 page 83. (5/28/34) Only Caucasian.</b>	
<b>945 Covington</b>	<b>863/487 405/128</b>	<b>7/11/71 – 405/128 References Plat 2/83</b>	
<b>943 Covington</b>	<b>744/687 401/75</b>	<b>Lot No. 4, Sec. B 401/75</b>	
<b>940 Covington</b>	<b>742/687 401/75</b>	<b>Same as above</b>	
<b>941 Covington</b>	<b>698/586 514/781</b>	<b>514/781 – Feb. 21 1983 Plat 2/83</b>	
<b>936 Covington</b>	<b>807/773</b>	<b>Plat 2/83 807/773</b>	
<b>935 Covington</b>	<b>830/827</b>	<b>Plat 2 83 3/11/88 601/236</b>	
<b>900 Covington</b>	<b>1051/674 466/715 480/171</b>	<b>480/171 11/26/79 Plat 2/83</b>	
<b>829 Covington</b>	<b>828/215 325/431</b>	<b>Lots 16 and 17 – Section D 325/431 1961</b>	
<b>826 Covington</b>	<b>347/194 491/619 828/215</b>	<b>Plat 2, 92 Between 16 and 17 sec. D 337/500 Feb. 1963</b>	
<b>827 Covington</b>	<b>398/590 399/301 970/715</b>	<b>Lot # 5 Sec. C Edgewood addition 12/8/1970, 398/590</b>	
<b>825 Covington</b>	<b>356/374 442/308 773/259</b>	<b>Lot # 6 6/29/65 356/374</b>	

<b>823 Covington</b>	<b>570/414</b>	<b>570/414</b> <b>8/22/86</b> <b>Lot 7 sec. C</b> <b>Plat 2 pg. 92</b>	
<b>829 Covington</b>	<b>870/899</b> <b>959/605</b>	<b>Lot 3 Sec C, Plat 2, pg.</b> <b>92</b> <b>870/899 – 10/21/03</b>	
<b>815 Covington</b>	<b>877/397</b>	<b>Lot 8 Sec. C Pl. 2/92</b> <b>877/397</b> <b>2/24/04</b>	
<b>933 Covington</b>	<b>459/392</b> <b>481/69</b> <b>646/313</b> <b>981/719</b>	<b>Lot 11 Sec. A</b> <b>Lot 1 Sec. C</b> <b>Lot 2 Sec. C</b> <b>Pl. 2/92</b> <b>459/392</b> <b>6/30/77</b>	
<b>935 Covington</b>	<b>180/537</b> <b>576/274</b> <b>601/236</b> <b>776/301</b> <b>830/827</b>	<b>Lot 10 Sec. A</b> <b>Pl. 2/83</b> <b>180/537</b> <b>7/20/37</b>	
<b>936 Covington</b>	<b>785/638</b> <b>807/773</b>	<b>Pl. 2/83</b> <b>785/638</b> <b>8/13/99</b>	

Plat Restrictions

<b>Plat Book 2</b>	<b>Area</b>	<b>Plat Book 3</b>	<b>Area</b>
Page 81	Oak Forrest Addition: *Sec. A Lots 1-10 *Sec. B Lots 1 -16	Page 7	Collett and Cherry Additions
Page 83 and 92	Edgewood Addition *Sec. A Lots 1-11 *Sec. B Lots 1-10 *Sec. C Lots 1-13 *Sec. D Lots 12-26	Page 3	R.C. P. Thomas Farm

Locations without restrictions

<b>Address</b>	<b>Deeds Checked</b>
<b>561 E. Main</b>	<b>504/318</b> <b>560/292</b> <b>601/486</b> <b>864/513</b>
<b>610 E. Main</b>	<b>359/618</b> <b>428/225</b> <b>826/778</b> <b>983/509</b>



	983/514 983/503
615 E. Main	431/53 480/395 813/837
621 E. Main	467/159 467/161 904/144 924/167 924/170 1029/193 1029/196
624 E. Main	522/327 525/679 572/494 619/730 889/653 928/263 1047/70
627 E. Main	393/85
628 E. Main	440/236 512/8 592/500
638 E Main	308/127 696/730 761/209 838/665 846/841
1140 Chestnut	406/216 455/553 957/617
1141 Chestnut	482/269 650/867 723/424
1147 Chestnut	365/344 715/657 908/863
1120 Chestnut	680/317
1203 Chestnut	475/798 477/22
1205 Chestnut	397/410 470/839 688/474 823/59 1042/850
1217 Chestnut	491/794 510/210 581/366 823/648 958/581

	968/291
1229 Chestnut	523/426 554/169 602/293 912/318 961/928 1031/268 1037/450
1308 Chestnut	657/792 760/243
1302 Chestnut	851/753 909/818 956/161 1009/276 1050/163
1303 Chestnut	245/167 699/491 830/511
1310 Chestnut	294/128 406/204 <i>f</i>
1315 Chestnut	559/43 554/364 976/61
1332 Chestnut	722/591
1328 Chestnut	405/302 665/53 677/843 939/132 969/209
1337 Chestnut	499/546 874/410
1340 Chestnut	425/152 465/869 782/158 ... 1064/73
1346 Chestnut	688/81 1035/821
1352 Chestnut	552/520 598/760 865/582 901/673
1324 Chestnut	469/715 576/664 611/140 611/182 621/51 757/689

	866/867 986/288
1318 Chestnut	179/566 639/743 818/635 929/474 967/435 1017/685
1323 Chestnut	245/288 387/195 715/293
1262 Chestnut	471/877 593/741 689/351
1250 Chestnut	338/401 495/777 688/639 770/189 1050/336
1246 Chestnut	524/691 1024/841 1026/672 1050/150
1242 Chestnut	440/349 488/181
1241 Chestnut	498/850 670/576 740/168 1044/53 1056/638
1236 Chestnut	287/421 661/24
1235 Chestnut	385/499 398/148 815/15
1225 Chestnut	405/225 464/459 940/572 994/645
1215 Chestnut	176/319 639/504 641/588
1658 Chestnut	580/625 1057/708
1703 Chestnut	543/583 653/492 660/266
1665 Chestnut	682/266 714/714
1648 Chestnut	765/743

<b>1645 Chestnut</b>	<b>327/41 815/79 929/582</b>
<b>1644 Chestnut</b>	<b>783/90 1034/803</b>
<b>1244 College</b>	<b>568/703 1014/13 957/40</b>
<b>1215 College</b>	<b>428/361 1031/401</b>
<b>1217 College</b>	
<b>1223 College</b>	<b>295/239 689/235 933/790 935/356</b>
<b>1224 College</b>	<b>179/541 662/4 795/123 1030/319</b>
<b>1262 College</b>	<b>838/844 1014/13</b>
<b>1211 College</b>	<b>346/131 881/827 893/982 894/870 982/171</b>
<b>1340 College</b>	<b>536/287 639/432 784/471</b>
<b>1338 College</b>	<b>414/412 634/307 890/151</b>
<b>1329 College</b>	<b>553/526 748/102 771/110 774/599</b>
<b>1327 College</b>	<b>533/69 577/391 645/169 645/172 767/391 771/110 774/559</b>
<b>1328 College</b>	<b>571/621</b>
<b>1325 College</b>	<b>557/65 644/275 750/159 866/413 910/239 979/243</b>

<b>1228 College</b>	<b>919/350 874/273</b>
<b>1310 College</b>	
<b>1311 College</b>	<b>1048/138 367/477</b>
<b>1318 College</b>	<b>574/197 584/5 626/668 712/479 850/467 883/465</b>
<b>1267 State</b>	<b>558/305 764/509</b>
<b>1261 State</b>	<b>835/584 909/11 1017/337</b>
<b>1252 State</b>	<b>973/262 1006/915</b>
<b>1253 State</b>	<b>421/570 432/423 834/253</b>
<b>1245 State</b>	<b>406/109 710/593</b>
<b>1319 State</b>	<b>356/677 671/432</b>
<b>1405 State</b>	<b>403/348 682/506 857/884</b>
<b>1333 State</b>	<b>212/336 968/286</b>
<b>1326 State</b>	<b>467/288 521/228</b>
<b>1302 State</b>	<b>287/148 395/392 632/594 825/698</b>
<b>1303 State</b>	<b>527/133 749/255 841/413</b>
<b>1519 Scottsville</b>	<b>1025/375</b>
<b>1525 Scottsville</b>	<b>355/383 1014/405</b>
<b>1623 Scottsville</b>	<b>393/287 467/538 616/330 876/955</b>
<b>1621 Scottsville</b>	<b>551/758 645/604 673/807 746/156</b>

<b>1603 Scottsville</b>	<b>270/364</b> <b>969/792</b>
<b>1520 Scottsville</b>	<b>415/677</b> <b>441/546</b>
<b>1412 Scottsville</b>	<b>441/620</b> <b>586/809</b> <b>673/612</b> <b>781/455</b>
<b>1408 Scottsville</b>	<b>487/252</b> <b>770/47</b>
<b>1316 Scottsville</b>	<b>483/725</b> <b>504/877</b> <b>598/49</b> <b>598/54</b> <b>638/180</b> <b>658/195</b> <b>734/216</b>
<b>1312 Scottsville</b>	<b>998/298</b> <b>1007/651</b>
<b>1310 Scottsville</b>	<b>442/181</b> <b>451/708</b>

Segregation was an equally powerful force at the University as well, especially during the 1960s, when Jonesville was *en route* to destruction. Despite WKU's 1956 integration, there were still many internal actions taken to segregate the student body on the basis of race.<sup>34</sup> According to Howard Bailey, the current Vice President of Student Affairs, in 1966, "When I got to Western, we saw discrimination here on campus, saw it in the community..."<sup>35</sup> He said:

When I got here, I found out that what... was going on was that Western said they only assigned black kids rooms if they had a pair, 'cause they

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<sup>34</sup> Jason Brown, "UA1B2/1 Integration at Western Kentucky University," (2004), *Student/Alumni Personal Papers*, Paper 74, [http://digitalcommons.wku.edu/stu\\_alum\\_papers/74](http://digitalcommons.wku.edu/stu_alum_papers/74).

<sup>35</sup> Howard Bailey, interviewed by Ray, *Kentucky Oral History Commission of the Kentucky Historical Society*, accessed April 11, 2013, [http://205.204.134.47/civil\\_rights\\_mvt/util.aspx?p=1&pid=15170](http://205.204.134.47/civil_rights_mvt/util.aspx?p=1&pid=15170)

want to make sure they put you in a room together' ... you would notice that (in) Bemis Lawrence, all the black kids were in the fifteen room: 215, 315, 415, 515... that meant that the staff knew where the black kids were all the time, and there was never too many of us together... I later had a hall director tell me that, "we did that, we were told to do it; if there was a problem, we could get to you all, we knew where all the black kids were..."<sup>36</sup>

Bailey experienced another glaring example of racism in the classroom:

I can remember studying for an exam with a ... white friend; and ... we got a hold of the test so actually we cheated. And I know we had the same answers 'cause we ... worked at it together. He got an A; I got a D ... I knew that it was racism that caused that to happen cause the white kid got credit for all the right answers and I didn't.<sup>37</sup>

Bailey's examples provide an example of racial prejudice on a micro scale, however racial prejudice in Bowling Green during the first half of the 20<sup>th</sup> century was completely pervasive. Not only was Bowling Green residentially segregated, but racial prejudice was also manifest in Bowling Green's school system, political institutions, occupational opportunities, and health care practices. Ultimately, the reality of discrimination in Bowling Green was present everywhere.

Due to the lack of adequate records, the majority of black political history in Bowling Green is preserved only through oral histories. According to J.E. Jones's 1956 paper, *The Political Status of Negroes in Warren County*, black citizens of Bowling Green only wielded political power through their white bosses.<sup>38</sup> In fact, six of his seven interviews with prominent black citizens assert that Bowling Green, up to that point, had

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<sup>36</sup> Ibid.

<sup>37</sup> Howard Bailey, interviewed by Ray, *Kentucky Oral History Commission of the Kentucky Historical Society*, accessed April 11, 2013, [http://205.204.134.47/civil\\_rights\\_mvt/util.aspx?p=1&pid=15170](http://205.204.134.47/civil_rights_mvt/util.aspx?p=1&pid=15170)

<sup>38</sup> J.E. Jones, *The Political Status of Negroes in Warren County*, (paper: Western Kentucky University, 1956), 6.

never produced a black elected official.<sup>39</sup> Instead, Jones reveals, the black community was governed by black men who rose to prominence due to their connection with the established white power.<sup>40</sup> For example, Tom Harris, a “very prominent figure among the Negroes in Warren county...won his way by having with white people certain political ties, which were largely for his personal benefit.”<sup>41</sup> In essence, black power in Bowling Green during the 1950s was a derivative of white supremacy. The institutional power of white supremacy was so pervasive that it invaded and transformed the power structure within black communities. According to Jones, political leaders in the black community were “only self-appointed political bosses...” who were “hand picked by their party, regardless of the choice of the Negroes themselves.”<sup>42</sup> Once selected, the black political leaders could only go as far as their political bosses allowed them.<sup>43</sup> This disenfranchisement of the black population subjugated them using different methods of white intimidation. Jones argues that white political leaders in Bowling Green threatened “certain economic conditions” if the black population did not comply with white political wishes. In one stirring example from 1956, Jones records that black citizens had their rights to oversee a park taken from them after they voted for a tax increase that the Bowling Green administration did not favor.<sup>44</sup> He wrote that the black population was told, “You all know the way were voting; you did not help us. Why should we help you?”<sup>45</sup> This statement clearly encapsulates the reactionary myth that itself continues to expand the power of white supremacy: that white supremacy was simply a result of black

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<sup>39</sup> Ibid., 4-7.

<sup>40</sup> Ibid., 6.

<sup>41</sup> Ibid., 6.

<sup>42</sup> Ibid., 7.

<sup>43</sup> Ibid., 7.

<sup>44</sup> Ibid., 7.

<sup>45</sup> Ibid., 7.



incompetency. In fact, this so-called black incompetency was nothing more than a rejection of the desires of white established power. The park was taken from the black citizens because they failed to fulfill, through a democratic process, a desire of the white community. This was interpreted by the established white Bowling Green power structure as proof that the black population was incompetent to effectively govern. In Bowling Green, the institution of black power was an ant under the foot of white supremacy.

The stunningly insufficient political power of the black population in Bowling Green resulted in numerous inadequacies including scarce occupational opportunities. According to Jones, in 1950 there were “several factories located here (Bowling Green) that offer[ed] employment for at least 2,000 or more people. Yet there are only two Negroes (women) employed in the entire industrial system.”<sup>46</sup> This massive numerical discrepancy reveals that the standard for non-menial employment equaled white skin. There were a few exceptions. The records at Mount Moriah cemetery, a local African-American graveyard which dates from the late 19<sup>th</sup> century to the early 20<sup>th</sup> century, reveal the narrow-scope of jobs typically reserved for black residents of Bowling Green. The most common occupation for black citizens buried in Mt. Moriah cemetery was a common, unskilled laborer.<sup>47</sup> Housekeeper was another common source of employment.<sup>48</sup> Indeed, out of the over 900 individuals recorded in *Mt. Moriah Cemetery: A History and Census of Bowling Green, Kentucky's African-American Cemetery*, there are only seventeen different jobs listed. Except for teaching and preaching, none were

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<sup>46</sup> Ibid., 10.

<sup>47</sup> Jonathan Jeffrey and Mike Wilson, *Mt. Moriah Cemetery: A History and Census of Bowling Green, Kentucky's African-American Cemetery* (Bowling Green: Landmark Association, 2002), 45-146.

<sup>48</sup> Ibid.

outside the blue-collar realm.<sup>49</sup> This means that economic mobility was strictly limited for Bowling Green African Americans, which restricted, to an even greater extent, their ability to gain political power.

During the early to mid 20<sup>th</sup> century, educational inequality and segregated schooling was another powerful impediment to black political power in Bowling Green. As Robert N. Rabold's thoroughly researched *Lawrence and Desegregation in Bowling Green* shows, a June 1948 petition authored by black parents complained that there were 572 black students enrolled in the local black high school but only 496 available desks.<sup>50</sup> The petition also noted that the school board failed to meet the basic needs of the black school, but was able to fund the construction of a new gymnasium at the white school.<sup>51</sup> Bowling Green's desegregation process provides the most illuminating account of the degree to which racial prejudice defined school segregation and educational opportunity for the minority classes. By the time the Supreme Court announced their decision finding school desegregation unconstitutional in *Brown v. Board of Education* of 1954, Bowling Green had already drawn up plans for a post-*Brown* world which would ensure the preservation of segregation and institutional racism. In 1954 the Bowling Green school board issued \$500,000 in bonds for the construction of a new African-American high school named High Street School.<sup>52</sup> Rabold argues that only a decision like *Brown* could have motivated this sort of expenditure on a segregated school.<sup>53</sup> While the split-second decision to construct High Street School acknowledges an attempt by the Bowling Green

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<sup>49</sup> Ibid.

<sup>50</sup> Robert N. Rabold, *Lawrence and Desegregation in Bowling*, (paper: Western Kentucky University, 2014), 27.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid., 26.

<sup>53</sup> Ibid.

School Board to maintain educational segregation, it also reveals that even the school board recognized this inequality because they constructed a new school as opposed to renovating the old ones.<sup>54</sup> In this instance, Bowling Green leaders were forced to confront their racism. Their perseverance, despite this recognition, speaks to the pervasiveness of racism in the institutionalized Bowling Green power structure.

Racist attitudes were so embedded in the Bowling Green power structure that it managed to slide into the local health care practices as well. In his oral history account, County Judge J. David Francis, who served in the early 1950s, recalls a powerful story of the Bowling Green Medical Association's systematic methods of medical discrimination. At the middle of 20<sup>th</sup> century, Judge Francis spearheaded a construction project that used federal funds to add a wing onto the local hospital.<sup>55</sup> Unbeknownst to him, African-American doctors were not allowed to practice in the Bowling Green hospital; they could only practice in their own privately owned clinics.<sup>56</sup> This fact is particularly disquieting because when black citizens were admitted to the Bowling Green hospital for serious illnesses, their normal doctor who would have the most thorough knowledge of their medical history could not treat them. It was not until Judge Francis ran across African-American doctor Z.K. Jones that he was informed of this striking prejudice.<sup>57</sup> Upon learning this ugly truth, Judge Francis responded in his typical matter-of-fact, but also quietly heroic manner, "Listen, we're gonna fix that this afternoon. Not tomorrow, but this afternoon."<sup>58</sup> Knowing that the Bowling Green Medical Association would not care about the morality of their racist attitude, Judge Francis instead confronted their

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<sup>54</sup> Ibid.

<sup>55</sup> David Francis, interviewed by Lucinda Anderson, August, 2002.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

discriminatory practice financially, arguing that the flow of federal money would halt if authorities learned that black doctors were not granted the right to practice in public hospitals.<sup>59</sup> To Dr. Tom Gilbert, president of the Bowling Green Medical Association, and to the other board members, however, this fact was irrelevant.<sup>60</sup> Race, not health, was the primary factor to consider in medical treatment. The reaction against Judge Francis's attempt to demolish medical discrimination was so strong he feared that his wife and children would be refused care if they fell ill.<sup>61</sup> Despite this outrage, Judge Francis ultimately prevailed "and to this good day, the black doctors worked side by side with the white doctors."<sup>62</sup> The struggle that Judge Francis confronted in trying to remove discrimination from medical practice reveals the stranglehold that racism had on Bowling Green society during the 1950s.

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<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

## CHAPTER 4

### FROM LOCAL TO NATIONAL: THE STRUGGLE FOR RIGHTS

The local problems of Bowling Green were in no way isolated. Housing for people of color in the United States at this time was in a transitional period. Ending housing discrimination took its first formal step in 1917 with *Buchanan v. Warley* (1917). In 1914 Louisville passed a residential racial ordinance which, “prohibited white property owner from selling to African Americans if the property was located in a white neighborhood...” and vice versa.<sup>63</sup> By including the vice versa clause, Louisvillian legislatures were attempting to comply with the separate but equal doctrine. The power of this ordinance relied heavily upon the police powers of the state and a reasonableness argument, for according to the mayor, the law was passed “to prevent conflict and ill-feeling between white and colored races in the city ... and to preserve the public peace and promote the general welfare ...”<sup>64</sup> On the other hand, the NAACP’s defense, brought in front of the Supreme Court in 1917, showed the influence of the new school of jurisprudential thought called sociological jurisprudence. NAACP counsel Moorefield Storey argued that the ordinance ignored due process by eliminating people’s property rights and violated the equal protection and the privileges and immunities clauses of the

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<sup>63</sup> Patricia Hagler Minter, “Race, Property, and Negotiated Space in the American South: A Reconsideration of *Buchanan v. Warley*,” in Sally E. Hadden, and Patricia Hagler Minter, eds., *Signposts: New Directions in Southern Legal History*, (Athens: University of Georgia Press, 2013), 347.

<sup>64</sup> *Ibid.*, 352.

Fourteenth Amendment.<sup>65</sup> He stated, “You shall not have the rights of other men to live where you please, but shall be limited to certain localities . . . because you are what God made you and because we consider ourselves our natural superiors . . . because our complexion is different.”<sup>66</sup> In other words, society’s definition of race prescribed where an individual could and could not live meaning in Louisville, Kentucky black people could not live in certain areas.

After two appeals, *Buchanan* eventually made it to the U.S. Supreme Court. The Court’s ruling marked the first attempt by the Supreme Court to limit housing discrimination.<sup>67</sup> According to the Court’s majority opinion the attempt to pass the ordinance, “Was not a legitimate exercise of the police power of the State, and is in direct violation of . . . the Fourteenth Amendment . . . preventing state interference with property rights except by due process of law.”<sup>68</sup> Therefore, the Supreme Court overruled the ordinance on the grounds that it lacked substantive due process. By not mentioning the equal protection clause of the Fourteenth Amendment, the Supreme Court was able to overrule the racist ordinance without having to overrule the precedent it had set in *Plessy v. Ferguson* (1896). Had the Court claimed the ordinance violated the equal protection clause then it could have been inferred that anything claiming separate but equal grounds was actually unequal. However, this did not happen.

While ruling on due process as opposed to equal protection did limit the scope of the *Buchanan* decision it was still a watershed moment in the American Civil Rights movement. As legal historian Patricia Minter has written in *Signposts, Buchanan*

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<sup>65</sup> *Ibid.*, 356.

<sup>66</sup> *Ibid.*, 357.

<sup>67</sup> *Ibid.*, 345.

<sup>68</sup> *Buchanan v. Warley*, 245 U.S. 60 (1917), (accessed April 20, 2013, <http://supreme.justia.com/cases/federal/us/245/60/case.html>).

occurred at a point in history when, “equality of employment and economic justice figured just as prominently as equal access to public accommodations and public educational institutions not only in civil rights lawyering but also in popular perceptions about the meaning of equal justice under the law.”<sup>69</sup> Therefore, she argues, “perhaps what matters most about *Buchanan v. Warley* from a legal and cultural perspective is that it actually happened at all.”<sup>70</sup> This point cannot be understated. *Buchanan v. Warley* was a very significant case because it served as an essential stepping-stone on the journey toward equal rights between races.

Despite this legal victory in *Buchanan*, there were still many ways in which people could discriminate in regard to housing. According to Adam Fairclough in *Better Day Coming*, “These legal triumphs (*Buchanan* and *Guinn*) were less clear-cut than they seemed, for the Supreme Court rulings had very little effect on the daily realities of race relations.”<sup>71</sup> Fairclough argued, “Racial zoning laws might be unconstitutional, but politicians and planners had plenty of less-obvious methods of encouraging segregations. Moreover, housing discrimination by builders, realtors, and private owners was quite legal.”<sup>72</sup> In other words, realtors and owners still had methods to prevent African Americans from entering their neighborhoods, despite the ruling in *Buchanan*. Furthermore, racism was so culturally ingrained that it would be difficult for a single decision handed down by the Supreme Court to automatically change circumstances. As

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<sup>69</sup> Patricia Hagler Minter, “Race, Property, and Negotiated Space in the American South: A Reconsideration of *Buchanan v. Warley*, in Sally E. Hadden, and Patricia Hagler Minter, eds., *Signposts: New Directions in Southern Legal History*, (Athens: University of Georgia Press, 2013), 347.

<sup>70</sup> *Ibid.*, 347.

<sup>71</sup> Adam Fairclough, *Better Day Coming: Blacks and Equality, 1890-200*, (New York: Penguin Books, 2001), 82.

<sup>72</sup> *Ibid.*, 82.

Catherine Fosl wrote in *The Subversive Southerner: Anne Braden and the Struggle for Racial Justice in the Cold War South*:

With or without legal props, residential segregation patterns were remarkably fixed in practice ... and the very idea that things should be otherwise inflamed whites ... white harassment of any blacks who dared to violate the color line in housing was the most effective form of deterrence.<sup>73</sup>

The *Buchanan* case merely made state sanctioned housing discrimination, not private forms, illegal. Furthermore in *Corrigan v. Buckley* (U.S., 1926), the Supreme Court legally paved a road for individuals who wished to restrict blacks from living in their neighborhood.<sup>74</sup> According to Richard Kluger in *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality*, *Corrigan* "rendered almost worthless," the decision made in *Buchanan*.<sup>75</sup> Kluger writes, "Voters who had been barred by the Court from passing laws to ghettoize blacks could achieve the same effect by drawing up private agreements with the assurance that these would be upheld ... by the law of the land."<sup>76</sup> In essence, *Corrigan* ensured that private restrictive covenants had the force of law. Furthermore, many of the social programs created during the Great Depression that dealt with housing were very discriminatory in nature.<sup>77</sup> According to Thomas J. Sugrue's *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*, many federal housing agencies such as the Home Owners' Loan Corporation and the Federal Housing Administration denied black people the

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<sup>73</sup> Catherine Fosl, *Subversive Southerner: Anne Braden and the Struggle for Racial Justice in the Cold War South*, (Lexington, Kentucky: The University Press of Kentucky, 2002), 9.

<sup>74</sup> Richard Kluger, *Simple Justice: The History of Brown V. Board of Education and Black America's Struggle for Equality*, (New York: Vintage Books Press, 2004), 120.

<sup>75</sup> *Ibid.*, 120.

<sup>76</sup> *Ibid.*, 120.

<sup>77</sup> Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*, (New York: Random House, 2008), 52.



ability to take out federal loans and mortgages, declaring black neighborhoods not worthy of credit.<sup>78</sup> Therefore, prohibiting housing discrimination was very difficult and almost impossible.

The legality of private restrictive covenants and the Court's ability to enforce them had a lot of staying power in U.S. society. It was not until *Shelley v. Kraemer* (U.S., 1948) that the Supreme Court declared private restrictive covenants unenforceable.<sup>79</sup> Charles Houston, the lawyer for the NAACP in the *Shelley* case, adopted a new strategy to help prove the injustice of restrictive covenants.<sup>80</sup> In mimicking the style of the Brandeis brief used in *Muller v. Oregon* (U.S., 1908) in which lawyer Louis Brandeis defended an Oregon State law limiting the woman's workday to ten hours, Charles Houston created a masterful brief which incorporated "more than 150 articles, reports, and books..." incorporating many different disciplines to argue against the legality of restrictive covenants.<sup>81</sup> As is made evident by the variety of sources he used, Houston was going beyond the scope of law or mere precedent to prove his point. Houston dove head first into sociological jurisprudence, marking the transformation of the NAACP's legal strategy.<sup>82</sup> From *Shelley* forward, the NAACP would no longer hold themselves to legal formalism, applying merely precedent to the situation at hand in attempt to win a case. As Kluger put it, "Men did not live by law alone."<sup>83</sup> Instead, they

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<sup>78</sup> Ibid., 52-53.

<sup>79</sup> *Shelley v. Kraemer* 334 U.S. 1 (1948), accessed April 20, [http://scholar.google.com/scholar\\_case?case=12732018998507979172&hl=en&as\\_sdt=2&as\\_vis=1&oi=scholarr](http://scholar.google.com/scholar_case?case=12732018998507979172&hl=en&as_sdt=2&as_vis=1&oi=scholarr).

<sup>80</sup> Richard Kluger, *Simple Justice: The History of Brown V. Board of Education and Black America's Struggle for Equality*, (New York: Vintage Books Press, 2004), 252.

<sup>81</sup> Ibid., 252.

<sup>82</sup> Ibid., 253.

<sup>83</sup> Ibid., 253.

would use sociological facts to prove what they thought should be legal truths, in attempt to make law what they thought it “ought” to be.

In the case of *Shelley* this strategy proved to be very effective, for Houston won the case in a unanimous ruling.<sup>84</sup> Justice Fred Vinson in his majority opinion proclaimed:

... these are cases in which the states have made available to such individuals the full coercive power of government to deny petitioners, on the grounds of race, or color, the enjoyment of property rights in premises which petitioners are willing and able to acquire and which the grantors are willing to sell.<sup>85</sup>

The defense attempted to argue the separate but equal doctrine in order to defend why the courts should honor the restrictive covenants, however in a grand moment Justice Vinson struck them down yet again, “Equal protection of the laws is not achieved through indiscriminate imposition of inequalities.”<sup>86</sup> According to Vinson, “it would appear beyond question that the power of the State to create and enforce property interests must be exercised within the boundaries defined by the Fourteenth Amendment.”<sup>87</sup> The action of states enforcing restrictive covenants was therefore declared illegal and impossible under the power of the Fourteenth Amendment. This meant that government was not only restricted from entering restrictive covenants, but they also could take no action to enforce them, for that would involve participation. The Supreme Court in recognizing the discriminatory nature of the restrictive covenants effectively forbade themselves from action in them, for the Fourteenth Amendment declares:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor... deprive any person of

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<sup>84</sup> *Ibid.*, 254.

<sup>85</sup> *Shelley v. Kraemer* 334 U.S. 1 (1948), accessed April 20, [http://scholar.google.com/scholar\\_case?case=12732018998507979172&hl=en&as\\_sdt=2&as\\_vis=1&oi=scholarr](http://scholar.google.com/scholar_case?case=12732018998507979172&hl=en&as_sdt=2&as_vis=1&oi=scholarr).

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

life, liberty, or property, without due process of law; nor deny ... equal protection of the laws.<sup>88</sup>

However, despite the fact that the courts did not have the power to enforce restrictive covenants, private individuals could still place restrictions on their own property.<sup>89</sup> In essence, the Court did not overturn the *Corrigan* decision because privately drawn racial covenants were still legal; they just could not carry the force of law. However, these restrictions did carry other forces. According to Thomas J. Sugrue the impact of *Shelley*, "...was more symbolic than real."<sup>90</sup> There was still a "moral sway" that could be placed over a home seller or a realtor.<sup>91</sup> According to Minter, despite *Shelley*, "lending institutions continued their practice of redlining poor and predominantly black communities..."<sup>92</sup> The cultural power of racism was just too strong for a legal ramification to cause an immediate change.

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<sup>88</sup> "The United States Constitution," in *American Legal History: Cases and Materials*, 4<sup>th</sup> edition, ed. Kermit L. Hall, Paul Finkelman, and James W. Ely, Jr., (New York: Oxford University Press, 2011), 695.

<sup>89</sup> Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*, (New York: Random House, 2008), 209.

<sup>90</sup> *Ibid.*, 209.

<sup>91</sup> *Ibid.*, 209.

<sup>92</sup> Patricia Hagler Minter, "Race, Property, and Negotiated Space in the American South: A Reconsideration of *Buchanan v. Warley*," in Sally E. Hadden, and Patricia Hagler Minter, eds., *Signposts: New Directions in Southern Legal History*, (Athens: University of Georgia Press, 2013), 262.

## CHAPTER 5

### THE “WESTERN BULLDOZER:” THE EMERGENCE AND IMPLEMENTATION OF URBAN RENEWAL IN KENTUCKY PROJECT R 31

It was in this tumultuous housing environment the Jonesville Urban Renewal project began. During the 1960s, growth at Western exploded. In 1963, Western Kentucky State College merged with the Bowling Green Business University becoming a separate college within Western.<sup>93</sup> Furthermore, two years later in 1965, the Potter College of Liberal Arts, the College of Education, and the Ogden College of Science and Technology were formed.<sup>94</sup> This growth necessitated expansion and planning began to build new football, basketball, and baseball stadiums. When the University decided to expand in the direction of Jonesville it immediately began to purchase property. Board of Regents Meeting minutes from the May 7, 1957 meeting reveal the first official indication of the University’s march toward Jonesville. As the future location of two residence halls, where Bates Runner Hall and Mclean now stand, the five parcels of land that the Board voted to acquire in this meeting lie just outside of the border of Jonesville.<sup>95</sup> According to August 9, 1957 Board of Regents meeting minutes, these five

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<sup>93</sup> University Archives, “History and Traditions,” accessed April 11, 2013, <http://www.wku.edu/wkuhistory/>

<sup>94</sup> Ibid.

<sup>95</sup> Minutes of Western Kentucky State College Board of Regents Meeting, May 7, 1957, accessed April 29, 2013 <http://digitalcommons.wku.edu/cgi/viewcontent.cgi?article=1349&context=bor>.

properties were appraised for \$52,305.00.<sup>96</sup> Subsequently, in the April 5, 1958 meeting President Thompson relays to the regents that “the action of the Board in acquiring the Russellville Road Property was one of increasing merit ... the condemnation proceedings had been carried out quietly...”<sup>97</sup> The condemnation decree permitted WKU to receive Federal loans from Federal Housing and Home Financing Agency.<sup>98</sup> To WKU officials, the increased potential to receive federal funds justified an order of condemnation, even if it was not truly warranted. According to a report on WKU land purchases on Russellville Road, condemnation could be granted because “a structure is located on a lot that does not conform to the front and side yard requirements...” or because “a lot lacks sufficient off-street parking.”<sup>99</sup> This element of blight is listed on multiple properties.

By the early 1960s WKU began to initiate the Jonesville Urban Renewal Plan, through which the University procured the remaining Jonesvillian land. The Urban Renewal plan is mentioned for the first time in a Regents meeting on December 7, 1963.<sup>100</sup> However, this did not mark the genesis of WKU and Urban Renewal’s relationship. As early as Tuesday, November 14, 1961 an article in the *Park City Daily*

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<sup>96</sup> Minutes of Western Kentucky State College Board of Regents Meeting, August 9, 1957, accessed April 29, 2013

<http://digitalcommons.wku.edu/cgi/viewcontent.cgi?article=1348&context=bor>

<sup>97</sup> Minutes of Western Kentucky State College Board of Regents Meeting, April 5, 1958, accessed April 29, 2013

<http://digitalcommons.wku.edu/cgi/viewcontent.cgi?article=1347&context=bor>.

<sup>98</sup> Minutes of Western Kentucky State College Board of Regents Meeting, August 9, 1957, accessed April 29, 2013

<http://digitalcommons.wku.edu/cgi/viewcontent.cgi?article=1348&context=bor>

<sup>99</sup> Blight Criteria for Parcels (1-17) Already Acquired by Western Kentucky University, President’s Papers, June 16, 1969.

<sup>100</sup> Minutes of Western Kentucky State College Board of Regents Meeting, December 7, 1963, accessed April 29, 2013

<http://digitalcommons.wku.edu/cgi/viewcontent.cgi?article=1349&context=bor>.

*News* mentions the Jonesville Urban Renewal Project; at this point the project is in its proposal stage.<sup>101</sup> However, by March 19, 1962 the Bowling Green City Council approved the project in a preliminary vote.<sup>102</sup> On March 16, 1964 the City Council conducted a final vote, passing the Jonesville Urban Renewal Program.<sup>103</sup> Named, Kentucky Project R-31, the ordinance allowed Urban Renewal to take massive amounts of land. R-31's jurisdiction encompassed:

...the area bounded by Hardin Alley and Russellville Road, South West along Russellville Road to Sumpter Avenue, northwest along a line extended from Sumpter Avenue to the east right-of-way line of the Louisville and Nashville Railroad to Hardin Alley; southeast along Hardin Alley approximately 240 feet; thence southeast approximately 125 feet; thence southwest 230 feet to Hardin Alley; thence along Hardin Alley to the point beginning, in the City of Bowling Green, State of Kentucky.<sup>104</sup>

Approximately 30 acres of homes, farms, and businesses were confiscated for athletics.<sup>105</sup> By December 1, 1964 Urban Renewal had already purchased twelve parcels of land.<sup>106</sup> By September of 1968 L.T. Smith Stadium was opened and by 1969 the entirety of the new athletic complex was completed.<sup>107</sup>

Utilizing Urban Renewal also granted WKU access to tremendous amounts of Federal funds. In compliance with Kentucky Revised Statutes (KRS) Chapter 99, section 530, communities could employ urban renewal programs to prevent the spread of slums

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<sup>101</sup> "Study 2 Urban Renewal Proposals," *Park City Daily News*, November 14, 1961.

<sup>102</sup> "Jonesville Project Established," *Park City Daily News*, March 17, 1964.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (Paper: Western Kentucky University 2011), 10.

<sup>106</sup> Dero G. Downing, Memorandum To: Dr. Kelly Thompson, President, President's Papers, December 1, 1964.

<sup>107</sup> "WKU Timeline," WKU Archives, Accessed April 27, 2014, <http://www.wku.edu/library/archive/2.php#j>.

by facilitating their destruction.<sup>108</sup> For Western, the most beneficial factor in applying urban renewal funds was the ability to cut costs. Sections 400, 555, 560, and 565 of KRS Chapter 99 allows for urban renewal to be funded through local taxes, federal and community grants, and issuance of bonds.<sup>109</sup> In fact, the passage of the Federal Housing Act of 1949 granted to the Federal government a significant increase in the funding they could provide to local rehabilitation projects. The act allowed for \$1,000,000,000 in loans to be given for the acquisition and reuse of land.<sup>110</sup> Similarly, \$500,000,000 was set aside as Federal Capital Grants to assist in slum clearing projects.<sup>111</sup> Access to the new funding made urban renewal an attractive option for Western as it began to build an expansion strategy. Without using Urban Renewal, between 1957 and 1961 Western State College spent \$167,108 on acquiring 16 different properties.<sup>112</sup> By December of 1963 Diddle Arena was constructed on these properties.<sup>113</sup> However, after Urban Renewal was approved in 1964 WKU bought around 65 properties for \$198,868.<sup>114</sup> The number of properties purchased relative to the cost exposes a huge disparity in comparing the two different methods of purchase revealing the difference Urban Renewal makes. Urban Renewal allowed Western to take on a much larger project for a significantly lower price. Even the 16 properties purchased without urban renewal were eventually able to receive funding in 1969 through a federal grant under Section 112 credits created in the Housing

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<sup>108</sup> Kentucky Revised Statutes, Chapter 99, Sec. 530, accessed April 2, 2014, <http://www.lrc.ky.gov/statutes/statute.aspx?id=26553>

<sup>109</sup> Kentucky Revised Statutes, Chapter 99, Sections 400, 555, 560, 656, accessed April 2, 2014, <http://www.lrc.ky.gov/statutes/chapter.aspx?id=37534>

<sup>110</sup> Housing Act of 1949, accessed April 2, 2014, <https://bulk.resource.org/gao.gov/81-171/00002FD7.pdf>

<sup>111</sup> Ibid.

<sup>112</sup> Code R-21 Estimate of Federal Grant Requirements, President's Papers, 1963.

<sup>113</sup> "WKU Timeline," WKU Archives, Accessed April 27, 2014, <http://www.wku.edu/library/archive/2.php#j>.

<sup>114</sup> Jonesville Urban Renewal Project Report, President's Papers, December 4, 1963.

Act of 1959, which permitted funding for renewal of areas near a proposed renewal district, as long as blight was assigned in accordance with Urban Renewal Handbook 7216.1.<sup>115</sup>

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<sup>115</sup> Arch Daniel, Letter to Mr. John T. Edmunds, President's Papers, June 1969.



## CHAPTER 6

### RACIST RENEWAL AND THE GEOGRAPHY OF DISCRIMINATION: THE TRUTH BEHIND KY PROJECT R-31 AND THE RELOCATION PLAN

The Urban Renewal Project ultimately cost just over \$1,000,000, which was covered mostly by a \$612,050.50 Federal Grant, and by \$204,050.50 of city funds.<sup>116</sup> Essentially, this meant that Western would secure more Jonesville property for a significantly lower price through Federal subsidy and a universal order of condemnation. Even though the total value of Jonesville property was appraised at \$696,746.00 in December of 1963 only \$6,800 was set-aside for 68 families to relocate.<sup>117</sup> That is only \$100 per family. While Kentucky Project R-31 did authorize the destruction of Jonesville, it also contained a clause that required the relocation of displaced families:

It is hereby found and determined that the program for the proper relocation of the families displaced in carrying out the project ... is feasible and can be reasonably and timely effected ... and that such dwellings ... available ... to such displaced families are at least equal in number to the displaced families, are not generally less desirable ... than the dwellings of the displaced families in the project area.<sup>118</sup>

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<sup>116</sup> Code R-21 Estimate of Federal Grant Requirements, President's Papers, 1963

<sup>117</sup> Jonesville Urban Renewal Project Report, President's Papers, December 4, 1963, and Code R-21 Estimate of Federal Grant Requirements, President's Papers, 1963.

<sup>118</sup> *Ordinances*, "Ordinance No. 832," *Park City Daily News*, December 10, 1963, accessed April 11, 2013, <http://news.google.com/newspapers?nid=1697&dat=19631210&id=OdIdAAAIAIBAJ&sjid=F0cEAAAIAIBAJ&pg=6983,3383344>

In other words, the relocated families had to be given enough warning and enough compensation to find a house or property of equal value to the one confiscated by Urban Renewal.

However, the presence of this clause obviously did not protect the welfare of the families who were relocated. The relocated persons were not considered when legislators crafted The Kentucky Project R-31. Kentucky legislators created the bill to cheaply and easily expand Western Kentucky University. Reverend J.H. Taylor writes in correspondence to President Kelly Thompson that Urban Renewal is not offering nearly enough compensation for Jonesville property. For example, Urban Renewal offered his church only \$21,750, which is around the amount his church paid for their steeple alone, making that reconstruction near impossible.<sup>119</sup> Furthermore, in a plea to members of the city council J.H Taylor wrote that the twelve widows in the community who drew small social security checks would not have the income to secure a loan to assist them in either rebuilding a home or purchasing a new one; they would ultimately become homeless.<sup>120</sup> Therefore, Kentucky Project R-31's severely inadequate relocation plan left many Jonesville residents helpless and with nowhere to go. According to former Jonesville resident Maereeth Kurykendall Whitlow, "Most of the homeowners were older... The people were told they could come back, buy lots and build homes. It didn't work out that way. One Lady was relocated then will probably be moved again to make way for progress."<sup>121</sup> Dr. John Hardin, of the WKU History Department, described the situation in another manner. "Black homeowners who had worked hard to purchase and maintain

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<sup>119</sup> Letter Rev. J.H. Taylor to President Kelly Thompson, President's Papers October 29, 1964.

<sup>120</sup> Letter Rev. J.H. Taylor to Mr. and City Council, President's Papers, March 9, 1964.

<sup>121</sup> Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (paper, Western Kentucky University 2011).

their homes found themselves at the mercy of a system interested in acquiring the property through eminent domain. Although some landowners who sold their property in the late 1950's received fair value, most did not."<sup>122</sup> It is evident that many Jonesville residents, especially the older ones who had no steady income, had nowhere to go after the purchase and destruction of their property. The minority disadvantage, at the hands of urban renewal, was transformed into an advantage for white power and the University, since Urban Renewal lowered the fair market value of the land.

The deeds of conveyance, more than any other source, reveal the inadequacy of R-31's relocation standards. There is a huge numerical discrepancy between Urban Renewal's purchase price and the price that many Jonesville citizens paid for subsequent properties. For example, on September 22, 1965 Urban Renewal purchased the property of Jonesville residents Herschel Austin and his wife Mary Austin, for \$5,500.<sup>123</sup> Seven days later on September 29, 1965 the Austins bought a property near the intersection of State and Third Streets, not too far from their old house, for \$10,200.<sup>124</sup> Similarly, Mary Gadd McGinley (and two others), past residents in Jonesville, were given \$3,600 for her property.<sup>125</sup> Her next purchased property on Webb Avenue near the intersection of Second Street cost \$4,033.33.<sup>126</sup> Lastly, Urban Renewal purchased the property of the

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<sup>122</sup> Ibid.

<sup>123</sup> Warren County Deed Book 358, Page 581, Warren County Court House, Bowling Green, Kentucky.

<sup>124</sup> Warren County Deed Book 359, Page 112, Warren County Court House, Bowling Green, Kentucky.

<sup>125</sup> Warren County Deed Book 351, Page 491, Warren County Court House, Bowling Green, Kentucky.

<sup>126</sup> Warren County Deed Book 347, Page 160, Warren County Court House, Bowling Green, Kentucky.

unmarried Sue Blakey, who was also a past resident of Jonesville, for \$2,100.<sup>127</sup> The next property she bought cost \$1,833.33 on the east side of Center Street between Fourth and Fifth Streets.<sup>128</sup> However, she bought the property from Robert Loving, who was a fellow, wealthier, member of the Jonesville community.<sup>129</sup> According to Deed Book 367, Robert bought the house for \$1,833.33 and subsequently made various and necessary improvements to the house before he sold it to Sue Blakey for the same price for which he bought it.<sup>130</sup> Not only does this reveal how Sue Blakey was able to save money on her new purchase, but it also provides evidence of the strong sense of community that existed within Jonesville. Robert Loving, a fellow Jonesviller, was willing to sacrifice some of his wealth to look out for the well being of Sue Blakey, an unmarried woman who possessed less wealth than he did. These unjust transactions, combined with the residential restrictions in place against black individuals, led to severe downward mobility. Without access to certain properties and without just compensation to procure properties of at least equal worth to what was owned before, the black citizens of Jonesville could not accumulate assets for themselves or for their children nor could they build equity attached to home ownership, impacting the class status of future generations. In essence, KY Project R-31 used land acquisition to lessen the financial status of African Americans in Bowling Green.

One of the primary clauses in the Kentucky Project R-31, which was not enforced, concerned race. It reads, “the governing Body is cognizant of the conditions

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<sup>127</sup> Warren County Deed Book 367, Page 12, Warren County Court House, Bowling Green, Kentucky.

<sup>128</sup> Warren County Deed Book 367, Page 395, Warren County Court House, Bowling Green, Kentucky.

<sup>129</sup> Ibid.

<sup>130</sup> Warren County Deed Book 367, Page 383, Warren County Court House, Bowling Green, Kentucky.

that are imposed in the undertaking and carrying out of urban renewal projects with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed or national origin.”<sup>131</sup> In other words, action cannot be taken in a discriminatory nature considering race, color, creed or national origin. This, however, is obviously not the case with Jonesville. African Americans made up the majority of the Jonesville population. That fact in itself should have indicated that racial discrimination was a determining factor in considering where to place the new athletic complex. According to a Report on Relocation of Families and Individuals circa 1968 in the Jonesville Project No. KY R-31, of 42 families in Jonesville 40 were non-white, and 2 were white.<sup>132</sup> Furthermore, 9 nonwhite individuals were relocated from Jonesville, while zero white individuals were relocated, demonstrating to an even greater extent the level of racial prejudice involved in deciding to demolish the Jonesville community.<sup>133</sup>

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<sup>131</sup> *Ordinances*, “Ordinance No. 832,” *Park City Daily News*, December 10, 1963, accessed April 11, 2013, <http://news.google.com/newspapers?nid=1697&dat=19631210&id=OdIdAAAIAIBAJ&sjid=F0cEAAAIAIBAJ&pg=6983,3383344>

<sup>132</sup> Report on Relocation of Families and Individuals Jonesville Project No. KY R-31, circa 1968.

<sup>133</sup> *Ibid.*



Fig. 1.1 [Photo Credit: University Archives] Aerial view of a half destroyed Jonesville, 1965.

This photograph depicts the general area of the Jonesville. According to Ray, “There were 67 homes in Jonesville that just went out of existence.”<sup>134</sup> This photograph is surreal in that it captures Jonesville in an almost limbo state of existence. The north side of the neighborhood has already been destroyed and replaced with Diddle Arena. The middle section of the neighborhood is rife with debris from obliterated homes; the ground is cleared for Feix Field. Lastly, the south side of Jonesville is still intact, waiting for its demise.

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<sup>134</sup>Steve Gaines, “Jonesville, A Once Thriving Small Community Gets Its Place in History,” *Bowling Green Daily News*, April 7, 2001, accessed April 11, 2013, <http://news.google.com/newspapers?nid=1696&dat=20010407&id=ARcfAAAAIBAJS&id=JJgEAAAAIBAJS&pg=5316,802969>

Under Kentucky Project R-31, the Urban Renewal project possessed the power to condemn certain properties to require their destruction.<sup>135</sup> To do so they relied on the federal power of eminent domain confirmed by *Berman v. Parker* (U.S., 1954).<sup>136</sup> Berman was the owner of a department store in the D.C. area, which an Urban Renewal project declared “blighted.”<sup>137</sup> However, the definition of blight is so broadly defined that it cannot be fairly used to justify destruction. In *Berman* blight was not determined on a structure by structure basis, but instead by area.<sup>138</sup> If a couple of buildings in the area were “blighted” then that was enough justification to destroy the entire neighborhood.<sup>139</sup> He questioned the constitutionality of using eminent domain to take private land only for beautification purposes.<sup>140</sup> The Court allowed the legislatures to order the destruction of certain blighted areas as long as it served a distinct public purpose, of which cleanliness qualified.<sup>141</sup> According to the majority opinion, “If owner after owner were permitted to resist these redevelopment programs on the ground that his particular property was not being used against the public interest, integrated plans for redevelopment would suffer greatly.”<sup>142</sup> By applying “parade of horrors” logic Justice William Douglas was able to craft a formidable opinion, which has stood the test of time.

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<sup>135</sup> Ibid.

<sup>136</sup> *Berman v. Parker*, 348 US 26 (1954), accessed April 21 2013, [http://scholar.google.com/scholar\\_case?case=788257117602813374&q=Berman+v.+parker&hl=en&as\\_sdt=2,18&as\\_vis=1](http://scholar.google.com/scholar_case?case=788257117602813374&q=Berman+v.+parker&hl=en&as_sdt=2,18&as_vis=1)

<sup>137</sup> “*Berman v. Parker*,” *Oyez Project*, accessed April 11, 2013 [http://www.oyez.org/cases/1950-1959/1954/1954\\_22](http://www.oyez.org/cases/1950-1959/1954/1954_22)

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> *Berman v. Parker*, 348 US 26 (1954), accessed April 21, [http://scholar.google.com/scholar\\_case?case=788257117602813374&q=Berman+v.+parker&hl=en&as\\_sdt=2,18&as\\_vis=1](http://scholar.google.com/scholar_case?case=788257117602813374&q=Berman+v.+parker&hl=en&as_sdt=2,18&as_vis=1)

Kentucky Project R-31, in compliance with KRS 99, Section 350, created the Local Public Agency to inspect and declare certain lands as blighted.<sup>143</sup> One of the most troubling aspects of this process is that the members of the Local Public Agency, according to KRS 99, Section 350, were to include five individuals all appointed by the mayor and subsequently approved by the majority of the Council.<sup>144</sup> With no representation in the local government of Bowling Green, the black citizens of Jonesville were helpless to defend themselves against the whims of the appointed Local Public Agency, which possessed the power to completely destroy their way of living. The requirements for condemnation, according to Kentucky Project R-31 after inspection by the Local Public Agency, were as follows:

Whereas the Local Public Agency has made detailed studies of the location, physical condition of structures, land use, environmental influences and social, cultural, and economic conditions of the project area and has determined that the area is a blighted area and that it is detrimental and a menace to the safety, health and welfare of the inhabitants and users ... of the Locality at large, because more than 70 per cent of the buildings are substandard because of inadequate original construction, need of major repairs, dilapidation, lack of sanitary facilities or a combination of two or more of these factors (and) there appears to be no prospect of this area returning to a standard residential neighborhood.<sup>145</sup>

Jonesville was accused and convicted of meeting these condemnation requirements.

The requirements for condemnation, outlined by Kentucky Project R-31, are impossible to adequately measure on any scale of fairness. The members of a community determine its social and cultural condition, not those who live outside the community.

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<sup>143</sup> Kentucky Revised Statutes, Chapter 99, Section, 350, Accessed April 2, 2014, <http://www.lrc.ky.gov/statutes/statute.aspx?id=26535>.

<sup>144</sup> Ibid.

<sup>145</sup> *Ordinances*, "Ordinance No. 832," *Park City Daily News*, December 10, 1963, accessed April 11, 2013, <http://news.google.com/newspapers?nid=1697&dat=19631210&id=OdIdAAAIAIBAJ&sjid=F0cEAAAIAIBAJ&pg=6983,3383344>



Furthermore, with no representation in the Local Public Agency, the citizens of Jonesville were truly on the outside. In contrast to the condemnation order, evidence praises Jonesville's cultural fortitude. Residents remember Jonesville as a unique and independent community. Past resident John Hardin described Jonesville as, "a distinct world."<sup>146</sup> In the documentary *Jonesville: A Neighborhood in Bowling Green Kentucky*, Lavinia Gatewood, former resident of Jonesville, described Jonesville of being family and community oriented.<sup>147</sup> She told stories of children playing basketball in the park, community picnics after church, and family outings to the local barbeque restaurant.<sup>148</sup> None of those activities suggest that the Jonesville community was "detrimental" or a "menace to the safety, health, and welfare of the inhabitants and users."<sup>149</sup> In fact, they support the exact opposite conclusion. Picnics, community sports events, and family dinners all suggest that Jonesville was a thriving, functioning community in Bowling Green. To claim that it was detrimental to the well-being its inhabitants flies in the face of evidence and oral accounts given by past residents. To an even greater extent, there are many stories that speak to the middle-class and working-class respectability of Jonesville even outside the community. For example, Reverend J. H. Taylor, former resident of Jonesville and pastor of Mount Zion Baptist Church, recalled a story in which he was allowed to borrow money from Citizen's National Bank without having another person co-sign the note, merely because he was from Jonesville and that it was deemed a trusted

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<sup>146</sup>Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (paper, Western Kentucky University 2011).

<sup>147</sup> *Jonesville: An Neighborhood in Bowling Green, Kentucky*, documentary, directed by Gordon Van Ness, (2009, Bowling Green), <http://vimeo.com/4167095>.

<sup>148</sup> *Ibid.*

<sup>149</sup> *Ordinances*, "Ordinance No. 832," *Park City Daily News*, December 10, 1963, accessed April 11, 2013, <http://news.google.com/newspapers?nid=1697&dat=19631210&id=OdIdAAAAIABJ&sjid=F0cEAAAAIABJ&pg=6983,3383344>

and respectable area of town.<sup>150</sup> Furthermore, many of the descriptions of houses and the photographic evidence do not appear to warrant condemnation. For example, the Baileys, who were forced from their home, owned “a large two-story home where multiple generations of grandparents, parents, children, and cousins lived side by side.”<sup>151</sup> Furthermore, Ray claimed that the homes were not all of poor quality and that Jonesville was not a shantytown. She claimed that, “There were rock homes built out there (and) there were wood frame homes built out there.”<sup>152</sup> Therefore, as the evidence suggests, Jonesville seemed a nice, well-kept community, at least from the perspective of the individuals who lived within the community. This, therefore, casts doubt upon the motives of the Local Public Agency’s condemnation of the Jonesville property. It is obvious that the land was actually condemned to sell for less than its worth solely as a result of the race and class of its inhabitants. After the land was condemned, the “fair-market price” for the property was able to legally drop significantly. This enabled Western Kentucky University’s purchase of the property from Urban Renewal for a lower price than they would have paid had they been required to buy from the owners directly.

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<sup>150</sup> Steve Hutchinson, *Personal Experience Narratives: AS a Matter of Record Jonesville (c. 1859 to 1967)*, (Paper: Western Kentucky University, 1980), 14.

<sup>151</sup> Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (paper, Western Kentucky University 2011).

<sup>152</sup> *Jonesville: An Neighborhood in Bowling Green, Kentucky*, documentary, directed by Gordon Van Ness, (2009, Bowling Green), <http://vimeo.com/4167095>.



Figure 1.2 [Photo Credit: University Archives]

This photo depicts the prosperity of Jonesville. The car indicates the relative wealth, as does the two-story home in the background.



Figure 1.3[Photo Credit: University Archives, Circa 1950]

This picture also depicts the relative wealth in Jonesville. There are multiple signs on the right side of the photograph, displaying thriving business in Jonesville. Additionally, there are many cars on the street, suggesting that some citizens of Jonesville could afford automobiles. Similarly, both the paved roads and the paved sidewalks reflect the prominence of the Jonesville community.

## CHAPTER 7

### REACTION TO JONESVILLE

Proponents of the Urban Renewal Project knew that the black citizens of Jonesville would have a much more difficult time proving the quality of their property than would white citizens of Bowling Green, due to their lack of adequate political representation. Additionally, the general population would be a lot less likely to rally behind a black angry mob than they would a white angry mob. During Jonesville's destruction there was minimal public outcry in the press. Reverend J.H. Taylor was the most outspoken individual against urban renewal. In an October 2, 1963 letter to the editor published in the *Park City Daily News*, Taylor wrote that the citizens of Jonesville would fight for their homes because the Urban Renewal committee admitted they had nowhere for the dislocated citizens to move.<sup>153</sup> Taylor threatened action by organizations such as NAACP, CORE, and the Southern Christian Leaders movement in attempt to halt the urban renewal plans.<sup>154</sup> Similarly, in another letter to the editor, dated July 13, 1963 Taylor argued that when urban renewal displaces Jonesville residents they will move and "may be the next door neighbor to our mayor, or to some of the members of the council, or some other officials or persons in the city."<sup>155</sup> The tactics Taylor uses in this letter puts

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<sup>153</sup> Rev. J.H. Taylor, "Letters to the Editor," *Park City Daily News*, October 2, 1963.

<sup>154</sup> *Ibid.*

<sup>155</sup> "Letter to the Editor," *Park City Daily News*, July 13, 1963.

Bowling Green racist attitude on full display; it was considered a threat for a black person to move next to a white person. The majority of articles on Jonesville did not speak to injustice, but instead merely outlined what was occurring, as is revealed through the title of an article in the Tuesday, April 4, 1967 edition of the *Park City Daily News*, “Jonesville Acquisition Completed.”<sup>156</sup> In fact, one editorial published in the March 18, 1964 edition of the *Park City Daily News* heralded the Jonesville Urban Renewal Project as a “Sound Decision.”<sup>157</sup> Published discussion of the larger implications of Jonesville’s destruction, outside of Taylor’s letters, did not occur until the late 1990s and early 2000s, revealed through more recent headlines in the Bowling Green *Daily News*, such as “Lost City,” “Remembering Jonesville,” and “Tiny Community’s Roots Remembered.”<sup>158</sup> On March 16, 1964 there was an attempted protest of 300 former Jonesville residents to the City Council, however this effort yielded no results.<sup>159</sup> The former residents of Jonesville could do almost nothing to protect their property. Eventually it was all taken, destroyed, and replaced with the WKU athletic complex.

Bowling Green, Kentucky’s reaction to the multiple residential Supreme Court decisions reflects the implausibility of an immediate change. During the 1950’s and early 1960’s, the black residents of Jonesville were restricted in their mobility. This raises a pressing question: where did all the relocated people go in an era when homeowners

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<sup>156</sup> “Jonesville Acquisition Completed,” *Park City Daily News*, Tuesday, April 4 1967.

<sup>157</sup> “Sound Decision,” *Park City Daily News*, March 18, 1964.

<sup>158</sup> “Lost City,” *The Bowling Green Daily News*, April 7, 2001; “Remembering Jonesville,” *Park City Daily News*, February 1, 2004; “Tiny Community’s Roots Remembered,” *Park City Daily News*, April 11, 2001.

<sup>159</sup> Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (paper, Western Kentucky University 2011), accessed April 11, 2013, <http://digitalcommons.wku.edu>.

discriminated on a personal basis?<sup>160</sup> Racist realtors were some of the worst problems. In fact, between 1924 and 1950, the national realtor code read, “A realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individual whose presence will clearly be detrimental to property values in the neighborhood.”<sup>161</sup> Additionally, the story of former Jonesville resident Herbert Oldham presents a powerful example. He stated, “you didn’t have a lot of opportunity, places to move, you didn’t have any place to go. There were no apartments, very few Black communities, and real estate people were not selling homes to Blacks.”<sup>162</sup> This meant that, as Dr. Hardin also asserted, “its (Jonesville’s) citizens (were) forced to relocate to other areas in the northern part of [the] city or to public housing.”<sup>163</sup> Fourteen black families in Shake Rag relocated to federally aided public housing.<sup>164</sup> Shake Rag, another black community in the Northern part of the city is where many of Jonesville’s black citizens relocated. This meant that even if the removed black citizens from Jonesville could afford housing in Shake Rag, housing discrimination was still an issue that had a strangle hold on society. They merely relocated where the majority of the black population in Bowling Green already existed because it was one of the only places in Bowling Green where they could afford housing. This in no way solved segregation issues in Bowling Green; in fact it propagated them. By destroying Jonesville, the city government effectively concentrated the black population in Bowling

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<sup>160</sup> “*Buchanan v. Warley*,” *Oyez Project*, accessed April 11, 2013, [http://www.oyez.org/cases/1901-1939/1915/1915\\_33](http://www.oyez.org/cases/1901-1939/1915/1915_33)

<sup>161</sup> Lipsitz, George, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998), 26.

<sup>162</sup> Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (paper, Western Kentucky University 2011), accessed April 11, 2013, <http://digitalcommons.wku.edu>.

<sup>163</sup> *Ibid.*

<sup>164</sup> Report on Relocation of Families and Individuals Jonesville Project No. KY R-31.

Green into an even smaller area of the city. It created a legacy of housing segregation, which persists into the present day.



## CHAPTER 8

### CONCLUSION: THE LEGACY OF DISCRIMINATION

The injustices that occurred in Jonesville should have provided the future with an example of how not to handle Urban Renewal. However, it apparently did not, as a similar situation subsequently occurred in Shake Rag. In 1977, the Medical Center acquired 21 acres of land in the Shake Rag community and cleared homes between State and Park Streets, through a similar process.<sup>165</sup> According to Alice Gatewood Waddell, a past resident of Shake Rag, “They (the medical center officials) say name your price . . . and then they look [at you] like your crazy.”<sup>166</sup> By 2005, according to Dr. Alan Anderson, retired WKU religious studies professor, over half of the Shake Rag district had been destroyed for the sake of the Medical Center, creating an even bigger housing crisis for the minority populations.<sup>167</sup> Furthermore, as of 2005 Bowling Green was around 4,000 housing units short of the demand for affordable housing.<sup>168</sup> This is extremely disquieting considering that poorer families pay 40 to 50 percent of their budget on houses that are of very low quality.<sup>169</sup>

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<sup>165</sup>Lynne Mars (Hammer) Ferguson, *Shake Rag Revisited* (paper, Western Kentucky University 2011), accessed April 11, 2013, <http://digitalcommons.wku.edu>.

<sup>166</sup> Ibid.

<sup>167</sup> Alan Anderson, “When Using Eminent Domain, Commission Should Consider Housing Needs of the Poor,” *Eminent Domain Watch*, accessed April 11, 2013 <http://emdo.blogspot.com/2005/07/when-using-eminent-domain-commission.html>

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

Remembering Jonesville stirs memories of a close-knit community with a distinct cultural identity. Yet, the study of Jonesville also reveals quiet truths about the manner of discrimination. While the discrimination manifested in Urban Renewal was subtler than most Jim Crow laws, it still expresses itself in an almost equally powerful manner. Coincidence does not describe why Jonesville was the first community subject to Urban Renewal in Bowling Green; race does. Displacement, without enough compensation to find a new home of equal value, constitutes not a legal taking, but instead thievery. Furthermore, lack of solid relocation plan propagated the problems of housing discrimination in Bowling Green to an even greater extent. It brought the issue of housing discrimination from Jim Crow and the Civil Rights era into the future, for the effects are still present. This is why it is important to realize why and how events such as the destruction of Jonesville occurred and how segregation in the past casts a long enough legacy for discrimination to manifest itself today.

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