

They'll Do It Every Time

By Jimmy Haddo

EVERYBODY KNOWS THAT WHEN YOU PHONE FOR THE CORRECT TIME YOU ARE ANSWERED BY A TAPE-RECORDED ROBOT GIMMICK—

THEN HOWCUM, KNOWING THIS, WE'RE ALL OH, SO POLITE TO THIS TON OF NUTS AND BOLTS? (DIZZY BUT CULTURED—THAT'S US!)



Vandals Hit Forest Hills Cemetery

Hollywood —(UP)—The cemetery that refused to accept the remains of executed kidnaper Caryl Chessman had \$2,000 damage done to its entrance, it was discovered Saturday.

Police said the damage to Forest Lawn's Hollywood Hills cemetery was the work of vandals and might have been incited by the refusal of Chessman's remains.

Johnson Promises Support in Crisis

Clarksburg, W.Va. —(UP)—Senate Democratic Leader Lyndon B. Johnson (Tex.) has promised President Eisenhower the backing of the Democratic party in speaking for this nation during the growing international crisis.

He also appealed for national unity at this time and accused Soviet Premier Nikita Khrushchev of trying to inflame the Communist world.

Johnson issued a statement here where he attended a party dinner and also telegraphed a copy to the President.

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What Is The Law?

This column is prepared as a public service by the College of Law, Willamette University, Salem, to explain basic legal principles, not to provide legal advice. The reader is cautioned not to apply these cases to his own problems without an attorney's advice, for differing facts may change the outcome.

State Cannot Enforce Restrictive Residential Agreements

Since 1917, the Supreme Court has held that residential segregation cannot be required by state or local law; such governmentally enforced segregation of the races constitutes a violation of the equal protection clause of the 14th Amendment.

Residential segregation since then, however, has been accomplished by private restrictive covenants entered into by property owners forbidding the transfer of property to persons of certain race or color. In 1926, the Supreme Court upheld the validity of such private covenants.

Relief Provided in Courts
The 14th Amendment prohibits only state action; it erects no shield against merely private conduct, however discriminatory it may be.

While none will deny the freedom of individuals to contract even in a discriminatory way, the question remains as to whether such contracts could be enforced except through state action. The sanction behind restrictive covenants is the possibility of legal relief if they are violated, and such relief is provided by the state through its courts.

In 1944, owners of residential property in a Los Angeles neighborhood agreed not to permit any part of their property to be "used or occupied by any person not of the white or Caucasian race." Subsequently, Leola Jackson, one of the parties to the agreement, sold property to Negroes who proceeded to occupy the land. The other parties to the agreement then sued Leola for damages, alleging a breach of the restrictive covenant. The case ultimately reached the U.S. Supreme Court.

The Court said that a state court could not enforce a restrictive covenant by an award of damages against one of the parties who had broken the agreement. The Court said such enforcement would constitute state action denying equal protection of the laws to non-Caucasians in violation of the 14th Amendment.

This case, and an earlier case, clearly removed the legal sanction behind residential segregation, with the result that while the 14th Amendment does not preclude property owners from entering into restrictive covenants, the force of the Amendment leaves them without a remedy in the event any party breaches the covenant. These Supreme Court decisions have not, to be sure, by themselves completely altered the residential pattern of the South and other sections of the country. At the same time, the Supreme Court, in denying the possibility of judicial enforcement, has removed the legal teeth from restrictive covenants and this may help in ultimately making equal protection of the laws, in the field of property ownership, more than a mere slogan for the Negro.

Hoffa Gains Ground In Legal Battle

Washington —(UP)—James R. Hoffa appeared to be winning the upper hand Saturday in a running legal battle with court-appointed monitors who are trying to depose him as president of the powerful Teamsters' union.

The U.S. court of appeals has intervened to postpone Hoffa's trial on alleged misuse of union funds and may cancel it completely against the wishes of monitor chairman Martin F. O'Donoghue.

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