

Supreme Court of the United States
Washington 25, D. C.

CHAMBERS OF
JUSTICE JOHN M. HARLAN

all okay

December 1, 1964

Re: No. 515 -- Heart of Atlanta Motel, Inc.
v. United States

Dear Tom:

I have indicated on the enclosed copy of your opinion a few suggestions, only three of which seem to require special comment.

Page 1:

The changes suggested are to put emphasis on the Government's counterclaim in order to obviate the declaratory judgment problem that is present in McClung.

Page 12:

I have no strong feelings about the suggested deletion. The paragraph simply seemed to me a bit tangential in the context of this case.

Pages 17-18, 20:

I don't see why we have to get into the "transients" problem in the context of this case where there is no dispute that this motel did serve interstate travelers, and I would leave for another day the question of whether the Act can constitutionally be applied to motels serving only intrastate travelers.

With these and the other changes indicated on the enclosed copy, I am ready to join your opinion.

Sincerely,

Mr. Justice Clark

JMH