Baltimore Afro-American
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FOUNDED IN 1892
By John H. Murphy Sr.—1840-1922
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"We are Americans and as Americans we would speak to America." Frederick Douglass

The hand-picked

In any political campaign, where the people struggle against boss and machine control, the main issue is freedom.

That means freedom of the people to choose their own candidates and freedom of the candidates elected to vote in the peoples' interest.

Where bosses rule, they choose the candidates on the ticket and after their candidates are elected, the bosses dictate how these candidates shall vote on specific measures.

Any candidate who fails to vote as the boss directs has his head chopped off in the next election. To illustrate this Mr. Truly Hatchett is exhibit no. 1.

This was the issue last week in the Harlem Congressional District of New York.

Tammany bosses **hand-picked** the leaders and the candidates in the Harlem district.

They told the people for whom they must vote and then told the candidates elected, how to vote.

* * *

ADAMS POWELL led a successful revolution against Tammany in New York and won overwhelmingly. He announced that his first step is to weed out those Tammanyites in the Harlem District who supported Tammany rather than the candidates of the people.

Powell accused Tammany Hall of hand-picking the colored candidates that Boss DeSapio controlled and used for his own purposes.

He characterized the candidates themselves who kow-towed to DeSapio as "Uncle Toms."

It was one of the bitterest elections in New York, but the control of Harlem district now is out of the hands of the Tammany machine.

* * *

WE HAVE A similar situation in the 4th district, which in November is not electing a Congressman but a State Senator and 6 members of the lower house.

The 4th District machine ticket consists of candidates hand-picked by the boss, on specific measures they must vote as he directs.

Here is a dictatorship, in which the people and the candidates have no freedom.

The people can assert themselves in the 4th district next November.

They have 53% of the registration.

They can choose their own candidates, who will be beholding to no one but them.

They will not be able to do it without a fight because the machine has money and it has adherents, for whom it has done favors.

If the 4th District wants freedom, the people in that district must register before September 22nd.

And next November they must go to the polls and elect their own non-partisan ticket.

Still time, Tommy

Mayor D'Alesandro made a grave mistake by refusing to see a delegation of the city's leading ministers, who are members of the Interdenominational Ministers' Alliance.

The mayor is in the midst of a political campaign in which he seeks to be elected to the United States Senate

But he must also carry on the city's business and make himself available for important groups of citizens who desire to confer with him in person.

He could have made that conference as long or as short as he pleased.

Moreover, we feel that he cannot wisely substitute a letter for an across-the-table, give-and-take discussion of vital issues.

There may be time yet for an astute politician like the mayor to correct his error, unless he has no concern for the profession of the clergy and is indifferent to the interdenominational organization they represent.

$50 is peanuts

A police court magistrate the other day fined a motorist $50 for accosting a strange woman on the street and attempting to forcibly put her in his automobile.

A city court judge Tuesday fined a mother of five children $1,000 and sentenced her to three months in jail on a charge of writing numbers.

It would appear in the eyes of the city's courts that doing away with numbers is 20 times more important than keeping our streets safe for women.

We don't agree with that theory.

No woman is safe on Baltimore streets at night. Those whose duties require them to go outside their homes are subject to solicitation, abusive and salacious language and even to being followed by male motorists who brazenly subject them to indecent proposals.

It's bad enough that the Police Department does not have enough foot patrolmen to break up the practice, but it's worse when the magistrate's court abet it with insignificant fines.

There was a time when a $50 fine was a strong deterrent. But if the city's courts are going to evaluate numbers writing at $1,000 and three months in jail, then a $50 fine for offenders who terrorize women is peanuts.

And now: Woman Power

We have used the word "manpower" so much that it's now a part of the language, defined as: "power available from or supplied by the physical effort of man."

Far from sulking in a corner over the constant reference to "manpower," some Baltimore women have come up with "Woman Power," a mobilization of women for political information, action and power.

This bi-partisanship group should have more impact on the local political scene than any of its all-male predecessors.

For some unknown reason, women are able to combine their intuition, energy, ambition and activity into a force that has worked to the benefit of the church, the schools and countless social and civic organizations.

With this admirable combination of talents, the local ladies should have no trouble in: interesting more women in politics, registering more voters, getting out the vote, electing qualified representatives and protecting their neighborhoods. These are the aims of Woman Power.

The Mayor Makes A Decision

Only 25 days left

Only 25 days remain for persons who are not registered to get their names on the books and thus qualify to vote in the important November election.

With the contest in the Fourth District, where for the first time ten colored candidates are seeking office, it is imperative that their neighbors and friends be qualified to vote for them.

There are still a number of residents in the Fourth District who cannot vote in the District because they have failed to change their registration place.

In order to vote all they have to do is go to the Supevisors of Election Office, Favette and Gav Sts., between now and Sept. 22 to qualify.

The Supervisors of Election office will post next week a list of public schools throughout the city where there will be mobile registration from Sept. 2 to Sept. 22, which is the deadline for registration.

This makes it easier to register and those persons who have said the distance involved to register was too great, now have no excuse.

There are only 25 days left.

The 'Closed' Circuit

While Floyd Patterson was successfully defending his heavyweight boxing championship against Roy Harris, the pride of Texas, segregation was scoring a victory over civilization in Baltimore.

The fight was shown only on closed-circuit television and the Stanley Theater was the only Baltimore facility carrying the broadcast.

Through the years, and Monday night was no exception, the Stanley Theater has refused to admit colored patrons.

Making this unfair practice all the more galling is the fact that most closed-circuit television events are championship fights—and there can scarcely be a championship fight these days without a colored boxer.

No one in the city should be shocked or surprised that colored citizens bitterly resent this denial of common-place accommodation.

The City Council should see the necessity to pass Bill 1653—the Dixon Bill, which would require places licensed to serve the public to give their service without racial restriction.

All Baltimoreans need protection against this kind of arbitrary discrimination—whether at the Stanley Theater or elsewhere. To secure this protection, local citizens must constantly urge their representatives in Council to pass the Dixon Bill.

A life of service

"We can say today to Mayme Dorsey, 'thank you' for the memories of love, of happiness, of home and friendship that will last far beyond today . . . thanks for the memory . . ."

In giving the eulogy for Mrs. Mayme Young Dorsey, the Rev. Marion Bascom did not have to use weak, vague words of comfort for her family and friends. Too often, ministers conducting funeral services are forced to go far afield or speak in the most general terms in speaking of the deceased.

Not so in the case of Mrs. Dorsey. She left behind her memories of a life that enabled the Rev. Mr. Bascom to say:

". . . She has fanned the torch of learning . . . Others can remember her for her friendship, a pleasant evening, a sense of belonging together."

Baltimore has benefited much by Mrs. Dorsey's life of professional service as a teacher and her non-professional service as an active civic worker.

Now that her life is over, Baltimoreans can salvage from her passing the example of a pattern of living that leaves her memory bright and untarnished.

THE AFRO'S CREDO

A newspaper succeeds because its management believes in itself, in God and in the present generation. It must always ask itself—
Whether it has kept the faith with the common people;
Whether it has no other goal except to see that their liberties are preserved and their future assured;
Whether it is fighting to get rid of slums, to provide jobs for everybody;
Whether it stays out of politics except to expose corruption and condemn injustice, race prejudice or compromise.
—JOHN MURPHY SR., 1920

Speak Your Piece

The ice cream story

Dear AFRO:

This is to inform you of the outstanding job done by Miss Sheila Shields in the July 5 issue of the AFRO-AMERICAN Newspaper.

I have reference to the story on the Daniels-Adams Ice Cream Co.

During the two weeks following, we received on the average of ten calls a day and were flooded with curious customers.

The article was for us a rewarding service. Congratulations to you for having such efficiency within your official staff.

MRS. MARY B. ADAMS

Concert publicity

Dear AFRO:

On behalf of the Bureau of Music, I wish to extend to the AFRO-AMERICAN my sincere thanks and appreciation for the excellent publicity given our concerts this past season.

We sincerely feel that the large audiences this year were due, to a great extent, to the coverage you gave us. We certainly appreciate your wonderful cooperation.

EARL F. FORMAN
Supt. of Music

Democratic dinner

Dear AFRO:

The name of our organization is the Democratic Ladies Guild and not the Democratic Women's Auxiliary as stated in the AFRO July 29th.

Mrs. Irma Dixon, a candidate for the House of Delegates, was a guest at the dinner and not the honoree. The honoree was J. Alvin Jones, candidate for the State Senate.

The Guild did not go on record as supporting the whole Democratic ticket. Mr. Jones strongly suggested to the group that we do so. He backed up this suggestion by relating some of the outstanding contributions made to the community by the candidates for the various offices.

I have heard Mr. Jones say (concerning his opponent for the Senate seat) that he is an able legislator; he has done a creditable job, but belonging to the minority party in the Senate, there was seldom enough support for any measure he tried to get through the Senate.

FRANCIS WILE

On Lebanon landing

Dear AFRO:

Congratulations on your forthright opposition to the landing of American marines in Lebanon.

John Foster Dulles and the Eisenhower administration have to be clearly shown that the American people will not unite behind a foreign policy dedicated to the services of the private oil interests at any cost.

Isn't it about time that public opinion forces an end to this business of taking us to the brink of war when the interest of some magnate or other comes in conflict with the advancing aspirations of people of other countries.

It's my opinion that the quicker President Eisenhower sits down to honestly discuss world problems with other world leaders the better off it will be for us all.

At such a meeting, for instance, agreement to outlaw the use of atomic weeapons would be of immense benefit to all mankind.

GEORGE A. MEYERS

Baby X comments

Dear AFRO:

I have read the article on Baby X in the AFRO and I think this is one of the saddest cases I have ever read. I want to be sure the parents of this child read this letter because I am sure that many other people feel the same way as I.

I think the parents are mixed up. I will say this, I would rather see them give the child up than to raise it and not shown any love or affection for it. May God help both of them.

A READER

SIGHT SEEING

By JAMES D. WILLIAMS

There was once a happy time when a man blessed with only a minimum amount of intelligence could make minor repairs around the house without going to the trouble and expense of bringing in a professional to do the job.

When a fuse blew out he could replace it without being fried like a strip of bacon; when a faucet went drip, drip, drip, he could stop it with a new washer and a wrench and when a chair came unstuck he could bang a few nails and voila, the chair would last another ten years — if you were careful when you sat down.

Alas and alack, those days like the nickle cup of coffee, the ten cent streetcar ride and the fifteen cent movie fare, are gone forever into that dark land of it will never happen again.

* * *

A FUSE blows today and you have to call the entire gas and electric company to fix it.

Some fiendish designer has so cleverly constructed the fuse box that you need a map to find it, and when you do find it you are faced with a dizzy array of metal fuses which fairly scream "keep your stupid hands to yourself."

If you touch it you'll probably do as neat a job of electrocution on yourself as they do at Sing Sing.

THERE WAS one young man who had the frightening experience of having his automatic gas water heater go out.

The instructions plainly read, push the red button, light the pilot, wait until the main burner lights and then let the button go.

For the next two hours he did just that — using matches, candles and the Sunday paper. The only thing he got was a cellar full of gas.

Shouting "liar, liar" at the directions, he called a repair man who pushed the red button, lit the pilot and waited until the main burner came on. It worked.

Then he handed the disgusted do-it-yourselfer a bill for $10.01. The ten bucks was for labor and the penny was for the match . . . No, no sales tax.

* * *

THERE WAS a time when if an electric iron went on the blink it could be fixed with some adhesive tape, a pair of tweezers and a kitchen knife.

Now when an iron stops working, you can't even get the blasted thing open.

A $2.98 clock stops working and you've got to call a master mechanic.

Some kid throws a ball through your window and the hardware store sends out five men to make repairs.

One to fix the window, one to hand him the putty, one to hold the ladder, one to watch the truck and the other to decide how much all this jazz is going to cost.

A FEW years back any red-blooded American, or blue-blooded if you like that color, could make simple repairs to his car.

But now, even if all you want is to open the hood, you have to go to a service station where it takes two men, the boss and his helper, to do a real difficult thing such as tightening the screw on a sun visor.

* * *

ACTUALLY, THE manufacturers of these modern "aids to better living," are creating a frightening type of civilization in which machines have almost become our masters.

Eventually, if things keep on like they are going, we will need a specialist for every thing. A man to change light bulbs, another to open things, another to close them, etc., etc.

And when that happens brother, the machines have won.

Noteworthy

By HERBERT MANGRUM

Ask a man what he enjoys most about being the father of a son and more than likely he will tell you, its companionship.

Every father looks forward to taking his son to the beach, the ball game, the golf course or on a fishing trip.

I would like to think that's what a father in the 3400 block of Carlisle Ave., had in mind last Sunday when he took his son fishing but I would be wrong if I did.

* * *

WHAT STARTED out to be an enjoyable outing turned into just the opposite when pop started hitting the bottle.

He became so full of good cheer that he passed the hooch to his son who at his insistence commenced to down a few.

In between nips, dad and lad became separated at the old fishing hole and it took the local police department a whole day, and part of the night to bring them together again.

Although the old man sailed into home port under a full head of steam, the son couldn't navigate the course and police found him sprawled out like a Zombie in the 4100 block of Forest Park Ave.

It was through blood shot eyes on Monday that the youth peered at a magistrate as his mother paid a $15 fine. A fine for something that his old man should have been punished for.

FOLKS IN the 200 block of W. Lanvale St., thought a small war had broken out Monday when a young blonde and a chauffeur raised their voices in fright over a misunderstanding.

While in the woman's house, to obtain the name of a mouth piece the guy foolishly pulled out a butcher knife.

The blonde screamed and ran because she was afraid of what might happen. The chauffeur ran for the same reason. Both hit the front entrance at the same rate of speed.

If You Ask Me

By B. M. PHILLIPS

People coming and going...

By Elizabeth M. Oliver (substituting for Mrs. B. M. Phillips who is on vacation.)

After an exhausting twelve months of work almost day and night at her desk here at the AFRO, Mrs. B. M. Phillips (Bettye Murphy) has deserted us for a three-week vacation.

Where is she going? According to the energetic, animated young lady herself, she is simply going home to her family.

And, since Frank Phillips, her husband is also on vacation, they are content to be with their children, Marie, 9, Benny, 4, and Rachel, 2.

When members of the city Desk stop to think how much we miss Bettye, we wonder how she oversees two editions of the AFRO, serves as assistant to her father, the president, in addition to being mommie to three of the cutest, liveliest little tots in town.

I can testify that the above-mentioned duties occupy Mrs. Phillips' time nearly 24 hours each day and I add, there is one person who deserves a vacation.

* * *

A LETTER from former Baltimorean, Leone Boyle Thompson, reveals that she is off to Accra, Ghana, with her son, Carlton, and husband, John, who is now public relations advisor for the Socony Mobile Oil Firm there in the new African republic.

Mr. Thompson will serve Sierra Leone, Liberia and Accra as well and Leone writes that she will do a lot of getting around on the continent.

Friends may write to the Thompsons: Box No. 450, Accra, Ghana.

Leone's newsy letter also disclosed that her brother, Blyden Boyle is in Los Angeles, Calif. and making plans to move his family there. Mayfield Boyle, another brother, resides in Jamaica, N.Y.

People, places and things...

PRETTY Sandra Koger left on Aug. 2 for San Francisco, Calif. where she will begin teaching duties at the Longfellow School in Berkeley in September.

She is the brilliant daughter of the A. B. Kogers, you know, and in addition to holding the teacher post, Sandra will attend the University of California to get her master's degree.

If you recall, Miss Koger was an honor grad from Vassar College and was teaching in Westchester, suburban New York for awhile.

On the way to San Francisco to make her home, Sandra visited friends in Chicago and then spent several days touring Yellowstone National Park.

* * *

WORD COMES from Atlantic City that vivacious, red-headed Alberta Bowie's pear-shaped, black satin faille cocktail gown had those present at the Club Harlem Saturday oh-ing and ah-ing and turning their heads.

I called "Bert" at her Reisterstown Road home to check on the dress and she admits it was fashioned by a New York designer just for her.

Also for the week-end trip to the Board walk town, Mrs. Bowie packed other creations which included a fabulous black bathing suit and a green foreign print chemise.

The well-known stylish stout Mrs. Bowie refused to reveal the figures on the price tags but she did say she was the guest of a lifelong friend, Mrs. Helen Woods, 1924 McKinley Ave. while sunning in the sand and shopping.

* * *

THE SMARTEST short, short bob we've seen is worn by Miss Virginia L. Day of New York City who is at home on vacation with her parents Mr. and Mrs. William Day, 2522 Terra Firma Rd., Cherry Hill.

Virginia was graduated in May from the Harlem Hospital School of Nursing in New York and is now a registered nurse on the staff there.

Alvin and Marjorie Waters, their four children and Mrs. Waters' mother, Mrs. Mary W. Chase, write from Atlantic City;

"We have just spent a delightful week here. Thanks to the AFRO ad, our Carver Hall apartment was ideal for a family. Eating 'at home' was perfect for the two youngest children and gave us more time to enjoy sightseeing."

Jesse and Bertha Lee's post card from Port Antonio, Jamaica says:

"This has been a wonderful trip so far. Went river-rafting up the Rio Grande and it was surely grand. The people, the ship, the food and the service were excellent."

* * *

THE JULIUS CARROLLS' daughter, Janet Evans, is home again for a vacation. She has been studying at Scarritt College in Nashville, Tenn. since March and is due to receive her master's degree in social group work in January, 1959.

Janet, who is a Methodist missionary, returned to the country from Peru in January and toured Methodist schools in Alabama before enrolling at Scarritt.

She was for three years a teacher at the Lima, Peru, all-girl high school and taught commercial subjects.

On this busy young woman's program is a winter conditioning period to be spent at Buck Hill Falls, Pa. under the supervision of the Women's Society of Christian Service.

After the year-long furlough from her Lima post, Miss Evans expects to return there where she has learned to speak the language and live with the people just as if she were at home.

In the meantime, Rev. Julius and Gladys are preparing to move to the parsonage of the Randall Methodist Church which he pastors in Washington.

Eager to get to the new home is their midnight black collie, Tony, who incidentally takes a hop or two each week with the Rev. Mr. Carroll and his wife in their little red airplane.

* * *

OFF TO COLTON, MD. Sunday went the members of the L'Etoile Club along with their husbands and friends, to enjoy a day of swimming, dancing and dining at the Shirley K. Hotel.

The fabulous affair was attended by Margaret Soden, president; Arnella Banks, vice-president; Catherine Hicks, secretary, Catherine Tucker, treasurer as well as club members, Ruth Braxton, Beulah Lokeman? Beulah Williams, Bertha Robinson, Ethel Scriber, Bernice Farmer, Margaret Gibson, Elizabeth Mason, Claudie Fleet, Eliza Diggs and Ruth Bailey.

The hubbies present: Russell Banks, Remus Gibson, Walter Braxton, Wendell Fleet, Elmer Bailey, Milton Diggs, Clarence Scriber, George Williams, Joseph Lokeman, and Cee Farmer.

Guests were: the Allen Henry's, William Dorsey, Buster Dorsey, Linwood Peters, Helen Brooks, Irma Snowden, Mildred Staples, Ruth Allen, Marie Scriber, Cora Thomas, Rosalie Starks, George Williams, Vernon Williams and Clifton Henry.

* * *

AWAY FOR a week are the David Watsons (she is the popular beautician, Beatrice Russell). But, Mrs. Watson says, she will certainly hurry back to enjoy the remaining summer and fall days in her garden which we think is one of the prettiest in town.

It is located at the rear of their 723 N. Arlington Ave. home and is now a blaze of color with brilliant crepe myrtle trees, petunias, asters, zinnias and marigolds planted against a background of white snow-on - the - mountain and hedge rows.

A card from Sgt. Charles Presbery of the Air Force recruiting office shows the beautiful rambling vacation lodge in Blue Ridge Summit, Pa. where he is vacationng.

About this and that...

* * *

VERDA WELCOME, world-traveler, is home with physician husband, Henry C. and daughter Mary Sue after a fairyland vacation in Europe.

Dr. Welcome was one of the 400 U.S. physicians and surgeons who attended the College of Surgeons which had headquarters in Paris.

Of all the wonderful experiences our Verda had in the old country, I think their visit to the Stockholm, Sweden City Hall was the most breath-taking.

Said Mrs. Welcome: "We attended a banquet there in the Gold Room where the Nobel Prize is awarded each year.

"It took 300 men three years to decorate the room. The walls every inch of them, are covered with gold."

The Welcomes also attended a clinic in Glasgow, Scotland where sessions, lectures and tours were on the program.

Back on the home-front now, Verda will launch her one-woman "register and vote" campaign in preparation for the November elections.

She says: "I'm having a speaker put on my car and am going from block to block, door to door, to get the women out to vote."

She added that she will cover the town day by day up until September 22, the day the registration books close, and it's my bet that she certainly will do just that.

* * *

BACK FROM her beach home on the Chesapeake is petite Victorine Adams who is busy these days corralling vote-conscious women into one organization called Woman Power.

The group is bi-partisan and the smart gals are out to register every female in town.

After that, they'll see that the November election posts go to qualified representatives who will protect our neighborhoods and our rights.

If you've never seen women furiously at work in politics, watch Woman Power go into action.

Wanna join? Write or call Mrs. Ethel Rich, co-chairman, 1737 Druid Hill Ave., MA. 3-7419.

The time, place and date of the next meeting is in today's AFRO.

* * *

THE AFRO'S cutest little visitor in many moons was four-year-old Barbara Mae Huggins of Mullins, S.C. who made her appearance Friday along with her aunt, Mrs. Beulah Thomas, 1914 E. Oliver St.

She was dressed in a white dotted swiss frock and a pert white straw hat and carrying a purse fashioned in basket style.

Incidentally her aunt and uncle, the Steven Thomases are looking forward to Sept. 12

(Continued on Page 5)

The Issue Boils Down To Law Versus Mob Rule

Court order cannot bow to violence

ST. LOUIS —Following is the text of the majority opinion of the Eighth Circuit United States Court of Appeals reversing the decision of United States District Judge Harry J. Lemley suspending integration at Little Rock High School for two and a half years and the dissenting opinion:

John and Thelma Aaron, minors, by their mother and next friend, (Mrs.) Thelma Aaron; et al., appellants, vs. William G. Cooper, et al., members of the Board of Directors of the Little Rock, Arkansas Independent School District, and Virgil T. Blossom, Superintendent of Schools, appellees.

Appeal from the United States District Court for the Eastern District of Arkansas.
August 18, 1958

Wiley A. Branton and Thurgood Marshall (Elwood H. Chisolm, Irma Robbins Feder, Constance Baker Motley and Spottswood W. Robinson III, of counsel) for appellants.

Richard C. Butler and A. F. House, for appellees.

Before Gardner, Chief Judge, and Sanborn, Woodrough, Johnsen, Vogel, Van Oosterbout and Matthes, Circuit Judges.

This appeal is another in a series of legal actions which followed the adoption and implementation of a plan for gradual integration of the public schools in Little Rock, Arkansas, as set up by the school board in that district, and approved by the United States District Court for the Eastern District of Arkansas, and by this court. See Aaron v. Cooper (E. D. Ark. 1956) 143 F. Supp. 855, Aff'd 243 F. 2d 361 (8 Cir. 1957); Thompson v. Cooper (8 Cir. 1958) 254 F. 2d 808; Faubus vs. United States (8 Cir. 1958) 254 F. 2d 797.

In conformity with the plan, and under the direction of the superintendent of schools of the Little Rock School District (hereinafter called "District"), approximately sixty Negro students were meticulously screened prior to the opening of schools in September, 1957. Seventeen were accepted for entrance in the final two years in high school, but when eight of the students voluntarily withdrew, the nine remaining attempted to enter the school when it opened. After a series of skirmishes, resulting in the placing of troops around the Central High School building (see Faubus v. United States, supra), the nine Negro students were admitted and eight of them attended the full year. On February 20, 1958, the members of the school board (hereinafter called "Board") and the superintendent filed a petition in the United States District Court, Eastern District of Arkansas, Western Division, asking that the plan of integration "be realistically reconsidered in the light of existing conditions," and that it be postponed until such time as the concept of "all deliberate speed" could be clearly defined. Thereafter, the Honorable Harry J. Lemley, United States District Judge for the Eastern and Western Districts of Arkansas, was designated by the Chief Judge of this circuit to hear and determine the issues presented by the petition. At the district court's direction, appellees filed an amended petition in which they alleged that in light of existing conditions, they were of the opinion that a suspension of operations under the plan until January, 1961, was reasonable and advisable.

The Motion To Dismiss

Appellants attacked the petition by a motion to dismiss contending that the petition was insufficient to state a cause for relief or a claim for relief which would be cognizant under Rule 60 (b) of the Federal rules of civil procedure. They also filed a response to the petition. Following an extended trial of the issues presented by the pleadings, the District Court filed an exhaustive opinion, * * f. supp. **, and entered its order granting permission to suspend the operation of the plan of integration until mid-semester of the 1960-61 school year.

From that order, plaintiffs (appellants) prosecuted an appeal to this court. Because of the vital importance of the time element in the litigation, and in line with the suggestion of the Supreme Court in its per curiam order of June 30, 1958, on petition for certiorari, we heard the appeal on its merits on Aug. 4, 1958.

A review of the events leading up to the present appeal, as revealed by the record, is necessary to a proper understanding of the meritorious question for decision.

On May 20, 1954, following the decision of the Supreme Court in Brown v. Board of Education on May 17, 1954, 347 U.S. 483, the board adopted a statement concerning the Brown decision, recognizing its responsibility to comply with Federal constitutional requirements, and on May 24, 1955—several days prior to the supplemental opinion of the Supreme Court in Brown vs. Board of Education, 349 U.S. 294, the board approved a "plan of school integration," which provided for a gradual integration of all public schools, beginning with the high school level, in the fall of 1957. See Aaron v. Cooper, 143 F. Supp. 855 for the plan in its entirely, Aff'd (8 Cir.) 243 F. 2d 361.

Cite Interposition

It was the feeling of the board that the plan, as proposed, was the most desirable and workable under all of the circumstances, and that as the result of an active public relations program, the public generally approved of the plan. However, a systematic campaign developed which undermined whatever confidence the public might have had in the plan to integrate the public schools. In November, 1956, the people of the State of Arkansas adopted: (a) Amendment 44 to the state constitution, which comanded the General Assembly to oppose by every constitutional method the "unconstitutional desegragation decisions of the United States Supreme Court" (1 Ark. stat. 1947 1957 supplement); (b) a resolution of interposition which, inter alia, called upon the people of the United States and the governments of all the separate states to join the people of Arkansas in securing an adoption of an amendment to the Constitution of the United States which would provide that the powers of the Federal Government should not be construed to extend to the regulation of the public schools of any state, or to prohibit any state from providing for the maintenance of racially separate but substantially equal public schools within such state; (c) a pupil assignment law dealing with the assignment of individual pupils to individual public schools. The 61st General Assembly of Arkansas, which convened in January, 1957, enacted sections 80-1519 to 80-1524, Ark. State. 1947, known as the pupil assignment law; section 80-1525, ibid, which relieves school children of compulsory attendance in racially mixed public schools; sections 6-801 through 6-824, ibid, which established a state sovereignty commission; section 80-539, ibid, which authorizes local school boards to expend district funds in employing counsel to assist in the solution of problems arising out of integration.

During the summer of 1957, anti-integration forces, pointing to the recent Arkansas enactments, petitioned for, and received from the Pulaski Chancery Court at Little Rock, an injunction directed against the board, restraining any action toward integrating Little Rock Central High School during the school term beginning September 3, 1957. On Aug. 29, 1957, on application of the board, the United States District Court at Little Rock entered an order enjoining the use of the state court injunction in an attempt to block the integration plan. We affirmed this order. Thomas C. Cooper (8 cir.) 254 F. 2d 808.

Drive For Segregation

From the testimony of the superintendent, and voluminous exhibits, consisting mainly of newspaper articles and paid advertisements, it is demonstrated that pro-segregationists carried on a relentless and effective campaign during the summer of 1957. The Governor of Georgia, Marvin Griffin, and Roy V. Harris, publisher, of the same state, and Rev. J. A. Lovell, described as a "Texas radio minister," appeared in Little Rock and delivered speeches against integration to large audiences. The effect of these efforts may be gleaned from the superintendent's testimony; (Mr. Blossom)—"(But) there was a tremendous amount of opposition following the appearance of the Governor of Georgia "that this plan which had been developed as I explained over a long period of time, seemed to be driven out of minds of people who talked to me the thing that became prevalent (was) 'we don't have to do this when the Governor of Georgia says nobody else has to do it'." On July 9, 1957, what purports to be a full page statement appeared in the Arkansas Democrat, the first two paragraphs of which are typical, not only of the statement in its entirety, but of other articles which appeared from time to time in the same publication:

"People of Arkansas vs. Race-mixing! Official Policy of the State of Arkansas.

"The People of Arkansas assert that the power to operate public schools in the state on a racially separate but substantially equal basis was granted by the people of Arkansas to the government of the State of Arkansas, and that, by ratification of the Fourteenth Amendment, neither the State of Arkansas nor its people delegated to the Federal Government, expressly or by implication, the power to regulate or control the operation of the domestic institutions of Arkansas; any and all decisions of the Federal Government to the contrary notwithstanding.'

Whose statement is the above?

It is the statement of Gov. Orval E. Faubus of Arkansas. It is the core of the resolution of interposition which he personally fathered. Governor Faubus hired the solicitors who circulated the petitions to place this resolution on the ballot. Governor Faubus filed resolution and petitions with the Secretary of State on July 5, 1956, and the resolution was submitted to the people in last November's general election. The people of Arkansas by a tremendous, overwhelming majority gave it their thundering approval.

Oposition Stiffens

Sponsored by the Governor of Arkansas, adopted by a tremendous majority of Arkansas voters, the above statement is the will of the people of Arkansas."

As September 3d approached, the opposition to Negro children entering Central High School had stiffened and solidified. On the night of September 2d, Governor Faubus appeared on television in Little Rock and announced that in the interest of preserving peace, he had called out units of the National Guard and had directed that the white schools be placed "off limits" to Negro students, and that the Negro schools be placed "off limits" to white students. The subsequent events, which ultimately brought fourth United States troops, and the entry of the nine Negro children in Central High School, are found in our opinion in Faubus V. United States, supra.

The record firmly establishes that although the Negro children attended Central High School during the 1957-58 school term under the protection of Federal troops, and later, federalized National Guardsmen, the opposition to the plan of integration by many members of the public, and particularly parents of white students, failed to subside. Whether the white students who were the troublemakers, stood for segregation of the races in schools as the result of their environment over the years, or because of the intense campaign that was focused upon that issue by adults, does not appear, but the indisputable fact is that certain of the white students demonstrated their hostility to integration by overt acts of violence and misconduce, committed within the school building, as well as by destruction of school property through acts of vandalism.

Harassment Campaign

The events which occurred during the school year may be sumarized as follows:

1) Although there were no unusual events in the classrooms, there were a number of incidents in the halls, corridprs, cafeteria and rest rooms, consisting mainly of "slugging, pushing, tripping, catcalls, abusive language, destruction of lockers and urinating on radiators.

2) Forty-three bomb threats necessitated searches of the school building, and particularly the lockers, some 2,400 in number. These bomb threats were broadcast on the local radio and television stations, precipitating calls from parents and withdrawal of students for the day.

3) Numerous small fires occurred within the building, particularly in rest rooms where tissue paper and towels accumulated.

4) The destruction of school property throughout the school necessitated the expenditure of school funds, which might otherwise have been used for general maintenance purposes, to repair the damage.

5) Misconduct on the part of some students resulted in approximately 200 temporary suspensions for short periods of time and two permanent expulsions.

6) The administrative staff in the school spent a great deal of time making reports of incidents, alleged and real, arising out of opposition to the presence of nine Negro students.

7) Teachers and administrative staff were subjected to physical and mental strain and telephone threats.

8) Inflamatory anti-integration speeches were made at public meetings by speakers from other states, and the local newspapers carried many anti-integration articles.

9) Vicious circulars were distributed condemning the District Court, the Supreme Court of the United States, and the school officials who recognized the supremacy of the Federal law.

10) Vulgar cards, critical of the school officials, were given by adults to school children for distribution within the school building.

11) In general there was bedlam and turmoil in and upon the school premises, outside of the classrooms.

Careful and critical analysis of the relevant facts and circumstances in light of applicable legal principles, leads us to the inescapable conclusion that the order of the District Court suspending the plan of integration can not stand.

Solutions Foreseen

In Brown v. Board of Education, 349 U.S. 294, the Supreme Court, in dealing with the manner in which integration should be effected, recognized that full implementation of the constitutional principles involved may require solution of varied local school problems—and that the school authorities have the primary responsibility for "elucidating, assessing, and solving the problems." While the district courts, aided and guided by equitable principles, may properly take into account the public interest in the elimination of obstacles in making the transition to school system operated in accordance with the constitutional principles set forth in Brown v. Board of Education, May 17, 1954, 347 U.S. 483, it should be emphasized that the court, in the opinion dealing with the relief to be granted, stated (349 U.S. at Page 300): "But it should go without saying that the vitality of these constitutional principles cannot be allowed to be yielded simply because of disagreement with them." (emphasis supplied.)

The precise question at issue herein, i.e., whether a plan of integration, once in operation, may lawfully be suspended because of popular opposition thereto, as manifested in overt acts of violence, has not received judicial consideration. But there is sound and convincing authority that a school board, "acting promptly and completely uninfluenced by private and public opinion as to the desirability of desegregation in the community," must proceed with deliberate speed, consistent with proper administration, to abolish segregation, Jackson v Rawdon (5 cir. 1956) 235 f.2d 93, 96, certiorari denied 352 U.S. 925; school board of the City of Charlottesville, Va., v. Allen (4 cir. 1956) 240 f.2d 59, certiorari denied, 353 U.S. 910; and while ". a good faith acceptance by the school board of the underlying principle of equality of education for all children with no classification by race might well warrant the allowance by the arial court of time for such reasonable steps in the process of desegregation as appears to be helpful in avoiding unseemly confusion nevertheless, whether there is such acceptance by the board or not, the duty of the court is plain. "The vindication of rights guaranteed by the Constitution can not be conditioned upon the absence of practical difficulties." (Emphasis supplied). Orleans Parish School Board v. Bush (5 cir. 1957) 242 f.2d 156 at p. 16, certiorari denied 354 U.S. 921. "The fact that the schools might be closed if the order were enforced is no reason for not enforcing it," Allen v. County School Board of Prince Edward County, Va. (4 cir. 1957) 249 f.2d 462, 465, certiorari denied 355 U.S. 953, because, as the court there stated, at page 465: "A person may not be denied enforcement of rights to which he is entitled under the Constitution of the United States because of action taken or threatened in defiance of such rights."

Lemley's Decision

In his opinion. . F. supp. . . which incorporated findings of fact and conclusions of law, Judge Lemley, who has most carefully and conscientiously considered the problem presented, recognized that the occurrences which motivated the instant proceeding were the direct result of general community opposition to integration. He stated:

"From the practically undisputed testimony of the board's witnesses we find that although the continued attendance of the Negro students at Central High School was achieved throughout the 1957-58 school year by the physical presence of Federal troops, including federalized National Guardsmen, nevertheless on account of popular opposition to integration the year was marked by repeated incidence or more or less serious violence directed against the Negro students and their property, by numerous bomb threats directed at the school, by a number of nuisance fires started inside the school, by desecration of school property, and by the circulation of cards, leaflets and circulars designed to intensify opposition to integration. . .

"It is important to realize, as is shown by the evidence, that the racial incidents and vandalism which occurred in Central High School during the past year did not stem from mere lawlessness on the part of the white students in the school, or on the part of the people of Little Rock outside the school; nor did they stem from any malevolent desire on the part of the students or others concerned to bomb the school, or to burn it down, or to injure or persecute as individuals the nine Negro students in the school. Rather, the source of the trouble was the dep-seated popular opposition in Little Rock to the principle of integration, which, as is known, runs counter to the pattern of Southern life which has existed for 300 years. The evidence also shows that to this opposition was added the conviction of many of the people of Little Rock, that the Brown decisions do not truly represent the law, and that by virtue of the 1956-57 enactments, heretofore outlined, integration in the public schools can be lawfully avoided." (Emphasis supplied.)

". . in reaching this conclusion we are not unmindful of the admonition of the Supreme Court that the vitality of those principles 'cannot be allowed to yield simply because of disagreement with them'; here, however, as pointed out by the board in its final brief, the opposition to integration in Little Rock is more than a mere mental attitude; it has manifested itself in overt acts which have actually damaged educational standards and which will continue to do so if relief is not granted.

Lemley Rejected

Appalling as the evidence is —the fires, destruction of private and public property, physical abuse, bomb threats, intimidation of school officials, open defiance of the police department of the city of Little Rock by mobs—and the naturally resulting additional expense to the district, disruption of normal educational procedures, and tension, even nervous collapse of the school personnel, we cannot accept the legal conclusions drawn by the district court from these circumstances. Over and over again, in the testimony, we find the conclusion that the foregoing turmoil, chaos and bedlam directly resulted from the presence of the nine Negro students in Central High School, and from this conclusion, it appears that the District Court found a legal justification for removing temporarily the disturbing influence, i.e., the Negro students. It is more accurate to state that the fires, destruction of property, bomb threats, and other acts of violence, were the direct result of popular opposition to the presence of the nine Negro students. To our mind, there is a great difference from a legal standpoint when the problem in Little Rock is stated in this manner. From the record it appears that none of the Negro students was responsible for the incidents on the school property, and the one Negro expulsion seems to have resulted after the Negro student was physically struck in the face, following which it was found that the student had "failed to adjust," in violation of an agreement with the school board not to become embroiled in incidents.

This court recognizes that, following the first Brown decision, the members of the board, acting in good faith, and working with the superintendent of schools, moved promptly to promulgate a plan designed to gradually bring about complete integration in the Little Rock public schools, and they are to be commended for their efforts in that regard. We are also not unmindful of the difficulties which were faced by the board members and school administrators in attempting to give life to the plan of integration. As we have seen, they have been constantly harassed; they have met with overt opposition from the public, and the legislature through passage of the 1957 enactments. The executive department of the State of Arkansas has openly opposed their efforts, as demonstrated by the statement of the Governor of the official policy of the State of Arkansas against integration, followed by the use of National Guardsmen to prevent entry of Negro students. The result was to place the board between "the upper and the nether millstone." See Thomason V. Cooper, 254 F.2D 808 at page 810. While it may appear to the members of the board and the superintendent, that they have a thankless task, they may be recompensed by the knowledge that throughout, they, as public officers, have recognized their duty to support the Constitution of the United States, and to respect the laws and courts of our Federal Government, and our democratic ideals, regardless of their personal convictions with respect to the wisdom of school integration.

Intolerable Situation

It is not the province of this court in this proceeding to advise the board as to the means of implementing integration in the Little Rock schools. We are directly concerned only with the legality of the order under review. We do observe, however, "that at no time did the board seek injunctive relief against those who opposed by unlawful acts the lawful integration plan, which action apparently proved successful in the Clinton, Tenn., and Hoxie, Ark., situation." See Kasper v. Brittain, 245 F. Td 92 (6 cir. 1957), certiorari denied 355 U.S 834, rehearing denied 355 U.S. 886; Hoxie School District V. Brewer (E. D. Ark.) 137 F. Supp. 364, aff'd Brewer v. Hoxie School District (8 cir. 1956) 238 F. 2d 91. The evidence also affords some basis for relief that if more rigid and strict disciplinary methods had been adopted and pursued in dealing with those comparatively few students who were ring leaders in the trouble making, much of the turmoil and strife within Central High School would have been eliminated.

The Court Says

An impossible situation could well develop if the District Court's order were affirmed. Every school district in which integration is publicly opposed by overt acts would have "justifiable excuse" to petition the courts for delay and suspension in integration programs. An affirmance of "temporary delay" in Little Rock would amount to an open invitation to elements in other districts to overtly act out public opposition through violent and unlawful means. The Supreme Court of the United States has specifically determined that segregation in the public schools is a deprivation of the equal protection of laws guaranteed by the Fourteenth Amendment. The board, by public statement, has reocognized its constitutional duty to provide non-segregated educational opportunities for the children of Little Rock; the District Court, in its memorandum opinion, supra, at page. . . stated: ". . it is not denied that under the Brown decisions the Negro students in the Little Rock district have a constitutional right not to be excluded from any of the public schools on account of race;" Acting under a Federal court order, the board did proceed with a fair and reasonable program for gradual integration, which program had previously been approved by this court. This issue plainly comes down to the question of whether overt public resistance, including mob - protest, constitutes sufficient cause to nullify an order of the Federal court directing the board to proceed with its integration plan. We say the time has not yet come in these United States when an order of a Federal court must be whittled away, watered down, or shamefully withdrawn in the face of violent and unlawful acts of individual citizens in opposition thereto.

Mindful of Incidents

Mindful as we are that the incidents which occured within Central High School produced a situation which adversely affected normal educational processes, we nevertheless are compelled to hold that such incidents are insufficient to constitute a legal basis for suspension of the plan to integrate the public schools in Little Rock. To hold otherwise would result in accession to the demands of insurrectionists or rioters * * * Strutwear Knitting Co. v. Olson, 13 F. Supp. 384 at 391, and Faubus v. U.S. 254 F. 2d 797 at 807, and the withholding of rights guaranteed by the Constitution of the United States. Accordingly, the order of the District Court is reversed, with directions to dismiss the appellees' petition.

Judge Gardner Objects

It would affirm on the grounds stated by Judge Lemley in his opinion. Aaron V. Cooper, E.D.Ark., . .F. Supp.

Because of the limitation of time within which this case must be decided it is not possible to prepare a dissenting opinion and, hence, I am preparing only a short memorandum.

It is conceded that the school authorities have acted in good faith both in formulating a plan for integrating and in attempting to implement that plan. Their efforts in this regard were met with uprecedented and unforeseen opposition and resistance as set out and enumerated in the majority opinion. This opposition includes acts of violence to such an unprecedented extent that the armed forces of the United States were stationed in and about the school building. The events pertinent to the attempts of the school authorities during the school year to implement its plan for integrating are set forth in the majority opinion. The normal conduct of the school was continuously disrupted and the state of mind, both within and without the school, was to a greater or lesser extent in a state of hysteria. Under circumstances and conditions set out in Judge Lemley's opinion the school authorities made application for an extension of time so as to permit a cooling off or breathing spell so that both pupils, parents, teachers and the public might to some extent become reconciled to the inevitable necessity for public school integration. Having in mind that the school officials and the teaching staff acted in good faith and that the school officials presented their petition for an extention of time in good faith, it was the duty of the court "to consider whether the action of school authorities constitutes good faith implementational principles." Brown v. Board of Education, 349 U.S. 294. In this situation the action of Judge Lemley in extending the time as requested by the school officials was the exercise of his judicial discretion. The background is well set forth in Judge Lemley's opinion. For centuries there had been on intimate socialrelations between the white and the colored races in the section referred to as the centuries there had been no intimate social relationships between the white and the colored races in the section referred to as the South. There had been no integration in the schools and integration in the schools and that practice had the sanction of a decision of the Supreme Court of the United States as constitutionally legal. It had become a way of life in that section of the country and it is not strange that this long-established, cherished practice could not suddenly be changed without resistance. Such changes, if successful, are usually accomplished by evolution rather than revolution, and time, patience, and forebearance are impartant elements in effecting all radical changes.

Lemley Supported

The action of Judge Lemley was based on realities and on conditions rather than theories. The exercise of his discretion should not, I think, be set aside as it seems to me it was not an abuse of discretion but rather a discretion wisely exercised under the conditions. We should not substitute our judgment for that of the trial court. Judge Lemley's decision is not without precedent in principle. It is, I think, warranted by the decision of the Supreme Court in Brown v. Board of Education, 349 U.S. 294. See also Allen v. County School Board of Prince Edward County, E. D. Va., . . . F. supp. . . .; Davis v. County School Board of Prince Edward County, E. D. Va., 149 F. supp. 431; Wisconsin v. Illinois, 278 U.S. 367, modified, 281 U.S. 179, 289 U.S. 395, 309 U.S. 569, 311 U.S. 107; Standard Oil Co. v. United States, 221 U.S. 1. It was the judgment of the school officials as indicated by their petition and, after hearing, the judgment of the trial court, that the extension of time requested should be granted. I do not think it can be said that the findings of the trial court and its conclusion based thereon are clearly erroneous. I would affirm.

Goodshell Waters of Jersey City was elected president of the National Pharmaceutical Association.

Dixie passes 196 seregation laws

NASHVILLE (ANP) — The Southern School News, an agency which gathers and disseminates news on the integration question, in a recent survey, reported a total of 196 school segregation laws have been passed by the Southern states since 1954.

Georgia, Louisiana, Mississippi, South Carolina and Virginia together passed a toal of 21 segregation laws this year, SSN revealed. Alabama, Arkansas, Florida, North Carolina, Tennessee and Texas have followed suit.

The publication also reported some 777 Southern school districts have been desegreated while 2,122 districts in Southern and border states remain segregated. This year, Mississippi and Virginia passed laws providing for the closing of public schools threatened with compulsory integration.

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Haitian exile Magloire denies taking $12 million

NEW YORK CITY — "If I were presented with substantial evidence I would be willing to discuss it, but I think you will agree that with $12 million I wouldn't be in the clothing business," said Paul Magloire.

The former president of Haiti who is now exiled in New York told this to Mike Wallace, controversial newspaperman and broadcaster, in an interview.

Magloire said that he was a clothing merchant because of necessity—he has a large family dependent upon him for support. Questioned on the instability of Haiti, he replied:

"THEY ARE quite divided among themselves. This is one of the characteristics of Latin American countries. When I was president, I did everything I could to realize the unity and stability of my country . . . I succeeded partly."

Denying any implication in the recent and bloody attempted coup against the regime of President Duvalier, Magloire termed the current government "a dictatorship" which persecuted the opposition.

He stated further that he had no personal ambitions where Haiti was concerned. Magloire said that any person who could organize a good government in the Caribbean country could count on his cooperation.

3 ministers get degrees in Aak.

LITTLE ROCK, Ark. — Emblematic of its functional relationship to the Church, was the graduation of three in-service pastors from Philander Smith College at the close of its current summer session.

Among persons receiving the Bachelor's Degree were the Revs. Oliver W. Gibson, pastor of White Memorial Methodist Church; Robert J. Tolbert Jr., pastor, the Methodist Church, Anchorage, Ky.; and Jackson H. Hinkle, minister at Aubrey Ark., who has also served as a public school teacher for the past 22 years.

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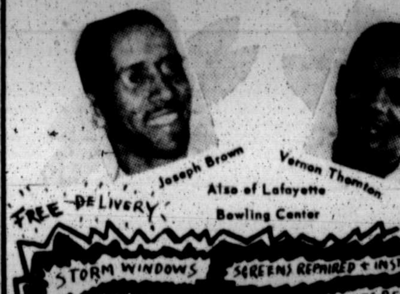

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