

March 14, 1955

*Disc
rec. for
Ingham Cty,
Mich*

Mr. Stuart J. Dunnings, Jr., President
Lansing Branch, NAACP
212 West Kalamazoo
Lansing, Michigan

Dear Mr. Dunnings:

This is to acknowledge receipt of your letter of recent date with reference to the matter pending in the Circuit Court for Ingham County.

We have no law on this question in our office. We would think that it would be contrary to public policy provided the playground which is established is to be operated by public authorities and under Michigan law. It would seem to me to be contrary to public policy anyway because I should think a playground which is open to members of the public could be considered to be within the terms of the Michigan Civil Rights statute..

We have in the office a very extensive brief on a similar question involving the constitutionality of a city policy in Charlotte in the operation of golf courses, public parks, etc., which was part of a grant made to the city, the terms of which were that these facilities were to be used exclusively for white persons and that if they were to become used by Negroes, the land would revert to the grantor or his heirs.

We have argued in the lower court that the city cannot exclude Negroes, and that such a grant is contrary to public policy. However, although the total argument is on the question of the effect of the Supreme Court ruling with regard to restrictive covenants, if you think

March 29, 1955

rec. fac.
Lansing, Mich
Ingham Cty

Mr. Stuart J. Dunnings, Jr., President
Lansing Branch, NAACP
1203½ West Hillside
Lansing, Michigan

Dear Mr. Dunnings:

This is to acknowledge receipt of your letter of March 26th.

In Mr. Carter's absence, I am sending to you, under separate cover, the brief in the Charlotte Park matter as per your request.

If there are any further questions, please do not hesitate to write Mr. Carter.

Sincerely yours,

Edwene Hutcherson
Secretary to Mr. Carter

GREGG, GLASSEN, PARR & RHEAD

Attorneys and Counselors at Law

608-25 AMERICAN STATE BANK BUILDING

LANSING 68, MICHIGAN

TELEPHONE

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November 17, 1955

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Mr. Thurgood Marshall, Special Counsel
National Association for Advancement of
Colored People
107 West 43rd Street
New York 36, New York

Dear Sir:

Mr. Stuart Dunnings, an attorney at law of this city has given me your name.

I represent parties who are attempting to invalidate a portion of a Last Will and Testament wherein the testatrix attempted to set up a bequest for a public park for white children only. Litigation has been filed on the basis of the segregation cases claiming that the bequest is void as being against public policy. The Court has requested briefs on the law.

The recent cases determined by the United States Supreme Court are of great significance in this connection. When I discussed this matter with Mr. Dunnings, he suggested that your office might be able to provide me with the most recent decisions concerning segregation in parks. Any information which is available in that connection would be greatly appreciated.

Very truly yours,

GREGG, GLASSEN, PARR & RHEAD

By

R. T. Rhead
R. T. Rhead

RFR: cr

November 25, 1955

~~Miss~~
~~Roland F. Rhead~~
Disc. rec. fac.
Parks

Roland F. Rhead, Esq.
608-25 American State Bank Building
Lansing 68, Michigan

Dear Mr. Rhead:

Your letter of recent date to Mr. Marshall has been referred to me for reply. I note from the file on the case about which you have written that a similar inquiry by Mr. Dunnings was answered by Mr. Carter of this office on March 14, 1955, and that Mr. Carter sent Mr. Dunnings a copy of our brief in the Charlotte Park segregation case, which involved an almost identical issue. If you have not already done so, I suggest that you ask Mr. Dunnings for this brief. In addition, the matter of segregation in parks has been conclusively decided on November 7, 1955 by the Supreme Court of the United States in two recent cases (Dawson v. Mayor and City Council of Baltimore, U.S. and Holmes et al. v. City of Atlanta, et al., U.S.). These decisions affirmed the decision of the Court of Appeals for the Fourth Circuit in the Dawson case and vacated the decision of the Fifth Circuit Court of Appeals in the Holmes case.

I trust that you will find this information of some help.

Very truly yours,

Jack Greenberg
Assistant Counsel

JG:arw