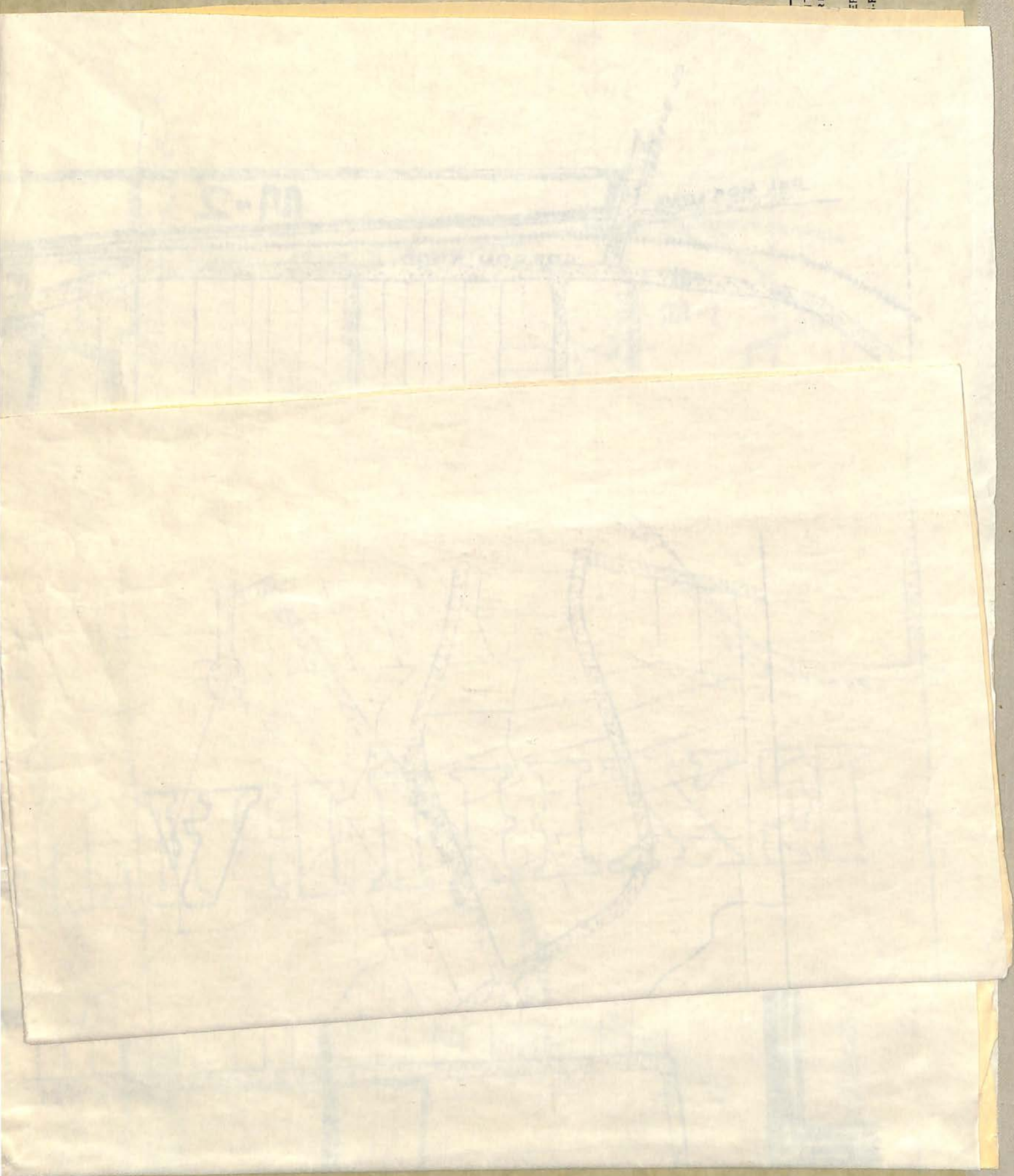
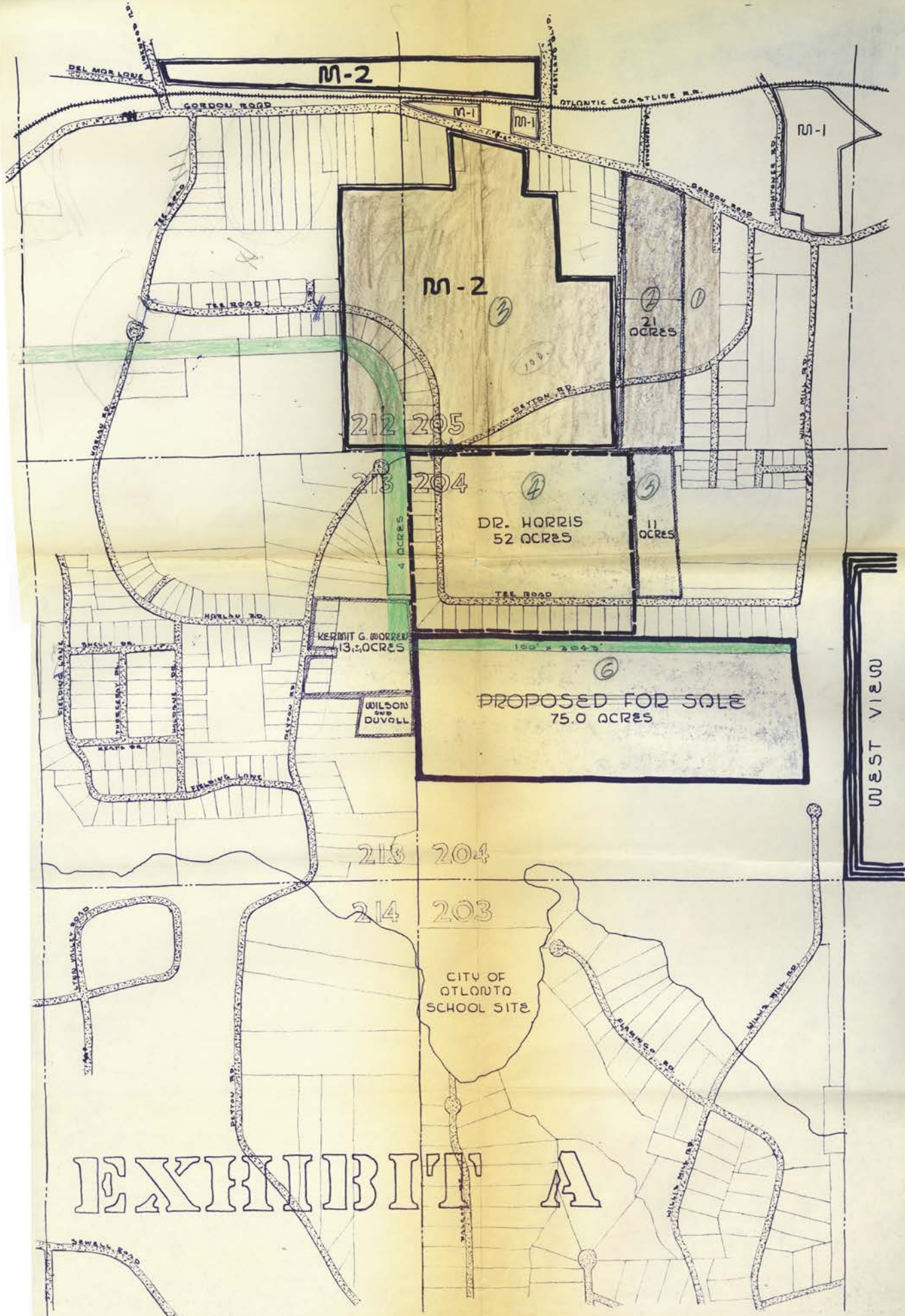


PROPOSED COMMUNITY  
STABILIZATION PLAN  
PEYTON, HARLAN AND WILLIS  
MILL ROAD AREA

EXHIBIT "A"

IT RE ER P





# EXHIBIT A

1. The Department chain and variety store desegregation of lunch counters.
2. In an effort to move toward equal and full City employment, I have eliminated the Double Register system.
3. Increase in the number of Negro policemen and the upgrading of same.
4. Employment of Negro firemen.
5. Establishment of the full power to arrest for all Negro policemen.
6. The elimination of segregated signs in public buildings.
7. Efforts to reduce police brutality to Negro citizens.
8. Implementation of desegregation of city parks.
9. Desegregation of Atlanta Ball Park.
10. Desegregation of Atlanta theatres.
11. Complete equality in use of the Municipal Auditorium.
12. Support of desegregation of attendance to performances of the Metropolitan Opera and the Atlanta Symphony.
13. Continued discussions to desegregate Atlanta hotels.
14. Consistent increase in the representation of the Negro community on boards and committees appointed by me.
15. Equal acceptance and consideration of press and citizens in City Hall.
16. Support of Negro candidates from Fulton County for the position of Senator.
17. Constant public acknowledgement of the success of Atlanta's liberal attitude in handling all racial matters.
18. Strong demand for additional adequate living areas for the increasing Negro population.
19. The opening of the Hunter and Techwood Viaducts has been a step to improve access to the west side of Atlanta.
20. Support of fair and natural neighborhood expansion in 51 areas in 1962.

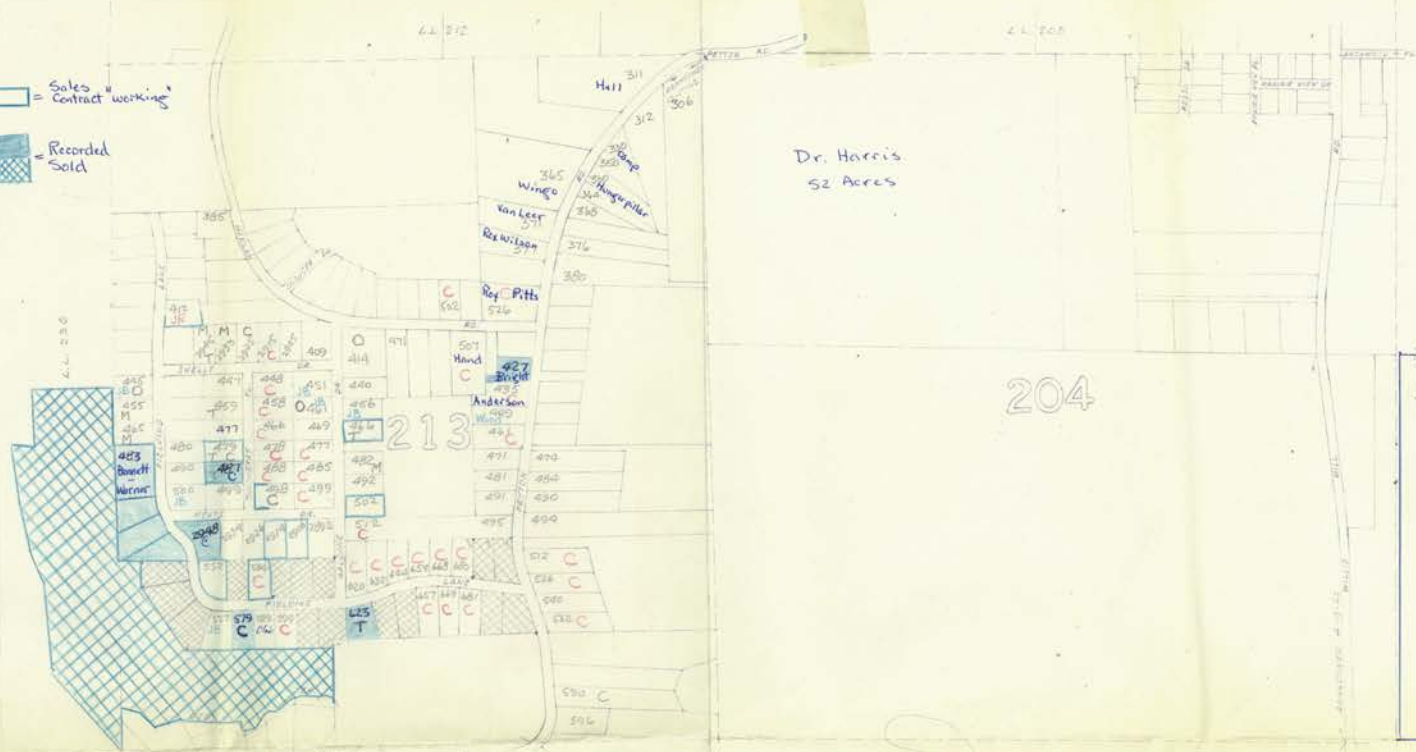
Meeting of  
Press Photo  
& Reporters

**SIGNS**

- C = Curtis Clark
- C = Callaway
- M = McKinney
- T = Thornton
- JB = Bickers
- JR = Johnson-Richardson
- O = Owner

□ = Sales Contract working  
 ■ = Recorded Sold

■ = 15 vacant lots foreclosed sale 4/1/12 by Phoenix, Inc. on F.E. Bennett. 50,000 - 4/2/10 7% until 10/1/11 then 8%

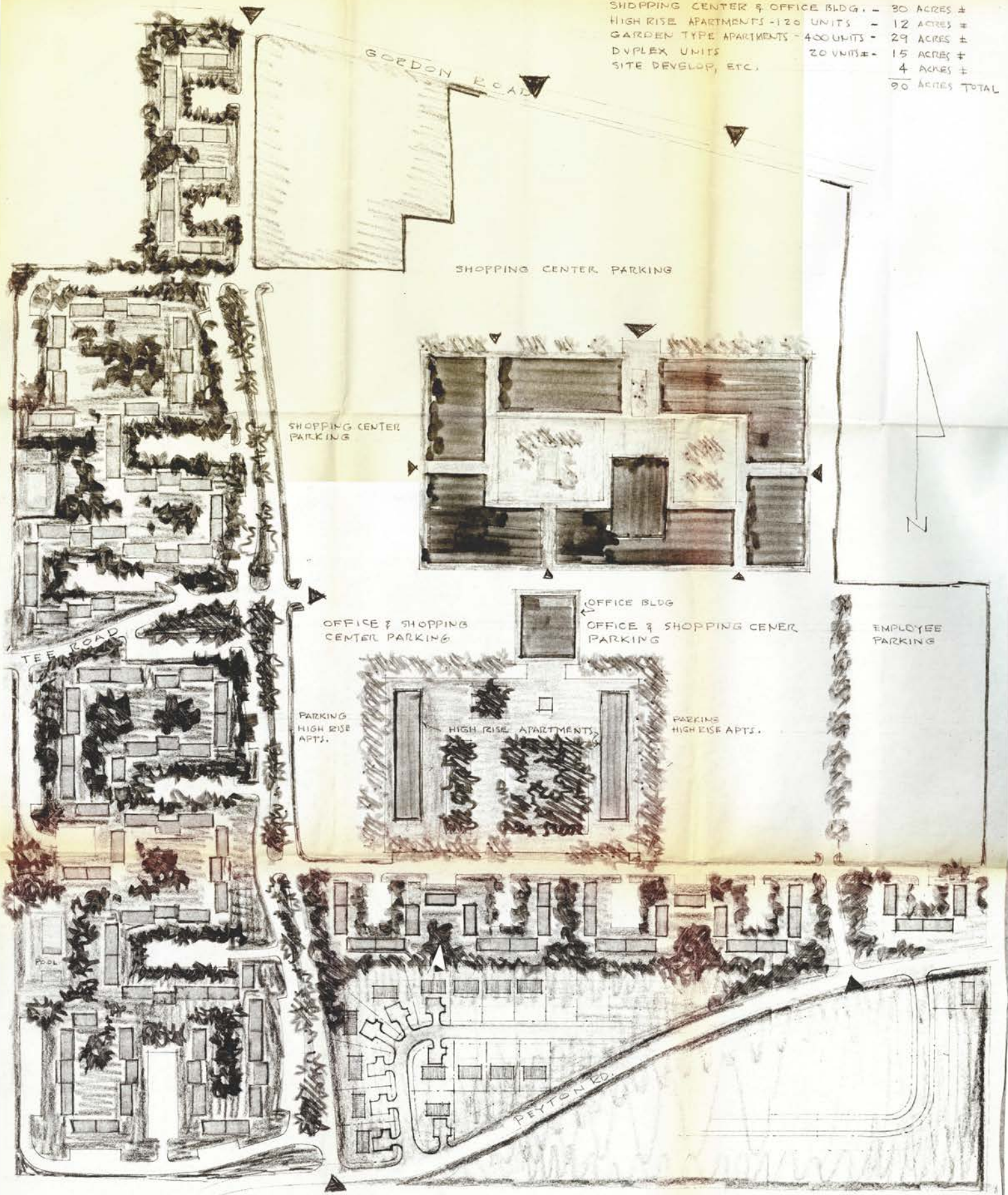


WEST VIEW CEMETERY

Property of Atlanta Board of Education School Site



SHOPPING CENTER & OFFICE BLDG. - 30 ACRES ±  
 HIGH RISE APARTMENTS - 120 UNITS - 12 ACRES ±  
 GARDEN TYPE APARTMENTS - 400 UNITS - 29 ACRES ±  
 DUPLEX UNITS 20 UNITS ± - 15 ACRES ±  
 SITE DEVELOP., ETC. 4 ACRES ±  
 90 ACRES TOTAL



# 90 ACRE DEVELOPMENT

COOPER PARTNERS & COMPANY INC.  
 architects 10 BILTMORE PLACE ATLANTA 8 GEORGIA

SCHMATIC DESIGN

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

SYMBOLS

DL = Day Letter

NL = Night Letter

LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

427A EST MAR 4 63 AA072

A LLB164 NL PD ATLANTA GA 3

MAYOR IVAN ALLEN JR

ATLA

THE LOOSE DIRECT AND INDIRECT STATEMENTS MADE BY YOU AND ALDERMAN FARRIS THAT VIOLENCE WOULD HAVE OCCURRED IF THE BARRIERS HAD NOT BEEN ERECTED IN THE PEYTON FOREST AREA. HAVE MET IN OPEN INVITATION TO THE UNENLIGHTENED AND UNPRODUCTIVE WHITE ELEMENTS OF OUR COMMUNITY TO COMMIT VOILENCE. THE TERROR AND DIRECT INTIMIDATION INFLICTED UPON THE NEGRO AND WHITE FAMILIES INVOLVED IN THE NORMAL TRANSACTION OF PURCHASING AND SELLING OF REAL ESTATE PROPERTY BEYOND YOUR NOW ARBITRARY AND UNCONSTITUTIONAL "BERLIN WALL" ARE A RESULT OF YOUR MISGUIDED ACTIONS. I CALL UPON YOU TO MAKE CLEAR TO ALL THAT LAW AND ORDER AND THE DECREES OF THE COURTS OF GEORGIA WILL PREVAIL AND VIOLENCE WILL NOT BE TOLERATED NOW THAT THE BARRIERS ARE DOWN. NOT ONLY THE IMAGE



R

NOTA: ESTE DOCUMENTO  
A LEVANTAR EN EL ATILADO DE  
MAYOR JUAN ALLEN JR.

THE ABOVE DOCUMENT IS  
A COPY OF THE ORIGINAL  
AND IS NOT TO BE  
REPRODUCED OR  
DISTRIBUTED  
WITHOUT THE  
APPROPRIATE  
AUTHORITY.  
IT IS THE POLICY  
OF THE BUREAU  
TO MAINTAIN  
THE CONFIDENTIALITY  
OF THIS INFORMATION  
AND TO PREVENT  
ITS DISCLOSURE  
TO UNAUTHORIZED  
PERSONS.  
ANYONE WHO  
DISCLOSES THIS  
INFORMATION  
TO ANOTHER  
PERSON WITHOUT  
THE EXPRESS  
WRITTEN  
AUTHORIZATION  
OF THE BUREAU  
OR THE  
APPROPRIATE  
AUTHORITY  
MAY BE  
PROSECUTED  
FOR VIOLATION  
OF FEDERAL  
LAW.  
THIS DOCUMENT  
IS CLASSIFIED  
"CONFIDENTIAL"  
UNLESS  
OTHERWISE  
INDICATED.

B- 66505

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

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ALLB 164/2

OF ATLANTA IS AT STAKE BUT THAT OF AMERICA

DR R C BELL SPECIAL PROJECT DIRECTOR ATLANTA SOUTHERN CHRISTIAN  
LEADERSHIP CONFERENCE.

CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

1201

SYMBOLS

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AA26 SSC50

(12)•

A LLR82 DL PD=ATLANTA GA 4 1008A EST=  
MAYOR IVAN ALLEN  
CITY HALL CG ATLA=

1963 MAR 4 AM 10 56

WE WOULD LIKE YOU TO JOIN US FOR A BOX LUNCH AT TWELVE NOON WEDNESDAY MARCH SIXTH TO CELEBRATE THE HALFWAY POINT ON THE CONSTRUCTION OF FIRST FEDERAL'S NEW HOME AT FORSYTH AND MARIETTA STREETS.

¶ WE ARE HONORING THE ENTIRE CONSTRUCTION CREW SINCE THE NINE PROGRESS MADE ON THE BUILDING IS DUE TO THEIR EFFORTS.

¶ YOU WILL ENJOY THE "COOKS TOUR" IMMEDIATELY

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

CLASS  
This is  
unless  
acter is  
proper sy.

# WESTERN UNION TELEGRAM

SYMBOLS  
DL=Day Letter  
NL=Night Letter  
LT=International  
Letter Telegram

W. P. MARSHALL, PRESIDENT

1201

1963 MAR 4

AM 10 56

The filing time shown in the date line on domestic telegrams is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

2 - ALLR82

FOLLOWING LUNCH. PLEASE CALL MRS UPSHAW AT JACKSON  
5-7681 AND LET US KNOW YOU'LL BE WITH US=  
GEORGE W WEST JR PRES=

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

where was the wall when the negroes  
was voting for you for mayor  
make President Kennedy will  
tear down your wall before he  
starts on the Berlin wall. Pres. K.  
intends to establish freedom for all  
all over the world. He has 6 more  
years. to do just that you should count  
the souths votes; they dont mean much  
remember Mr Truman. yours for  
peace. L. K. Simms Costa Mesa Cal

THIS SIDE OF CARD IS FOR ADDRESS



6

Mayor Ivan Allen Jr of Atlanta

HEART DISEASE-YOUR # 1  
ENEMY-YOUR # 1 DEFENSE  
HEART FUND

Atlanta



Georgia

## CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

# WESTERN UNION

## TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

## SYMBOLS

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241A EST JAN 9 63 AA077

A LLC50 NL PD ATLANTA GA 8

IVAN ALLEN JR, MAYOR, DLR DONT PHONE AND REPORT DELIVERY  
CITY HALL ATLA

THE SOUTHWEST CITIZENS ASSOCIATION URGENTLY REQUEST THAT YOU AS MAYOR OF THE CITY OF ATLANTA CALL UPON THE GOVERNOR OF THE STATE OF GEORGIA TO IMMEDIATELY CONVENE THE GEORGIA REAL ESTATE COMMISSION FOR THE PURPOSE OF CONDUCTING AN INVESTIGATION OF THE INFLAMMATORY STATEMENT CONTAINED IN AN ARTICLE BY RALEIGH BRYANS ON PAGE 9 OF THE ATLANTA JOURNAL DATED TUESDAY JAN 8 1963, WHICH REFERS TO THE PEYTON-HARLAN ROAD SITUATION IN SOUTHWEST ATLANTA. THIS ARTICLE CONTAINS STATEMENTS ILLEGEDLY MADE BY A NEGRO LEADER, WHICH ARE CLEARLY INTENDED TO PANIC THE RESIDENTS OF THIS AREA IN TO SELLING THEIR HOMES AT A LOSS. ACTIONS OF THIS NATURE ARE INDIRECT VIOLATION OF THE GEORGIA REAL ESTATE CODE. THIS IS A HIGHLY EXPLOSIVE SITUATION THAT REQUIRES IMMEDIATE

A- 60131



CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

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*all 50/2*

ACTION BY LOCAL AND STATE OFFICIALS

SOUTHWEST CITIZENS ASSOCIATION INC VIRGIL COPELAND PRESIDENT.

A- 60132

City's Progressive Reputation Hurt

# White-Negro 'Buffer Zone' in Atlanta Provokes Bitter Dispute, Deep Rifts

By Harold Gulliver

Special to The Washington Post  
From the Los Angeles Times

ATLANTA — Street barriers admittedly erected to create a "buffer zone" between Negro and white residential areas have split Atlanta and placed it under an uncomfortable spotlight as the Nation's latest sore spot of racial tension.

Although placed on only two streets, the barricades already have fanned resentments affecting the entire city.

So bitter is the feeling that Negroes are expected to vote against a 43-million-dollar bond issue this spring, possibly killing proposals for schools and street improvements and a city auditorium.

Divisions also have appeared between white and Negro groups — creating schisms which could wreck civic harmony for years to come.

The barricades, which are emotionally—and inaccurately—referred to as Atlanta's "Berlin Wall," were ordered erected last Dec. 17 by the board of aldermen to close off two streets in southwest Atlanta—Peyton and Harlan rds. The racial "buffer zone" had been requested by white residents.

The low, fence-like barricades of steel and wood were placed across both streets the next day.

Virgil Copeland, president of the Southwest Citizens Association, defended the barricades as a "last resort" to lessen racial tension. It was the only way left, Copeland

## News Analysis

asserted, for white residents to thwart "vicious, block-busting tactics being used by Negro realtors."

Blocking the streets did not actually "wall in" anybody. But it forced motorists to drive about one mile farther before reaching a through street to the southwest, thus making it more difficult to travel between a Negro and white residential section.

A petition was filed in municipal court by both Negro and white groups, asking removal of the barricades as a public nuisance. It was dismissed by Judge Robert E. Jones, who held that the streets were closed and therefore the obstructions could not be nuisances.

Observers now believe the Peyton-Harlan barricades will remain until the case is carried through state or Federal courts.

Meanwhile, the controversy continues, with charges and countercharges exchanged almost daily.

The barriers do not legally affect the sale of property in any way. And it is considered likely they have only increased Negro determination to buy into certain white neighborhoods in Southwest Atlanta.

The barricades also have the support of Mayor Ivan Allen Jr., who said they serve as a "warning to unscrupulous real estate dealers, Negro and white."

Q. V. Williams, a co-chair-

man of the Negro Voters League, has denounced the barricades. The uproar caused him to observe: "These are the darkest days I've seen in Atlanta as far as race relations are concerned."

The Atlanta Constitution, a strong supporter of Mayor Allen on other issues, has also condemned the road barriers.

Even former Mayor William B. Hartsfield has been privately critical of his successor's position on the barricades.

"You should never make a mistake that can be photographed," Hartsfield said.

So far Mayor Allen has failed to work out any solution.

Ironically, his administration was elected with the solid support of Negro voters. Slightly more than one-third of the city's registered voters are Negro.

In addition to the possible loss of the bond issue, other effects of the city's action include:

- A shift in control of Atlanta's Negro leadership from older conservative elements to younger, more militant figures.

- Damage to Atlanta's "image" as a progressive city with a long history of biracial negotiations and compromises.

The controversy may produce one long-range benefit—a much needed focus on the need for better Negro housing.

# Racial Conflict Stirred Up by Atlanta's 'Wall'

ATLANTA, Jan. 3 (AP) The separation of white and Negro residential sections by a buffer zone of city-built wood and steel barriers has created a head-on conflict between Mayor Ivan Allen Jr. and objecting Negro leaders.

In Municipal Court today, Negro and white opponents of the city's "Berlin Wall" pressed a suit to have the barriers removed as a public nuisance.

Meanwhile, Allen and the Negro All-Citizens Committee for Better City Planning came face to face in a meeting which the Mayor called friendly but which a Committee spokesman indicated was not entirely so.

The mayor noted that the committeemen were firm in refusing to negotiate on the general racial situation until the barricades come down. A Committee leader, Dr. C. A. Smith, said Allen was just as determined that the road-blocks should not be removed before negotiations.

"We personally abhor the fact that the situation has now

come to a head-on struggle," said Smith, "but we stand as firm as the Mayor in our convictions that this insult to Atlanta and to one-third of Atlanta's citizens can and must be removed."

Allen engaged in a polite but somewhat strained verbal exchange with his predecessor as mayor, William B. Hartsfield, a racial moderate.

Hartsfield had called the road barriers "an awful mistake" and volunteered assistance in eradicating "this source of friction and bad publicity."

Allen in reply professed warm regard for Hartsfield and his opinions and said, "If the need to call on him should arise, I wouldn't be the least reluctant to call on him, and I am sure he would be willing to give help."

Hartsfield later told newsmen that his successor "has a tough nut to crack but it cannot be done by artificial barriers.

"The Negro citizen has a right to live anywhere," he declared.



Associated Press

This is one of the road barriers creating a racial buffer zone in Atlanta that was

the object of a day-long court hearing in the Georgia capital yesterday.

CLASS OF SERVICE

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1963  
WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

1201 (4-60)

SYMBOLS

DL = Day Letter  
NL = Night Letter  
LT = International Letter Telegram

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AA22 SSC85

A LLA300 RX PD=ATLANTA GA 7 157P EST=

HON MAYOR IVAN ALLEN=

CITY HALL DLR IMMY CG ATLA=

AS NATION AND WORLD LISTENS PLEASE USE OCCASION OF ANNUAL MESSAGE TO ANNOUNCE REMOVAL OF BARRICADES AND RESTORE ATLANTA'S FINE IMAGE=

DR C MILDS SMITH=

(24)• ==

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

**CLASS OF SERVICE**  
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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SYMBOLS	
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541P EST DEC 26 62 AF406  
 A LLC309 PD ATLANTA GA 26 521P EST  
 MAYOR IVAN ALLEN JR, PHONE IMMY AND MAIL  
 CITY HALL ATLA 3700 NORTHSIDE DR

OUR ORGANIZATION ALWAYS STANDS READY TO MEET WITH ANYONE AT  
 ANYTIME TO DISCUSS CONSTRUCTIVELY ANY MATTERS OF MUTUAL INTEREST  
 DUPREE JORDAN JR WESTEND BUSINESSMENS ASSN  
 (40).

675-3501

① Ba 7157 7D-  
 ② Bay 7157 7D

GA 2 4463  
 W  
 257-4155

MRS ALLEN SAID JUST DELIVER  
 MSG 724PEST FD

H

DEC 26 PM 7 39

DEC 26 PM 5 55

ATLANTA GA

D- 94454

CLASS OF SERVICE

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W. P. MARSHALL, PRESIDENT

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AA19 SSA231

A LLF129 DL PD=ATLANTA GA 26 1225P EST=

MAYOR IVAN ALLEN=

CITY HALL CG ATLA=

IN ANSWER TO YOUR WIRE OF FRIDAY DECEMBER 21ST. AS REQUESTED BY YOU THE SOUTHWEST CITIZENS ASSOCIATION WILL APPOINT THREE OF ITS MEMBERS TO THE BI-RACIAL COMMITTEE YOU ARE FORMING TO DISCUSS THE UTOY-PEYTON FOREST SITUATION. PLEASE NOTIFY THE UNDERSIGNED OF TIME AND PLACE OF FIRST COMMITTEE MEETING=

VIRGIL COPELAND PRESIDENT SOUTHERN CITIZENS ASSN=

(14)

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE



WESTERN UNION  
TELEGRAM

WESTERN UNION  
TELEGRAM

WESTERN UNION  
TELEGRAM

ION

WUF113 PD DUPLICATE OF TELEPHONED TELEGRAM

ATLANTA GA DEC 24 1037A EST

MAYOR IVAN ALLEN JR

3700 NORTHSIDE DR NORTHWEST ATLA

CONGRATULATIONS ON STATEMENT. GAVE ALL ATLANTA

OPPORTUNITY TO SEE CORE OF ROAD BLOCKING. YOUR STAND WILL

BE BENEFICIAL TO ALL ATLANTA. MERRY CHRISTMAS

JAMES AND BARBARA RYCKELEY.

1103

WE  
WESTERN UNION  
TELEGRAM

WESTERN UNION  
TELEGRAM

WESTERN UNION  
TELEGRAM

PWUF298 PD ATLANTA GA 22 500P EST

MAYOR IVAN ALLEN JR

3700 NORTHSIDE DR NW ATLA

YOUR TELEGRAM OF DER 21 1962 HAS BEEN RECEIVED.

I HAVE REFERRED SAID TELEGRAM TO THE ALL  
CITIZENS COMMITTEE FOR BETTER CITY PLANNING-  
DR C MILES SMITH AND THE REVERENDS JOHN A  
MIDDLETON AND M L KING SR CHAIRMAN. PLEASE BE  
ADVISED THAT THIS COMMITTEE IS THE SOLE  
REPRESENTATIVE OF THE NEGRO COMMUNITY IN THIS  
MATTER. I AM SURE YOU WILL HEAR FROM THEM  
IMMEDIATELY REGARDING SAME

Q V WILLIAMSON.

517PME.

CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

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318A EST DEC 26 62 AA044

A LL68 DL PD ATLANTA GA 26 255A EST

MAYOR IVAN ALLEN JR

CITY HALL ATLA

MR Q. V. WILLIAMSON HAS REFERRED TO US YOUR TELEGRAM OF DEC 21 1962 AND HIS RESPONSE THERETO

PLEASE BE ADVISED THAT THE ALL CITIZEN COMMITTEE FOR BETTER CITY PLANNING IS COMPOSED OF REPRESENTATIVES FROM THE ATLANTA NEGRO VOTERS LEAGUE, ATLANTA BRANCH NAACP, ATLANTA CHAPTER SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE EMPIRE REAL STATE BOARD, STUDENT NONVIOLENT COORDINATING COMMITTEE, ATLANTA COMMITTEE FOR COOPERATIVE ACTION AND COMMITTEE ON APPEALS FOR HUMAR RIGHTS

THE ARBITRARY AND CAPRICIOUS ACTION ON THE PART OF THE CITY ADMINISTRATION WHICH CLOSED THE BARRICADED HARLAN AND PEYTON RD BROUGHT US TOGETHER. WE THEREFORE STAND READY TO

B- 6897

CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

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*ALB 68/2*

DISCUSS THE ISSUE. HOWEVER THE REMOVABLE OF THESE BARRIERS MUST PRECEDE ANY DISCUSSION ON OUR PART AND WE CANNOT BE GUIDED OR BOUND BY DECISION OF ANY PERSONS OR GROUPS NOT SANCTIONED BY THIS COMMITTEE. THEREFORE WE URGE YOU TO USE THE INFLUENCE OF YOUR OFFICE TO REMOVE THESE BARRIERS SO THAT PEACE AND GOOD WILL MAY BE RESTORED AND OUR CITY REROUTED ON TO THE ROAD OF PROGRESS

C MILES SMITH DDS M L KING SR J A MIDDLETON CO CHAIRMANS.

1967 DEC 26 AM 4 30

ATLANTA GA

B- 6898

CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

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658P EST DEC 22 62 AA794

A LLS434 PD ATLANTA GA 22 630P EST

MAYOR IVAN ALLEN JR

3700 NORTHSIDE DR NORTHWEST ATLA

THE STUDENTS OF ATLANTA UNIVERSITY FEEL AS IF YOU HAVE MADE A GREAT MISTAKE IN SUPPORTING THE ESTABLISHMENT OF AN ATLANTA WALL ACROSS PEYTON AND HARLAN ROADS. IN REPLY TO A REQUEST OF THE ALL CITIZENS COMMITTEE ON BETTER CITIZENS PLANNING WE SUPPLY 175 PICKETERS PER DAY FOR THE WESTEND BUSINESS AREA. WE WILL ALSO STAGE SEVERAL MASS DEMONSTRATIONS AT THE ATLANTA CITY WALL WITH NO LESS THAN 1500 STUDENTS. THIS ACTION WILL FOCUS THE EYES OF THE WORLD ON THE ATLANTA CITY WALL. WE DO NOT WANT ATLANTA TO HAVE THIS TYPE OF PUBLICITY. THEREFORE WE ENCOURAGE YOU TO REMOVE THE WALL AND SAVE THE GOOD IMAGE OF ATLANTA WHILE THERE IS STILL TIME

RALPH MOORE CHAIRMAN OF THE COMMITTEE ON APPEAL FOR HUMAN

A

THE BOARD OF ALABAMA UNIVERSITY SYSTEM AS IT HAS MADE  
A GREAT MISTAKE IN ASSIGNING THE ESTABLISHMENT OF AN ATLANTA  
WILL WORK FOR THE STATE AND HARLAN BOARD IN ORDER TO ACHIEVE  
OF THE ALL OTHERS COMMITTEE ON BETTER CITIES PLANNING WE  
SUPPORT THE BOARD FOR THE WESTERN BUSINESS AREA  
WE WILL ALSO BE AWARE OF THE BEHAVIORAL ASPECTS OF ATLANTA  
CITY WILL BE IN THE STATE FOR STUDENTS. THIS ACTION WILL  
ABOUT THE STATE OF THE BOARD ON THE ATLANTA CITY WILL BE DO  
NOT WANT TO BE IN THE TYPE OF PUBLICITY. THEREFORE  
WE WILL BE AWARE OF THE BOARD AND WILL SAVE THE CITY IMAGE  
AT ATLANTA WHILE THERE IS A LOT OF TIME  
WANT TO BE AWARE OF THE BOARD ON ATLANTA FOR THE

B- 5300



CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

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RIGHTS  
(57).

1967 DEC 22 PM 7 40

ATLANTA GA

B- 5301

MILLS B. LANE, JR.

PRESIDENT

THE CITIZENS & SOUTHERN NATIONAL BANK  
ATLANTA-AUGUSTA-ATHENS-MACON-SAVANNAH-VALDOSTA

## CLASS OF SERVICE

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# WESTERN UNION

## TELEGRAM

W. P. MARSHALL, PRESIDENT

## SYMBOLS

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SE-1201 (4-60)

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629P EST DEC 16 62 AB222

A LLY016 LLZ1 LLZ1 NL PD ATLANTA GA 16

MAYOR IVAN ALLEN JR

CITY HALL ATLA

THE ALL CITIZENS COMMITTEE FOR BETTER CITY PLANNING STRONGLY URGES YOU TO VOTE AGAINST THE RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE TO CLOSE PEYTON AND HARLAND ROADS. AS NEGRO CITIZENS OF ATLANTA WE FIND IT INCREDIBLE THAT SUCH A RECOMMENDATION IS EVEN BEING CONSIDERED. THE PURPOSE AND INTENT OF SUCH PROPOSAL ON ITS VERY FACE DENIES THE VERY PRINCIPLES UPON WHICH OUR CITY CLAIMS TO OPERATE. YOU CANNOT AFFORD AT THIS STAGE IN HISTORY TO SUPPORT ANY ACT BY THE CITY GOVERNMENT WHICH DENIES BASIC CIVIL HUMAN AND PROPERTY RIGHTS TO ANY CITIZEN. TO APPROVE THIS DISCRIMINATORY ORDINANCE WOULD SET BACK THE PROGRESS BEING MADE TOWARDS MORE DECENT HUMAN RELATIONS IN THIS CITY

THE CITIZENS COMMITTEE FOR BETTER CITY PLANNING CO-CHAIRMEN

SYMBOLS  
 DL=Day Letter  
 NL=Night Letter  
 LT=International Letter Telegram

SF-1201 (4-60)

INTERNATIONAL TELEGRAM UNION

REV J A MIDDLETON M L KING SR DR C MILES SMITH.  
 LLY16/2

15454

A-

*[Handwritten initials]*

# UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

SYMBOLS

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Letter Telegram

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LLY16/2

REV J A MIDDLETON M L KING SR DR C MILES SMITH.

1977 DEC 17. AM 8. 20  
CANIA UG

A- 15455

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

1201 (4-60)

SYMBOLS

DL=Day Letter

NLT=Night Letter

LT=International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

AA13 SSD11

A LLS143 PD=ATLANTA GA 17 1139A EST=

MAYOR IVAN ALLEN=

CITY HALL CG ATLA=

THE CLOSING OF PEYTON AND HARLAN ROADS BY THE CITY OF ATLANTA IS TANTAMOUNT TO RESTRICTIVE COVENANTS WHICH ARE UNENFORCEABLE, SUCH ACTION NULLIFIES THE RIGHT OF PRIVATE ENTERPRISE AND INDIVIDUALS TO SELL OR NOT TO SELL THEIR PROPERTIES AND FINALLY DAMAGES YOUR IMAGE AND THE REPUTATION OF ATLANTA. I STRONGLY URGE AGAIN THAT THOSE ROADS REMAIN OPEN AND THAT WILLIS MILL ROAD BE REOPENED=

ROBERT A THOMPSON. =

NS FROM ITS PATRONS CONCERNING ITS SERVICE



## CLASS OF SERVICE

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# WESTERN UNION

## TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

## SYMBOLS

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443A EST DEC 16 62 AA075

A LLY018 LLZ3 LLZ3 NL PD ATLANTA GA 15

MAYOR IVAN ALLEN, JG

2600 PEACHTREE ROAD NORTHWEST ATLA5

THE ACTION OF PUBLIC WORKS COMMITTEE #1 RECOMMENDING CLOSING PEYTON AND HARLAN ROADS HAS SHOCKED THE ENTIRE NEGRO COMMUNITY AND MANY FAIR-MINDED WHITE CITIZENS OF ATLANTA. ~~STOP~~ NOTHING IN THE HISTORY OF ATLANTA IS COMPARABLE TO SUCH ACTION PARTICULARLY IN AN ERA OF WORLD WIDE CRISES SUCH AS WE ARE NOW UNDERGOING.

~~STOP~~ THE ATLANTA NEGRO VOTERS' LEAGUE UNANIMOUSLY AND UNEQUIVOCALLY PROTESTS THE PASSAGE OF RECOMMENDED ORDINANCE. ~~STOP~~ THIS PROPOSED ORDINANCE WOULD DENY BASIC CIVIL AND PROPERTY RIGHTS TO ALL CITIZENS BOTH WHITE AND COLORED AND WOULD SET SUCH A PRECEDENT AS WOULD DESTROY THE FINE HUMAN RELATIONS THAT HAVE EXISTED IN ATLANTA AND THAT HAVE MADE ATLANTA OUTSTANDING IN THE NATION. STOP THIS ACTION COULD ADVERSELY AFFECT MANY VITAL MATTERS

D- 17878

CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

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*ally 018/2*

FACING CITY. STOP

THE ATLANTA NEGRO VOTERS' LEAGUE URGES THAT YOU VOTE AGAINST SAID ORDINANCE AND THAT YOU USE YOUR INFLUENCE TO SEE THAT IT IS DEFEATED

A T WALDEN  
Q V WILLIAMSON  
CO-CHAIRMEN

C R YATES  
TREASURER

W R COCHRANE  
J H CALHOUN  
CO-SECRETARIES

ATLANTA NEGRO VOTERS LEAGUE.

ALABAMA BIRD VOTES LEAD  
CO-CHAIRMAN  
A. V. WILLIAMS  
A. J. WALDEN  
LET IT BE DECIDED  
WASHT LAID OUTLINES AND TALKS YOU WILL BE PLEASED TO SEE  
THE ALABAMA BIRD VOTES LEAD  
FACING CITY, STOP

D- 17879

CLASS OF SERVICE

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# WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

SF-1201 (4-60)

SYMBOLS

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444A EST JAN 18 63 AA089

SYA039 SY NB021 NL PD NEW YORK NY 17

MAYOR IVAN ALLEN JR

CITY HALL ATLA

CITIZENS OF HARLEM STRONGLY PROTEST THE RECENTLY CONSTRUCTED  
"ATLANTA WALL" AND URGE THAT THIS MOST BLANTANT SYMBOL OF DISCRIMINATION  
BE FORTHWITH DEMOLISHED

THE HARLEM ANTI COLONIAL COMMITTEE P O BOX 145 MORNINGSIDE  
STATION NYC 26.

D- 29609



# Abram Invites U.N. Group To View Racial Amity Here

UNITED NATIONS, N.Y. (AP)—MORTON B. ABRAM, president of the 11-member U.N. subcommittee on discrimination, today invited the group to visit his native Atlanta at the close of next year "in the deeper part of the country."

He said he would be a guide to the Georgia people at his own expense.

Abram said he wanted to show the subcommittee how Atlanta has grown and changed since 1945.

The subcommittee, which is the only subcommittee of the U.N. Commission on Human Rights, is to be headed by U.N. Commission on Human Rights, the Economic and Social Council and the General Assembly.

The subcommittee, which is made up of 11 members, will be in Atlanta to make the late Dr. Martin Luther King's report on the situation in the South. Abram said he would like to see other parts of the country where he has started a "racial amity fund" to "show the world that the United States is a land of racial amity."

Abram said he would like to see other parts of the country where he has started a "racial amity fund" to "show the world that the United States is a land of racial amity."



Memo to Mayor's Office  
Supplements 3-11-63 memo on Peyton Forest

623 Fielding Lane SW. Roy W. Forrester house.  
Vacant.  
Mortgage has been assumed by Withca, Inc.

483 Fielding Lane SW. the Bennett house.

Dr. Warner has some furniture moved in.  
Mortgage loans have been paid off.  
Refinanced by Mutual Federal S. & L. Assoc.

New item

579 Fielding Lane SW Sold 1-14-63 by F.E.Bennett to brother-in-law  
T.David Trammell, Lakewood Cleaners, lives Forrest Park, Ga.

Re-sold 2-22-63 by Trammell to H.L.Self (of Bibb County) assumed  
to be Negro. Mortgage assumed by Withca, Inc.

New item

Three vacant lots on Fielding Lane SW, immediately south of Bennett  
house. Transferred by F.E.Bennett (date unknown) to his father,  
C.W.Bennett, Sr., have been resold 1-4-63 by Bennett, Sr. to a  
H. L. Spicer (of Florida).

Real Estate Code violation, at 1044 Peyton Rd.SW (2nd house off Sewell)  
facts misrepresented to J. Thos Holloway on March 14, 1963, by Negro  
F.M. Fouch of Paramount Real Estate & Investment Co., Inc. Auburn Ave.

427 Peyton Rd. SW, the R.A.Bright house, sold 2-7-63 to C.C.Thornton,  
still occupied by Bright who has made current mortgage payment.

Legal advice obtained by South West Citizens Assoc. is that this  
is a very weak case to try to "break the sale".

# Liberal Moves May Pace Centennial Celebration

The centennial celebration of the Emancipation Proclamation will stay in full swing for the rest of the year, and there are signs the nation will become far more liberal before the 12-month observance is over.

Already President Kennedy has been busy in helping to prepare the centennial celebration. . . . The Labor Department has officially recognized the celebration with a booklet paying tribute to those who helped bring about freedom for all citizens.

In this year the president has sent a strong civil rights bill to congress. His brother, the attorney general, has climaxed a long series of anti-segregation moves by calling on labor to remove the remaining vestiges of discrimination from its ranks, both in the North and South.

But celebrations are one thing, and changing scenery may be another. The recent action in Albany, Georgia, where segregation ordinances were wiped out, seemed at first a liberal move, and may yet benefit the cause of racial equality in the U. S.

But even city officials admitted this was far from the purpose of the move, which they felt would keep out federal judges, who could order them to admit Negroes to facilities.

And Atlanta, this year, has her ups and downs. A Negro sits in the Senate, where he is treated with courtesy, but the "wall" had caused much embarrassment, until it was ordered torn down out on Peyton and Harlan Roads.

The overall picture does indicate progress, however, and the NAACP apparently is conducting its biggest membership drive this year. Negroes are beginning to appear on television shows, both as guests and actors. In a few isolated instances they appear in advertisements. Negro men play opposite women of other races when there is need, instead of changing the script and making the darker person Chinese or Indian.

Negro leaders are busy as ever, fighting for equal justice, and even though many southerners still scream "integration," rather than desegregation, the ideal of the emancipation does seem much nearer than ever before. It may be a good year.

For release upon receipt of Judge Whitman's  
Decision adversing the City's action in putting  
up Road signs on Peyton and Harlan Roads

From file  
John A. J.

I am issuing immediate instructions to Mr. Ray Nixon, Chief of Construction for the City, to immediately remove the road closing signs on Peyton and Harlan Roads, in keeping with the court order rendered by Judge Whitman.

I am asking the City Attorney, the Honorable Jack Savage to take no further action in this case until directed by the Board of Aldermen.

The difficulties which brought about the necessity for the abandonment of the portions of Payton and Harlan Roads have served to focus the attention of the people of this great city to the many problems of finding ample living space for a large Negro population.

In order to prevent any reoccurrence of a similar nature as that in the Peyton Forrest Area, and in order to conform with the decision of the courts, I am asking the Board of Aldermen to take the following action at their regular meeting, Monday, March 4:

(1) That the Board of Aldermen instruct the City Attorney not to appeal the decision rendered by Judge Whitman.

(2) In order to assist in the handling of transitional areas in the City of Atlanta, I am requesting the Board to pass a resolution to create a special real estate commission of six real estate men charged with the responsibility of preparing a code of ethics covering the sale and use of property in such areas, so that peace and harmony may prevail among all races in the City of Atlanta.

(3) Further, I am requesting that the Board pass a resolution which will instruct the City Planning Department to immediately institute a complete and comprehensive study of all available land within the limits of the City of Atlanta

that in the past has been zoned for commercial and manufacturing establishments, for the purpose of determining which of said areas could properly and equitably be zoned for open housing.

(4) I am also requesting the Board to pass a resolution directing me, as Mayor of Atlanta, to call together the respective groups and parties at interest in the Peyton Forest area for the purpose of discussing and seeking a fair and just agreement on a voluntary basis to fix a cooling-off period for all parties concerned in the Peyton Forest disturbance; and, furthermore, that all parties at interest be urged to approach the difficulties presented with fair and open minds in an effort to reach a solution to the controversies which are now existing and which may exist in the future.

Pipe line  
Replanting

---

Patch trees

---

Fishin boats

---

Lake Fertilizer

---

New patches

Replant old patches

---

Build Day YARD

---

VIRGIL COPELAND

657 FIELDING LANE S.W. ATLANTA 11, GA.

753-5657 424-4230

C. J. OWENS

681 FIELDING LANE S.W. ATLANTA 11, GA.

PH 8-1909

FRED D. PHILLIPS

2895 SEWELL RD. S.W. ATLANTA 11, GA.

PH 3-1332

HAROLD L. RAMSEY

499 THACKERY PL. S.W. ATLANTA 11, GA.

PH 8-4209

JAMES F. RUCKELEY

696 FLAMINGO DR. S.W. ATLANTA 11, GA.

PH 8-3601 -

CLIFFORD BULLARD

✓ 762 LYNN CIRCLE S.W. ATLANTA 11, GA.

755-7447

✓ Charlie Edwards  
Copeland -

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*Peyton*

March 18, 1963

MEMORANDUM

T. M. Alexander, Jr. called this date and asked me to tell the Mayor that a house in the 700 block of Peyton Road which has been for sale by owner for about 2 years, he understood today, through reliable sources, had been sold today, by owner, to a Negro. He stated that there were no real estate men involved.

George



Memo to Mayor's Office.

623 Fielding Lane SW (Peyton Forest)

Roy W. Forrester, owner, vacated above house Thursday, March 7th. Rumor is that he told some of the neighbors he would rent the house. Others were told that he had sold to the Withca Corp., also that W.L. Calloway is the actual buyer.

Note attached copy of Order granting Charter to "Withca, Inc."

487 Thackeray Pl. SW (Peyton Forest)

Orville E. Congdon, owner (ex pilot, Southern Airways) has advised his neighbor (H.L. Ramsey 499 Thackeray Pl.) that he has signed a sales contract with C.C. Thornton, but will sell to any white group. Assume this is another deal to "Withca, Inc."

483 Fielding Lane SW (the Bennett property)

Dr. Warner apparently preparing to move into house. Reports are that telephone connections have been made, utility meters read, milk delivery service changed. Van type truck in driveway today, Monday, March 11th, may be "cleaning service truck".

Something "fishy" about the supposed foreclosure sale of this property on Tuesday, March 5th.

SA 3-11-63

**APPLICATION FOR AND ORDER  
GRANTING CHARTER**  
To The Superior Court of said  
County, Fulton County, Georgia.

The petition of Q. V. Williamson,  
855 Hunter Street, N. W., W. L. Cal-  
loway, 193 Auburn Avenue, N. E.,  
and C. C. Thornton, 885 Hunter  
Street, S. W., all of Atlanta, Geor-  
gia, respectfully shows for them-  
selves, their associates, successors  
and assigns to be incorporated un-  
der the name and style of  
WITHCA, INC.

1. Petitioners desire for them-  
selves, their associates, successors  
and assigns to be incorporated un-  
der the name and style of  
WITHCA, INC. for a period of thirty-five (35)  
years, with the privilege of renewal  
as provided by law.
2. The principal office of the cor-  
poration shall be in Atlanta, Fulton  
County, Georgia, with the right,  
however, to establish branch offices  
and places of business both within  
and without the State of Georgia.
3. The object of this corporation  
shall be pecuniary gain to the stock-  
holders.
4. The general nature of the  
business to be conducted shall be  
the buying, selling, leasing, renting,  
owning, improving, developing, man-  
aging and otherwise dealing in real  
property and interest in real prop-  
erty.
5. In addition to, but not in limi-  
tation of the general powers con-  
ferred by law, the corporation de-  
sires the power to extend credit, to  
lend money, to buy, sell, own and  
hold for investment, and otherwise  
deal in properties of every kind and  
description, both real and personal.
6. Petitioners further desire that  
said corporation be vested with all  
the rights and powers now and here-  
after given to do any and all things  
which may be needed or proper in  
the operation of the above described  
business, and that said corporation  
have all of the powers enumerated  
in Title 22 of the Georgia Civil  
Code of 1933, as amended, together  
with such powers as may here-  
after be given to similar corpora-  
tions by law.
7. The capital stock of said cor-  
poration shall be Fifty Thousand  
(\$50,000.00) Dollars, divided into  
Five Thousand (5,000) shares of  
Ten (\$10.00) Dollars per share. The  
amount of capital with which said  
corporation shall begin business  
shall not be less than Two Hundred  
(\$200.00) Dollars.

Wherefore petitioners pray that  
they be incorporated under the  
name and style aforesaid, to be  
granted a corporate charter with all  
rights, powers and privileges herein  
set forth, together with all such  
other rights, powers, privileges and  
immunities as are allowed by law.  
K. E. THOMAS, JR.  
Attorney for Petitioners  
175 Auburn Avenue, N. E.

**ORDER**  
The within application for a cor-  
porate charter read and considered,  
and it appearing that the applica-  
tion is legitimately within the pur-  
view and intention of the laws of  
this State, and it further appearing  
from the certificate of the Secretary  
of State that the name of the pro-  
posed corporation is not the name  
of any other existing corporation  
registered in the office of the Sec-  
retary of State.  
IT IS ORDERED that the fore-  
going application be, and the same  
is hereby granted, and the appli-  
cants are hereby incorporated and  
granted a corporate charter under  
the name WITHCA, INC.  
with all of the rights, powers, and  
privileges prayed for and all others  
granted by law.  
This 7th day of March, 1963.  
JEPHTHA C. TANKSLEY  
Judge, Superior Court Atlanta  
Mar 21 22 23 1963-1

copied from Fulton County Daily Report  
dated March, 8, 1963

WITHCA, Inc., incorporated March 7, 1963,  
apparently for the purpose of buying real  
estate, is assumed to be the corporation  
which purchased the R.A. Bright house at  
427 Peyton Rd. SW on March 7, 1963, using  
C.C. Thornton as its agent.

WI- Williamson  
TH- Thornton  
CA- Calloway



## CALLOWAY Sez:

Before the Mayor begins stopping the growth of Atlanta by "closing off the streets" . . . Buy your home from an "open occupancy Real Estate Company."

**BAKERS FERRY ROAD, S.W.** — 3 new modern ranch type homes with all modern equipment, built-in range, two baths. Price to suit your needs.

**527 EVELYN PLACE, N.W.** — Beautiful bungalow with full basement. Small down payment and assume small payment loan.

**666 ROBERTS STREET, N.W.** — 4 room frame, carport, recently remodeled, 65 x 120. FHA approved only \$8,750.00.

**115 DEARBORN STREET, S.E.** — 5 room frame, large lot 50x275. FHA appraised, \$12,970.00.

**4555 BOULDER PARK, S.W.** — 6 room frame, 2 acre lot, winding driveway among beautiful Georgia lines. Reasonable down payment; price \$14,500.00.

**451 CENTER HILL, N.W.** — 6 room brick, nice lot, hardwood floors, recently decorated. FMA approved. Down payment \$850.00; price \$12,000.00.

**530 WEST LAKE AVENUE** — 6 room house, good condition, near transportation, schools and church. FMA appraised. Qualify for loan, small down payment.

— SALESMEN —

ED. BILLINGSLEY — SALES MANAGER — SY. 4-8435

W. C. Ponder . . . . . 524-8730  
H. M. Holmes, Jr. . . . . 344-3017  
Robert Collier . . . . . PL. 8-5602  
Bartow Kaigler . . . . . 753-77795

Franklin Brawn . . . . . SY. 4-2601  
G. D. Jewell . . . . . PL. 5-9340  
Alfred Gordon . . . . . MU. 8-9197  
Jacques Smith . . . . . 627-3027

**Calloway Realty Co.**



183 AUBURN AVE., N. E. — ATLANTA 1, GA — JA 2-4525

OFFICE JA. 2-4525, JA. 2-4526 or JA. 2-4527

copied from Atlanta Daily World, Sunday, Dec. 2, 1962.

239 West Lake Avenue, Northwest  
Atlanta 14, Georgia  
March 7, 1963

Honorable Ivan Allen, Jr.  
Mayor of the City of Atlanta  
City Hall  
Atlanta, Georgia

Dear Mayor Allen:

I hereby accept your invitation to be present at a meeting Friday, March 8, 1963, 2:00 P. M., to discuss the Harlan-Peyton Road housing situation. It is assumed that your invitation to me was as an individual.

As you know, I am one of three Co-Chairmen of the All Citizens Committee for Better City Planning. You will recall that this organization had previously indicated a willingness to discuss all pertinent issues inherent in the subject. There has been no change in our position.

Presuming that you intend to form a committee for the mentioned purpose, I am taking the liberty of submitting to you a list of names of persons in our organization from whom we would be amenable to selecting an appropriate number. I realize that the size of the committee would dictate the number of persons selected.

If the purpose of the Friday meeting is to explore solutions to said situation, then I strongly and respectfully urge that you indicate to me the number of persons which might be selected from the attached list. I would be happy to communicate with such persons immediately upon receiving appropriate information from you.

YOURS, FOR A BETTER ATLANTA,

*C. Miles Smith, D.D.S.*

C. Miles Smith, D. D. S.

CMS/daw

cc Attorney A. T. Walden  
W. L. Calloway  
Reverend William Holmes Borders  
W. R. Cochran  
J. B. Blayton, Sr.  
C. R. Yates  
Clarence Coleman  
Reverend H. I. Bearden

LIST OF PROSPECTIVE MEMBERS FOR YOUR COMMITTEE

Reverend John Middleton

Mr. James Forman

Reverend Samuel W. Williams

Mrs. Eliza Paschal

Mr. Charles Greene

Mr. Q. V. Williamson

Reverend M. L. King, Sr.

Dr. C. Miles Smith

Mr. B. F. Bullock

Reverend H. I. Bearden

JOINT REAL ESTATE MEETING -- 2:00 p.m. Thursday, March 7

Atlanta Real Estate Board

Ward Wight  
Arthur Burdette, Jr.  
Henry Robinson  
(Cone Maddox is out of Town

Empire Real Estate Board

W. L. Calloway  
Calvin Thornton  
T. M. Alexander, Sr.  
Q. V. Williamson

Mr. Calloway advised me that the Empire Board elected these people to come to this meeting and "listen to what you have to say".

INTERESTED PARTIES IN PEYTON RD. DISTURBANCE -- 2:30 p.m.  
Friday, March 8

- Calloway*
- ✓ Virgil Copeland, Southwest Citizens Association
  - Jack Bohler, Director, West End Businessmen's Association
  - ✓ A. T. Walden, Atlanta Negro Voters League
  - Dr. C. Miles Smith, All Citizens Committee for Better City Planning
  - Milton D. Fairris, Alderman, 7th ward
  - Jack Summers, Alderman, 7th Ward.

Note:. . . When I officially invited Mr. Calloway, he said that he could not come without approval of his board. . . and that he would talk with you about this Thursday morning. . . .

Sid Avery Called, and said he heard of the meeting, that you have chosen the wrong person from the Southwest Citizens Association, and Virgil Copeland ~~id~~ did not represent the feelings of the group, and that you would have to invite the three men designated by the Association to deal with the problem. . . I told him that you invited the President, since he was elected as President by the members.

---

Ivan, this sounds like these two meetings will be a one-shot deal; unless national publicity is used against the Negro community to show their unwillingness. . . The only agreeable response I have had in my telephoning has been from Dr. Smith, who seems delighted and anxious to come, and feels that you have handled this properly. . . he also said that ~~he~~ expected the All Citizens Committee for Better City Planning to make "an official expression this afternoon (3/6) as to their endorsement of your action". Naturally, Col. Walden is ready to meet with you on whatever you want to talk about and when you want to talk about it.

BY: \_\_\_\_\_

RESOLUTION AUTHORIZING THE MAYOR TO CALL  
TOGETHER RESPECTIVE GROUPS CONCERNED  
WITH THE PEYTON FOREST AREA.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Atlanta that the Mayor be and he is hereby directed to call together the respective groups and parties at interest in the Peyton Forest Area for the purpose of discussing and seeking a fair and just agreement on a voluntary basis to fix a cooling-off period for all parties concerned in the Pine Forest disturbance; that all parties at interest be urged to approach the difficulties presented with fair and open minds in an effort to reach a solution to the controversies which are now existing and which may exist in the future.

BY: ALDERMAN MILTON G. FARRIS

RESOLUTION DIRECTING THE CITY ATTORNEY  
NOT TO ENTER AN APPEAL IN THE CASE OF  
L. K. GOOGER, ET AL VS. THE CITY OF  
ATLANTA, ET AL, CASE NO. A-97679, FULTON  
SUPERIOR COURT.

BE IT RESOLVED by the Mayor and Board of  
Aldermen of the City of Atlanta that in the case of  
L. K. Googer, et al vs. the City of Atlanta, et al,  
Case No. A-97679, Fulton Superior Court, which said case  
was, on the 1st day of March, 1963, decided adversely  
to the City and the City was temporarily enjoined from  
maintaining blockades or barriers on Peyton and Harlan  
Roads; that the City Attorney be and he is hereby directed  
not to enter an appeal from said decision, but that the City  
comply with the same as ordered by the Court.



BY: ALDERMAN MILTON G. FARRIS

RESOLUTION AUTHORIZING THE MAYOR TO CALL  
TOGETHER RESPECTIVE GROUPS CONCERNED  
WITH THE PEYTON-UTOY-FOREST AREA.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Atlanta that the Mayor be and he is hereby directed to call together the respective groups and parties at interest in the Peyton-Utoy-Forest Area for the purpose of discussing and seeking a fair and just agreement on a voluntary basis to fix a cooling-off period for all parties concerned in the Peyton-Utoy-Forest disturbance; that all parties at interest be urged to approach the difficulties presented with fair and open minds in an effort to reach a solution to the controversies which are now existing and which may exist in the future.

BY: ALDERMAN MILTON G. FARRIS

RESOLUTION AUTHORIZING THE PLANNING DEPARTMENT  
TO MAKE A STUDY OF CERTAIN PROPERTIES TO  
DETERMINE WHICH OF SAID PROPERTIES COULD PROPERLY  
AND EQUITABLY BE ZONED FOR HOUSING FOR ANY AND  
ALL RACES.

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN  
of the City of Atlanta that the City Planning Department be  
and it is hereby directed to institute immediately a complete  
and comprehensive study of all available land within the limits  
of the City of Atlanta for the purpose of determining which of  
said properties could properly and equitably be zoned for open  
housing to be purchased and occupied by persons of any and all  
races; that said property be studied and a plan recommended  
that will sustain present and future values insofar as it is  
possible to do so; that a report be made to the Mayor and  
Board of Aldermen by said Planning Department at as early a  
date as is possible.

BY: ALDERMAN MILTON G. FARRIS

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO MAKE A STUDY OF THE PRACTICE OF "BLOCK-BUSTING" AND TO PREPARE AND SUBMIT ORDINANCES TO THE MAYOR TO ALLEVIATE THIS CONDITION.

WHEREAS, the practice of "block-busting", a practice whereby members of one race acquire residential property in a block area or neighborhood formerly occupied by members of another race exclusively, is harmful to the City of Atlanta and to its inter-racial relations; and

WHEREAS, such a practice of "block-busting" creates friction and ill will between the races and prevents the creation of good will, which is so highly desirable to all parties concerned.

BE IT RESOLVED by the Mayor and Board of Aldermen that the City Attorney be and he is hereby requested to begin a study of the problem presented by such a practice and to prepare and submit to the Mayor ordinances to alleviate this condition, to bring about a better relation between the races and to protect property values of all parties concerned.

For release upon receipt of Judge Whitman's  
Decision adversing the City's action in putting  
up Road signs on Peyton and Harlan Roads

I am issuing immediate instructions to Mr. Ray Nixon, Chief of Construction for the City, to immediately remove the road closing signs on Peyton and Harlan Roads, in keeping with the court order rendered by Judge Whitman.

I am asking the City Attorney, the Honorable Jack Savage to take no further action in this case until directed by the Board of Aldermen.

The difficulties which brought about the necessity for the abandonment of the portions of Payton and Harlan Roads have served to focus the attention of the people of this great city to the many problems of finding ample living space for a large Negro population.

In order to prevent any reoccurrence of a similar nature as that in the Peyton Forrest Area, and in order to conform with the decision of the courts, I am asking the Board of Aldermen to take the following action at their regular meeting, Monday, March 4:

(1) That the Board of Aldermen instruct the City Attorney not to appeal the decision rendered by Judge Whitman.

(2) In order to assist in the handling of transitional areas in the City of Atlanta, I am requesting the Board to pass a resolution to create a special real estate commission of six real estate men charged with the responsibility of preparing a code of ethics covering the sale and use of property in such areas, so that peace and harmony may prevail among all races in the City of Atlanta.

(3) Further, I am requesting that the Board pass a resolution which will instruct the City Planning Department to immediately institute a complete and comprehensive study of all available land within the limits of the City of Atlanta

that in the past has been zoned for commercial and manufacturing establishments, for the purpose of determining which of said areas could properly and equitably be zoned for open housing.

(4) I am also requesting the Board to pass a resolution directing me, as Mayor of Atlanta, to call together the respective groups and parties at interest in the Peyton Forest area for the purpose of discussing and seeking a fair and just agreement on a voluntary basis to fix a cooling-off period for all parties concerned in the Peyton Forest disturbance; and, furthermore, that all parties at interest be urged to approach the difficulties presented with fair and open minds in an effort to reach a solution to the controversies which are now existing and which may exist in the future.

BY: \_\_\_\_\_

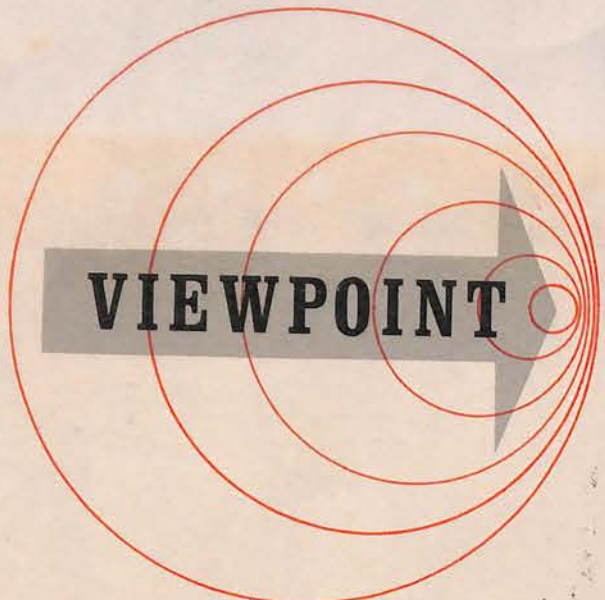
RESOLUTION AUTHORIZING THE PLANNING DEPARTMENT TO MAKE A STUDY OF CERTAIN PROPERTIES, NOW ZONED FOR COMMERCIAL AND MANUFACTURING ESTABLISHMENTS, TO DETERMINE WHICH OF SAID PROPERTIES COULD PROPERLY AND EQUITABLY BE ZONED FOR HOUSING FOR ANY AND ALL RACES.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Atlanta that the City Planning Department be and it is hereby directed to institute immediately a complete and comprehensive study of all available land within the limits of the City of Atlanta that in the past has been zoned for commercial and manufacturing establishments for the purpose of determining which of said properties could properly and equitably be zoned for open housing to be purchased and occupied by persons of any and all races; that said property be studied and a plan recommended that will sustain present and future values insofar as it is possible to do so; that a report be made to the Mayor and Board of Aldermen by the said Planning Department at as early a date as is possible.

BY: \_\_\_\_\_

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AN OFFICIAL OPINION OF

VIEWPOINT

RADIO

WSB

TELEVISION

DICK MENDENHALL Editorial Director

FEBRUARY 28, 1963

THE BARRICADES DON'T WORK:  
TAKE THEM DOWN

Last Friday night, one of the barricades on Harlan Road was the target of vandalism. Somebody sawed through it and tossed part of it into a creek. We deplore this sort of thing. Those barricades, however poisonous and hateful they are, should be removed by the very agency which placed them there -- the City of Atlanta, acting officially and with deliberation -- not by a bunch of race-baiters, do-gooders, or vandals.

Yesterday, it was learned that more property had been purchased behind what is becoming known as Atlanta's "Little Berlin Wall" by a Negro real estate man. So it seems, as we pointed out some weeks ago, the barricades aren't doing the job they were supposed to do.

These barricades, in fact, show the world that Atlanta is losing its touch in maintaining good race relations. These barricades are a visible mockery of some nice words once printed about our city in Time, of all Magazines, that Atlanta is a "city steeped in its traditions but not mired down by them." These barricades are causing the forces of understanding and common sense to split ranks and scatter, allied against each other. Ironically, it seems, these barricades are opening the flood-gates for propaganda, hate, and hallucination unknown to the Atlanta spirit.

And just what is the Atlanta "spirit?" Ivan Allen, Senior -- father of our present Mayor -- once published a booklet in which he said the Atlanta spirit was a combination of "altitude and attitude," a combination equaling greatness. With a geographical location 1,050 feet above sea-level, making for good health, and a political and sociological location between extremes, making for common sense, the elder Mr. Allen believed this Atlanta "spirit" was the key to future progress.

Thanks to the vision of the senior Mr. Allen, and to others -- not the least of whom has been his own son, Mayor Ivan Allen -- Atlanta has indeed enjoyed progress and greatness.

But now that's all threatened. Progress has come to a standstill at Peyton and Harlan Roads. The barricades are up, but they're not doing the job. They can't. It's time for the Board of Aldermen to take them down. This must not be left up to vandals and wildmen. It's the Aldermanic Board's job. These barricades have given Atlanta a black eye, and they must be eliminated before the whole face of Atlanta is ruined. Take the barricades down -- and make it official.



L. K. GOOGER, ET AL.,

( ) NO. A-97897

PLAINTIFFS

( ) FULTON SUPERIOR COURT

-VS-

( )

CITY OF ATLANTA, ET AL.,

( )

DEFENDANTS

ORDER AND JUDGMENT ON DEMURRERS AND MOTION TO DISMISS  
AND GRANTING INTERLOCUTORY INJUNCTION

THE CASE

This is a suit brought by plaintiffs against defendants in the Superior Court of Fulton County, Georgia, seeking to enjoin the defendants, jointly and severally, from continuing to impede and interfere with the flow of pedestrian and vehicular traffic along Peyton and Harlan Roads in the City of Atlanta, Georgia; from continuing to prevent and deny to plaintiffs the use of said Roads as public thoroughfares; from continuing to obstruct, impede and interfere with the movements of pedestrian and vehicular traffic along said Roads; from obstructing, closing, vacating or abandoning said Roads, and for the declaration and judgment that certain portions of Ordinances of the City of Atlanta are unconstitutional and, therefore, null and void.

This order and judgment relates to the hearing on the question of the grant of an interlocutory injunction and on demurrers and a motion to dismiss filed in said case, as hereinafter set forth.

THE PLEADINGS

The pleadings in the case are as follows:

1. Original petition of L. K. Googer and others against the City of Atlanta and others, filed on December 17, 1962, with

rule nisi thereon of said date returnable on December 18, 1962;

2. Amendment to petition filed December 18, 1962;
3. Supplemental amendment to petition filed December 21, 1962;
4. Demurrer of defendants filed December 21, 1962;
5. Amendment to supplemental amendment to petition filed December 31, 1962;
6. Defendants' renewed demurrers filed January 10, 1963;
7. Amendment of plaintiffs striking original petition and all amendments thereto and substituting rewritten petition and stipulation relating to renewed demurrers, filed January 14, 1963;
8. Defendants' renewed and additional demurrers to plaintiffs' amended and rewritten petition, filed January 16, 1963;
9. Motion to dismiss by individual defendants, other than defendant Cecil Turner, filed January 16, 1963;
10. Answer of defendants, other than defendant Cecil Turner, filed January 16, 1963;
11. Answer of defendant Cecil Turner, filed January 17, 1963;
12. Amendment of plaintiffs, filed January 21, 1963.
13. Defendants' renewed and additional demurrers to plaintiffs' amended and rewritten petition, as finally amended, filed February 4, 1963;
14. Application of Mrs. Sara C. Hall and Carl Thomas Kidd to intervene as plaintiffs, filed January 22, 1963;
15. Intervention of Mrs. Sara C. Hall and Carl Thomas Kidd, filed January 22, 1963.

### RULINGS ON DEMURRERS

The demurrers to be passed on in this case are defendants' renewed and additional demurrers to plaintiffs' amended and rewritten petition, as finally amended, filed February 4, 1963. The rewritten petition was filed January 14, 1963 and the final amendment by plaintiffs was filed January 21, 1963.

By paragraph 1 of defendants' renewed and additional demurrers, filed February 4, 1963, the defendants renewed each and every one of their demurrers as originally filed and renewed, as therein stated; and by paragraphs 2 and 3 of said renewed and additional demurrers, as construed by the Court, all demurrers relate to and are directed against plaintiffs' rewritten petition as finally amended and the intervention of Mrs. Sara C. Hall and Carl Thomas Kidd filed January 22, 1963.

Plaintiffs' amendment filed January 21, 1963 was and is sufficient to meet the grounds of demurrer set forth in paragraphs 2 and 3 of defendants' renewed and additional demurrers to plaintiffs' amended and rewritten petition, filed January 16, 1963.

Sub-paragraph (d) of paragraph 12 (a) of plaintiffs' rewritten petition filed January 14, 1962 alleges that "said respective paragraphs of the respective ordinances are unconstitutional and inderogation of the same constitutional provisions recited above for the reason that said paragraph purports to abandon said respective portions of the particular roads for the benefit of private persons contrary to the law of this State." A similar allegation is set forth in sub-paragraph (d) of paragraph 16 of the intervention of Mrs. Sara C. Hall and Carl Thomas Kidd, filed January 22, 1963. No special demurrers have been filed to said sub-paragraphs (d).

Upon consideration of defendants' renewed and additional demurrers filed February 4, 1963, and all renewed demurrers as aforesaid, IT IS CONSIDERED, ORDERED AND ADJUDGED as follows:

(a) Paragraph 1 of demurrers of defendants filed December 21, 1962, as renewed, is sustained as to the individual defendants, and each of them, in their individual capacities, and plaintiffs' petition as rewritten and as amended is hereby dismissed as to said individuals and each of them, in their individual capacities.

(b) Paragraph 1 of said demurrers of defendants filed December 21, 1962 as renewed is overruled as to the individual defendants and each of them, in their official capacities as members of the Board of Aldermen of the City of Atlanta.

(c) All of the remaining demurrers of the defendants, consisting of defendants' renewed and additional demurrers filed February 4, 1963 and all renewed demurrers other than paragraph 1 of the demurrers of the defendants filed December 21, 1962 as renewed (which paragraph 1 is passed on by paragraphs numbered (a) and (b) immediately preceding this paragraph (c)), are each and all hereby overruled.

#### RULING ON MOTION TO DISMISS

On January 16, 1963 all of the individuals, and each of them, except defendant Cecil Turner, filed in this case their motion to dismiss the above captioned action on the following grounds and the following reasons:

"1. These defendants, and each of them, move the Court to dismiss plaintiffs' petition as to them on the grounds that said petition shows on its face that all acts of these defendants, which are complained of and set out in plaintiffs' petition, were acts performed in their official capacity as Mayor and Members of the Board of Aldermen of the City of Atlanta and that plaintiffs' petition shows on its face that plaintiffs are not entitled to proceed against these defendants in their individual capacities."

According to the Court's construction of the plaintiffs' rewritten petition Ivan Allen, Jr. was named as a defendant only in his official capacity as Mayor of the City of Atlanta. The

remaining individuals, including Cecil Turner, were named as defendants individually and in their official capacities as members of the Board of Aldermen of the City of Atlanta.

Upon consideration of said motion to dismiss, the same is hereby sustained and said action is hereby dismissed as to each and all of the individual defendants therein named, in their individual capacities.

PLEADINGS, ADMISSIONS AND STIPULATIONS

The pleadings as they presently exist and in respect of which hearing was had and this order and judgment are entered, are plaintiffs' rewritten petition filed January 14, 1963. The written petition consists of paragraphs numbered 1 through 12, both inclusive, together with paragraphs numbered 12(a), 13, 14, 14(a) and 15. By the answer of all defendants except defendant Cecil Turner, filed January 16, 1963, paragraphs 1 and 2 of the petition are admitted; defendants say paragraph 3 requires no answer and they deny paragraph 4 and paragraphs 6 through 14, both inclusive. As to paragraph 5 of the petition, the defendants in paragraph 4 of their answer allege: "Answering paragraph 5 of plaintiffs' petition, defendants admit that the ordinances referred to therein as Exhibits A and B were duly enacted by the Board of Aldermen of the City of Atlanta and signed by the Mayor, all of which was done in compliance with and in the manner prescribed by the Charter of the City of Atlanta. For further answer, defendants show that said ordinances speak for themselves as to their content." Thus defendants virtually admit all of paragraph 5.

In their answer defendants make no answer as to paragraphs 12(a), 14(a) and 15, although in their renewed and additional demurrers filed on January 16, 1963, the same date on which their answer was filed, they demurred specially, in paragraphs 2 and 3 thereof, to paragraph 14(a) of the plaintiffs' rewritten petition;

and also demurred therein to paragraph 15 of plaintiffs' original petition, thus being mindful of the fact that paragraph 14(a) was and is in plaintiffs' petition; and by defendants' renewed demurrer filed February 4, 1963, which was filed after plaintiffs' amendment of January 21, 1963, adding paragraph 16 to their petition, the defendants, by paragraph 1 of said demurrer of February 4, 1963, renewed "each and every one of their demurrers as originally filed and renewed herein." Paragraph 16 added to plaintiffs petition by said amendment of January 21, 1963 met paragraphs 2 and 3 of defendants' renewed demurrers filed January 16, 1963.

By paragraph 14(a) of plaintiffs' rewritten petition it is alleged: "Plaintiffs show that Section 1 of the respective ordinances and the implementing action on the part of the defendants in erecting the respective barriers referred to above, is further in derogation of the respective constitutional provisions set out above for the reason that said sections of the respective ordinances and the said implementing action was for the purpose of establishing a 'racial buffer' to control the place of residence of the negro plaintiffs herein, and others similarly situated." By the failure of defendants to answer said paragraph 14(a), the defendants admit said paragraph and certainly that portion thereof which alleges factually that Sections 1 of the respective ordinances and the implementing action on the part of defendants in erecting the respective barriers referred to "was for the purpose of establishing a 'racial buffer' to control the place of residence of the negro plaintiffs herein, and others similarly situated."

A similar observation in respect of the failure of defendants to answer paragraph 12(a) of plaintiffs' petition is not made in respect of that portion of sub-paragraph (d) of said paragraph 12(a) relating to the abandonment of the respective portions of the two roads "for the benefit of private persons," for the reason it cannot be said that the respective paragraphs of the

ordinances show upon their face that the closings were "for the benefit of private persons."

Section 1 of each of these ordinances shows that the portions of the roads are "abandoned for street purposes as no longer needed as such." The words "as such" are to be construed as meaning "for street purposes." It is significant, however, that the particular purpose or purposes for which the portions of the roads were abandoned are not indicated on the face of the ordinances, the ordinances being entirely silent in that respect. It is also significant that Section 2 of the ordinances reserves to the City of Atlanta "a general easement for all utilities, both public and private, now located in said street."

In respect of the effect of the failure of defendants to answer paragraphs 12(a) and particularly paragraph 14(a) of the plaintiffs' rewritten petition as dispensing with proof thereof, and that the allegations of such paragraphs not answered are to be taken as true, see *Nations v. Lassiter*, 94 Ga. App. 504, CITING *Moss v. Youngblood*, 187 Ga. 188 (2), and *Evans v. Bredow*, 95 Ga. App. 488, 489, 490. See also Georgia Code, Annotated, Section 81-103, Section 81-305, Section 81-306 and Section 81-308.

On the hearing there was offered by counsel for plaintiffs and admitted in evidence on behalf of plaintiffs, and identified as "P-3", affidavit of Mrs. Ruby L. Camp and others, to which there was attached as a part thereof marked Exhibit "A" a so-called photograph showing a barricade or barrier, and also a sketch or map showing location of barriers thereon identified by "X" marks. It was stipulated on the hearing by counsel for the parties that the barricades thus shown on the sketch on Peyton Road and Harlan Road, respectively, are of wooden structure supported by steel beams dug into the ground, which barricades run across the street from curb to curb, if there was in fact a curb, and that such barriers prevent vehicular travel at such points, and also pedestrian travel unless the pedestrian went over or around the same; and it was also stipulated by counsel for the parties on the hearing that said barriers were put up a short time after the

signing of the ordinances in question, and are substantial in nature.

EVIDENCE FOR PLAINTIFFS AND RULINGS ON OBJECTIONS THERETO.

The evidence offered on behalf of the plaintiffs consists of the following:

Plaintiffs' Exhibit No. 1, certified copy of ordinance in relation to abandonment of Peyton Road, S.W. (The certificate thereto attached relates to abandonment of a portion of Harlan Road, S.W., but this is regarded as immaterial);

Plaintiffs' Exhibit No. 2, certified copy of ordinance relating to abandonment of a portion of Harlan Road, S.W.;

Plaintiffs' Exhibit No. 3, affidavit of Mrs. Ruby L. Camp and others with Exhibit "A" attached;

Plaintiffs' Exhibit No. 4, affidavit of Ruby L. Camp and others;

Plaintiffs' Exhibit No. 5, affidavit of Mrs. Harold Johnson and others;

Plaintiffs' Exhibit No. 6, affidavit of D. L. Hollowell, with Exhibits "A", "B" and "C" attached;

Plaintiffs' Exhibit No. 7, certified copy of Map showing Peyton Road;

Plaintiffs' Exhibit No. 8, certified copy of Map showing Harlan Road, and a portion of Peyton Road;

Plaintiffs' Exhibit No. 10, affidavit of Joseph T. Bickers;

Plaintiffs' Exhibit No. 11, certified copies of six deeds.

Plaintiffs' Exhibits 1, 2 and 3 above set forth were offered and admitted in evidence without objection.

Paragraphs 4 of plaintiffs' Exhibits 4 and 5 were objected to on the ground that same constituted a mere conclusion, "there being no facts on which they previously testified to to substantiate it." Said objection is overruled. See Burton vs. O'Neill Mfg. Co., 126 Ga. 805.



Objections of Defendants

Paragraph 1 of affidavit of D. L. Hollowell of date January 17, 1963 contains, among other things, the following:

"That on September 6, 1962, there appeared in The Atlanta Journal an article which reflected that the Mayor indicated that the road patterns in the Marlan and Peyton Roads area would be changed so as to effect a 'racial buffer.' A copy of said article is attached hereto, marked Exhibit A, and incorporated herein by reference." Attached to said affidavit is Exhibit "A."

Counsel for defendants objected to that portion of paragraph 1 of said affidavit above set forth and to the Exhibit thereto attached, on the grounds:

1. (a) That it is of hearsay, an article that is written by a newspaper reporter, and this one, incidentally, carries the by-line of Raleigh Bryans. It is obviously the words of that newspaper reporter and it is of hearsay; (b) that it is an opinion.
2. Counsel for defendants objected to the entire newspaper article, and to the affidavit of D. L. Hollowell "on the ground that the words used by the affiant, 'racial buffer,' are his own words, apparently."
3. Counsel for defendants objected to the portion of said affidavit "wherein the affiant describes the contents of the newspaper article on the ground that his description of it is his own personal opinion, which has no probative value. He can't testify as to his opinion from this newspaper article."
4. Counsel for defendants also objected to the article in its entirety on the ground that it is of hearsay.
5. Counsel for defendants further objected to that portion of the paragraph in the newspaper article which is attached as Exhibit A "on the ground that it is obviously an opinion of the writer of this newspaper article; that if it were otherwise admissible, which we

deny, it would still be objectionable on the ground that it is mere opinion of this newspaper writer, since, except for the quoted portions of it, it simply gives his resume of what he thinks happened at that time, and what conclusions he draws from it; and for that reason, we say it is inadmissible."

Paragraph 2 of affidavit of D. L. Hollowell, of date January 17, 1963, contains, among other things, the following:

"Affiant shows further that it is common knowledge that the abandonment of the portions of Harlan and Peyton Roads as reflected in the ordinances which are attached to the original petition in the instant case, marked Exhibits A and B, was for the purpose of establishing a 'racial buffer' zone between white and negro citizens of the City of Atlanta."

Counsel for the defendants objected to the portion of said paragraph 2 above set forth "on the ground that that is merely an opinion of the affiant; his opinion, of course, being it's common knowledge is not a statement of fact, but is merely a statement of opinion, and unless the Court undertakes the view that the Court can take judicial notice of this so-called common knowledge, then it is merely his opinion. There are no facts on which to substantiate it. \* \* \* I think that the Court could not take judicial notice of anything that can be disproved. The only common knowledge that is before the Court at this time is what the newspaper says, and that doesn't make it common knowledge that your Honor can take judicial notice of. That makes it the knowledge of the newspaper."

Paragraph 2 of affidavit of D. L. Hollowell, of date January 17, 1963, contains, among other things, the following:

"That direct and indirect indications of this purpose have been reflected repeatedly in the metropolitan press as shown by Exhibits A and B and C, to this affidavit, all of which are incorporated herein by reference."

Counsel for defendants objected to the statement of the affiant "that the direct and indirect indications of this purpose have been reflected repeatedly in the metropolitan papers (press), for the reason that that is the opinion of the affiant. It recites no facts upon which to base the opinion and is purely a conclusion and opinion of his, and for that reason is not admissible."

Counsel for defendants also objected to the sentence in said portion of said paragraph 2 "wherein Exhibits A and B, and Exhibit C is some sort of a bulletin that was put out by some organization called the Southwest Citizens Association, on the ground that anything contained in Exhibits A, B and C would be \* \* \* hearsay. It doesn't purport to be anything other than the statement of some third party, either a newspaper report or some other individual, and it would have no probative value in this Court; secondly, it would be clearly hearsay."

Paragraph 3 of affidavit of D. L. Hollowell, of date January 17, 1963, contains, among other things, the following:

"Affiant further shows that in at least two meetings since January 1, 1963, which meetings were attended by the affiant, the said Mayor has reiterated the fact that the roads were closed for the purpose of 'effecting stability in the Harlan-Peyton Road Area.'"

Counsel for defendants objected to said paragraph upon the following grounds: (1) "It is hearsay to say what the Mayor said; and (2) that even if the Mayor said it, it would not be heard in this Court to go behind the ordinance and tell us or the Court what his motives were in passing that ordinance, and, therefore, it is not admissible under either theory."

Paragraph 4 of affidavit of D. L. Hollowell, of date January 17, 1963, contains, among other things, the following:

"That the applicants for the abandoning of the said portions of Harland and Peyton Roads have publicly stated that their

reason for same was to 'stabilize' the area generally known as Cascade Heights, Utoy Creek and Peyton Forest."

Counsel for defendants objected to said portion of said paragraph on the ground "that this affiant cannot state what some other persons have stated simply because it is hearsay; that is particularly true since these applicants for the ordinance are not adverse parties; their statements would not bind anybody; it wouldn't be statements against their interest; it would simply be rank hearsay."

Paragraph 4 of affidavit of D. L. Hollowell, of date January 17, 1963, contains, among other things, the following:

"That by stabilizing is meant the maintenance of the present racial character of the general area, namely, Caucasian."

Counsel for defendants objected to that portion of said paragraph 4 on the ground "that it is a conclusion of the affiant. It has no probative value. For him to say what is meant by someone else's stating the word 'stabilizing' is a conclusion. He first says what the people said it was for, to stabilize the neighborhood. Then he states it in other words, by stabilizing is meant the maintenance of the present racial character of the general area, namely, Caucasian. In other words, he is telling you what stabilizing means and we say he is not competent to do that. It is his own conclusion. Certainly, as a lay witness, he can't testify to it."

Each and all of the objections to the affidavit of D. L. Hollowell and the exhibits thereto, and to portions of said affidavit, are hereby overruled. In this connection see the portions of this Order and Judgment, supra, at Pages 6 and 7 thereof in relation to failure of the defendants to answer paragraph 14(a) of plaintiffs' original petition. The Exhibits to said affidavit are matters of common knowledge of which judicial notice may be taken.

In respect of paragraph 3 of affidavit of D. L. Hollowell and defendants' objection thereto, as hereinabove set forth, and also in respect of the enactment of the city ordinances relating to the abandonment of portions of Peyton Road and Harlan Road, and their approval by the Mayor of the City of Atlanta, reference is had to the Charter and Related Laws and Code of General Ordinances of Atlanta, 1953, as set forth in Sections 13.1, 13.10 and 13.11 thereof, and to Georgia Laws 1939, pages 833 and 835, and to Georgia Laws 1874, pages 117 and 118. The Mayor of the City of Atlanta was evidently acting in his official capacity as such in the meetings referred to in paragraph 3 of the affidavit of D. L. Hollowell.

As to judicial notice, reference is made to that portion of this Order and Judgment, infra, dealing with that matter.

In respect of alleged hearsay evidence, see Moore vs. Atlanta Transit System, Inc., 105 Ga. 70, and particularly the history and background of the Hearsay Rule and its exceptions as set forth at length by Eberhardt, Judge, in his Opinion beginning at page 73. Reference is also had to the case of Dallas County vs. Commercial Union Assurance Company (United States Court of Appeals, Fifth Circuit), cited in the Moore case, wherein the views of Wigmore and other law writers on the Hearsay Rule are set forth in the Opinion and the footnotes thereto. In view of the fact that neither the Mayor nor any of the members of the Board of Aldermen of the City of Atlanta were used by the defendants as witnesses in the case at bar, either by way of affidavits or depositions, to testify as to the purpose or purposes or object or objects of the enactment of the ordinances under attack in this case, and in view of the further fact that the only defenses offered were of the invocation of the rule that their motive or motives in the enactment of the ordinances, and the approval thereof by the Mayor insofar as his approval was concerned, could not be inquired into, and the purported defense predicated upon affidavits as to the character of the use of Peyton Road and Harlan

Read (and the latter defense relating, if at all, to purpose or object), the Court does not regard the Hearsay Rule as inhibiting proof of the newspaper article and other publicity as history and background of the enactment of the ordinances and the purpose thereof. This is particularly the case in view of the admission by the defendants of the allegations of paragraph 14(a) of the plaintiffs' rewritten petition by their failure to answer said paragraph. The inference may be drawn that the defendants were content to abide the legal effect of their failure to answer that paragraph, wherein it was alleged that the ordinances and implementing action in erecting the barricades or barriers was for the purpose of establishing a "racial buffer." The Dallas case referred to in the Moore case, supra, is reported in 286 Fed. 2d. 388, and see particularly Divisions of Opinion 1-14 and 15 at Pages 396, 397, 398. See also that portion of this Order and Judgment, infra, dealing with the matter of judicial notice.

Plaintiffs' Exhibits 7 and 8, being certified copies of maps, were offered in evidence. Counsel for defendants objected thereto on the ground that said maps were immaterial, irrelevant and prejudicial "on the ground that they relate only to tax matters, and they are not admissible to show exact boundaries; they are not the highest and best evidence of boundaries; the deeds being the highest and best evidence of the boundaries." Said objection is hereby overruled.

On the hearing counsel for defendants proposed to read into the record in this case as evidence "certain portions of the testimony of witnesses in a prior case," bearing the certificate of the reporter who took that record (being transcript of a case that was tried in the Municipal Court of the City of Atlanta.) Counsel for defendants objected thereto on the ground "that the mere reduction of these witnesses' testimony and their statements in writing and having the court reporter put a certificate on it (said transcript) does not prevent it from being hearsay." Whereupon, the following took place:

"THE COURT: I don't think it would be admissible in any event because it is only admissible by way of impeachment. It is not admissible as independent proof because it is not the same case. This is in a different court.

"MR. HOLLOWELL: We submit that this evidence can constitute an affidavit relating to such matters.

"THE COURT: It's not an affidavit. It is merely a certificate of the Reporter that a certain person at a certain time and place testified as follows under oath.

"You can't use a transcript of one court in a different trial, and particularly, in a different court. Furthermore, it is not between the same parties. I can't conceive of it being admissible at all in that form.

"That record can't be used at all except for one purpose, I believe, and that is if the witness by affidavit or otherwise had testified to the contrary of what is reflected in this record, upon proper verification by way of impeachment. It is obviously not being offered for impeachment.

"MR. HOLLOWELL: I believe those are all of the affidavits that we have at this time. I would like, of course, to make an offer of proof as to what we would have put in.

"THE COURT: I don't think it is proper to do that. I would not consider as evidence any statement as to what you propose later to offer as evidence in the case.

"MR. HOLLOWELL: Very well, sir. Then that leaves us with the affidavits which we have already put in subject to the particular objections."

Paragraph 1 of affidavit of Joseph T. Pickers of date January 21, 1963 is as follows:

"That in the mid-fall of 1962, he, as President of the Empire Real Estate Board of this City, was invited, along with a delegation of four other members, to come to the office of Mayor Ivan Allen, Jr., for a conference with the said Mayor and a delegation from the Southwest Civic Association. That at said meeting, the said Mayor presented to the affiant and five of his members a plan for closing Peyton Road and Harlan Road and forming a cul de sac the base of which would be generally Tee Road and the legs of which

would be Harlan and Peyton Roads, respectively; that a similar cul de sac was proposed with a base being approximately 100 feet to the south of Tee Road and the leg of which would be generally Peyton Road and Harlan Road as they respectively extend to the south of said point; that a 100 foot 'no man's land' was proposed between the bases of the two said street layout. That the reason given for said proposal was to stabilize the Utoy Forrest-Peyton Forrest Areas which are located generally and more or less immediately to the south of the presently located barricades on Harlan and Peyton Roads."

Counsel for defendants objected to said paragraph 1 of said affidavit "on the ground that it is hearsay; and second, on the ground that it is irrelevant, immaterial and highly prejudicial in that it illustrates no issue in this case and has no probative value in this case." Said objections are each and all hereby overruled. In this connection see reference to the charter powers of the Mayor of the City of Atlanta referred to at the top of page 13 of this Order and Judgment and what has been said above in respect of Hearsay Evidence Rule.

Paragraph 2 of affidavit of Joseph T. Bickers of date January 21, 1963 is as follows:

"That later in the Fall, the said Mayor requested the affiant to appoint two people to meet with two persons to be appointed by one Mr. Dupree Jordan, a newspaper man in the southwest area of Atlanta, to further discuss the matter. That on or about November 27, 1962, the affiant, along with two persons appointed by him, met the said Mr. Jordan, a Mr. Virgil Copeland, President of the Southwest Civic Association, and a Mr. Bullard of Bullard-Mitchell Realty Company, for further discussion. That at said discussion meeting, the said Mr. Jordan and associates made known to the affiant and his associates the fact that the former were desirous of having the latter to sell the Negro community on the idea of closing Harlan and Peyton Roads in the matter referred to above so as to prevent them from opposing the petition which had been filed with the City of Atlanta by the said Mr. Copeland and others for the purpose of



closing the above-mentioned streets. Further, the reasons given to the affiant and his associates were that the petition to close the roads was to prevent Negroes from buying and moving into the said Peyton Forrest-Utoy Forrest Area. It was reasoned by the delegation which was meeting with the affiant and his associates that if Negroes moved into the area, the white people presently living there would, among other things, 'panic' and sell their property at a loss. However, the affiant and his associates informed the other delegation that experience had proven the contrary to be true; that is, that with the advent of Negroes moving into a decent area, the sellers of the properties had normally been able to sell at a higher than normal market value rather than lower than normal market value. That upon the affiant and his associates having indicated their unwillingness to comply with the request of the other conferees, they, the other conferees, indicated that they would proceed on with their application to have the roads closed so as to prevent Negroes from buying land in the above-mentioned area."

Counsel for defendants objected to that portion of paragraph 2 beginning with the words "That at said discussion meeting," etc. and ending with the words "property at a loss." Counsel for defendants objected to said portion of said paragraph 2 of affidavit of Joseph T. Bickers "on the ground that it is hearsay. And Your Honor will note that the affiant is not telling us what he did and what he saw. He is telling us what someone else said to him; a third party, not a party to this litigation. \* \* \* \* And, Your Honor, I assume he is going to take it one step further, and further, therefore, the Mayor would have authority to bind these defendants by setting up such a conference. That is the only theory on which it could be admissible, Your Honor, as an admission against interest." The Court thereupon stated: "Incidentally, collaterally, maybe there is a reference there to a petition which has been filed, or would be filed by a Mr. Copeland. Is there any such record as that?" To this query counsel for defendants stated: "We would expect that we would probably introduce later on in the trial the petition filed by certain citizens of the city which was

acted on by the Mayor and Board of Aldermen. \* \* \* It is a public record."

The first two sentences of said paragraph 2 of the affidavit of Joseph T. Bickers were not objected to. In the portion of said paragraph 2 beginning with the words "That at said discussion meeting," etc., there appears the statement in respect of opposing the petition which had been filed with the City of Atlanta by the said Mr. Copeland and others for the closing of Harlan and Peyton Roads. According to the affidavit of Bickers the meeting at which Bickers was present was held on or about November 27, 1962. It appears from the copy of notice of public hearing set forth on the certified copies of the two ordinances, that the notices bear date November 23, 1962; that the ordinances were introduced at the meeting of the Mayor and Board of Aldermen on November 19, 1962 with meeting of the Public Works Committee to be held on December 14, 1962, and the ordinances appear to have been adopted and approved December 17, 1962. Affidavit of Wyont B. Bean offered and admitted in evidence on behalf of defendants, and which is hereinafter referred to, has attached thereto signed petitions petitioning the Mayor and Board of Aldermen to close and abandon Peyton Road, S.W. for a distance of two hundred (200) feet. The reference in the affidavit of Bickers to the petition filed with the City of Atlanta for the purpose of closing the streets evidently had reference to the petitions referred to in the affidavit of Wyont.

The objection of counsel for the defendants to that portion of paragraph 2 of the affidavit of Bickers beginning with the words "That at said discussion meeting," etc., is hereby overruled.

Counsel for defendants also objected to that portion of said paragraph 2 of the affidavit of Bickers beginning with the word "However," and ending with the words "normal value," etc., "on the ground that it is irrelevant, immaterial and highly prejudicial. It has no place in this law suit and this litigation; that the only conceivable purpose of inserting it in this affidavit is to prejudice this Court and these defendants by interjecting a racial issue into

this case that has no bearing on the law suit as filed, and we object to it on that ground." Said objection is hereby overruled.

Counsel for defendants objected to that portion of paragraph 2 of the Bickers affidavit beginning with the words "the other conferees," etc. and ending with the words "above-mentioned area," on the ground that it is hearsay and a conclusion and an opinion of the affiant. Said objections are hereby overruled.

Counsel for plaintiffs offered and there was admitted in evidence without objection six warranty deeds .

MOTION OF COUNSEL FOR DEFENDANTS FOR DENIAL OF INTERLOCUTORY INJUNCTION.

At the conclusion of the plaintiffs' evidence and before defendants offered any evidence, and upon announcement by counsel for plaintiffs that they rested, counsel for defendants made an oral motion that the Court deny an interlocutory injunction on behalf of the plaintiffs. The Court regarded such motion as in the nature of a nonsuit and denied said motion at such stage of the hearing. In this connection see *Kight vs. Gilliard*, 214 Ga. 445 (2).

EVIDENCE FOR DEFENDANTS AND RULINGS ON OBJECTIONS THERETO.

Defendants offered in evidence six affidavits of individuals relating to the nature and character of Peyton Road and traffic thereon, some of said affidavits referring to the use of Peyton Road and others to the use of both Peyton Road and Harlan Road; reference being made to the use of said Roads as a "drag strip" and "speedway" and "racing areas by teenagers." Only one affiant, James L. Buffington, appears to reside on Peyton Road, his residence being 590 Peyton Road, S.W. None of the other affiants appears to reside either on Peyton Road or Harlan Road.

The remaining affidavit is by one Wyont B. Bean, Plant Engineer for the City of Atlanta, with petition attached directed to the Mayor and Board of Aldermen of the City and petitioning for the closing and abandonment of Peyton Road, S.W. for a distance of two hundred (200) feet east of the junction of the corners of Land Lots 204, 215, 212 and 213 (evidently intended as two hundred (200) feet west). In this connection see Map, Plaintiffs' Exhibit P-7..

Affidavit of James L. Buffington, identified as D-1, was objected to as to each and every paragraph thereof on the ground of hearsay, without probative value in this case; "none of these parties are plaintiff or defendants in the case; they are not parties, and there has been no allegation to the effect that they were the reasons that the road was closed. There is no evidence." This affidavit was also objected to by counsel for the plaintiffs on the ground that it was irrelevant and immaterial, and "incompetent for any proof that would be required in the case or any negating of proof which has been made by the plaintiffs." Counsel for plaintiffs also stated "in addition to the objections which we have made dealing with the matters of hearsay, we also would state, Your Honor, that certainly if ownership is attempted to be proved by this instrument, itself, the only statement of the affiant to the effect that he owns the said property is not the highest and best evidence. All of the objections except that in relation to ownership are sustained. The objection in relation to statement of ownership is overruled. The affidavit is not regarded as evidence.

In respect of affidavit of Carlton J. Owens, identified as D-2, counsel for plaintiffs objected to each and every paragraph thereof on the ground "that it is completely immaterial, irrelevant, incompetent and a conclusion which, or the results which the affiant seeks to draw in the last paragraph are mere conclusions and therefore are not subject to being received as being admissible in this particular case." also on the ground that the affidavit has no probative value in the case. Said objections are hereby sustained.

In respect of affidavit of Leonard Lee, identified as D-3, counsel for plaintiffs objected to the affidavit on the same grounds urged to affidavit of James L. Buffington and Carlton J. Owens, as above set forth, and on the ground that it has no relationship to the issue before the Court and has no probative value. Said objections are hereby sustained.

In respect of affidavit of Mrs. C. A. Porter, identified as D-4, and affidavit of Mrs. Colleen Ramsey, identified as D-5, counsel for plaintiffs made the same objections thereto as to affidavit of Leonard Lee, D-3. Said objections are hereby sustained.

In respect of affidavit of Mrs. Alexander S. Kobus, identified as D-6, counsel for plaintiffs objected thereto on the same grounds that were made to affidavit of Leonard Lee, D-3, except as to portion of said affidavit of said Mrs. Alexander S. Kobus hereinafter referred to. Said objections, with said exception, are hereby sustained. Counsel for plaintiffs did not object to that portion of the affidavit of Mrs. Kobus which states: "My husband and I are retired and have lived in this neighborhood approximately three years. Up to the time that the City of Atlanta closed Peyton and Harlan Roads both of these streets were used by drivers as a cut-through to Marietta and other points in that direction."

Counsel for defendants offered and there was admitted in evidence without objection affidavit of Wyont B. Bean, with petitions for closure of portion of Peyton Road attached.

#### JUDICIAL NOTICE

At the conclusion of the evidence, both for plaintiffs and defendants, counsel for plaintiffs asked the Court to take judicial notice of certain matters, stating, among other things, as follows: "There has for many months been in the general southwest area contentions relative to the expansion of Negroes into that area."

This has been so openly and notoriously publicized by every routine and common communicative media or communication media that it is of such notoriety that it falls within the scope of that which we mentioned in American Jurisprudence twenty forty nine (evidently referring to Volume 40 American Jurisprudence, on the subject to Evidence, page 49, dealing with "matters of common knowledge.") I think that in light of the knowledge or the facts that have come into existence there we are then in a position to take judicial knowledge of what, if anything, has been done in an effort to either restrict or to expand this attempt one side to move in, and the attempt on the other side to keep them out."

Section 38-112 of the Code of Georgia, Annotated, provides that among other matters specifically mentioned therein "all similar matters of public knowledge shall be judicially recognized without the introduction of proof."

In Southern Railway Company v. Covenia, 100 Ga. 46, the Supreme Court quoted approvingly from cases in the Supreme Court of the United States as follows: "In the case of Minnesota v. Barber, 136 U.S. 321, Mr. Justice Harlan said: 'If a fact alleged to exist, upon which the rights of parties depend, is within common experience and knowledge, it is one of which the courts will take judicial notice.' In Ah Kow v. Nunan, 5 Sawyer, 560, Mr. Justice Field said: 'We cannot shut our eyes to matters of public notoriety and general cognizance. When we take our seats on the bench we are not struck with blindness, and forbidden to know as judges what we see as men.'"

See also Wolfe v. Georgia Railway and Electric Company, 2 Ga. App. 499 (3-c), 504;

Mutual Life Insurance Company vs. Davis, 79 Ga. App. 336;

State Highway Department v. Hendrix, 215 Ga. 821, 823;

Hunt v. Arnold, 172 Fed. Supp. 847;

Ohio Bell Telephone Company v. Public Utilities Commission of Ohio, 201 U.S. 292. And see 31 C.J. Sec. (Evidence), Sections 9, 11, 12 and 13.

In the case at bar the Court takes judicial notice as a matter of common knowledge throughout the community of which the Court has territorial jurisdiction that enactment by the City of Atlanta of the two ordinances under attack in this case, and their implementation by the erection of the barricades the maintenance of which is sought to be enjoined, was for the purpose of establishing a racial buffer, barrier or zone, with the view of stabilizing or effecting stability for white race ownership and occupancy, in undefined area referred to as the Harlan-Peyton Road area or Utoy-Forrest and Peyton Forrest areas lying south of said barricades, and preventing or attempting to prevent property ownership and occupancy of said area or areas by members of the negro race.

The Court does not take judicial notice of the physical nature and character of Peyton Road and Harlan Road and of the traffic thereon and the use of same as speedways as indicated in the proffered affidavits of James L. Buffington and others, hereinabove mentioned, as matters of common knowledge. Moreover, the use of such roads, if any, in violation of traffic laws and regulations were and are matters of law enforcement and not an excuse for closing or abandoning portions of roads, and particularly portions merely of two hundred (200) feet in length.

ORDINANCES VOID FOR WANT OF SUFFICIENT  
DESCRIPTION

The ordinance in relation to Peyton Road, S.W. provides: "That portion of Peyton Road, S.W. beginning at the northeast corner of Land Lot 213, 14 District of Fulton County, and running west approximately 200 feet as located in Land Lots 212 and 213, 14th District of Fulton County, be and the same is hereby abandoned for street purposes as no longer needed as such."

The separate similar ordinance in relation to Harland Road, S.W. provides: "That portion of Harland Road, S.W. from Tee Road

south approximately 200 feet, as located in Land Lot 212 of the 14th District of Fulton County, be and the same is hereby abandoned for street purposes as no longer needed as such."

In the separate advertisements of Notice of Public Hearing in respect of each Road, it was stated that the ordinance was introduced providing for the closing and or abandonment of the following as a street or public thoroughfare "being no longer useful or necessary for the public use and convenience."

The authority thus sought to be exercised was evidently not under the ordinance of the City of Atlanta set forth in the Code of the City of Atlanta, Charter and Related Laws, as Section 24.9 of Code of Atlanta of 1953, but rather under the Act of the General Assembly of Georgia, approved March 3, 1962 (Georgia Laws 1962, Volume 2, Page 2743, et seq.), which expressly repealed said Section 24.9. The Act of 1962 is substantially the same as Section 24.9 so repealed. This Act, among other things, provides: "The Mayor and Board of Aldermen of the City of Atlanta are authorized and empowered by resolution or ordinance to vacate and abandon any street or portion of street which in their judgment is no longer useful or necessary for the public use and convenience." It also provides that if the Mayor and Board of Aldermen decide to vacate or abandon a street, "same shall thereafter cease to be a street for any purpose whatever." The Act also provides that "the City is authorized in such cases to accept a consideration for the vacation of a street."

It will be noted that the ordinances give the length of the portions of the Roads, respectively, as approximately 200 feet. The exact distance is not stated, nor does the 200 feet run to a fixed point.

In Little vs. Baskin, 135 Ga. 851 (2), it was held that an application for the establishment of a new road under state law contained an insufficient description of the road proposed to be established and was, therefore, subject to be dismissed on the ground of insufficient description.



In Green v. Road Board of Bibb County, 126 Ga. 693, it was held that an order establishing the road involved in that case was void for uncertainty of description of initial and terminal points.

Particular attention is called to the case of Smith vs. Georgia Industrial Realty Company, 215 Ga. 431, involving a suit for specific performance of an alleged contract for the sale of certain real property, wherein it was held that in metes and bounds description, call of a certain number of feet, more or less, to a point, without a specific description of the point, rendered the description so indefinite and uncertain as to render the contract void and incapable of specific performance. In the case at bar the length of the proposed closed portions of Peyton Road and Harlan Road is stated "approximately."

THE ORDINANCES ARE UNREASONABLE, ARBITRARY AND  
CAPRICIOUS

Aside from the racial issue hereinafter discussed, the ordinances under attack are regarded by the Court as unreasonable, arbitrary and capricious, and are, therefore, illegal and void. Assuming the descriptions of the closures are legally sufficient, their length is only approximately two hundred (200) feet. The distance of Peyton Road from the barrier on that Road south to its junction with Harlan Road is approximately twelve hundred sixty (1260) feet. The distance from the junction south to Sewell Road shown on the sketch attached to affidavit of Ruby L. Camp and others, P-3, does not show any east and west cross-over streets, and there is no evidence that such cross-over streets exist. That affidavit shows inconvenience of use in the particulars therein set forth and the impeding of normal traffic as the result of the barricades. The reservation in the ordinances of general easements for all utilities, both public and private, lends support to the view that the ordinances are arbitrary and capricious. The charter provision (see page 24 of this Order and Judgment) provides that upon vacation or abandonment of a street, "same shall thereafter cease to be a street for any purpose whatever." In this connection, see also Gable vs. City of Cedar Rapids (Supreme Court of Iowa), 129 Northwestern, 737 (8), 739.

RE: RACIAL BUFFER OR BARRIER

By the amendment of plaintiffs filed January 21, 1963 it appears that the following plaintiffs are negroes: L. K. Googer, Mrs. Marion Googer, Mrs. Carrie Andrews, Harold Johnson, Mrs. Ernestine Johnson and Theodore Wyatt, and that the other plaintiffs are white persons. The intervenors Mrs. Sara C. Hall and Carl Thomas Kidd do not raise any racial issue in their intervention and are assumed to be white persons. None of the negroes reside on Peyton Road.

It does not appear that any of the negroes who are parties plaintiff own or occupy or contemplate becoming owners or occupants of any real property lying south of the barricades erected in Peyton Road or in Harlan Road, or in the area designated as the Utoy-Forrest or the Peyton Forrest areas. It appears that the negroes reside at the following locations or house numbers on Harlan Road: L. K. Googer and Mrs. Marion Googer, 40 Harlan Road; Harold Johnson and Mrs. Ernestine Johnson, 70 Harlan Road; Theodore Wyatt, 80 Harlan Road, and Mrs. Carrie Andrews, 140 Harlan Road. All of these persons reside north of the barrier which has been erected in Harlan Road. The plaintiffs who are white persons all reside on Peyton Road except Carl Thomas Kidd, one of the intervenors, who resides at 241 Harlan Road, which appears to be approximately four hundred (400) feet south of the barrier on Harlan Road. There is, therefore, no issue in the case at bar in respect of present ownership or use of property south of the respective barriers or in respect of such ownership or use of property in the Utoy-Forrest or Peyton Forrest areas. The question insofar as any racial issue is concerned is in respect of the legality and constitutionality of the ordinances and the implementation thereof by the erection of the barriers for the purpose of establishing a racial buffer, barrier or zone with the view of stabilizing or effecting stability for white race ownership and occupancy in an undefined area, referred to as the Harlan Peyton Road area or Utoy-Forrest and Peyton Road areas lying south of said barriers and preventing or attempting to prevent property ownership and occupancy

of said area or areas by members of the negro race, as hereinabove stated, and thereby preventing the use of Peyton Road and Harlan Road as public streets by the plaintiffs and intervenors as complained of in this case. That purpose of the ordinances and their implementation by the erection of the barriers is in the view of the Court supported both by the exercise of judicial notice and by the evidence in the case.

As early as forty-eight years ago the Supreme Court of Georgia, in *Carey v. City of Atlanta*, 143 Ga. 192, held that an ordinance of the City of Atlanta prohibiting white persons and colored persons from residing in the same block denied the inherent right of a person to acquire, enjoy and dispose of property, and for that reason were violative of the due process clause of the Federal and State Constitutions. This ordinance expressly recited that it was enacted "for preserving peace, conflict and ill feeling between the white and colored race, and promoting the general welfare of the City." This case was decided February 12, 1915.

In 1918 in the case of *Glover vs. City of Atlanta*, 148 Ga. 285, an ordinance of the City of Atlanta which prohibited colored persons from occupying as a residence any house upon any block upon which a greater number of houses were occupied as residences by white people, and vice versa, was held to be unconstitutional. The *Glover* case followed the case of *Buchanan vs. Warley*, 245 U.S. 60, involving the validity of a similar ordinance of the City of Louisville, Kentucky, and expressly overruled the case of *Harden v. City of Atlanta*, 147 Ga. 248.

See also *Bowen vs. City of Atlanta*, 159 Ga. 45, decided in 1924, in which a zoning ordinance of the City of Atlanta undertaking to zone certain residential districts as white districts and certain residential districts as colored districts was involved, and in which the Supreme Court held that the decision in *Glover v. City of Atlanta*, 148 Ga. 285, was controlling.

It being unlawful and unconstitutional to legislate in respect

of ownership or occupancy of real property on the basis of race or color, the legal conclusion is inescapable and incontrovertible, and the Court so holds, that it is illegal and unconstitutional to legislate in respect of use of public streets or portions thereof for the purpose of effecting on the basis of race or color the ownership and occupancy of real property and the acquisition or disposition or the market value thereof.

Ever since the State Constitution of 1868, and carried forward in the State Constitutions of 1877 and 1945, it has been the fundamental law of this state that: "The social status of the citizens shall never be the subject of legislation."

In the case of Scott vs. The State, 39 Ga. 321, decided at the December Term, 1869 of the Supreme Court of Georgia, in Opinion by Joseph E. Brown, Chief Justice, it was said: "That Section of the Constitution forever prohibits legislation of any character regulating or interfering with the social status. It leaves social rights and status where it finds them."

In Wolfe vs. Georgia Railway & Electric Company, 2 Ga. App. 499, the Court, speaking through Richard Brevard Russell, Judge, said: "To recognize inequality as to the civil or political rights belonging to any citizen or class of citizens, or to attempt to fix the social status of any citizen either by legislation or by judicial decision is repugnant to every principle underlying our form of government."

The voluntary principle still remains with the individual in respect of all such matters.

"Neither the Fifth nor Fourteenth Amendment positively commands integration of the races but only negatively forbids governmentally enforced segregation.

Cohen vs. Public Housing Administration (U.S. Court of Appeals, Fifth Circuit), 257 Fed. 2d. 73.

"Unauthorized deprivation of constitutional rights cannot be justified as being the exercise of police power of a state."

Anderson v. Courson (U.S. District Court, Middle District of Georgia), 203 Fed. Suppl. 806, citing Carey v. City of Atlanta, 143 Ga. 192, 201.

Desirable as it is to promote the public peace by preventing race conflicts, and important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution.

Anderson v. Courson, supra.

"The vindication of rights guaranteed by the Constitution can not be conditioned upon the absence of practical difficulties."

Aaron v. Cooper (U.S. Court of Appeals, Eighth Circuit), 257 Fed. 2d. 33, and cases cited;

Wittkamper vs. Harvey (U.S. District Court, Middle District of Georgia), 1844 Fed. Supp. 715;

Anderson v. Courson, supra.

#### GRANT OF INTERLOCUTORY INJUNCTION

Under the facts and circumstances of this case as disclosed by the evidence and also by taking judicial notice of matters of common knowledge as have been above set forth, it is the view and opinion of the Court that an interlocutory injunction should be granted in favor of the plaintiffs and against the defendant City of Atlanta and against the individual defendants in their official capacity only as Mayor and Members of the Board of Aldermen, as hereinafter set forth. The Court regards the following cases as controlling in the matter of such injunctive relief.

Dunlap v. Tift, 209 Ga. 201, 208, 209, and cases cited;

Coker v. Atlanta, Etc. Railway Co., 123 Ga. 483;

Rider v. Porter, 147 Ga. 760 (2);

Town of Rentz v. Roach, 154 Ga. 491 (5);

City of Blue Ridge v. Kiker, 189 Ga. 717;

City of Blue Ridge v. Kiker, 190 Ga. 206;

Maddox v. Willis, 205 Ga. 596, 597 (6).

See also Barham v. Grant, 185 Ga. 601, 605.

While the Googer case, supra, related to vacation of street for private purposes, and while the rewritten petition in the case at bar, among other things, referred in paragraph 12(a) to the closure of the respective portions of Peyton Road and Harlan Road "for the benefit of

private persons," there is in the Court's opinion no distinction between the closing of a street or portion of a street illegally or in violation of constitutional rights, from that of such closure for the benefit of private individual or individuals.

In respect of the question of inquiring into the motives of the members of a governing body, see *Minnesota v. Barber*, 136 U.S. 313, and cases cited, and particularly the case of *Mugler v. Kansas*, 123 U.S. 663, 661.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that an interlocutory injunction be and the same is hereby granted restraining and enjoining the defendant City of Atlanta and the individual defendants, in their official capacity only as Mayor and Members of the Board of Aldermen of the City of Atlanta, respectively, from continuing to maintain the barricades which have been erected in Peyton Road, S.W. and Harlan Road, S.W. pursuant to the ordinances of the City of Atlanta adopted and approved December 17, 1962, and also from continuing by said barricades or by other means to impede or interfere with the usual flow of pedestrian and vehicular traffic along said Peyton and Harlan Roads, and from continuing to prevent plaintiffs from the use of said Roads as public thoroughfares by said barricades, or otherwise.

IT IS FURTHER ORDERED AND ADJUDGED that said defendants remove or cause to be removed said barricades and each of them on or before five o'clock P.M. on Monday, March 4, 1963.

This March 1, 1963.

  
\_\_\_\_\_  
JUDGE, SUPERIOR COURT, ATLANTA  
JUDICIAL CIRCUIT.

February 24, 1963

Capt. R. E. Little:

Reference: Barricade on Harlan Rd.

At approx. 11:00 a.m. this date I went to the barricade on Harlan Rd. SW and upon arrival there I observed that someone had completely torn the barricade down. From the information I received from the people in the neighborhood I found out that sometime Friday night someone tore the barricade down and threw the pieces into the creek and set fire to them. The neighbors did not know if this was done by whites or Negroes.

Then, on Saturday night, a group of white men came and cut down some trees and made a barricade across Harlan Rd. At this time, Harlan Rd. is blocked by these trees and large rocks and parts of the old barricade.

I went to the barricade that was placed on Peyton Rd. by the Construction Department and at this time no one has bothered it.

Respectfully,

  
M. G. Reddick  
71-179

lrh

## Angry Men Rebuild Racial Road Barrier

Angry residents of the Harlan Road racial buffer zone chopped down trees and underbrush Saturday night to fill in a hole in a wooden barricade that unknown persons made Friday, police said.

Patrolmen were sent late Saturday after anonymous callers reported that white people in the neighborhood of Peyton and Harlan Roads, SW, were milling around the remains of a barricade erected by the city to sidestep expected race tension.

The barricade was "sawed in two" late Friday and "tossed into the creek," a resident of Harlan Road said.

WHITE MEN of the neighborhood came to the scene Saturday afternoon and began to drag in logs and bushes to fill in the barricade, the resident said.

There were no Negroes at the scene, the resident said, but police said reports had been received that Ku Klux Klansmen were on their way shortly before midnight Saturday.

The barricades were erected after white residents of the southwest Atlanta section complained that they feared real estate agents would attempt to sell white homes to Negroes.

Negroes already live nearby. The barricades were to separate the white from the Negro section.

February 25, 1963

RE: KKK Picketing - Harlan "d.  
427 Peyton Rd.

Capt. R.E Little

We were informed the KKK was going to picket the barricades on Peyton and Harland Rds. Instead they picketed the residence of R.A Bright, 427 Peyton Rd. phone 755-8047. A spokesman for the Klan stated Mr. Bright had sold his house to a negro. Mr. Brights house is located approximately one-quarter of a mile south of the barricade on Peyton Rd.

Four uniformed klansmen picketed the residence, while three stood by, resting one of the four from time to time. It lasted about one hour, dispersing at 9:30 PM. The following klansmen were identified: CALVIN CRAIG, W.E CLEAPOR, Rt. 2, Austell, Ga., HAROLD LOUIS COURSEY, 1617 North Ave. N.W., RICHARD LEE POWELL, 145 Stroud Dr., J.D JOHNSON 1974 Maywood Pl. N.W.

Later we (Capt. Little) went to 427 Peyton Rd. and talked to Mr. and Mrs. R.A Bright. Mr. Bright stated that he had a call from the C.C Thornton Real Estate Co. And was told that now was his chance to sell his house (he has been trying to sell his house for 1 1/2 years ). Leaving the impression that they have bought up several houses in that neighborhood. On the second conversation with Thornton, he learned that he was a colored real estate agent. He was then approached by Mr. Virgil Copeland and Mr. Sam Massell, of the Southwest Citizens Cooperation. At this time he rescinded any offer he had made with Thornton, and agreed in writing to sell the house to The Southwest Citizens Cooperation.

*W.E. Peacock R.B. Moore*

rbm

WE Peacock & R.B Moore

Willingham of Gobb Co. states his boy at Royal Peacock on Auburn Ave. and that KKKK called him and threatened to beat boy up if he was there again. #131.-REL

Dan Peskpos was at the last meeting of the KKKK in College Park preceding this date.  
#131 - REL



February 26, 1963

RE: KKK Picketing  
427 Peyton Rd. S.W

Capt. R.E Little:

The KKK returned to the above address at 8 PM and picketed until 9 PM. There were about ten of them, four participating in the picketing at a time. We arrived there about ten minutes before they dispersed, and talked to Lt. I.A Thomas, who stated to us that Mr. Virgil Copeland was there earlier, and had gone to talk to one of the klan spokesmen. And to notify them of the status of Brights house. He told Lt. Thomas that he was afraid the klan picketing, may hurt his cause.

We observed the following cars:

Blue Falcon, 1-D-6765 (62) (63)  
Green Chev. wagon, 1-J-6579 (63)  
White ~~Chev~~ Ford pickup, 13-R-905 (63)  
Green 58 Chev. 7-8085 (62)  
Green Olds (old) Dealer 774 (62)  
Green & white 58 Ford 1#49281 (62)

W. E. Peacock R. B. Moore

rbm

W.E Peacock & R.B Moore

CONFIDENTIAL

Ivan:

I talked with Virgil Copeland this afternoon (2/22/63) and he said that they were making plans to try to get the extension from Bob Marchman. . . I delivered the message to him yesterday.

Virgil told me in regards to the sale of the Bright house on Peyton that the man has signed an affidavit to the effect that Thornton told him that he had other sales in that neighborhood, and that "this was his last chance to sell and not lose money". Southwest has an appointment with Judge Parham Monday, that plan to draw up the necessary papers and file the affidavit. . . Parham told them that with that statement, there was no doubt that they could get the Georgia Real Estate Commission to suspend Thornton's license. . . They are going to use this to threaten Thornton, to get him to agree to sell the house back to Bright. . .

Another interesting comment Virgil made is that Southwest has employed a new attorney. . . that they have proof-positive evidence that there is a strong collusion between Cecil Turner and Empire Real Estate Board to bust this neighborhood. . he said that Gene Bennett is in on the deal. . . and they plan to expose the entire thing. . . I asked Virgil to keep me posted and to furnish me the name of the attorney they have retained.

Have you given any more thought as to how we can move ahead on this thing? It sounds like to me that we might have a bigger mess on our hands. . .

Virgil also said in talking about Cecil Turner, that the attorney felt they would be able to get the Grand Jury to indict him.

To : IAJr

February 20, 1963

From : AD

I talked with Bob Marchman and asked him to keep the conversation in confidence. . . I asked him was there any possibility of postponing the foreclosure for a month. . .

He said that he had postponed it twice for the benefit of the Southwest Citizens Association. . . that they had been aware of this foreclosure since last fall. . . and, in the best interest of his client, he could not do it again under these circumstances.

Bob did say that if the Southwest Citizens Association was willing to come to him with proof of sufficient money to buy the property, such as a statement from a bank or commitment from a lending agency, which would be an enforceable commitment, and they were willing to pay the costs of advertising (which they said they were) he would seriously consider postponing til April.

He brought out the fact that should the house and acreage when put up for bid be purchased by a Negro, he felt sure they would not longer be interested in the 15 lots. . . come April. . .

Am - you need to talk to  
Kuyt before hand ?

I advised  
Kuyt 2/21 & he said  
he would contact  
Bob Marchman  
and

2 Feb 63  
Southwest Citizens Association, Inc.  
P. O. Box 10871, Station "A"  
Atlanta 10, Georgia  
February 16, 1963

The Honorable Ivan Allen, Jr.  
Mayor of Atlanta, Georgia  
Atlanta, Georgia

Dear Mayor Allen:

This letter will confirm our telephone conversation of February 12, 1963.

On March 5, 1963, all of Mr. F. E. Bennett's property in the Utoy-Peyton Forest Subdivision will be foreclosed upon. We are put in the position of having to bid upon and possibly purchase this property. Of course, we have no way of knowing who will bid on this property or what price they intend to pay.

Subject property will be sold as two (2) separate groups; i.e., his home place with approximately 15 acres, and 15 vacant lots. Foreclosure action on the home place and acreage is being initiated by Mr. Bennett himself, through an employee of his. Foreclosure action on the 15 lots is being initiated by Phoenix, Inc., who holds a \$26,000 mortgage on these lots.

The Southwest Citizens Association intends to bid upon and, if necessary, purchase both groups of these properties. However, it would be of great advantage to us if these two groups of properties were not being foreclosed upon on the same day. Since we cannot control Mr. Bennett's actions, we were hopeful that Phoenix, Inc., could be persuaded to postpone their foreclosure action until the following month. We would be most happy to pay all cost pertaining to this postponement and would be most grateful.

Anything that you might be able to do toward persuading Phoenix, Inc., to postpone their foreclosure action until April would be most appreciated.

Also, I might add that it would be of additional benefit to us if Phoenix, Inc., did not notify Mr. Bennett that they intended to postpone their foreclosure action until next month.

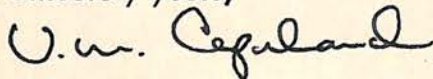
I will be more than happy to furnish you with any additional information that may be required or to meet with the people at Phoenix, Inc., and discuss this request.

The Honorable Ivan Allen, Jr.  
February 16, 1963

- 2 -

I can assure you that every member of this organization is very grateful for your wonderful support and will be most appreciative of anything you can do toward satisfying this request.

Sincerely yours,



V. M. Copeland, President  
Southwest Citizens Association, Inc.

Enclosure: (1) Letter, dated Jan. 18, 1963, R. L. Marchman, Hansell, Post, Brandon & Dorsey, to Walter M. McGriff/Virgil Copeland

VMC:dh

GRANGER HANSELL  
ALLEN POST  
INMAN BRANDON  
JOHN H. SOMAN, JR.  
HUGH M. DORSEY, JR.  
R. W. CRENSHAW, JR.  
STANLEY H. McCALLA  
ROBERT L. MARCHMAN, III  
L. TRAVIS BRANNON, JR.  
HUGH E. WRIGHT  
McCHESNEY H. JEFFRIES  
L. MARVIN RIVERS  
BATES BLOCK  
JAMES F. McGUIRE  
C. EDWARD HANSELL  
J. WILLIAM GIBSON  
JULE W. FELTON, JR.

DON H. WYANT  
ALBERT G. NORMAN, JR.  
CHARLES N. KING  
JAMES P. HAMILTON  
COMER W. PADRICK, JR.  
HARRY V. LAMON, JR.  
JEAN C. ALLEN  
N. WILLIAM BATH  
DENT ACREE  
LAURA RUTH McNEIL  
CHARLES E. WATKINS, JR.  
J. CLIFTON BARLOW, JR.  
JOHN M. McCARTER  
W. RHETT TANNER  
E. MICHAEL MASINTER  
A. W. FRANKLIN BLOODWORTH

LAW OFFICES  
**HANSELL, POST, BRANDON & DORSEY**  
SIXTH FLOOR, FIRST NATIONAL BANK BUILDING  
ATLANTA 3, GEORGIA  
TELEPHONE 522-3558

January 18, 1963

Mr. Walter M. McGriff  
980 Oriole Drive, S. W.  
Atlanta, Georgia

Mr. Virgil Copeland  
657 Fielding Lane, S. W.  
Atlanta, Georgia

Gentlemen:

As a courtesy to you, I have been directed to inform you that Phoenix, Inc. will commence foreclosure proceedings against the Utoy Forrest Subdivision property held by it as security for the indebtedness of Foster Eugene Bennett. Advertising will begin in February. The property will be sold at public sale on the first Tuesday in March, 1963.

Notice of foreclosure and demand for attorneys fees has been transmitted to Mr. Bennett.

As of January 9, 1963, the unpaid loan principal was \$26,000 with unpaid interest of \$1,367.59. Additional interest accrues at the rate of \$5.78 per day.

Phoenix gave notice on January 10 that it intends to claim attorneys fees in the amount of 10% of principal and interest due on said indebtedness unless same were paid within ten days of notice.

Very truly yours,

**HANSELL, POST, BRANDON & DORSEY**

By:   
R. L. Marchman

RLM:pba

STATEMENT BY IVAN ALLEN, JR.

February 25, 1963

It is the city's responsibility to mark any part of any road or street that has been abandoned by an ordinance of the Board of Aldermen.

I regret that anyone or any group has seen fit to take the law into their own hands and tear down street signs or barriers which have been erected in accordance with a city ordinance.

This matter is in the hands of the courts and the city will follow any court order.

2/20/63

Filo

Ivan:

Sid Avery called and said that he had had a "brainstorm". . . and wanted your thinking before pursuing it further. . .

He said that since you have been unable to get anyone together to talk about the barriers, that he would like to get the Southwest Citizens Association and the civic asociation from Florida Heights to come togehter and talk to you about the problem of the barriers. . . he said that these are the two groups with the most at stake and the ones most concerned. . .

He further added that he had not discussed it with either group. . . but thought that this would be an out for you.

As you may know, the Florida Hieghts things is a promption plan to develop that neighborhood. . .

He will call in the morning to hear your opinion. . .

-----

Shall I tell him that you are always ready to discuss any problem with any group that wishes to come to talk with you. . . that you had talked with the S/W citizens association many times, and representatives of the Negro community. . . and since the All Citizens Committee has been stated to be the official representatives of the Negro community, that it would be better at this time, not to bring any other group into this particular problem??????

Ann



427 Peyton Rd SW (South of Closed Partition)

Robert A. Bright (Wife, Helen E. or S.)

City Directory	Occupation	Residence	location
1940	---	---	
1941	---	---	
1945	Electrician-Fulton Bag	608 Memorial Dr. SE	East of Boulevard, SE
1950	" SAL RR	2394 Main St. NW (Almond Park)	betwn Hollywood Rd & Bankhead R
1951-52	" "	" " " "	
1953	" Georgia RR	1097 Lookout Ave. NW	" " " "
1955	" Sou. Rwy	1041 Gato St. NW	" " North of Holwd Rd S of Proctor Creek
1956	" Colonial Stores	3085 Gordon Rd. SW	N. side opposite Lynnhurst Dr. SW
1957	" " "	" " "	
1959	" " "	" " "	
1960	" " "	" " "	
1961	" Kraft Foods	" " "	
1962	" " "	427 Peyton Rd. SW	W. side 1st S. of Harlan

3085 Gordon Rd. SW

- 1955-56 Built new, purchased 1956 by Bright.
- 1956-60 Occupied by Bright.
- 6-30-61 \$5,000 Warranty deed RA Bright to Sam Raine, Jr. (of Ala.) who assumed \$5769.91 debt and gave Bright a \$2,600.00 security deed dated 6-30-61 and due 8-1-61.
- 1962 House moved away and site graded down to Gordon Rd. level.

427 Peyton Rd. SW

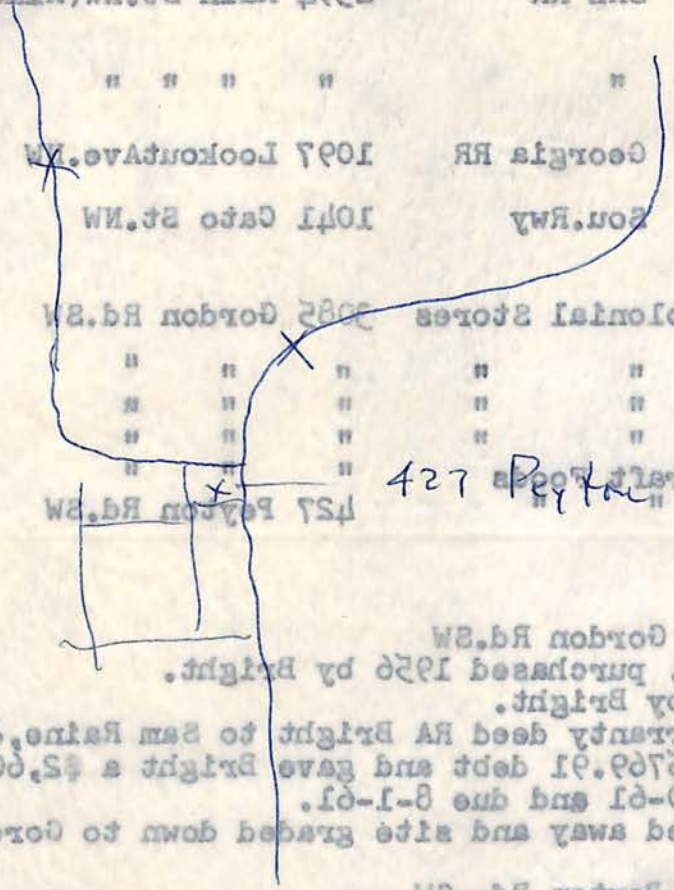
- ???? Occupied by Jos. L. Griggs, Jr. Sou. Bell installer.
- 6-7-61 \$500.00 Warranty deed JL Griggs to Wm. F. Woods (house bldg. contractor) who assumed \$12,419.25 debt. Trade in on new home on Niskey Lake Rd.
- 10-9-61 \$18,000.00 Warranty Deed, Wm. F. Woods to R. A. Bright - assumes debt.
- " " " \$16,500.00 Loan Deed, R. A. Bright to Tharpe & Brooks 5 1/2% 300 payts.
- 12-27-61 Loan transferred from Tharpe & Brooks to Maine State Retirement Syst
- 2-7-63 \$2,000.00 Warranty Deed, Robt. A. Bright to C. C. Thornton

Negro Real Est. Agent.

AS7 Peyton Rd SW (South of closed portion)

Robert A. Bright (Wife, Helen E. or S.)

Directory	City	Occupation	Residence	Location
1940	---	---	---	---
1941	---	---	---	---
1942	Electrician-Tulsa Bag	608 Memorial Dr. SE East of Boulevard, SE		
1950	"	SAL RR	2341 Main St. NW (Almond Park) betwn Hollywood Rd & Bankhead R	
1951-52	"	"	" " " "	
1953	"	Georgia RR	1097 Lookout Ave. NW	" " " "
1955	"	Sou. Rwy	1041 Gate St. NW	North of Holwrd S of Proctor Dr
1956	"	Colonial Stores	3085 Gordon Rd. SW	N. side opposite Lynhurst Dr. SW
1957	"	"	"	"
1959	"	"	"	"
1960	"	"	"	"
1961	"	"	"	"
1962	"	"	"	W. side 1st S. of Harlan



1962 House moved away and site graded down to Gordon Rd. level.  
 dated 6-30-61 and due 8-1-61.  
 assumed \$2769.91 debt and gave Bright a \$2,000.00 security deed  
 \$2,000 Warranty deed RA Bright to Sam Raine, Jr. (of Ala.) who  
 Occupied by Bright.  
 Built new, purchased 1956 by Bright.  
 3085 Gordon Rd. SW

12-27-61 Loan transferred from Tharp & Brooks to Maine State Retirement Syst  
 \$16,200.00 loan deed, R.A. Bright to Tharp & Brooks \$100 pmts.  
 \$18,000.00 Warranty Deed, Wm. F. Woods to R.A. Bright-assumes debt.  
 who assumed \$12,419.25 debt. Trade in on new home on Niskeyland Rd.  
 \$200.00 Warranty deed JL Origa to Wm. F. Woods (house bldg. contractor)  
 Occupied by Jos. L. Origa, Jr. Sou. Bell installer.  
 427 Peyton Rd. SW

5-7-63 \$2,000.00 Warranty Deed, Robt. A. Bright to C.G. Thomson  
 Major Real Est Agent

December 23, 1962

Mr. Ralph Moore  
Chairman of the  
Committee on Appeal for Human Rights  
Atlanta University  
Atlanta, Georgia

Dear Mr. Moore:

May I acknowledge receipt of your wire of December 22nd, which reads as follows:

"The Students of Atlanta University feel as if you have made a great mistake in supporting the establishment of an Atlanta Wall across Peyton and Marlan Roads. In reply to a request of the All Citizens Committee on Better Citizens Planning we supply 175 picketers per day for the Westend Business area. We will also stage several mass demonstrations at the Atlanta City Wall with no less than 1500 students. This action will focus the eyes of the world on the Atlanta City Wall. We do not want Atlanta to have this type of publicity. Therefore we encourage you to remove the Wall and save the good image of Atlanta while there is still time."

First, this is to advise you that at the request of Mr. Virgil Copeland, President of the Southwest Civic Association, I have asked representatives of the following four groups to form a citizens committee to discuss the problems confronting the Peyton-Marlan Road area situation. Mr. Q. V. Williamson has advised me that the Citizens Committee for Better Planning will represent him in his capacity as Co-Chairman of the Atlanta Negro Voters League. I would think that any action prior to the deliberations of this committee and its recommendations would be precipitous and harmful to our best efforts.

Second, I would like for the students of Atlanta University to have full knowledge and acquaint themselves with the overall problem and with

Mr. Ralph Moore

December 23, 1962

the complete record to date which is as follows: The Peyton-Harian Road problem is the fifty-second area or street to undergo neighborhood expansion, penetration or encroachment since the first of this year. The record is flawless insofar as the protection of the rights of the Negro citizen is concerned. I am enclosing a list of the fifty-one streets on which this problem has been satisfactorily handled to date. I hope that the students, with their ability to analyze factual conditions, will study carefully this record, and I would hope that they would express their complete satisfaction and accord with the record of this administration.

I am certain that the matter having been handled so as to protect the rights of all persons in the first fifty-one instances would raise the question of why it is not being handled the same way in the Peyton-Harian Road instance. The answer, again, can be factual and definite. The Peyton Road incident, consisting mainly of agitation on Fielding Lane, is an artificial, unnatural condition created by unscrupulous parties, both white and Negro, who have attempted through unethical, disloyal and false misrepresentations to panic the residents of that community.

To prevent this condition, I have previously worked with the Empire Real Estate Board and a citizens committee, composed of the West end Businessmen's Association and the Empire Real Estate Board. In spite of a previous record of excellent cooperation from these two bodies, it was impossible to stop this artificial bargaining of land.

May I invite your attention to the fact that the closing of Peyton and Harlan Roads is an inconvenience mostly to white citizens and to very few Negro citizens. It does not prevent access or egress into any area of town, nor does it limit any rights of the individual citizen from purchase or sale, or other fundamental liberties. It merely serves as a warning to unscrupulous real estate dealers that Atlanta will not tolerate under the guise of "race discrimination" the destruction of fundamental values among any of its citizens.

I would hope that you would study this problem carefully and I would also assure you that if there is additional information which you desire, I will be glad to supply it.

Mr. Ralph Moore

December 23, 1962

The record as outlined above shows that the rights of all citizens have been protected without question in fifty-one out of fifty-two instances, and, now, you place a question mark by the fifty-second. Atlanta's reputation has been built by those who have carried out the aforementioned record. It is my sincere hope that the students of Atlanta University will not injure this record.

Should you ignore the above request and feel that you must picket for the sake of picketing, then be assured that the rights of the individual in picketing will be zealously guarded by the law enforcement body of this city.

You stated that you plan to stage several mass demonstrations with 1,500 students at the Atlanta City Hall. If, for purposes of national publicity you feel this is absolutely necessary, and if you will advise me of the time of your arrival, I should be glad to receive you on the City Hall steps.

I hope you will inform the students of Atlanta University that Atlanta's record is outstanding, and that I hope they will not injure it with any unnecessary or overt action.

Sincerely,

Ivan Allen, Jr.  
Mayor

IAJr:ad

IRVING L. GREENBERG, M. D.  
REGINA GABLER, M. D.  
SUITE 105 MEDICAL-DENTAL BUILDING  
950 W. PEACHTREE ST., N. W.  
ATLANTA 9, GEORGIA

February 6, 1963

Mayor Ivan Allen  
City Hall  
Atlanta, Georgia

Dear Mr. Mayor:

I appreciated your answer to my letter of January 3, 1963 re: "The Atlanta Wall". I said in my first letter that I realized that my information concerning the events which lead to the erection of this wall was such that I made no claims to knowing how best to solve the basic problem. Nevertheless, I felt that the action that had been taken had caused the "Image" of Atlanta to suffer enormously in the minds of intelligent people of good will throughout our nation and the world.

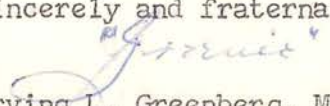
Your response pointed out that were I in possession of all the facts I would agree with the stand that had been taken.

Since getting your letter I have tried to learn more about the problems involved and I would be the last to minimize the fact that these problems are of great moment and not at all easy of solution. Nevertheless, I would again reiterate that it is my considered judgement that the kind of barricade that we have on Peyton and Harland Roads will be a blot on Atlanta's good reputation and I am convinced that the sooner this blot is erased, the better for our future.

I hope that you will understand the spirit in which I make this criticism. As one who is frequently accused of being a one man Chamber of Commerce in my conversations with "furriners", both in and out of Atlanta, and as a resident for fifty of my fifty-two years, I want for our town only the best of all good things.

Warm personal regards.

Sincerely and fraternally yours,

  
Irving L. Greenberg, M. D.

ILG/hf

# THE ATLANTA URBAN LEAGUE

*Over Thirty-Five Years of Preventive Social Service*



JACKSON 1-2355 • 239 AUBURN AVENUE, N. E. • ATLANTA 3, GEORGIA

CONFIDENTIAL and PERSONAL

February 4, 1963

Dear Morris:

As much as I would love to see you and the U. N. groups come to Atlanta to "view racial amity," I think that the hotel situation and the Peyton Road barriers would be most embarrassing to you, Atlanta and America. The hotels of Atlanta still refuse to accept Negroes but they will house nonwhites from other countries.

Moreover, the closing of Peyton Road near Dr. Harris' property - is considered as a "Berlin Wall" which we all are ashamed of. So, until the Aldermanic Board recinds its action, by ordering the barriers along Peyton Road taken down, I think that you would be embarrassed.

On the other hand, the proposed visit might hasten the rectification of the aforementioned injustices. So, I leave the decision to you.

I am sending Mayor Allen a confidential copy of this letter because he may wish to write you.

With very best wishes, I am

Cordially yours,

R. A. Thompson,  
Executive Director

Mr. Morris Abram  
Paul, Weiss, Rifkind, Warton and Garrison  
575 Madison Avenue  
New York 22, New York

Enclosure

NAT:vbm

MEMBER AGENCY ATLANTA COMMUNITY CHEST-COUNCIL

42 Kirkland Street  
Cambridge 38, Massachusetts  
January 31, 1963

Dear Mayor Allen,

We want to congratulate you on your most unique idea for furthering the progress of integration.

The method you chose for enhancing this all important cause is, in fact, so simple we can see why no one had thought of it before.

By setting up the "wall" in Cascade Heights you gave your better citizens (both Negro and White) a common enemy, therefore causing them to put aside trivial differences, join forces, and fight for something much more important--the need for basic survival.

When such "necessities" as medical aid, food deliveries, fire fighting equipment, and school buses are prevented from going their prescribed rounds, it is obvious that mere color differences will be lost in the shuffle to restore conditions to what the modern society is accustomed to.

We expect to see your wall in Cascade Heights go down in history with the importance of Khrushchev's wall in Berlin and Kennedy's blockade of Cuba.

That is, just as Khrushchev forwarded freedom by allying the freedom-loving peoples against his wall, and just as Kennedy forwarded peace by allying the peace-loving peoples against his blockade, you, Mayor Allen, have forwarded integration by allying the Negro and White peoples of Atlanta against your wall.

Again, congratulations!

With our admiration,

*Bruce C. Barthel*

*William J. Apsit*

Bruce C. Barthel  
William J. Apsit

BCB,WJA/lr



File  
we

To whom it may concern:

Monday June 11, 1962 at about 7:30 P.M. I was advised that three cars driven by colored men entered the drive way of Mr F. E. Bennett directly across the street from my home. The party advised me that he thought we should go over to Mr Bennetts to find out what was taking place. This party + me then had two or three neighbors called to advise them of this matter. While we were waiting for the neighbors to arrive we noticed that Mrs Jimmy Saka had gone into Bennetts driveway headed toward his home.

after about 15 minutes Mr Kobus Mr Daniel + Mr Owens arrived and together with Mr Porter and me we went to Mr Bennetts home to find out for ourselves first hand. Upon arrival Mr Bennett introduced us to the colored men as only two were present

since one was leaving as we entered Mr Bennetts driveway. Upon being introduced Mr Bennetts stated that he had received information from the Colclaway Real Estate Co that two houses in the Peyton Forest Community had been listed with them & he had invited them to his home to find out if that was true. He said they did not show him a written contract therefore he did not know who the parties were. Several questions were asked by both sides & we asked them why they were there and they said because they had listings on two homes in the Community whereby they had been called to sell the homes. We asked why they come into a white area and they said because they had been asked to sell the homes by the white people. We asked them if they had any business ethics and that they would only cause unrest by listing homes in a white

Community & they said they had business ethics & did not want to cause any unrest and that they did not want to put a man in a home where he would not be happy and accepted by the neighborhood.

one of the representatives, Mr Jewell said he had called Mrs Baker & was told that her home was for sale but not to colored people. Mr Jewell also said that his associate had stated things that could not be supported and told him to be quiet. Mr Jewell finally said that she had stated our position in that we did not want colored people in the Community & if that's what we wanted that is what we could have.

my name is W. L. Cropp,  
480 Fielding Lane S.W.  
Atlanta, Ga.  
Phone PL 5, 5648

STREETS IN TRANSITION IN 1962

EAST ATLANTA AND KIRKWOOD AREAS:

Wyman St., S. E. from Memorial Dr. to Boulevard Dr.  
Clifton St., S. E.  
Clay St., S. E.  
Rogers St., S. E.  
Warren St., S. E.

Dearborn St., S. E. from Memorial Dr. north  
Campbell St., S. E.

Stanwood Ave., S. E. from Wyman St. West  
Paxon St., S. E.  
Alder Court, S. E.

Haas Ave., S. E. from Memorial Dr. south to East Expressway<sup>1</sup>  
Patterson Ave., S. E.

GROVE PARK AND CENTER HILL AREAS  
from Maddox Park to Hightower Road  
between Simpson Road and Bankhead Ave.

West North Ave., N. W.	Marktvo Pl., N. W.	Gary Rd., N. W.
West Ave., N. W.	Marktrey Pl., N. W.	Gary Ct., N. W.
Kennesaw Dr., N. W.	Jetal Pl., N. W.	Park Valley Dr., NW
Baker Rd., N. W.	S. Charlotte Pl., NW	S. Center Hill Ave., NW
Chappell Rd., N. W.	Emily Pl., NW	Hood Ave., NW
Woodlawn Ave., N. W.	Pelton Pl., NW	Cedar Ave., NW
Holly St., NW	Baker Cir., NW	Robert St., NW
Elmwood Rd., NW	Aberdeen Dr., NW	Church St., NW
Lanier St., NW	Twilley Rd., N. W.	Woods Dr., NW
W. Lake Ave., NW	Commodore Dr., NW	Commercial Ave., NW
S. Evelyn Pl., NW	Ayrshire Cir., NW	<del>XXXXXXXXXXXXXXXXXX</del>

ADAMSVILLE BOULDER PARK AREAS  
South and West of Gordon Rd., S. W.

Howell Dr., SW	Nathan Rd., S. W.	DelMar Lane, S. W.
Howell Ter., SW	Brownlee Road to Boulder Park Dr.	
Boulder Park Dr., S. W.	Bakers Ferry Rd., N. W.	

Report of Events Occuring in Peyton and Utoy Forest on

Monday Evening, June 11, 1962

At approximately 7:30 p. m. Monday evening, June 11, I received a call from a neighbor who reported having seen several cars driven by Negroes entering the drive to the home owned by F. E. Bennett. Since rumors had been circulating recently about the intentions of certain people in the area to sell their houses to Negroes, I decided to investigate the matter.

I called F. E. Bennett and he suggested that I come over to his house right away. Several neighbors were informed and we proceeded to Mr. Bennett's. As we were arriving Mr. Callaway, a Negro was leaving; however, two Negroes had remained.

Mr. Bennett immediately gave the following account as the reason for the Negroes presence:

Mr. Bennett stated that he had purchased property recently from Calhoun Realty Company and had gone out of town before completing the transaction. He stated that upon returning he found a business card stuck in his door which he glanced at and mistook for Calhoun Realty Company. Since he had further business to transact with Calhoun he called the number on the card on Monday to make arrangements for completing his business transaction. The number he had called was Callaway Realty Company, a Negro firm. Mr. Bennett explained that Mr. Callaway, a Negro, wanted to come out and talk to him regarding his property in Peyton and Utoy Forest. Mr. Bennett told him he was not interested. Mr. Callaway then informed Mr. Bennett that his company already had two listings in the area. Mr. Bennett stated he asked to be shown the listings and that Mr. Callaway said he would bring them to Mr. Bennett's house at 7:00 p. m. on Tuesday evening. Mr. Bennett then stated he called several neighbors, including Mr. Baker and Mr. Ramsey, to have them present when Mr. Callaway arrived. On Tuesday evening Mr. Callaway arrived alone and stated he had brought only one listing and one of his Salesmen was bringing the other. Shortly thereafter two Negroes arrived in separate cars. Mr. Bennett stated that the Negroes failed to produce the listings. They said it would be bad business practice but said it

they had the listings. The Negroes further stated that one house was on Harlan Road and one in Peyton Forest. This was the account given as the reason for the Negroes presence.

As stated previously, when several neighbors and I arrived at the Bennett home two Negroes were still present. Mrs. Baker, Messrs. Bennett, Daniels, Porter, Kovas, Monnerat, Scroggs, and I discussed the situation with the Negro salesman representing Callaway Realty Company.

The Negroes insisted that they did not wish to go against what the majority of the people in the area wanted but that they were in business to sell real estate anywhere to anyone. They stated that if we decided to sell contact Callaway Realty Company. They also said that it was possible to work out a group selling contract similar to the one used in the Wisteria Lane area. The Negroes kept insisting that they wanted our listings if we decided to sell.

We told them that ours was a white neighborhood and we had every intention to keep it white. One Negro began stating statistics of the ratio of Negro and white population to Negro and white property area. He also said that Mr. Callaway was asked by the owners to take the listings of the two houses. The Negroes were evasive about the two listings but said the prices of the houses were \$21,000 and \$21,700 respectively.

We accused them of soliciting business in the area but they denied it. When confronted with the fact of Negroes continuously riding around in the area, they denied knowledge of it but said there was no law against it.

The conversation lasted about 45 minutes. The Negroes passed out their business cards, asked that we call them on what we decided, and left.

*C. J. Owens*

C. J. Owens  
681 Fielding Lane

Peyton Road	2
Kelso Drive	9
Harlan Road	9
Tee Road	3 (sold to)

MEMORANDUM

January 29, 1963

TO : Hon. Jack Savage  
FROM : Ivan Allen, Jr.

1. Proposed call for special meeting of the Board of Aldermen to consider passage of resolutions and ordinances concerning the handling of transitional areas in the City of Atlanta and such other business as may come before the Board.
2. A resolution instructing the Mayor to call together representatives of the Atlanta Real Estate Board and the Empire Real Estate Board, asking for a voluntary code of ethics to control transitional property.
3. A resolution instructing the City Planning Department to make a complete and comprehensive study immediately of all available land that in the past has been zoned for commercial and manufacturing establishments, which could be properly zoned for open housing.
4. A resolution instructing the Mayor to call together the respective groups in the Peyton Forest area disturbance to seek an agreement on a voluntary basis to establish a cooling off period.



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January 29, 1963

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FROM : Ivan Allen, Jr.

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# Adams real estate company

Sales — Loans — Leases — Insurance — Trades  
Property Management

947 HUNTER ST., N. W. • 525-2800 • ATLANTA 14, GA.

July 19, 1962

Mr. Rex Wilson  
377 Peyton Road S. W.  
Atlanta, Georgia

Dear Mr. Wilson:

You want a fast sale, at top market price, with no inconvenience to you, don't you? If so please list your property located on Peyton Road "For Sale" with us.

Many years of unflinching service to the Atlanta people explains why property owners, and buyers too, have complete confidence in ADAMS REAL ESTATE COMPANY. This experience, plus our aggressive advertising policies, legal facilities and other services, are at your disposal.

If you or any of your friends are thinking of disposing of property now, or in the future, we would appreciate the opportunity to discuss confidentially these matters without obligation to you.

Sincerely yours,

ADAMS REAL ESTATE COMPANY

*E. Q. Adams*  
E. Q. Adams, Broker

*File  
J.W.C.*

"We Depend on You • You Can Depend on Us"

File  
SWC

To Whom it may concern:

Monday June 11, 1962 at about 1:30 P.M. I was advised that three cars driven by colored men entered the drive way of Mr F. E. Bennett directly across the street from my home. The party advised me that he thought we should go over to Mr Bennetts to find out what was taking place. This party + me then had two or three neighbors called to advise them of this matter. While we were waiting for the neighbors to arrive we noticed that Mrs Jimmy Saba had gone into Bennetts driveway headed toward his home.

after about 15 minutes Mr Kobus Mr Daniel + Mr Owens arrived and together with Mr Porter and me we went to Mr Bennetts home to find out for ourselves

Community + they said they had  
business ethics + did not want  
to cause any unrest and that  
they did not want to put a  
man in a home where he  
would not be happy and  
accepted by the neighborhood.

one of the representatives, Mr  
Jewell said he had called  
Mrs Baker + was told that  
her home was for sale but not  
to colored people. Mr Jewell also  
said that his associate had stated  
things that could not be supported  
and told him to be quiet. Mr Jewell  
finally said that he had stated  
our position in that we did not  
want colored people in the Community  
+ if that's what we wanted that is  
what we could have.

my name is W. L. Cropp,  
480 Fielding Lane S.W.  
Atlanta, Ga.

since one was leaving as we entered Mr Bennetts driveway. Upon being introduced Mr Bennetts stated that he had received information from the Calloway Real Estate Co that two houses in the Peyton Forest Community had been listed with them & he had invited them to his home to find out if that was true. He said they did not show him a written contract therefore he did not know who the parties were. Several questions were asked by both sides & we asked them why they were there and they said because they had listings on two homes in the Community whereby they had been called to sell the homes. We asked why they come into a white area and they said because they had been asked to sell the homes by the white people. We asked them if

No 'Blockbusting' In Cascade Heights

Dear Sir:

Members of the Empire Real Estate Board are much concerned about erroneous accusations of "block busting" in the Cascade Heights area. In conformance with the realtists code of ethics we always have cooperated with civic and community groups in developing peaceful and orderly transaction of housing where tensions have arisen from the acute housing situation affecting Negroes, mostly through the Metropolitan Planning Commission. Our members have never participated in or encouraged "block busting" at any time.

Investigation reveals that no Negro broker has initiated action to secure listings in the Cascade area, but we found numbers of occasions where white property owners in the Gordon Road and adjacent Adamsville sections have solicited services of our members. Many of the listings have been refused and there is no intention of these realtists to seek listings in the vast Cascade Heights area.

What is needed by Negro homeseekers is smaller new and used houses in price range from \$6,000 to \$18,000. The new Title 221 housing meets the requirement only where our clients can quality with FHA regulations. Age and income restrictions, therefore require, conventional financing for new and used houses of the class mentioned which incidentally, are not available.

Cascade Heights is not, therefore, a solution to the problem and alarmed white property owners are advised to seek the advice of the Metropolitan Planning Commission, at the outset, when they are faced with personal and community situations which might lead to tensions from unfounded rumors.

Again we call upon and urge Atlanta's Board of Aldermen and the Fulton County Commissions to assume their responsibility in relieving a situation where 38 per cent of the population is restricted to 16 per cent of the land, when there are thousands of acres of vacant land in our fine community.

J. T. Bickers, President  
Empire Real Estate Board

*File  
GWC*

### Just What Is Blockbusting?

As everybody who has been in this world more than a year or two knows, words can be used to make things clear, or they can be used to confuse.

During the past week, one word has been used rather confusingly here in Atlanta.

The word is "Blockbusting"-- and after talking with some of our friends in the real estate business, we have decided it might be useful to try to clarify the term.

First of all, the word was used in such Northern cities as Philadelphia to describe a "scare tactic" used by certain realtors. A home would be purchased in the heart of an all-white neighborhood, for instance, and a Negro would be moved into this home. At the same time, word would be passed that "They're coming!", along with the usual threats of falling property values (plus the promises of a quick killing for home-owners who sold to Negroes at much more than the second-hand housing was worth).

Negro realtists here in Atlanta, like members of their national organization throughout America, believe in open occupancy. That is, they do not support segregated housing.

At the same time, local realtists point out, they have operated on a policy of "orderly transition of neighborhoods."

Thanks to such institutions as Citizens Trust Company, Mutual Federal Savings & Loan, Atlanta Life Insurance Company, Consolidated Mortgage Investment Company and the new Atlanta Mortgage Company, Inc., new housing, as well as used housing, has been a primary interest of Negro buyers and the realtists who serve them.

*File  
500*

September 12, 1962

TO WHOM IT MAY CONCERN:

Today I received a call from a person who identified himself as being Mr. Gordon, Sales Manager for the Calloway Realty Co. He stated that the purpose of this call was to see if he could come by and talk with us about selling our home. ~~He stated that he already had listings in our area for sale to colored. He also stated and implied that this area was definitely "going colored".~~ I also know of other people in our area who received calls the same day from Mr. Gordon.

I do hereby certify that the above facts are true and correct to the best of my knowledge.

G. J. Kolins

477 HALDANE S.W.

ATLANTA, GA. - U TOY - PEYTON RIVERS

I informed him my home was not for sale and told him to get this in his head once for all and then hurry up.



September 17, 1962

TO WHOM IT MAY CONCERN:

Today I received a call from a person who identified himself as being Mr. Gordon, Sales Manager for the Calloway Realty Co. He stated that the purpose of this call was to see if he could come by and talk with us about selling our home. He stated that he already had listings in our area for sale to colored. He also stated and <sup>implied</sup> implied that this area was definitely "going colored". I also know of other people in our area who received calls the same day from Mr. Gordon.

I do hereby certify that the above facts are true and correct to the best of my knowledge.

Charles H. Daniels  
1499 Hall Lane Dr. S.W.  
Atlanta 11, Ga.

*This is not first call received from Negro Broker  
soliciting listings. C.H.D.*

October 19, 1961.

Dear Sir:

After reading your editorial "Calm Cooperation Pays Off", in The Atlanta Journal, Wednesday, October 10, 1961, regarding Cascade Heights, we agree that a community organization is the best instrument for a workable solution to our racially troubled housing problems. Our communities, Grove Park and Center Hill, have had an organization of this type chartered by the State of Georgia since 1941, known as the West Side Development Company.

The people of our communities have stood by us with their money and support. In the past nine years, we have purchased thirty nine houses in order to preserve our White Communities.

We have made agreements with the Mayor's former Bi-Racial Committee and the Empire Realty Board and while we have faithfully honored our agreement, we regret that the agreement has been and is still being violated by some members of the Empire Realty Board. As a result, we have been a target of block-busting tactics for the past three years at a great expense to our communities.

W.S.D.C.

Our people are also entitled to be put at ease and we welcome the calm cooperation of the responsible parties especially since our agreements were negotiated previous to the promises now being offered <sup>other</sup> communities. Should anyone conscientiously think that if these agreements are not honored with the peoples of Northwest Atlanta, the citizens of Cascade Heights and Southwest Atlanta can be put at ease.

Yours truly,

J. Homer Clark, President  
WEST SIDE DEVELOPMENT CO.

(Grove Park)

cc: Letters to the Editor, The Atlanta Journal  
Mayor William B. Hartsfield  
Board of Aldermen, City of Atlanta  
Alderman James W. Vickers, 3rd Ward  
Alderman William T. Knight, 3rd Ward  
Empire Realty Board  
Mr. Harold Ramsey, Acting Chairman SW Citizens Comm. ✓  
Mr. G. R. Bilderback, Pres. Grove Park Civic League.

Harold, this is done for our mutual benefit. Don't let the newspapers or the Empire Realty Board lull Empire Heights to sleep with promises. Remember if nothing else in that area is disturbed they feel or will later that everything near them on Gordon Rd. for Fairburn is not not considered part of Cascade Hgts. Truly Yours J. Homer C

File  
S.W.C.

# Adams real estate company

Sales — Loans — Leases — Insurance — Trades  
Property Management

9<sup>th</sup> HUNTER ST., N. W. • 525-2800 • ATLANTA 14, GA.

November 17, 1962

APPROX. 25 OF THESE RECEIVED IN  
UTOY-PEYTON FOREST.

Mr. Harold L. Ramsey  
499 Thackery Place, SW  
Atlanta, Georgia

Dear Mr. Ramsey:

You want a fast sale, at top market price, with no inconvenience to you, don't you? If so please list your property located on 499 Thackery Place, SW.

Many years of unfailing service to the Atlanta people explains why property owners, and buyers too, have complete confidence in ADAMS REAL ESTATE COMPANY. This experience, plus our aggressive advertising policies, legal; facilities and other services, are at your disposal.

If you, or any of your friends, are thinking of disposing of your property now or in the future, we would appreciate the opportunity to discuss, confidentially, these matters without obligation to you.

Sincerely yours,

ADAMS REAL ESTATE COMPANY

E. O. Adams  
Sales Representative

525-3517  
Phone Numbers

*File  
G.W.C.*

"We Depend on You • You Can Depend on Us"

June 13, 1962

Last Sunday evening my husband received a telephone call from Mr. F. E. Bennett stating that (Mr.) Calloway of Calloway Realty Co. had contacted him and said he could show proof that he (Mr.) Calloway had the listing on two houses for sale in our area. Mr. Bennett told my husband that he had an appointment with Calloway Monday evening at 7:0'clock at his (Mr. Bennett's) home and asked my husband to be there. Our house is for sale and Mr. Bennett knew this information would be of interest to us.

The following Monday afternoon I received a telephone call from (Mr.) Jewell a salesman of Calloway Realty Co., inquiring about our house. I immediately told him that it was not for sale to colored. He asked if we would contact him if we should change our minds.

Monday evening Mr. Bennett called our home and asked for my husband or me to come to his home immediately and since my husband was out, I went. When I arrived I found that in addition to (Mr.) Calloway being there, his salesmen Jewell and Ed Billingsley were there also. The first thing that Mr. Bennett said when I got there was that he wanted it clearly understood by me that he had not contacted them. (Mr.) Calloway stated in my presence that he had contacted Mr. Bennett. I asked (Mr.) Calloway who had listed their property with him and he said that he could not tell me that, but he could give me the location - which he did. He said one house was located on Harlan Rd. near Peyton Rd. and the other one was on Shelley Dr.

I won't go into details about the discussion, but the subject of ethics came up and I asked (Mr.) Jewell if it wasn't unethical for colored real estate operators to contact white people about buying their property and he said absolutely not - that they were in the real estate business and they could solicit from (for their clients) and sell to, anyone. I asked him if he had a client who was interested in our house and he said he did have.

Signed:

Mrs. James H. Baker  
557 Fielding Lm. SW.

JHB  
B.W.C.

To Whom it may concern:

During the month of September 1961 my wife received a telephone call and I listened on the extension. The other party identified himself as a salesman with Adams Realty company, he asked my wife to set a price on the sale of our house located at 350 Peyton Rd. S.W., Atlanta, Ga. I recognized the name of the Realtor to be Colored and shook my head no to my wife. The other party asked what realtor was handling the house and when the exclusive ran out. My wife told him that she did not know. The party on the phone said thank you and hung up.

*Hal D. Watts*

Hal D. Watts

Thomas R. Alford, Jr.  
ADAMS REAL ESTATE CO.

PROPERTY MANAGEMENT - REPAIRS  
SALES - INSURANCE

947 HUNTER ST., N. W.

ATLANTA, GA.

ment  
Feb 5/61

Mr Eugene Elick, owner  
c 180 Harlan Road, S.W.,

Atlanta, Georgia, do make the following  
voluntary Statement:

On 26 August 1961, I was approached,  
at my residence, by Thomas R. Alford, Jr.,  
a representative of Adams Real Estate Company,  
with a request to list my home for sale  
with his company. Alford stated that  
6 or 8 of the other properties between Tee Road  
and Gordon Road were listed with his  
company. Alford specifically mentioned  
that he had listings with Cooley, Duncan,  
and Meeks. My home is posted  
with a "Disputed Area" sign which was  
easily visible to Alford as he approached  
my home. I told Alford I would not  
list with him, that I did not intend  
to list my home for sale with any  
Real Estate Company.

End of Statement

I swear that the above statement consisting  
of one page is freely and voluntarily given,  
this second day of September 1961  
William E. Elick (Seal)  
WILLIAM E. ELICK

witness: Ruth V. Elick

witness: J. H. Cordle

# Statement

file  
5/16/61

I, William Eugene Elick, owner and resident of 180 Harlan Road, S.W., Atlanta, Georgia, do make the following voluntary statement:

On 26 August 1961, I was approached, at my residence, by Thomas R. Alford, Jr., a representative of Adams Real Estate Company, with a request to list my home for sale with his company. Alford stated that 6 or 8 of the other properties between Tee Road and Gordon Road were listed with his company. Alford specifically mentioned that he had listings with Cooley, Duncan, and Meeks. My home is posted with a "Disputed area" sign which was easily visible to Alford as he approached my home. I told Alford I would not list with him, that I did not intend to list my home for sale with any Real Estate Company.

End of Statement

I swear that the above statement consisting of one page is freely and voluntarily given, this second day of September 1961

William E. Elick (Seal)

WILLIAM E. ELICK

witness: Ruth V. Elick

witness: J. H. Cordle



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**FINCH ALEXANDER BARNES ROTHSCHILD & PASCHAL**  
70 FAIRLIE STREET N. W. / ATLANTA 3, GEORGIA / MURRAY 8-3313

January 24, 1963

The Honorable Ivan Allen, Jr., Mayor  
City of Atlanta  
Atlanta, Georgia

Dear Ivan:

Many thanks for your great assistance Tuesday. The meeting went much better than we could have expected. I feel very definitely that this fair is a handle to promote many things. Wherever I've talked, the fair has been a most popular subject. Even the Metropolitan Herald and the Northside News have given it favorable treatment! As I stated Tuesday, those buildings proposed - and urban renewal funds in the upcoming bond issue - could be Atlanta's contribution toward the fair. (This was the pattern in Seattle.) If the fair is as popular an idea as it seems to be it could be used to assist the bond issue.

In regard to the other matter we discussed, let me say that while my reaction to Peyton Road was not favorable, I did understand the truly desperate situation that faced you. Basically I think the Mayor is being placed in an impossible situation when he is asked to solve a problem so deep-rooted in human emotions and history as Atlanta's racial housing. The government's tools are so limited and those few available so full of political dynamite that any solution will make enemies. It seems to me that the story you have to tell is important. You fell heir to a situation not of your making and you attempted to lend your good offices to stabilizing a serious situation. In doing this you sacrificed your own position for the good of the City. The action taken was drastic and distasteful, but the situation itself was drastic and distasteful. Let some of those who are so aroused propose solutions if they have them.

I do have some positive thoughts on the subject, on a long range basis. If you want to hear them let me know.

Sincerely,



Cecil A. Alexander

jm

S.K. Cannon

967 Oriole Drive, SW  
January 18, 1963

Hon. Ivan Allen, Jr.  
Mayor, City of Atlanta  
City Hall  
Atlanta, Georgia

Dear Ivan:

Your courageous stand on the controversial closing of Harlan and Peyton Roads is one to be greatly admired.

At a time when some forces seem determined to blacken the name of the Southwest section of our city, the positive stand taken by you and the Board of Aldermen gives the residents of this area definite hope for family stabilization. You have shown you cannot be swayed by strong political pressures when so many people have so much at stake.

The residents of the Cascade area have invested heavily, both financially and in hard work, to make this one of the finest residential sections in Atlanta. Clearly, we are entitled to protection from encroachment by a minority group. That we should be compelled to leave Atlanta for small-town or suburban living is unthinkable.

We recognize that the majority should not subjugate the minority, but by the same basic thinking minority groups have no right to disrupt and destroy the existence of the community.

May I again commend you for your determined stand and your untiring efforts to effect a favorable solution to this problem.

Very sincerely,

  
S. K. Cannon

2120 16th St., N. W.  
Washington, D. C.  
Jan. 14, 1963

Mayor Ivan Allen  
Atlanta, Georgia

Dear Mr. Mayor:

As a Georgian (Decatur), I am much disturbed that the barricades are doing a great deal of harm to Atlanta's good name in the rest of the country. To a large extent they negate the "Forward Atlanta" ads which have recently appeared in the Wall Street Journal. All those responsible for erecting them should frankly admit their mistake and take steps toward their immediate removal. As you well know, the problem of Negro housing cannot be solved with barricades here and there. One barricade can only lead to another until eventually you will arrive at the accomplished fact of a walled in ghetto. Such a solution is unthinkable for the South's most progressive city. Atlanta has met and surmounted with honor many racial challenges during the past decade, building up a vast reservoir of good will throughout the country. It would be a shame to allow that invaluable asset to be now dissipated by these unwise street barriers.

Yours truly,

  
Gus Partee



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1961 NATIONAL HEADLINER MEDAL  
"FOR CONSISTENTLY  
OUTSTANDING EDITORIALS"



1961 FIRST AWARD—OHIO STATE  
INST. "DEVELOPING INFORMED  
CITIZENS IN ELECTION YEAR"

# TONIGHT'S EDITORIAL

A WAGA-TV daily presentation

**KEN BAGWELL**  
GENERAL MANAGER

**DALE CLARK**  
DIRECTOR OF NEWS AND PUBLIC AFFAIRS

Friday, January 11, 1963

FILM  
(Peyton  
Road  
Sign)

Peyton Road has become the symbol of failure for Atlanta, and we think it would be dishonest to put any other interpretation on it. Nearly everyone knows the grim story by now. There was evidence of a breakdown of racial barriers that would put Negro occupants in an all-white residential area. The "block-busting" technique was being employed. Efforts to work out an agreement failed. And Aldermen responding to appeals for emergency action, took it. They authorized a barricade on Peyton Road so it would not be a through street, and there it has stood since December 18. The stopping of through traffic to prevent the encroachment of Negro home buying, puts the spotlight again on probably the most serious problem Atlanta faces.

(Barri-  
cade)

It is easy to get angry over a situation like this, and plenty of people have.

It is easy to take sides--and the views of each side are logical and persuasive. Getting angry and taking sides only puts us on a battleground--from which there can be no winners, only losers.

FILM  
(Barri-  
cade  
Area)

The fact is that this barricade isn't going to solve the problem, and the sooner the factions on both sides agree to meet and work out a compromise the better it will be for them and the city. This isn't a "Berlin Wall" type of thing, and efforts to dramatize it and make wholesale propaganda with it can only make the problem greater. Atlanta's record doesn't deserve it. As Mayor Allen points out, similar problems have been worked out in 51 areas in 1962.

Our concern stirred by this Peyton Road controversy must be centered on the fact that the overwhelming lack of decent housing for the growing Negro population is simply not being met.

FILM We cannot forever keep our eyes closed to the fact that  
(Negro nearly 90,000 Negroes are living in substandard housing  
Slum where plumbing and sanitation facilities are not adequate.

And even worse--31,000 colored residents are living in what is officially designated "dilapidated housing",--that which is beyond repair and if they weren't giving cover to human lives they could only be--and should be--destroyed.

Despite these facts, and despite the fact that the population and the housing pressure grows greater every month, we have no promise of a major program--and no real sign of commitment by the city to develop one. Every piece-meal housing project of any size has been the subject of a battle royal, and voted down.

The alarm bell is ringing for this fast-growing metropolitan area, and the Peyton Road incident is only the symbol of a problem that is by no means confined to those residents.

FILM It's a grim reminder that we're fast coming to a dead-end  
(Dead- on what already is a crisis. The planners, the Aldermen,  
End the Mayor and County officials must move on this problem  
Sign) in '63.

We must have public and private housing projects started soon or we may have a whole series of Peyton Roads.

WAGA-TV Editorial is  
telecast weekdays:

7:15 A.M.  
6:15 P.M. in PANORAMA  
11:20 P.M. in 11th HOUR PANORAMA

I regret very much that you have taken what I consider  
an  
to be/arbitrary position in the Peyton-Harland Road problem.

The abandonment of the portions of these roads by the Board of Aldermen and signed by me was for the purpose of stabilizing an unwarranted condition in the Peyton Forest area. The closings exercised the same restraint on all citizens and discriminated against no one. The right of purchase and sale, access and egress has been denied no citizen of Atlanta into any area of the city.

The Board of Aldermen reconfirmed their position on this matter last Monday. It had been my hope that you as a group, taking the position that you represent the entire Negro community, would discuss the overall problem and work out a voluntary agreement that would help in protecting the interest of all our citizens, stabilizing property values and eliminating the unfair tactics that have previously been used by some parties.

Your refusal to appoint any member of your group to discuss this matter openly in an effort to reach an amicable solution is deeply regrettable.

However, your unwillingness in no way deters my determination to see that the matter is satisfactorily resolved and, to that end I will continue to work through whatever representative groups are available.

(Ivan Allen, Jr. - 1/11/63)

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(Ivan Allen, Jr. - 1/11/63)



JOEL CHANDLER HARRIS HOMES  
920 SELLS AVENUE, S. W.  
ATLANTA 10, GEORGIA

January 8, 1963

The Honorable Ivan Allen, Jr.  
Mayor of the City of Atlanta  
68 Mitchell Street, S. W.  
Atlanta, Georgia

Dear Mr. Allen:

First, I wish to thank you for your letter of recent date regarding my service on the bi-racial committee for this area.

I realize the importance of such a group and consider it an honor to serve. However, I would like to suggest, if I may, that consideration be given to the formation by you, of a bi-racial committee for the entire City.

At this time I would like to sincerely congratulate you on doing such an outstanding job during your first year in office and I fully believe that you have made thousands of new friends in the Seventh Ward, as well as the entire City. We, in this Ward, are very proud of the way you have handled yourself in matters directly effecting us.

I sincerely hope that you have a very good and properous 1963, and if I can ever be of any help to you, please do not hesitate to call upon me.

Secondly, I would like to comment at this time on the plan and program of rapid transit for the Atlanta Metropolitan Region.

A representative of the Atlanta Regional Metropolitan Planning Commission delivered to me the very comprehensive report of the Study Commission several days ago, prior to its release, and I have studied it throughly. I am in accord with the recommendation one hundred percent, and would consider it an honor to have the priviledge serving in



Mayor Ivan Allen, Jr.

-2-

January 8, 1963

any capacity to help promote this very servicable project to its completion.

Kindest personal regards.

Sincerely, .

A handwritten signature in blue ink, appearing to read "Huckeba", written in a cursive style.

D. W. Huckeba

DWH:bb

1/11/63

I talked with Cochrane and he said that he ~~was~~ thought it was an excellent statement, and commented about those in attendance by saying that Wood is the vehicle through which Zenas Sears is trying to destroy the established leadership. He further stated that someone should give Zenas Sears a talking to, that the stuff he has been saying on WAOK is deplorable

He further restated that no action could be taken until after the League meeting tonight (7:30) but they will move quickly thereafter. They are going to make the following pitch to the league: We are not going into the merits or demerits of the problem, but merely the right to negotiate about any problem.

He said that Walden would get in touch with MBL (probably Monda6) about further proceedings.

As a parting thought, he said that he ~~decided~~ decided they should give some consideration to your appearing before the league tonight for about 30 minutes, since you had not spoken to them before. I told him I would pass all of this along, and if he wished to make further comment about tonight, to call you back this afternoon



**JORDAN**  
*Enterprises*

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ATLANTA 10, GEORGIA  
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DUPREE JORDAN, PUBLISHER  
MARGRET B. ROSS, EDITOR

copy of telegram sent on January 10, 1963

Editor, Newsweek Magazine  
Newsweek Building  
444 Madison Avenue  
New York 22, New York

Despite your excellent Atlanta staff, your report on Peyton-Harlan barricades reflects unfairly. January 11 editorial from THE WEEKLY STAR, our newspaper covering Southwest Atlanta, gives better perspective of problem, at least to most of those who know the situation best. Would be grateful if you could summarize our thinking.

DuPree Jordan, Jr., publisher

JORDAN Enterprises Weekly Newspapers

copy of editorial, sent you previously by Joe Cumming, is also enclosed herewith



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an  
to be/arbitrary position in the Peyton-Harland Road problem.

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The Board of Aldermen reconfirmed their position on this matter last Monday. It had been my hope that you as a group, taking the position that you represent the entire Negro community, would discuss the overall problem and work out a voluntary agreement that would help in protecting the interest of all our citizens, stabilizing property values and eliminating the unfair tactics that have previously been used by some parties.

Your refusal to appoint any member of your group to discuss this matter openly in an effort to reach an amicable solution is deeply regrettable.

However, your unwillingness in no way deters my determination to see that the matter is satisfactorily resolved and, to that end I will continue to work through whatever representative groups are available.

(Ivan Allen, Jr. - 1/11/63)

BOOK TELEGRAM

Please show all addresses on each telegram:

Dr. C. Miles Smith - 239 West Lake Avenue, N. W., Atlanta  
Rev. M. L. King Sr. - Ebenezer Baptist Church - Atlanta  
Rev. J. A. Middleton - Allen AME Temple - Atlanta  
Co-chairmen, All Citizens Committee for Better City Planning

Mr. W. L. Calloway  
President, Empire Real Estate Board  
c/o Calloway Realty Co., 193 Auburn Avenue, N. E., Atlanta

Col. A. T. Walden, and Q. V. Williamson  
Co. Chairmen, Atlanta Negro Voters League  
(Walden: 980 Westmoor Drive, N. W.)  
(Williamson - Williamson & Co. 855 Hunter Street, N. W. )  
Atlanta, Georgia

Gentlemen:

I urge your compliance to my request to appoint representatives  
to a committee to study the problems in the Peyton-Harlan Road  
area, and would appreciate an early reply.

Sincerely,

Ivan Allen, Jr.  
Mayor of Atlanta

Send Rush and charge to

Mayor's office  
City of Atlanta

Jan 7, 1963  
11:30 am

JUDGMENT

Thomas Kidd, et al. vs City of Atlanta, et al.

January 4, 1963

*JK*

The question in this case is whether the territory in question is a public street. If it is not a public street, then, of course, an obstruction would not be a nuisance. Now, the evidence shows that there are two ordinances passed by the Mayor and Board of Aldermen closing the streets in question. 154 Ga. page 556 Lee County vs the Mayor of Smithville et al., says in part. "The State, through its legislature, has as much power and control over the laying out, construction, maintenance, in closing of the highways, streets, lanes, and alleys of the municipal corporation as it has over other public highways. It may change, alter, abolish either class of these highways at will. The power to have opened, worked, repaired, improved, or closed the public highways, streets, and roads may be exercised by the legislature in such manner and way, and under such circumstances, as it may deem best. There is no constitutional or other limitation on this power in this particular matter.... The legislature, can, of course, delegate this power to local, inferior bodies, or it can exercise it through its own agencies.... It may exercise this power directly, or may delegate it to municipalities, the counties of the state, or to any other constituted body." Therefore, there is no question, but that the City of Atlanta has the power under its charter to close streets.

209 Georgia 763 Jenkins vs Jones, "Generally, a municipal ordinance passed in pursuance of express legislative authority is a law within the meaning of the constitution, and has the same effect as a local law duly enacted by the State Legislature."

Allegations were made during the trial by the plaintiff as to the motives of the Mayor and Aldermanic board in passing the two ordinances closing said street. In 164 Ga. page 541 Klein et al. vs City of Atlanta, it was held as follows:

"The courts cannot inquire into the motive of the defendants in pressing and procuring the enactment of this ordinance, or of the mayor and general council of Atlanta in enacting the same...." It thus appears to me that the City of Atlanta through its legislative body, has closed the streets in question and that until this action is set aside in some manner recognized by law, this court is bound by the ordinances adopted. There is, also, a question whether this court would have jurisdiction to set them aside in any event.

There is another question that bothers this court. The present petition alleges that this nuisance is a public nuisance and the evidence seems to support that allegation. It further appears that the present plaintiffs have suffered no injury, if any, not suffered by the public at large, and the court understands the law to be that, where a nuisance is a public one, and, where the plaintiff suffers no personal injury beyond that suffered by the public at large, only the public authorities, acting through the Solicitor General can maintain a petition to abate the nuisance. At least, private parties cannot do so.

For all of the foregoing reasons the court is of the opinion and hereby rules, that the present petition must be and is hereby dismissed.

*R. E. Jones*  
Robert E. Jones, Judge  
MUNICIPAL COURT, GENERAL DIVISION  
City of Atlanta

MEMORANDUM

To : IAJR

From : AD

This is an effort to fill you in on what happen in the Peyton harlan Road situation since you left Wednesday evening.

1. As a result of the "All Citizens "meeting the Atlanta Con stitution carried a story Thursday morning that there was a split in the Negro leadership and that Leage and Empire would not send a repøesentative to your committee but just let the "All Citizens" represent them.
2. Apparently someone was floating a baloon, because C. A. Scott was at the meeting and carried the same story as the Consti.
3. Col. Walden called me Thursday morning and wanted to let us know the story was "erroneous" and that he was issuing a statement to correct it. The "corrected" story came out Thursday evening. . . stating that the League and Empire would elect their own representatives, but would "support the main objectives of the All Citizens Comìmittee." . . . They were to have a joint meeting of the three Negro groups Friday afternoon, after which Col. Walden would advise me of the representatives' names.
4. Col. Walden, Dr. Borders both told me prior to the meeting that they thought things were shaping up as you would want, and they felt sure the negotiations could go ahead in spite of the barricade. . . the papers carried this same feeling. After the meeting Friday afternoon, that feeling did not prevail, and the only thing they have volunteered to me is that the joint group voted 26 - 6 to ask you to their next meeting so they could "hear your side." They are planning to have their next meeting on Wednesday, probably at 3:00 p. m.  

I am attaching the newspapers to which I refer in case you haven't seen them, and I call your particular attention to Saturday's Consti and Gene Pattersons editorial.
5. To continue on the Southwest Citizens side. . . as I told you previously, Virgil Copeland stated to me that they wanted to help remove the pressure on you and would do anything necessary to help the situation. . even to asking you to take down the "wall".
6. When he came in, this was still the case, but they do not intend (at this point) to recommend the re9pening of the road itself. . . and had plhrsued the course suggested by our Law Department of getting the individual property owners who acquired the abandoned road to erect a fence.

Let me stop here for a few additional points:

a. First of all, the barricade is sitting on city property as we do not have the legal right to barricade private property. . .

b. There are signs at both end of both streets stating "Dead End"

c. It is the feeling of Newell ~~Edenfor~~ Edenfield that our case in Fulton Superior Court will be sustained, but that the City has no right to block off private property (the abandoned portion) with a barricade.

d. The residents in that section seem willing to remove the wall, but want in some way to visually close the street, since they say white people won't buy if it is closed and neither ~~with~~ will the colored people.

e. I personally feel that the removal of the barricade would satisfy the Negroes as it would ~~reopen~~ open the street, at least temporarily until the property owners decided to either plow it up and plant it in cotton, or put up their own fence. . .

7. The Southwest citizens and expressed by Virgil Copeland and Charles Edwards (and by the way, Edwards seems to be extremely competent) are buried in their own individual problem of the protection of their houses and the necessity to close or keep closed the road. . . they do not realize the terrific impact this has had from the stand point of National publicity.

8. In talking to both Copeland and Edwards (and Bill Howland sat with us) I pointed out this publicity and the fact that we had two problems. . . (1) the emotional one which makes news because of the barricade, and (2) the problem of actually working out a mutually satisfactory solution. . . and said ~~the~~ to them that we should remove the first problem in order to solve the second. . . they ~~realize~~ realize this and will ~~probably~~ probably recommend the 4 points which I have mentioned to you:

1. Removal of barricade
2. Support of rezoning for housing
3. Request ending to blockbusting tactics
4. Rerouting of street to form the original idea of the double horseshoe.

9. I received the names of four groups, which is attached, but have not heard from Dr. M. L. Kingsr. as to the "elected" representatives of the All Citizens Committee (which Col. Walden told me they would have.) I left a call for him



Saturday ~~toix~~ but he never returned it. Therefore I addressed the attached letter to just the four groups.

10. The Southwest Citizens Association is having their meeting Saturday night to decide what course of action they ~~coux~~ would take and what they will recommend. . . we will know ~~Sunday morning~~ Monday morning. . .

11. Copeland will still wait to hear from this office as to when the meeting should be called. . . . and Col. Walden and /or M. L. King Sr. will contact you probably Monday to state the willingness of the All Citizens Comm. to "hear your side. . .

After seeing what Copeland has to present to the bi racial group, we should let him know whether to call the meeting as originally discussed for Wednesday. . .

or wait until you have met with the All Citizens group.

One thing important to remember is that the suit comes up in Fulton Superior Court on Thursday morning. . . and should the bi racial group meet Wednesday and the white folk recommend the removal of the barricade, then the court case would be easier. . . .

Another thought. . . if somewhere the decision to reopen the road is mutually agreed, it would probably take a month to six weeks to do it. . . as the Land Department will have to buy back the land (if they will sell it back) or condemn it, it will have to go before the PW#1 Committee and the Board of Aldermen. . .

Of course, this would be admitting a mistake, and a rerouting of streets upon mutual agreement seems better to my meager-thinking mind.

Oh well, all of this is minor and will be satisfactorily resolved. . . what worries me is the swimming pool situation which faces us shortly. . . every national news media with whom I have seen is "just waiting" that should be the big story of the year, they say. . . .

December 29, 1962

Mr. R. O. Davidson  
Main Office  
The Bank of Georgia  
Atlanta 1, Georgia

Dear Mr. Davidson:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems of the Peyton-Harlan Road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

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Atlanta Negro Voters League

Col. A. T. Walden  
Mr. Warren Cochrane  
Mr. C. R. Yates

Walden Building  
Butler Street YMCA  
Yates & Milton Drug Co., 228 Auburn Ave.

Empire Real Estate Board

Mr. Q. V. Williamson  
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Williamson & Co., 855 Hunter Street, NW  
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Mr. Clifford Bullard

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762 Lynn Circle, S. W. Atlanta 11

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Joel Chandler Harris Homes, 920 Sells Ave  
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Mr. C. R. Yates

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Yates & Milton Drug Co., 228 Auburn Ave.

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Mr. W. L. Calloway  
Mr. J. T. Bickers

Williamson & Co., 855 Hunter Street, NW  
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Mr. Charles Edwards  
Mr. Clifford Bullard

657 Fielding Lane, SW (11)  
Attorney, Candler Building  
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R. O. Davidson  
Mr. J. K. Bohler

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Attorney, 878 York Avenue S. W.

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Mr. Warren Cochran  
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The Bank of Georgia, Main Office  
Attorney, 878 York Avenue S. W.

December 29, 1962

Mr. Virgil Copeland  
657 Fielding Lane, S. W.  
Atlanta 11, Georgia

Dear Mr. Copeland:

As requested by you as President of the Southwest Citizens Association I have created a committee to study the Peyton-Harlan Road problems.

Attached is a list of citizens who have expressed to me their willingness to serve on this committee.

May I express my appreciation for your desire to work out the problems to the mutual satisfaction of all concerned.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

Attachment

*only mailed to  
Southerners + Citizens  
+ West End Bus men*

December 29, 1962

Mr. J. K. Bohler  
Attorney at Law  
878 York Avenue, S. W.  
Atlanta, Georgia

Dear Mr. Bohler:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems of the Peyton-Harlan Road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

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Mr. R. O. Davidson  
Main Office  
The Bank of Georgia  
Atlanta 1, Georgia

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Ivan Allen, Jr.

IAJr:ad

December 29, 1962

Mr. D. W. Huckabee  
Joel Candler Harris Homes  
Administration Office  
920 Sells Avenue, S. W.  
Atlanta, Georgia

Dear Mr. Huckabee:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems of the Peyton-Harlan Road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

December 29, 1962

Mr. Clifford Bullard  
762 Lynn Circle, S. W.  
Atlanta 11, Georgia

Dear Mr. Bullard:

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I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

December 29, 1962

Mr. Charles Edwards  
Attorney at Law  
Candler Building  
Atlanta, Georgia

Dear Mr. Edwards:

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I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

December 29, 1962

Mr. J. T. Bickers  
J. T. Bickers Realty Company  
187 Auburn Avenue, N. E.  
Atlanta, Georgia

Dear Mr. Bickers:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems in the Peyton-Harlan Road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad



December 29, 1962

Mr. W. L. Calloway  
Calloway Realty Company  
193 Auburn Avenue N. E.  
Atlanta, Georgia

Dear Mr. Calloway:

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I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

December 29, 1962

Mr. W. V. Williamson  
Williamson and Company  
855 Hunter Street, N. W.  
Atlanta, Georgia

Dear Mr. Williamson:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems in the Peyton-Harlan Road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

December 29, 1962

Mr. C. R. Yates  
Yates & Milton Drug Co.  
228 Auburn Avenue, N. E.  
Atlanta, Georgia

Dear Mr. Yates:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems in the Peyton-Harlan Road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

December 29, 1962

Mr. Warren Cochrane  
Butler Street YMCA  
22 Butler Street, N. E.  
Atlanta, Georgia

Dear Mr. Cochrane:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems in the Peyton-Harlan road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

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December 29, 1962

Colonel A. T. Walden  
Walden Building  
Atlanta, Georgia

Dear Colonel Walden:

May I express my appreciation for your willingness to serve on the committee which Mr. Virgil Copeland requested me to appoint to study the problems in the Peyton-Harlan road area.

I am furnishing your name to Mr. Copeland and I feel sure you will hear from him shortly regarding a meeting.

Sincerely,

Ivan Allen, Jr.

IAJr:ad

I talked with Dr. Borders, and he is going to have Col. Walden call you and invite you to this meeting about 5:30. . .it is at the Westwide YMCA, which is off of Hunter on the corner of Olly Street and Lena, and directly across from the Washington playground.

The crowd will have already been there, and Dr.

Borders wants you to bring out the following points:

1. This has been successfully handled in 51 instances to the major displeasure of white people.
2. You had contacted Bickers with the request that he offer you some type of solution to be problem before it came to a head. . .he never offered any solution.
3. Bring out the point about Gene Bennett and what he did in bidding up the price of his land.
4. There are only four Negro families affected by this and this change will open up 2 to 300 acres of land what no one can use at this time for Negro housing.

---

Ivan: Since your time will be running closely, I would like to go with you so you can fill me in on the way to the airport and plan any statement which you may want released tomorrow. . . .(Dr. Poer will meet you at the airport if you wish.)

1. Col. Walden said that the article in this morning's Consti which said that the All Citizens Committee would represent the league was erroneous.

that the League voted (with the support of Walden, Williamson, Wilkes, Borders and King) to support the main objectives of the All Citizens Committee, but they would represent themselves. . . this means we will have nine representatives from the Negro Community.

Col said he would call me either this after noon or tomorrow and give me the names of the three from the league, and we will probably hear at the same time of the three from Empire. . . it will be Saturday before we hear from the All Citizens Comm as they meet Friday night . . . The league will be in attendance, and Col. Walden said that they will have enough right thinking people to make them go along with negotiations in spite of the presence of the wall. He said Q. V. goes along with this also.

He further said that last night he and QV were given the authority to select the three members themselves. . .

Mr. Scott called and is real conserned, apparently he got the same impression as the Constitution did about having the All Citizens Committee represent the league, and wanted to talk to you about meeting with the Executive Committee of the league to get them to represent themselves. . . he said that QV was the;detereant as he had a "vested" interest.

Jack Savage called and said that he told the attorney for the white people (Edwards) that as "far as we are concerned, once the ordinance was passed, the property reverts to the center of the road and belongs to the property owners on either side, and they could plow it up and plant it in cotton." He told Ray Nixon to be sure the barricade is one inch inside the city's property.

Talked to Virgil Copeland. . . and he is naming himself, Echarlie Edwards (atty) and Clif Bullard (VP of SW Citizens Committee) he understands that he is to call the meeting and invite all your appointees. This he will do Monday for Wednesday. . . They are having a meeting of their Executive Committee Saturday afternoon and this is what he plans to Propose then to present to the bi-racial group. He is completely sold on this idea and realizes what a great victory it will be for those people:

1. Recommend barrier be removed as it has served its purpose and is really as artifical and the situation which brought it about.

2. State the willingness of those residents to rezone the 300 acres for ~~N~~ housing and apartments.

3. Request the Empire Real Estate board ~~w~~ to work with the Wouthwest Citizens Committee ~~in~~ in any problems to arise in the future, and not to accept any listings ~~w~~ithout advising them.

4. Suggest the rerouting of streets in order to form a horse shoe from Gordon to Willis Mill using Peyton, Tee and Harlan Roads. He is going to show me a draft before he presents it to his gr9up.

TELEGRAM

To:

Mr. A. T. Walden and Q. V. Williamson  
Co-chairman, Atlanta Negro Voters League

Mr. J. T. Bickers, President, Empire REal Estate Board

Mr. DuPree Jordan, President, West End Businessmen's Assn. .

Mr. Virgil Copeland, President, South West Civic Association

At the request of Mr. Virgil Copeland, President, Southwest Civic Association, I am asking that you appoint a committee of three people ~~from~~ from your body to meet jointly with the Southwest Civic Association The Atlanta Negro Voters League, , the West End Businessmen's Association and the Empire Real Estate Board, to make a citizens study of the problems in the area south of Gordon Road and in the Peyton Forest ~~Utoy~~ Utoy area. Your recommendations, satisfactory to all of you, would be of great help in maintaining Atlanta's very fine reputation.

Ivan Allen, Jr.

Mayor of Atlanta



C O P Y

PWUF 298 PD ATLANTA GA 22 500 P EST

MAYOR IVAN ALLEN JR.

3700 NORTHSIDE DRIVE NW ATLANTA

YOUR TELEGRAM OF DEC 21 1962 HAS BEEN RECEIVED.

I HAVE REFERRED SAID TELEGRAM TO THE ALL

CITIZENS COMMITTEE FOR BETTER CITY PLANNING -

DR C MILES SMITH AND THE REVERENDS JOHN A

MIDDLETON AND M L KING SR CHAIRMAN. PLEASE BE

ADVISED THAT THIS COMMITTEE IS THE SOLE

REPRESENTATIVE OF THE NEGRO COMMUNITY IN THIS

MATTER. I AM SURE YOU WILL HEAR FROM THEM

IMMEDIATELY REGARDING SAME.

Q. V. WILLIAMSON

517PME.

December 23, 1962

Mr. Ralph Moore  
Chairman of the  
Committee on Appeal for Human Rights  
Atlanta University  
Atlanta, Georgia

Dear Mr. Moore:

May I acknowledge receipt of your wire of December 22nd, which reads as follows:

"The Students of Atlanta University feel as if you have made a great mistake in supporting the establishment of an Atlanta Wall across Peyton and Harlan Roads. In reply to a request of the All Citizens Committee on Better Citizens Planning we supply 175 picketers per day for the Westend Business area. We will also stage several mass demonstrations at the Atlanta City Wall with no less than 1500 students. This action will focus the eyes of the world on the Atlanta City Wall. We do not want Atlanta to have this type of publicity. Therefore we encourage you to remove the Wall and save the good image of Atlanta while there is still time."

First, this is to advise you that at the request of Mr. Virgil Copeland, President of the Southwest Civic Association, I have asked representatives of the following four groups to form a citizens committee to discuss the problems confronting the Peyton-Harlan Road area situation. Mr. Q. V. Williamson has advised me that the Citizens Committee for Better Planning will represent him in his capacity as Co-Chairman of the Atlanta Negro Voters League. I would think that any action prior to the deliberations of this committee and its recommendations would be precipitous and harmful to our best efforts.

Second, I would like for the students of Atlanta University to have full knowledge and acquaint themselves with the overall problem and with

Mr. Ralph Moore

December 23, 1962

the complete record to date which is as follows: The Peyton-Harlan Road problem is the fifty-second area or street to undergo neighborhood expansion, penetration or encroachment since the first of this year. The record is flawless insofar as the protection of the rights of the Negro citizen is concerned. I am enclosing a list of the fifty-one streets on which this problem has been satisfactorily handled to date. I hope that the students, with their ability to analyze factual conditions, will study carefully this record, and I would hope that they would express their complete satisfaction and accord with the record of this administration.

I am certain that the matter having been handled so as to protect the rights of all persons in the first fifty-one instances would raise the question of why it is not being handled the same way in the Peyton-Harlan Road instance. The answer, again, can be factual and definite. The Peyton Road incident, consisting mainly of agitation on Fielding Lane, is an artificial, unnatural condition created by unscrupulous parties, both white and Negro, who have attempted through unethical, disloyal and false misrepresentations to panic the residents of that community.

To prevent this condition, I have previously worked with the Empire Real Estate Board and a citizens committee, composed of the West end Businessmen's Association and the Empire Real Estate Board. In spite of a previous record of excellent cooperation from these two bodies, it was impossible to stop this artificial bargaining of land.

May I invite your attention to the fact that the closing of Peyton and Harlan Roads is an inconvenience mostly to white citizens and to very few Negro citizens. It does not prevent access or egress into any area of town, nor does it limit any rights of the individual citizen from purchase or sale, or other fundamental liberties. It merely serves as a warning to unscrupulous real estate dealers that Atlanta will not tolerate under the guise of "race discrimination" the destruction of fundamental values among any of its citizens.

I would hope that you would study this problem carefully and I would also assure you that if there is additional information which you desire, I will be glad to supply it.

Mr. Ralph Moore

December 23, 1962

The record as outlined above shows that the rights of all citizens have been protected without question in fifty-one out of fifty-two instances, and, now, you place a question mark by the fifty-second. Atlanta's reputation has been built by those who have carried out the aforementioned record. It is my sincere hope that the students of Atlanta University will not injure this record.

Should you ignore the above request and feel that you must picket for the sake of picketing, then be assured that the rights of the individual in picketing will be zealously guarded by the law enforcement body of this city.

You stated that you plan to stage several mass demonstrations with 1,500 students at the Atlanta City Hall. If, for purposes of national publicity you feel this is absolutely necessary, and if you will advise me of the time of your arrival, I should be glad to receive you on the City Hall steps.

I hope you will inform the students of Atlanta University that Atlanta's record is outstanding, and that I hope they will not injure it with any unnecessary or overt action.

Sincerely,

Ivan Allen, Jr.  
Mayor

IAJrad

DRAFT

Dr. C. Miles Smith  
Dr. M. L. King Sr.  
Reverend J. A. Middleton  
All Citizens Committee for Better City Planning

Gentlemen:

I appreciate the information furnished me concerning the formation of the All Citizens Committee for Better City Planning. I am informing the citizens committee which I had already set up of your desire to be represented in these discussions. I certainly see no objections to such representation.

The closing of Peyton and Harlan Roads was done by an ordinance of the Board of Aldermen of Atlanta after consideration through normal committee channels and upon recommendation of the Public Works Committee No. 1.

I urge the All Citizens Committee on Better City Planning to cooperate with the citizens group that has already been set up to consider this matter.

I am certain that the Board of Aldermen and my office would be ~~most~~ considerate of recommendations made by ~~the~~ citizens group, ~~as was~~ originally proposed.

Sincerely,

*Send  
Rush wire  
12/26/62  
11:35 a.m*

DRAFT

Dr. C. Miles Smith  
Dr. M. L. King Sr.  
Reverend J. A. Middleton  
All Citizens Committee for Better City Planning

Gentlemen:

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I urge the All Citizens Committee on Better City Planning to cooperate with the citizens group that has already been set up to consider this matter.

I am certain that the Board of Aldermen and my office would be most considerate of recommendations made by the citizens group as was ~~originally proposed.~~

Sincerely,

December 20 - - 12:25 p. m.

Ivan:

Virgil Copeland called me and said that he had been talking to C. A. Scott (Mr. Scott had called me, too and I returned his call and he's out till 2:30)

Virgil said that Mr. Scott told him that he thought they had not been talking to the right Negroes. . . Mr. Scott is doing a couple of articles showing the "other side" and suggested that Virgil get in touch with the Atlanta Negro Voters League.

Virgil said he told Scott that he thought that was an excellent suggestion, and he said to me that "even though the barrier is up we would like to reach a more favorable solution, and we don't ~~you~~ want you to have to take the brunt of all the bad publicity".

He wants you advice as to how to go about re opening the subject in order to get together with the Voters League.

I told him that either you or I would call him this afternoon.

424-4230. . .

This is good

Ann

*V/C will make initial contact — done yet*

MR. WALDEN AND MR. TROUTMAN

---

Recommend to call:

President, Atlanta Real Estate Board

President, Empire Real Estate Board

President, Westend Businessmen Association

President, Southwest Citizens Association

Chairmen, Atlanta Negro Voters' League

Chairmen, All Citizens Committee for Better City Planning

---

Recommend they concur in this action.



CONFIDENTIAL

1. The abandonment of a portion of Peyton and Harlan Roads is the focal point of increasing city problems created by transitions in residential real estate.
2. This problem has occurred under normal transitional conditions in many areas of Atlanta during the past years.
3. It is now completely apparent that voluntary action on the part of all citizens must be agreed upon in order to prevent unnecessary destruction of property values, inconvenience and general loss of morale.
4. Recognizing the many problems involved, the following suggestions are recommended in order to establish a reasonable working policy for the future:
  - A. That the rights and privileges of every citizen to purchase or sell is legal ~~and unrestricted by law~~ in Atlanta, and protected by the Georgia Real Estate Commission
  - B. This is a voluntary gentlemen's agreement entered into to preserve the best interests of all parties.
  - C. That the Atlanta Real Estate Board and the Empire Real Estate Board be asked to appoint a six-man committee to develop and carry out the following real estate program in this city:
    - (1) To ask the Metropolitan Planning Commission and the Planning and Zoning Division of the City of Atlanta to make a complete study of the controversial areas of the southwest and west side of the city and to recommend steps to be taken for replanning and rezoning so as to provide additional ~~adequate~~ land for home and apartment dwellings.

(2) To study and recommend necessary street changes that will assist in opening up additional land.

(3) That this plan be resubmitted to this real estate group within a six-month period.

(4) That these two real estate groups will immediately begin to develop a general, voluntary policy to be adopted by their members and carried out to the best of their ability in transitional areas; that such proposals will be completed and adopted by these groups within a six month period.

D. That, from the present and until such programs can be carefully worked out and agreed upon, that every effort will be made to avoid controversial transitions, and that these two bodies will urge their members not to participate in sales or listings for transitional purposes except where it would be within the normal expansion limits of areas established adjacent to and contiguous to/transitions now going on.

E. That in the Peyton Harlan Road area that the following steps will be taken to improve the artificial situation created:

(1) That Dr. Clinton Warner who holds a sales contract on the Bennett property relinquish his contract and permit the purchase of the property by the citizens who now reside in the area, and who are ready to purchase the same property. That Dr. Warner take this action in the light of recognizing

that this is a voluntary sacrifice on his part to improve this difficult situation.

(2) That the two real estate bodies will make every effort to prevent any transition in the Peyton Forest area south of the junction of Peyton and Harlan Roads for a period of eighteen months and until the above plans can be worked out with the two real estate boards and put into effect.

(3) That the residents in the Peyton Forrest area agree to cooperate by not listing or selling their homes during this period except in the case of transfer or other normal moving requirements.

(4) That if these conditions can be satisfactorily agreed upon, ~~that~~ it is the reoommendation of this group that the Board of Aldermen, having taken reasonable action to stablize this difficult and unwarrented condition, would now recind their action and reopen Peyton and Harlan Roads.

Cooperative Committee of Realtors and Realist

*Realtors  
pd*

PURPOSE:

1. To define and promote the highest ethics of the Real Estate profession, among its members.
2. To advance at the level of statesmanship the adequate housing needs of the Atlanta Community.
3. To encourage the peaceful transition of housing between the two dominant races with the least amount of friction and with mutual respect for the rights and privileges of all, both legal and moral.
4. To cooperate and advise with public officials in the zoning of land, for the best use, based upon need, rather than political expediency or preference.
5. To discourage the indiscriminate disruption of existing homogenous communities by "block busting" and other unethical procedures and techniques, both direct and indirect.
6. To oppose any artificial (bearers,) of whatever nature, construed and designed as "racial buffers," which restricts the normal and orderly growth of our City.
7. To make available through our respective organizations, housing facts, effecting Atlanta, and its citizens.
8. To consult with the responsible leadership in communities which are in process of transition, to negate or verify persistent rumors.
9. To take whatever steps consistent with the ethics of the Real Estate profession, and fair play to see that all citizens regardless of race are adequately provided with housing to meet their needs and standards on an equitable basis.
10. To promote through the foregoing an atmosphere of faith, confidence and trust between the races and those in positions of responsibility, officially and unofficially, and to keep open lines of communication between all involved.

Messrs. A. T. Walden, Q. V. Williamson,  
Co-Chairmen; C. R. Yates, Treasurer,  
W. R. Cockrane and J. H. Calhoun, Co-  
Secretaries, Atlanta Negro Voters League  
Atlanta, Georgia

Gentlemen:

Thank you for your telegram of December 16, in regards to the Peyton and Harlan Road closings. I suggest that you make a careful investigation of all the unnatural circumstances surrounding this action. I am convinced that after you do so, you will agree with me that this is a practicable solution.

*In my opinion* An artificial situation in the area has been created mainly by unscrupulous dealings in order to bid up the price of real estate holdings. Neither of the roads has served as a through fare, nor is either a major source of access.

The proposed action <sup>*Could*</sup> ~~will~~ release hundreds of acres of land for residential and apartment dwelling -- which land has previously been artificially zoned and which has been denied its normal use for a number of years.

The proposed action <sup>*should*</sup> ~~will~~ stabilize the entire area and bring about a much better attitude on the part of all citizens residing there.

The City has established and maintained a precedent of not interfering with the normal laws of supply and demand, of sale and <sup>*purchase*</sup> ~~purpose~~ of natural expansion. However, in this instance, none of these factors is evident.

My own consideration of the misuse of zoning privileges was evidenced by my action in regards to the cemetery property and in other instances. The opening up of all this large tract of land on the south side of Gordon Road would provide greatly needed living areas for thousands of Negro citizens who now badly need such space.

I sincerely hope you will reconsider what you said in your telegram and take all factors into consideration in support of my firm stand.

Sincerely,

Ivan Allen, Jr.

# Jim Bennett Realty

Real Estate Sales & Loans

1804 STANTON ROAD, S. W.

ATLANTA, GA.

PHONE PLAZA 5-4531-2-3

October 9, 1961

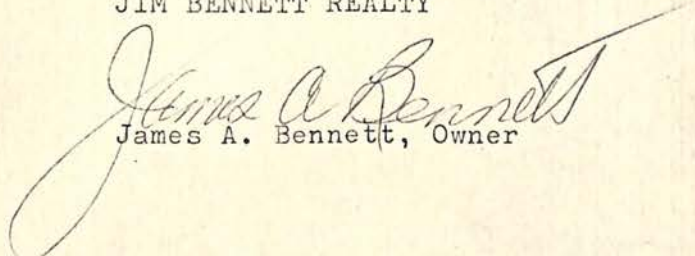
TO WHOM IT MAY CONCERN:

On the last days of September, about 3:00 in the afternoon, a negro realtor names Calloway with Calloway Realty Company, accompanied by a negro named Holmes, visited my office.

The purpose of his visit seemed to be that he would like to work with me on some of the areas where white and colored sections are disputed and strongly reminded me that he would be glad to be of any assistance to me and that if he could be of any assistance to me that I needed only to call on him.

He had, himself, tried to go about moving into white sections in a manner that the white people wouldn't be disturbed but that some of the other negro realtors didn't believe in the same tactics so he sat back and they went around him and got the gravy while he was sitting back getting hungry. So he informed me that he can see nothing else to do but get in line with the other negro realtors in the future. He left my office stating that his intentions were to do that very thing.

JIM BENNETT REALTY

  
James A. Bennett, Owner

*File  
5 WC*



**JORDAN**

*Enterprises*

weekly newspapers, atlanta 10, georgia

AIR MAIL

SPECIAL DELIVERY

January 16, 1963

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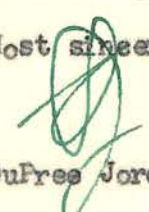
Gentlemen:

Atlanta has been abused and misrepresented so badly in recent days that you are to be commended for your report of January 18. Your summary was about as accurate and well balanced as such a short dispatch could be. The action of the city in abandoning a section of these streets (legally, the streets were not closed, but irrevocably abandoned) was unfortunate, but seemed to be necessary under the circumstances.

As you know, Atlanta is not only one of the world's most progressive cities, but has an enlightened and courageous administration. Our mayor and board of aldermen have not done the popular or politically expedient thing in this situation, but they have acted with courage according to the dictates of their conscience. If everyone involved can simply see this, the problems will soon be worked out.

Thank you again for your understanding.

Most sincerely,

  
DuFree Jordan, Jr.

DJ:mr

cc: Mayor Ivan Allen, Jr.





PROPOSED COMMUNITY STABILIZATION PLAN  
PEYTON, HARLAN AND WILLIS MILL ROAD AREA

---

Submitted to  
MAYOR IVAN ALLEN, JR.

---

By  
CITIZENS OF PEYTON-UTOY FOREST COMMUNITY

---

SEPTEMBER 11, 1962

PROPOSED COMMUNITY STABILIZATION PLAN  
PEYTON, HARLAN AND WILLIS MILL ROAD AREA

Purpose: To effectively and permanently stabilize communities connected by Harlan, Peyton and/or Willis Mill Roads, S. W.

Introduction:

In the past several years, the subject communities have been plagued with racial tensions, losses in property values, and a general disruption of the peaceful and tranquil conditions normally characterizing these communities. Citizens have become increasingly distraught over the prospects of seeing their homes absorbed by the rapidly expanding Negro community lying to the north. These citizens have sought relief from city officials, their aldermen, civic groups concerned over the future of Cascade Heights, and their neighbors. Thus far, all efforts have been in vain. The lack of a definite plan, supported by both white and Negro citizens, has seriously handicapped all those who have attempted to put an end to the tensions in the troubled communities.

With the recent interest shown by city officials, citizens now believe that the time is ripe for presenting a plan that will permanently stabilize these Southwest Atlanta communities and rid them of their racial tensions. Such a plan is reflected in the following pages.

Description of the Stabilization Plan

No plan can effectively stabilize the aforementioned communities unless it

provides advantages to both white and Negro citizens. With this fact in mind, the proposed stabilization plan contains benefits to both. First, it offers the white citizens permanent relief through the closure of Harlan and Peyton Roads at points north of the Peyton-Utoy Forest community. Secondly, it offers the Negro citizens a tremendous advantage by providing them with approximately 250 acres of land, heretofore not available, for residential development. The plan also includes the construction of additional roads for the Negro citizens to permit their access to the proposed residential development. Exhibit A shows the proposed residential areas, the locations of proposed roads, and the proposed road closure points on Harlan and Peyton Roads.

#### Advantages of the Plan

Below are listed just a few of the major advantages that the proposed stabilization plan will provide:

1. Reduces racial tensions.
2. Insures maintenance of property values within the troubled community.
3. Provides choice residential building lots for construction of approximately 400 Negro residences.
4. Minimizes city construction costs for new roads by taking advantage of existing roads where possible.
5. Preserves established communities in this area.

6. Creates a favorable atmosphere for establishment of proposed school located north of Utoy Creek (See Exhibit A).
7. Provides additional city revenue from citizens who will settle in proposed residential areas.
8. Restores confidence to citizens within established communities and to those citizens desiring to settle in these established communities.

Conclusion:

The success of this proposed stabilization plan is dependent upon your enthusiastic support as Mayor. Without your support, all efforts will again be in vain.

All citizens of the communities described herein earnestly solicit your help and request that you adopt this proposed plan. Furthermore, they pledge their full support to you in all of your efforts to effect the realization of this plan.