

C O N T E N T S

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3 STATEMENT OF:

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3 Roy Wilkins, Executive Secretary of
4 the National Association for the Advancement
5 of Colored People and Chairman of the Leader-
6 ship Conference on Civil Rights, accompanied
7 by
8 Clarence Mitchell, Director, Washington
9 Bureau, NAACP

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7 The Honorable William L. Dawson,
8 Representative from the State of Illinois

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CIVIL RIGHTS BILLS

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Friday, June 27, 1958

House of Representatives
Judiciary Committee
Subcommittee No. 5
Washington, D. C.

The Subcommittee met, pursuant to adjournment, at 10:00 a.m., in Room 346, Old House Office Building, the Honorable Emanuel Celler (Chairman), presiding.

Present: Representatives Celler (Presiding), Rodino, Holtzman, Keating and McCulloch.

Also present: Representative Forrester and William Foley, General Counsel.

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The Chairman. The meeting will come to order.

The Chair will place in the record a statement of our distinguished colleague from New York, the Honorable Isidore Dollinger and a statement of our distinguished colleague from Minnesota, the Honorable Eugene J. McCarthy.

(The documents referred to are as follows:)

TESTIMONY SUBMITTED ON H. R. 10760 TO THE COMMITTEE ON THE JUDICIARY
EUGENE J. McCARTHY, M.C.
June 27, 1958

Mr. Chairman: The events which have occurred since the passage of the civil rights bill last year indicate clearly the need for more comprehensive legislation. It has become evident that the task of making the Constitution effective in the field of civil rights cannot be fully accomplished by court decisions and court orders alone. Areas of activity must be defined and procedures specified.

It should be noted that there is a difference between a gradual approach to the elimination of injustices and a piecemeal approach. The provisions of the civil rights bill which I have introduced, along with other Members, are intended to eliminate the piecemeal approach and to assure that progress toward the elimination of serious injustices be continuous and orderly rather than uncertain and spasmodic. The theory of democratic government and democratic society does not leave room for degrees of citizenship or degrees of participation in the full rights of citizenship, but rather accepts that all men are equal in their basic dignity even though there may be accidental differences in talent, and accidental differences of degree and of quality.

It is the obligation of Congress to do what it can to assure that each citizen has a full opportunity to exercise his civil and personal rights.

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Eugene J. McCarthy

I have introduced a bill, H. R. 10760, to effectuate and enforce the constitutional right to the equal protection of the laws. The purpose of this legislation is to extend full citizenship and equality of opportunity to all of our citizens. It places Congress and the executive branch in their proper places alongside the Supreme Court in seeking to eliminate injustice.

My bill is identical to the one introduced in the Senate by Senator Douglas and others and has also been introduced by other members of the House of Representatives. I am sure that the Committee, in its deliberations, will give full consideration to the provisions of this and the other bills which have been introduced for this purpose.

June 27, 1958

HON. ISIDORE DOLLINGER

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE ON THE JUDICIARY:

It is crystal clear that the need for strong, workable, effective, Civil Rights legislation is greater than ever. Denials of Civil Rights because of color, race, religion, or national origin cannot be tolerated another moment. Minority groups in our country are suffering unconscionable discrimination, harassment, intimidation - even physical violence - and their so-called rights under our Constitution have become a mockery.

At the time of the Little Rock incident, the finger of derision was pointed at us by nations throughout the world - by our friends, as well as by our enemies. We cannot afford such loss of prestige, dignity, or standing as a democratic nation. Yet, after that blow, we now have the Judge Lemley decision - granting the request of the Little Rock School Board for resegregation of the Central High School, for a period of two and a half years. This is an unmistakable step backward in the cause of integration in the public schools. It is a shocking decision when we consider that Negroes have waited 94 years for the right to education free from the shame of segregation. It is an invitation to the spread of violence, for every community which is resisting integration will feel justified in following the Little Rock example and openly to defy the Supreme Court's ruling that, to conform to the Constitution, public schools must cease to operate as segregated institutions. Negro leaders who appealed to the President were given no commitments of any kind, and they feel that nothing is being done to help them; they have not had the protection of the Federal Government they should have. They stress that no member of last fall's Little Rock rioters has been punished - they have all gone scot free. It is understandable that the Negroes of our country, a great segment of our population, should feel frustrated and angry at this point.

The Civil Rights Act of 1957 was a victory in the battle for Civil Rights, although a lesser victory than I had hoped for. Events since its passage prove that it does not begin to meet or solve existing serious problems; that it does not provide necessary authority or machinery to promote or compel compliance with Supreme Court decisions as to integration in our schools.

Your Committee has before it for consideration, numerous bills which would strengthen our present Civil Rights laws and improve upon them.

As your Committee knows, I have introduced numerous bills seeking to guarantee Civil Rights and to end discrimination; it is not necessary for me to enumerate them again. I have always maintained that there can be no true democracy in our country until every vestige of discrimination because of race, color, or religion, is wiped out.

On June 11, 1958, I introduced H.R. 12896, to provide further means of securing and protecting the right of persons within the jurisdiction of the several States to the equal protection of the laws and other civil rights guaranteed by the Constitution or laws of the United States. My bill represents a revised version of the old part III of the Civil Rights Bill (H.R. 6127) considered last year by Congress, but contains all the improvements suggested during the course of the debate. It creates no new substantive rights but does perfect the procedure by which Civil Rights may be vindicated. In the main, it enlists the powers and influence of the Attorney General in a determined attack upon denials of Civil Rights. Among other things, the Attorney General would be empowered to sue civilly to enjoin segregation in public schools. This task is too important to be left to private individuals exclusively - the federal government must act. In my opinion, my bill provides a practicable solution to many existing problems and would go a long way toward assuring persons discriminated against or denied their constitutional rights, the assistance and protection they need.

These are crucial days in which we live. To continue our undemocratic and cruel treatment of millions of our citizens, is to give aid and comfort to our enemies. We must lose no opportunity to try to regain our diplomatic losses - and it is tragic that we have allowed those losses to occur. We have courted suspicion and doubt in those countries which we hope to win or keep to our side in the fight against Communism. As long as the cruelties of discrimination exist here, our true intent and ideals remain clouded and those who now look to us for leadership may turn away from us in contempt.

I say we have no time to lose in "cleaning house."

I trust your Committee will vote favorably on the kind of 1958 Civil Rights Bill which will guarantee all our citizens their rights under the Constitution and which will restore our integrity as a nation in the eyes of the free countries of the world.

mm2 1 The Chairman. Mr. Wilkins, are you ready?

2 STATEMENT OF ROY WILKINS, EXECUTIVE SECRETARY
3 OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT
4 OF COLORED PEOPLE AND CHAIRMAN OF THE LEADERSHIP
5 CONFERENCE ON CIVIL RIGHTS, ACCOMPANIED BY
6 CLARENCE MITCHELL, DIRECTOR, WASHINGTON
7 BUREAU, NAACP

8 Mr. Wilkins. I am, sir.

9 The Chairman. Will you step forward and give your
10 statement?

11 Mr. Wilkins. Mr. Chairman, I wish to announce that I
12 am accompanied here today by Mr. Clarence Mitchell, the
13 Director of our Washington Bureau of the NAACP.

14 The Chairman. Yes, we are familiar with Mr. Mitchell.

15 Mr. Wilkins. I seem to recall, Mr. Chairman, on a
16 previous occasion somebody raised the question as to Mr.
17 Mitchell's identity. So I wanted to get it straight in the
18 beginning.

19 Mr. Chairman and members of the Subcommittee: Thank
20 you for the opportunity to testify in favor of civil rights
21 legislation. I understand that other organizations, including
22 labor unions, have requested time to present additional
23 views.

24 At the outset, I would like to express appreciation to the
25 Chairman of the Judiciary Committee, Mr. Celler, the ranking

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1 Republican member, Mr. Keating, and to all of the other
2 members who waged a high-level bipartisan fight to get H.R.
3 6127 through the House in 1957. You succeeded in getting
4 Part III, which would have protected rights guaranteed by
5 the Fourteenth Amendment, and Part IV, which protects voting
6 rights guaranteed by the Fifteenth Amendment, through the
7 House intact.

8 In the Senate of the United States, we witnessed the
9 spectacle of a northern and western coalition bringing about
10 the defeat of Part III and approving an undesirable jury trial
11 amendment.

12 The law that was finally passed is a useful instrument
13 to protect the right to vote, but it is not enough in these
14 critical times that test the ability of this nation to
15 uphold the Constitution.

16 The defeat of Part III was a signal for Governor Faubus
17 of Arkansas to plan an insurrection against the government
18 of the United States. I use this term advisedly.

19 There was a need for Congress to pass a clear endorsement
20 of court decisions protecting civil rights. That endorsement
21 was in Part III and those who voted against it must share
22 blame for events at Little Rock along with Governor Faubus.

23 Warren Olney, III, former Assistant Attorney General
24 in charge of the Criminal Division of the U. S. Department
25 of Justice, spoke at the Conference of Barristers of the

mm-4 1 State Bar of California at Monterey, California, on October
2 3, 1957. At that time he said:

3 "The very first action taken by the Department of Justice
4 with respect to the situation in Little Rock was taken on
5 request of Governor Orval Faubus himself. At his personal
6 request, Mr. A. B. Caldwell, my assistant for civil rights
7 in the Criminal Division and himself a native and former
8 resident of Arkansas, was sent to Little Rock on August 28,
9 1957, to confer privately with the Governor. . . . The
10 conference consisted in largest part of questions addressed
11 to Mr. Caldwell as to what action would or could be taken
12 by the Department of Justice in the event that disturbances
13 over the school board's plan did develop.

14 "In response, and of necessity, the Governor was informed
15 that the development of a disturbance at school would not of
16 itself provide any basis for action by federal authorities.
17 It was pointed out that the United States had nothing to do
18 with the school board's plan and was not a party to the
19 litigation in which the plan had been approved.

20 "The Governor inquired about the action taken by the
21 Department last year" -- that is 1956 -- "in connection with
22 disturbances that arose over schools in Clinton, Tennessee.
23 It was pointed out to him that, in that instance, the
24 Federal District Court had issued an injunction at the request
25 of the school board against certain named persons from

mm-5 1 interfering with the efforts of the school board to put its
2 plan into effect and that when this order was violated, and
3 the obstruction continued, that the court had requested the
4 assistance of the United States Attorney and of the Department
5 of Justice in making its order and process effectual."

6 For the information of the subcommittee, I offer the
7 following resume on the Little Rock story:

8 The Little Rock School Board proposed a three phase
9 plan of integration in May of 1955.

10 1. Integration to begin in grades ten to twelve of the
11 high schools in the fall of 1957.

12 2. In 1959 or 1960, grades seven to nine, the junior
13 high school level, would be integrated.

14 3. Grades one to six would be integrated two to three
15 years after the junior high schools. This would mean that
16 the final phases of integration in the public schools of
17 Little Rock would be completed by approximately 1963.

18 On behalf of parents and students, the NAACP filed suit
19 to speed up the integration procedure.

20 The Federal District Court upheld the school board's
21 plan and denied the relief sought by the students and their
22 parents. *Aron v. Cooper*, 143 F. Supp. 855. On appeal, the
23 8th Circuit Court of Appeals affirmed this decision. 243 F. 2d
24 361.

25 At the time of Governor Faubus' intervention, integration

1 was being accomplished under a plan worked out by the local
2 school board over the objection of local colored parents, who
3 considered it too slow. The Governor's use of troops was,
4 therefore, directed not against a plan of the Association or
5 the colored parents, but against local school officials.

6 Mr. Chairman, I should like to interject here and
7 emphasize once more that the Little Rock plan of integration
8 was not a plan of the National Association for the Advancement
9 of Colored People as has been popularly supposed. We did
10 not propose this plan. We did not, as it has been asserted,
11 force this plan on the citizens or the school board of Little
12 Rock.

13 Mr. Keating. As a matter of fact, isn't it a fact that you
14 opposed the plan as not calling for integration soon enough?

15 Mr. Wilkins. Exactly, Representative Keating. We
16 felt that 1963 as the completion date after a decision in
17 1954 was far too slow, but in all the speeches and a good
18 many of the news accounts and a great many of the so-called
19 interpretive editorials, the Little Rock situation is being
20 pictured as one brought about by a plan forced on the city
21 by the NAACP.

22 We felt that it was too slow, that it was a token. It
23 should also be borne in mind that the plan originally allowed
24 for about 200 Negro eligibles to transfer to Central High
25 School. This was trimmed down to about 30, and finally,

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1 down to nine.

2 Anyone who contends that nine students into a student
3 body of 2,000 is forcing a large proportion of the Negro
4 school population on the high school and thus creating
5 a difficult problem of adjustment I submit is stretching the
6 English language and the credulity of reasonable men a great
7 deal.

8 Events at Little Rock and their disastrous consequences
9 have made the name of that city a term of opprobrium throughout
10 the world. Even without taking into consideration the
11 elementary justice of civil rights for all of our citizens,
12 we are faced with an infamous blot on our country's reputation.
13 We must not let this happen again.

14 A recent decision by Judge Harry J. Lemley in a U. S.
15 District Court has compounded the original error of the Governor
16 when he used armed troops to prevent orderly desegregation.
17 The effect of Judge Lemley's decision that grants a two and
18 one-half year delay in the program of public school integration
19 in Little Rock is to reward violence and mob rule at the
20 expense of those who rely upon law and order.

21 Congress can prevent future mob violence on the desegre-
22 gation front by enacting H.R. 10107, which is the Celler
23 Bill, restoring protection offered to civil rights by Part III
24 of the 1957 Civil Rights Bill passed by the House. H.R. 9666
25 introduced by Mr. Keating would also accomplish the purposes

1 of the Celler Bill.

2 There are some who lament the fact that it was necessary
3 to use federal troops to put down what was the equivalent of
4 an armed rebellion in Arkansas. Here again, Mr. Chairman, I
5 would like to interpolate and emphasize that many of the
6 people who deplore the use of federal troops at Arkansas
7 conveniently forget that it was the Governor of Arkansas who
8 first called troops and who used those troops to obstruct
9 the orders of a federal court. In the discussion of Little
10 Rock in many of the journals of the day and by many of the
11 speakers, the impression is left upon the careless hearer that
12 the federal government committed a huge crime by injecting
13 armed forces into a city.

14 The prior action of the Governor of Arkansas is never
15 mentioned.

16 On the other hand, the NAACP shares the views of millions
17 of citizens who commend the President for using the full power
18 of his office to preserve Constitutional rights in Little Rock.
19 Those who are disturbed about the use of federal troops can help
20 to prevent situations that make their use necessary. They can
21 do so by working now to get Part III written into the law of
22 our country.

23 This Subcommittee has heard from previous witnesses the
24 record of systematic attempts by state legislatures to
25 deprive colored citizens of their Constitutional rights and

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1 to defy decisions of the U. S. Supreme Court. The NAACP is the
2 chief target of this assault because we seek to use the
3 orderly processes of government to guarantee equal treatment
4 under law. Lately, this attack on the NAACP has been broadened
5 to include lawyers, educators or private citizens who favor
6 integration.

7 The State of Virginia has taken the lead in passing laws
8 to deprive lawyers of their right to practice if they seek to
9 protect civil rights by court action.

10 Four other states, under the guise of regulating barratry,
11 have passed laws designed to halt the filing of law suits
12 for the protection of Constitutional rights. These are Georgia,
13 Mississippi, South Carolina, and Tennessee.

14 In general, these laws would:

15 1. Make it illegal to financially assist another person
16 to prosecute a legal proceeding.

17 2. Make it illegal to "urge" another to file a law
18 suit.

19 3. Make it illegal to engage in a law suit in which
20 one does not have a "direct or substantial" interest.

21 4. Prohibit the solicitation or donation of funds to
22 assist any person or organization to carry on a legal
23 proceeding.

24 5. Require any organization soliciting funds to support
25 litigation to file reports including lists of members and

aa-10

1 contributors.

2 6. Require the registration of any organization raising
3 funds for litigation on behalf of any race. And I might
4 add any racial cause.

5 One provision of the Virginia law would make it illegal
6 for a lawyer to represent any person or organization guilty of
7 violating other provisions of the so-called "barratry law."
8 The NAACP has challenged the Virginia laws in federal court.

9 On January 21, 1958, a three-judge court declared
10 unconstitutional those laws of Virginia requiring registration
11 and filing of membership lists by organizations engaging in
12 litigation. The court did not rule on the constitutionality
13 of laws relating to the conduct of lawyers, pending
14 clarification of such statutes by the state courts.

15 The Federal Court decision on the Virginia matter is
16 too long to be included in the record, but I am offering
17 a copy at this time and the Subcommittee may wish to
18 include it in the files on these hearings.

19 The Chairman. We will accept it for the record.

20 Mr. Wilkins. Thank you, sir.

21 (The document referred to is as follows:)

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The Daily Record

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B. W. McPHERSON, III, President
JOSEPH E. McPHERSON, Editor

Connelly and Gaudle Appeal Cases To Supreme Court

Washington, Jan. 24 (AP)—Two Tax Court decisions will be heard today by the Supreme Court.

The cases, known as *Connelly* and *Gaudle*, are the result of appeals from the Tax Court's decision in the *Connelly* case, which was decided last year.

The *Connelly* case involved the question of whether a taxpayer could deduct the cost of a car used for business purposes.

The *Gaudle* case involved the question of whether a taxpayer could deduct the cost of a car used for personal purposes.

The Supreme Court will hear the *Connelly* case first, followed by the *Gaudle* case.

Judge Niles Is Cited On Using Impartial Medical Experts

Detroit, Jan. 24 (AP)—American Journal of Medicine reported today that Judge Niles is cited for using impartial medical experts.

The citation is a result of a recent decision in which Judge Niles ruled in favor of a plaintiff who had been injured in an accident.

The judge's decision was based on the testimony of several medical experts who had been hired by the plaintiff.

The citation is a recognition of the judge's impartial use of medical experts in his decision.

State Bar Association Midwinter Meeting In Session Today

Baltimore, Jan. 24 (AP)—The State Bar Association of Maryland is in session today in Baltimore.

The meeting is the annual midwinter meeting of the association.

The program includes a luncheon, a meeting of the executive committee, and a meeting of the members.

The association is a voluntary organization of lawyers and judges in Maryland.

LEGAL NOTICES

Notice of Probate
In and for the County of Baltimore, Maryland: I, the undersigned, Clerk of the Circuit Court for the County of Baltimore, do hereby certify that the will of the late JAMES K. HENRY, deceased, was admitted to probate on this 23rd day of January, 1958, and that the same is on file in my office for public inspection.

Notice of Death
I, the undersigned, do hereby certify that the late JAMES K. HENRY, deceased, died on this 23rd day of January, 1958, at his residence in Baltimore, Maryland.

NOTICE TO OUR READERS

The following information is being furnished to our readers for their information:

Notice of Meeting
The Board of Directors of the State Bar Association of Maryland will meet on Wednesday, January 26, 1958, at 10:00 A.M. in the City Club, Baltimore, Maryland.

Notice of Sale
The undersigned, Clerk of the Circuit Court for the County of Baltimore, do hereby certify that the real estate of the late JAMES K. HENRY, deceased, is being sold by public auction on this 25th day of January, 1958, at 10:00 A.M. in the City Club, Baltimore, Maryland.

Schools For Tomorrow

Many municipalities rush into school building work to meet the needs of today and without thought for tomorrow.

International Balance Sheet

By CHARLES H. MOCKAY
Editor, Press-Scimitar Correspondent

The balance sheet of international relations shows a deficit in the U.S. position.

The deficit is the result of a number of factors, including the loss of the Korean War and the Vietnam War.

The deficit is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

Many Farmers Reported Offering Land For Soil Bank

Washington, Jan. 24 (AP)—The Department of Agriculture reported today that many farmers are offering land for the soil bank program.

The soil bank program is a new program that allows farmers to lease their land to the government for the purpose of conserving soil.

The program is a result of a new law that was passed last year.

Emphasis Shift Believed Caused By Leaders Of Religion

A shift in emphasis in the volume of religious news is believed to be caused by leaders of religion.

The shift is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

The shift is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

EB Bar Appointed As An Assistant Attorney General

Attorney General C. Ferdinand Syber's press announced the appointment of E. B. Bar as an assistant attorney general.

The appointment is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

The appointment is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

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Oppose Expense Data In Tax Returns

Washington, Jan. 24 (AP)—Rep. Cannon is opposing the inclusion of expense data in tax returns.

Cannon is a member of the House of Representatives.

Cannon's opposition is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

Cannon's opposition is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

Whitney Divorce Granted

Whitney divorce granted in the District of Columbia.

The divorce is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

The divorce is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

5th District Store Sales 9 Per Cent Above Last Year

Baltimore, Jan. 24 (AP)—According to figures from the Department of Commerce, retail sales in the 5th District rose 9 per cent over last year.

The increase is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

The increase is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

Best Sellers

(Compiled in Publishers' Weekly)

Top 10
1. *The Catcher in the Rye*
2. *From Here to Eternity*
3. *On the Beach*
4. *The Day After Tomorrow*
5. *The Girl on the Train*

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11. *The City and the Stars*
12. *The End of the World*
13. *The Last Days of Pompeii*
14. *The Life of Galileo*
15. *The Story of the World*

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Big Squeeze

New York, Jan. 24 (AP)—A big squeeze is being felt in the market for bonds.

The squeeze is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

The squeeze is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

DOLLAR GET HIGH

The dollar is getting high in the market.

The high dollar is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

The high dollar is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

Real Estate Notes

Real estate market is active in Baltimore.

The activity is a result of a number of factors, including the loss of the Korean War and the Vietnam War.

The activity is also the result of a number of other factors, including the loss of the Chinese market and the loss of the Japanese market.

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Advertisement

As specified in Ordinance
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United States District Court

with the requirements of the... The court held that the... (Continued from page 1)

be found invalid or may be... The court held that the... (Continued from page 1)

Orphans' Court... MARRIED... (Continued from page 1)

International Balance Sheet... (Continued from page 1)

'Code Of Courtroom Ethics' For News Photographers Announced

(Continued from page 1) These rules were... The code of ethics... (Continued from page 1)

with the requirements of the... The court held that the... (Continued from page 1)

be found invalid or may be... The court held that the... (Continued from page 1)

Orphans' Court... MARRIED... (Continued from page 1)

International Balance Sheet... (Continued from page 1)

Amusements

CLIMAX... THE WASHINGTON... (Continued from page 1)

with the requirements of the... The court held that the... (Continued from page 1)

be found invalid or may be... The court held that the... (Continued from page 1)

Orphans' Court... MARRIED... (Continued from page 1)

International Balance Sheet... (Continued from page 1)

BONDS Required In Legal Proceedings

TONGUE, BROOKS & COMPANY... MARYLAND CASUALTY COMPANY... (Continued from page 1)

with the requirements of the... The court held that the... (Continued from page 1)

be found invalid or may be... The court held that the... (Continued from page 1)

Orphans' Court... MARRIED... (Continued from page 1)

International Balance Sheet... (Continued from page 1)

QUIZ COURSES FOR MARCH 1958 BAR EXAMINATION

These courses have been given with great success since 1925... Apply GINSBERG & GINSBERG... (Continued from page 1)

with the requirements of the... The court held that the... (Continued from page 1)

be found invalid or may be... The court held that the... (Continued from page 1)

Orphans' Court... MARRIED... (Continued from page 1)

International Balance Sheet... (Continued from page 1)

Our Twenty-Fifth Year ORDER NOW!

We Have Ample Stocks Of DIARIES AND CALENDAR PADS PAYROLL BOOKS W-2 IMPRINTED PAYROLL FORMS OFFICE SUPPLIES & EQUIPMENT JULIUS M. STARK & CO. (Continued from page 1)

with the requirements of the... The court held that the... (Continued from page 1)

be found invalid or may be... The court held that the... (Continued from page 1)

Orphans' Court... MARRIED... (Continued from page 1)

International Balance Sheet... (Continued from page 1)

ZIPPER'S Wherever They Are Used REPAIRED OR REPLACED

While You Wait Or While You Shop... LUGGAGE REPAIRED... CENTURY SHOE REPAIRING SHOPS... (Continued from page 1)

with the requirements of the... The court held that the... (Continued from page 1)

be found invalid or may be... The court held that the... (Continued from page 1)

Orphans' Court... MARRIED... (Continued from page 1)

International Balance Sheet... (Continued from page 1)

LEGAL NOTICES

WILLIAM W. ROBINSON, Attorney at Law, 1000 Broadway Building, Baltimore, Md. 21201.

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GORDON KIRBY, Attorney at Law, 1000 Broadway Building, Baltimore, Md. 21201.

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Advertisement for "GLO" The Colonial Co. featuring products like Concrete Sewer Pipe, Heavy Earth Moving, and Excavating & Paving.

Advertisement for PHOTOSTATS, REAL ESTATE APPRAISALS, and INSURED SAVINGS.

Advertisement for REAL ESTATE MANAGING - SELLING - APPRAISING by G. W. LINDSAY & SONS.

Advertisement for TRUST and INVESTMENT FUNDS by ARLINGTON FEDERAL SAVINGS AND LOAN ASSOCIATION.

Advertisement for REAL ESTATE MANAGING - SELLING - APPRAISING by G. W. LINDSAY & SONS.

Advertisement for ROSE PEST CONTROL SINCE 1860.

Advertisement for ARLINGTON FEDERAL SAVINGS AND LOAN ASSOCIATION.

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BUILDING NEWS

Figures in parentheses following addresses used in this column indicate ZONING numbers and should be read when corresponding.

Concrete Sewer Pipe Concrete Culvert Pipe. 4 to 64 Inches Diameter. Reinforced. GRAY CONCRETE PIPE COMPANY. 6312 EASTERN AVENUE.

HEAVY HAULING Earth Moving Equipment for Rent. MARYLAND CONTRACTING CORPORATION. 211 S. Stricker Street. Phone GL 1100.

ARUNDEL BRIDGING ENGINEERING CONSTRUCTION SAND-CRAVEL-STONE BLAST FURNACE SLAG. The Arundel Corporation. Baltimore 2, Md. Division 1, N. Y. Miami 3, Fla.

JOSEPH J. HOCK Contract Hauling. DUMPS TRUCK RENTAL. FURNACE TRUCKS, TANKS, BUNKERS, RUBBER TIRE SOIL. AR 10800-36-36. 6309 BELLE GROVE RD. BALTIMORE 26, MD.

EXCAVATING AND PAVING. Excavating, Paving, Grading, Driveways, Sidewalks, Retaining Walls, Foundation Work, Road Construction, Paving, Concrete, Asphalt, Gravel, Sand, Stone, Slag, etc.

ORNAMENTAL IRON WORK. Welding, Fabricating, Steel Structures, Bridges, Towers, etc.

PHILIP J. SPAMPIAZO, INCORPORATED. Excavating and Grading, Foundation Work, etc.

Arbitus Excavating. Excavating and Grading, Foundations, etc.

HARRY A. HALE. Excavating, Grading, etc.

PROPERTY SALES. Charles F. Beckner, Solicitor. TRUSTEE'S SALE OF VALUABLE LEASEHOLD PROPERTY.

READY MIX CONCRETE. Prompt Delivery. BLUE RIDGE FUEL. 10, 5-8220.

VALUABLE LEASEHOLD PROPERTY. 2045 HOLLIS STREET. By virtue of a decree of the Circuit Court of Baltimore City...

Excavating and Grading, Foundation Work, etc.

Excavating and Grading, Foundation Work, etc.

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Excavating and Grading, Foundation Work, etc.

Taking Bids. OWNER TAKING NEW BIDS FOR ADDITION TO BUILDING NO. 6, ALBERTY BUILDING, BALTIMORE, Md.

Permits Issued by Bldg. Inspection Engineer. Building Permits.

Permits Issued by Bldg. Inspection Engineer. Building Permits.

Permits Issued by Bldg. Inspection Engineer. Building Permits.

Applications for Oil Burner Permits Filed With the Bureau of Buildings.

Applications for Oil Burner Permits Filed With the Bureau of Buildings.

Howard Co. Building Permits.

Howard Co. Building Permits.

Sealed Proposals. CITY OF BALTIMORE. DEPARTMENT OF PUBLIC WORKS. BUREAU OF MECHANICAL SERVICES.

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Local Notices. Licensed Auctioneer, Robert J. ...

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George Grimes, Inc. SEEDING AND SODDING COMPLETE LANDSCAPE SERVICE. 807 FRANKLINTOWN RD., BALTIMORE 15. WT. 7-8111.

Sales Service Installation. A complete line of Wood Sectional Overhead Doors. RAYNOR.

ASSOCIATED BUILDING SPECIALISTS INCORPORATED. 1850 N. EIGHTH STREET, BALTIMORE, MD.

F. A. TAYLOR Roofing Contractors. 1755 OAKSWELL STREET, BALTIMORE 24-7222.

LEGAL NOTICES. Fourth Notice. GORDON KIRBY.

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A-I ZOLL SERVICE PHOTOSTATS. Commercial, Photocopy & Mime. 215 N. LORETTA STREET.

JOHN H. FERGUSON. Excavating Equipment. For Hire. HANCOCK SQUARE. 1010 N. CALVERT STREET.

DAILY RECORD LINEN BOND. Appraisers of Office Machines. Call Plans 5-840-2500.

MILTON J. DANCE CO. APPRAISERS AND AUCTIONEERS. 107-109 East Lombard Street. Phone: BR 2-20-2100.

Publicity Engravers. INCORPORATED. 107-109 East Lombard Street. Phone: BR 2-20-2100.

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COURT PROCEEDINGS

FRIDAY, FEBRUARY 24, 1958

Superior Court (Clark's Office - Room 400)
JUDGE HARRISON (Room 400)
JUDGE MADON (Room 400)

Composite Assignment
ARTHUR H. GRIFFIN
Assignment Commission
Room 411, Clark's Office

Baltimore City Court (Clark's Office - Room 410)
Phone: PLaza 3-9719
CHIEF JUDGE NILES, (Room 304)
JOHN O. HUTCHINSON, Clerk

Circuit Court (Clark's Office - Room 410)
Phone: SArago 7-0017
JUDGE CARTER
Room 411
JUDGE CULLEN
(Domestic Relations Division) (Room 434)

Criminal Court (Clark's Office - Room 400)
Phone: PLaza 2-1201
JUDGE SODARZO
Room 401
LAWRENCE H. MOONEY, Clerk

United States District Court
JUDGE WATKINS
Room 502, United States Post Office and Court House Building
WILFRED W. HUTCHER, Clerk

Court of Common Pleas (Clark's Office - Room 410)
Phone: SArago 7-1700
JUDGE WALKER (Room 451)
JUDGE COOPER, Clerk

Magistrate Court
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THE DAILY RECORD, BALTIMORE

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1958 DIRECTORY OF BALTIMORE LAWYERS IMPORTANT
All lawyers who have moved, and who are listed in the 1957 Edition of our Directory of Baltimore Lawyers have been notified...

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N. W. COR. CALVERT AND REDWOOD STS.
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Court of Appeals of Maryland
CHIEF JUDGE BRUCE ASSOCIATE JUDGES: HARRISON, MADON, HAMMOND, FARRINGTON, HOBBS, HOBBS, HOBBS

United States District Court
JUDGE WATKINS
Room 502, United States Post Office and Court House Building

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W. BAUMGARTEN & CO.
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HARRY MEROWITZ - Realtor

World-Wide N Brevities
VOL. 140
MAY 1958

THE DAILY RECORD

LAW, REAL ESTATE, BUILDING, FINANCE AND GENERAL INTELLIGENCE

BALTIMORE, SATURDAY, JANUARY 25, 1958

Published at 1000 North Avenue, Baltimore, Md., by The Baltimore Sun Co., Inc.

NO. 21

World-Wide News Told In Brevities For Busy Readers

BY UNITED PRESS

INTERNATIONAL ACHIEVEMENT
The American Publishers' Association has announced that it will continue to support the American Advertising Council's efforts to provide information to the public through the use of advertising.

NEW YORK, Jan. 24—The American Publishers' Association today announced that it will continue to support the American Advertising Council's efforts to provide information to the public through the use of advertising.

Salute To The Maryland State Bar Association

The members of The Daily Record Company salute the members of the Maryland State Bar Association on the occasion of its annual Mid-Winter Meeting. Judging from past performances, we are certain that it will be most constructive for all concerned.

We feel that the Maryland State Bar Association stands second to none in quality of membership, organization and overall ability.

At the risk of not being sufficiently modest, we wish to state at this time that in order to better serve our lawyers, in the city and in the counties we are presently modernizing our job and brief printing departments and adding new equipment, including a large modern linotype. This will enable us to undertake, in addition to your briefs, all of your other printing requirements.

In conclusion we wish to state that we appreciate the friendship of the lawyers of Maryland and continue to stand ready to serve them in any way possible.

EDWIN WARFIELD III, President.

'Code Of Courtroom Ethics' For News Photographers Announced

FOURTEEN "GOLDEN RULES" FOR PRESS PICTURE-TAKING ARE PLANNED TO PRESERVE COURT DECORUM. PREVENT INTERFERENCE WITH PROCEEDINGS.

BY ARON KATZ

New York, Jan. 24—In its continuing effort to eliminate every last vestige of the "code of ethics" for news photographers, the National Press Photographers Association today announced a "Code of Courtroom Ethics" for news photographers.

Insurance And Insurance News

INSURANCE OVER 10 PERCENT
New York, Jan. 24—The New York Life Insurance Company today announced that its 1957 net income was \$100,000,000, a 10 percent increase over 1956.

INSURANCE OVER 10 PERCENT
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Maryland State Attorney General Delivers Opinion

RULING ON QUESTION ASKED IS HANDED DOWN BY LEGAL AUTHORITY

WASHINGTON—Inheritance Tax—Valuation Date For Personal Property Is Date Of Sliding Account For Distribution.

Valentines To Get Space Treatment

BY UNITED PRESS

New York, Jan. 24—The Federal Bureau of Investigation today announced that it will investigate the sale of Valentines to the Soviet Union.

Scanning The News

BY UNITED PRESS

WASHINGTON, Jan. 24—Federal airmen today flew their first mission since the end of the Korean War, a flight to inspect the North Korean coast.

Controlled H-Bomb Reaction Expected To Furnish Power

BY JOSEPH J. NILES

United Press Staff Correspondent

Washington, Jan. 24—A controlled reaction of hydrogen bombs is expected to furnish power, according to a report by a group of scientists.

UAW Meeting Okays Raising \$55,000,000 For A Strike Fund

BY JIM KLOPFER

United Press Staff Correspondent

Detroit, Jan. 24—The United Auto Workers today approved a plan to raise \$55,000,000 for a strike fund.

New York County Lawyers' Group Makes Ruling

QUESTION OF PROFESSIONAL ETHICS IS ANSWERED BY COMMITTEE

New York, Jan. 24—The Committee on Professional Ethics of the New York County Lawyers' Association today announced its ruling on a question of professional ethics.

U. S. Reiterates Stand On Preparations For Russian Summit Talk

BY UNITED PRESS

Washington, Jan. 24—The State Department today reiterated its stand on preparations for a summit meeting with the Soviet Union.

British Government Backed On Ansterity

BY UNITED PRESS

London, Jan. 24—The British Government today announced that it will continue to back its policy of austerity.

Venezuelan Papers Break The Silence

CARACAS, Jan. 24 (AP)—Venezuelan newspapers today broke the silence that had reigned since the death of the late President.

Bank Clearing Increase Over A Year Ago

NEW YORK, Jan. 24—The Federal Reserve Bank today announced that the clearing of checks had increased over a year ago.

Vets' Pension Cut To Be Asked: Brundage

WASHINGTON, Jan. 24—Senator Brundage today announced that he will ask for a cut in the pension for World War I veterans.

Summerfield Supports 5-Cent Letter Postage

WASHINGTON, Jan. 24—Senator Summerfield today announced that he will support a 5-cent letter postage rate.

Power Tested

BOSTON, Jan. 24—The power of the new atomic reactor was tested today.

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10-11

1 Mr. Wilkins. Virginia law requires racial segregation in
2 seating at public meetings. The state had not enforced this
3 law in some areas for a number of years. Vigorous enforcement
4 began in Arlington County in 1956.

5 The first 1956 victim was Miss Faith Bissell, a librarian.
6 Miss Bissell is white. She was arrested for sitting beside a
7 colored person in a public meeting. She was convicted in
8 the trial court which ruled that the law was constitutional.
9 On appeal to the Virginia State Supreme Court, her conviction
10 was reversed, not on the ground that it was unconstitutional,
11 but on the ground that the warrant for her arrest had failed
12 to state that she is white.

13 Subsequently, Judge Walter T. McCarthy of Arlington
14 ruled that the law was unconstitutional in another case arising
15 in his jurisdiction. Notwithstanding this later ruling by
16 Judge McCarthy, the local police arrested Mrs. Robert A.
17 Eldridge, Jr., at a church picnic, Mr. Chairman, given by
18 her own church of which she is a member, on June 1, 1958,
19 in Arlington County because the affair was attended by an
20 integrated group, that is, there were white and colored
21 members of this church.

22 Mrs. Eldridge was a member and her church was giving
23 the picnic. Mrs. Eldridge is colored. Later the charges
24 were dismissed, but local officials still threaten to
25 continue harassment of anyone who attends an unsegregated

MS-12

1 meeting.

2 The Chairman. Is that applicable also to a church
3 service where white and colored sit together?

4 Mr. Wilkins. That is a good question, Mr. Chairman.

5 The Chairman. What is your answer?

6 Mr. Wilkins. The answer would seem to be that if it
7 is logical to arrest a woman for attending a picnic with
8 members of her own congregation, it is equally logical to
9 arrest her for attending church services with other members
10 of the congregation. This thing could go to some ridiculous
11 lengths.

12 Mr. Holtzman. Mr. Chairman, this is very interesting
13 because the test seems to be whether it is a public meeting.
14 If that be the test, certainly no church group could be considered
15 private. The church is open for any member of the faith
16 who wants to come in. If we follow the thought, it should
17 follow that an arrest could be made for attending an unsegregated
18 church meeting.

19 In Louisiana, a school official who permits racial
20 integration in the classrooms is subject to fines ranging
21 from \$500 to \$1,000 and 90 days to six months imprisonment.
22 Louisiana has not forgotten to threaten the children as well
23 as adults. Under the state law, if a school is integrated,
24 it loses its school lunch program and its free textbooks.

25 Under Mississippi law, persons of the "white or

13 1 Caucasian rate" who attend public schools with colored people
2 are subject to a fine of twenty-five dollars, or six months
3 in jail. Here again, Mr. Chairman, we have a comparable
4 situation to the one that Virginia -- almost as ridiculous --
5 where any child in Mississippi who happens to attend a
6 school that is integrated for any reason -- if we can
7 imagine an integrated school today in Mississippi -- is
8 subject to a fine of \$25 or six months in jail.

9 Mr. Keating. Of course any such law is clearly
10 unconstitutional. It has never been tested *has it?*

11 Mr. Wilkins. No, it has never been tested, Congressman
12 Keating. But these are illustrations of the lengths to which
13 people have gone in their efforts to circumvent, combat,
14 and evade and defy the rulings of the Court.

15 Resoration of Part III is needed in protecting many other
16 rights beside the right to an education in public schools
17 that are open to all children without regard to race.

18 Mississippi still enforces racial segregation in the
19 waitingrooms at all railway stations.

20 The Chairman. On this Mississippi statute, can this
21 statute be made applicable to school children?

22 Mr. Wilkins. The language, Mr. Chairman, would seem to
23 apply only to school children. It says "These persons of
24 white or Caucasian race who attend schools with colored
25 people."

14 1 The Chairman. What is the age of responsibility of our
2 criminal statute for crime in that state?

3 Mr. Wilkins. Mr. Chairman, I am not familiar with the
4 requirements of the Mississippi law as to responsibility under
5 the criminal statute, but I am loosely familiar with the
6 method by which Mississippi has legislated on this question
7 generally.

8 After all the proposals that have been in all the states
9 perhaps the most fantastic have been made in Mississippi, not
10 excluding the one which proposed to arrest agents of the FBI
11 who interfere with traditions of Mississippi. This
12 fortunately was vetoed by the Governor, who was a former
13 Attorney General of the State, and who probably saw this
14 as ridiculous on its face.

15 The Chairman. Have there been if you know, any prosecutions
16 of school children attending any integrated schools?

17 Mr. Wilkins. No, sir, because there are no integrated
18 schools in Mississippi. But this is a safeguard in the
19 event that there should be some. Mississippi by enacting
20 such legislation, I submit, sir, evidences its doubts as
21 to its eventual ability to prevent the establishment of
22 integrated schools in the state, else they would not
23 have enacted such a statute, except, perhaps, for the purpose
24 of throwing fear and apprehension into the minds of their
25 citizens.

mm-15 1 Mr. Keating: They need something a little more ingenuous
2 than that if they are going to succeed, I would say, because
3 that is so patently and clearly unconstitutional.

4 Mr. Mitchell. The language of that statute has been
5 presented to the Committee in testimony that Senator Douglas
6 offered the other day. I just happened to look at it, and
7 it does mention specifically persons of the high school
8 grade or lower.

9 In other words, it is definitely aimed at not only
10 adults, but children as well.

11 Mr. Wilkins. You see, Mr. Chairman, I think, if I may
12 offer: One of the reasons -- and this was raised by Congressman
13 Keating -- for enacting this type of legislation, even though
14 it appears to be fantastic on its face, is to impress upon
15 the white citizens of Mississippi the enormity of the
16 offense in the eyes of the governing body of Mississippi, the
17 enormity of the offense of any thought of integration on
18 any level.

19 This is to say that this thing is illegal, these are
20 the punishments, this is a terrible crime, the state is
21 legislating against it and we are hereby warning you not even
22 to think about it.

23 This is the only logical explanation for this type of
24 legislation. I believe they phrase it as evidencing the
25 determination of Mississippi that never shall there be any

ms-16 1 commerce between the races. This is to enforce that.

2 Florida continues to bar colored citizens from public
3 parks.

4 Recently, several federal agencies adopted a policy which
5 provides that land under their jurisdiction that is used for
6 park purposes must be open to all citizens.

7 The Chairman. May I ask when you speak of Mississippi
8 still enforces racial segregation in waiting-rooms and
9 railway stations, that is in violation of the ICC regulations?

10 Mr. Wilkins. It is, sir.

11 The Chairman. What has happened as to the enforcement
12 of those regulations?

13 Mr. Wilkins. Mississippi has disregarded, to our best
14 information, the ICC regulations with respect to segregated
15 waiting-rooms. I recall one instance, or one method of evasion
16 in Jackson. The signs "Colored" and "White" are supposed
17 under ICC regulation to be removed from the waiting-room,
18 from the property of the railroad.

19 The City of Jackson has posted such signs on the
20 sidewalk outside the waiting-room, and placed them therefore
21 under the jurisdiction of the city police since they are
22 on the city sidewalk.

23 Colored persons are thus stopped from entering any
24 except a designated colored waiting room by city police.

25 These city police, it may be added, do not confine
their operations to the sidewalk outside the waiting-room,

1 but if I am correct, they also station themselves within the
2 waiting-room on the property of the railroad under the
3 jurisdiction of the ICC, and enforce segregation therein.
4 If any colored person should slip by the cordon on the
5 outside, or disregard the sign on the outside, and somehow
6 get into a waiting-room that is not segregated, the policemen
7 inside the station ejects him or causes him to move.

8 Other states also wink at this, Mr. Mitchell, my colleague
9 here --

10 The Chairman. What other states?

11 Mr. Wilkins. Mr. Mitchell has had a personal experience
12 in South Carolina, in Florence, was it not?

13 Mr. Mitchell. That's right.

14 Mr. Wilkins. Where he was arrested when he went into a
15 railroad station waiting-room that heretofore had been
16 designated as white, and had a hearing in court. By and
17 large, the larger cities in most of the states outside of
18 Alabama and Mississippi, I believe -- I believe Alabama and
19 Mississippi have disregarded the ICC almost totally. But
20 in large cities like Atlanta, for example, it is observed
21 in the railroad waiting-rooms and cities like Richmond
22 and Raleigh and Miami and New Orleans, Dallas and Houston --
23 it is observed. But my recollection is -- and I stress that
24 it only is a recollection because I can not know every
25 particular city -- my recollection is that in the States of

1 Alabama and Mississippi, I would say the ICC regulation is
2 uniformly disregarded. Would you not say so?

3 Mr. Mitchell. I would like to comment on that, Mr.
4 Chairman, because I think this Committee might want to ask
5 the Department of Justice for a report on this matter.

6 The Chairman. I have just been discussing the matter
7 with out counsel -- Mr. Foley. I shall ask Mr. Foley --
8 I do this now for the record, to find out from the Department
9 of Justice and from the Interstate Commerce Commission all the
10 facts relevant to this matter.

11 Mr. Mitchell. I might say, Mr. Chairman, the Department
12 called a meeting of the U. S. attorneys after these
13 decisions were handed down. There was the impression created
14 that there was going to be a rather substantial follow-up to
15 see to it that these decisions were carried out. Apparently
16 that follow-up is not now taking place because, as Mr.
17 Wilkins has pointed out, the amount of segregation is still
18 substantial, and in many local communities, a very cute
19 kind of plan has developed under which they have a sign
20 posted which says "Intrastate Colored Passengers."

21 I was in Miami two weeks ago and there they had a sign
22 saying "Intrastate Colored Passengers," and all the colored
23 passengers, inter and intrastate at that particular
24 railroad station were pretty much herded into the segregated
25 waiting-room.

1 Mr. Wilkins. Governor Marvin Griffin of Georgia made
2 the classic announcement that his state would not agree to
3 this policy because "while nobody objected to Negroes paddling
4 a canoe down the river" in one of these parks there would
5 be objection of the colored people came to land.

6 We also support H.R. 10672, which is an attempt to
7 restore the legal safeguards contained in Part III and, at the
8 same time, provides aids and technical advice to communities
9 that seek to obey the law.

10 The assembling of information on the successful experiences
11 of those communities that are moving to accomplish equality
12 of treatment for all citizens is a valuable activity that
13 should be undertaken by the federal government.

14 The assistance of experts who have been able to accomplish
15 results with a minimum of friction would be an asset to any
16 local school board that is making an honest attempt to obey
17 the law, but does not have funds with which to obtain outside
18 help. Here again the federal government can help carry the
19 load.

20 Grants to areas that need financial assistance for more
21 efficient operation of schools that are desegregated also are a
22 worthwhile investment in the future of our country. All of
23 these would be possible under the proposed law. That is, under
24 H.R. 10672. Although the major portion of this testimony
25 deals with Part III of the Civil Rights Bill, this does not

MM-20 1 imply that we believe civil rights action should be limited
2 to those areas covered by such.

3 There is still dire need for a federal law that will
4 protect individuals against violence and destruction of their
5 property because of race or because they happen to favor civil
6 rights.

7 Recently, the nation was shocked by dynamitings and
8 bombings of churches, schools, and synagogues in Florida and
9 Tennessee.

10 But we have not forgotten that colored citizens have
11 been subjected to this kind of intimidation and even murder
12 for a long, long time. To many of us, the sound of such
13 explosions is also the sound of culprits running behind a
14 curtain of community where even now the murders who killed
15 Harry T. Moore and his wife with a bomb at Mims, Florida,
16 on Christmas night in 1951, are safe from arrest and prosecu-
17 tion.

18 Mr. Chairman, I would like to submit for the record a
19 reproduction of some news stories telling of the dynamiting
20 and bombing of Jewish Community Centers, synagogues, Negro
21 churches, Negro schools and others in this recent wave of
22 bombings across the South.

23 The Chairman. It will be accepted.

24 (The document referred to is as follows:)
25

In wide areas

Dynamiting of homes covers 10-year period

BY LOUIS ISAACSON
News staff writer

Dynamiting of Negro homes in the still of the night has struck a reign of terror which has plagued the Birmingham area since 1947.

In the 10-year period at least 14 Negro homes have been dynamited.

No one in Birmingham has been killed or seriously injured in the blasts.

Blasts in the darkness came out of the racial tensions that built up steadily in the South following World War II.

Hardest hit lately by dynamiters has been the Fountain Heights section. This area at one time was occupied by only white families.

Four homes acquired by Negroes have been rocked by dynamite in that area in less than a year.

SATURDAY MORNING under cover of darkness a home at 1216 12th-st. n. was ripped apart by a double explosion.

The home had previously been owned by Mrs. Evelyn Weston, mother of five children.

Mrs. Weston, according to police, sold the home recently to a real estate man.

The home had been acquired by the Robert Greer family, who planned to move in earlier this past week, but were delayed because of inspection requirements.

A zoning controversy formed the backdrop for Birmingham's first dynamiting in 1947. The North Smithfield area was the scene.

The Negro community was encroaching on the white homes that bordered it on the west.

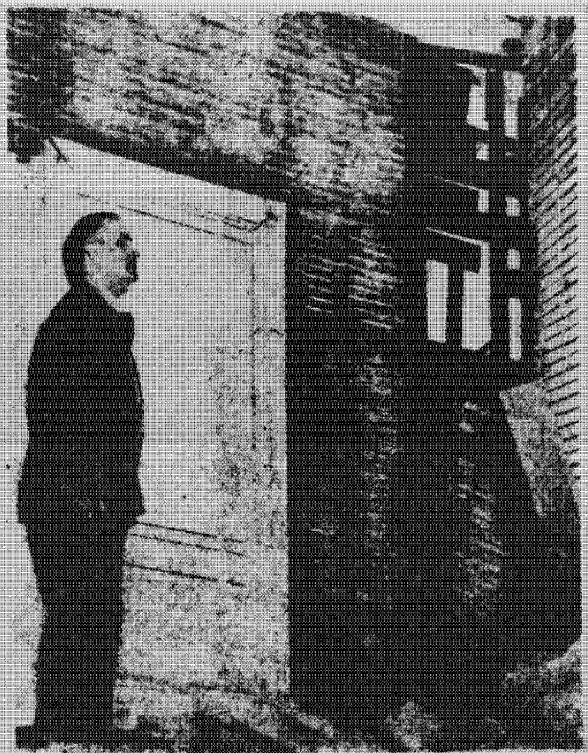
ACCORDING TO POLICE, the first bomb thrown at a Negro house here went off on Aug. 18, 1947, at the home of Sam Matthews of 120 11th-st. n.

About two years later, the next blast rocked a home at 31 11th-av. n. March 25, 1949. The same night the home of S. L. Green was blasted at 23 11th-st. n.

Two blasts on Center-st. n. shook the homes of B. W. Henderson and E. B. DeYoung on the night of Aug. 12, 1950.

Seven months later, the home of Dr. J. A. Boykin, 534 15th-av. n. was dynamited the night of April 12, 1950.

On Dec. 21, 1950, the Monk home at 200 Center-st. n. (the couple that brought a zoning suit against the City of Birmingham challenging zoning laws) was blasted.



ROSENFELD INSPECTS DYNAMITED HOME
... Negro family's home hit by double blast

No bombs were thrown or set off in Birmingham from December 1950 until last year.

On April 10, 1956, blasts rocked the homes of Negroes on 12th-pl. n. and on Christmas day last year, a bomb shook the home of the Rev. F. L. Shuttleworth, 3191 22th-av. n.

On Dec. 31, 1956, the home of Otis Flowers was dynamited at 5713 Third-av. n. in Woodlawn. Flowers was arrested in connection with the case, but was later released.

DYNAMITE BLASTS began to plague the Fountain Heights area on the night of April 10 of this year, when Negro homes at 1135 and 1145 12th-pl. n. were bombed.

Another Negro home at 1215 11th-st. n. was rocked by dynamite in April. On this occasion the home was occupied by six persons. All escaped in a hurry.

On the night of Oct. 19, this year, a dynamite blast ripped open the home of a Negro woman at 1149 12th-pl. n.

Although in all of the cases, no one has been seriously injured, property damage has been heavy.

The double blast Saturday morning was termed the worst. Fire Marshal Aaron Rosenfeld said about six sticks of

dynamite were placed in one room and eight in another room, and detonated about three seconds apart. Rosenfeld lives within eight blocks of the scene.

"This bombing appeared to have been carried out more skillfully than previous explosions and newer dynamite was used," Rosenfeld added.

THE FOUNTAIN HEIGHTS area has been nicknamed "Dynamite Hill" because of the bombings which have accompanied the gradual movement of Negroes into the area.

Two other Negro families have moved into the area recently without being harmed.

Extra police have been assigned to investigate the cases, but so far only one arrest and no convictions have been made.

Police said that detection and apprehension of dynamiters is difficult.

This is true, police said, because anyone can purchase dynamite.

Police said it is hard to trace purchasers, because so much dynamite is used in construction work.

White property owners of Fountain Heights have formed an association which is seeking to prevent sales of homes in the area to Negroes.

Bomb Explodes At Night Club

COLP, N. O., Oct. 1, 1957

A night club operated by the Negro president of the Colp School Board was bombed last night, but authorities expressed belief it did not result from a school integration dispute here.

The possibility was under investigation.

The blast occurred at the rear of the New Orleans Room, heavily damaging the establishment operated by William Hatchett, the school board president.

No one was in the room at the time, and five or six patrons in an adjoining bar escaped injury.

White children have been boycotting the Colp grade school since the school board voted to consolidate the two segregated grade schools here at the start of the fall semester. They have enrolled in nearby all-white schools.

Among those who held the view the bombing was prompted by something other than the integration dispute were Mr. Hatchett himself and Mayor Frank Caliper.

Ora Collard Williamson, County deputy sheriff, estimated the night club was 50 per cent destroyed. The rear wall of the one-story concrete block structure was blown out. Doors were ripped off and the ceiling was a shambles. Several windows in Mr. Hatchett's home next door were shattered.

"The place is in pretty bad shape," Mr. Collard said. "I suppose it was dynamited."

About half the residents of this town, 125 miles southeast of St. Louis, are white and the other half Negro. The town once was a coal mining center, but the mine has been abandoned. Colp now is a night-life center for several nearby communities, and has about eight taverns and night clubs.

Mr. Hatchett is one of the four Negroes on the school board. The three white members have resigned since the board voted 4-3, along racial lines, to consolidate the previously all-white and all-Negro grade schools. Colp children of high school age attend an integrated school at nearby Herrin.

Some 40 white children from Colp enrolled in the nearby Cartersville Grade School after the county school board granted a petition permitting the white children to be taken into the Cartersville district.

A group of 25 Colp Negroes filed suit in Circuit Court asking that this decision be set aside. The ruling is expected before February.

2 Dynamite Blasts Ripped apart a Fountain Heights House

Birmingham Post Herald 12/1/57

Just One Room Is Left Intact By Explosions

Two dynamite explosions ripped apart a Fountain Heights house shortly after midnight this morning. The scene of the explosion was 1216 13th st. n. in a neighborhood where three other explosions have torn up houses within less than a year. The house, located in a white neighborhood, reportedly was bought recently by Negroes.

Fire Marshal Aaron Rosenfeld, who was at the scene within minutes, said apparently one charge was set off in the front part of the house and another in the rear.

The blast almost blanketed parts of the area out of doors about 12:02 a.m.

The explosives blew out the masonry walls on the east side of the house, and the front and rear walls of the house were blown out. This statement, however, was unconfirmed.

Police Commissioner Eugene Cantore said early this morning that the city building inspector determined the house turning the Negroes to move out. This statement, however, was unconfirmed.

Police Commissioner Eugene Cantore said early this morning that the city building inspector determined the house turning the Negroes to move out. This statement, however, was unconfirmed.

Officers believed that three attempts had preceded the actual blasting. Officers recovered 12 sticks of unexploded dynamite, one nine-stick group on a defective bomb which probably failed because of unplanned insulation on the timing device; a second bomb of three sticks was also defective.

When the first blast failed to explode at 2:30 a.m., police said the suspects made two other trips on successive nights in attempts to explode the largest bomb.

IN THE THIRD try the accused are suspected of tossing a smaller charge at the big bomb in an effort to discharge it. Missing their bomb itself, their third bomb exploded beside the home.

Sheriff Julian B. Wright said that the suspect at whose home officers confiscated a 96 stick cache of dynamite buried in a garage, and a box of dynamite caps in a chicken house was one of two men admitting to KKK membership.

The charges grew out of the dynamiting of the home of Dr. James H. Sanders after Mrs. Sanders had suggested gradual integration in a recently published booklet in which a dozen white South Carolina businessmen set forth views on integration.

The suspects are charged with assault and conspiracy against the Sanderses, and also against a conspiracy in the Sanders home at the time.

COL. LAMBRIGHT and area SLED agent O. L. Brady, both reported receiving anonymous threats since the arrests, Lambright said, one caller warned, "you're next on the list."

At Columbia, SLED chief J. P. Strom said that the arrests do not involve those who dynamited the home of 52-year-old Lewis Ford the night of Nov. 21. Mr. Ford, a tenant farmer, on land of Mrs. J. Mark Hayes, white, narrowly escaped death when three sticks of dynamite struck the Ford home near Cowpens.

Officers expressed the opinion that the Ford blasting may have been the aftermath of Mr. Ford's employing a white woman among cotton pickers on his farm.

IN THE SANDERS bombing.

Klansmen accused of dynamiting

AP 12/1/57

SPARTANBURG, S.C.—Five white men, all members of the Ku Klux Klan, were formally charged last Friday with the dynamiting of a white couple's home in a racial slaying.

Each faces a maximum of 10 years in prison if convicted. Arrested by SLED (State Law Enforcement Division) and Cherokee County and Ga. city officers were three employees of the Limestone Manufacturing Co. of Gaffney: an employee of the Alera Mills, and a machine operator.

PROSECUTOR J. Al Lambright of Spartanburg said the slaying will probably be brought to trial next March, on four separate charges, each of assault and battery with intent to kill, and another count

TWO HOUSES DAMAGED IN FRIDAY'S BOMBING

Dynamite Rips Hole In Old Know Rd. Pavement

ATLANTA, Ga. — (BNS) — *Birmingham World*
A dynamite explosion near the newly purchased home of two Negro women left two houses considerably damaged early Friday at 2576 Old Know and 2584 Old Know. *1/3/56*
Police said the explosive was apparently hurled at the home of Mrs. Gerrude Anderson and Miss Eleanor Anderson, but raked down an embankment and exploded in the street. A hole was torn in the street; the Anderson home and that of a white resident across the street were damaged.

Some weeks earlier, three such explosions occurred on Baker Rd., one block South from Friday's bombing site. Targets of the explosives have been homes bought or moved into by Negroes.

At the time of the explosion, the Anderson home was occupied by Walter Smart and Miss Anderson, nephew and daughter of Mrs. Anderson. The trio recently came to Atlanta from Birmingham.

The home of Guy M. Maxwell, 22 (white) apparently suffered greater damage than that of the intended victims.

At 4:45 a. m. a mob consisting of some 100 white residents of the area, after observing a Negro man investigating the explosion, chased him one block to where his car was parked and then proceeded to stone the vehicle, breaking the glass.

A white man, hospitalized with jagged glass cuts on his arm, sustained his injuries, police theorized, while trying to reach in the car to grab the fleeing man. He escaped unharmed.

Mr. Maxwell said a "for sale" sign is displayed in his front yard but community residents have tried to get him not to offer his home for sale to Negroes.

His wife said: "I don't know who could have done it. I wouldn't have

the heart to do that kind of thing. These people (Negroes) are afraid and don't bother anybody."

The couple has lived in the community six years and have a son, age three and a daughter, age five.

While waiting for an insurance adjuster to okay carpentry and window repairs, Smart, the young Social Worker student, recalled his ribs and breasts hurtled at them after the blast.

In addition to calling them insulting names, he said, one woman member of the crowd gathered on his lawn said:

"They (whites) asked them how or how many to move, and another asked: 'They are still in there?'

"Yeah," came the reply. "They are in there and they say they're gonna stay."

Mrs. Anderson told of rumors she believes helped to encourage violence. These rumors persist, Negroes are asking a fabulous price for the house; they refuse to move; and they are trying to make a test case. They have no foundation of fact, she added. She indicated incident does not frighten her.

The Westside Improving Association, organized to buy property in the area, is negotiating with the Andersons but have not met price demands. Mrs. Anderson believes money spent traveling to and from Alabama in order to make the purchase also is capital invested in her home.

In addition to broken window panes both of the damaged dwellings have nails pushed through wall surfaces. Maxwell temporarily placed cardboard over his windows to keep out cool air, but the Andersons said they would have the windows replaced before night.

The Maxwells said they expected the explosion because they were told to move to the far side of the house because it might happen anytime.

Police launched an investigation and began a search for clues which would lead to the arrest of those responsible for the attack.

Negro Minister's Home in Alabama Bombed

MONTGOMERY, Ala., Jan. 31 (AP). — An explosion last night damaged a Negro minister's home in a new flareup of violence stemming from the prolonged boycott by Negroes of the city's transportation system.

Minutes after the blast the minister, the Rev. M. L. King, who has been an outspoken leader in the boycott movement, pleaded to a crowd gathered at the scene to remain calm in the face of mounting racial tension.

Police said either a hand grenade or dynamite shattered windows at the King home.

This was the first violence since the first week of the boycott last December. Five bombs were fired at a few buses during that first week, but there were no injuries and little damage.

The protest movement against segregation laws applying to city buses was touched off by a \$14 fine given Mrs. Rosa Parks, a Negro, who refused to move to the rear of a bus.

The Montgomery City Commission offered a reward of \$500 for information leading to the arrest and conviction of those responsible for the bombing.

Mr. King's wife, their 7-week-old daughter and Mrs. Rosecoe Williams, a neighbor, were in the home when they heard a thud "like a brick hitting the front porch."

They ducked into a back room just as the explosion shattered windows, ripped a hole in the porch and cracked a porch column.

300 Negroes Gather
Arriving home 15 minutes after the explosion from a mass meeting at a church, Mr. King asked about 300 Negroes gathered outside his home to be "peaceful."

"Don't get panicky," he said. "Don't get your weapons. He who lives by the sword will perish by the sword. Remember that is what God says . . ."

Mr. King, pastor of the Dexter Avenue Baptist Church, was fined \$14 last Saturday for driving 30 miles an hour in a 20-mile zone. He denied the charge and blamed his arrest on Mayor W. A. Gayle's statement that the city commission was through "pussycotting around" with boycotters.

INSTEAD
1/31/56
King's Home Bombed

BIRMINGHAM, Ala. — Mrs. Cleo King is in a quandry about the 40-year-old widow of her newly purchased home and set on fire before she and seven children had a chance to move into it. White owners in the area are trying to force Negro neighbors

1 Mr. Wilkins. We see the increasing lines of the
2 unemployed as a challenge to enact Fair Employment Practice
3 Legislation, In spite of the Executive Orders that prohibit
4 discrimination in government employment or in plants
5 holding government contracts, the colored job-seeker still
6 finds it difficult to obtain employment because of his
7 race.

8 When he is employed, it is all too often below the level
9 of his skill and qualification. When the dismissal slips
10 are handed out, the largest proportion of those who receive
11 them are colored.

12 The Congress must act to protect the principles of fair
13 play in employment.

14 The Chairman. Isn't there a committee appointed by
15 the President to prevent that kind of discrimination
16 with reference to employment?

17 Mr. Wilkins. Mr. Chairman, there was such a committee
18 appointed, and it is in being. In all fairness let me say
19 that the committee is functioning -- that is, it is meeting,
20 it is receiving complaints, and it is conducting some
21 investigations. Our experience with the results have been
22 a little unhappy.

23 Just yesterday I received a letter from our chapter in
24 Atlanta, Georgia, which together with our office in New
25 York has been wrestling with the problem of discrimination

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1 against Negro workers at the Lockheed Aircraft Plant at
2 Marietta, Georgia, which as the Chairman may recall is on
3 the outskirts of Atlanta.

4 The President's Committee has been working on this
5 problem with the Lockheed management, with the union, and
6 with the Negro workers and with the NAACP, but the President
7 of our Atlanta Chapter in his letter received yesterday
8 expresses dismay and disappointment at the progress
9 report received from the President's Committee which doesn't
10 indicate that any corrective action has been taken and that
11 discrimination still exists.

12 In answer to the Chairman's question, I would say
13 there has been and there is a President's Committee. It is
14 working, but as far as we are concerned, it has produced
15 as yet no tangible results.

16 Mr. McCulloch. On the other hand, Mr. Chairman, I would
17 like to ask Mr. Wilkins if ^{the} results ^{have not} hadn't been unbelievably
18 good where the government ^{has been} ~~is~~ the employer, and particularly
19 in this area?

20 Mr. Wilkins. I think a fair answer to that is that
21 there has been improvement in government employment. Here
22 again -- and of course this is perfectly natural -- the
23 improvement perhaps does not match the expectations of the
24 group. But there has been -- it is accurate to say there
25 has been improvement.

23 1 Mr. McCulloch. A very considerable improvement, to write
2 the record in complete fairness, wouldn't you say?

3 Mr. Wilkins. Mr. Chairman, I would say in volume --
4 this I say without having the exact facts before me -- in
5 volume I would say and in some instances of classification
6 and categories, there has been marked improvement in government
7 improvement.

8 On the other hand, there are still areas of government
9 employment with respect to categories and promotion that
10 leave considerable to be desired. In some areas notably --
11 and this we mentioned to the President the other day --
12 in overseas employment, employment of American citizens
13 in overseas installations, in embassies, as consultants,
14 attaches and other personnel, in the assignment of military
15 personnel to our embassies overseas, in the teaching
16 personnel for overseas schools for American children
17 stationed over there, the percentage of Negroes employed
18 in these categories is woefully small and is wholly within
19 the power of the federal government to remedy.

20 For example, let's pick out of the air say the
21 American Embassy at Rome. It has Naval attaches, it has
22 Marines, it has other military personnel -- practically
23 no Negroes, and this could go on for Embassy after Embassy.
24 The teaching in the schools for American children overseas,
25 Germany, wherever there are other large installations, I
think the percentage of Negro teaching personnel is less

1 than one percent. I am not certain on that percentage figure,
2 but it is very small.

3 Generally here on the mainland, as it were, the
4 situation has improved.

5 Mr. McCulloch. And very, very considerably. ~~In other~~
6 ~~words,~~ After all, we like the record to be in accordance with
7 the facts, and when we are preparing a record, because these
8 records are scanned by our enemies as well as our friends,
9 we don't want to make it ^{any} worse than it is.

10 Mr. Wilkins. No, we don't want to make it worse.

11 Mr. McCulloch. We don't want to make it worse.

12 Mr. Wilkins. Certainly that is true.

13 Mr. McCulloch. I think it might serve a very useful
14 purpose, Mr. Chairman, if we had in the record at this time
15 a comparison ^{covering} ~~over~~ a period of ten or 20 years ^{showing} ~~and~~ the improve-
16 ^{point}ment which is desired by so many people and which maybe in
17 the past has come slow^{ly} but it has been improving very
18 materially in accordance with the information that I am
19 getting, particularly here in this section of our country.

20 The Chairman. Where can we get that?

21 Mr. McCulloch. I think we can get it from the Civil
22 Service Commission, can we not?

23 Mr. Forrester. Mr. Chairman, would you let me ask the
24 witness a question or two?

25 The Chairman. Let's finish this and I will be glad to have

1 you ask him.

2 Counsel will be directed to communicate with the Civil
3 Service Commission in connection with the inquiry
4 made by the gentleman from Ohio.

5 Yes, sir?

6 Mr. Forrester. I want to ask the question, the
7 Lockheed plant you referred to in Marietta, Georgia, the
8 Lockheed plant is a California Corporation, isn't it?

9 Mr. Wilkins. I believe it is, yes, sir.

10 Mr. Forrester. Tell the Committee, is there a single
11 Georgian who is in charge of the Lockheed plant or a director
12 concerned in the management of the Lockheed plant at
13 Marietta, Georgia?

14 Mr. Wilkins. I am sure I don't know, Congressman
15 Forrester.

16 Mr. Forrester. Let me ask you this: Isn't it true
17 that the location of the Lockheed plant down at Marietta,
18 Georgia, is simply incidental to the war effort?

19 Mr. Wilkins. I don't know whether it is incidental
20 or not, but it is there.

21 Mr. Forrester. Isn't it true that that particular site
22 was picked out on account of the fact that the government
23 owned property down there that could be used to build the
24 B-47 and aren't they now engaged in a crash program on the
25 building of the B-47?

1 Mr. Wilkins. I believe they are. They are also engaged
2 in a crash program in Texas and in Oklahoma and in Kansas
3 as well as Seattle.

4 Mr. Forrester. But that is true?

5 Mr. Wilkins. Yes.

6 Mr. Forrester. I happened to be at the Lockheed plant
7 a year or two ago, and I saw literally hundreds of colored
8 people working at that plant. Do you know whether that is
9 true or not?

10 Mr. Wilkins. Congressman Forrester, my testimony was
11 not that they were excluded from employment.

12 Mr. Forrester. I caught your testimony.

13 Mr. Wilkins. I did not say they were excluded, so
14 there probably were many of them and they are working there.
15 That was not my point.

16 Mr. Forrester. Is it true that at least a year or two
17 ago that literally hundreds were working at that plant?

18 Mr. Wilkins: To be sure.

19 Mr. Forrester. Tell the Committee, if you know, has
20 there been any drastic change? Has there been a considerable
21 number of colored persons discharged or moved from the ranks
22 down there in the last year or two?

23 Mr. Wilkins. Congressman Forrester, I am sorry, but I
24 think you misunderstood me. My point is not that they have
25 been denied employment or that they have been cut off from
employment in the last few years. My complaint is that there

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1 is discrimination in the allocation of them to certain categories
2 of employment.

3 For example, in a plant as large as the Marietta plant --

4 Mr. Forrester. You will agree with me, if there is any
5 discrimination at all, it has been done by people from another
6 section of the country and that the people of Georgia are
7 in no wise involved here?

8 Mr. Wilkins. Congressman Forrester, I didn't say in my
9 testimony that the people of Georgia were responsible for it.
10 This complaint is against the employment policies of the
11 United States government.

12 Mr. Forrester. Let me ask you this: Don't you know that
13 the Lockheed plant now is engaged exclusively in building a
14 B-47 under direct contract with the government and it is a
15 matter purely for the government, and the government has
16 complete jurisdiction on that?

17 Mr. Wilkins. This is acknowledged in my testimony, sir.
18 All I said was that in the President's Committee on Government
19 Contracts, which has supervision over the employment policies
20 of plants operated by or for the United States government
21 or on procurement, that the President's Committee on
22 Government Contracts is charged with eliminating discrimination
23 in employment from such plants, whether they be private
24 contractors or whether they be plants operated and owned
25 directly by the government, and that in citing the Marietta,

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1 Georgia, plant I merely cited that because we had had a letter
2 just yesterday, but I could have cited complaints of employment
3 discrimination from Wichita, Kansas, aircraft plants. This
4 is not by any means unique in Georgia, and it doesn't make a
5 great deal of difference whether Kansans are operating it in
6 Wichita or Georgians are operating it in Georgia, or whether
7 somebody from Michigan is operating it in Georgia.

8 The point is that these plants have contracts from the
9 United States government. If they did not have such contracts
10 they couldn't operate. Our contention is where they have
11 such contracts and are living off the taxpayers' money allocated
12 through orders for products, there should be no discrimination
13 against citizens of the United States in any category of
14 employment or anything of the sort.

15 That is our basic position, and it is not altered by
16 the fact that whether they are building B-47's or B-52's
17 or F-109's.

18 Mr. Mitchell. Mr. Chairman, if I may, I would like to
19 point up something for the record here which it seems to me
20 is terrifically important, particularly in view of the
21 questions raised by Mr. McCulloch and Mr. Forrester.

22 Everywhere in this country, if you look at the
23 laboring categories or here in Washington if you look at
24 the clerk-typists in the Civil Service, you will see that
25 by volume, of course, there are a large number of colored

1 people employed. But what happens is that in the higher
2 categories where people have qualifications, there is an
3 exclusion.

4 It so happens that in Georgia I am very familiar with
5 the situation at the Marietta plant and the other industry
6 developments down in that area. There has been a very systematic
7 pressure exerted by the local people of Georgia on the
8 managements of the Lockheed Company and all others, which
9 pressure is designed to prevent the employment of colored
10 people in jobs other than the so-called traditional categories.

11 That is, as laborers, as janitors, and things of that
12 sort.

13 Of course anyone who visits that plant will see hundreds
14 of Negroes around pushing brooms and wheeling heavy loads
15 of material. But in the categories where we need the brains
16 and the skill, you won't see them, because they are excluded
17 on the basis of race.

18 Mr. Wilkins. The Congress must act to protect the
19 principles of fair play in employment. It should be noted in
20 passing that some who are most eager to penalize organized
21 labor with so-called right to work laws are among the first
22 to contend that there is a right to discriminate against a
23 man because of his race when he seeks a job.

24 In a few days the House may be considering legislation
25 to provide aid to students and teachers seeking higher

mm-30 1 education. There is no doubt that without proper safeguards
2 against discrimination, the funds provided by this bill
3 will be administered in a manner that will be unjust to
4 colored citizens and possibly even white citizens who favor
5 school desegregation.

6 Here is another example of why all federal programs of
7 aid and services to the states and communities should contain
8 provisions for assuring that these aids and services will
9 not be used as vehicles for extending racial segregation
10 in housing, hospitals, training, or any other field.

11 Last Monday, June 23, the President of the United States
12 met with advocates of civil rights. An important part of
13 the conference was a plea for action in protecting the right
14 to vote.

15 Congress has passed a new law. Yet nine months have
16 passed and not a single case has been taken to court by
17 the Department of Justice. This is the kind of delay that
18 makes the government of the United States appear to be
19 incapable of assuring at home the free and unfettered elections
20 that we assure to West Germany or any territory under our
21 protection.

22 The Chairman. Was that made known to the President
23 in your conference, with three other members of your race,
24 when you met with the President?

25 Mr. Wilkins. Yes, Mr. Chairman, we dwelt on that matter

1 of the right to vote and its protection and the fact that in
2 nine months since the President signed the Civil Rights Act
3 that not a case has been brought to court by the Department
4 of Justice.

5 I might add that the Attorney General, Mr. Rogers,
6 was present in the conference also.

7 The Chairman. Did you lay before the Department of
8 Justice any cases where you felt there should be action
9 by the Department of Justice?

10 Mr. Wilkins. We have submitted through Mr. Mitchell
11 a number of complaints to the Department of Justice in
12 affidavit form of persons who allege they were denied the right
13 to vote. We have submitted these, of course, for the
14 inspection and action of the Department, asking that it look
15 into it and if it finds that any or all of these warrant
16 further action, that such action be taken.

17 Mr. Keating. Has that been done since the law was
18 passed?

19 Mr. Wilkins. That has been done since the law was
20 passed, since last September.

21 The Chairman. Did you check to see whether there was
22 any investigation by the FBI or any other agency?

23 Mr. Wilkins. We have been advised that there has
24 been some investigation by the FBI.

25 The Chairman. What has been the result?

1 Mr. Wilkins. No result is noticeable as yet, Mr.
2 Chairman, no prosecution, no notice, no warning -- nothing
3 except the gathering of information.

4 Mr. Keating. This Civil Rights Law didn't call for
5 prosecution. It called for injunctive action.

6 Mr. Wilkins. That's right.

7 Mr. Keating. Are there cases which have arisen since
8 the law where your affidavits were directed toward injunctive
9 action?

10 Mr. Wilkins. Yes. Our request of the Department of
11 Justice, Mr. Keating, asked for corrective action under the
12 1957 law. We didn't go into details -- "We ask you to take out
13 an injunction," or anything of the sort. We asked for
14 remedial action under the statute as passed.

15 The Department of Justice has said to us that they have
16 investigated some of these complaints or all of them -- they
17 haven't disclosed their entire action to us and we don't
18 expect that they will tell us every single detail of the
19 way they operate the Department.

20 But the outstanding fact is that no injunctive proceedings
21 have been instituted in any case, nor have we been told that
22 not a single one of the cases you submitted is subject to
23 injunctive action.

24 The Chairman. What were the nature of those complaints?
25 Did they involve voting or lack of voting in primaries or

mm-33 1 local elections or what?

2 Mr. Wilkins. Denial of registration, I am informed, Mr.
3 Chairman -- denial of registration.

4 The Chairman. For purposes of voting?

5 Mr. Wilkins. For purposes of voting. This is where
6 the original sin, if I might say so, is committed. It isn't
7 in the actual denial of a citizen already registered to cast
8 his vote. That is very rare -- although it has happened.
9 But the denial is, Mr. Chairman, of the right to register,
10 to be eligible to vote.

11 The Chairman. Have you filed complaints asking for
12 intervention by injunction with any local United States
13 attorneys?

14 Mr. Mitchell. Mr. Chairman, this really resolves itself
15 into a policy decision on the part of the Justice Department.

16 The Chairman. What is that policy?

17 Mr. Mitchell. The policy decision is that they have not
18 decided to take any cases into court, although there is ample
19 evidence for believing that court action should be undertaken.
20 I think we must realize that one of the main hold-ups is what
21 is going on on the other side of the Capitol, and that is the
22 Assistant Attorney General in charge of the Civil Rights
23 Division has not been confirmed. His appointment has been
24 held up, and even today there is evidence that a hearing
25 will be convened this afternoon for the purpose of slowing
down further this process.

1 The Chairman. Do you mean to say that there are no
2 others that can enforce the statute as we passed it?

3 Mr. Mitchell. So far as I am concerned, Mr. Chairman,
4 it seems to me they could have been in court the day after
5 the President signed the law. There is no reason why they
6 shouldn't have been active.

7 The Chairman. Is the answer given that the Department
8 of Justice in reply to your possible complaint that there
9 hasn't been any action, that there has been no confirmation
10 of this head of the Civil Division of the Department of
11 Justice? Is that the answer?

12 Mr. Wilkins: The Department of Justice has not said to
13 us in so many words "The reason we haven't done anything
14 is because Wilson White hasn't been confirmed." They have
15 not said that.

16 The Chairman. What have they said?

17 Mr. Wilkins. They have said merely -- and I think
18 I am correct -- that "We are investigating these cases. We
19 have turned them over to the FBI for investigation. That
20 is the extent of their answer. They have not said "We
21 found six of these cases to be no good, and we will
22 act on three," or "We have found all nine or ten or twelve
23 of them no good, you will have to bring us some more."

24 They haven't said that.

25 The Chairman. Mr. McCulloch --

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1 Mr. McCulloch. Mr. Chairman, as I remember, we had
2 quite a lengthy debate on the floor of the House on this
3 1957 act ^{with respect to} ~~with~~ the formal manner in which the complaints
4 were to be made. If I recall correctly, it was necessary
5 that they be in the form of an affidavit, or a complaint
6 to the Commission.

7 Mr. Mitchell: Only if that is to the Commission, Mr.
8 McCulloch. But to the Justice Department, not only is it true
9 that this was not put in the law with reference to the Justice
10 Department complaints, but the Attorney General on his own
11 initiative can take action as the House debate
12 would certainly indicate, without the filing of a complaint.

13 So even if we had never filed a single complaint under
14 the law, the Justice Department could have and should have
15 acted.

16 Mr. Keating. There is a civil rights section of the
17 Criminal Law Division now -- ^{there} was even before the new Civil
18 Rights Division was set up in the Justice Department, isn't
19 that right?

20 Mr. Wilkins. That is right.

21 Mr. Keating. When was Mr. White named as the Assistant
22 Attorney General in charge of the Civil Rights Division?

23 Mr. Wilkins. He was named around Thanksgiving, wasn't
24 it?

25 Mr. Keating. Of last year?

20-36 1 Mr. Wilkins. Of last year.

2 Mr. Keating. Of course it is outrageous that the Senate
3 hasn't done anything either confirming or denying his
4 confirmation.

5 Mr. Wilkins. Mr. Chairman, on the Wilson White matter,
6 the Department of Justice, I think, was seeking to be
7 scrupulously correct. Wilson White had already been confirmed
8 as an Assistant Attorney General. He was functioning in
9 the Attorney General's office in the Department of Justice.

10 Mr. Keating. In another division?

11 Mr. Wilkins. In another division. But in order to be
12 scrupulously correct, they resubmitted his name for
13 confirmation as head of the civil rights matters.

14 The Chairman. I can't conceive of the failure for
15 any reason of the confirmation of this gentleman as a basis
16 for delaying action on the bill that we passed. It seems
17 most unfortunate that the Department seems to be delaying
18 remedial action. I do hope that the Department will change
19 its point of view on this and take suitable and expeditious
20 action.

21 Mr. Keating. The witness has pointed out that they are
22 not basing their refusal to take action or make an investiga-
23 tion on the ground that Mr. White has not been confirmed. How
24 many of these complaints have been filed?

25 Mr. Mitchell. I would say that we have filed approximately

mm-37 1 25 or 30 individual cases. These involve the State of
2 Mississippi, primarily. Also there is an outstanding complaint
3 in Louisiana which the Department is still active on. One
4 of the witnesses who sought federal help was indicted by a
5 local grand jury because he sought federal help and the
6 Department has done nothing to get redress for that man.

7 The Georgia cases out of Dawson, Georgia, involve
8 registration for voting and are actively being investigated
9 by the Department. There are cases out of the State of
10 Florida, also. So the information is not lacking.

11 Mr. Keating. It has come to your notice that FBI investi-
12 gators have been working on some of these cases?

13 Mr. Mitchell. Yes, Mr. Keating. As a matter of fact,
14 shortly after we submitted the Mississippi cases, I was in
15 the State of Mississippi. The complainants told me that
16 they had been interviewed by FBI agents and that they were told
17 by the FBI agents they didn't need to get any more
18 information from them, which to me would indicate that they
19 had sufficient information on which to base the --

20 Mr. Holtzman. How long ago was that, Mr. Mitchell?

21 Mr. Mitchell. This was in the month of November 1957.

22 Mr. Rodino. Mr. Chairman, as I read the law of Part IV
23 of the act that was enacted last September, 1957, all that
24 is required under Section 131 of Part IV, Paragraph (c), is
25 that whenever any person has engaged or there are reasonable

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1 grounds to believe that any person is about to engage in
2 any act or practice which would deprive any other person
3 of any right or privilege by Subsection (a) or (b), the
4 Attorney General may institute for the United States such
5 a suit.

6 It would appear to me if your cases are well documented
7 and there are 25 of them and it was last November, that the
8 FBI investigated and they themselves have stated that there
9 was no further need for investigation, this would in my
10 opinion at least, be reasonable grounds to believe. I
11 wonder about the delay on the part of the Justice Department
12 in these cases.

13 Mr. Holtzman. Mr. Wilkins, or Mr. Mitchell, have either
14 of you ever been told that any of the matters to which you
15 have referred have no basis or grounds?

16 Mr. Mitchell. At no time, Mr. Holtzman, have we been
17 told on the cases that we are referring to that they are not
18 valid cases. It would be incredible if we were told that
19 because not only are these valid cases, but our own
20 organization has filed a court action on behalf of one of
21 the groups down in Mississippi.

22 If with our limited resources we could go into court
23 with the expectation of winning, it certainly would seem that
24 the government of the United States could do so.

25 Mr. Holtzman. I want to say at that point I agree with

nm-39 1 my colleague from New York that the delay in confirming the
2 new assistant in charge of the civil rights is outrageous.

3 I want to repeat that in my opinion, just as outrageous,
4 if not more, is the delay by the Department of Justice.

5 Mr. Keating. I don't think we can reach a conclusion like
6 that until we hear what they have done. We as lawyers know
7 it takes some time to prepare a case for successful court
8 action.

9 I think we should call someone from the Department of
10 Justice to explain it.

11 The Chairman. I will ask counsel to send a copy of the
12 transcript of this testimony to the Department and ask for
13 their comment.

14 Mr. Keating. I think it would be preferable ^{for them to} ~~if~~ they
15 appear~~ed~~ here.

16 Mr. Wilkins. Mr. Chairman, I think Congressman Keating
17 probably hit on a key word in his last remark there when
18 he said --

19 The Chairman. I hope it wasn't the word "outrageous."
20 There is comity between the two houses.

21 Mr. Wilkins. It wasn't the word "outrageous," but
22 I think Congressman Keating said, to the best of my
23 recollection, that "we lawyers know that it takes time to
24 prepare for a successful prosecution." Was that not your
25 word, sir?

1 Mr. Keating. Yes.

2 Mr. Wilkins. I think probably this word "successful" is,
3 without my trying to put words in the mouth of the
4 Department of Justice at all, or to find any excuse for them,
5 because the statistics and the situation south of the Mason-
6 Dixon line, sir, on this matter of voting is an open and
7 scandalous shame, and it is a matter of common knowledge
8 to every man on the street that Negroes are excluded from
9 the right to vote.

10 It gets my blood pressure up when the government of the
11 United States, with all of its facilities, can hem and haw
12 over technicalities as to what it can find out.

13 Every poolroom hanger-on, every precinct captain, and
14 every housewife south of the Mason-Dixon line knows the
15 Negroes are forceably prevented from registering and voting.
16 The Southern members of the House and the Senate know it full
17 well.

18 So that I have no patience with it. But I suggest that
19 perhaps the Department of Justice may be depending on
20 preparing a successful prosecution, and that may be their
21 excuse for delay, which I do not excuse.

22 Mr. Rodino. In other words, Mr. Wilkins, you believe
23 that the initiation of a case, at least, might in itself
24 prove a good deterrent to future activities?

25 Mr. Wilkins. Exactly so.

mn-41 1 Mr. Keating. But it would be worse than nothing if
2 they started an action and got trimmed in it. I think it
3 is very important at least in the early cases, that the
4 Department of Justice prepare with the greatest of care in
5 order to have a successful action, because if they have a
6 series of unsuccessful ones, it certainly is going to give the
7 law and the whole cause a setback in my judgment.

8 Mr. Wilkins. Congressman Keating, I can understand that
9 and appreciate it. But at the same time I can't forget
10 that nine months has gone by and that if my own legal
11 department and my association, small as it is and poor
12 as it is in resources and money, if my legal department in
13 nine months could not find a case to prosecute under such a
14 law, I would get a new legal department.

15 I am not suggesting that we ought to get a new Department
16 of Justice. We ought to get just a little more action over
17 there.

18 Mr. Keating. I am in no position, ^{because} I don't know ^{all} the
19 facts, ~~I am in no position~~ to reach any conclusion on it.
20 But I have tried cases and I have had several cases where I
21 have taken nine months to get ready to bring the action. Not
22 normally, but I have had several of sufficient importance
23 that I have taken a year to get them ready.

24 The Chairman. But this is a case of failure to permit
25 registration. There is no occult or mysterious thing about

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1 it. It strikes me it doesn't take nine months to prepare
2 a case, and a very highly successful one at that. I
3 take it that the Department certainly should bestir itself
4 and get some action here. We will send this transcript to
5 the Department for its comment.

6 Mr. Mitchell. I would suggest, Mr. Chairman, that one
7 of the things that supports what you just said is Forrest
8 County, Mississippi. There the Department had before this
9 law was passed extensive information on the techniques that
10 were used to keep Negroes from registering and voting.

11 After the law was passed, some of the same people went
12 back and tried to register. They got the same kind of
13 runaround.

14 So it would seem that they do have sufficient time to be
15 ready.

16 The Chairman. We have pursued this enough. Go on with
17 your statement, Mr. Wilkins.

18 Mr. Wilkins. Mr. Chairman, I believe I was in the midst
19 of a sentence, and with your permission, I will read the
20 first part of it. This is the kind of delay that makes
21 the government of the United States appear to be incapable
22 of assuring at home the free and unfettered elections that
23 we assure to West Germany or any territory under our
24 protection.

25 We know that the Executive Branch of government has a duty

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1 to prevent its committees and committee chairmen from
2 arbitrarily delaying confirmations or appropriations for the
3 sole purpose of preventing law enforcement.

4 If thousands of colored citizens in the South are denied
5 the right to vote in this fall's election, there will be
6 enough blame to go around. Part of that blame will fall
7 upon the Attorney General because he has failed to act, or
8 delayed in acting. Part of it will fall upon the members
9 of Congress, especially in the Senate, who have permitted
10 obstructionists to delay the confirmation of the new Assistant
11 Attorney General who heads the Civil Rights Division.

12 It is important to point out, also, that the same pattern
13 of defying the decision of the U. S. Supreme Court in the
14 school desegregation cases is now forming against the right to
15 vote.

16 The same persons and leaders who cried that they would
17 not obey "judge made law" -- that is, the Supreme Court
18 Opinion -- in the school cases are now working in their
19 legislatures and election precincts to flout the law passed
20 by Congress and signed by the President of the United States.

21 This would seem to be eloquent proof that these persons
22 and those that they represent are against any kind of rights
23 for colored people, and they are opposed to any laws or
24 court decisions that would protect such rights. We heard a
25 great to-do, Mr. Chairman, during the debate about the right

sm-44 1 to vote. "Of course we don't oppose the right to vote, but
2 we don't want any mixing in our schools, and so forth, and we
3 are opposed to the Supreme Court telling us what to do. This
4 is not the law of the land. The law has to be passed by
5 Congress."

6 This argument went on ad nauseam throughout the South.

7 All right, Congress passed a law, and the opposition to
8 that law is forming up in the same way that opposition to the
9 Supreme Court opinion did. This leads us to the belief
10 that these people don't want any kind of law or regulation or
11 court decision that will have any chance of changing the
12 status quo.

13 Anyone who believes that so-called cooling-off periods
14 or slow-downs in the effort to protect human rights would be
15 helpful is the victim of a delusion. Delay merely presents
16 the opposition time to harden its lines of resistance, to
17 destroy the will to comply and to build vast conspiracies
18 against justice.

19 Therefore, we earnestly ask for action now, in this session
20 of the Congress.

21 We do not concede that it is too late to pass a law
22 that will help to prevent troubles at the school houses in
23 September.

24 We believe that the members of Congress have an obligation
25 to act just as surely as the President of the United States has

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1 a duty to uphold the law with all of the powers of his office.

2 We urge that this Subcommittee report a bill favorably and
3 press for its passage now.

4 Mr. Chairman, I would like to thank you for this
5 opportunity.

6 The Chairman. Thank you very much, Mr. Wilkins, for
7 your statement and your contribution to this subject.

8 There is with us this morning our distinguished colleague
9 from Illinois, William L. Dawson, who is the author of one
10 of these important bills, H.R. 10928. Mr. Dawson, we will
11 be very happy to hear from you.

12 STATEMENT OF THE HONORABLE WILLIAM L. DAWSON

13 REPRESENTATIVE FROM THE FIRST DISTRICT OF ILLINOIS

14 Mr. Dawson. Mr. Chairman and members of the Committee
15 on the Judiciary: I wish to thank you for your kind and
16 courteous invitation asking that I present to you my views
17 on the various civil rights bills introduced in the House
18 of Representatives and now pending before your Committee.

19 I have worked for many years to protect the civil rights
20 of all persons in our nation. I am convinced that the greatest
21 single difference between democracy and totalitarianism is
22 the way each system treats the individual.

23 In these times of competition between liberty and
24 dictatorship, there are few problems more vital than that
25 of insuring equal justice under law to all persons as

1 individual human beings, without regard to their skin color,
2 or their religion, or their ancestry, or their language, or
3 their place of origin.

4 This principle of equal justice under law is embedded in
5 the constitutional fabric of our national tradition. It was
6 solemnly expressed in the promise of the Fourteenth Amendment
7 of the Constitution that every "person" is entitled to "the
8 equal protection of the laws." The principle of equal
9 justice is also expressed in our constitutional heritage of
10 due process and our bill of rights.

11 The first President of our country, George Washington,
12 recognized it as our pervading ideal when he eloquently
13 described our government as one which "gives to bigotry no
14 sanction, to persecution no assistance."

15 The Chairman. That was contained in a message delivered
16 to the Portuguese synagogue at Newport.

17 Mr. Dawson. The Chairman is exactly right.

18 Yet it is only in recent years that the federal courts
19 have given real meaning to that promise of equal protection,
20 and equal justice for all, under equal laws.

21 All of us are proud that during the past four years the
22 federal courts have swept away the false doctrine of legalized
23 segregation which supported so many cruel and indecent dis-
24 criminations against millions of Americans. Mr. Justice
25 Harlan's famous plea that "our Constitution is color blind"

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1 has become the law of the land, and it should now be clear
2 that governmental power may no longer be legally used to
3 compel or cause racial segregation.

4 We can take even greater pride that this progress is
5 being supported by the majority of Americans, speaking both
6 as individuals and through their organizations, including
7 the churches of all faiths, the professions, business, labor,
8 veterans -- indeed, by all who understand the noble heritage
9 of equal justice that constitutes the American ideal.

10 However, in many areas there are groups, some small and
11 fanatical, others large, well-financed and well-organized,
12 that refuse to comply with the requirements of the
13 Constitution and the law of the land. They strive to reverse
14 the rulings of the courts by obstructive tactics, by
15 economic coercion, by physical violence, by terror, by
16 harassments, and by as wide a variety of devices as their
17 ingenuity can conceive.

18 The recent revelation of the terrorism and fear which
19 local police use in Dawson, Georgia -- that is just a few
20 miles from the spot where I was born -- to oppress the
21 colored residents of that community has been shocking and
22 sickening. Such official tyranny is reminiscent of the
23 police brutality fostered by the Hitler and Stalin regimes,
24 and the current Russian terror behind the Iron Curtain. It
25 shames America in the eyes of the world.

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1 But Dawson, Georgia, is not the only place in our
2 country where brutal disregard of human rights has occurred.
3 Milford, Delaware; Belzoni, Mississippi; Birmingham, Alabama;
4 Little Rock Arkansas, and many other places have witnessed a
5 mounting crisis of widespread resistance to law and order.

6 Law abiding citizens are being denied their right to
7 vote; they are bombed; they are excluded from public schools
8 to which they are entitled to go; they are oppressed in their
9 livelihood; they are subjected to indignities and indecencies.
10 In short, they are being denied the liberty, the pursuit of
11 happiness, and the basic rights which the Constitution has
12 guaranteed to them.

13 This crisis which America faces has been fomented by
14 persons who fail to understand the heritage of America. They
15 seek to preserve an outmoded system of caste and second class
16 citizenship. They strive to repeal court rulings by intima-
17 tion, violence, and coercion.

18 The recent order by Judge Lemley forbidding integration
19 in the public schools of Little Rock for the 2-1/2 years
20 remaining in Governor Faubus' term is a direct outgrowth of
21 that intimidation and coercion. It will surely encourage
22 the mobs to use organized violence to subvert the supreme
23 law of the land.

24 I am confident that in the long run they will fail in
25 their objectives. But in the meantime they are creating

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1 they are creating tensions, disturbances, and hates which
2 injure America, both internally, and before the whole,
3 watching world. Those who want to preserve segregation at
4 any cost are destroying the basic rights of all Americans,
5 white as well as colored -- they are destroying the exercise
6 of free speech, free assembly and free thought in a large part
7 of our country, and in their madness they would pull down the
8 whole edifice of public education which is the key to the
9 future. White and colored children alike, and our whole
10 country, will be the losers.

11 It is the duty of government to deal with this problem,
12 and to do so now. It is the duty of Congress to provide the
13 leadership. We can not afford to let the mobs and the
14 hoodlums set our moral tone; nor can we sit idly by until
15 they force us to resort to frantic improvisations after they
16 have created dangerous civic disorder, violence, and riot.

17 We cannot leave to the young child the burden of facing
18 the mob; nor should the government leave the Constitution
19 to be carried on the shoulders of poor and harassed individuals
20 who seek only that which the Constitution guarantees to them.
21 The pressures and coercions are becoming so great in some areas
22 that only the federal government can protect their Constitu-
23 tional rights.

24 The bills now before you, including H.R. 10928 which
25 I have introduced, cover a variety of subjects relating to the

mm-50 1 protection of the civil rights of our fellow-Americans. Some
2 of these bills provide civil remedies. Others would
3 strengthen the criminal laws for the purpose of providing
4 penal sanctions to protect civil rights.

5 Several of these bills are similar to bills which I
6 have introduced in previous Congresses. All of them would
7 constitute "appropriate" legislation to help protect the
8 guarantees of equal protection of the laws and the due
9 process of law to which all Americans are entitled. They
10 would encourage and give heart to the many people, in the
11 South as well as the North, who deplore the present drift
12 to chaos. The South is not monolithic, and many of its
13 white people are opposed to the new tide of racism and
14 totalitarianism.

15 If and when any or all of these bills come to the floor
16 of the House, I shall support them with all my strength. I
17 know that many of you will do so too.

18 I have introduced H.R. 10928 for the purpose of dealing
19 with the mounting crisis of widespread resistance to law and
20 order that is growing in many areas.

21 My bill is intended to prescribe additional practical
22 means for protecting the existing rights of all persons to
23 receive the equal protection of the laws. It would provide
24 legislative direction to the Executive Branch of government
25 to furnish technical assistance and to make financial grants

mm-51 1 to local communities, as well as establish specific administra-
2 tive procedures, for moving ahead in complying with the
3 decisions of the Supreme Court of the United States.

4 Under Title I of my bill, the Secretary of Health, Education
5 and Welfare would utilize educational means to help communities
6 prevent or eliminate denials of constitutional rights, not
7 only in the public schools, but in other activities as well.

8 H.R. 10928 would authorize appropriations of up to
9 \$3,000,000 each year for gathering and publishing information
10 concerning the problem, assisting in calling conferences on the
11 subject, and providing trained specialists to aid the states
12 and localities in eliminating governmentally imposed
13 segregation in public education. These things should have
14 been done years ago.

15 Title II would authorize appropriations of up to
16 \$50,000,000 each year to assist states and localities in
17 meeting the costs necessary to comply with the Supreme
18 Court's decision against compulsory segregation in the
19 public schools, including costs of additional teachers,
20 in-service training for teachers, providing group relations
21 specialists, replacement of state funds withdrawn from local
22 districts which are eliminating segregation, and construction
23 of additional facilities where necessary. Detailed provisions
24 are present in my bill to insure that the grants are made
25 in the most economical and effective manner possible.

Under Title III of my bill, the Secretary of Health,

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1 Education and Welfare would cooperate with the particular
2 communities to work out plans for desegregation of public
3 schools. Every effort would be made to develop such plans
4 by agreement and persuasion. Only as a last resort would the
5 Attorney General institute civil action to enforce compliance
6 with the approved plan of school desegregation.

7 Mr. Chairman, and members of this Committee, I want to
8 emphasize my deep feeling that the expenditure of these sums
9 by the federal government would be the best possible investment
10 in democracy and good government. We face a great national
11 peril, and the amounts here authorized are indeed small for
12 the task.

13 The cost of these programs would be more than repaid by the
14 protection of both property and persons from the threats of
15 violence and civil disorder, and even more by the enhancement
16 of our democratic ideals and traditions that will result from
17 such efforts by the government. We cannot afford to be without
18 such programs.

19 Title IV of my bill would supplement the Civil Rights
20 Act of 1957 which authorized the Attorney General to institute
21 civil actions to protect voting rights. Title IV of my bill
22 would authorize the Attorney General to institute civil
23 actions in those cases where any person or group of persons
24 is being deprived of any of his or their constitutional
25 rights by reason of race, color, religion, ancestry or

mm-53 1 national origin.

2 Before doing so, the Attorney General would have to
3 receive a signed complaint and certify that the person or
4 group whose rights are injured is unable to obtain effective
5 legal protection of his constitutional rights.

6 Section 401 of my bill which requires the signed complaint,
7 does not specify who shall sign it. It is my intention in
8 requiring the signed complaint, that the Attorney General
9 should not act simply on an anonymous allegation. But it
10 is not my intention that the signature must be by the very
11 person or group who are being deprived of their constitutional
12 rights.

13 People who are being oppressed are often too fearful to
14 place their own name to an official complaint. Therefore, a
15 complaint signed by any person or any representative of an
16 organization, interested in the matter, would be sufficient
17 basis upon which the Attorney General could give consideration
18 to the allegation.

19 The Attorney General would also be specifically authorized
20 to institute civil actions against persons who seek to prevent
21 federal, state and local officials from according to others their
22 constitutional rights, and against persons who seek to prevent
23 or hinder the performance of court orders which protect the
24 right to the equal protection of the laws without regard to
25 race, color, religion, ancestry, or national origin.

28-ann 01-54 1 It would also authorize such civil actions by the
2 Attorney General against those who strive to injure the
3 constitutional rights of any person simply because he has
4 expressed opposition to the denial of such constitutional
5 rights for other persons. Thus, white people who oppose
6 such discrimination against colored people could be
7 protected against denials of their constitutional rights.

8 These provisions, in my judgment, are essential to combat
9 the miasma of fear that is enveloping many areas of our nation.
10 It is time for Congress to exercise its long dormant duty to
11 protect the civil rights of all Americans.

12 Some of the bills now pending before your Committee,
13 which are somewhat similar to my bill H.R. 10928, invoke the
14 power of Congress under the Fourteenth Amendment alone.
15 However, my bill does not purport to rest solely on the
16 Fourteenth Amendment, but draws on the entire Constitution
17 for its strength.

18 I think this is important in view of the history of the
19 Civil Rights Act of 1875. As you will remember, the Supreme
20 Court invalidated the 1875 Act in the Civil Rights Cases,
21 109 U.S. 3 (1883) on the ground that the Fourteenth Amendment
22 did not authorize legislation against private violation of
23 civil rights.

24 Later, when it was sought to apply the 1875 Act to a
25 common carrier in interstate commerce, which is a field

mm-55 1 clearly subject to the Congressional power under the Commerce
2 Clause of the Constitution, the Supreme Court invalidated
3 such application on the ground that Congress had intended
4 to utilize only its power under the Fourteenth Amendment and
5 that the 1875 Act was not separable.

6 That decision was rendered in 1913, in the case of
7 *Butts v. Merchants Transportation Company*, 230 U.S. 126.
8 Subsequently, the Supreme Court invalidated racial discrimina-
9 tion under the Commerce Clause in *Morgan v. Virginia*,
10 328 U.S. 373 (1946), and under the Interstate Commerce Act,
11 in *Henderson v. United States*, 339 U.S. 816 (1950 and *Mitchell*
12 *v. United States*, 313 U.S. 80 (1941). The lesson we learn
13 from these cases is that we should draw upon the entire
14 Constitution whenever we can, rather than simply one clause
15 thereof, when we draft legislation to protect human rights.

16 I believe that the enactment of H.R. 10928 can be of
17 inestimable value to every section of our country. I hope that
18 it will be favorably reported by your Committee, and approved
19 by the House of Representatives.

20 I recognize that legislative obstacles in the Senate may
21 weaken the chances of enactment. But the representatives
22 of the people must never become despondent or discouraged.
23 We must do all in our power to further the cause of justice.

24 I believe that the enactment of the bill by the House,
25 plus the growing national realization of the tragic possibilities

mm-56 1 inherent in the decision at Little Rock, would do much to change
2 the climate of attitudes in the Senate. We must not falter --
3 we must not be timid.

4 I appreciate the opportunity to testify on these bills,
5 and thank you for your patience and courtesy.

6 The Chairman. We thank you for your coming here this
7 morning, and particularly for your very cogent statement.

8 Mr. Dawson. Thank you.

9 The Chairman. The Chair would offer for the record a
10 statement by our distinguished colleague from New Jersey,
11 the Honorable Frank Thompson, Jr.

12 There are no other witnesses this morning. The
13 Committee will adjourn until July 9, when we shall hear
14 representatives of labor, welfare and health organizations.

15 (Whereupon, at 11:32 a.m. the Committee adjourned, to
16 reconvene at 10:00 a.m., Wednesday, July 9, 1958.)

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