

# Pyrrhic Victory: Daniel Goldman's Defeat of Zoning in the Maryland Court of Appeals

GARRETT POWER

Nowadays government regulation of the use of urban land is taken for granted. Such was not always the case. Some sixty years ago, the Maryland Court of Appeals held it unconstitutional for Zoning Commissioner J. Frank Crowther to deny Daniel Goldman's request for a permit to operate a tailor shop in the basement of his house in the Euraw Place neighborhood of Baltimore, Maryland.

This paper examines the case of *Goldman v. Crowther*.<sup>1</sup> Daniel Goldman's story reads like a comic melodrama with a tragic ending. But the saga also illuminates the social condition—it sheds light and casts shadows on the practice of xenophobia, the nature of law, and the excesses of regulation.



Daniel Goldman arrived in Baltimore in 1913, a twenty-three year old immigrant from Russia. Ten years later he was operating a tailor shop at 410 Park Avenue, in a bustling commercial section of downtown Baltimore, and living with his wife, Annie, over the shop.<sup>2</sup>

But not for long. Goldman had plans to move uptown. On 9 April 1923, he purchased a house at 1513 Park Avenue near Eutaw Place, one of Baltimore's grandest residential neighborhoods. The building, a four-story row house, already had a basement entrance. The Goldmans would live upstairs and operate a shop in the basement.<sup>3</sup>

On 19 May 1923, the city council passed a zoning law which divided Baltimore into districts. The Goldman property was located in a residential district, and under the terms of the ordinance it could only be used for residential purposes. Zoning Commissioner J. Frank Crowther denied Goldman's request for a permit to operate a shop in the basement.<sup>4</sup>

Daniel Goldman hired general practitioner James E. Tippett as his attorney. Lawyer Tippett disdained an administrative appeal to the Board of Zoning Appeals. Instead he had Goldman open his shop without a permit and suffer conviction of a misdemeanor. The cause having been ripened, Goldman then sought a writ of mandamus ordering issuance of a permit on the grounds that the ordinance was unconstitutional.<sup>5</sup>

Daniel Goldman was a perfect plaintiff for a constitutional challenge. He had bought 1513 Park Avenue shortly before enactment of the zoning ordinance and

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Mr. Garrett Power, professor of law at the University of Maryland School of Law, has prepared this article as a chapter from a book in progress on the development of twentieth-century Baltimore.

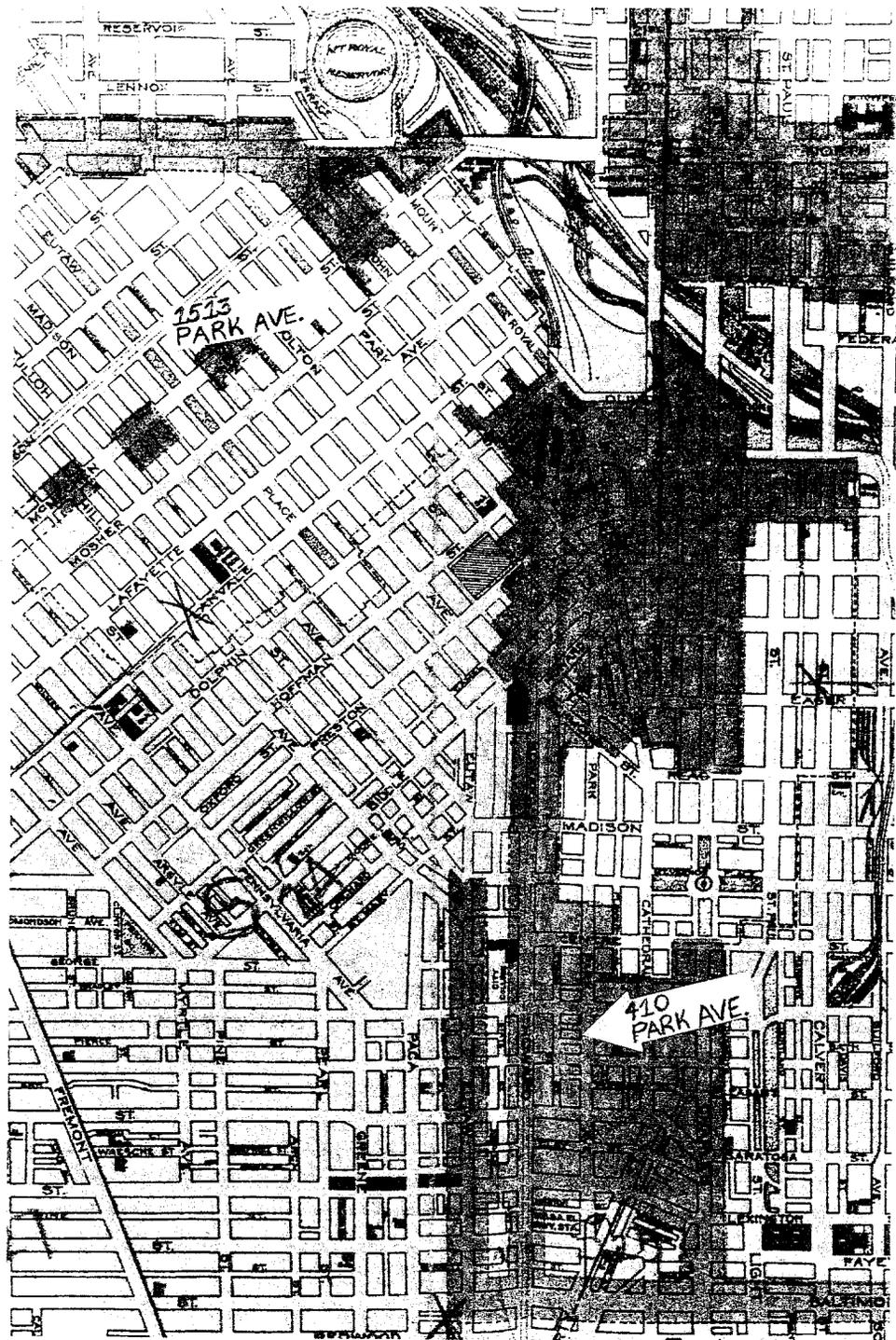


FIGURE 1: A portion of the Use District Map which was part of the zoning ordinance of 1923. Clear areas are residential districts, shaded areas are commercial districts. Arrows indicate the location of Daniel Goldman's two houses. (Source: Maryland Historical Society.)

therefore had legitimate expectation of commercial use. Tailoring was clean and quiet. Denial of a permit could not be justified as the abatement of a nuisance.

The mandamus suit was heard in December of 1923 by Judge Charles Heusler of the Baltimore Supreme Bench. He denied the writ and upheld the constitutionality of the ordinance. In his oral opinion Heusler said:

The growth of Baltimore has been restricted too much by indiscriminate building. Many of our most beautiful residential sections have been encroached upon by commercial houses, and as a result the city has been handicapped by this manner of growth.<sup>6</sup>

After making his ruling Judge Heusler gratuitously suggested another use for zoning. He proposed that the Board of Zoning Appeals create zones within the city into which white persons could not move, and other zones into which Negroes could not move, thereby preventing the Negro invasion of white neighborhoods.<sup>7</sup>

City officials shushed the suggestion.<sup>8</sup> Just six years before the court had struck down as unconstitutional a law which divided residential Baltimore into white blocks and black blocks.<sup>9</sup> In the aftermath Mayor Howard Jackson had created a Committee on Segregation to promote *de facto* segregation. The Real Estate Board of Baltimore, the City Building Inspector, the Health Department, and white



FIGURE 2. *Left*, 410, and *right*, 1513 Park Avenue as they appeared in recent years. (Photo: Aaron Levin.)

neighborhood associations were joined in a loose treaty which discouraged residential sales or rentals to Negroes in white neighborhoods.<sup>10</sup> Zoning contributed by creating districts which tended to divide the populace according to their stations in life (and consequently according to their race and nationality). On the surface, racial neutrality protected zoning from legal challenge.

James E. Tippet appealed Goldman's case to the Maryland Court of Appeals. Arguments were held at the April term of 1924 and addressed the question of whether the ordinance was a valid exercise of the city's police power. Tippet made the argument on behalf of Goldman. The city was represented by City Solicitor Philip B. Perlman (who also served as a member of Mayor Jackson's Committee on Segregation).<sup>11</sup>

The high court was unable to make up its mind. It ordered reargument at the October term of 1924.<sup>12</sup> And there was another development. The Maryland Court of Appeals granted leave for the filing of *amicus curiae* briefs by two friends of the court. On reargument general practitioner Tippet would be assisted in his attack on zoning by two giants of the Maryland Bar—Isaac Lobe Strauss and Joseph France.<sup>13</sup>

Strauss was a self-styled progressive Democrat who from 1907 to 1911 had served as the Maryland Attorney General, the highest law officer of the state. Following his defeat in 1914 as a candidate for the Democrat nomination to the United States Senate, he had devoted himself exclusively to the practice of law.<sup>14</sup>

Strauss represented the Society for the Prevention of Cruelty to Animals which was seeking a permit to build a dog shelter in a residential district off Belvedere Avenue in Mt. Washington, a northwest suburb.<sup>15</sup> The Mt. Washington Improvement Association opposed the permit and had adduced testimony from a physician at the Sheppard and Enoch Pratt Hospital that the proximity of a dog pound would have a serious psychological affect on neighborhood children. The substance of the statement was that the children, naturally attracted to animals, and particularly to dogs, would never know after going to bed whether the same dog with whom he had made friends would be alive the following day.<sup>16</sup> The permit had been denied and Strauss had pending an appeal to the Baltimore City Court.

When the Maryland Court of Appeals ordered reargument in the Goldman case, Strauss jumped at the opportunity to join in that case as a friend of the court and to argue the unconstitutionality of zoning. The fervor of Isaac Lobe Strauss's public preaching suggests that he was representing himself as well as the SPCA. Zoning, he said, was: "Viciously illegal and based upon the Communist theory of government."<sup>17</sup>

Another *Special Brief Filed by Leave of the Court* was submitted over the signature of Joseph C. France. City officials and other friends of zoning were interested in determining "what force was behind the fight against the Ordinance,"<sup>18</sup> but the identity of France's client remains clouded in mystery.

France was dean of the Maryland Bar, a past president of both the Maryland State Bar Association and the Bar Association of Baltimore. Of short stature, he wore a cap and felt hat turned up in front. Nicknamed "Little Napoleon," he boasted: "I may not make more money than other members, but I certainly do less work for what I get than any other lawyer in Baltimore." According to his friends, Mr. France never arrived at the office until noon or 11:00 A.M. at the earliest.<sup>19</sup>

Perhaps Joseph C. France was himself the friend of the court who opposed zoning. His ideology made him a likely foe:

He could not believe in many of the present day ideas. He questioned leveling-off schemes. He wished the strong man to be free to run his race and he doubted that society was helped by the imposition of handicaps. . . . Naturally, therefore, he was skeptical of the devices to make man temperate or kind or charitable by law.<sup>20</sup>

But somehow it seems unlikely that a lawyer devoted to short hours and high pay would work for himself on a matter of principle.

And the historical record provides circumstantial suggestions of who his client was. Since 1906 France had been general counsel for the United Railway and Electric Company which provided Baltimore with trolley service. The company which resulted from a consolidation of street railways had a public franchise as a monopoly. It was regulated at the state level by the Public Service Commission.<sup>21</sup>

The United Railways and Electric Company was no friend of zoning. It had successfully lobbied for an exemption from the provision of the ordinance, but was still required to convince the zoning board that its plans were "reasonably necessary for the convenience and welfare of the public."<sup>22</sup> Better yet, if the zoning ordinance was struck down as unconstitutional, it could conduct business as usual. Presumably Joseph C. France filed the special brief on behalf of the streetcar monopoly.

Following reargument of *Goldman v. Crowther*, the task of delivering the majority opinion of the eight-member Maryland Court of Appeals fell upon Associate Judge T. Scott Offutt. Offutt had been a country lawyer with a "show me" attitude toward progress. While in practice he had represented clients who opposed annexation, sewage treatment and the creation of reservoirs.<sup>23</sup>

Judge Offutt concluded that those portions of the zoning ordinance which attempted to regulate the use of property were void because they restricted Goldman in the enjoyment of his private property by preventing him from operating a tailor shop, and bore no apparent relationship to the public welfare, security, health or morals. A majority of the Maryland Court of Appeals agreed.<sup>24</sup>

Chief Judge Carroll T. Bond filed a dissenting opinion. Bond was descended from one of Maryland's best families and had been well-educated at Phillips Exeter Academy and Harvard College. He took his law degree from the college of law of the University of Maryland. He had served on the Supreme Bench of Baltimore City before his appointment to the Court of Appeals.<sup>25</sup>

Chief Judge Bond counseled a judicial deference to the legislative decisions of Baltimore City which were not prohibited by express provisions of the Constitution. He concluded that hubbub of city life justified the adoption of rules which separated business and dwelling places.<sup>26</sup>

The decision in *Goldman v. Crowther* received mixed reviews. Isaac Lobe Strauss was ecstatic:

No decision of the Court of Appeals in the last fifty years has tended to guard so effectively and so vitally the constitutional rights of the people of Baltimore than ruling in this case.<sup>27</sup>

But the Baltimore *Sun* felt that zoning was too important to fail. It editorialized:

Public demand for some method of orderly City growth is insistent. The right to protect health, safety and the general welfare by regulating uses to which property

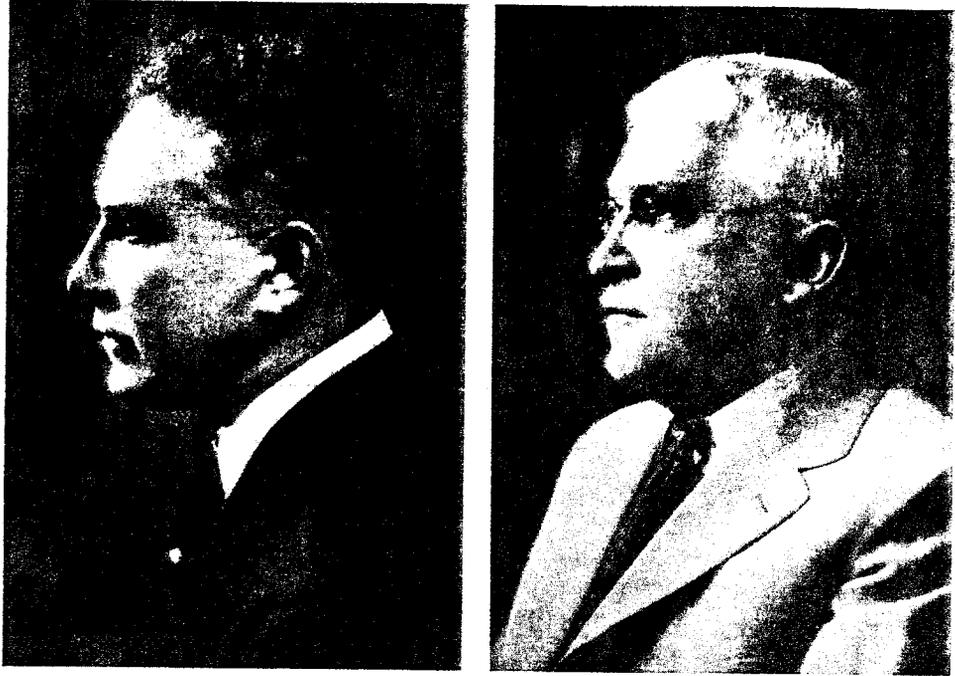


FIGURE 3. *Left*, Isaac Lobe Strauss (from Matthew Page Andrews, *Tercentenary History of Maryland*, 1925), and *right*, Joseph C. France (from *Report of the Twenty-second Annual Meeting of the Maryland Bar Association*, 1917).

may be put is so necessary a factor in modern city life and there is a consensus of opinion and a way must be found to do so.<sup>28</sup>

City Solicitor Philip B. Perlman had argued and reargued the case of *Goldman v. Crowther* for the City of Baltimore. Although only thirty-five years of age, he already had a substantial career of public service behind him. A graduate of the University of Maryland School of Law, Perlman became a member of the Bar in 1911. In 1917 he accepted appointment from Attorney General Albert C. Ritchie as an assistant. In 1920 when Ritchie became governor, Perlman was appointed secretary of state. In September of 1923 he had resigned that position to accept appointment from Mayor Howard W. Jackson as city solicitor of Baltimore.<sup>29</sup>

Jackson and Perlman had a backup strategy. On 5 February 1925, the day after the Court of Appeals' decision in *Goldman v. Crowther*, City Solicitor Perlman announced his contingency plans:

... I will take the present ordinance, the opinion of the Court of Appeals, the experience of other cities, and write an ordinance that will hold water. I do not think we shall need the help of zoning experts, but they will be called in if their services are found necessary.<sup>30</sup>

On Monday, 9 February 1925, the Baltimore City Council passed a new ordinance without a dissenting vote. The measure was designed to save the *use* feature of the general zoning law. It accomplished this indirectly by requiring that anyone who wished to erect a new building or change the use of an existing building first obtain a permit from the zoning commissioner. The ordinance directed the zoning commissioner to only issue a permit upon a finding that the proposed use would

not ". . . in any way menace the public welfare, security, health or morals." When considering permit applications, the zoning commissioner could look to the constitutionally invalidated *use* district maps for guidance. Hence, *use* districts had been replaced by a system of permits but would be changed not at all.<sup>31</sup>

The three lawyers who had opposed the zoning law in the Maryland Court of Appeals reacted differently to Perlman's subterfuge. Isaac Lobe Strauss responded with bombast and defiance; James Tippet stage-managed street theater; and Joseph France bided his time.

Attorney Strauss charged that the Perlman ordinance was "just so much waste paper," "illegal beyond the shadow of a doubt" and "an open and ugly defiance of the recent judgment of the Court of Appeals." He directed the Society for the Prevention of Cruelty to Animals to begin work on its kennel on Belvedere Avenue without a permit. And rumors were circulated that if the SPCA was denied its kennel that the property would be used to establish a Negro orphanage.<sup>32</sup>

These efforts served the interest of the SPCA not at all. The building inspector shut down the construction for want of a permit. And as a double check the city council passed a special ordinance requiring the mayor's approval before a kennel could be located anywhere in Baltimore City.<sup>33</sup> The SPCA, which was dependent upon Baltimore City for much of its operating budget, determined not to legally challenge these actions. The dog pound was never built. Straus had misplayed the SPCA's hand.

Lawyer James Tippet set about applying for shop permits all over town on behalf of various clients, while proclaiming in the newspapers that he would appeal any denial directly to court.<sup>34</sup> In May of 1925 on behalf of his original client, Daniel Goldman, Tippet announced that 1513 Park Avenue had been leased to Charles Talley, a blind veteran of the World War. Tippet told the press that he would seek to allow operation of a confectionery at the address under the direction of the Veteran's Bureau as part of its plan of vocational training for men maimed in the war.<sup>35</sup>

Several weeks later the scenario was rewritten and Daniel Goldman announced that on the advice of his counsel he had reverted to his original plan and was operating a tailor shop. He proclaimed to the world: "I shall fight the city to my last dollar to win what I considered my right to do business. . . ." Philip Perlman countered with an announcement that he would station a patrolman outside of 1513 Park Avenue to prevent such use of the premises, only to discover there was not actually any tailoring going on.<sup>36</sup>

In July of 1925 the melodrama ended tragically for Goldman. Foreclosure procedures were instituted and 1513 Park Avenue was sold at auction. Denied his tailor shop, Daniel Goldman had been unable to keep up payments on the \$4,000 mortgage.<sup>37</sup>

Goldman made one last effort to recoup his losses. In December of 1925 with James Tippet acting as his attorney he filed suit for \$10,000 against those city officials who had refused him a permit. He alleged that he was deprived of all income from the property at 1513 Park Avenue in consequence of his inability to operate his business. As a result, he asserted he was unable to make mortgage payments and the property was sold at public auction.<sup>38</sup> The suit met with no apparent success.

As things turned out, another lawyer, C. Arthur Eby, beat James Tippet to the

Court of Appeals with the test case challenging the constitutionality of the Perlman ordinance. Eby represented Mary Tighe who had been denied a permit for construction of a stable in a residential block. He argued that the new law was a hurried effort to give the city "some kind of a zoning law" and was "just as unconstitutional as the old law." Perlman answered that the new ordinance was within the police power since it only prohibited menaces to the public welfare, security, health or morals.<sup>39</sup>

On 10 December 1925, the Court of Appeals by a five to three vote with Judge Offutt again delivering the opinion found the Perlman ordinance unconstitutional. Offutt was concerned that if the police power were extended to "all objects which could be embraced within the meaning of the words 'general welfare' as defined by lexicographers, the constitutions would be so much waste paper, because no right of the individual would be beyond its reach, and every property right and personal privilege and immunity of the citizen could be invaded at the will of the state. . . ." Accordingly, he found the powers delegated to the zoning commissioner unconstitutionally overbroad.<sup>40</sup>

City Solicitor Philip B. Perlman was undaunted. He immediately drafted a third ordinance which was passed by the city council on 14 December 1925 under suspension of rules and was signed by Mayor Jackson before going home for dinner. Perlman simply deleted the phrase "general welfare" from among the concerns of the zoning commissioner. A permit could only be denied upon a finding that the proposed use would menace the "public security, health or morals."<sup>41</sup>

Mary Tighe was once again denied permission for construction of a stable and in April of 1926 a six to two majority on the Maryland Court of Appeals found Perlman's revised ordinance constitutional.<sup>42</sup> Judge Offutt did not write the opinion but acceded to the surprising result. True enough, the language of the ordinance had been changed to delete "general welfare" but the reality of the situation remained the same. The zoning commissioner still had the power to routinely exclude businesses from residential neighborhoods on the grounds that they menaced "public security, health or morals." Almost any shop could be viewed as creating problems of fire protection, police protection, sewerage, and water supply. The only redress of the disappointed shop-keeper was a costly and time consuming appeal to the Board of Zoning Appeals and failing that to the Baltimore City Court. Offutt's concern with the vesting of unbridled discretion in the zoning commissioner remained assuaged, but the Maryland Court of Appeals, faced with an adamant mayor and city council of Baltimore, backed down.

In 1926, Philip B. Perlman resigned as city solicitor and returned to the private practice of law. He was subsequently hired by the United Railway and Electric Company to work with Joseph France as its counsel.<sup>43</sup> France, having lost a skirmish, hired the opposition general for future battles.

In 1956 Daniel Goldman died of lung cancer in the living quarters above his first tailor shop at 410 Park Avenue.<sup>44</sup> The case of *Goldman v. Crowther* has never been overruled.



There is more than pathos in Daniel Goldman's plight. His story illuminates and elucidates the sociology of segregation, the conflicts inherent in the practice of



FIGURE 4. Philip B. Perlman (from *Baltimore Municipal Journal*, 1925).

law, the legitimacy of the judicial function, “the death and life of great American cities,” and the shortcomings of the rule of law.

Daniel Goldman’s *persona*, an immigrant improving himself by dint of his labor, serves as a reminder of how zoning worked at cross purposes to the American Dream. Goldman was not the first immigrant to have criminally misused his property. Almost forty years before, Hang Kie, a subject of the Emperor of China, was arrested for operating a laundry in a restricted district in Modesto, California. The Modesto ordinance, adopted in 1899, prohibited the operation of public laundries except within the part of the city which lay west of the railroad tracks. The Modesto ordinance is sometimes said to be the first American zoning law.<sup>45</sup>

Seymore Toll in his book *Zoned American* allows as to how “the immigrant is in the fiber of zoning.” He recounts in detail how New York City conceived the first comprehensive zoning law. It was promoted in large measure by shopowners in mid-town Manhattan who catered to the carriage trade, and who objected to the presence nearby of southeastern European garment workers.<sup>46</sup> To this xenophobic fabric we would add the black migrant, as well. In Baltimore, zoning was part of the “plan for segregation” which would curtail Negro invasions of white neighborhoods. As sociologist Constance Perin has pointed out, zoning was conceived and implemented to keep everyone in their social place. Zoning rationed access of newcomers to the neighborhoods oldtimers enjoyed. It turned down the flame under the Melting Pot.<sup>47</sup>

In the contest between the lawyers, Philip Perlman seems to have best served the interest of his client. He lost the battles but he won the war. Regardless of the constitutionality of zoning there was to be no tailor shop at 1513 Park Avenue, no

kennel in Mt. Washington, and the street railway would be required to get permission before building its trolley barns. Isaac Lobe Strauss's bombast, James Tippet's theater of the absurd, and Joseph France's low key advocacy proved no match for Perlman's persistence.

But by their own lights it is not clear that Tippet, Strauss, and France were losers. According to all appearances Tippet was an ambitious and energetic lawyer, hungry for business. He used the *Goldman* case as an advertisement for himself. Indeed there remains some possibility that Goldman was not the real party in interest. It seems surprising that an immigrant tailor could, in a decade of hard work, save enough to acquire a grand townhouse. Perhaps Daniel Goldman was just an actor (like Charles Talley the blind war veteran) and suffered no real loss. Research in the Baltimore City land records, however, lends no support for such theorizing. Goldman actually purchased the house at 1513 Park Avenue and it, in fact, was subsequently sold at a mortgage foreclosure sale. Regardless of the reality of Goldman's loss, Tippet received a ream of newspaper publicity.

There is no gainsaying that the Society for Prevention of Cruelty to Animals was disappointed in its effort to establish an animal shelter in Mt. Washington. But its lawyer, Isaac Lobe Strauss, seemed more interested in a bully pulpit than a dog pound. He was an anti-zoning missionary looking for an opportunity to spread the gospel. When a lawyer represents both himself and his client, the client gets the short shrift.

The United Railway and Electric Company fared better. The friends of zoning were numerous and influential. The opposition of United Railways was understated and low key, so as to protect its goodwill. And when it became clear that zoning was an idea whose time had come, cooption served the regulated monopoly better than confrontation. Philip Perlman was hired for future dealings with the regulators.

The split of the Maryland Court of Appeals in the case of *Goldman v. Crouther* is emblematic of the most familiar jurisprudential issue. Whether the rule of law is to be found in the linguistic analysis of the text or in the social and economic evaluation of the consequences, is a question which refuses to stay answered. For the majority, Associate Judge T. Scott Offutt observed that the constitutionality of the Baltimore City Zoning Ordinance was a question that could be approached by either of two avenues: one legal, the other political and sociological. He adopted the legal view.<sup>48</sup> Under this approach a state's police power might be exercised only to the extent necessary to protect public health, safety or morals, and the job of the court was to closely scrutinize the zoning ordinance to make sure that it was not being used to serve other purposes.<sup>49</sup> Offutt concluded that under the guise of the police power, property was being taken for "purely aesthetic reasons" and to serve the "general prosperity." Accordingly he held the use provisions unconstitutional.<sup>50</sup>

In dissent, Chief Judge Carroll T. Bond took a different view of the judicial function. He agreed with the views expressed by Judge Benjamin N. Cardozo of the New York Court of Appeals at a series of lectures at Yale Law School in 1921. Cardozo argued that a concern for social justice was becoming a directive force of law and that legislatures ought to be permitted to pursue it. The role of the courts was only to review restrictive legislation to see whether it was inconsistent with constitutional liberties; in making this review great deference should be given to

the legislature's judgment; and legislation should be upheld unless it cannot be said to have social value.<sup>51</sup> Using this approach Chief Judge Bond determined that the legislative separation of business and dwelling places violated no express provisions of the Constitution and had the social value of improving living conditions.<sup>52</sup>

So successful was the public relations campaign and so well placed politically and socially were its proponents, that in the decades immediately following *Goldman v. Crouther* it was unfashionable to stand in opposition to zoning. But in her iconoclastic best seller of 1961, *The Death and Life of the Great American Cities*,<sup>53</sup> Jane Jacobs slaughtered the sacred cow. Jacobs, a brilliantly undisciplined defender of American cities went for the jugular—zoning, she argued, is destructive to city life.

The basic assumption underlying zoning was that cities would be more attractive and comfortable places in which to live if business places were separated from dwelling places. Jacobs challenged this Garden City theory as creating neighborhoods, matriarchal, inconvenient, and unsafe. Residential monotony and the attendant lack of public contact limited commercial choice and cultural interest, and created a fear of the streets, she argued.

Jane Jacobs illustrated the shortcoming of homogeneous residential neighborhoods with an anecdote. She recalled a friend, Penny Kostritsky, who lived on a street of nothing but residences embedded in an area with nothing but residences. The friend had two small children and looked forward to the casual contact with others to be found in sidewalk life. But the neighborhood had no shops. There was nothing to bring people together. "If only we had a couple of stores on the street," Penny Kostritsky lamented.<sup>54</sup> In 1961 Mrs. Kostritsky lived in Baltimore at 1311 John Street just two blocks away from where Daniel Goldman had attempted to open his tailor shop in 1923.<sup>55</sup>

Daniel Goldman's defeat of zoning in the Maryland Court of Appeals proved a pyrrhic victory. When the court first struck down zoning as unconstitutional, the city enacted a new ordinance. When the court struck down the second ordinance, the city enacted a third, at which point the Maryland Court of Appeals compromised its precedents and sustained an open-ended delegation of regulatory power. The rule of law proved no match for the persistence of legislative power.

Philip Perlman knew and Daniel Goldman learned the hard way that officials had little to lose from overzealous zoning. Notwithstanding the constitutional prohibition against the "takings," government could legislatively deprive landowners of use and enjoyment of private property with virtual impunity. Even if the legislation was judicially overturned, there was no out-of-pocket cost to the city. And indeed the city could amend the ordinance and force the disappointed landowner to start the time-consuming and expensive appeal process all over again.

In 1987 the United States Supreme Court finally took a step designed to keep the zoners honest. *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles* held that when the government has "taken" property by land-use regulation, damages may be recovered by the landowner for the losses he suffered between the application of the regulation and its appeal.<sup>56</sup> The Court embraced the reasoning of a previous dissent authored by Justice William Brennan:

[T]he threat of financial liability for unconstitutional police power regulation would help produce a more rational basis of decision-making that weighs the cost of the

restrictions against their benefits. Such liability might also encourage municipalities to err on the constitutional side of police power regulations, and to develop internal rules and operating procedures to minimize overzealous regulatory attempts. After all the policemen must know the constitution, why not a planner?<sup>57</sup>

To which Daniel Goldman says "Amen!"

#### NOTES

1. 147 Md. 282, 128 A. 50 (1925).
2. *Certificate of Death* #56 10468, Baltimore City Health Department; *Record* at 3-4, *Brief for Appellant* at 1-3, *Brief for Appellee* at 4-5, *Goldman v. Crowthers*, 147 Md. 282, 128 A. 50 (1925).
3. *Ibid.*
4. *Ibid.*
5. *Record In the Court of Appeals of Maryland*, Appeal from the Superior Court of Baltimore City *Goldman v. Crowther*, April Term 1924 [hereinafter *Record: Goldman v. Crowther*].
6. *Baltimore Sun*, 28 December 1923, p. 3.
7. *Baltimore Sun*, 29 December 1923, p. 8.
8. *Baltimore Sun*, 30 December 1923, p. 4.
9. *Jackson v. State*, 132 Md. 312, 103 A. 910 (1918).
10. See Garrett Power, "Apartheid Baltimore Style: The Residential Segregation Ordinances of 1910-1913," *Maryland Law Review* 42(1983): 289-328.
11. *Record: Goldman v. Crowther*, p. 15; *Baltimore Sun*, 1 May 1924, p. 7.
12. *Baltimore Sun*, 2 July 1924, p. 7.
13. *Record: Goldman v. Crowther*.
14. Matthew Page Andrews, *Tercenary History of Maryland*, Vol. II. (Baltimore: S. J. Clarke, 1923), pp. 46-47.
15. *Baltimore Sun*, 5 February 1925, p. 4.
16. *Baltimore Sun*, 8 February 1925, p. 6.
17. *Baltimore Sun*, 10 February 1925, p. 4.
18. *Baltimore Sun*, 25 February 1925, p. 4.
19. "Joseph C. France," Vertical File, Maryland Department, Enoch Pratt Free Library.
20. *Ibid.*
21. *Laws of Maryland 1910*, Ch. 180, p. 338.
22. *Baltimore Sun*, 13 January 1923, p. 3; *Baltimore Ordinance* No. 922, Sec. 27 (1923).
23. *The National Cyclopedia of American Biography* (N.Y.: James T. White & Co. 1938), Vol. E, p. 212.
24. 147 Md. at 285-312.
25. *The National Cyclopedia of American Biography* (1938), Vol. E, p. 525.
26. 147 Md. at 312-323.
27. *Baltimore Sun*, 5 February 1925, p. 4.
28. *Baltimore Sun*, 3 July 1924, p. 12.
29. "Philip B. Perlman," Vertical File, Maryland Department, Enoch Pratt Free Library.
30. *Baltimore Sun*, 6 February 1925, pp. 22, 4.

31. *Baltimore Ordinance* No. 334 (1925); *Baltimore Sun*, 10 February 1925, p. 26, 4.
32. *Baltimore Sun*, 10 February 1923, p. 4; 12 February 1923, p. 22; 19 February 1925, p. 4
33. *Baltimore Ordinance* No. 375 (1925).
34. *Baltimore Sun*, 14 February 1925, p. 3; 18 February 1925; p. 3; 21 March 1925, p. 3; 2 April 1925, p. 3.
35. *Baltimore Sun*, 23 May 1925, p. 3.
36. *Baltimore Sun*, 28 June 1925, p. 18; 30 June 1925, p. 28, p. 4.
37. *Baltimore Sun*, 25 July 1925, p. 24.
38. *Baltimore Sun*, 19 December 1925, p. 22.
39. *Baltimore Sun*, 7 June 1925, p. 3; 18 June 1925, p. 3; 8 October 1925.
40. *Tigbe v. Osborne* (I) 149 Md. 349, 357 (1925).
41. *Baltimore Sun*, 15 December 1925, p. 26; *Baltimore City Ordinance*, No. 522 (1925).
42. *Tigbe v. Osborne* (II) 150 Md. 452 (1926).
43. "Philip B. Perlman," Vertical File, Maryland Department, Enoch Pratt Free Library.
44. *Certificate of Death* #56 10468, Baltimore City Health Department.
45. *In re Hang Kie*, 69 Cal. 149 (1886); W. L. Pollard, "Outline of the Law of Zoning in the United States," *Zoning in the United States: The Annals of the American Academy of Political and Social Science*, Vol. 155 (May 1931) pp. 15-33.
46. Seymour Toll, *Zoned American* (N.Y.: Grossman Pub., 1969) pp. 29, 173-187.
47. Constance Perin, *Everything in Its Place: Social Order and Land Use in America* (Princeton, N.J.: Princeton University Press, 1977) pp. 193-209.
48. *Goldman v. Crowther*, 147 Md. at 287.
49. 147 Md. at 293.
50. 147 Md. at 302.
51. B. Cardozo, *The Nature of the Judicial Process* (New Haven: Yale University Press, 1921) p. 76.
52. 147 Md. at 319.
53. Jane Jacobs, *The Death and Life of Great American Cities* (New York: Random House, 1961).
54. *Ibid.* at p. 63.
55. *Polk's Baltimore Official Street Guide Directory* (Baltimore: R. L. Polk & Co., 1961).
56. 482 U.S.—107 S. Ct. 2378 (1987).
57. *San Diego Electric Co. v. City of San Diego*, 450 U.S. at 661 fn. 26 (1981) (citations omitted).