

PREJUDICE IN PLACES

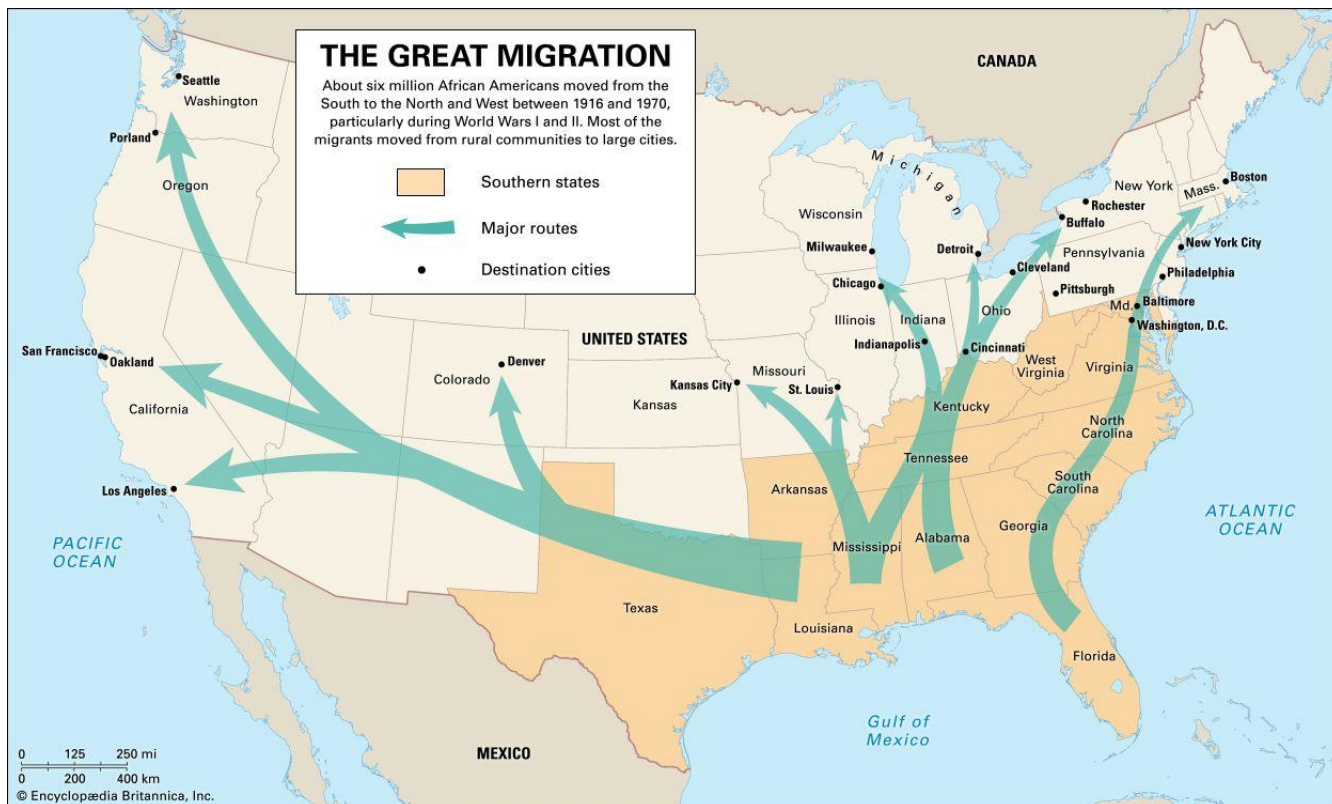
Presentation by Aaron, Emily and Bridgit

How We Found and Mapped Discriminatory Real Estate Documents in Dane County and What Can Be Done Now

9. Only members of the Caucasian race shall use or occupy any dwellings on said platted premises except that this shall not prevent occupancy by domestic servants of a different race employed by an owner or tenant.

AARON – BACKGROUND

The Great Migration, one of the largest movements of people in United States history. Approximately six million Black people moved from the American South to Northern, Midwestern, and Western states roughly from the 1910s until the 1970s.



Starting in the 1890s developers began to experiment with planned segregated suburbs on Baltimore's hilly northern and western edges. The Roland Park Company created some of the country's first community-wide restrictive covenants and planned physical barriers separating its district from older neighborhoods.

The passage of the country's first residential segregation ordinance came in 1910 in response to the purchase of a home by a black lawyer named McMechen.



House 1,834 McCulloh Street in Which a Negro Lawyer Named McMechen Moved in June, 1910, and Which Promptly Had Its Windows Broken, as Shown in the Cut.

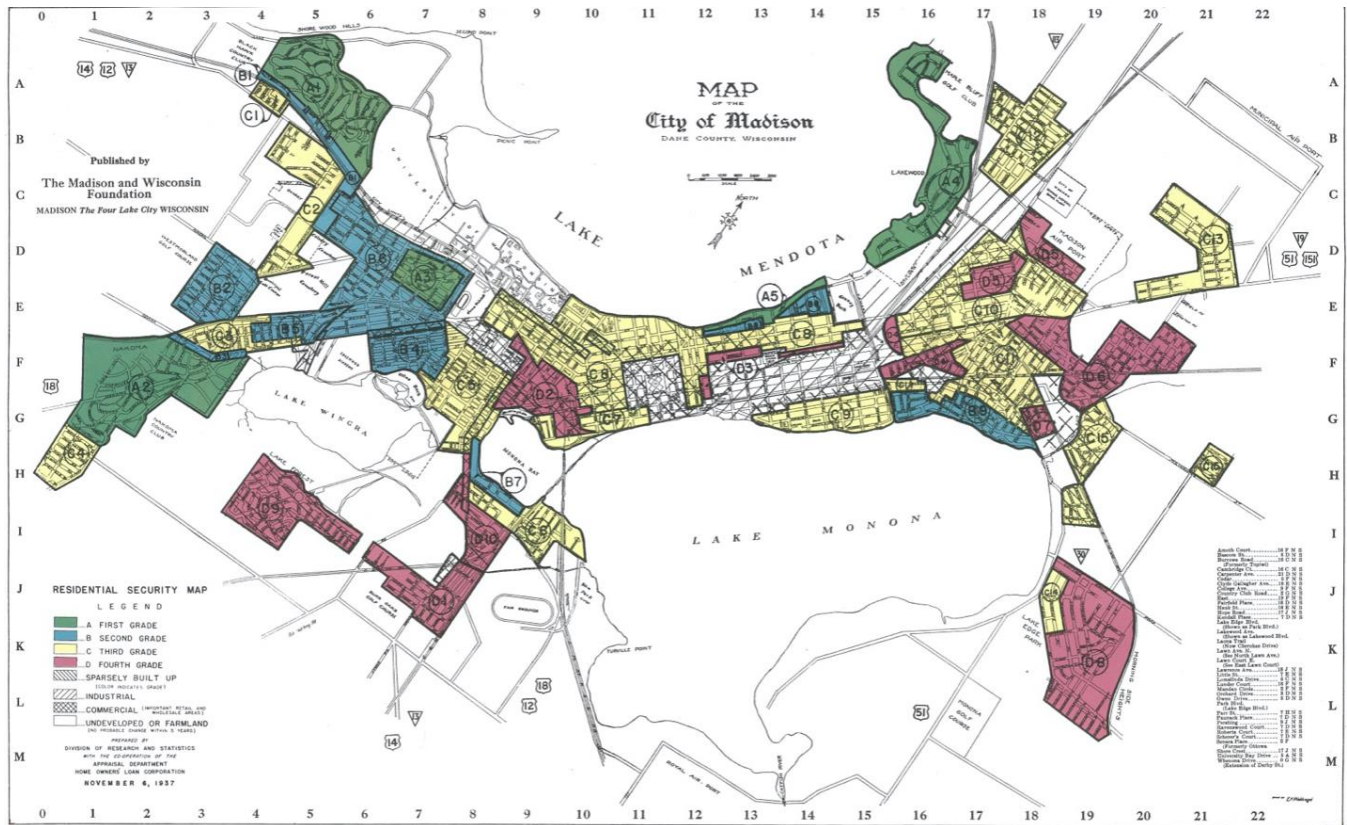
US Supreme Court ruled such ordinances unconstitutional in the 1917 case *Buchanan v. Warley*. In response large communities like Baltimore ramped up other forms of legal segregation such as use zoning and restrictive covenants.



One such option was a redlining map.

Redlining can be described as the process of color-coding a map to determine which neighborhoods should receive financial investments (GREEN) - including home loans - and which ones should not (RED).

This was encouraged by the U.S. government and carried out by the Home Owners' Loan Corporation during the Great Depression as an effort to make more economical investments.



In 1948, the Supreme Court made covenants unenforceable by public law in *Shelley v Kraemer*.

3 Supreme Court Judges recused themselves because they owned property with a restriction.

Unanimous decision that these discriminatory restrictions are **UNENFORCEABLE**.



Twenty years later, the Fair Housing policy in the Civil Rights Act of 1968 prohibited discrimination concerning housing sale, rental, and financing based on race, religion, national origin, sex, (and as amended) handicap, and family status.



AARON – DO WE HAVE ANY IN DANE COUNTY?

Register of Deeds, Land Surveyors, Property Listers, Title Companies, land owners – knew of a few discriminatory documents.

No comprehensive research was done in order to understand the depth and breadth.

Summer 2022 BGC Intern for document types of plats or restrictions. Searched thousands of documents but of specific types.

Fall 2022-January 2025 Staff continued the work and expanded the document types for indexed years and used ALL documents for years that are not indexed.



Not actually our office.

Search methods?

Twin Cities method: by hand, army of volunteers, multiple stages of review. Great community involvement, hands on approach, time consuming.



584378

This Indenture, Made this 21st day of May, A. D., 19 36
between Westmorland Realty Company
duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at
Madison Wisconsin, party of the first part, and Edwin A. Carlson
party of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of
One Dollar and other valuable consideration

to it paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged,
has given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed and by these presents
does give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said party of the second part
his heirs and assigns forever, the following described real estate, situated in the County
of Dane and State of Wisconsin, to-wit: Lot Six (6), Block Nineteen
(19), Fourth Addition to Westmorland Addition to the City of Madison,
according to the recorded plat thereof;

This deed of conveyance shall be subject to the reservations and restrictions
hereinafter set forth, and intended to be covenants running with the
land, to-wit: 1. No land in the said plat shall ever be conveyed to, leased
to, used, owned or occupied by negroes. 2. For a period of twenty-five (25)
years from and after November 8th, 1926, party of the first part herein shall
have the right to require that plans for the exterior design of any building
or structure to be erected in the said plat be first submitted to and ap-
proved by an expert suitable to the party of the first part. 3. For a period
of twenty-five years (25) years from and after November 8th, 1926, no build-
ing in the said plat shall be used for any other than residence purposes
without the written consent of the party of the first part. 4. For a period
of twenty-five (25) years from and after November 8th, 1926, no building
previously erected elsewhere shall be moved upon any lot in the said plat.
5. For a period of twenty-five (25) years from and after November 8th, 1926,
no more than one dwelling house shall be constructed upon any lot in the said
plat without the written consent of the party of the first part. 6. For a
period of twenty-five (25) years from and after November 8th, 1926, no wind-
mill, barn, garage or outhouse shall be constructed upon any lot in the said
plat without the written consent of the party of the first part. 7. That for
a period of twenty-five (25) years from and after November 8th, 1926, no
building or structure, or any part thereof, shall be erected upon any lot in
the said plat nearer than twenty (20) feet from the front street line of said
lot, as indicated on the recorded plat of Fourth Addition to Westmorland
Addition. This deed is given in fulfillment of a land contract between the
Westmorland Company and Edwin A. Carlson dated April 17, 1929, and a land
contract between the Westmorland Realty Company and Edwin A. Carlson dated
October 1, 1928.

Together with all and singular the hereditaments and appurtenances thereto belonging or in any wise
appertaining; and all the estate, right, title, interest, claim or demand whatsoever, of the said party of the
first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises, and
their hereditaments and appurtenances.

To Have and to Hold the said premises as above described with the hereditaments and appurtenances, unto
the said party of the second part, and to his heirs and assigns FOREVER.

And the said the Westmorland Realty Company
party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said
party of the second part, his heirs and assigns, that at the time of the ensuing and delivery of
these presents it is well seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible
estate of inheritance in the law, in fee, simple, and that the same are free and clear from all incumbrances
whenever;

and that the above bargained premises in the quiet and peaceable possession of the said party of the second
part, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any
part thereof, it will forever WARRANT AND DEFEND, except liens or encumbrances created
by acts or defaults of the party of the second part as the vendee under
those certain land contracts above referred to, unpaid taxes or special assess-
ments. In Witness Whereof, the said Westmorland Realty Company
party of the first part, has caused these presents to be signed by C. A. Field,
its President, and countersigned by H. J. Duwe
at Madison Wisconsin, and its corporate seal to be hereunto affixed, this 21st
day of May A. D., 19 36.

SIGNED AND SEALED IN PRESENCE OF

James Vincent
James Vincent

Westmorland Realty Company

E. A. Carlson
E. A. Carlson
COUNTERSIGNED
A. J. Duwe
H. J. Duwe
Secretary

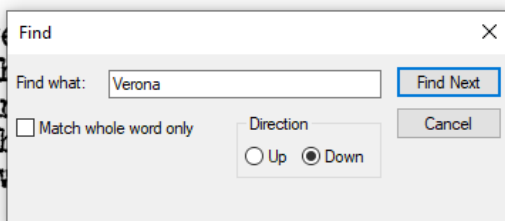
Dane County method:

- Batches of 5,000-10,000 of document images (TIF).
- Generate searchable text for ~5,000+ images in about an hour. <1 sec per document.
- Typed, printed, horizontal.
- Struggles with cursive, vertical, smudges, overprint.
- Search that text for keywords like Caucasian, Italian, African, Jewish...
- Total documents searched? ~350,000 about ~500,000 pages.
- Range 1900-1969 (1910, 1948, 1968)

em in hand paid by the said part of the second part, the receipt whereof is hereby
and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed
rmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and
nto the said part of the second part, heirs and assigns forever, the following
real estate, situated in the County of Dane and State of Wisconsin, to-wit:

Lot One (1), Block Three (3), Meyers-Beath Addition to
Village of Verona, Dane County, Wisconsin - - - - -

This conveyance is subject to the reservations and
restrictions which are intended for
the protection of the parties in said Meyers & Beath
addition to the land, to-wit: and which shall run with



Find

Find what: Verona

☐ Match whole word only

Direction
☐ Up ☒ Down

Find Next

Cancel

- No land in said plat shall ever be conveyed to, leased to, used, owned or occupied by negroes.
- For a period of Twenty-five (25) years from and after Jan. 1, 1938, parties of the first part herein shall have the right to require that plans for the exterior design of any building or structure to be moved on or erected in said plat be first submitted to and approved by the parties of the first part or its successors.

What did we find:

- 1,032 documents met the criteria.

age of any or all lots in the plat, it is the obligation of the vendee to complete the same within 6 months from the date of completion, with interest at 6%. For this purpose the vendee in a contract of purchase shall be deemed an owner.

6. None of the lots shall be conveyed to, used, owned, or occupied by negroes as owners or tenants.

7. For a period of five years from July 15, 1928, no building shall be erected on any lot until the exterior plans thereof have been approved in writing by the Building Commissioner of the City of Madison, or, on his failure to act on such plans,

Madison, and which shall run with the land, to-wit:

1. No land in the said plat shall ever be conveyed to, leased to, used, owned or occupied by negroes.

2. For a period of twenty-five (25) years from and after November

7. No part of said platted premises shall ever be conveyed to, used, owned or occupied by any persons other than of the Caucasian race, either as owner or tenant.

8. No private dwelling or residence shall be erected on any lot or lots in said plat which shall cost less than \$5,500.00.

on these premises more than one story in height.

Third; That these premises shall not be sold, leased or conveyed to persons of African blood for a period of twenty-five years from date thereof.

and the lessee is hereby given the privilege by the lessor to sublet or assign this lease

at the lessee's option to a responsible party and for the purpose hereinbefore contained, except not to any colored people.

And the lessee further covenants and agrees that he will, during the term of this lease,

Also suitable ingress and egress to and from the public highway along Easterly side of the above described property, and extending Northerly to highway along North line of Section Nine (9).

It is further agreed that said premises shall not be conveyed to people of Jewish, Negro, or Italian descent and that the same shall be used only for residential purposes.

All refuse and garbage to be burned.

No tents to be permanently erected or maintained on lot.

This lot or any improvements that shall be erected thereon shall never be sold, rented, leased, assigned, transferred or conveyed to any one who is not of the Caucasian race, nor to any person of the Polish, Italian or Jewish race.

No sign to be erected on premises or posted in or on any building thereon without written consent of first parties.

1. No building shall be erected or suffered to remain on the said premises nearer than ninety-five feet (95') from the North line (Center of road) of said Section 36.

2. The premises shall not be sold or conveyed to any Jew, Italian, Negro or member of the yellow race.

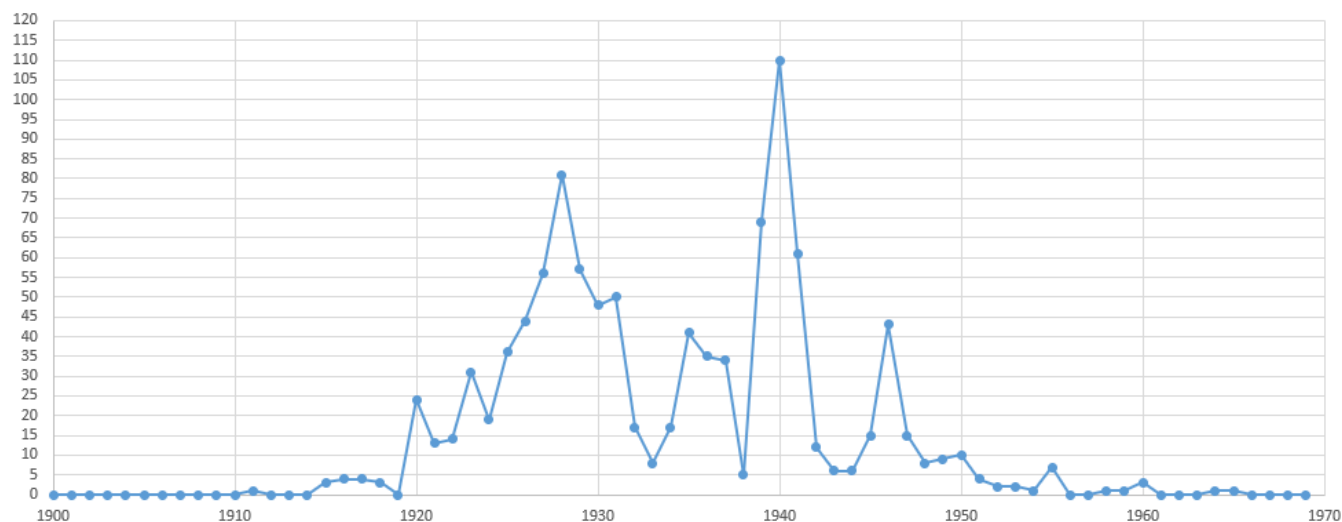
3. No portion of the said premises shall be used for the

1. No building shall be erected on the said premises to be used for human habitation whose costs shall be less than \$3000.

2. The said premises shall not hereafter be conveyed to or owned or occupied by any person or persons who are wholly or partly of colored blood, or any person or persons who originated either from Italian, Sicilian or Greek source.

3. No conveyance of the said premises shall hereafter be made without containing the above and foregoing covenants.

Number of Documents Related to Racially Restrictive Language



First one is 1911 – Old Fashioned Restaurant, was a commercial restriction “Only responsible white tenants”.

1940 – 110 documents

By decade and by keyword

1900-1909	0
1910-1919	15
1920-1929	375
1930-1939	324
1940-1949	285
1950-1959	28
1960-1969	5

After Shelley V Kramer 42 recorded “UNENFORCEABLE” but not illegal to write.

Breakdown of keywords that were found.

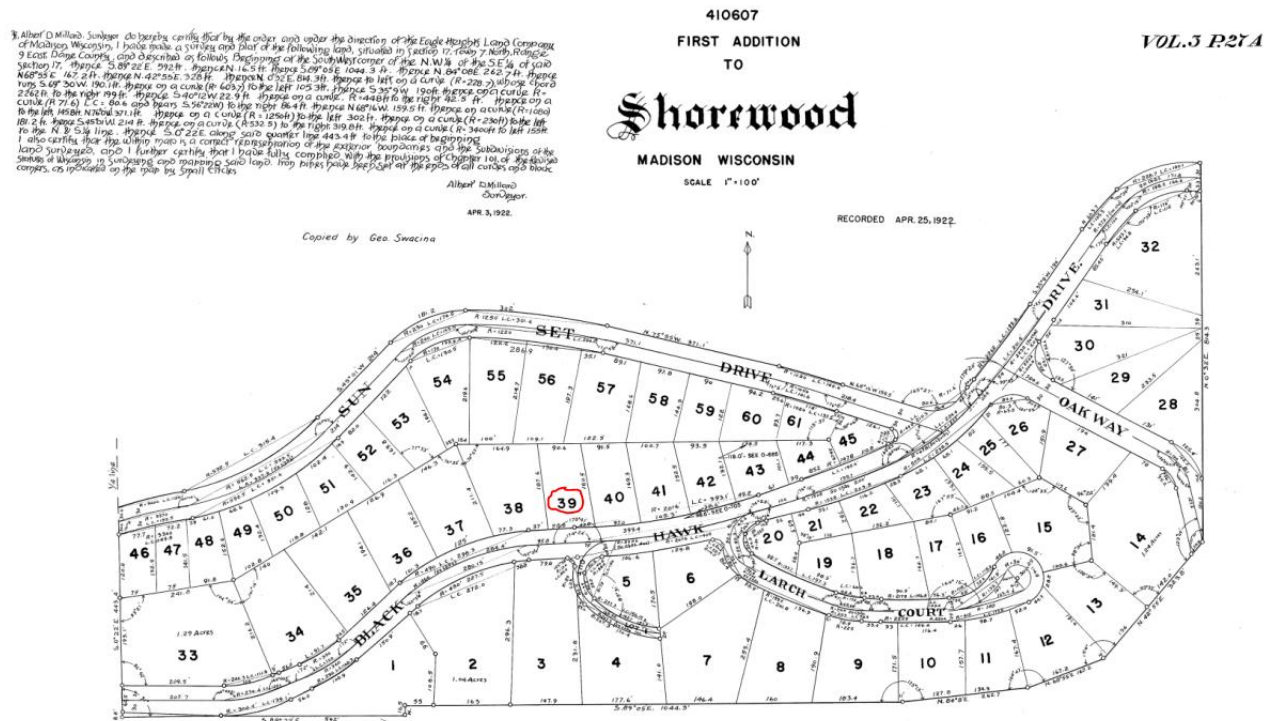
	Word	Number of Occurences
	Negro	56
	Italian	46
	Caucasian	211
	white	15
	Negroes	542
	Polish	3
	Jewish	6
	African	148
0	Greek	4
1	Sicilian	3
2	colored	10
3	collorded	1

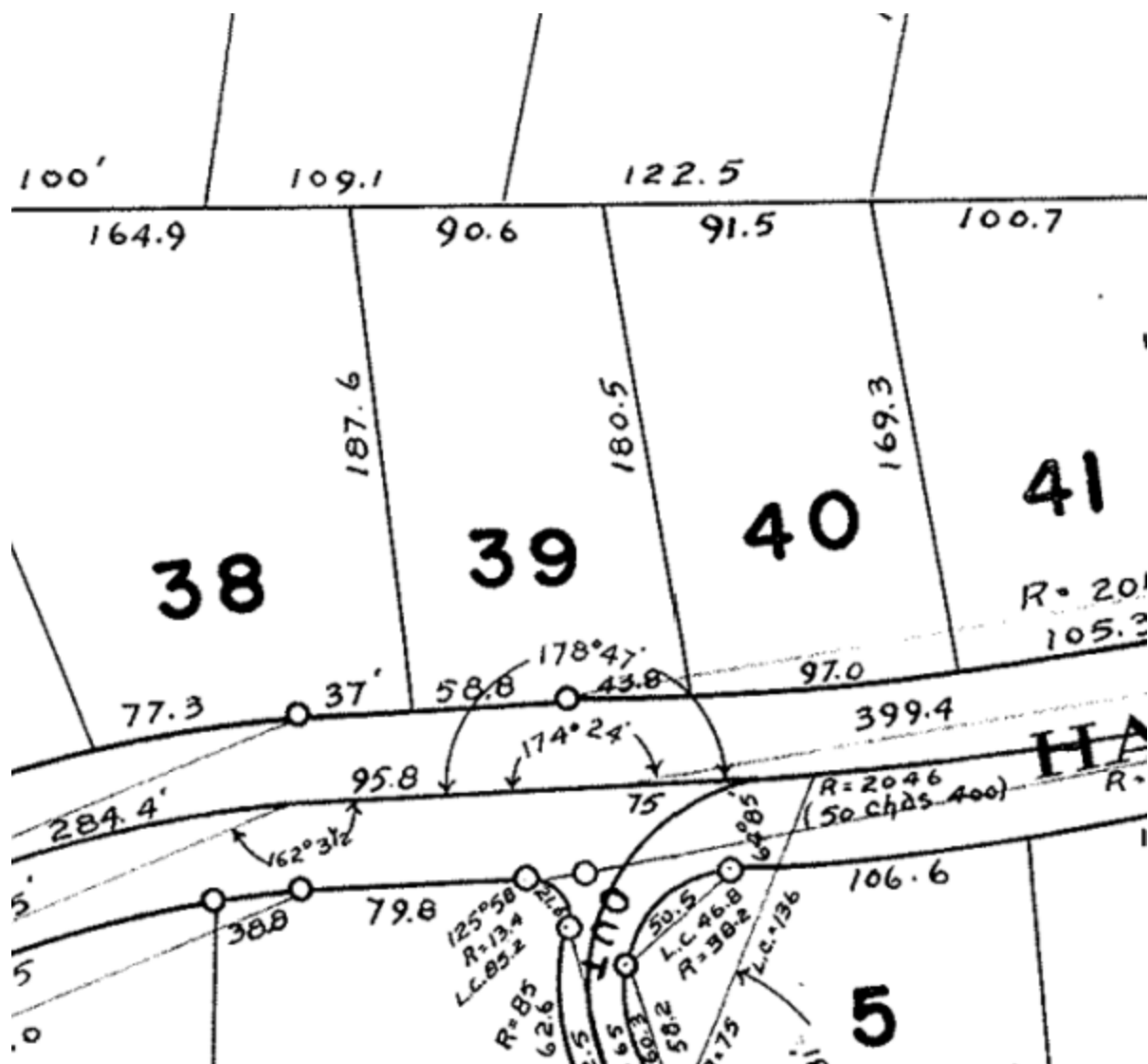
EMILY – How do we map these?

When property is transferred it needs to be described **precisely**.

to it paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents does give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said party of the second part, his heirs and assigns forever, the following described real estate, situated in the County of Dane and State of Wisconsin, to wit: **Lot Thirty-Nine(39), First Addition to Shorewood, Town of Madison, Dane County, Wisconsin, according to the recorded plat thereof.** Provided however, that this deed of conveyance shall be subject to the reservations and restrictions hereinafter stated, which said reservations and restrictions are to be construed as covenants running with the land, to-wit:

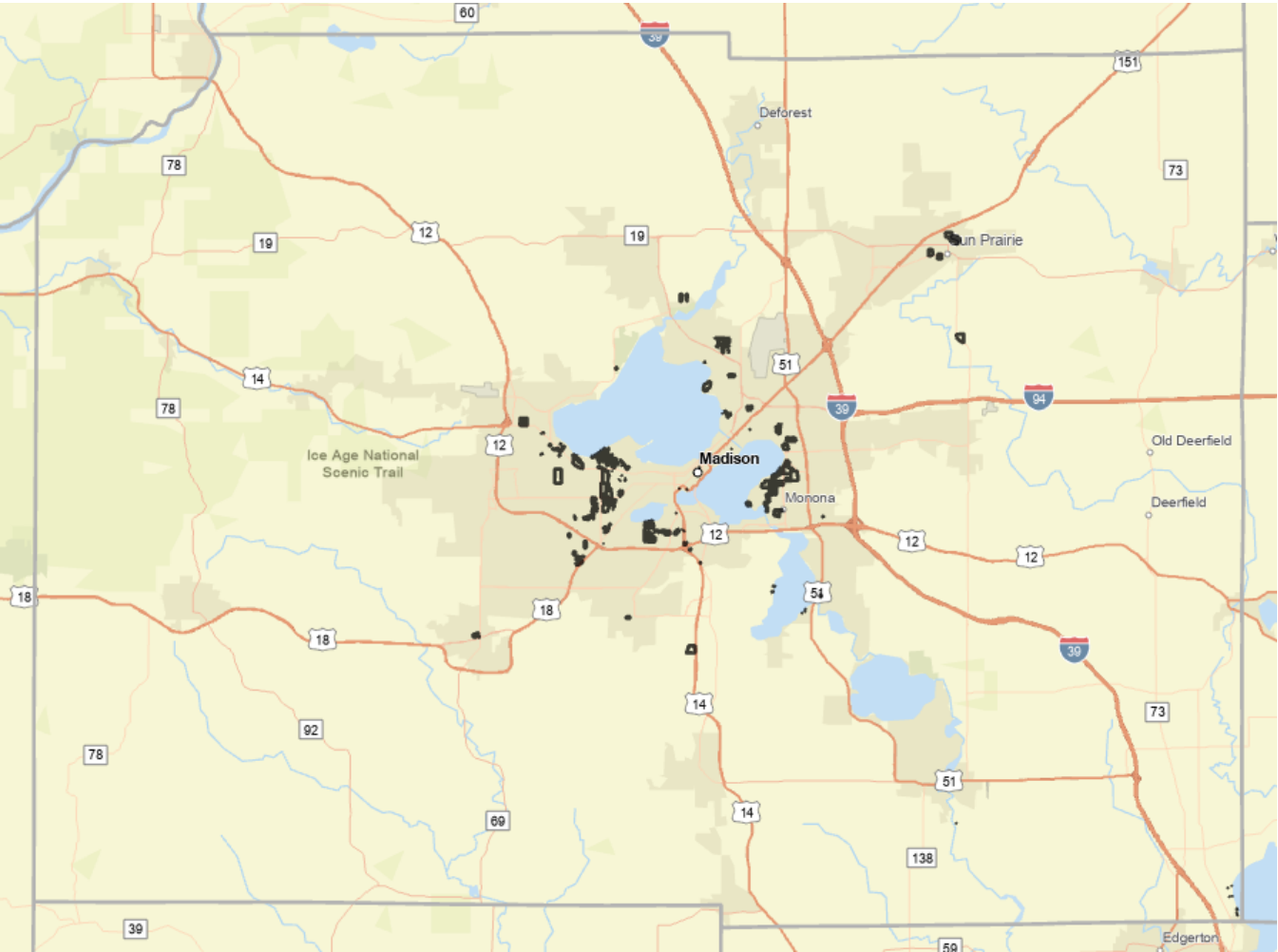
Lot 39, First Addition to Shorewood, Town of Madison, Dane County, WI







Countywide view





Details
X

About Mapping Historical Racially Restrictive Documents

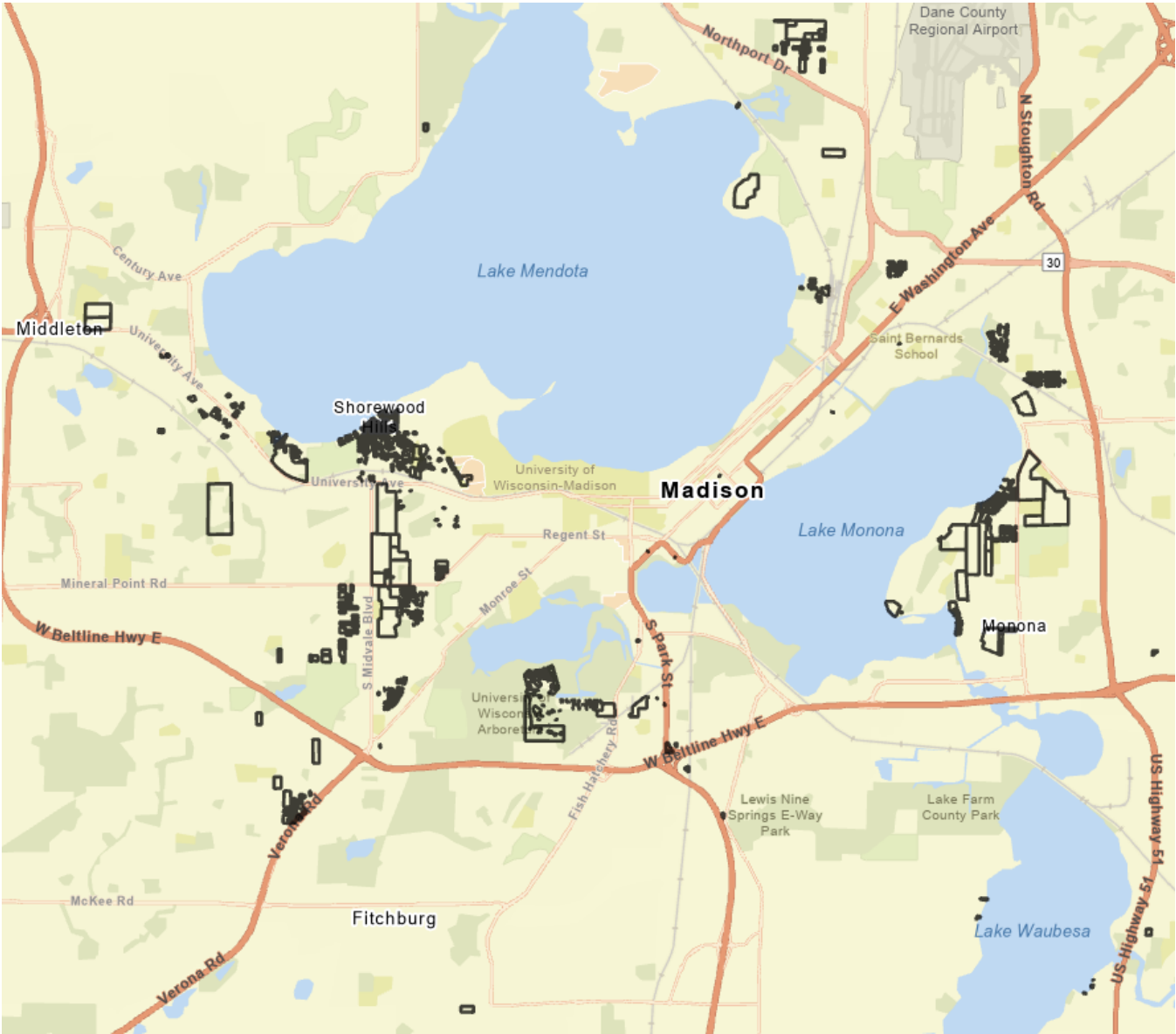
What is the purpose of this project?

To raise awareness about the history of structural racism in our community, we sought to identify and map recorded plats and deeds with **racially restrictive language, covenants, or restrictions** within Dane County WI.

What are racial restrictions and covenants?

Racial restrictions and covenants are clauses that were inserted into property deeds to prevent particular racial, religious, and ethnic groups from owning or occupying land. In particular, these covenants often targeted Black people during the early 1900's, when millions moved North and West to seek new opportunities.

AARON – Why this spatial distribution?



BRIDGIT – So now that we have these mapped, what can be done?

Traveling Exhibit - History of Racial Covenants

Dane County Planning and Development has worked with several partners to uncover, develop, and present racially and ethnically restrictive covenants. While the full breadth of data analysis is yet to be completed, what has been verified will be presented as part of the Dane County Historical Society’s traveling exhibit titled *UNJUST DEEDS: A History of Racial Covenants in Dane County and Beyond* in Dane County and Madison. The exhibit consists of 14 pull-up banners and will be displayed in 12+ libraries and the Bookmobile. The opening reception was held at the [Monona Public Library](#) at 6 p.m. on February 6, 2025, to coincide with Black History. The subsequent events are listed to the right.

If you are interested in hosting the exhibit in 2026 contact Executive Director Rick Bernstein. The Dane County Historical Society is a 501(c)3 private non-profit established in 1961. Its mission is to preserve and promote Dane County’s history. To find out more, go to www.danecountyhistory.org.



Locations

[Belleville Public Library](#) - March 20th, 2025 at 6pm

[Waunakee Public Library](#) - April 17th, 2025 at 6:30pm

[Cross Plains Public Library](#) - May 3rd, 2025 at 1:00pm

[Marshall Public Library](#) - June 18th, 2025 at 6pm

[Mt Horeb Public Library](#) - July 21st, 2024 at 6:30pm

[Bookmobile](#) - Cottage Grove August 5th, Shorewood Hills August 11th, Maple Bluff August 19th, 2025

[Verona Public Library](#) - September 25th, 2025 at 1:30pm

[Sequoia](#) - October 6th, 2025

[Mazomanie Free Library](#) - November 8th, 2025 at 1pm

[Oregon Public Library](#) - December 13th, 2025 at 1pm

[Middleton Public Library](#) - January 22nd, 2026 at 6pm

2024 RES-305

**REPUDIATING RACIAL AND DISCRIMINATORY COVENANTS
IN DANE COUNTY PROPERTY RECORDS**

WHEREAS, Dane County values and promotes diversity, equity, inclusion, and belonging in our community, and has made a commitment to identify, address, and repair discrimination based on race and ethnicity, national origin, religion, sex and gender, disability, sexual orientation, and gender identity within the community; and

WHEREAS, racial covenants, also known as discriminatory covenants, were restrictions inserted into property deeds that prohibited purchase, rental, or occupancy of a residence based on race and other protected classes. They were used nationwide for most of the 20th century as an insidious tool to prevent non-whites, non-Christians, and other minorities at the time from buying or occupying land in America's growing suburbs and residential neighborhoods; and

WHEREAS, although these covenants are illegal and they are no longer valid or enforceable, they can still be found in the land deeds of almost every American community, including in Dane County; and

WHEREAS, the legacy of these covenants remains in our communities in the form of entrenched segregation and lower rates of homeownership and generational wealth for people of color; and

Property Owner Guide | Discover & Denounce Discriminatory Covenants

Version 3.13.25



1. Do you have an unenforceable discriminatory covenant on your property? Look Here:

[Map of discriminatory real estate documents for Dane County](#) OR use the QR Code to the right.



2. If so, and you want to denounce the discriminatory covenant, please visit CloseWithPurpose.org for free assistance from the WI Realtors Association.



OR

Fill out the *Discharge and Release* of Discriminatory Restriction Affecting Real Property* and file it at the Dane County Register of Deeds, Rm 110, 210 Martin Luther King Jr. Blvd., Madison, WI.


[Instructions](#) for the [Blank Form](#) (QR code links below)



Note: Filing the Discharge and Release of Discriminatory Restriction Affecting Real Property form will **NOT remove the text from the deed, rather, denounce the record using the form on the next page and linked here. Discriminatory covenants are unenforceable. Creating and using documents of this nature is illegal.*

The Dane County Register of Deeds **CANNOT** print or fill out this form for property owners.

State of Wisconsin
Department of Administration
Division of Legal Services
DOA-9803 (5/23/2018)



Division of Legal Services
131 E. Wilson Street
Madison, WI 53703
(608)298-2887

**DISCHARGE AND RELEASE
OF DISCRIMINATORY RESTRICTION
AFFECTING REAL PROPERTY**

Pursuant to section 710.25 of the Wisconsin statutes, a restriction, covenant, or condition that prohibits or restricts the ownership, transfer, encumbrance, rental, occupancy, or use of real property in this state on the basis of membership in a protected class, as defined in the Wisconsin statutes, contained in a deed or other instrument affecting real property is void and unenforceable. Pursuant to section 710.25 of the Wisconsin statutes, any owner of real property may record this form to discharge and release such a discriminatory restriction from the owner's real property.

Recording Area
Name and return address
Parcel ID Number

DISCHARGE AND RELEASE BY OWNER

I, _____, certify all of the following:


• That I own the following described real property located in _____ County, Wisconsin:

• That the real property is affected by an instrument titled _____ and recorded on _____ in the Office of the _____ County, Wisconsin, in volume _____ at page number _____

• That the real property is affected by the additional instrument(s) _____

☐ Check box if no additional instruments apply.

Seal of the State of Wisconsin
Division of Legal Services
131 E. Wilson Street
Madison, WI 53703
(608)298-2887



Division of Legal Services
131 E. Wilson Street
Madison, WI 53703
(608)298-2887

• That instrument(s) contains one or more discriminatory restrictions that are void and unenforceable under section 710.25 of the Wisconsin statutes and the Wisconsin and U.S. Constitutions.

• That, pursuant to section 710.25 of the Wisconsin statutes, the discriminatory restrictions are hereby discharged and released from the real property, and the remainder of the instrument(s) continues in full force and effect with respect to the real property and shall be construed as if the discriminatory restrictions are not contained therein.

OWNER'S CERTIFICATION

The undersigned certifies that the information stated in this instrument is true and correct to the best of my knowledge, information, and belief. The undersigned makes this instrument for the purpose of discharging and releasing one or more discriminatory restrictions affecting my real property that are void and unenforceable.

Signed _____
Dated _____

ACKNOWLEDGEMENT

State of _____
County of _____
This document was signed and affirmed before me on _____
by _____
Signature of notary _____
(Seal, if any, of notary)

Printed name _____
My commission expires _____

This instrument was drafted by the Department of Administration, Division of Legal Services.

Pursuant to 2023 [WI State Act 10](#) and [Dane County 2024 RES-305](#) Page 2

Timeline

Milestone 1 | Winter 2023: Complete pilot project to digitally process plat maps, covenants, and restrictions, and all recorded documents for the years 1937-1969. **Complete**

Milestone 2| Summer-Dec 2024: Outreach to stakeholder and potential partners.

Milestone 3| Jan 2025: 330,000 records digitized and searched for keywords, all recorded documents for the years 1900-1969. **Complete**

Milestone 4| March 2025: Advisory Committee Formation and meet.

Milestone 5| Summer 2025: Focus Groups on Community Outreach.

Milestone 6| 2026: Draft Report & Recommendations for policy and action.

Milestone 7| Summer 2026: Complete publicly accessible digital resources, and in-person materials, and outreach events.

Milestone 8-n| Fall 2026: Restorative Actions and Policies are implemented.

Efforts in Wisconsin: Dane and Milwaukee Counties.

Efforts nationwide: Twin Cities Minnesota, Seattle, Chicago, Iowa, Washington D.C.

Map of discriminatory documents in Dane County



Prejudice in Places website

