

December 12, 1960

Mr. Ralph McGill,
The Atlanta Constitution,
Atlanta, Georgia.

Dear Ralph:

Re: Segregation

For your information, I think the following has a bearing on the segregation question.

In 1910 in the case of Glover v. City of Atlanta, 148 Ga. 285, the Supreme Court of Georgia by unanimous decision held unconstitutional a City of Atlanta Ordinance which forbade colored persons to occupy houses in blocks where the greater number of houses are occupied by white persons. (Richard B. Russell was of counsel for the petitioners who secured the ruling of the court.) That decision is still the law of Georgia.

In 1948, in Shelley v. Kramer, 344 U.S. 1, the United States Supreme Court refused to enforce a covenant that property should not be used or occupied by any person except those of the Caucasian race. The court held that the agreement itself did not violate the 14th Amendment as the 14th Amendment is directed against state action only. But the court further held that the action of state courts in enforcing this restrictive covenant was to be regarded as action of the state within the 14th Amendment, and amounted to a denial of the equal protection of the laws to the petitioners.

This is not for publication.

Best wishes.

Sincerely,

Leonard Haas.

LH:LPM