Make-Up of Grand Jury Held Dangerous Precedent

(Continued From Page 1)

a long list of names of persons qualified for grand jury service.

Only Four on Panel

In the selection of the current May term panel, the names of four colored persons were considered.

They were Milburn B. Taylor, salesman, 1306 Division St.; Samuel K. Williams, worker at Bethlehem Steel Co.; William J. Chase, chauffeur, 1517 W. Franklin St., and Mrs. Alice Arrington, executive director, Madison Ave. YWCA.

The men declined because they said jury duty would interfere with their regular employment. Mrs. Arrington told the jury clerk that she would have to seek a clarification on jury duty from her executive board.

She added that she was unaware she was being asked to serve on the panel then being prepared.

Excused by Judge

The result was that Judge Herman Moser, in organizing the May term group, explained to the all-white body that it included no colored members because four had declined to serve.

He said he had excused these people because "they were able to show that the jury service would have been extremely burdensome to them and in many instances would have meant the loss of their positions."

As Judge Moser pointed out, jury service involves appearing for sessions five mornings a week, and, in addition, jurors must go on special tours of State institutions.

Important Duties

The grand jury investigates a number of things of particular importance to colored persons, including conditions in jails and prisons, police brutality, health menaces and housing.

Before the organization of the May term, the Supreme Bench handpicked members of grand juries, each of the 10 associate judges making two selections, and the chief judge making three.

The result of this system was that each grand jury included from one to three colored persons.

Case on Appeal

Pending in the Court of Appeals is a case to determine whether or not this former system discriminated against the colored population.

The question was raised in a murder case in which the defense attorney sought to quash the indictment, arguing that it was returned by a jury which included only one colored member. He termed this "unfair representation."

If the Court of Appeals decides that the method of judges' selecting jurors is acceptable and nondiscriminatory, it is possible that the Supreme Bench might return to that system.

Selected by "Wheel"

Meanwhile, names of potential grand jurors are shuffled into the "wheel" from which petit jurors are selected.

For grand jury selections, the wheel, containing 750 names, is spun 22 times. There is no way of assuring the turning up of a colored person's name from this wheel.

Stanford Bullen, jury clerk, explained that names for jury service are taken from the city directory, the telephone book, voting lists and the criss-cross telephone-street directory. He has no way of knowing whether persons are white or colored.

In other words, the "wheel of chance" is exactly what its name implies.

Sacrifice Necessary

A return to the system of judge-selection of jurors would certainly eliminate the possibility of chance, and would, perhaps, assure the picking of qualified persons who could be investigated and chosen on the basis of their ability.

Yet it cannot be emphasized too strongly that citizens, when selected for jury duty, should be willing to sacrifice a little of their time for the good of the entire population.

P-T Council Asks School Repairs

(Continued From Page 1)

and scant supplies, the report shows.

At School No. 116 and 116A, at Orleans and Aisquith Sts., the report showed that there are no lavatory facilities for boys in No. 116A, and that boys must use lavatories in No 117 even in inclement weather. The report showed that there is only one toilet for 86 girls.

Walls Scaly

The walls at School No. 124, Orleans St. near Bond, are in a highly unsatisfactory condition, being dark, scaly and broken in many places, according to the document. The complaint that at present there are two beginners classes at School No. 135, Chase and McDonogh Sts., averaging 50 pupils per class.

Douglass Crowded

Listed in the complaints also was the condition of the auditorium of Douglass High School, which the report says has been painted only once in 23 years. The report also charged that classrooms are overcrowded with a net enrollment of from 45 to 48 pupils at School No. 119.

One room at School No. 122 leaks badly when rain comes and supplies at School No. 157 are short because not enough money has been allowed to meet their needs.

School No. 126 has no visual aids of any type, and School No. 121 is badly in need of janitorial services, the report continues. Similar reports were made of many schools for white children throughout the city.

Mr. Mullen Named

Leonard L. Mullen, secondary school supervisor, was assigned to the principalship of the Douglass High Summer School, during the board's regular session.

The board also approved the following school calendar for next year's term:

Teachers' Institute—Sept. 7 and 8.
Opening of Schools—Tuesday, Sept. 14.
Constitution Day—Sept. 17. Appropriate exercises in schools.
Meetings of State-wide Professional Organizations—Oct. 7—9-16, Oct 8—All Day. Schools closed for one half day on 7th and for full day on 8th.
Columbus Day—Tuesday, Oct. 12. Appropriate exercises in schools.
Peggy Stewart Day—Oct. 19. Appropriate exercises in schools.
Armistice Day—Nov. 11. Appropriate exercises in schools.
Thanksgiving Holidays—Nov. 25 and Friday, Nov. 26. Schools closed.
Christmas Holiday—Begin Dec. 24, 1948. Schools reopen on Monday, January 3, 1949.
Close of First Semester—Jan. 31.
Lincoln's Birthday—February 12. Appropriate exercises in schools.
Douglass Day—Feb. 14. Appropriate exercises in schools.
Washington's Birthday— Feb. 22. Schools closed.
Arbor Day—March 25. Appropriate exercises in schools.
Easter Holidays—Begin April 8. Schools reopen Monday, April 25.
Labor Day—To be fixed by proclamation of the Governor. schools open, appropriate exercises in the schools.
Memorial Day—May 30. Schools closed.
Flag Day—June 14. Appropriate exercises in schools.
Close of Second Semester Classes—June 24.
Close of Second Semester—Tuesday, June 28, 1949. School closing exercises will be held Monday and Tuesday, June 27 and 28, respectively. Reports to be distributed to pupils on 28th (P.M.).

Pvt. Gibson Arrives at Dix for Basic Army Training

FORT DIX, N.J.—Pvt. Joseph W. Gibson, son of Mr. and Mrs. John S. Gibson of 1206 W. Lexington St., has arrived at the Ninth Infantry Division, here, for Army basic training. Private Gibson enlisted on May 19.

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Decision Pending in Institute Case

(Continued From Page 1)

the school was performing a governmental function.

Denied Equal Protection

In this capacity, they contended, the school could not legally refuse admission to a student solely on the basis of color. They pointed out that Norris was being denied equal protection of the law as guaranteed by the 14th Amendment.

On the other hand, the defendants—the City of Baltimore and the Maryland Institute of Arts—held that the school is a private institution and can legally limit its student membership to whites.

In summing up his argument, Mr. Weisgal said:

"It seems strange that at a time when our nation is preaching Democracy throughout the world, a case of this type should be tried in one of our own courts.

"As long as the cities and States of this country hide behind the skirts of 'Lady Justice' and administer a white interpretation of the Constitution to the colored race, there is a danger that all of our preachings will be in vain.

"For the world will realize the democracy we preach is not the Democracy we practice."

Population Segment Hurt

Mr. Weisgal explained that the city is using the Institute to do something it could not legally do itself—to deny an art education to a segment of the population.

By relegating the job of teaching art in the State to the Institute, appropriating large sums of money annually for the school and renting the institution, a city-owned building, for only $500 a year, Mr. Weisgal contended, the city makes the school perform a governmental function.

Houston admitted that the Institute is a private corporation under the law, but that public funds constitute 30% of its budget and that these monies are subject to constitutional restraint.

Houston compared the case with the Kerr vs. Pratt Library Case.

Defense Story

J. B. A. Marshall, attorney for the defense, described the Institute as a private corporation.

He said the Norris case is "one of a flood of cases being filed all over the country by an organization determined to break down the social and cultural walls between the nations."

He continued:

"I don't think it is the function of this court, or of any court to tell me whom I shall have as my equals. I think the Kerr-Pratt case indicates a judicial trend that substitutes ideology for law."

It was testified that since 1887 the city has been allotting a certain amount of money to support the school, including $26,000 in 1947.

Between 1887 and 1886, four colored students were appointed and attended the school, but in 1893, the committee on Schools of Art and Design of the Institute passed a resolution limiting membership to whites only.

A combat veteran of the South Pacific theater, Norris now lives with his wife and three children at 1102 W. Franklin St. Norris was the only colored person among the 12 spectators in the courtroom during Tuesday's hearings.

7-Year Legal Fight Near End

(Continued From Page 1)

who are making their living on white city-owned courses.)

Carroll Not Equal

Continuing his argument, Mr. Davis declared:

"Of course no nine-hole golf course is the same as an 18-hole course because nine is not 18; but considering the number of players, Carroll Park is equal the other courses here." Judge Chesnut reminded Mr. Davis that "nine plus nine is eighteen."

In summing up the plaintiff's case, Mr. Houston said:

"Carroll Park has never been accepted by colored golfers as providing substantially equal golf facilities. In a case of this nature, the burden of proof of establishing equality is on the defense. However, the city has failed to prove the point so we have proved that the facilities are not equal."

Judge Chesnut interrupted to ask Mr. Houston if, assuming that he decided to issue an injunction, it would be reasonable to defer the effectiveness of the injunction for 30 days to allow the city time to consider some changes.

Common Sense

Houston replied:

"Our standpoint is that we have the right to equal protection NOW. I feel that the common sense of the people involved is such that there will be no disturbances between the races. I can never accept any infringements on my rights, and have to ask that you issue the order NOW and trust its operation to the common sense of the people."

Saying that colored golfers refrained from using dining facilities while playing at white courses when Carroll Park was under repair, Houston said:

"Our people still want to cooperate in any way that is consistent with self-respect."

At this point, Judge Chesnut said he would take the case under advisement and that a decision would be rendered later.

In Court Since 1941

Sponsored jointly by the local NAACP and the Monumental Golf Association, the Law case is the outgrowth of a suit filed in Superior Court in 1941 by D. Arnett Murphy and other golfers seeking to have all municipal courses opened to colored.

Joseph C. Waddy, Howard Jenkins and W. A. C. Hughes Jr. aided Mr. Houston with the plaintiff's case.

Weapons Testify at Tragic Hearings

(Continued From Page 1)

Louise Palmer, 26, during an argument over a raincoat at 913 Wilmer St., on May 19. Goodman who lived in the same house as the woman is held in this case.

"I owe allegiance to the United States," he said, "but if a Fascist Government were ever established in this country, I would not support it."

During his testimony before the committee, Mr. Rogge said, "It's only a short step between this bill and complete fascism in America today."

He also told the committee that the registration provision of the measure "imposes a greater burden on free speech than many acts already struck down by the Supreme Court."

No Repercussions Expected

Also appearing against the bill was Joseph F. Kehoe, secretary-treasurer of the CIO American Communications Associations, who like Mr. Robeson, refused to say whether he is a Communist.

The refusal of the two men to state their political belief is not expected to bring forth any repercussions inasmuch as the hearing was not held before a quorum of the committee, only three Senators being present. Furthermore, Mr. Kohoe was not a sworn witness.

Court Orders $100 Bail

ORANGE—"Snake-eyes" were tossed before men Saturday morning at 205 Main St., when the $50 ante found on the floor by a raiding police was compounded, and another $100 bail set pending arraignment in court before Judge Singer.

Witness Left Open

The vandalism was discovered by a Northeastern district patrolman who, upon passing the building Sunday evening, noticed an open window. After investigating, he notified Mrs. Rezar.

The principal said that upon entering the building, Monday morning, she heard the pattering of retreating feet as someone ran out of the rear of the school.

Also three portable school rooms attached to the school were entered and ransacked, investigation revealed.

The identity of the wreckers was discovered by Clifton Murray, vice principal, who traced the names written on a slip of paper. The culprits, 6, 8, and 10 years of age, had typed their own names on a typewriter and accidentally left the paper on the floor.

Taken into custody on Wednesday, the trio were held pending action by authorities.

Over the same week end somebody tossed an empty wine bottle through a pane of glass in School No. 139 at Central Ave., and Lexington St.

Two weeks previously, vandals entered and wrecked the same two buildings. At this time a portable victrola was taken from the Lexington St. School.

A police investigation led to the arrest of four suspects who admitted their guilt. Three of them were minors, and were committed to Cheltenham while the fourth was sent to the Maryland Penal Farm for 18 months.

TELLS WHY HE'S FOR RUSSIA:

Robeson Says Terror Brought on Mundt Bill

WASHINGTON

Terming the Mundt-Nixon Bill the product of "a plan of terror and denial of rights," Paul Robeson, the noted singer, told the Senate Judiciary Committee on Monday that he would ignore the registration requirements of the measure if it were enacted into law.

The same stand was taken by John Rogge, former Assistant Attorney General, who charged that "the rising pathological fear in America of growing liberal ideas" is behind the measure.

Condemning the legislation, which would require all Communist and Communist-front organizations to register, Mr. Robeson defied that the Communists are the persons to fear in this country.

"The real danger, he said, comes from the fascists, whose ideology he divided into two parts. One element of fascism, he said, is "racial superiority which lords it over other people." The other he called "power over the resources of a nation in the hands of a few men."

A surprise witness appearing in place of Albert Janney of the American Youth for Democracy, Mr. Robeson openly admitted his admiration for Russia, declaring "It was the first place I ever visited where I could walk with complete dignity and feel that I was accepted on equal terms."

He stated that he sent his son, now a student at Cornell, to school in Russia "because there for the first time in his life he could feel like a human being."

However, the singer, who testified for an hour and a half, refused to tell the committee whether he is a member of the Communist Party in America.

Replying to Senator Ferguson (Rep., Mich.), who had posed the question, he said, "Today, that question has become the very basis of the struggle for American democracy. I, therefore, refuse to answer it."

Asked what the American Communists stand for, he replied, "Complete equality of the colored people in America." He also stated that the struggles of the colored Americans for justice and equality are only a part of the world struggle.

He pointed out that 19 leading Americans (10 of them Hollywood writers) are going to jail for refusing to answer that question and he stated emphatically, "If necessary, I shall join them."

When challenged about his statement that he would flout the registration requirements of the Mundt-Nixon Bill, Mr. Robeson explained that he would defy it because he would classify it as a fascist act.

Would Not Support Fascist U.S.

A leading supporter of Henry Wallace, Presidential candidate on the Third Party ticket, the singer said that his position in case of a war would be determined by the nature of the American Government.

Spine Badly Hurt in Jump

(Continued From Page 1)

several friends and returned to the Franklin St. address with the two young women, according to police.

Shortly after 3 a.m., police reported, Miss Tisdale left the room to buy some cigarettes. During her absence the sergeant allegedly attempted to force his attentions upon the other woman.

In an effort to escape, the young woman leaped from a nearby open window to the sidewalk, approximately 35 feet below, police said.

Passersby found her groaning and semi-conscious. She was taken to her home in the 900 block of Argyle Ave. Later she was transferred to the hospital.

Injuries Serious

An examining physician stated she had received serious spinal injuries that she would have to remain in the hospital for at least three weeks.

Sergeant Reaves and Miss Tisdale were arrested at the Franklin St. address and held for a hearing before Magistrate Thomas L. Fitzpatrick.

Juvenile Vandals Ransack School

East Baltimore's band of juvenile school wreckers, on three occasions over the Memorial Day holiday, ransacked and demolished property in School No. 116, at Aisquith and Orleans Sts.

Mrs. Cecelia Rezar, principal said entry was gained by cracking a first floor window, unlocking the latch, then climbing through the opening.

Upon entering the building, the vandals smashed flower pots, broke an acquarium, threw cold water paints over the walls and ceilings, overturned book cases and desks, scattered records and papers, and generally destroyed or marred everything in sight.

Vulgar words were scrawled on the blackboards, all of the padded hammers ripped out of a piano and human filth left on the floor of one room.

Window Left Open

The vandalism was discovered by a Northeastern district patrolman who, upon passing the building Sunday evening, noticed an open window. After investigating, he notified Mrs. Rezar.

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Bid for Freedom Denied by Judge

(Continued From Page 1)

yanked her out of her window, Judge Niles learned.

Threatening Letter

Climax was reached that year when Smith was said to have sent the nurse a threatening letter. He was committed to Crownsville on March 18, 1931 for "observation," but has remained there ever since.

Through the Legal Aid Bureau, Mrs. Phillips filed a petition for release before Judge Niles two months ago, but three mental doctors said the man still possesses a "fixed illusion," based on a perverted sexual desire for Mrs. Phillips which might spell danger for her if he were returned to society.

These doctors were Dr. Jacob Conn, psychiatrist to the Supreme Bench, Dr. Jacob Margolies, superintendent of Crownsville Hospital, and Dr. George H. Preston of the State Board of Mental Hygiene.

Before rendering his decision which turned down Smith's petition, Judge Niles received a subpoena duces tecum from Dr. Conn which held that Smith's release might eventually mean danger or harm to other women for whom he might develop a "fixation."

Judge Niles pointed out that the opinion of the three psychiatrists that Smith would be a dangerous person if set at large, was uncontradicted by any other testimony.

The man was described as having a perfectly normal outward appearance while harboring the secret desire for Mrs. Phillips.

Smith told Judge Niles that he had been prisoner in the hospital given supervision over a number of generously ill patients at the hospital.

He declared, "I'm as sane now as I ever was!"

3 Protestors Arrested During March on Capital

(Continued From Page 1)

break the delegation up into units of six each.

Miss Lamb was accused of striking Wesley Wilbur, a guard who blocked her from entering the Senate office building.

Come from 38 States

The group, the most impressive and perhaps the largest ever to converge on the nation's capital, poured into town Wednesday morning from 30 States by planes, buses and trains only to find their Congressmen none too gracious hosts.

The huge cavalcade of protestants had a dual purpose in Washington. One segment estimated at 5,000 came to oppose the Mundt-Nixon Bill, while another segment composed of 1000 delegates were here to launch an all-out drive for the passage of civil rights legislation by the 80th Congress, which is slated to adjourn soon for the coming party conventions.

About 3,000 of the visitors arrived in two sections of a New York train completely jamming the huge concourse of the Union Station, reminiscent of a holiday throng.

Advised by Ex-Congressman

Henry J. O'Connell, former Congressman from Butte, Mont., chairman of the anti-Mundt Bill delegation, termed the demonstrators as "patriotic defenders of ancient American liberties."

During a brief instruction meeting at Turners Arena, Wednesday morning, where the delegates were given instructions on how to appeal their Senators and Congressmen, Mr. O'Connell declared:

"The Mundt bill would wreck the Bill of Rights. It is the most vicious, anti-democratic piece of legislation America has known since the infamous Alien and Sedition Act.

Uses Dignity, Discipline

"In coming to Washington to seek redress of grievances, you are acting in the traditional American manner. Your dignity and discipline is matched only by your determination that democracy will not die in our land.

"You are in truth patriotic defenders of our ancient American liberties and I am proud to be associated with you in this common fight.

"Efforts to blitz the bill through the Congress have been properly criticized by public opinion which wants a continuation of public hearings on this subject where every viewpoint will be heard.

"It is more than passing strange that certain members of the committee can keep vital anti-lynching legislation bottled up in committee while the Mundt bill is railroaded through. Our delegation will make their views known on this question very emphatically."

Meet at Sylvan Theatre

Following the briefing, the delegates trekked to Capitol Hill where they visited their respective Congressmen.

After making their opposition felt to Congress, the visitors met at the statue of John Marshall, U. S. Chief Justice from 1801 to 1835, where a wreath was laid by Rep. Adolph J. Sabath (Dem., Ill.).

The delegates then moved to the open air Sylvan Theatre at the foot of Washington Monument for a mass meeting, where a number of national figures delivered a historic verbal blast at the proponents of the Mundt Bill and the opponents of the Civil Rights measures.

The speakers includ: Mrs. Ada Jackson, political leader from Brooklyn; Paul Robeson, famed baritone; Rep. Vito Marcantonio (ALP of N.Y.); Sen. Glen Taylor.

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14TH ANNUAL AFRO CAMPAIGN:

10,000 to Participate in Clean Block Drive

(Continued From Page 1)

er pots, benches and chairs are painted green and white.

The main objective of this year's campaign is to do away with back fences, but where they remain, clean blockers are urged to white-wash them to keep them from looking unsightly.

It is against the rules of the campaign to whitewash curbstones as these are city property.

Last Year's Winners

Taking top honors in the 1947 campaign was the 1800 block of Small St. The 400 block of Chase St. won the grand prize for the most improvement.

Housing projects winning top honors were the Edgar Allen Poe Homes and the Somerset Homes.

Weekly Saturday morning meetings will again be held this year and the highlight of the campaign will be the Regent jamboree at the end of August.

Tired of Beatings Wife Gets Divorce

(Continued From Page 1)

it was necessary for her to have officers of the law move her and her children to the home of a relative.

She received a divorce and had her maiden name, Bell, restored. E. Everett Lane represented her.

Wife Tired

David Downey of 1707 E. Madison St. testified that Mrs. Catherine Downey became tired of marriage and left him. He received a divorce. They were married in 1936 and lived together until 1943.

Mrs. Bernetta LeCompte of 1825 W. Lanvale St., said that Charles LeCompte deserted her and their daughter, Wed on Sept. 21, 1921, he left on June 15, 1944, while she wrs at work, she said. She was given a divorce and custody of the child.

A divorce was also awarded James H. Moore of 218 N. Carey St., who said that Mrs. Venilla Moore came here following their marriage, but did not like the city and returned to her home in North Carolina.

Desertion Charged

Also charging desertion was Leroy Singletary of 560 St. Mary St., who won a divorce from Mrs. Mary Singletary. She left him while he was at work in 1938, the husband said.

James Mitichell of 1927 Kelly Ave. said that he and Mrs. Brannie Mitchell voluntarily parted in 1944. He received a divorce, but custody of their 9-year-old son was given the mother. Roy S. Bond was attorney for the husband.

PRESENT OPERETTA

CAMDEN—Summer school pupils will present their sixth annual spring festival on Friday at 8:15 p.m. at the school. An operetta, "A Day in Flowerdom," will be featured.

Here's last year's winner, 1300 Small St. in the AFRO's Clean Block Campaign. Applications are now being received for the 14th annual campaign which officially opens July 1. Sign your block up today.

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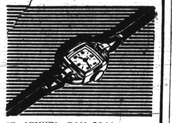

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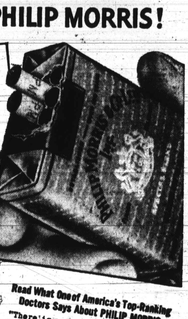

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