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Jack Lewis: *An Undertaker's Gamble*



Term Paper

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Department of History
&
School of Law

By

James Furgol
&
Rachel Granfield

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On December 15, 1933, the case of *Jack Lewis, Inc. v. Mayor and City Council of Baltimore* concluded with a denial of certiorari from the United States Supreme Court. After over a year and a half of litigation, Jack Lewis, Inc. had to close the shutters on their newly acquired funeral parlor at 1804 Eutaw Place, in the Jewish community of Mount Royal. The company had its roots in the “downtown” Eastern European Jewish neighborhood while Eutaw Place was home to a number of “uptown” German Jews who were integrated with wealthy gentiles. Not only did the Supreme Court’s decision thwart Mr. Lewis’ aspirations to develop his business in a residential district, but it also closed the doors to other potential renting/leasing families on the second and third floors of the building. A few years later, however, this very same company would reopen their uptown business on 2102 Eutaw Place, a few blocks away but zoned for commercial use, while maintaining their downtown funeral parlor.¹ Yet what is intriguing about this case goes beyond the legal process that delayed Mr. Lewis’ financial ambitions. Instead the underlying social and economic factors of the period demand our studious attention. These conditions, completely out of Mr. Lewis’s control, illustrate the utter futility individuals faced against generations of pent-up bias fueled by socioeconomic inequality.

In the immediate aftermath of World War I, the United States and portions of the world enjoyed a speculative economic boom. This era was coined the “roaring twenties.” Social, cultural and industrial leaps were made while the world’s markets rattled on the

¹ Baltimore City Circuit Court (Petition Docket), Annapolis: 1932, Edward C. Papenfuse, et. al. eds., *Archives of Maryland*, 1 volume (Baltimore and Annapolis, Md., 1883–), 1: 1 (hereinafter cited as *Procedural Case History*). This series is ongoing and available online at <https://law.blackboard.umaryland.edu/webapps/portal/frameset.jsp>, where volumes, collectively or individually can be searched electronically. For information regarding 2102 Eutaw Place, please refer to David E. Rup, “Jack Lewis Funeral Director Who Took on the Zoning Establishment,” Jewish Historical Museum of Maryland Archives, 1989, Baltimore, MD, pp. 1-3. “Obituaries from Baltimore Newspapers, Surnames Beginning in Conn-Cow,” USGenWeb Archives (2004), [Lewis Obituaries](#) (accessed December 19, 2009).

shaky economic foundation established by the Treaty of Versailles.² Yet in America, a series of events led to the rise of a new form of nationalism. America's 1920's jingoism created, as historian Roger Daniels points out, a "good" (America) vs. "bad" (Europe) mentality; the consequences of which led to the Immigration Act of 1920 and the Johnson-Reed Act of 1924.³ These legislative acts enforced a series of quota systems that severely reduced the number of Eastern European and Asian immigrants to the United States. In addition, during this time of booming financial credit arose the Red Scare fueled by nativist sentiments throughout the country. All of these national events had a tremendous impact on the Jewish community in general and on Jack Lewis, Inc. in particular.

In 1921, there were nearly 120,000 Eastern European Jew immigrants to the United States. By 1924, that number had decreased to 237.⁴ These statistics were directly related to the quota system established by Congress and endorsed by the Harding administration. Yet from 1890 to 1920, the significant majority of Jewish immigrants were designated as "Russian" Jews.⁵ It was, therefore, the "downtown" Jewish

² The economic sanctions enacted against Germany in particular ensured this former industrial giant would devolve into a second-rate country. While the U.S. Congress had ignored President Woodrow Wilson's initiative to join the League of Nations, the former Central Powers sank further into debt. By wrecking one portion of the world's economy, the post-World War I treaties proved disastrous by the late 1920s. Jackson Spielvogel, *World History: Volume II: Since 1500* (London: West/Wadsworth, 1998), pp. 902-908.

³ The following lines are from a poem written by nativist Thomas Aldrich that demonstrate the growing anti-immigration sentiments within the US, "Wide open and unguarded stand our gates, And through passes a wild motley throng, Men from the Volga and the Tartar steppes..." Roger Daniels, *Coming to America, A History of Immigration and Ethnicity in American Life*, (New York: Perennial, 1990), pp. 275-280 & 292-94.

⁴ Isaac M. Fein, *The Making of An American Jewish Community: The History of Baltimore Jewry from 1773 to 1920* (Philadelphia: The Jewish Publication Society of America, 1971), pp. 236-37.

⁵ This term was actually a misnomer, as a number of these "Russian" Jews were from several different countries from Eastern Europe, including, but not limited to, regions of Poland, Lithuania, Latvia, Belorussia, Ukraine and portions of the Austro-Hungarian empire. Daniels, *Coming to America*, pp. 212-213.

communities across urban America that were affected significantly by such legislative actions.⁶

The city of Baltimore's "downtown" Jewish community was located along East Baltimore Street. Jack Lewis himself was born on September 11, 1883, in Baltimore, Maryland. According to the census, both of his parents' origins were Russian and Yiddish was the language of the house and the nearby environment.⁷ Unlike the majority of immigrant groups, Eastern European Jewish neighborhoods were usually confined to themselves. Their one conduit to the American world was through the German-American Jewish "uptown."⁸ In Baltimore, this area was situated along Eutaw Place.

Eutaw Place itself was originally named Gibson Street in 1817. Over the course of the nineteenth century, it became a center for the gentile elite. As German Jews ascended in Baltimore's economic circles, however, they began to move into the more "purple" portions of the city. Eutaw Place itself harbored several town mansions, spacious medians and luxurious homes. By 1891, German Jews had founded the Phoenix Club, which was meant specifically for their entertainment.⁹ The ascent of German Jews continued well into the early twentieth century. Yet as early as the 1930s, German Jews had begun to relocate themselves in Pikesville, which is further northwest. There were, however, a number of prominent Jewish and gentile families that were determined to stay. These

⁶ America's quota system would also have an extreme unforeseeable impact on the German Jewish population during the 1930s.

⁷ As noted above in footnote 5, just because his parents were labeled as Russian does not mean they were actually Russian. They could have been from a different part of Eastern Europe. U.S. Bureau of the Census, *Thirteenth Census of the United States: 1910*, prepared by Joseph Lepsky, roll T624_554, p. 2B, (Baltimore Ward 5, Maryland, 1910) & U.S. Bureau of the Census, *Fourteenth Census of the United States: 1920*, prepared by Otto B. in cooperation with the National Archives, roll T625_657, p. 2B (Baltimore Ward 3, Maryland, 1920).

⁸ Daniels, *Coming to America*, pp. 226-228.

⁹ Sandler utilizes the color "purple" as a symbol of royalty. Gilbert Sandler, *Jewish Baltimore: A Family Album* (London: The Johns Hopkins University Press, 2000), pp. 7-9 & 38-40.

included Dr. Howard A. Kelly and Professor Jacob H. Hollander, who lived in Eutaw Place.

Eutaw Place was the home to nationally known figures as well as local entrepreneurs. Professor Hollander and Dr. Kelly were of the former. Both were exemplary faculty members of Johns Hopkins University. The latter was well-known for his early experiments on treating cancer as well as his medical breakthroughs in the medical field of gynecology. His privately owned hospital was located on 1412-1420 Eutaw Place.¹⁰ Professor Hollander was a political economist. His home was located on 1802 Eutaw Place, which was right next to the town house Jack Lewis, Inc. purchased in 1932. Mr. Albert David Hutzler was a local entrepreneur who was the son of a German Jewish immigrant family. In addition, he owned 1801 Eutaw Place, otherwise known as “the castle” due to its immense size.¹¹ Although Mr. Hutzler was not as well known as Dr. Kelly and Professor Hollander, his role in Hutzler Bros. Co. as well as in the Jewish community demonstrates his industrious mentality.¹² It is possible that Hutzler had some influence with the zoning authorities, having successfully lobbied at one time for a change in the classification of commercial districts.¹³ All of these individuals would play an important role in Mr. Lewis’s case.

At the age of 19, Jack Lewis along with a number of family members began Jack Lewis, Inc. at 1419 East Baltimore Street in 1902. In 1912, they moved to 1439 East

¹⁰ The ethical nature of Dr. Kelly’s opinion on radium and its effects on cancer was severely questioned in 1914, which is reflected in the following source. “Vexed with Dr. H. A. Kelly, Maryland Faculty May Charge Violation of Medical Ethics,” *The New York Times*, January 11th, 1914, [Dr. H. A. Kelly](#) (accessed November 15, 2009).

¹¹ Rup, “Jack Lewis Funeral Director...”, pp. 6-7.

¹² Mr. Hutzler, whose family had strong roots in the Jewish community, was president of the Associated Jewish Charities from 1967 to 1969. Sandler, *Jewish Baltimore*, pp. 70-73.

¹³ Rup, “Jack Lewis Funeral Director...”, pp. 6-7.

Baltimore Street, which would eventually encompass 1441 East Baltimore Street.¹⁴

Sometime between 1910 and 1920, Jack Lewis married Hannah Lewis. The Lewis family business was extremely successful, and Mr. Lewis himself possessed over \$50,000 in savings by 1930.¹⁵ Instead of settling with their socioeconomic situation, they decided to elevate themselves by purchasing a property in Eutaw Place. Their main desires were to serve the growing Eastern European Orthodox Jewish population of Eutaw Place while also bettering their personal position.¹⁶ They still maintained their 1439-1441 East Baltimore street property, as the majority of open Jewish cemeteries were in the downtown Jewish district.¹⁷ Jack Lewis personally possessed an extraordinary amount of money. The advantages of having so much money were offset by the social disparities of their own city.

On October 29, 1929, the Wall Street crash occurred. This event, also known as Black Tuesday, symbolized the beginning of America's Great Depression. Initially, the state of Maryland was able to withstand this fiscal typhoon moderately well. In the city of Baltimore, however, the situation was dire as early as February 1931. Though Baltimore possessed multiple industries as well as an essential East Coast port, unemployment had

¹⁴ These business relocations were not related to the Great Baltimore Fire of 1904 as the Fire did not extend beyond Jones Falls, saving Jack Lewis Inc's business from such a cataclysmic event. Maryland Digital Cultural Heritage, "Great Baltimore Fire of 1904," Enoch Pratt Free Library (2003), <http://www.mdch.org/fire/#> (accessed December 16, 2009).

¹⁵ U.S. Bureau of the Census, *Fifteenth Census of the United States: 1930*, prepared by Barney H., roll 849, p. 1A (Baltimore City, Maryland, 1930).

¹⁶ Sandler, *Jewish Baltimore*, p. 19.

¹⁷ The following historic cemeteries were all open during the 1930s; B'Nai Israel Congregation Cemetery, Old Har Sinai Cemetery, Oheb Shalom Congregation Cemetery, Hebrew Friendship Cemetery and Hebrew Mt. Carmel Cemetery. The only Jewish cemetery near Eutaw Place was the Etting Family Cemetery, which closed in 1881. A new one, the Arlington Cemetery of Chizuk Amuno Congregation, would eventually be built near Pikesville in 1944. Jane Bromley Wilson, *The Very Quiet Baltimoreans, A Guide to the Historic Cemeteries and Burial Sites of Baltimore* (Shippensburg, PA: The White Mane Publishing Co., 1991), pp. 70-81.

reached 19.2 percent.¹⁸ Soon after, it exceeded 20 percent while the trade unions reported more than 50 percent unemployment amongst their ranks in 1932-33.¹⁹

To exacerbate the situation, the political mentality of such times was hardly community oriented. It was very much a do-it-yourself, individualistic atmosphere. This attitude was reflected by the consistent bickering between Governor Albert Ritchie and Baltimore mayor Howard W. Jackson.²⁰ A result of this conflict, the growing unemployed population of Baltimore suffered greatly. The city's charities were privately owned, but after 1932 they had already surpassed their annual budgets.²¹ While the Roosevelt administration was taking the reins of perhaps one of the most economically challenging periods of American history, the bread and soup lines of Baltimore continued to lengthen. It was within such an economic environment that Jack Lewis, Inc. attempted to better itself.

Given how strongly individualism was advocated amongst Baltimore and Maryland's inner circles, one would assume that Jack Lewis, Inc.'s aspirations would be applauded. Instead, the company's efforts faced opposition from the start. On January 7, 1932, the Board of Zoning Appeals refused its application for a building permit to install a funeral parlor at 1804 Eutaw Place. Over two dozen residents along Eutaw Place

¹⁸ Charles M. Kimberly, "The Depression and New Deal in Maryland" (PhD diss., American University, 1974), pp. 6-7.

¹⁹ Ibid, p. 24 & Jo Ann Argersinger, *Toward a New Deal in Baltimore* (London: The University of North Carolina Press, 1988), p. 142.

²⁰ For more on how the political ambitions of both Governor Ritchie and Mayor Jackson interfered with their civic duties, please refer to the following sources: Kimberly, "The Depression and...", pp. 8-10, 25-31, & Argersinger, *Toward a New Deal*, pp. 48-57.

²¹ Argersinger, *Toward a New Deal*, pp. 22-25.

supported this decision by signing a petition on January 13, 1932. This was followed by a public hearing on January 19.²²

A number of the neighbors' objections were generally rooted in a dislike of funeral homes in a residential area. Dr. Kelly stated, "As residents, people don't like to be associated with funerals right under their noses. I understand that this gentleman is going to put a very elegant place, but that is what undertakers say all over the city."²³ Mrs. Moses and Mr. Orris Byrd, a local gentile, concurred with Dr. Kelly. Additional fears were the potential impact of the funeral parlor on the immediate area's real estate values. In such uncertain times, a number of Eutaw Place's residents wanted to avoid, the same economic distress the majority of Baltimore was already experiencing. Mr. J. Purdon Wright, Jack Lewis, Inc.'s lawyer, attempted to dissuade the public from these sentiments. Mr. Wright argued that the benefits of having a funeral parlor in the neighborhood would easily combat any supposed emotional disturbances it emitted while simultaneously raising Eutaw Place's market value. Mr. Wright's justification was intertwined with evolving funeral practices throughout the late nineteenth to early twentieth centuries.²⁴

Jack Lewis brought his case at a time of great cultural shift in funeral practices and death itself. Before the turn of the twentieth century, death was—for lack of a better phrase—a part of life. Life expectancies were shorter, and death rates were higher. But

²² Baltimore City Circuit Court (Court Papers), Annapolis: 1932, Edward C. Papenfuse, et. al. eds., Archives of Maryland, Box No. 1651 (Baltimore and Annapolis, Md., 1883-), 1: 7-9, 16, 33-34 (hereinafter cited as *City Court Papers*), This series is ongoing and available online at <https://law.blackboard.umaryland.edu/webapps/portal/frameset.jsp>, where volumes collectively or individually can be searched electronically.

²³ Ibid, 19-20.

²⁴ Ibid, 20-27.

industrialization, urbanization, and scientific discovery wrought enormous changes in individual lives as well as the culture as a whole.

With the exception of a brief increase during the 1917–18 influenza pandemic, the death rate in the United States and most other industrialized nations began to drop around the turn of the century and continued to steadily decline.²⁵ Historians of medicine have hypothesized various causes for this increase in life expectancy, which was likely the result of a confluence of factors: advancements in medical knowledge, better public sanitation, improved personal hygiene, and more healthful eating habits.²⁶ The transition encompassed, however, not just when people died but who died: Infant survival rates rose, and fewer young adults died.²⁷ Parents were less likely to lose children, children were less likely to be orphaned, and grandparents were more likely to take part in their descendants' lives.²⁸ In short, deaths became less common, and “the number of deaths an individual encounter[ed] within the nuclear family” decreased substantially.²⁹

Before the turn of the twentieth century, death was tragic but not strange. In Victorian society, for example, women who had lost their husbands broadcast their status by way of elaborate mourning attire, which social custom demanded that widows wear for at least two years after their husbands' deaths.³⁰ Specialized shops carried only mourning clothing, and it was not considered morbid (or overly parsimonious) for a widow to sell her “weeds” to a newly bereaved woman once the period of mourning was over.³¹ Prior

²⁵ Gary Laderman, *Rest in Peace: A Cultural History of Death and the Funeral Home in Twentieth-Century America* (New York: Oxford University Press, 2003): 1.

²⁶ *Ibid.*, 2.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Sonia A. Bedikian, “The Death of Mourning: From Victorian Crepe to the Little Black Dress,” *Omega* 57, no. 1 (2008): 38.

³¹ *Ibid.*, 39.

to the twentieth century, funerals often took place in the home.³² Death “was not to be hidden: families should be there when death was at hand, and the door thrown open to neighbors and even those passing by in the street.”³³ One hears stories of wakes “featuring the deceased propped up in a chair at the center of the event.”³⁴ Whether or not these tales are true, they make one thing clear: The fact of death was not a taboo, something to be hidden away where it could not remind the living of its inevitability.

In the twentieth century, however, death left home. Combined with greater life expectancies were smaller families, a shift in causes of death, and changing living conditions and domestic spaces. Until the early 1900s, epidemics and infectious diseases were the leading causes of death.³⁵ But the first half of the twentieth century changed not only who died and when, but what they died of. At the time of Jack Lewis’s case, this transition was well under way, with degenerative diseases such as cardiovascular disorders and cancer replacing infectious diseases.³⁶ There was also a rise in violent and accidental deaths.³⁷

With scientific and medical advances, as well as more widespread access to health care, came the medicalization of death.³⁸ Rather than a sad but unavoidable fact, death became a “devastating defeat,” a failure of medicine and science, as well as an event that was more likely to occur in a hospital than at home.³⁹

³² Vanderlyn R. Pine, *Caretaker of the Dead: The American Funeral Director* (New York: Irvington Publishers, Inc., 1975): 17.

³³ Daniel Callahan, “Death, Mourning, and Medical Progress,” *Perspectives in Biology and Medicine* 52, no. 1 (2009): 104.

³⁴ *Ibid.*, 114.

³⁵ Laderman, *Rest in Peace*, 3.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*, 4. The author and undertaker Thomas Lynch speaks to the contemporary results of this change: “They go off upright or horizontally in Chevrolets and nursing homes, in bathtubs, on the interstates, in

Death also left home for a very pragmatic reason: There simply was not space for it. Middle- and upper-class homes of the nineteenth century typically had a parlor room where “significant life rituals, including the funeral,” would take place.⁴⁰ Houses built in the twentieth century generally did not have such a room,⁴¹ and with increasing urbanization people often lived in much smaller spaces.⁴² A series of exchanges between J. Purdon Wright and two funeral directors called as witnesses at the public hearing illustrate this change.

MR. WRIGHT: Isn't it also your experience that with the modern methods of living in apartments...that funeral parlors have become a greater necessity than ever before?

MR. [William F.] MOWEN: Very much more so.

MR. WRIGHT: Why?

MR. MOWEN: ...[T]he facilities for funerals there are superior to people in private homes and apartments. There are more deaths in homes, hotels, hospitals than ever before, and we must have these accommodations for them.⁴³

The funeral director H. F. Burgee spoke more specifically about the issues of people living in apartments.

MR. WRIGHT: Why are there more funerals in funeral homes now than formerly?

MR. BURGEE: On account of apartments.

MR. WRIGHT: And they can't be buried from apartments?

ERs, ORs, BMWs.” (Thomas Lynch, *The Undertaking: Life Studies from the Dismal Trade* [New York: Penguin Books, 1997]: 5.) Note that, of the seven locations Lynch mentions, three are institutional, three are automobile-related, and only one could possibly be within a home.

⁴⁰ Laderman, *Rest in Peace*, 5.

⁴¹ *Ibid.*

⁴² Pine, *Caretaker of the Dead*, 17. A logical alternative location for care of the dead might have been houses of worship, but, apart from providing facilities for the funeral itself, religious institutions did not involve themselves in the processes around a death. *Ibid.*

⁴³ City Court Papers, 24.

MR. BURGEE: Not necessarily “can’t” be but aren’t generally.

MR. WRIGHT: Why?

MR. BURGEE: Because of the inconvenience, for one thing.⁴⁴

In the nineteenth century and earlier, funeral directors were better known as undertakers, and typically combined their undertaking enterprise with another trade such as livery, carpentry, or cabinetry.⁴⁵ An undertaking business often organically arose when a carpenter or cabinet maker began making coffins as well; the association with a livery stable may seem surprising, but early funeral homes sometimes operated ambulance services as well as providing a means of transporting bodies to the cemetery.⁴⁶ Undertakers were considered tradesmen, though “neither a well-defined nor highly specialized trade.”⁴⁷

More frequently, death left home and the services of funeral directors became increasingly necessary. Accordingly, funeral parlors grew in number.⁴⁸ The funeral director became an essential intermediary between the living and the dead: They “achieved an air of authority in mortal matters, and became the primary managers of the corpse and the ceremonies to dispose of it.”⁴⁹

The trade began to professionalize. The insertion of the funeral director as ubiquitous negotiator between living and dead was one major factor; another was the emergence of

⁴⁴ *Ibid.*, 27.

⁴⁵ Pine, *Caretaker of the Dead*, 15.

⁴⁶ *Arthur v. Virkler*, 258 N.Y.S. 886 (N.Y. Sup.Ct., 1932). Sol Levinson & Bros., Inc., once a competitor of Jack Lewis, Inc., and now the predominant Jewish funeral home in Baltimore, began as a combined funeral service and livery stable. (Sol Levinson and Bros. Funeral Home, “About Us,” http://www.sollevinson.com/about_us.html.) Robert A. Pumphrey Funeral Home, in Bethesda and Chevy Chase, began as a cabinetry business and also operated an ambulance service. (Robert A. Pumphrey Funeral Home, “About Us,” <http://www.pumphreyfuneralhome.com/history.html>.)

⁴⁷ Pine, *Caretaker of the Dead*, 15.

⁴⁸ Laderman, *Rest in Peace*, 4.

⁴⁹ *Ibid.*

embalming as a standard practice.⁵⁰ Embalming was by no means novel: It had been practiced as far back in history as ancient Egypt.⁵¹ Americans, however, had generally avoided it, believing that it involved mutilating the body. It was also associated with medical education, as a way of preserving bodies for dissection by students.⁵² During the Civil War, however, embalming allowed the bodies of Union soldiers killed in action to be sent home and buried by their families.⁵³ And after the assassination of Abraham Lincoln, the deceased president's body was embalmed and transported from Washington to Illinois, on display as part of a funeral procession viewed by a large crowd.⁵⁴ The embalming of Lincoln's body was so effective that, more than thirty years later, it was reported as perfectly preserved.⁵⁵ Embalming also provided families with something much more intangible but increasingly important in an era when their loved ones were more likely to die "in the sequestered, frequently inaccessible space of the hospital": It provided them with an image of the person at peace.⁵⁶

Embalming requires certain specialized knowledge such as anatomy and chemistry;⁵⁷ it also involves quasi-surgical procedures such as incisions.⁵⁸ Schools sprang up to teach these skills—relatively informally at first, with course durations of only six weeks and no requirement of even a high school education.⁵⁹ Some did not limit themselves to embalming, but also gave instruction in subjects such as "lining and trimming caskets,

⁵⁰ *Ibid.*, 5–6.

⁵¹ Pine, *Caretaker of the Dead*, 12.

⁵² Laderman, *Rest in Peace*, 6.

⁵³ *Ibid.*

⁵⁴ Pine, *Caretaker of the Dead*, 12.

⁵⁵ *Ibid.*

⁵⁶ Laderman, *Rest in Peace*, 8.

⁵⁷ *Ibid.*, 7.

⁵⁸ Pine, *Caretaker of the Dead*, 113.

⁵⁹ Laderman, *Rest in Peace*, 7.

funeral conduct, and practical undertaking.”⁶⁰ With the increased desire for professional legitimacy, though, as well as the growth of licensure requirements for funeral directors, curricula became more rigorous, the course of study lengthened to nine months, and the schools began to call themselves colleges of mortuary science.⁶¹ A professional organization, the National Funeral Directors Association, was founded⁶² and still exists today.⁶³



Though most people did not want to deal with the bodies of their dead themselves, they still “desperately desired [their] presence during the funeral rituals,”⁶⁴ and a funeral director could provide that. Further, though funeral rituals were more likely to take place outside the home—indeed, “many no longer wanted to contaminate the sanctity of living space...with the pallor of death”⁶⁵—a homelike, domestic environment was still desirable.⁶⁶ Private rooms, often decorated like bedrooms and called “slumber rooms,” allowed viewing of the body, and the appearance and ambiance of the funeral home as a whole were intended to feel like a private house.⁶⁷ This likely explains the desire of Jack Lewis and others to acquire houses to use as funeral parlors: The fact that the funeral

⁶⁰ Robert W. Haberstein and William M. Lamers, *The History of American Funeral Directing*, rev. ed. (Milwaukee: Bulfin Printers, Inc., 1962): 347.

⁶¹ Laderman, *Rest in Peace*, 7.

⁶² *Ibid.*

⁶³ National Funeral Directors Association, <http://www.nfda.org/>.

⁶⁴ Laderman, *Rest in Peace*, 5.

⁶⁵ *Ibid.*, 19.

⁶⁶ *Ibid.*, 26. The elegant house pictured above is not a private residence but rather the Rockville location of Robert A. Pumphrey Funeral Home, demonstrating the continuing desire for homelike appearances of commercial funeral providers. Source: <http://www.pumphreyfuneralhome.com>.

⁶⁷ Laderman, *Rest in Peace*, 26, 24.

director and his family lived there was in many ways a selling point.⁶⁸ Jack Lewis, Inc.'s attorney used it as a point in support of the permit, noting that H. F. Burgee had run his funeral parlor out of his home and raised his family there “[a]ll in good health.”⁶⁹ The fact or appearance of being family-run remains an important marketing device even today. Both Pumphrey and Levinson advertise it prominently;⁷⁰ the Atlanta funeral home H. M. Patterson & Son, though owned by the Dignity Memorial conglomerate, retains the name and domestic trappings of a family-run funeral home.⁷¹

The changing nature of funeral customs was not the only significant factor that influenced the public hearing. In addition, the previously existing zoning laws played a large role as to why Jack Lewis, Inc. were legally barred from using their private property as they saw fit. Mr. Hutzler clearly pointed this out by citing ordinance No. 1247. This ordinance dictated that businesses were not allowed within residential districts. Three funeral parlors were already located within the residential districts of Eutaw Place. They were at numbers 1900, 1902 and on the 1500 block of Eutaw Place, but had been established before the zoning laws of 1926.⁷² These businesses were “grandfathered” into place and allowed to remain in business. Yet the origins of Baltimore’s zoning laws should be explored more fully to appreciate their impact on the Jack Lewis case.

Zoning was and always had been an extremely contentious issue in Baltimore—perhaps ironically, as land-use restrictions in the form of a residential segregation ordinance were widely, even enthusiastically, accepted.

⁶⁸ *Ibid.*, 20–21.

⁶⁹ City Court Papers, 26.

⁷⁰ Pumphrey Funeral Home, <http://www.pumphreyfuneralhome.com>; Sol Levinson, <http://www.sollevinson.com/>.

⁷¹ H. M. Patterson & Son Funeral Directors, <http://www.dignitymemorial.com/HMPatterson-Funeral/LocationGroup.aspx?id=home&LocNumbNLang=HMPatterson-Funeral&LoadDefault=1>.

⁷² *City Court Papers*, 10.