

1

GERALD SMITH CAREER  
BIOGRAPHY

2

APPENDIX OF  
SUPPORTING DOCUMENTS

3

POWERPOINT  
PRESENTATION

4

5



Gerald Smith Career Biography: A Look at the Life of a Social Pioneer

The focus of this paper is to examine the life and career of attorney Gerald Allen Smith. This paper will provide an in depth discussion of Mr. Smith's childhood, education, and career. In Section I, Mr. Smith's family life, including his father's integration of Beechwood Park, will be discussed. Section II, I will consist of Smith's childhood, education, and enlistment in the United States Army. The following section, III, will contain his post graduate professional development and law practice. Section IV will cover Smith's political activism, and leadership within the Monumental Bar Association. While the final section, V, will confer Smith's transition from a Civil Rights attorney to a concentration in Commercial Law. Specific emphasis will be placed on Smith's most interesting cases including: *Naimaster v. NAACP* and *Rice v. State of Maryland*. In addition, other notable cases will be briefly discussed. .

**FOREWARD**

Prior to 1885, African Americans were excluded from practicing law in Maryland.<sup>1</sup> Beginning with the admission of Everett J. Waring to the bar, black attorneys acquired the right to practice before state courts.<sup>2</sup> Since that time, African American lawyers have been at the forefront of shaping public policy and effectuating change in the law. Through advocacy and activism, these pioneers spearheaded the struggle to establish political and civil rights for minorities. With his admission to the bar in 1965, Gerald Smith continued the legacy of progression initiated by other pioneers of social change.

---

<sup>1</sup> Maryland Public Television. *Color at the Bar* (2001). Available at: <http://www.law.umaryland.edu/marshall/specialcollections/colorbar/>

<sup>2</sup> David S. Bogen, *The Transformation of the Fourteenth Amendment: Reflections from the Admission of Maryland's First Black Lawyers.*, 44 Md. L. Rev. 940 (1985).

## SECTION I

Gerald Allen Smith was born September 17, 1934, to Reverend Hiram E. and Lula E. Smith. He was delivered by the hands of a midwife as the third child in a family of seven children (see exhibit 1). His father, The Reverend Hiram E. Smith, was the founder of Mount Lebanon Baptist Church and a real estate entrepreneur. His mother indulged in real estate sales.

According to Mr. Smith, his father had an entrepreneurial spirit often earning capital from various streams of income.<sup>3</sup> During the Great Depression, Hiram chopped down locust trees from his property in Howard County and converted them to locust wood posts. Afterwards, he sold the posts to the state for forty cents each.<sup>4</sup> According to Mr. Smith, his father owned various properties throughout the state which he leased and rented.<sup>5</sup> Undoubtedly, Hiram Smith's most notable real estate purchase was the acquisition of Beechwood Park, located along the Magothy River, in Anne Arundel County, Maryland.

### Beechwood Park

On October 19, 1943, Hiram Smith purchased 64.8 acres of land known as Beechwood Park from William B. Booz and Safe Deposit Trust Company of Baltimore Trustees.<sup>6</sup> According to Mr. Smith, the property was purchased by deception because restrictive covenants barred the sale of land to anyone of "Negro, Japanese or Chinese descent."<sup>7</sup>

Neither lot nor any part thereof shall be sold, leased, transferred to or permitted to be occupied by any Negro, Chinese, Japanese or persons of any Negro, Chinese or Japanese descent; this restriction does not include servants or employees of the owners or occupants of the lot.<sup>8</sup>

---

<sup>3</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 10, 2010).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Appellee's Brief pg. 3. *Goetz v. Smith*, 191 Md. 707 (1948).

<sup>7</sup> Jackie Powder, *Remembering a park for all*, *The Baltimore Sun*, September 23, 2002.

<sup>8</sup> Appellee's Brief pg. 3. *Goetz v. Smith*, 191 Md. 707 (1948).



Using a white business partner, Hiram purchased the property. It was then transferred to him through a straw purchase.<sup>9</sup>

At the time of purchase, the land was uncultivated. As a result, Hiram used his children to clear the brush and prepare the park for business.<sup>10</sup> The park was opened to the public during the mid forties. It was marketed as “Maryland’s Finest Interracial Beach and Amusement Park.”<sup>11</sup> (see exhibit 2)

The park included: a merry go round, big wheel, round house, dance hall, dining hall, picnic area, slot machines, and concessions.<sup>12</sup> (see exhibit 3) Mr. Smith states, “The public came by the busload from Baltimore City on the weekend including, church groups, girl scouts, vacationers, and businesses, to get away from the city (and) simply enjoy the great outdoors- sun and water.”<sup>13</sup> Additionally, celebrities such as James Brown, Ike and Tina Turner, and Joe Louis visited the recreation site.<sup>14</sup>

Unlike other public facilities which were segregated, Beechwood was the only place in Baltimore where white business managers and black employees could socialize during company picnics and get-togethers.<sup>15</sup> During this period, businesses throughout the state posted “Whites Only” signs and theaters had colored seating sections. While restaurants catered to either blacks or whites, but not both.<sup>16</sup> As President Truman integrated the armed forces and pressed, what he called, a Fair Deal, the Struggle against prejudice in Maryland began.<sup>17</sup> In 1948, white and black opponents of segregation tested Baltimore City’s racial policy by playing tennis together

---

<sup>9</sup> Jackie Powder, *Remembering a park for all*, The Baltimore Sun, September 23, 2002.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Robert J. Brugger, *Maryland A Middle Temperament* 560 (The Johns Hopkins University Press in association with the Maryland Historical Society 1988) (1990).

<sup>17</sup> Ibid.

on a court reserved for whites.<sup>18</sup> The seven protestors were convicted of “Conspiring to assemble unlawfully,” and the city’s tradition racial segregation remained intact.<sup>19</sup> Note, three years after the Druid Hill demonstration, Baltimore opened golf courses to blacks.<sup>20</sup>

As Maryland’s only interracial beach and amusement park, Beechwood was a source of contempt for Hiram Smith’s white neighbors and separatists throughout the state. According to Gerald Smith, some whites accused his father of “Trying to mongrelize the county.”<sup>21</sup> Consequently, in 1946 the Smiths were sued by neighbors, Wanda Goetz and Charles Bell, to compel enforcement of the racially restrictive covenants.<sup>22</sup> During the legal action the Smiths were represented by Charles Hamilton Houston, who served as the first full time salaried Special Counsel to the NAACP between 1935 and 1940.<sup>23</sup> Litigation of the matter persisted for more than two years. In an opinion delivered by Judge Marbury, the Maryland Court of Appeals held the restrictive covenants did not apply to the Smith’s tract of land.<sup>24</sup> In a second combined case, the court concluded enforcement of restrictive covenants violated the Fourteenth Amendment pursuant to the United States Supreme Court’s decision in *Shelley v. Kraemer*.<sup>25</sup> In *Shelley*, the court held:

Racially restrictive covenants are, on their face, not invalid under the Fourteenth Amendment. Private parties may voluntarily abide by the terms of a restrictive covenant, but they may not seek judicial enforcement of such a covenant, because enforcement by the courts would constitute state action. Since such state action would necessarily be discriminatory, the enforcement of a racially-based restrictive covenant in a state court would violate the Equal Protection Clause of the Fourteenth Amendment.<sup>26</sup>

---

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 10, 2010).

<sup>22</sup> *Goetz v. Smith*, 191 Md. 707 (1948).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> *Shelley v. Kraemer*, 334 U.S. 1 (1948).

The court's decision permitted the Smiths to continue to use their land for park purposes.

In 1949, Smith's father enlarged his park by 16 acres when the owner of adjoining Beachwood Grove sold his property.<sup>27</sup> Hiram Smith continued to operate Beechwood Park until 1963, when the parcel was sold at public auction for \$22,500 to Stanley I. Lapidus; due to default of the mortgage.<sup>28</sup> In 2003, the land was purchased by Anne Arundel County for approximately \$1.3 million.<sup>29</sup> The Smith family did not receive any proceeds from the sale of the land.<sup>30</sup>

Gerald Smith attributes the declined attendance at Beechwood Park to the Supreme Court's decision in *Brown v. Board of Education of Topeka* 347 U.S. 483, (1954).<sup>31</sup> He asserts that while the affects were not immediate, the implication of *Brown* meant public facilities had to open up to blacks who wanted "New opportunities, new places to go, and different experiences."<sup>32</sup> In *Brown*, the court held segregation of black and white students in public schools violates the Equal Protection Clause of the Fourteenth Amendment, because separate facilities are inherently unequal.<sup>33</sup> The decision over turned the court's 1896 ruling in *Plessey v. Ferguson*, which held the separate but equal provision of public accommodations by state governments is constitutional under the Equal Protection Clause.<sup>34</sup>

## SECTION II

### Childhood and Education

Despite the adversity faced by his family, Smith describes his childhood as very rich.<sup>35</sup> He spent a majority of his summers working at Beechwood Park. With more than 2,000 visitors

---

<sup>27</sup> Jackie Powder, *Remembering a park for all*, The Baltimore Sun, September 23, 2002.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 10, 2010).

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483, (1954).

<sup>34</sup> *Plessey v. Ferguson*, 163 U.S. 537. (1896).

<sup>35</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 10, 2010).

per day, Smith worked long hours cleaning and prepping the park for business.<sup>36</sup> When not at the park, Smith collected rents from his father's tenants and indulged in mischievous behavior.<sup>37</sup> He recalls some of his antics which included: rolling tires in front of oncoming cars to see if the vehicles would slam on their breaks, throwing rotten eggs at street cars, and calling the undertaker and directing him to the homes of neighbors.<sup>38</sup> His spirit for fun and rebellion followed him into the school house.

Smith was educated in the Baltimore City public school system. From 1947 to 1950, he attended Frederick Douglass Senior High School. Known as "The Colored High and Training School, Douglass was established in 1883 to cater to black children in Baltimore City.<sup>39</sup>" It remained the only high school for blacks until 1937; At that point, Paul Laurence Dunbar was opened to accommodate children from the Eastside of Baltimore.<sup>40</sup> During the 1940s and 1950s Douglass produced dozens of notable alumni including: civil rights activists Thurgood Marshall, Clarence M. Mitchell, Jr., Juanita Jackson Mitchell and Lillie Mae Jackson.<sup>41</sup>

During his junior year, Smith was expelled from Douglass for painting his shoes multiple colors.<sup>42</sup> He states:

One day I decided to paint my shoes red with white polka dots. When I wore them to school, I was spotted by the vice principal who said "Boy go home with those red and white shoes. If you come back with those shoes tomorrow you are out of here." That evening, I painted my shoes pink and black. When I returned to school, the vice principal saw me again and said "Boy didn't I tell you not to return with those painted shoes?" I replied, "No, you said don't come back with red and white shoes

---

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid. (April 2, 2010).

<sup>39</sup> *Film shows Baltimore school struggling despite No Child Left Behind law*. Associated Press. 2008-06-21. <http://www.globegazette.com/articles/2008/06/21/entertainment/tv/doc485dd0f84f4ed169476907.txt>

<sup>40</sup> [http://en.wikipedia.org/wiki/Frederick\\_Douglass\\_Senior\\_High\\_School\\_\(Baltimore,\\_Maryland\)](http://en.wikipedia.org/wiki/Frederick_Douglass_Senior_High_School_(Baltimore,_Maryland)).

<sup>41</sup> Ibid.

<sup>42</sup> Smith states that on the second day he was instructed not to return to school. He is unsure whether he was officially expelled from Douglass. However he never returned to the school. Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (April 2, 2010).

these are pink and black.” As a result, I was sent home and told not to return.<sup>43</sup>

Following his ejection, Smith says he was sent to Oakwood Friends School by his mother, whom he describes as over protective.<sup>44</sup>

Oakwood Friends School was a co-educational Quaker boarding school located in Poughkeepsie, NY. Smith attended the school from 1950 through 1951. He describes the school as extremely liberal and tolerant.<sup>45</sup> According to Smith, “The school was far ahead of America in terms of race relations. There were 6 black children, but you would never notice that you were black.”<sup>46</sup> (see exhibit 5) Having enjoyed his experience at Oakwood, Smith decided to attend a Quaker college. From 1951 through 1952, Smith attended Wilmington College, a private liberal arts Quaker Institution located in Wilmington, Ohio. He attended the school for only one year because he felt the environment was less progressive in terms of its thinking and less inclusive than Oakwood.<sup>47</sup> Ultimately, the school did not meet his expectations. Therefore, he transferred to Bucknell University in Lewisburg, Pennsylvania in 1952.

Smith’s decision to attend the school was influenced by the benefits he derived as the child of a minister. As the son of a Baptist Minister, Smith received a scholarship to attend Bucknell. Founded in 1846, the school traces its roots to a group of Baptists from White Deer Baptist Church in Lewisburg, Pennsylvania.<sup>48</sup> Smith attended the school from 1952-1953, along with sister’s Debbie and Yvonne. According to Smith, the school was not diverse, “There were three black women at the school and two were my sisters.”<sup>49</sup> Smith stayed at Bucknell for 1 year until his decision to transfer to Howard University in the fall of 1953. According to Smith,

---

<sup>43</sup> Ibid, (February 5, 2010).

<sup>44</sup> Ibid. (March 10, 2010).

<sup>45</sup> Ibid. (February 5, 2010).

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> [http://en.wikipedia.org/wiki/Bucknell\\_University](http://en.wikipedia.org/wiki/Bucknell_University).

<sup>49</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 2, 2010).

“I transferred to Howard after the school’s choir performed at my school. I saw those students and experienced the camaraderie and decided to leave.”<sup>50</sup>

During his first year at Howard University (herein after Howard), Smith says he spent an inordinate amount of time socializing and engaging in extracurricular activities. They included pledging Kappa Alpha Psi in 1954. (see exhibit 6) Kappa Alpha Psi was founded January 5, 1911, at Indiana University at Bloomington.<sup>51</sup> The organization is recognized for sponsoring programs providing community service, social welfare, and academic scholarships.<sup>52</sup> According to Smith, he surpassed his brethren in fundraising and gained recognition as the top fundraiser in the chapter.<sup>53</sup> In 1955, he was elected Vice Pole March of his chapter often standing as substitute in the absence of the Pole March. (see exhibit 7)

Notwithstanding his love for social activities, Smith suffered academically. During the second semester of his first year he was placed on academic probation and was threatened with exclusion. However, despite his academic shortcomings Smith eventually turned his grades around and made the Dean’s List. He graduated in 1956, Cum Laude with a B.S. in Business Administration majoring in Insurance and Real Estate. (see exhibit 8)

### **Enlistment**

Following graduation, Smith worked in the real estate and insurance business. He established broker agreements with New York Life and other casualty companies to underwrite insurance. The Howard graduate indulged in this career for two years before enlisting in the army; having deferred enrollment throughout college. Smith states, “There was a mandatory

---

<sup>50</sup> Ibid.

<sup>51</sup> Kappa Alpha Psi (KAPΨ) Founding History". kappaalphapsi1911.com.  
<http://www.kappaalphapsi1911.com/fraternity/history.asp>.

<sup>52</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

<sup>53</sup> Ibid.



service requirement and voluntarily enlisting allowed me to control my in and out date.”<sup>54</sup>

Accordingly, on January 3, 1957, Smith entered into the United States Army as an enlisted reserve. He was assigned identification number ER1559927 and paid \$99.37 a month for his service.

Smith completed basic training at Fort Jackson, South Carolina. He was later shipped to Fort Campbell, Kentucky where he received training as a combat engineer with the 101<sup>st</sup> Airborne Division. Known as “The screaming eagles,” the 101<sup>st</sup> Airborne Division serves as a modular infantry division trained for air assault operations.<sup>55</sup> Following an exam, Smith was reassigned to the Office of the Provost Marshall in the AWOL Apprehension and Criminal Investigation Division. His responsibilities included: communicating with local authorities to apprehend AWOL military personnel, working collaboratively with non military personnel to facilitate the return of military officers, and reviewing paperwork.<sup>56</sup> According to Smith, working in the Provost Marshall’s Office relieved him of guard duty and kitchen patrol.<sup>57</sup> Due to the nature of his classification he was prohibited from affiliating with regular officers.<sup>58</sup> Consequently, Smith states he lived alone in private quarters.<sup>59</sup> As the only African American, Smith frequently experienced racism at the hands of an office mate he nicknamed “Prejudice Pope.” After one year, nine months, and eleven days of service Smith was discharged as a Specialist Fourth Class on December 11, 1958.

---

<sup>54</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (March 10, 2010).

<sup>55</sup> [http://en.wikipedia.org/wiki/101\\_airborne](http://en.wikipedia.org/wiki/101_airborne)

<sup>56</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (March 10, 2010).

<sup>57</sup> Ibid.

<sup>58</sup> Provost Marshall’s are in charge of military police. Officer duties include law enforcement, security and supervision, disciplinary guard duty as well as coordinating emergency services. Colonel Jeremiah Holland, Training for Military Policemen. Holland is Commanding Officer, The Provost Marshall Center, Camp Gordon, Georgia.

<sup>59</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

Following his discharge Mr. Smith revived his work in the real estate and insurance business. Two years after leaving the Army Smith married his first wife and settled in Washington, D.C. where enrolled in law school. According to Smith, his desire to practice law manifested at an early age:

I knew that [I] wanted to go to law school at a very young age. I wanted to be a lawyer because it was a respectable way to earn a living. I also knew that I wanted to work for myself. I learned that from my father because he never worked for anyone. I guess the entrepreneurial spirit runs in my family.<sup>60</sup>

### **SECTION III**

#### **Law School**

During the fall of 1962, Smith entered the corridors of Howard University School of Law. (see exhibit 9) The 1L class consisted of one hundred six students. (see exhibit 10) Throughout his tenure Smith excelled academically, thus earning several academic distinctions. One of which was the position as Assistant Managing Editor of the Howard Law Review. (see exhibit 11) Additionally, the school's legal fraternity awarded him a certificate for outstanding academic achievement.<sup>61</sup> He also served on the Student Bar Association Board of Governors. Despite Smith's academic success, his career was nearly derailed during his 2L year when his wife became pregnant with their first child. Due to his familial obligations, Smith contemplated leaving school to earn money. Facing a significant setback, he sought the advice of his International Law Professor, A. Luini del Russo (see exhibit 12). Upon hearing of her student's dilemma, Professor Luini del Russo employed Smith as Student Charged' Affairs for the Symposium on International Human Rights.

---

<sup>60</sup> Ibid.

<sup>61</sup> Smith was not a member of the legal fraternity.

As student charged' affairs, Smith was permitted to work 2-3 hours a week. His \$3.50 an hour pay entailed blue booking and cite checking symposium article submissions. He later wrote a law review article entitled, "*European Convention on Human Rights and the Right of Derogation: A Solution to the Problem of Domestic Jurisdiction*," for which he was paid fifteen hundred dollars for submission.<sup>62</sup> (see exhibit 13) The article has not been cited.

### **NAACP Legal Defense and Education Fund**

In 1965, Smith graduated Cum Laude from Howard Law, in the company of fifteen of the one hundred six original students. Following graduation, Smith worked for the NAACP Legal Defense and Education Fund (LDF) as a Marshal Fields Fellow. He asserts his decision to work with LDF was influenced by his alma mater's tradition of producing civil rights activist. According to Smith, there was an expectation that students aid in the progression of the civil rights movement. Indeed, the school had a reputation of producing prominent black attorneys, like Thurgood Marshall, who used the law as a means to force social change. During the 50's and 60's Howard Law became the embodiment of legal activism and a clearinghouse for information on the civil rights struggle.<sup>63</sup> Smith took this tradition with him to the offices of the LDF located at 10 Columbus Circle, New York, NY.

The organization began as a legal wing of the NAACP under the direction of Charles Hamilton Houston.<sup>64</sup> In 1957, Thurgood Marshall established the LDF as an entity wholly independent of the NAACP.<sup>65</sup> Marshall served as the organizations first President and Director of Counsel until 1961. At which time he was succeeded by Jack Greenburg.<sup>66</sup> Smith worked at

---

<sup>62</sup> *European Convention on Human Rights and the Right of Derogation: A Solution to the Problem of Domestic Jurisdiction* 11 How. L.J. 594 (1965).

<sup>63</sup> [http://en.wikipedia.org/wiki/Howard\\_University\\_School\\_of\\_Law](http://en.wikipedia.org/wiki/Howard_University_School_of_Law)

<sup>64</sup> Rawn James Jr., *Root and Branch: Charles Hamilton Houston, Thurgood Marshall and The Struggle to End Segregation* 155 Bloomsbury Press, New York (2010)

<sup>65</sup> [http://en.wikipedia.org/wiki/NAACP\\_Legal\\_Defense\\_and\\_Educational\\_Fund](http://en.wikipedia.org/wiki/NAACP_Legal_Defense_and_Educational_Fund)

<sup>66</sup> [http://en.wikipedia.org/wiki/Jack\\_Greenberg\\_\(lawyer\)](http://en.wikipedia.org/wiki/Jack_Greenberg_(lawyer))

the LDF under the leadership of Greenburg from 1965 through 1966. He was directly supervised by various individuals including: Leroy Clark and James M. Nabrit III. Nabrit later became president of Howard University School of Law.

As a Marshall Field's Fellow, Smith's responsibilities included: coordinating the annual conference, participating in fact finding missions, and drafting legal briefs and pleadings. Smith credits the LDF with teaching him to write concisely:

I remember taking a brief to Jack Greenberg who sent me to Leroy Clark to learn how to compress sentences. Greenberg said Clark was a master at eliminating garbage words. After meeting with Clark, I would review my brief to see if eliminating words changed the meaning of the sentence. If extracting the word did not change the meaning, I would get rid of it.

According to Smith, eliminating words had an economic impact on the organization due to the cost of printing, "As a civil rights legal aid society we had to conserve money."<sup>67</sup> In fact, the LDF had to ensure it possessed money to litigate cases and conduct fact finding missions throughout the south. (see exhibit 14)

During his term, Smith engaged in fact finding missions to oversee school integration and investigate voting rights violations. While investigating these issues he regularly encountered danger. Smith recounts that during a trip to Alabama he was unjustly pursued by local police.<sup>68</sup>

We travelled to investigate voting rights complaints in Green County, Alabama. We went to gather facts and interview people about including the judge of probate. Upon arriving at the courthouse we asked for an audience with the probate judge because he was in charge of the voting records. However, we were told that he was not available. Upon leaving the courthouse, word got out that some black people wanted to see the

---

<sup>67</sup> The LDF was established specifically for tax purposes. Because the NAACP lobbied Congress, donations to the association was not tax deductible. Marshall, as Director of Counsel noticed the legal office's expenses were substantial and realized the office could attract larger donations if they were tax deductible. With association support he established the LDF. Rawn James Jr., *Root and Branch: Charles Hamilton Houston, Thurgood Marshall and The Struggle to End Segregation* 155 Bloomsbury Press, New York (2010) and Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (March 10, 2010).

<sup>68</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

judge. When we returned to Tuskegee we received a call from locals that the police were looking for us and had arrested about seventy five people on the highway thinking they were us. The clerk informed the community that we were there investigating voting issues.

Smith states that the group quickly departed to avoid an encounter. Although the trip was cut short, the LDF continued to investigate complaints throughout the south. Smith recalls other brushes with danger, “One time I hid in a shack where they used newspaper to cover the walls. Another time they hid me with black folks who lived next to Klan headquarters because they knew the Klan would not look for us that close to home.<sup>69</sup>” Indeed the threat of Smith falling victim to a white mob was real. Lynching was a common problem in the south and often a public event; with the community colluding either directly or indirectly to assist angry mobs.

Throughout the 19<sup>th</sup> and 20<sup>th</sup> century, lynching was used by whites to terrorize and marginalize southern blacks. It existed as a technique to enforce social conventions and punish “perceived” violation of custom.<sup>70</sup> As the Civil Rights Movement gained momentum, lynching and other acts of violence escalated. With the passage of the Civil Rights Act of 1964, which prohibited racial discrimination in employment and education and outlawed racial segregation in all public places and most private business, racial tensions and violence in the south intensified.<sup>71</sup> In fact, on August 4, 1964, the bodies of three civil rights workers, James E. Chaney, Andrew Goodman, and Michael Schwerner, were found in a partially constructed dam near Philadelphia, Mississippi.<sup>72</sup> The three members of the Congress of Racial Equality (CORE) were murdered by the Ku Klux Klan as they investigated the arson of a black church being used as a freedom school.<sup>73</sup> In 1965, around the time Smith investigated voting rights violations in Green County,

---

<sup>69</sup> Ibid.

<sup>70</sup> [http://en.wikipedia.org/wiki/Lynching\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Lynching_in_the_United_States).

<sup>71</sup> <http://www.history.com/topics/civil-rights-movement/videos>

<sup>72</sup> [http://en.wikipedia.org/wiki/Lynching\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Lynching_in_the_United_States).

<sup>73</sup> Ibid.

Willie Brewster was shot and killed by a group of white men in Anniston, Alabama (located in Calhoun County).<sup>74</sup> The men belonged to the National States Rights Party, a violent neo-Nazi group whose members were involved in church bombings and the murder of blacks.<sup>75</sup> Despite his frequent trips to the south, Smith affirms he never had any hostile encounters with the Klan or any other white supremacist organizations.<sup>76</sup>

During his fellowship, Smith was taught to deal with discrimination and civil rights violations head on. According to LDF alumnus Norris Ramsey, “Fellows were taught to stand up against anyone who wanted to disrespect you.”<sup>77</sup> In fact, civil rights attorneys needed thick skin to challenge the status quo. According to Smith, the fellowship served to train young lawyers in the area of civil rights law so they could return to one of the seventeen states affected by *Brown v. Board of Education* decision and become LDF affiliates.<sup>78</sup> As an affiliate, attorneys worked on local civil rights cases receiving support and referrals from neighboring NAACP branches and national assistance from the LDF.<sup>79</sup> Upon completion of the fellowship, each participant received a 3 year stipend and a law library.<sup>80</sup> At the conclusion of his yearlong fellowship, Smith assisted in recruiting additional fellows from Howard. His successors included Sylvia Drew and The Honorable Gabrielle Kirk.<sup>81</sup> In 1966, Smith returned to Baltimore to engage in private practice.

Immediately following his return to the city, Smith shared office space with attorney Joe Thomas. From 1967 to 1973 he worked in the office of *Brown, Allen and Waltz* along with John

---

<sup>74</sup> <http://www.crmvet.org/mem/41lives.htm>

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Interview by Larry Gibson of Norris Ramsey, Baltimore, MD ( April 13, 2010)

<sup>78</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

<sup>79</sup> Ibid.

<sup>80</sup> Fellows received \$5000 the first year after completion of the program, \$3000 the second year, and \$1000 the third year. Ibid.

<sup>81</sup> Ibid (March 10, 2010).



Hargrove, Charlie Howard, Archie Williams, Charlie Williams, Benjamin Brown, Jim Bundy, and Kenneth Johnson.<sup>82</sup> According to Mr. Smith, it was a law firm in name only; the attorneys merely shared office space and overhead expenses.<sup>83</sup> During this time Smith also served as Special Assistant City Solicitor for Baltimore under the leadership George L. Russell, Jr., City Solicitor.<sup>84</sup> He was appointed to the position at the request of close family friend David Glen. Glen was in charge of the Community Relations Commission.<sup>85</sup> During his tenure, Smith was assigned to the Baltimore Community Relations Commission where he provided legal assistance and representation to the City in the enforcement of its Civil Rights Laws.<sup>86</sup> Smith remained with the Baltimore City Solicitors until 1973, when he resigned due to a conflict of interest.<sup>87</sup> According to Smith, he stepped down from his position when he, and then law partner the Honorable Kenneth Johnson, filed suit against the Baltimore City Fire Department alleging racial discrimination in *Harper v. Kloster* 486 F. 2d 1134.<sup>88</sup>

One of Smith's first Civil Rights cases was *McIver v. Russell*, 264 F. Supp. 22 (1967), which he litigated with Juanita Mitchell with assistance from the LDF. This case represented a civil action brought under 42 U.S.C § 1983 in which Benjamin McIver sought damages in the amount of \$305,000 for false imprisonment and assault.<sup>89</sup> McIver alleged, On June 20, 1964, defendants Glen Russell, Joseph Mullin, Lt. Milton Hipsley, Lt. Joseph Dalton, Sgt Edward Eben and Officer Joseph Cole, unlawfully, willfully, intentionally and with malice beat and struck him. In addition, without justification they invaded his home, damaged and destroyed his

---

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Dan Freidman, The History of the Baltimore City Solicitors, Available at: <http://www.msa.md.gov/msa/speccol/sc2600/sc2685/text/solicitors.pdf>

<sup>85</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

<sup>86</sup> Ibid. (April 10, 2010).

<sup>87</sup> Ibid.

<sup>88</sup> Smith did not actually litigate the case. However, due to the firm's involvement he resigned. The case was litigated by his partner Kenneth L. Johnson.

<sup>89</sup> *McIver v. Russell*, 264 F. Supp. 22 (1967)

household furnishings, and arrested him.<sup>90</sup> He further alleged that that he was then taken from his home and transported to the Southwestern District Police Station in Baltimore. Once there he was confined to jail and charged with disorderly conduct, resisting arrest, and assaults on Officers Russell and Cole.<sup>91</sup> The charges were later dismissed upon presentment for indictment before the Grand Jury.<sup>92</sup>

At trial, the defendants moved to dismiss the complaint arguing, the § 1983 claim was barred by the one-year statute of limitations for assaults under Md. Ann. Code art. 57, § 1.<sup>93</sup> They also asserted immunity and cited inconsistency in the complaint.<sup>94</sup> The court denied the motion stating:

1. The § 1983 claim had not been barred because the applicable statute of limitations under Md. Ann. Code art. 57, § 1 (1964) had been the three-year statute of limitations for violations of Md. Const. Decl. Rts. art. 23, a provision synonymous with the due process clause.
2. The police were not immune from liability because the police could not interpose the public nature of police employment between a federal cause of action alleging deprivation of civil rights and accountability in damages.
3. It is consistent to aver that acts were done "under color of law," in the sense that the police were clothed with state authority, and at the same time to seek to hold the police liable for false imprisonment "without color of legal authority."<sup>95</sup>

A federal jury later dismissed McIver's suit for damages. (see exhibit 15)

---

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

Naimaster v. NAACP

Four years after gaining admission to the bar, Gerald Smith litigated what he describes as his most interesting case, *Naimaster v. National Association for the Advancement of Colored People*, 296 F. Supp. 1277 (1969).<sup>96</sup> Described as “Sensational on its face,” the case represents a classic confrontation between a civil rights organization and the Ku Klu Klan.<sup>97</sup>

The original Ku Klu Klan was formed in 1865 following the Civil War.<sup>98</sup> In 1915, the organization was incorporated as a fraternal order and became known as the Knights of the Ku Klu Klan.<sup>99</sup> The group advocated white Supremacy and the Superiority of native born Americans over immigrants.<sup>100</sup> Additionally, minorities such as African Americans, Jews, and Catholics were held in disdain.<sup>101</sup> In 1922, an estimated 200,000 men nationwide were Klan members, with 33,000 residing in Maryland.<sup>102</sup> During the 1950s and 1960s, the Klan focused its efforts on rallying against the civil rights movement and resistance to integration; often using threats, harassment, violence and intimidation to deliver its message.<sup>103</sup> In May 1966, a Maryland chapter of the Ku Klu Klan picketed alongside CORE in Baltimore City.<sup>104</sup> exhibit 16) The Klan took opposition with CORE’s protest of discriminatory rental policies at a Baltimore City apartment building.<sup>105</sup> Cloaked in multi colored robes, the Klansmen yelled racial epithets at on lookers and CORE supporters.<sup>106</sup>

---

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> <http://www.lib.umd.edu/archivesum/actions.DisplayEADDoc.do?source=MdU.ead.histms.0091.xml&style=ead>

<sup>99</sup> Ibid

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> George W. Collins, *Robed order incites anger new tensions*. Afro American, May 14, 1966.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

During the 1960s the organization's local and national activities such as: cross burning, bombings, and explosive speeches created national concern. The result was an investigation by the House Un-American Activities Committee.<sup>107</sup> In 1967, a bill was introduced in the Maryland State Legislature, to make public wearing of masks illegal in many cases.<sup>108</sup> The proposed law was aimed specifically at hooded Klan members and their public rallies. Despite public concern over Klan activities the bill failed to become law.<sup>109</sup> As Klan activity continued in Maryland, the Baltimore Branch of the NAACP took affirmative steps to expose the activities of the organization's members. Under the direction of Lillie Jackson, the Baltimore Chapter of the NAACP openly encouraged businesses, such as the Baltimore Transit Company, to hold their employees accountable for Klan participation.<sup>110</sup> The organization's condemnation of Klan leader Vernon Naimaster resulted in a seven year legal battle which was litigated by Gerald Smith in both federal and state courts.

On November 9, 1966, Vernon Naimaster, the acting Grand Dragon of the Ku Klu Klan, initiated a civil suit in the Circuit Court for Baltimore County against the Baltimore Branch of the NAACP, Jackson Mitchell and Lillie Jackson.<sup>111</sup> In his complaint Naimaster alleged libel, invasion of privacy, malicious interference with contract of employment, and conspiracy.<sup>112</sup> The action was a by-product of statements made by Ms. Jackson and Ms. Mitchell denouncing the conduct, actions, and inflammatory comments demonstrated by Naimaster during a Ku Klux

---

<sup>107</sup> <http://www.lib.umd.edu/archivesum/actions.DisplayEADDoc.do?source=MdU.ead.histms.0091.xml&style=ead>

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Lillie Jackson devoted her life to rebuilding the Baltimore Chapter of the NAACP. Jackson urged her followers to get politically involved and encouraged them to speak out against racism. Robert J. Brugger, *Maryland A Middle Temperament 560* (The Johns Hopkins University Press in association with the Maryland Historical Society 1988) (1990).

<sup>111</sup> *Seek Transfer of \$200,000 Klan Suit to Federal Court, Afro American*, and December 24, 1966.

<sup>112</sup> *Naimaster v. NAACP*, 296 F. Supp. 1277 (1969).

Klan rally. In his complaint, Naimaster asserted the slanderous remarks of Jackson and Mitchell caused him to be released from employment with the Baltimore Transit Company.<sup>113</sup>

Under the representation of M. Jacqueline Mc Curdy, W. Giles Parker and Alan H. Murrell, Naimaster argued:

**Count I: Libel**

For 12 years prior to November 10, 1965, he was employed with the Baltimore Transit Company.<sup>114</sup> On the aforementioned date, the defendants caused to be published by means of telegrams, press release, and word of mouth the following information about the plaintiff.<sup>115</sup>

The Baltimore Branch of the NAACP protests the racially inflammatory public utterances of a Baltimore Transit bus driver, Vernon Naimaster, who is Acting Grand Dragon of the Ku Klu Klan in the State of Maryland. His public pronouncements against Negroes and Jews make him totally unfit for employment in this public utility. Colored employees of the Transit Company further protest that he is continuing to make these utterances on the company grounds in the eastern division where he is employed. We would appreciate your immediate investigation and action on this urgent matter. -Dr. Lillie M. Jackson President Baltimore Branch NAACP.<sup>116</sup>

Naimaster alleges the representations falsely and maliciously reflect on his moral character and standing in the community, in that they imputed conduct tending to degrade and expose him to public hatred, contempt and ridicule, aversion and disgrace and were calculated and intended to produce an evil opinion of him in the minds of right-thinking persons and deprive him of employment.<sup>117</sup> He did not deny that he was the Acting Grand Dragon of the Ku Klu Klan.<sup>118</sup>

---

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

**Count II: Invasion of Privacy**

Naimaster realleges the facts in Count I, adding that Dr. Jackson and Mrs. Mitchell participated in other actions as individuals and agents of the NAACP, furthering malicious intent to damage plaintiff by making statements to the press, "Testifying at hearings in connection with the Plaintiff's employment and otherwise."<sup>119</sup>

**Count III: Malicious and intentional interference with plaintiff's contract of employment and Count IV: Conspiracy**

Based on the same allegations plus an allegation that the defendants conspired together to injure plaintiff and cause him damage and loss.<sup>120</sup>

In his complaint, Naimaster claimed actual and exemplary damages in the amount of \$200,000 and elected a jury trial.<sup>121</sup> (see exhibit 17) On December 14, 1966, Gerald Smith, Clarence Mitchell Jr., Charles S. Ralston, Jack Greenberg, and Robert Carter entered their appearance on behalf of the defendants and filed a Notice of Removal to the U.S. District Court for the District of Maryland; citing *28 U.S.C. §1443*, *28 U.S.C. § 1446*, *42 U.S.C. § 1981*, *42 U.S.C. § 1983*, *42 U.S.C. § 1985* and the First and Fourteenth Amendments.<sup>122</sup>

In the complaint, Smith et al. established the history of the NAACP, responsibilities of the Metropolitan Transit Company under Maryland Law, and the activities of Naimaster with the KKK, including statements made by him on television, radio, and reported in the press.<sup>123</sup> The defendants affirmed the Baltimore Branch of the NAACP was contacted by passengers and

---

<sup>119</sup> Ibid

<sup>120</sup> Ibid

<sup>121</sup> Ibid

<sup>122</sup> *Seek Transfer of \$200,000 Klan Suit to Federal Court*, *Afro American*, and December 24, 1966.

<sup>123</sup> Ibid



employees of the Baltimore Transit Company expressing fear and concern over the statements made by Mr. Naimaster. As president of the organization, Dr. Jackson issued a public statement and dispatched a telegram in response to concerns (see plaintiff's complaint above).<sup>124</sup>

Additionally, they acknowledged on November 11, 1965, the Baltimore Transit company discharged Naimaster for "actions which have resulted in turmoil, dissension, and apprehension among our employees" as well as violating the company rule that employees shall foster friendly relations between the company and the general public.<sup>125</sup> Furthermore, in response to Naimaster's dismissal, pursuant the terms of a collective bargaining agreement, an arbitration hearing was held in Baltimore City on March 11, 1966, and the discharge was upheld by an arbitrator.<sup>126</sup>

The Notice of Removal avowed:

1. Proceeding in the Circuit Court for Baltimore County specifically denies statutory civil rights conferred by the Civil Rights Act of 1866. Should defendants be compelled to answer for the exercise of these rights, the mere pendency of the suit indicates they are not free from harassment and the threat of pecuniary loss for engaging in a protected activity.<sup>127</sup>

In the complaint, Smith et. al asserted Baltimore County was an area that systematically limited the number of colored residents through restrictions on the rental and sale of property. Only 2 percent of the county's population was black.<sup>128</sup> Therefore, minorities were less likely to serve on a jury. Additionally, merely changing the venue to another Maryland County could result in

---

<sup>124</sup> *Naimaster v. NAACP*, 296 F. Supp. 1277 (1969)

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.*

<sup>127</sup> *Seek Transfer of \$200,000 Klan Suit to Federal Court*, Afro American, and December 24, 1966

<sup>128</sup> *Ibid.*

removal to an area where prejudices were as bad as or worse than those in Baltimore County.

And the potential of encountering a Klan sympathetic jury was a tremendous risk.

Furthermore the defendants asserted:

2. Expressions made and communications sent by NAACP officials were good faith communications of information and grievances submitted on behalf of citizens protesting claimed abuse on a matter of highest public importance and concern.<sup>129</sup> Additionally, the expressions constitute an exercise of free speech and protest under the First and Fourteenth Amendments of the Constitution.<sup>130</sup>

On March 5, 1969, the United States District Court for the District of Maryland remanded the case to the Circuit Court of Baltimore County holding removal of state court action under the civil rights removal statute is not warranted by assertion that denial of rights of equality may take place and go uncorrected at trial.<sup>131</sup> Citing *Georgia v. Rachel*, 384 U.S. 780, the court stated under § 1443(1) removal is warranted only if it can be predicted by reference to a law of general application that defendant will be denied or cannot enforce specific federal rights in state court.<sup>132</sup> The court reasoned in the absence of state statute or law of general application, racial discrimination in the selection of juries, allegations of discriminatory jury selection procedures in the county and allegations that removal to another county could produce a Klan sympathetic jury were insufficient to support federal removal, under 42 U.S.C. 1443, Civil Rights Act of 1866 or the Equal Protection Clause.<sup>133</sup> On the second matter, the court stated. “Even if the telegram and

---

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> *Naimaster v. NAACP*, 296 F. Supp. 1277 (1969)

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

statements were protected by the First Amendment, such a fact was not sufficient to entitle defendants to remove, under the civil rights removal statute.<sup>134</sup>

On remand, the defendants filed a Motion to Dismiss on March 12, 1971.<sup>135</sup> (see exhibit 18) On November 23, 1971, Judge John Turnball denied the motion and ordered defendants to file pleadings within 15 days. On September 18, 1972, the defendants filed a Motion for Change of Venue. The motion was granted and the case was transferred to Circuit Court of Anne Arundel County for trial.

After a four day trial and two hours of deliberation, an all white jury delivered a verdict in favor of the NAACP on September 10, 1973.<sup>136</sup> Seven years after the original complaint was filed in the Baltimore County Circuit Court, the jury did not find enough evidence to uphold Vernon Naimaster's allegations.<sup>137</sup>

Mr. Smith describes this case as one of his most exhilarating cases. He states, "I felt like I was hitting a home run, even though I had no reason to feel confident because the case was being tried in Anne Arundel County."<sup>138</sup> During the trial, Mr. Smith says he produced evidence of legislation passed by the Maryland Legislature condemning the Klan. Smith believes the outcome was influenced by a shift in the social climate, "At that time people wanted to distance themselves from the activities of the Klan."<sup>139</sup> Smith says it was no longer socially acceptable to affiliate with extremist social groups.<sup>140</sup> Throughout the litigation, Smith was aided by the NAACP Legal Defense Fund. With the Naimaster verdict, he was able to achieve one of his

---

<sup>134</sup> Ibid.

<sup>135</sup> *Naimaster v. NAACP*, 296 F. Supp. 1277 (1969). Docket entries.

<sup>136</sup> *NAACP in Maryland wins suit brought by Klan Official*, *The Crisis*, 1973.

<sup>137</sup> Ibid.

<sup>138</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

greatest victories.<sup>141</sup> The decision in *Naimaster* still remains good law; it has been cited by various circuits and one treaty on the removal issue. Despite several years of litigation, the attorneys were awarded a mere fifteen hundred dollars in attorney's fees.<sup>142</sup>

## SECTION IV

### Political Involvement

During the late 1960s as the political and social climate began to change, Black attorneys in Baltimore initiated a movement to force change through political activism. With the passage of the National Voting Rights Act of 1965, discriminatory voting practices, which were responsible for the widespread disenfranchisement of African Americans, were outlawed.<sup>143</sup> As black votes became more valuable, African Americans were encouraged to become more politically active. In general, there was an understanding that blacks had to use voting power to compel change.<sup>144</sup> Most blacks believed they did not have a fair chance in court. Under this premise African Americans in Baltimore City went to the ballots to ensure that a black judge was situated on the Supreme Bench.<sup>145</sup> In 1968, Joseph Howard became the first African American to be elected for judgeship. Gerald Smith served as Treasurer for his campaign under the leadership and direction of Larry Gibson.

While working at *Brown, Allen, and Waltz*, Smith developed a close relationship with Joseph Howard.<sup>146</sup> He was personally asked by Howard to serve as treasurer in his campaign for election to the Supreme Bench of Baltimore City. (see exhibit 19) Prior to his bid for office,

---

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> [http://en.wikipedia.org/wiki/Voting\\_rights\\_act](http://en.wikipedia.org/wiki/Voting_rights_act)

<sup>144</sup> Maryland Public Television. *Color at the Bar* (2001). Available at: <http://www.law.umaryland.edu/marshall/specialcollections/colorbar/>

<sup>145</sup> Ibid

<sup>146</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (March 10, 2010).

Joseph Howard gained recognition for challenging the states sentencing pattern in rape cases. As a state's attorney, he argued the system disproportionately sentenced black males accused of raping white women to harsher penalties than white men accused of raping white and black women.<sup>147</sup> As a result, Howard was suspended from his job in the Office of the States Attorney. He used his time off to compile statistics to substantiate his claims and commence his campaign for election.<sup>148</sup>

Prior to 1968, vacancies on the Supreme Bench were filled by governor appointments; a majority of the appointees were white males. These appointments were later affirmed by voters during general elections. In 1968, 81 of the 82 judges on Maryland's appellate and circuit courts were white males.<sup>149</sup> Despite the city's sizeable black population, Maryland governors were slow to appoint blacks to the bench.<sup>150</sup> During his historic campaign, Howard urged voters to forfeit two of their three votes by only voting for him at the ballot, under the slogan "Don't vote for three, vote for me."<sup>151</sup> Through the efforts of Gibson, Smith and countless volunteers, Howard became the first African American to win at the Ballot.<sup>152</sup> He was later appointed as the first African American to the United States District Court for the District of Maryland by President Carter.

As campaign treasurer, Smith played a vital role in ensuring that Howard remained in compliance with election laws. According to Smith, his responsibilities as treasurer included

---

<sup>147</sup> Maryland Public Television. *Color at the Bar* (2001). Available at: <http://www.law.umaryland.edu/marshall/specialcollections/colorbar/>

<sup>148</sup> Maryland Public Television. *Color at the Bar* (2001). Available at: <http://www.law.umaryland.edu/marshall/specialcollections/colorbar/>

<sup>149</sup> Michael Milleman. "A fighter for democracy." *The Baltimore Sun*. October 9, 2000.

<sup>150</sup> cite need

<sup>151</sup> The Slogan encouraged African American voters to vote for only Howard at the ballot. Traditionally, voters were given the choice voting for three judges, Howard encouraged blacks to direct all their votes to him. Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

<sup>152</sup> Maryland Public Television. *Color at the Bar* (2001). Available at: <http://www.law.umaryland.edu/marshall/specialcollections/colorbar/>

tracking income and expenditures as well as ensuring timely filing of all financial activities.<sup>153</sup>

He states, “I tracked the money vigorously. I demanded receipts for everything. I took my job as treasurer seriously so that Joe would not have any problems because I knew they would scrutinize the records.”<sup>154</sup> With his success as treasurer on the Howard campaign, Smith was later asked by John R. Hargrove Sr. to serve as treasurer for his campaign for election to the Supreme Bench of Baltimore City. Hargrove won the election and was later appointed by Ronald Regan to the United States District Court for the District of Maryland.<sup>155</sup>

### **Rice v. State of Maryland**

Following Smith’s political activity on the Howard campaign, he was retained by George Edward Rice for \$500.00 to initiate a criminal appeal. Smith was approached by Rice and his girlfriend to represent him in the appeal of his February 13, 1969, conviction for kidnapping, rape, burglary, unnatural and perverted practice and photographing obscene material.<sup>156</sup> The following facts provide a detailed description of what transpired prior to the appeal. It also highlights issues raised by Smith in his appellant’s brief.

On October 13, 1968, at 1:45am George Rice was walking home from a dance and was approached by a man “dressed like a hippie.”<sup>157</sup> The man asked him for a match and then asked if he was looking for any “happening.”<sup>158</sup> The hippie told Rice that he had a “Couple of girls working for him.”<sup>159</sup> Rice testified that since he was going home to an empty bed...he said okay

---

<sup>153</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (March 10, 2010).

<sup>154</sup> Ibid.

<sup>155</sup> [http://en.wikipedia.org/wiki/John\\_R.\\_Hargrove,\\_Sr](http://en.wikipedia.org/wiki/John_R._Hargrove,_Sr).

<sup>156</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (March 10, 2010) and Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.



and the two walked to 1500 Mt. Royal Avenue, Baltimore, MD.<sup>160</sup> Upon entering the building, the hippie stated “let me see your money.”<sup>161</sup> Rice then handed the man ten dollars. Next, the hippie instructed Rice to go to the 3<sup>rd</sup> floor and tell the girl “Bobby” sent him.<sup>162</sup> According to Rice he knocked on the door and it was opened by prosecutrix Julie Wilkerson, who stood draped in a fur coat with her naked body exposed.<sup>163</sup> At this point Rice said “Bobby sent me.”<sup>164</sup>

Wilkerson alleged Rice broke into her apartment and forced her to have sex.<sup>165</sup> She testified, “Upon hearing a knock I opened the door slightly and was pushed back by the defendant who proceeded to enter my apartment. When he came in I screamed once and he put his hands over my mouth and put me to (the corners between) the wall and the floor.”<sup>166</sup> Rice then asked, “Why did you scream?” stating “I was sent by Bobby.”<sup>167</sup> Next, he requested permission to use the bathroom but instead proceeded to the bedroom where he disrobed.<sup>168</sup> According to Wilkerson, he either removed her coat or instructed her to remove it.<sup>169</sup> Upon removing the coat, Rice climbed on top of her without saying a word.<sup>170</sup>

After hearing the scream, a neighbor phoned the prosecutrix to ask if she needed police assistance.<sup>171</sup> She replied yes.<sup>172</sup> According to Wilkerson, before the police arrived, Rice suggested they leave her apartment; she did not object.<sup>173</sup> Wilkerson testified that she grabbed

---

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Appellants Brief pg. 3 Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>164</sup> Ibid.

<sup>165</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>166</sup> Appellants Brief pg. 3 Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid, pg. 4.

<sup>170</sup> Ibid.

<sup>171</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>172</sup> Ibid.

<sup>173</sup> Appellants Brief pg. 4 Rice v. State of Maryland, 9 Md. App 552 (1970).

her coat and slipped on a pair of sneakers and the two proceeded to Rice's apartment.<sup>174</sup> On the way, about three blocks from her apartment, the parties were seen by Stephen Kieth.<sup>175</sup>

Wilkinson testified that she made an attempt to signal Kieth by waving her hands.<sup>176</sup> Kieth testified that when he approached the couple, they began walking up the alley at a faster rate and he picked up a rock to throw at Rice.<sup>177</sup> At this point the parties began to run and Wilkerson fell, thereby skinning her knee on the pavement.<sup>178</sup> She testified that Rice dragged her up the alley by the hair, causing her to lose her sneaker.<sup>179</sup> According to Kieth, Rice helped Wilkerson off the ground and then turned to throw a rock at him.<sup>180</sup>

Upon arriving at the first floor apartment the parties, Rice and Wilkerson, sat on the front steps for awhile before going in.<sup>181</sup> After entering the dwelling they engaged in sexual relations for several hours repeatedly.<sup>182</sup> The defendant also filmed Wilkerson in various sexual positions. Wilkerson testified, "We had sex roughly four, five, six or seven times. Each time I time I performed fellatio on him prior to actual intercourse."<sup>183</sup> According to Rice, she did this without objecting and without persuasion, coaxing, force or threats.<sup>184</sup> Wilkerson claimed that she participated in the sex acts because she feared for her safety.<sup>185</sup>

During the encounter, police arrived at Rice's apartment but were denied entry by the defendant.<sup>186</sup> Wilkerson testified that she heard the knock on the door while the two were

---

<sup>174</sup> Ibid

<sup>175</sup> Ibid.

<sup>176</sup> Ibid

<sup>177</sup> Ibid, pg. 5

<sup>178</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> Appellants Brief pg. 6 Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>185</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>186</sup> Ibid.

engaged in intercourse and Rice stopped to investigate the knock.<sup>187</sup> He proceeded to open the door in full view of Wilkerson, who was unable to hear the conversation.<sup>188</sup> According to Wilkerson, when Rice returned to bed she asked "Who it was and he said 'it was your hippie friends, coming to rescue you and the police.'"<sup>189</sup> Wilkerson testified he then stated, "The police can't come in because they don't have a search warrant."<sup>190</sup> She testified:

Q. After he told you that, what was your mental state upon hearing that?

A. Well I was really disgusted. I was really, felt like nothing could get me out of that situation. Then I was scared at the same time.

Q. Did you see any police at this time?

A. Well the only thing I saw was, you know, police cars had this light on top of their car.

Q. Uh huh.

A. Well I saw that light going around out the window.

Q. At that time did you scream at all?

A. No.

Q. Why did you not scream?

A. Because I thought even if I screamed they still couldn't get in because they didn't have the search warrant. I wasn't familiar with the law if they heard me scream then they'd be allowed to come in.

Q. Now you saw the lights. When did you see the lights, before or after the defendant came back from the door?

A. After.<sup>191</sup>

**On Cross examination:**

Q. (Defense Counsel) Now when he was talking at the front door, did you at any time make any attempt to attract the attention of anyone? Did you make an outcry?

A. No.

---

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Steven Keith testified that he notified the police of his encounter with the couple and they began looking for Wilkerson. According to Keith, upon approaching the defendant's apartment the parties noticed the prosecutrix's silhouette on the shades of the home and proceeded to knock on the door. During the encounter one policeman was stationed at the rear door and another at the front of the house. Ibid.

Q. Did you open a window and try to escape?

A. No.

Q. Was there a phone in the bedroom?

A. Yes.

Q. Did you try to use the phone while he was at the front door?

A. No<sup>192</sup>

After the police departed, Rice and Wilkerson had intercourse several more times before retiring to bed.<sup>193</sup> Wilkerson testified a few minutes after Rice went to sleep she got up to go to the bathroom. However, he woke up so she went back to the bed and sat next to Rice while he slept until 6:00am the next morning.<sup>194</sup> At this point, she asked if she could go home and Rice handed her clothes and walked her home.<sup>195</sup> Upon arriving at Wilkerson's apartment, the two were witnessed by a soldier who testified that Miss Wilkinson and Rice "Were conversing in a friendly manner, you know, as if they had known each other", and in a few minutes he saw Rice leaving her apartment and said to her, "Take it easy."<sup>196</sup> Later that day, Wilkerson borrowed a neighbors phone to contact the police.<sup>197</sup> She then filed a formal complaint.<sup>198</sup>

Subsequently, George Rice was arrested at his home which was searched under the authorization of a search warrant.<sup>199</sup> The warrant directed the seizure of movie cameras, lights, and pornographic film (processed and unprocessed).<sup>200</sup> During the process of the search the police removed. from a storage space under a couch, an envelope bearing the name George Rice and containing 23 color and black and white snapshots of Rice and an unidentified female .<sup>201</sup>

---

<sup>192</sup> Appellants Brief, Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>193</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

<sup>198</sup> Trial Transcript. Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>199</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>200</sup> Ibid

<sup>201</sup> At trial the pictures were admitted into evidence without objection. No pictures of the prosecutrix were found.

Following his arrest, Rice was indicted for: rape, kidnapping, burglary, perverted practice, photographing obscene matter and assault with intent to murder on October 25, 1968.<sup>202</sup> At the time of his indictment, he was employed as a maintenance man with Maryland General Hospital.<sup>203</sup> Rice was released on \$7,500 bond prior to trial.<sup>204</sup>

The trial commenced on February 6, 1969, and Rice elected to have a bench trial. During the hearing he was represented by Stanley Paul and N. Hockberg.<sup>205</sup> In defense, Rice asserted that he and Wilkerson had consensual sex.<sup>206</sup> They argued the prosecutrix consented or she would have called the police into Rice's apartment.<sup>207</sup> The trial court rejected the argument and determined there was sufficient evidence to show that the victim was not aware of the police presence until they left.<sup>208</sup> At the conclusion of the seven day trial, Judge Skylar found the defendant guilty on all charges.<sup>209</sup> After a denial of Rice's motion for a new trial, he was sentenced to the Department of Corrections for a total of 44 years. This period included: 15 years for kidnapping, 15 years for rape (concurrent), 10 years for burglary (concurrent), and 3 years for unnatural and perverted sexual practice (concurrent) and 1 year for photographing obscene matter (concurrent).<sup>210</sup> Rice subsequently appealed. While awaiting his appeal, he was released on a \$25,000 appeal bond.<sup>211</sup>

On October 24, 1968, Smith filed an Appellant's Brief declaring:

---

Ibid.

<sup>202</sup> Docket Entries. Ibid.

<sup>203</sup> Trial Transcript. Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>204</sup> Docket Entries, Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Appellants Brief pg.2, Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>211</sup> Trial Transcript. Rice v. State of Maryland, 9 Md. App 552 (1970).

1. The first count of the kidnapping indictment was not sufficient to confer jurisdiction in the court, as it failed to allege intent.<sup>212</sup> Rice contends the indictment failed to allege his specific intent as required by the statute, *Md. Code, Art 27, § 337* which states:

Every person . . . who shall be convicted of the crime of kidnapping and forcibly or fraudulently carrying or causing to be carried out of or within this State any person, . . . with intent to have such person carried out of or within this State, or with the intent to have such person concealed within the State or without the State, shall be guilty of a felony . . .<sup>213</sup>

2. Given the conduct of the prosecutrix and the absence of any force, violence or threat by George Edward Rice in having intercourse with the prosecutrix, the rape conviction was erroneous as a matter of law.<sup>214</sup> Rice argues the court should strictly apply the rule adopted in *Hazel v. State, 221 Md. 464 (1960)*. which identifies what will excuse resistance to sexual intercourse. In *Hazel* the court held:

The general rule is that a female who was conscious and possessed her natural mental and physical powers when the act took place—must have resisted to the extent of her ability at the time, unless it appeared that she was so overcome by numbers or was terrified by threats as to overcome her will to resist.

Rice contends under the holding in *Hazel*, his conviction was erroneous as presented by the facts.

3. The merger of the Kidnapping and Rape statutes was erroneous.<sup>215</sup> Rice asserts the asportation of the prosecutrix being incidental to and for the purpose of the alleged rape does not constitute the separate crime of kidnapping under the circumstances of the case.<sup>216</sup>

4. There was insufficient evidence to assert a conviction of burglary. Rice contends the evidence did not establish any intent on his part to commit a felony as he pushed his way into the

---

<sup>212</sup> Appellants Brief, pg. 2 *Rice v. State of Maryland, 9 Md. App 552 (1970)*.

<sup>213</sup> *Rice v. State of Maryland, 9 Md. App 552 (1970)*.

<sup>214</sup> *Ibid.*

<sup>215</sup> *Ibid.*

<sup>216</sup> *Ibid.*

apartment of the Prosecutrix.<sup>217</sup> Therefore, his conviction for common law burglary is erroneous because his own testimony revealed that he went to the apartment because of the prostitution arrangement made with the hippie.<sup>218</sup>

5. The use of photographs taken by the Appellant for his private use more than a year before charges were brought was erroneous as a matter of law.<sup>219</sup> Rice declares the obscene snapshots depicting him and another woman, who was not the prosecutrix, nude in various sexual attitudes, should not have been permitted into evidence as there was no evidence or inferences arising as to the time the pictures were taken or who took them.<sup>220</sup> Therefore, the court erred in convicting him of “unlawfully and knowingly” photographing obscene matter.<sup>221</sup>

6. The admission into evidence of twenty six highly prejudicial photographs depicting Appellant and an unknown female who was not the Prosecutrix was a reversible error.<sup>222</sup>

7. Wilkerson was an accomplice in the commission of unnatural and perverted sexual acts. Rice argues because the prosecutrix was the only person who testified that she committed fellatio on him, and willingly did so in violation of Article 27, Section 554, it was erroneous for the court to convict him based on uncorroborated testimony.<sup>223</sup>

8. Assuming that Rice did force the Prosecutrix to commit fellatio upon him against her will, Rice’s conviction for unnatural and perverted sexual practice was a violation of his basic right to privacy and the 9<sup>th</sup> Amendment. Furthermore, it was a violation of his basic freedom to engage

---

<sup>217</sup> Appellants Brief, pg. 3 Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>218</sup> Ibid.

<sup>219</sup> Ibid

<sup>220</sup> Rice v. State of Maryland, 9 Md. App 552 (1970).

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

in his choice of sexual relations with a consenting female.<sup>224</sup> Therefore, his conviction is unconstitutional.

9. The trial court erred in allowing the prosecutrix, on direct examination, to recount her immediate complaint to her neighbors.<sup>225</sup>

In a decision delivered on June 24, 1970, the Maryland Court of Special Appeals affirmed all convictions, except photographing obscene pictures which was reversed, without a new trial.<sup>226</sup> The court held:

**Argument I: The court erred in convicting the defendant of kidnapping because the indictment failed to allege specific intent pursuant *Md. Code, Art 27, § 337.***

The court rejected the appellant's argument citing the Maryland Court of Appeals decision in *Bosco v. State* 157 Md. 407 (1929). In *Bosco*, the defendant was accused of offering money in an attempt to bribe the justice of the peace. The court held that the indictment was sufficient not only because it was alleged in the language of the statute but because the language used implied a requirement of knowledge by the accused that the person to whom he offered money was the justice of the peace.<sup>227</sup> The court explained:

"Even where such a specific allegation is necessary in an indictment, it needs not be an express allegation. The specific allegation is necessarily implied from a statement of the acts which constitute the offense."<sup>228</sup> In this case, the trial court felt the allegations were sufficiently clear and specific even if they were implied.

**Argument II: Defendant's conviction of rape was erroneous where there was no evidence of force or threat of force and the prosecutrix did not resist.**

---

<sup>224</sup> Appellants Brief, pg. 4 *Rice v. State of Maryland*, 9 Md. App 552 (1970).

<sup>225</sup> *Ibid.*

<sup>226</sup> *Rice v. State of Maryland*, 9 Md. App 552 (1970).

<sup>227</sup> *Ibid.*

<sup>228</sup> *Ibid.*



The court rejected the appellants argument that the rule in Hazel should be applied strictly stating, “Sound public policy does not require a woman to resist sexual relations to the extent that she runs a substantial risk of grievous bodily harm.”<sup>229</sup> The court declared the test is whether the act is performed with or without the consent of the prosecutrix. “Where a woman submits to a stranger who has forced his way into her home and manhandled her, courts do not look upon the case with the same eye as when intercourse occurs after an initially friendly encounter.”<sup>230</sup> It confirmed when there is evidence of a disposition to use force and the apparent ability to so do, the question of the amount of force required becomes a matter for the trier of the facts and Maryland Rule 1086.<sup>231</sup>

**Argument III. Merger of the kidnapping and rape statute was erroneous.**

The court held, “The test of merger under the modern doctrine is whether one crime necessarily involves the other.”<sup>232</sup> When the facts necessary to prove the lesser offense are essential ingredients in establishing the greater offense, the lesser offense is merged into the greater offense.”<sup>233</sup> The court explained in the present case the victim was dragged by the defendant several blocks and carried to the defendant’s apartment where she was raped.<sup>234</sup> It was not necessary for the state to prove rape to establish the kidnapping or vice versa.<sup>235</sup> Public policy requires a person committing a crime to subject to separate punishment for each crime.<sup>236</sup>

However, under the facts there was enough evidence to convict Rice of both offenses.

**Argument IV: There was insufficient evidence to support a conviction of burglary.**

---

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

<sup>232</sup> Ibid.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

The court rejected Rice's argument that his testimony showed that he was in the apartment because of the prostitution arrangement. Citing *Munger v. State* 7 Md. App. 710 (1969) the court held, "There is no obligation on trial courts to believe an accused's testimony."<sup>237</sup>

**Argument V: The court erred in convicting Rice of unlawfully and knowingly photographing obscene matter.**

The court held the State must prove a crime occurred within the period of limitations under Md. Ann. Code art. 57, § 11. Under the facts, there was no evidence to show when the photos were taken and who took them. With no proof, the court granted Rice's motion to acquit as to the charge.

**Argument VI: Rice was prejudiced by the admission of 26 obscene photos of him and unidentified woman.**

The court acknowledged pursuant Maryland Rule 1085, that the issue could not be raised on appeal because no objection was made at trial.<sup>238</sup>

**Argument VII: Rice's conviction of unnatural and perverted sex acts was improper because Wilkerson was an accomplice and therefore her testimony needed corroboration.**

The court rejected this argument stating in this case, the act was not voluntarily performed by the victim.<sup>239</sup>

**Argument VIII: The unnatural and perverted sexual act statute is unconstitutional**

The court acknowledge pursuant Maryland Rule 1085, the issue could not be raised for the first time on appeal.<sup>240</sup>

---

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid

<sup>240</sup> Ibid.

**Argument IX: The trial court erred in allowing Wilkerson, on direct examination to recount her immediate complaint to neighbors.**

The court affirmed that evidence of a victim's immediate complaint to another person about an alleged rape is admissible.<sup>241</sup> The details of the complaint are admissible if the victim has been impeached by other witnesses, or cross-examined as to consent or on the basis that her evidence is false.<sup>242</sup> The court determined an error in admitting the testimony too early is obviously harmless.<sup>243</sup>

Following the Court of Special Appeals affirmation of his conviction, Rice filed a Petition for Writ of Certiorari to the Maryland Court of Appeals. It was denied.

According to Smith, despite the facts he believes that Rice was treated fairly on appeal.<sup>244</sup> He states, even though the victim was white and the defendant was black, he does not believe that race was a factor in the court's decision.<sup>245</sup> In fact, Rice was convicted within a year of Joe Howard's report condemning the system of being prejudiced when sentencing black men who allegedly raped white women.<sup>246</sup> Smith states, "There was a period of time when race played a significant factor in the decision that the courts made. But in this case, the court got away from making race an issue."<sup>247</sup> With regard to the client and nature of the crime, Smith says he did not form an opinion regarding Rice's guilt or innocence.<sup>248</sup> When asked for his opinion, he stated "In life there are choices, it is up to each individual to make decisions regarding his or her

---

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (April 2, 2010).

<sup>245</sup> Ibid.

<sup>246</sup> Maryland Public Television. *Color at the Bar* (2001). Available at: <http://www.law.umaryland.edu/marshall/specialcollections/colorbar/>

<sup>247</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (April 2, 2010).

<sup>248</sup> Ibid.

life.”<sup>249</sup> Over the years, Smith has maintained contact with Rice.<sup>250</sup> He states, “I have hired him on several occasions throughout the years for painting jobs.”<sup>251</sup> According to Smith, Rice now works as a contractor and is doing well.<sup>252</sup> He has not had any subsequent brushes with the law.<sup>253</sup>

The court’s decision in Rice remains good law. According to Smith, the Rice case is used to teach criminal law throughout Maryland.<sup>254</sup> In fact the case has been widely cited and/or followed by the Maryland Court of Appeals, Maryland Court of Appeals, DC Court of Appeals, and Michigan Court of Appeals. Additionally, it has been cited by many law reviews, periodicals and books. The case was distinguished in *McGrier v. State*, 125 Md. App. 759 on the issue of whether kidnapping- intentional asportation-was merely incidental to the commission of another offense. In *McGrier*, the court determined the following factors should be considered when determining whether the restraint of the victim was incidental to a separate crime:

1. How far, and where, was the victim taken?
2. How long was the victim detained in relation to what was necessary to the commission of the other crime?
3. Was the movement either inherent as an element, or as a practical matter, necessary to the commission of the other crime?
4. Did it have some independent purpose?
5. Did the asportation subject the victim to any additional significant danger?

To date Rice remains one of Smith’s most widely reported cases.

---

<sup>249</sup> Ibid.

<sup>250</sup> Ibid.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

<sup>254</sup> Ibid.

**Monumental City Bar Association**

From 1972-1973 Smith served as President of the City Monumental Bar Association.

The organization was formed in 1935 to accommodate black attorneys who were prohibited from joining the Maryland State Bar Association; it remains Baltimore's oldest and largest minority bar association.<sup>255</sup> Smith was preceded in office by Charles Howard, who asked him to become the next President.<sup>256</sup> According to Smith, during his time in office the group had approximately 30 to 40 members.<sup>257</sup> The association focused on the issues pertinent to black attorneys, such as, the inability of blacks to pass the bar exam. Smith believes black bar applicants were not given a fair shake because bar examiners knew the race of the applicants and took affirmative steps to fail blacks.<sup>258</sup> The issue was formally addressed in *Pettit v. Gingerich*, 427 F. Supp. 282(1977). (see exhibit 20) In *Pettit*, black bar applicants argued that genuine issues of material fact existed with respect to:

1. Intentional discrimination in administration of the bar examination;
2. Disparate racial impact caused by the bar examination;
3. The opportunity available to the board to discriminate; and
4. The accuracy of the bar examination's measurement of fitness to practice law in the absence of any scientific validation of the test.

The United States District Court for the District of Maryland granted summary judgment in favor of the defendant concluding, "That there was no genuine issue as to a material fact on the issue

---

<sup>255</sup> Ibid.

<sup>256</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (April 2, 2010).

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

of intentional discrimination.”<sup>259</sup> The court held that the bar examination was rationally related to the state's interests in the professional competence of its attorneys.<sup>260</sup>

According to Smith, during his tenure as president, Monumental Bar frequently held bar review session to assist young black attorneys.<sup>261</sup> Additionally, they requested that the National Bar Association devote time, money, and resources to address the issue.<sup>262</sup> However, no assistance was provided. At the conclusion of his term in office, Smith declined to run for re-election.

## **SECTION V**

### **Johnson and Smith PA**

During the same time Smith left *Brown, Allen and Waltz* to open a private practice with Kenneth L. Johnson. In 1973, the men purchased a building located at 711 St. Paul Street, Baltimore, MD and opened Johnson and Smith P.A.<sup>263</sup> Smith states Johnson was a brilliant litigator, “He could out litigate 40 lawyers. Ken had a passion for civil rights law.”<sup>264</sup> The partners engaged in the general practice of law with a heavy concentration in Civil Rights Law. They remained partners until 1982. At which point, Johnson was elected as an Associate Judge to the Baltimore City Circuit Court.<sup>265</sup>

From 1973 to 1982, the firm worked on various Civil Rights cases. They include *United Black Firefighters v. Hirst*, 604 F.2d 844 (1979) and *Vanguard Justice Soc. v. Hughes*, 471 F. Supp.670 both of which are discussed below.

---

<sup>259</sup> *Pettit v. Gingerich*, 427 F. Supp. 282(1977).

<sup>260</sup> *Ibid.*

<sup>261</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (April 2, 2010).

<sup>262</sup> *Ibid.*

<sup>263</sup> Smith states, “The building was purchased for around \$70,000.” *Ibid.*

<sup>264</sup> *Ibid.*

<sup>265</sup> Mr. Johnson served as Associate Judge for the Baltimore City Circuit Court from November 30, 1983 until March 31, 2001 Taken from: <http://www.msa.md.gov/msa/mdmanual/31cc/former/html/msa11765.html>.

**United Black Firefighters v. Hirst**

Employment discrimination case in which black firefighter applicants alleged the following: race discrimination in recruiting, hiring, job classification, assignment, promotion, transfer, layoff, recall, discipline, discharge, benefits, training programs, compensation, testing, and conditions of employment. This was done pursuant 42 U.S.C.S. §§ 1981, 1983, and 2000e.<sup>266</sup> The defendants named in this case included: the mayor, personnel director, fire chief, city manager, civil service commission members, and city council members.<sup>267</sup> At trial the case was dismissed. On appeal the 4<sup>th</sup> Circuit Court of Appeals held:

1. the mayor and city council members were properly dismissed as defendants because they had no control over employment practices;
2. the association was properly dismissed as a plaintiff because it failed to show the required stake in the outcome;
3. the applicants' Title VII claims were properly dismissed because they failed to follow statutory prerequisites set forth in 42 U.S.C.S. § 2000e-5(f)(1);
4. three of the employees adequately stated a claim under Title VII and the court erred in dismissing that portion of their complaint, but a fourth employee failed to state a claim;
5. dismissal of the applicants' and the fourth employee's claims under 42 U.S.C.S. §§ 1981 and 1983 was proper;
6. dismissal of the three employees' §§ 1981 and 1983 claims was error;
7. the class action was properly rejected as to the applicants; and
8. the request for class action as to the employees should be determined on remand.<sup>268</sup>

The court ordered that each party was responsible for their own cost.<sup>269</sup>

**Vanguard Justice Soc. v. Hughes**

---

<sup>266</sup> *United Black Firefighters v. Hirst*, 604 F.2d 844 (1979)

<sup>267</sup> *Ibid.*

<sup>268</sup> *Ibid.*

<sup>269</sup> *Ibid.*

This civil action was brought by police officers under Title VII. The officers alleged sex and race discrimination by the Baltimore City Police Department.<sup>270</sup> The sex issues were brought by female officers regarding the police department's height-weight requirement. While the race issues were brought by black male and female officers. Named defendants were the City of Baltimore and the Baltimore City Police Department.<sup>271</sup>

The district court held:

1. The totality of the evidence revealed that the height requirement was not shown to be rationally related to the position of police officer or fairly and substantially related to the performance of the duties of that position.
2. The black officers established a prima facie case of racial discrimination with regard to the use of an entry-level test and with regard to a written sergeant promotional examination.
3. Because the police department could not meet the burden of validating each of those tests by establishing their respective job-relatedness by convincing evidence, the tests, because of their discriminatory impact violated Title VII. Therefore, female officers affected by the height-weight requirement and black officers who fell within the class of applicants adversely affected by the tests were entitled to appropriate relief.<sup>272</sup>

Despite their passion for civil rights litigation, Smith and Johnson were forced to diversify their case load and indulge in the practice of other areas of law. According to Smith, in order for the firm to survive both attorneys could not focus on civil rights litigation because the

---

<sup>270</sup> *Vanguard Justice Soc. v. Hughes*, 471 F. Supp.670

<sup>271</sup> *Ibid.*

<sup>272</sup> *Ibid.*



case[s] did not pay enough.<sup>273</sup> At some point, a decision was made that Johnson would focus on civil rights cases whereas Smith would focus on other cases.<sup>274</sup> Smith stated, civil Rights cases had high expectations, but reap very little payout.<sup>275</sup> According to attorney Norris Ramsey, during the 1970s there was a change in the manner in which the bench perceived civil rights cases. Judges were less likely to award attorney's fees.<sup>276</sup> In fact, this issue was faced by many civil rights attorneys. As LDF affiliates, attorneys were frequently referred cases by the LDF and the local chapter of the NAACP. Despite expending massive amounts of time and energy representing civil rights complainants, attorney's fees awarded by courts did not cover the cost of litigation which included: researching facts and law, drafting and revising briefs, or coordinating strategies with both the national office and local office.<sup>277</sup> Additionally, they rarely covered basic overhead expenses such as: texts, paper, rent, water, gas, electricity and salaries.<sup>278</sup> In order to subsidize the cost of litigation, Smith and Johnson had to underwrite trial expenses.<sup>279</sup> They did so by borrowing against heir office building.<sup>280</sup> According to Smith, despite being unprofitable for him civil rights cases were profitable for his corporate counterparts; who were accumulating billable hours to defend corporate client accused of civil rights violations.<sup>281</sup> Smith states, "When we slowed down with civil rights cases, they would call and ask why did you slow down?" Stating, "We plan to retire off these cases."<sup>282</sup>

---

<sup>273</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (April 2, 2010).

<sup>274</sup> Ibid.

<sup>275</sup> Ibid.

<sup>276</sup> Interview by Larry Gibson of Norris Ramsey, Baltimore, MD (April 13, 2010).

<sup>277</sup> Rawn James Jr., *Root and Branch: Charles Hamilton Houston, Thurgood Marshall and The Struggle to End Segregation* 87 Bloomsbury Press, New York (2010).

<sup>278</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (April 2, 2010).

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

<sup>281</sup>

<sup>282</sup>

In fact, for the work performed in notable cases such as *Vaughn v. Prince George's County Public Schools* 410 U.S. 918 and *Lane v. Bethlehem Steele* 93 F.R.D. 611, the firm received less than \$100,000 for hundreds of hours of work.<sup>283</sup> (see exhibits 21) Consequently, Smith changed directions and transitioned from the practice of Civil Rights Law to a concentration in Commercial Law.

### Commercial Law

#### **Ideal Federal Savings Bank et al v. Murphy.**

From 1980 to the present Smith has been engaged in private general practice with a concentration in Real Estate and Commercial Law. One of his most profitable commercial clients has been Ideal Federal Savings Bank (hereinafter referred to as Ideal).<sup>284</sup> Ideal was founded in 1920 by Teackle Wallis Lansey.<sup>285</sup> The bank is thought to be the oldest black owned depository in the State of Maryland. It was established to help black families purchase homes in the Baltimore Area.<sup>286</sup> According to the United States Office of Thrift Supervision, Ideal is one of only twenty-one minority owned thrifts in the United States and one of only twelve black owned thrifts nationally.<sup>287</sup> In 1995, Smith along with several other attorneys represented the bank before the Maryland Court of Appeals in *Ideal Federal Savings Bank et al v. Murphy*.<sup>288</sup> The issue was whether the Court of Special Appeals erred in holding invalid, as against public policy, an election of directors for federally chartered savings and loan institution where members were required to vote "for" or "against" each candidate.<sup>289</sup>

---

<sup>283</sup> In fact, the firm received \$68,000 for Vaughn and zero for Bethlehem Steele. Ibid.

<sup>284</sup> Discussion with Larry Gibson of the University of Maryland School of Law, Baltimore MD, (April 20, 2010).

<sup>285</sup> <http://www.ideal-federal.com/about.asp>

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> *Ideal Federal Savings Bank et al v. Murphy*, 339 Md. 446, 448 (1995)

<sup>289</sup> *Ideal Federal Savings Bank et al v. Murphy*, 339 Md. 446, 448 (1995)

Prior to April 6, 1987, Ideal had been a state-chartered, savings institution.<sup>290</sup> Due to the savings and loan crisis during the mid- 80's, the bank was required to obtain a federal charter and federal insurance in order to remain in business.<sup>291</sup> Ideal's charter and bylaws were adopted from the form for charters and bylaws for federal mutual savings associations found in Title 12 of the Code of Federal Regulations.<sup>292</sup> On January 21, 1988, Ideal held its first organizational meeting of its members under its new federal charter. A primary purpose of that meeting was to elect a board of directors. In the election at issue, were ten candidates available for 15 director vacancies. Four of the candidates were declared not elected when they received more "against" votes than "for" votes.<sup>293</sup> The four candidates for director, who were denied seats on the board, filed suit in the Circuit Court for Baltimore City against Ideal seeking a declaratory judgment that they had been duly elected to the board of directors during the meeting.<sup>294</sup> The sole issue in the case was the validity of the "for" and "against" voting method used to elect directors at the January 21, 1988 meeting.<sup>295</sup> The Court of Appeals held the method of voting utilized violated Maryland public policy.<sup>296</sup> Ideal filed a writ of certiorari.<sup>297</sup>

In an opinion issued by Judge Chasanow, the court reversed the intermediate appellate court citing, "Even if there is a legislative policy disfavoring "negative" voting, it would not be applicable to the election for directors of a federally chartered institution."<sup>298</sup> The court determined the overseeing federal regulatory agency's interpretation of the bank's federal charter form provision as precluding a plurality vote for directors and permitting "for" and "against"

---

<sup>290</sup> Ibid.

<sup>291</sup> Ibid.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid.

votes preempts any Maryland statutory provision which may be to the contrary.<sup>299</sup> The case was remanded to the Court of Special Appeals with instructions to remand the case to the Circuit Court for Baltimore City for further proceedings consistent with the court's opinion.<sup>300</sup> The decision in *Ideal* still remains good law and has been cited by the 4<sup>th</sup> Circuit Court of Appeals, 4<sup>th</sup> Circuit US District Court, and Maryland Court of Appeals, Maryland Court of Special Appeals, numerous law reviews, statutes and two briefs.<sup>301</sup> Smith continues to serve as General Counsel to the bank.

In 2001, Smith changed the name of his practice to Smith, Barlow, and Challenger, LLC. He presently represents several financial institutions, small businesses, religious corporations, and cooperative housing developments. He serves as Vice President and General Counsel to a local title company. In addition, Smith serves as General Counsel to Ideal Federal Savings Bank. In his private life he is a dedicated husband, father and grandfather. (see exhibit 22) He has four daughters, three of which attended his alma mater Howard University. Smith says he has no regrets about becoming an attorney and intends to practice until he can no longer do so. According Smith, the practice of law aids in his continued education because, "Everyday presents a new opportunity to experience different situations and learn something new".<sup>302</sup>

## **CONCLUSION**

With a career spanning forty-five years, Gerald A. Smith has played a critical role in improving the quality of life for African Americans throughout the state of Maryland. He was once a member of a network of African American attorneys in Baltimore who worked to institute

---

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

<sup>302</sup> Interview with Gerald Smith of Smith, Challenger & Barlow, Baltimore, MD. (February 5, 2010).

change during the 1960s and 70s. Smith, along with countless other prominent black attorneys used litigation as a means of challenging racial ideals, forcing desegregation, and compelling integration. Through his work with Kenneth L. Johnson, Smith ensured that all minorities were provided the opportunity to redress perceived wrongs in court under Title VII. He also used his legal training to defend blacks facing criminal convictions. Additionally, Smith has provided advice and representation to minority owned businesses situated in the city of Baltimore. With his dedication and commitment to helping minorities Smith stands as a testament of the ability of blacks and other minorities to shape history. Most importantly, he illustrates the significance of the trail blazed by Everett J. Waring.



APPENDIX OF SUPPORTING DOCUMENTS

1	FAMILY PHOTOGRAPH
2	SUN ARTICLE ON BEECHWOOD PARK
3	PICTURE OF GERALD AT BEECHWOOD PARK
4	HIGH SCHOOL YR BOOK PICTURE
5	SPRING LINE PICTURE 54 "KAPPA"
6	FRATERNITY PICTURE
7	HOWARD UNIVERSITY COURSE CATALOGUE 55-56
8	PICTURE HU SCHOOL OF LAW
9	1L CLASS PICTURE
10	STUDENT LIFE YR BOOK PHOTOGRAPHS
11	PICTURE OF ALESSANDRIA DEL RUSSO
12	LAW REVIEW ARTICLE REPRINT
13	3L YR BOOK PICTURE
14	LDF WORK - NEWS ARTICLE
15	NAACP LETTER HEAD
16	NEWS ARTICLE (AFRO) MCIVER V. RUSSELL
17	AFRO NEWS ARTICLE ABOUT KLAN ENCOUNTER
18	AFRO NEWS ARTICLE NAIMASTER V. NAACP
19	DOCUMENTS FROM THE 4TH CIRCUIT CT OF APPEAL
20	DOCKET ENTRIES NAIMASTER V. NAACP
21	JOE HOWARD ELECTION PHOTOS, NEWS ARTICLE, MARKS
22	APPELLANTS BRIEF RICE V. STATE OF MARYLAND
23	DOCKET ENTRIES AND INDICTMENT RICE V. STATE
24	BOND CERTIFICATE
25	LINE OF APPEARANCE STANLEY PAUL
26	DEPARTMENT OF CORRECTIONS COMMITMENT
27	NOTICE OF APPEARANCE GERALD SMITH
28	APPEAL BOND PETITION
29	NEWS ARTICLE PETIT V. GINGERICH
30	NEWS ARTICLES VAUGHN V. BOARD, BETHELHAM STOECKE
31	SMITH FAMILY PHOTOS, BESTIME

SIMON  
 FROM THE COLLECTION OF EARNEST  
 SOBELOFF  
 LIBRARY OF  
 CONGRESS











LLOYD FOX: SUN STAFF

Gerald Smith (left), son of Hiram E. Smith, who founded Beechwood Park in the 1940s, and his brother-in-law Alphus Jones visit the site of the former park. "It was a family project, getting that place ready," Gerald Smith recalls.

# Remembering a park for all

**Beach:** The sale of the Beechwood Park site evokes bittersweet memories of a man's effort toward racial equality.

By JACKIE POWDER  
SUN STAFF

There once was an enchanted forest along the Magothy River, where children rode a Ferris wheel and played arcade games, families picnicked by the water,

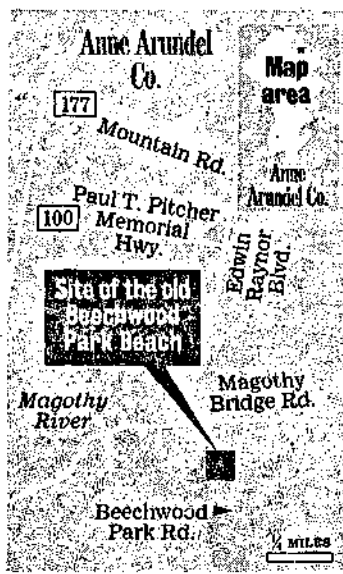
the faithful were baptized in the river and James Brown performed for Saturday night revelers in the dance pavilion.

Beechwood Park was a short-lived summer sanctuary in Pasadena that catered to black residents in the Baltimore area and beyond who wanted to spend a day by the water — a simple pleasure often denied them in a segregated society in which many local beaches served whites only.

Now crumbling foundations and overgrown woods are the only reminders of Hiram E. Smith's bold effort on behalf of racial equality. The Baptist minister and businessman lost the property to foreclosure in 1963 after falling behind on mortgage payments because of ill health, and died a year later.

Although Anne Arundel County acquired the 71-acre property this year for almost \$1.3 million and plans to preserve it as open space, Beechwood Park continues to evoke bittersweet emotions for Smith's children, who helped their father clear the forest to build the park, spent summers working there and still harbor painful memories of how the family lost the land.

"It's just upsetting; there was a whole lot of sweat that went in there," said Gerald Smith, 67, a Baltimore attorney and the third of Hiram Smith's seven children. "It was a family pro-



LAMONT W. HARVEY: SUN STAFF

pleased that the former beach and amusement park property will remain forested instead of becoming a residential subdivision — the intention of the last owner of the land.

"The last major use of the property was Beechwood Park," he said. "It won't be remembered as a place where somebody developed it and built a lot of houses."

Hiram Smith opened Beechwood Park in the mid-1940s, advertising the resort as "Maryland's finest interracial beach and amusement park."

The announcement was not well-received.

"There were all kinds of nasty letters about it, and he was roundly criticized for 'mongrelizing the nation,'" said Gerald Smith, recalling that his father took the attacks in stride. "He just laughed — he enjoyed it. My father was basically a renegade."

Smith, who ran a successful real estate business in Baltimore and founded Mount Lebanon Baptist Church in the city, bought the 65-acre Beechwood Park site in 1943, despite restrictive covenants. The restrictions barred the sale of land to anyone "of Negro, Chinese or Japanese descent," according to newspaper accounts.

In what was a common practice at the time, Hiram Smith had a white business associate buy the land in a straw purchase and then trans- [See Park, 4B]

ject, getting that place ready. He had us go in there and clear away the underbrush, but I can't say that we didn't have fun. Every Saturday and Sunday, we were working the gates and collecting the money, keeping an eye on things."

The children remember not only the good times, but their father's struggles to keep the park open in the face of repeated legal challenges from nearby white residents. It took a state court's application of a Supreme Court ruling to let a black man run his waterside carnival.

Still, Gerald Smith said, he's

## d a failure at success

transfer out, another 30 children transferred in this year from outside the school's attendance zone.

Park's paradox — a school that has won the faith of parents and teachers but has not won the faith of the federal government — is hardly unique. Nationwide, dozens of the schools targeted for transfers are award winners, experts say, explaining in part why few parents have moved their [See Failing, 2B]

A 1948 newspaper report noted that champion boxer Joe Louis and famed actor and singer Paul Robeson were to be judges in the annual "Beechwood Park interracial beauty contest," although Gerald Smith said that park patrons were overwhelmingly black.

"All the big name stars were down there at the time — James Brown, Ike and Tina Turner," said Warren Carroll, 57, who occasionally helped the Smith children with park maintenance.

### 'A lot of waterfront'

In 1949, Hiram Smith enlarged his park by 16 acres when the owner of nearby Beachwood Grove — an all-white resort — sold Smith his land.

"We ended up with 3,000 feet of waterfront," Gerald Smith said. "That was a lot of waterfront for a black man in those days."

Although Beechwood Park was built as a refuge from segregation, its proximity to all-white neighborhoods meant that tensions inevitably surfaced. The house that the Smith family lived in on park land during the summer months was vandalized routinely by egg-throwers.

But an incident on the water took on more sinister overtones.

When Gerald Smith was about 13 or 14, he was out one afternoon canoeing on the Magothy when white residents from across the river began to circle him in larger boats, stirring up waves in an attempt to capsize his canoe.

health was also a factor. At the same time, his children — who had always been responsible for most of the park's upkeep — were heading off to college and starting lives of their own.

Neither Jones, nor Gerald Smith can remember the park officially closing.

"It just faded away," Jones said.

According to county land records, the Beechwood Park property was sold at a public auction May 16, 1963, to Stanley I. Lapidus of Baltimore for \$22,500, after Smith had defaulted on the mortgage.

The land stayed in the Lapidus family until this year when Anne Arundel County bought it for nearly \$1.3 million in state and county funds, said Jack Keene, chief of planning and construction for the county parks department.

Over the years, Keene said that the Lapidus family had explored development of the land, and in 1989 filed a plan to build 43 homes. But he said options were limited because the water-

front property is subject to the state's critical area regulations.

### Beechwood revisited

This month, Jones and Gerald Smith visited the former Beechwood Park resort for the first time in many years. They stepped gingerly through the brush and visualized the place in its glory days.

"This is the dining hall and dance hall too, the kitchen was back there," said Gerald Smith, pointing to the ruins of a cement foundation. He hadn't been back since he was in law school. "And there was a row of cottages over there somewhere."

Jones stood at the top of a set of steps leading to the water.

"On the weekends there was breathing room only down there," she said.

Smith said that the land appears as it did when his father bought it nearly 60 years ago.

"It conjures up old memories," he said, "and reminds me of what used to be."















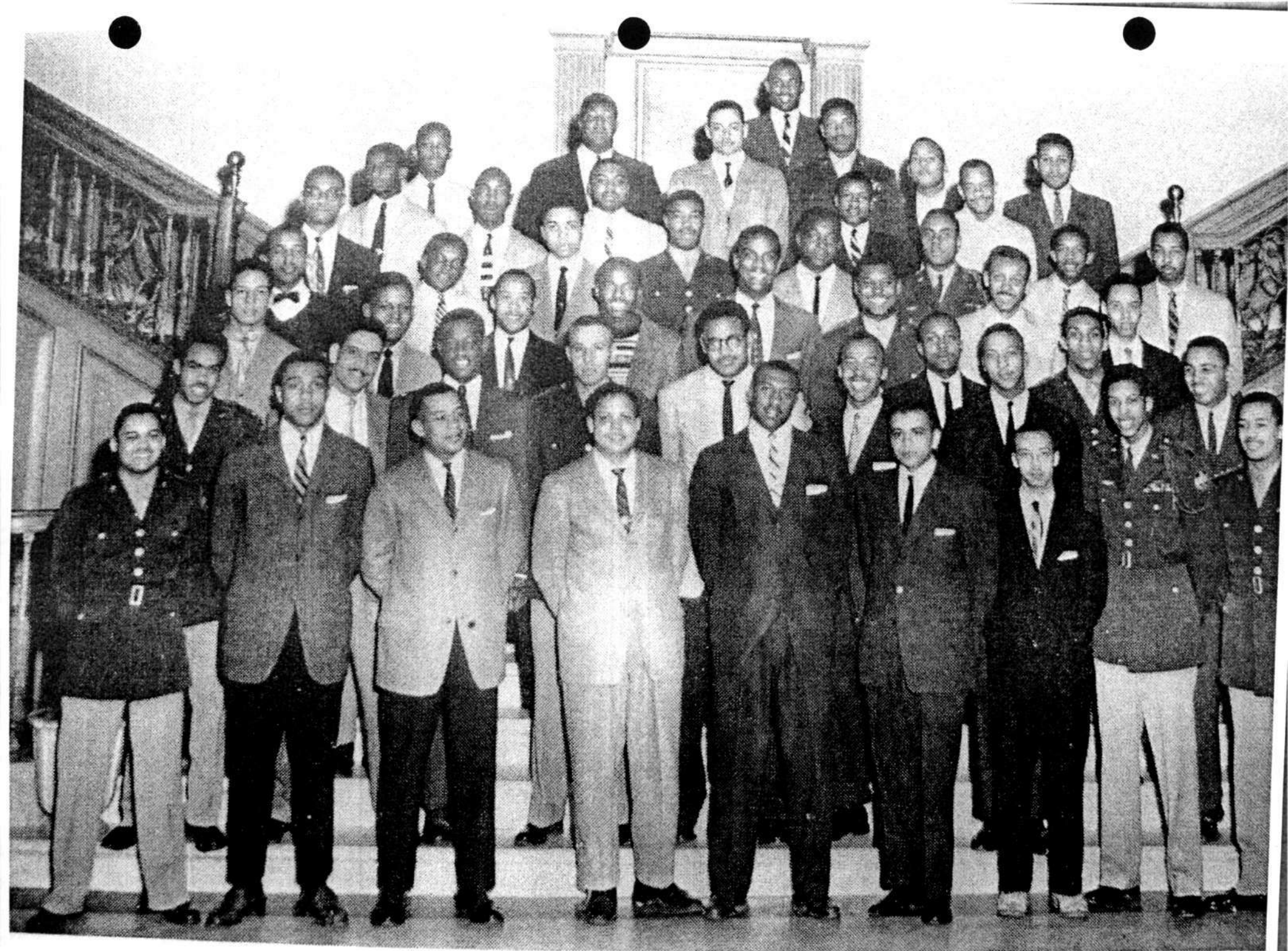
SPRING LINE "54" ...





*Kappa Alpha Psi Fraternity*







**HOWARD  
UNIVERSITY  
CATALOGUE**

1955-56

**H  
M 378 G  
H 83**



two hours; lecture, four hours. Prerequisite: Botany 1. (Four semester hours, Winter and Spring.)  
Mr. McHoney.

**Botany 124. Plant Anatomy.** A comparative study of the interrelationships of phylogeny, ontogeny, and ecology to the morphological differentiations in Angiosperms and Gymnosperms. Laboratory, four hours; lecture-recitations, one hour. Prerequisite: Botany 1. (Four semester hours upon demand.)

Associate Professor Taylor.

**Botany 128. Taxonomy of Vascular Plants.** A field course to build facility in the identification of these higher plants. Principles and history of taxonomy, geographical distribution, collecting, mounting, and herbarium techniques are presented. Laboratory, four hours; lecture-recitation, two hours. (Four semester hours, Spring.)

Associate Professor Taylor.

**Botany 130. Microbiology.** The morphology, life history, and culture of bacteria, yeasts, and molds of household and institutions. Laboratory, four hours; lecture-recitation, two hours. (Four semester hours, Spring.)

Mr. McHoney.

**Botany 131. Bacteriology I.** An introduction to the identification, culture and control of bacteria, pathogenic and non-pathogenic. Laboratory four hours; lecture-recitation, two hours. (Four semester hours, Fall.) Pre-requisites: Botany 2 and Organic Chemistry.

Dr. Schade.

**Botany 131. Bacteriology II.** The Physiology of bacteria in the physico-chemical relationships involved in the life history and the control of bacteria. Laboratory, four hours; lecture-recitation, two hours. (Four semester hours, Spring.) Pre-requisite: Botany 131 and Biological Chemistry.

Dr. Schade.

**Pharmaceutical Biology 1.** A course designed solely for first-year students in the College of Pharmacy, emphasizing the faculty of identification of medicinal plants through their gross and microscopic structures. Laboratory, six hours; lecture, two hours. (Five semester hours, Winter.)

Mr. McHoney.

**Pharmaceutical Biology 2.** A first-year course which emphasizes the biological principles as exemplified in the animal kingdom with stress on morphology, physiology, and heredity which make animals useful to Pharmacy. Laboratory, six hours; lecture, two hours. (Five semester hours, Spring.)

Mr. McHoney

### For Undergraduate and Graduate Students

**Botany 160. Ecology.** A field and laboratory study of the climatic, edaphic, and biotic influences in plant succession, and in the conservation of natural resources. Laboratory, four hours; lecture, two hours. Prerequisite: Botany 1. (Four semester hours, Winter.)

Associate Professor Taylor.

**Botany 171. Proseminar.** Independent study of special topics in morphogenesis, plant physiology, and mycology for competent majors. Credit to be determined. (One to four semester hours upon request.)

Associate Professor Taylor.

**Botany 175. Plant Physiology.** Experimentations with plant cells and grosser structures to gain a knowledge of the interrelatedness of structures to

function, of Physics and Chemistry to protoplasmic activity, of cell to plant metabolism, growth and behavior. Laboratory, six hours; lecture, two hours. Prerequisites: Botany 1, Chemistry or Physics. (Four semester hours, Spring.)

Associate Professor Taylor.

**Botany 184. Morphology of Angiosperms.** An advanced study through the broad use of source materials, of the entire plant kingdom, especially related to the origin of Angiosperm species. Lecture-recitation, four hours. Prerequisite: Advanced major status. (Four semester hours; upon demand.)

Associate Professor Taylor.

### DEPARTMENT OF BUSINESS ADMINISTRATION

*Associate Professor Auzenne (Head of the Department); Associate Visiting Professor Urciolo; Assistant Professor Fitzhugh; Visiting Lecturers Galin, Benner.*

The Department of Business Administration aims to offer training suitable for those who intend to engage in business or to undertake the management of property. The general purpose is to train its students for life. The special aim is to offer training for business and for public service. The instruction given includes both liberal and specialized courses.

The plan of the courses aims to offer training in four interrelated divisions:

#### 1. Accounting

The purpose of the Accounting curriculum is not to teach mere proficiency in bookkeeping, nor to prepare students merely for clerical tasks, but rather to inculcate the philosophy underlying the use of records as an aid to management. It attempts to lay a foundation which students in this department may use, after their apprenticeship in business, to build the necessary qualifications for executive positions. So fundamental is the subject matter of this course that many students may wisely choose this field for concentration as a preparation for a general business career.

#### 2. Marketing

The Marketing curriculum helps to equip students for the promising occupational opportunities in the fields of store operation, sales management, market analysis and research, public relations, advertising and promotion. Selected courses in Psychology and in the Social Sciences are taken simultaneously with the Marketing courses. Success in Marketing requires a first-hand acquaintance with behavior; it demands a capacity for effective communication of ideas; and it calls for an awareness of the ever-changing nature of our marketing institutions. Accordingly, students majoring in Marketing will be guided into as many real-life situations as possible during the period of their training; and they will be given a considerable amount of investigating to do which will keep them abreast of current trends and at the same time will require the organization and presentation of frequent oral and written reports.

Students will be brought into contact with active businessmen—in the classroom, at their business establishments, or at gatherings of businessmen. Moreover, wherever the student's time budget will permit it and his interest and ability warrant, an effort will be made to find on-the-job training to further



supplement the classroom work. The courses in Marketing should not be undertaken before the junior year.

### 3. Real Estate and Insurance

The purpose of instruction in the courses in Real Estate is threefold, to provide the student with a sufficient content of cultural courses as basic and prerequisite for the super-structure of technical courses; to build up sufficient legal concepts through courses in business law; and to acquaint the student with the fundamentals of good practice as a broker. The viewpoint of the broker is strengthened by courses which present the economic basis of real estate value, and the causes of sectional development; the legal aspects of transfer of title; the ethical and economic aspects of real estate brokerage; and insurance coverages often secured through real estate brokers. This fundamental material is supplemented by courses on the procedure of realty brokerage, and related courses in economics, finance, and marketing.

### 4. Secretarial Administration

The Secretarial Course is offered to prepare students who wish to reach positions of responsibility through secretarial openings. Emphasis is primarily directed on work which will develop skill in shorthand, typewriting, and business correspondence. In addition to this fundamental work, the student is given training in such fields as accounting, economics, business law, office management, and finance, so that business activity may be viewed as an integrated program. A liberal allowance of elective courses is offered in order that the student may attain a cultural background prerequisite to a pleasing and interesting personality.

The courses for the students of the upper classes will be grouped in accordance with a designated system. The arrangement of courses in each group is intended to provide instruction in the five selected divisions of business and special training in the student's chosen field.

It is the aim of the Department to have each student feel that there is someone at the University interested in his individual problems from the time he enters the University until he is graduated. Individual assistance and personal guidance are the primary aims of the Department.

Each course of study has been arranged to extend over a period of four years, and leads to the degree of Bachelor of Arts. Frequent conferences with the advisers of the Department will be available to all students majoring in business.

## CURRICULUM

### For All Freshmen and Sophomores Majoring in the Department

Course Nos.	Freshman Year	Credits	
			Semester Hours
1, 2	Humanities	6	
1, 2	Social Sciences	6	
Eng. 1, 2, 3	Composition	6	
	Foreign Language	8	
Classics 30	Vocabulary Building	3	
	Physical Education and R.O.T.C.	2-4	
		31-33	

Course Nos.	Sophomore Year	Credits	
			Semester Hours
Eng. 11	Elements of Expression	3	
	Biological Science	3	
	Physical Science	3	
	Foreign Language	6	
Bus. 15	Introduction to Business	3	
Bus. 10, 11	Accounting Principles I and II	6	
Ec. 1	Principles of Economics	3	
Ec. 2	Economic Problems	3	
Phil. 1	Philosophy	3	
	Physical Education and R.O.T.C.	2-4	
		35-37	

Minor Sequence: Economics-Geography

### Accounting Curriculum

#### Junior Year

Bus. 102, 103	Advanced Accounting Principles I and II	6
Bus. 136	Law of Contracts	3
Bus. 137	Negotiable Instruments, Sales Bailments	3
Bus. 133	Property Insurance	3
Ec. 159	Statistical Analysis	3
Bus. 150	Business Correspondence	3
Soc. 51	Introduction to Sociology I	3
Geo. 2	Commercial Geography	3
Psy. 128	Business Psychology	3
	Humanities Sequence (English 143, Art 126 or 128, Classics 101, 102, German 100)	3
		33

#### Senior Year

Bus. 104	Cost Accounting	3
Bus. 105	Auditing	3
Bus. 107	Federal Income Tax	4
Bus. 138	Business Units (Agency, Partnerships, and Corporations)	3
Bus. 139	Real Estate and Suretyship Law	3
Math. 10	Mathematics of Finance	3
Hist. 11	History of U. S. from 1607	3
Govt. 1	American National Government	3
Ec. 194	Money and Banking	3
Bus. 170	Investments	3
		31







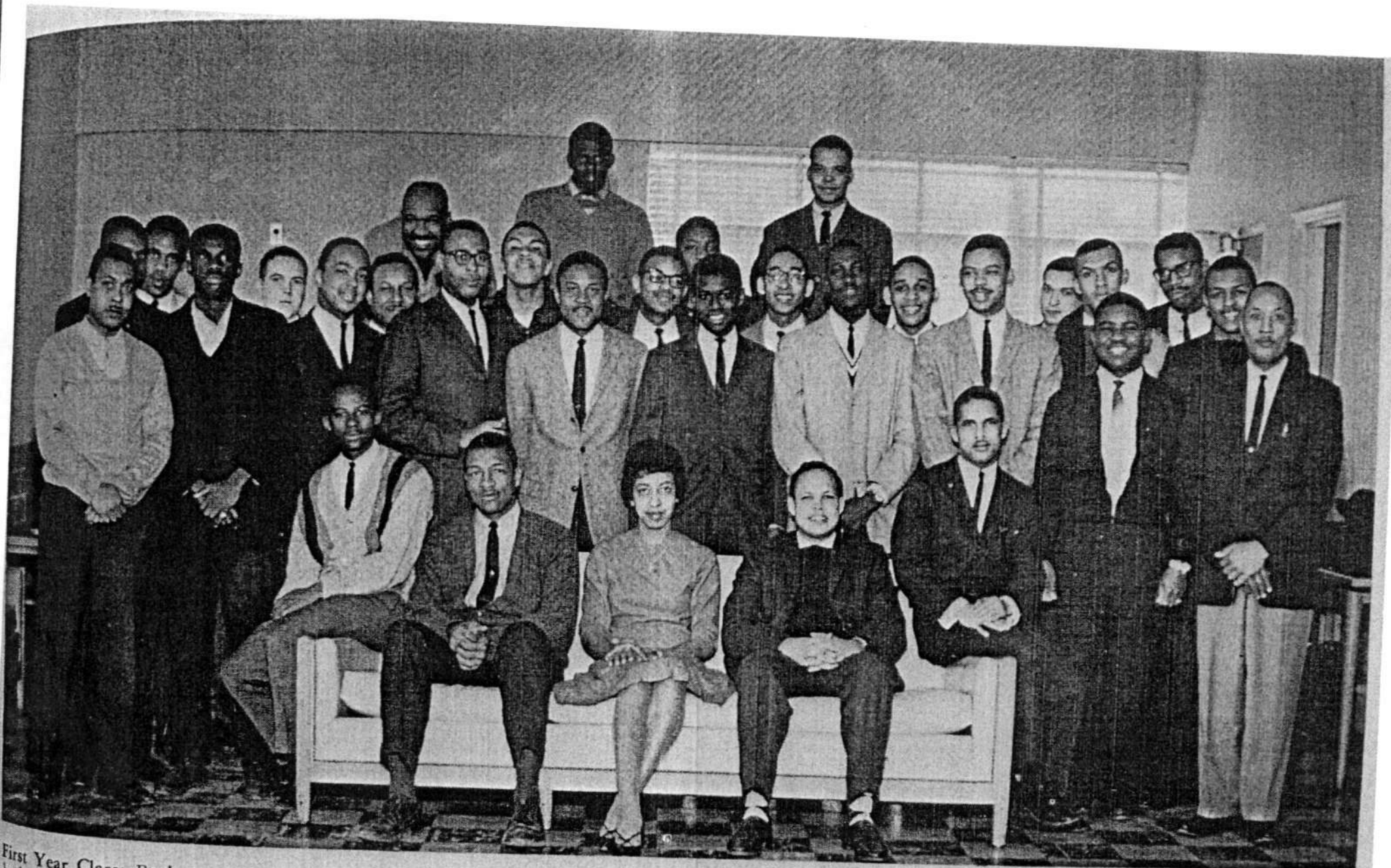
the school of law



H  
O  
W  
A  
R  
D

Bison



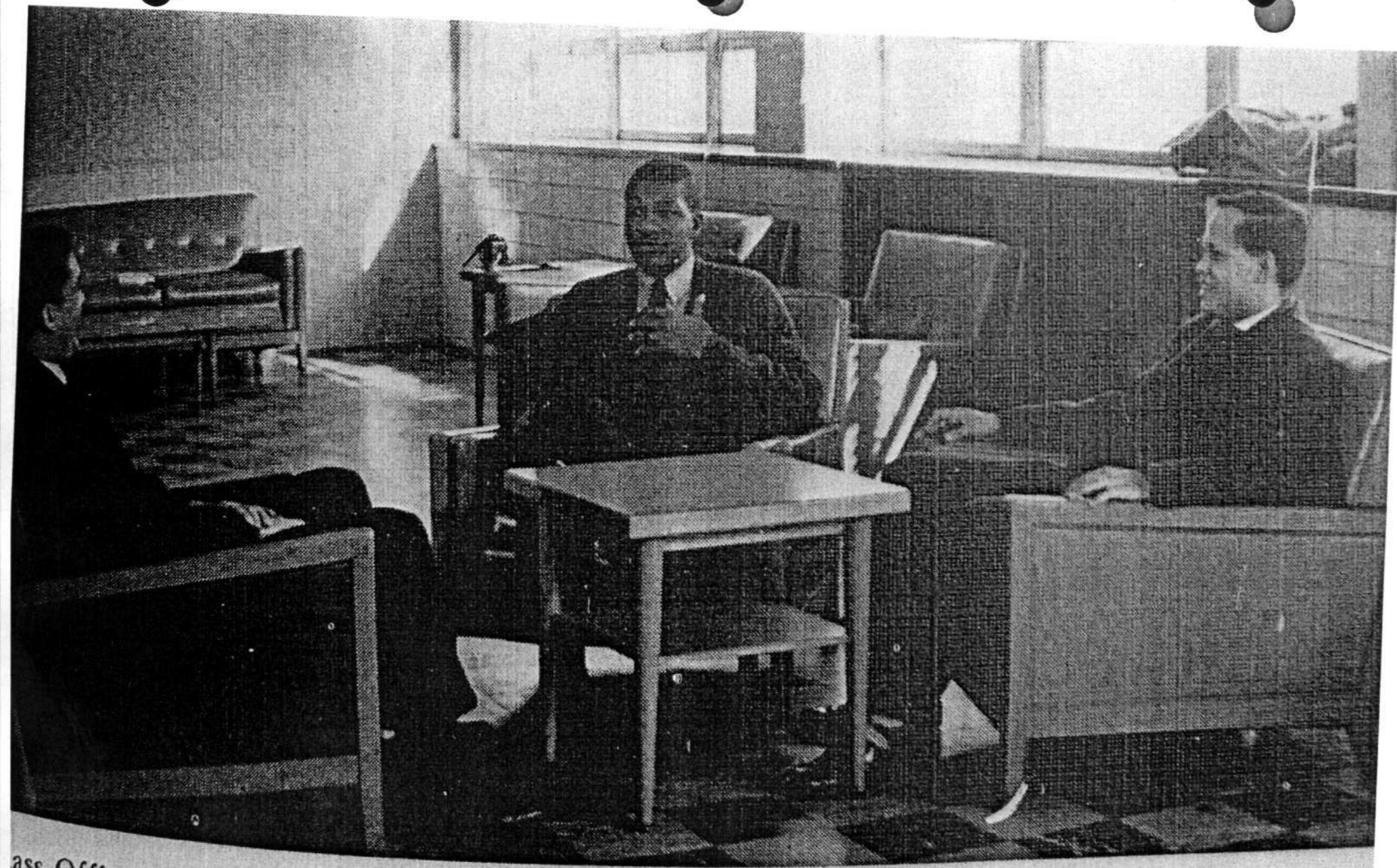


First Year Class: Back row—S. West, Reid, W. Smith. 2nd row—from  
back—W. Borders, C. Brown, D. McConnell, W. Smith, J. Austin, S.  
Covington, H. Bryan, R. Bryan, J. Henry, G. West, V. Rhinehart. 1st

row—G. Williams, H. James, R. Jackson, C. James, P. McKenzie, F.  
Smith, F. Baker, C. Mangrum, K. L. Camper, T. Pitts, C. Goings.  
Sitting—J. Garrett, O. Pitts, R. N. Burrows, G. Smith, R. Prather.







Class Officers: James Henry, S. B. A. Representative; Orville Pitts, President; Gerald Smith, S.B.A. Representative.















Spottswood William Robinson, III, LL. D.  
Dean of the School of Law



Allen Mercer Daniel, LL. B.  
Associate Professor  
of Law



Alessandra Del Russo,  
PH. D., J. D.  
Associate Professor  
of Law



Newton Pacht, LL. B.  
Associate Professor  
of Law

Oliver Morse, J. S. D.  
Assistant Professor  
of Law









# School of Law Graduate School



R. Prater



C. Smith



G. Smith



W. Smith



C. Hurd



A. Lyaro



G. Ortiz



A. Parris



L. Ukachi



E. White

RALPH PRATER, Law, Sigma Delta Tau, Treas., Kappa Alpha Psi. CHARLES SMITH, Law, Sigma Delta Tau. GERALD SMITH, Law, Law Journal, Student Bar Assoc. Board of Governors, International Law Moot Court Team. WAYMAN SMITH, Law. COLONEL HURD, Graduate School. ALFRED LYARO, African Studies, East African Student Union. GLORIA ORTIZ, Psychology, International Club. ASHTON PARRIS, Mathematics, Tau Beta Pi, Pi Mu Epsilon, Beta Kappa Chi, B.Sc.E.E., M.Sc.E.E. Who's Who in American Universities and Colleges. LIVINUS UKACHI, Philosophy of Education, Track and Field, Soccer. EVERETT WHITE, Pharmacology.



## LDF to seek new writ for Winters

WASHINGTON — The case of an Arkansas bushy convicted on charges of immorality after trial without a lawyer is headed back to the Supreme Court after the high tribunal refused review last week.

The Legal Defense Fund announced that it will seek a writ of habeas corpus for Robert Winters in the U. S. District Court in Little Rock.

Winters was sentenced to nine and one-half months when he could not pay a fine in addition to a 30 day sentence.

THE FEDERAL question is whether the right to free counsel applies to all criminal actions or only to felony cases. The landmark Gideon vs. Wainwright decision left this unclear.

The Fifth Circuit Court of Appeals has ruled that Mississippi must provide counsel in all criminal cases.

Justice Potter Stewart, in a dissent last week, said the re-

fusal of certior applies one rule in Arkansas and another in Mississippi.

He said the court should clarify the question so citizens will have the same rights in all states.

Justice William O. Douglas joined in the dissent.

THE LEGAL Defense Fund maintained that the type of crime is immaterial to the right of indigent defendants to free counsel.

Arkansas said the state does not have enough lawyers to provide counsel in misdemeanor cases. The state also alleged that the elements of immorality and interracial sex made the case a dubious vehicle for an important constitutional decision.

Representing Winters are Michael Meltner, James M. Narvitt III, Jack Greenberg, Gerald Smith, and Alfred Feinberg, of the Legal Defense Fund New York office, and John Walker, of Little Rock.



BALTIMORE BRANCH

*National Association for the Advancement of Colored People*

1234 DRUID HILL AVENUE  
BALTIMORE, MARYLAND 21217

REV. SAMUEL RAY  
CHAIRMAN OF MINISTERS

DR. LILLIE M. JACKSON  
PRESIDENT

VICE PRESIDENTS

REV. EDMOND D. MEADE  
REV. W. W. PAYNE  
REV. A. J. PAYNE  
REV. M. G. WOOD  
MRS. AUGUSTA T. CHISSELL  
MRS. SARAH F. DIGGS  
MRS. MARY E. HAWKINS

MRS. MARGARET L. OYER  
SECRETARY

MRS. ETHEL DAY  
ASSISTANT SECRETARY

DR. CHARLES E. WATTS  
TREASURER

KING-REYNOLDS CO., C. P. A.  
AUDITOR

EXECUTIVE COMMITTEE

MRS. EDITH ALLEN  
REV. J. W. ARMSTRONG  
MRS. JAMIE BANKS  
REV. M. C. BASCOM  
REV. GEORGE W. BAYNARD  
MARSHALL T. BRIGHT, SR.  
MRS. FRANCES BROOKS  
DR. W. O. BRYSON, JR.  
MRS. DORA CALDWELL  
DR. J. E. T. CAMPER  
REV. HAROLD A. CARTER  
REV. CHARLES M. CHURN  
REV. WILLARD CLAYTON  
MRS. ANNA J. CLINNSCALES  
REV. CLINTON R. COLEMAN  
ULYSSES CRAWFORD  
JAMES CRUDUP  
REV. AUGUSTUS C. CRUMBLEY  
REV. SIDNEY DANIELS  
W. ERNEST DENNIS  
REV. VERNON DOBSON  
MRS. EMMA J. EPPS  
MRS. GLORIA FARRAR  
HERBERT GARDNER  
REV. H. O. GRAHAM  
REV. JOSEPH B. GRANT  
REV. LORENZO GRAVES  
LEROY HAYDEN  
MISS P. E. HOLLOWAY  
OTIS D. HOOPER  
WILLIE HUBBARD  
REV. KELLY L. JACKSON  
DR. CHARLES JOHNSON  
MRS. ETHEL JONES  
BISHOP E. A. LOVE  
HARRY MACER  
MRS. CYRUS MARSHALL, SR.  
MRS. ENOLIA V. McHILLAN  
REV. LEVI S. MILLER, JR.  
SENATOR CLARENCE M. MITCHELL, II  
JOHN H. MURPHY, III  
MRS. SUSIE MURPHY  
REV. WALTER S. PAIGE  
MRS. CHARLOTTE M. PERRY  
REV. CLARENCE POWELL  
MRS. ELINOR POWELL  
REV. SAMUEL RAY  
MRS. IDA T. RUSSELL  
BISHOP WINFIELD A. SHOWELL  
DR. PERCIVAL C. SMITH  
REV. FORREST C. SMITH  
REV. MELVIN C. SWANN  
REV. JAMES E. THOMAS  
MRS. MARY B. THOMAS  
MRS. JOHNNIE MAE THOMPSON  
REV. S. A. THOMPSON  
REV. W. H. THOMPSON  
JOHN H. THORNTON  
DR. EMERSON C. WALDEN  
WILBERT WALKER  
ALLEN WATTIES  
REV. C. L. WHITFIELD  
REV. ROSCOE WILLIAMS  
FATHER DONALD O. WILSON  
RAYMOND A. C. YOUNG

ATTORNEYS  
TUCKER R. DEARING  
JUANITA J. MITCHELL  
GERALD A. SMITH  
ARCHIE D. WICKLAMB

CLARENCE M. MITCHELL, JR.  
DIRECTOR  
WASHINGTON BUREAU

COMMITTEE CHAIRMEN

IN MEMORIAM

DR. CARL J. MURPHY

MRS. JUANITA J. MITCHELL  
ADMINISTRATIVE AND  
LEGAL AFFAIRS

REV. WALTER L. HILDEBRAND  
STEERING

DR. EMERSON R. JULIAN  
MEMBERSHIP

MRS. BETTY PHILLIPS MOSS  
PUBLICITY

MRS. LEAN PATTERSON  
INTER-RACIAL

GEORGE HOLLOWAY  
DEL. TROY BAILEY  
MARCUS MCGRIDE  
LABOR

MRS. RUTH HAINES  
WOMEN'S LABOR

MRS. FLORENCE C. SNOWDEN  
PATERNAL

REV. EDGAR L. REID  
HOUSING

DR. JOHN L. TILLEY  
CHURCH

REV. MARCUS G. WOOD  
EDUCATION AND  
CIVIL RIGHTS

MRS. GLADYS TAYLOR  
SPECIAL CLUBS

MRS. FLORELLA CLARKE  
SOCIAL WELFARE

REV. M. L. CORNISH  
WAYS AND MEANS

DR. WILLIAM H. WATTS  
LIFE MEMBERSHIPS

MRS. EULA MAE WATTS  
NEIGHBORHOOD CLUBS

MICHAEL B. MITCHELL  
YOUTH REP., NAT'L. BOARD

EMERSON R. JULIAN, JR.

JAMES M. PAIR, JR.  
YOUTH REPRESENTATIVES

**LAWYER'S COMMITTEE FOR THE ELECTION OF MILTON B. ALLEN  
STATE'S ATTORNEY OF BALTIMORE CITY**

**1500 AMERICAN BUILDING  
BALTIMORE, MARYLAND 21202**

**Phone 727-0340**

**ARTHUR G. MURPHY, Esq.**  
Chairman

**STEPHEN E. HARRIS  
MICHAEL E. KAMINKOW**  
Vice Chairmen

**LEROY W. CARROLL  
BENJAMIN L. BROWN  
W. EMERSON BROWN, Jr.  
DONALD DANEMAN  
CHARLES J. JOSEY  
NELSON R. KANDEL  
WILLIAM H. MURPHY, Jr.  
GERALD A. SMITH  
ARCHIE D. WILLIAMS**



McIver loses suit against policemen  
*Afro-American* (1893-1988); Jun 8, 1968;  
ProQuest Historical Newspapers Baltimore Afro-American (1893-1988)  
pg. 37

## McIver loses suit against policemen

A n all-white Federal Court jury on Monday dismissed the \$500,000 suit for damages placed against three Baltimore policemen by Benjamin F. McIver, 50, a steel worker.

The panel of eight men and four women deliberated from 2:48 p.m. to 3:35 p.m. after three weeks testimony under the presiding jurist, Judge Frank A. Kaufman.

Represented by Gerald A. Smith, Mr. McIver alleged that the three policemen subjected him to severe beatings, illegal arrest and abuse during an incident at his home in the 400 block Edgewood St., June 20, 1964.

According to testimony before the court Mr. McIver was beaten with night sticks and his home turned into shambles by the officers.

Mr. McIver said the police officers resented his expressing disapproval over the way they were treating a woman suspect in an automobile accident in front of his home.

In defense the policemen claimed Mr. McIver was loud and abusive and kicked one of them in the sto-

(Continued on Page 30)



## -Ben McIver

(Continued from Page 32)

mach when they tried to take him into custody.

MR. SMITH called the court's attention to the fact that the charges against Mr. McIver were dismissed by a lower court and maintained the officers used excessive force taking the man into custody.

Questioning the legality of policemen going beyond their powers, Mr. Smith termed the treatment of his client a deplorable instance of police brutality.

Plans are under way for the case to be taken to the U.S. Court of Appeals.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.



## Robed order incites anger, new tensions

GEORGE COLLINS

Afro-American (1893-1988); May 14, 1966;

ProQuest Historical Newspapers Baltimore Afro-American (1893-1988)

pg. 14



## Robed order incites anger, new tensions

By GEORGE W. COLLINS  
BALTIMORE

"I never dreamed that I would live to see the day when the Ku Klux Klan would be parading in the heart of Baltimore.

"You can bet your life this will be a long, hot and maybe violent summer. It's bad here, but they (the Klan) will soon learn that this isn't Mississippi."

Anthony Gomez, emotional and angry, was voicing sentiments uttered by other spectators who gathered at the Horizon House Sunday, Calvert and Chase Sts.

Like them he was witnessing what was unanimously agreed to be an unusual sight in midtown Baltimore — robed Klansmen and Klanswomen walking a picket line.

The Rev. Joseph Brown, City Jail chaplain, also expressed more than unusual surprise and predicted that "there is trouble in the making".

The Klansmen, garbed in colorful robes, and filling the spring air with racial insults and carrying printed signs with more of same, were counter picketing members of the Congress of Racial Equality.

CORE HAS been protesting segregation renting policies at the high rise apartment for several weeks.

While a delegation of 28 Klansmen and an undetermined number of their sympathizers and or supporters, dressed in civilian clothes, yelled racial epithets CORE members marched and sang freedom songs.

A crowd, estimated by Police Inspector Thomas Keys to be in the neighborhood of

200, was silent for the most part, the exception being when a Klan partisan yelled insults from strategic points among spectators.

Chief Inspector Millard B. Horton, like others, took special note of the heavy equipment brought along by the robed marchers.

Posters screaming degrading sentiments about colored Americans were attached to extra heavy wooden sticks;

German Shepherd dogs, led on leashes by gray-clad, booted and helmet-wearing sentries;

Long flashlights, an assortment of other sticks were among items boldly displayed by Klansmen, including old and young men and women.

JAMES GRIFFIN, chairman, local CORE chapter, said owners of the building, — as they have in the past — refused to discuss the matter.

"We will be back twice or three times as strong next Sunday," he declared.

Vernon J. Naimaster, ousted transit driver and head of the revived Maryland Klan, also vowed to return with reinforcements next week.

Should both carry through on their promises, Chase and Calvert Sts. could well become the site of Phase I of the much-predicted long, hot summer in Baltimore.

In the background of this looming head-on clash between conflicting ideologies and individuals lurks a third — and more threatening — dimension.

THE AFRO learned late Monday that several colored persons — who recoil at the thought of Klansmen and are not bound by CORE's non-

TALE OF TWO CITIES—The two faces of Baltimore were on parade Sunday when CORE pickets protesting segregated housing policies at Horizon House, an apartment building in midtown Baltimore, were

counter-picketed by a robed delegation of Ku Klux Klansmen. Below, Patrolman E. S. Webb was among the beated-up guard who kept the Klan under close scrutiny.



violent code — plan to visit the site next week.

Inspector Horton, who said Monday that the Klansmen "didn't have their brand of equipment for nothing," told the AFRO "we will be

ready."

Gen. George M. Gelston, commissioner, was asked if the counter marchers were violating laws by having obviously non-passive dogs at the scene.



# Seek Transfer Of \$200,000 Klan Suit To Federal Court

## NAACP cites race hostility in county

**BALTIMORE**—The NAACP and its two principal Maryland offices defendants in a \$200,000 damage suit, have asked removal of the suit to the U.S. District Court.

The defendants, in a petition filed last Tuesday in the U. S. District Court of Maryland, contend that the political and hostile racial climate in Baltimore County is such that they would not get a fair and impartial trial. They further contend that to force trial in Baltimore County would result in a denial of the federal guarantees afforded by the Federal Civil Rights Act of 1966.

**THE SUIT** was filed by Vernon J. Naimaster, Essex, Baltimore County, a former Baltimore Transit Company bus driver, who was identified on the radio and television as the setting grand dragon of Maryland Ku Klux Klan.

Mrs. Lolie M. Jackson and her daughter, Mrs. Julia J. Mitchell along with the NAACP were named as defendants in the suit.

The suit stems from statements Mrs. Jackson and Mrs. Mitchell, as agents of the NAACP, reportedly made to the press and at hearings involving Naimaster's employment.

Subsequently in November, 1965, Naimaster was dismissed from his job with BTC.

**THE DEFENDANTS** claim that "this proceeding in the Circuit Court of Baltimore County specifically denies the statutory civil rights, in that it seeks court imposed defendants to answer for the exercise of this right, and the mere existence of the suit indicates defendants are not free from harassment and the threat of pecuniary loss for engaging in a protected activity specially conferred under a federal statute."

Baltimore County, the suit contends, is an area that "systematically denies the number of colored residents through restrictions on the rental and sale of property; where colored residents are only 5 percent of the total population and thereby have less chance to serve on juries."

IT ALSO was describing an area where "a candidate speaking office on a platform of racial segregation in housing received overwhelming support in the Sept. 16, 1966 primary election, and in the Nov. 8, 1966 general election on referendum, a county ordinance designed to insure the right of colored citizens to receive equal treatment in places of public accommodation was rejected by the voters."

The defendants strongly point out that a mere change of venue to another Maryland court could result in removal to an area "where prejudices are as bad or worse than those in Baltimore County and where the possibility of jury members being sympathetic to the Ku Klux Klan is too great a risk. So they sue for a hearing in a federal court."

They emphasize that in such areas it is highly conceivable that jury members will be "hostile to the purpose and objectives of the historic program" of the NAACP which works within "the framework of the U.S. Constitution, seeking enforcement of the Federal Civil Rights Act of 1866, 1867, 1868, 1869 and 1957, and the school desegregation decisions of the U.S. Supreme Court."

**THE PETITION** contends that the expressions made and communications sent by the NAACP officials were, in fact, "good faith communications of information and grievances in behalf of citizens, protected, claimed, abuse on a matter of the highest public importance and concern."

These expressions, the petition adds, constitute an exercise of free speech and political under the First and Sixth Amendments of the Constitution.

The defendants stress that the courts have taken judicial notice that "the Ku Klux Klan in the history of this nation is an organization dedicated to depriving colored citizens of their constitutional rights by force and violence, operate outside the laws of Maryland and the nation, and thrives on hatred and bigotry."

**THEY POINT** out that recent revival of Klan activities, including cross burnings, bombings and explosives,

speeches created "mounting national concern," resulting in an investigation by the House Un-American Activities Committee and a contempt of Congress conviction of some of the Klan members, including the Imperial Grand Wizard, Robert Shelton.

Photo Standalone 12 — No Title  
*Afro-American* (1893-1988): Jun 4, 1966;  
ProQuest Historical Newspapers Baltimore Afro-American (1893-1988)  
pg. 14



**LAST LAUGH** — Minutes after AFRO photographer took this picture of Klansman Vernon Nalmaster, Horizon House owners agreed to open to all. Unhappy Klansmen slinked away.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.



S.E. 1.

UNITED STATES COURT OF APPEALS  
FOR THE  
FOURTH CIRCUIT

HARRISON L. WINTER  
UNITED STATES CIRCUIT JUDGE  
BALTIMORE, MARYLAND 21202

April 14, 1970

Judge Boreman

Judge Bryan

Gentlemen:

No. 13,463 - Vernon John Naimaster v.  
N.A.A.C.P., et al.

I am sorry that it took me so long to consider  
this case.

After study I am satisfied that the appeal lacks  
merit and should be disposed of summarily. A copy of the  
per curiam opinion prepared by Judge Boreman is returned  
to him, endorsed with my concurrence.

I also return to him the record.

Sincerely,

*H.L.W.*

Harrison L. Winter

HLN-L

cc: Other Circuit Judges



United States Court of Appeals  
Fourth Judicial Circuit

CHAMBERS OF  
HERBERT S. BOREMAN  
UNITED STATES CIRCUIT JUDGE  
PARKERSBURG, WEST VIRGINIA

April 17, 1970

CIRCUIT JUDGES

Gentlemen:

Re: No. 13,463 - Vernon John Naimaster  
v. NAACP, et al.

During the April term I submitted to Judge Bryan and Judge Winter a proposed per curiam in this case simply affirming on the reported opinion of the district court which I found to be quite adequate. I now have the concurrences of Judge Bryan and Judge Winter.

A copy of the per curiam is enclosed herewith. I shall hold the opinion for a few days so that each of you may have the opportunity to offer comments.

Best regards.

Sincerely,

*H. S. Boreman*

Herbert S. Boreman

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 13,463

Vernon John Hainmaster,

Appellee

versus

National Association for the  
Advancement of Colored People,  
a body corporate, Lillie M.  
Jackson and Juanita Jackson  
Mitchell,

Appellant

Appeal from the United States District Court for the  
District of Maryland, at Baltimore. Rossel C. Thomsen,  
Chief District Judge.

(Decided

.)

Before BOREMAN, BRYAN and WINTER, Circuit Judges.

Clarence M. Mitchell, Jr., Gerald A. Smith (Howard, Br  
& Williams), Jack Greenberg and Melvyn Sarr, on brief  
Appellants, and W. Giles Parker, M. Jacqueline McCurdy  
and Alan H. Murrell, on brief for Appellee.



PER CURIAM:

In this appeal we find oral argument unnecessary and affirm on the opinion of the district court. 296 F. Supp. 1277.

Affirmed.



LAW DOCKET No. 79

OTHER TORT

VERNON JOHN NAIMASTER

65838

M. Jacqueline McCurdy  
W. Giles Parker  
Alan H. Murrell

ADVANCE COSTS	
Pliff's Atty	5.00
Clerk	10.00
City Sheriff	12.00
Paid 11-9-66 Per [Signature]	
Receipt No. 42521	

ADDITIONAL COSTS

Clerk \_\_\_\_\_  
 Sheriff \_\_\_\_\_  
 Clerk *Set 1.00*  
 Clerk *16.00*  
 Deft's Atty *5.00*  
 Record *\$30.00*

Gerald A. Smith,  
Clarence M. Mitchell  
Jr.  
Charles Stephen  
Ralston, Jack Green-  
gerg, Robert L.  
Carter

E

NATIONAL ASSOCIATION FOR THE AD-  
VANCEMENT OF COLORED PEOPLE, a/b/c,  
and LILLIE M. JACKSON and  
JUANITA JACKSON MITCHELL

- \* (1) Nov. 9, 1966 Nar and Prayer for Jury Trial fd. Summons issued. 3 copies of summons and nar sent. App. of M. Jacqueline McCurdy, W. Giles Parker and Alan H. Murrell for the Plaintiff.
- \* (2) Nov. 17, 1966 Summons (Quasa) City Shff's ret. fd.
- \* (3) Dec. 14, 1966 App. of Gerald A. Smith, Clarence M. Mitchell, Jr., Charles Stephen Ralston, Jack Green-gerg, Robert L. Carter for the Defendants. Same day Notice of removal to the U. S. District Court for the District of Maryland fd.
- \* (4) March 12, 1971 Defendants' Motion to Dismiss fd.
- (5) March 26, 1971 Plaintiff's Answer to motion to dismiss and Request for Hearing fd.
- June 14th, 1971. Hon. John Grason Turnbull hearing had, case not concluded continued for a further hearing.
- Nov. 19, 1971 Case resumed. Testimony taken. Order to be signed.
- (6) Nov. 23, 1971- Order of Court that Motion to dismiss be denied and Defendants be required to Plead to declaration within 15 days fd. (JGT)
- (7) Dec. 3, 1971- Amended Order of Court that the defendant be required to file an appropriate pleading in the above captioned matter on or before Dec. 18, 1971, fd. (JGT)
- (8) Dec. 20, 1971 Defendants Motion raising preliminary objections and Authorities and Request for Hearing fd.
- (9) Jan. 5, 1972- Plaintiff's Answer to Motion Raising Preliminary Objections fd.
- April 4, 1972 Motion denied per verbal order of the Court on the record. (LLB)
- (10) April 20, 1972 Defendants Plea and Special Pleas fd.
- (11) June 28, 1972 Defendants' Notice of Deposition fd.
- (12) September 18, 1972- Defendants' Suggestion for Removal and Order of Court transmitting case to Circuit Court for Anne Arundel County for trial fd. (KCP)

*TO DOCKET 72 Folio 564*

MOTOR TORT

WILLIAM E. RASCH

65839

Pairo & Pairo  
Preston A. Pairo

ADVANCE COSTS	
Pliff's Atty	5.00
Clerk	10.00
Sheriff	8.00
Paid 11-14-66 Per [Signature]	
Receipt No. 42531	

ADDITIONAL COSTS

Clerk \_\_\_\_\_  
 Sheriff \_\_\_\_\_  
 Clerk *5.00*  
 Clerk *1.75*  
 Deft's Atty *5.00*

Record  
Robert E. Coughlan,  
Jr.  
Alva P. Weaver, III

E

GERALDINE JEANETTE NORRIS  
(infant) and  
JOHN HENRY NORRIS, JR.

- \* (1) Nov. 10, 1966 Nar and Prayer for Jury Trial fd. Summons issued. 2 copies of summons and nar sent. App. of Pairo & Pairo and Preston A. Pairo for the Plaintiff.
- \* (2) Nov. 16, 1966 Summons ambo. Shff's ret. fd.
- \* (3) Nov. 22, 1966 App. of Robert E. Coughlan, Jr. and Alva P. Weaver, III for the Defendants. Same day Plea fd.
- \* (4) Nov. 22, 1966 Defendants' Interrogatories fd.
- \* (5) Dec. 14, 1966 Plaintiff's answer to interrogatories fd.
- \* (6) March 27, 1967 Defendants' Notice to take deposition fd.

*Set 17* 1967 *agreed*  
PART SETTLED AND  
SATISFIED. ORDER OF PLAINTIFF'S  
ATTORNEY FILED.

## ORIGINAL COSTS PAID

Clerk \_\_\_\_\_ Receipt Number \_\_\_\_\_  
 Sheriff \_\_\_\_\_  
 Att'y \_\_\_\_\_  
 Att'y \_\_\_\_\_  
 By \_\_\_\_\_

## FINAL COSTS PAID

Clerk \_\_\_\_\_ Rec. No. \_\_\_\_\_  
 Sheriff \_\_\_\_\_ Date \_\_\_\_\_  
 Att'y \_\_\_\_\_  
 Att'y \_\_\_\_\_

By \_\_\_\_\_  
 REFUND TO PLAINTIFF  
 Amount \_\_\_\_\_  
 Date \_\_\_\_\_  
 Check No. \_\_\_\_\_

VERNON JOHN NAIMASTER

vs.

NATIONAL ASSOCIATION FOR THE  
 ADVANCEMENT OF COLORED PEOPLE,  
 a/b/c AND  
 LILLIE M. JACKSON  
 AND  
 JUANITA JACKSON MITCHELL

Att'y  
 Clerk  
 Sheriff

Exam. Fee  
 Sec. St.  
 Rec. Bond  
 Mag. Costs

C-6503

Page 2

Clerk  
 Att'y

- 1973 Aug. 6 Subpoena Duces Tecum for Two Witnesses issued and mailed to the Sheriff of Baltimore City to be served.  
 Sheriff's Return: (Gerald Smith): SUMMONED  
 (Oliver Green): SUMMONED
- 1973 Aug. 10 Summons (Frank Baumner) reissued and mailed to the Sheriff of Baltimore County to be served. Sheriff's Return: Copy left with wife 8/13/73
- 1973 Aug. 28 Order to issue Subpoena Duces Tecum for One witness filed.
- 1973 Aug. 28 Order to issue Subpoena Duces Tecum for One witness filed.
- 1973 Aug. 28 Subpoena Duces Tecum issued for Two witnesses and mailed to the Sheriff of Baltimore City to be served.  
 Sheriff's Return: (Charles Hart) Summoned  
 Sheriff's Return: (Elmer Stump) Summoned
- 1973 Aug. 28 Order to issue Subpoenas for Seven witnesses filed.
- 1973 Aug. 28 Subpoena Issued for Four witnesses and mailed to the Sheriff of Baltimore City to be served.  
 Sheriff's Return: (Seymour S. Smith) Summoned  
 (Carl L. Schoettler) Summoned (Douglas D. Connah, Jr.) Summoned  
 (George W. Collins) Summoned
- 1973 Aug. 29 Subpoena issued for Three witnesses and mailed to the Sheriff of Baltimore City to be served.  
 Sheriff's Return: (Larry Lewis) Summoned  
 (Frank Baumner) Summoned (J. Brooke Duvall, Jr.) Summoned
- 1973 Sept. 6 Order to Issue Subpoena Duces Tecum filed.
- 1973 Sept. 6 Order to Issue Subpoena Duces Tecum filed.
- 1973 Sept. 6 Subpoena Duces Tecum for one witness issued and delivered to Atty. G.A. Smith to be served.  
 By Sheriff of Baltimore County.  
 Sheriff's Return: (W. Ensor) Attorney did not deliver papers
- 1973 Sept. 6 Subpoena Duces Tecum for one witness issued and delivered to Atty G.A. Smith to be served;  
 by Sheriff of Baltimore City.  
 Sheriff's Return: (Donald D. Pomerleau) Attorney did not deliver papers
- 1973 Sept. 5 Case at issue - issues joined - elects Jury Trial - Jury sworn before Judge E. Mackall Childs (voir dire). Testimony taken. Case continued.
- 1973 Sept. 6 Case continued. Jury checked - all present. Testimony taken. AT conclusion of Plaintiff's case Defendants moved for Directed Verdict. Granted as to count #4. Denied as to remaining counts. Court ruled that Mr. Naimaster rendered himself a public figure. Case continued.
- 1973 Sept. 7 Case continued. Jury checked - Alternate Juror #1 replaced #9. Testimony taken. At conclusion of all testimony Defendants renewed motion for Directed Verdict. Motion granted as to count #1 (Mrs. Mitchell). Case continued.

(over)

- 1973 Sept. 10 Case continued - Jury checked - all present. Jurors instructed by Court and final arguments heard. Finding of the Jury for the Defendants (see Issues filed in case). Judgment Nisi entered for the Defendants against the Plaintiff for costs of suit. (copies mailed to Messrs. Parker, Carmody, Mitchell, Murrell, Smith, Ralson and Carter and Ms. McCurdy - 9/14/73)
- 1973 Sept. 17 Judgment Absolute extended for the Defendants against the Plaintiff for costs of suit.

INDEXED IN JUDGMENT INDEX

against Plaintiff for costs

- 1973 Sept. 17 Certified copy of Docket Entries mailed to Circuit Court for Baltimore County.
- 1974 May 29 Original Papers and certified copies of Docket Entries mailed to the Clerk of the Circuit Court of Baltimore County.

PLAINTIFF WITNESSES

DEFENDANT WITNESSES

EXHIBITS

EXHIBITS







1973 Aug. 3 Order to Issue Subpoena for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena Duces Tecum for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena Duces Tecum for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena Duces Tecum for One Witness filed.  
 1973 Aug. 3 Order to Issue Subpoena Duces Tecum for One Witness filed.  
 1973 Aug. 6 Subpoenaes for Four Witness issued and mailed to the Sheriff of Baltimore City to be served.

Sheriff's Return: (George Lee): SUMMONED  
 (Brook Duvall): SUMMONED  
 (John H. Ray): SUMMONED  
 (Elmer Stump): SUMMONED

1973 Aug. 6 Subpoenaes for Three Witnesses issued and mailed to the Sheriff of Baltimore City to be served.

Sheriff's Return: (Frank Baummer): Not Balto. City  
 (Bernard W. Rubenstein): SUMMONED  
 (James J. Doyle): SUMMONED

1973 Aug. 6 Subpoena Duces Tecum for Three Witnesses issued and mailed to the Sheriff of Baltimore City to be served.

Sheriff's Return: (Dr. Lillie M. Jackson): SUMMONED  
 (Dr. Lillie M. Jackson): SUMMONED  
 (Juanita Jackson Mitchell): SUMMONED  
 (Continued)

12/26/72 PLAINTIFF WITNESSES 1/3/73

Frank Baummer *returned subpoena undelivered (add 1/6/73)*  
 Elmer Stump  
 John H. Ray  
 George Lee  
 J. Brook Duvall  
 James J. Doyle  
 Bernard W. Rubenstein  
 Duces Tecum  
 Juanita Jackson Mitchell  
 Dr. Lillie M. Jackson  
 Dr. Lillie M. Jackson, President of the  
 Baltimore Branch of the National Association  
 for the Advancement of Colored People  
 Oliver Green  
 Gerald A. Smith

DEFENDANT WITNESSES

EXHIBITS

EXHIBITS





**Joseph Howard & Archie Williams Filing for Primary Election, 1968**

Left to right: Benjamin Brown, Larry Gibson, William Toadvine, Charles Howard, Solomon Baylor, William Hicks, Gerald Smith, DeHaven Smith, LeRoy Carroll, Joseph Howard, David Allen, Charles Williams, Loyal Randolph, Archie Williams, Turhan Robinson, Louis Hudnell, William Murphy, Sr., Charles Watts

LS Gibson pic

**LET'S VOTE**



**HOWARD**

**ONLY**

By Authority: GERALD SMITH, AMERICAN BLOG., BALTO., MD.

Court asked to order 4th judgeship on ballot  
MAX JOHNSON  
Afro-American (1993-1988); Aug 3, 1968;  
ProQuest Historical Newspapers, Baltimore Afro-American (1893-1988)  
Pg. 1

# Court asked to order 4th judgeship on ballot

By MAX JOHNSON  
AFRO Political  
Analyst

Joseph C. Howard, candidate for the city's Supreme Bench, asked the court Thursday to declare that four judgeship vacancies exist on that Bench for the coming elections, rather than the announced three.

The three vacancies are those expired terms of appointed judges, who must run and win to retain their seats for 15-year terms.

Mr. Howard charges the law requires the added vacant seat of the recently resigned Judge Joseph R. Byrnes also should be up for election, rather than become an appointive post of Gov. Spiro T. Agnew.

A petition for a writ of mandamus to this effect was filed in Baltimore City Court by Archie D. Williams and Gerald A. Smith, attorneys for Mr. Howard.

Messrs. Williams and Smith cited as basis for their petition Article 4, Section 5 of the Maryland Constitution, which spells out

none too clearly for the layman the legal process of filling such judicial vacancies.

Named as defendants are members of the city's Board of Supervisors of Elections, Peter Parker, president, Mrs. Betty M. Silbert and Marshall W. Jones Jr., who certify elective posts.

\* \* \*

JUDGE JOSEPH L. CARTER signed the petition Thursday afternoon, ordering the defendants to show cause by Aug. 15 why the four judgeship vacancies should not be declared as requested.

Outcome of the case could have a marked effect on the Supreme Bench election.

Mr. Howard is one of two candidates running now with the three incumbent judges for the announced three vacancies.

A favorable declaration by the court would mean that the five candidates would be bidding for four

—See Court asked, Page 3

# -Court asked

(Continued from Page 1)

seats in the Sept. 10 primary.

Further, for those who steadfastly follow the support of sitting judges theory, an added avenue would be open for the support also of Mr. Howard, or for Sen. Paul A. Dori, the other outside candidate.

**THOUGH JUDGE BYRNES** has resigned, rather than seek a second elective 15-year term, Mr. Williams sees his term actually expiring this Dec. 31.

Prior to the judge's resignation, Gov. Agnew said at a press conference he would appoint a successor if he stepped down.

When he did, the governor said he would decide on the judge's successor by Sept. 1.

"We have no objections," Mr. Williams told the AFRO, "to Gov. Agnew appointing somebody to fill Judge Byrnes' seat, up until Dec. 31.

"We hold that it is now an elective one that must be filled after Dec. 31 by the coming elections this fall."

Mr. Williams is himself a candidate for a People's Court judgeship in the Sept. 10 primary.

The three Supreme Bench vacancies up in the elections are those of Judges Robert I. H. Hammerman, Thomas Kenney and Edwin J. Wolf.





9 Md. App. 552

---

IN THE  
**COURT OF SPECIAL APPEALS**  
**OF MARYLAND**

---

SEPTEMBER TERM, 1969

---

**NO.375**

---

GEORGE EDWARD RICE

*Appellant,*

v.

STATE OF MARYLAND,

*Appellee.*

---

Appeal from the Criminal Court of Baltimore  
(ALBERT L. SKLAR, JUDGE)

---

**APPELLANT'S BRIEF**

---

Gerald A. Smith

*Attorney for Appellant*





CRIMINAL COURT OF BALTIMORE, INDICTMENT DOCKET - SEPTEMBER TERM 1969

STATE OF MARYLAND

Romulo Davis

1073

Prosecuting Witness  
James King

6469

CHARGE - Rape (ALAR)

Commitment filed  
 Appearance of William Allen, Agent by Court  
 Recognizance  
 Presentment filed - 2 copies issued - copy filed  
 Recognizance taken Maryland Indemnity Insurance Co. \$1,000.  
 Indictment filed Copy served - Receipt 10.1.69  
Copy served - Receipt 10.1.69  
Not returned by State by Order of Court, S. J.

STATE OF MARYLAND

George Edward Rice

1074

Prosecuting Witness  
James Milkerson

FORWARDED TO 529

STATE OF MARYLAND

George Edward Rice

1075

Prosecuting Witness  
James Milkerson

6470

CHARGE - Rape (RFFE)

Commitment filed  
 Appearance of Stanley Paul, filed 6/2/69, 1969 Appearance of William B. Allen, filed.  
 Recognizance  
 Presentment filed - 2 copies issued - copy filed  
 Recognizance taken Allegany National Guaranty Co. \$2,500.  
 Indictment filed Copy served - Receipt 10.2.69  
Arraigned and Pleads: Not Guilty  
Not concluded and Returned on 7 February, 1969  
Not concluded and Returned on 10 February, 1969  
Not concluded and Returned on 11 February, 1969  
Not concluded and Returned on 13 February, 1969  
Verdict: Guilty 1st Count  
Sentences deferred pending filing Motion for New Trial, S. J.  
Motion for New Trial filed  
By order of a Judge of the Court and Court, S. J.  
By order of a Judge of the Court and Court, S. J.  
Arrested - 10/2/69  
Arrested with bond 10/2/69

6471

CHARGE - Assault with Intent to Murder (FNUM)

Commitment filed  
 Appearance of Stanley Paul, filed 6/2/69, 1969 Appearance of William B. Allen, filed.  
 Recognizance  
 Presentment filed - 2 copies issued - copy filed  
 Recognizance taken Ind. 6470  
 Indictment filed Copy served - Receipt 10.2.69  
Arraigned and Pleads: Not Guilty  
Not concluded and Returned on 7 February, 1969  
Not concluded and Returned on 10 February, 1969  
Not concluded and Returned on 11 February, 1969  
Not concluded and Returned on 13 February, 1969  
Verdict: Not Guilty

STATE OF MARYLAND

George Edward Rice

1076

Prosecuting Witness  
James Milkerson

FORWARDED TO 529

6472

CHARGE - Permitted Practice (PD)

Commitment filed  
 Appearance of Stanley Paul, filed 6/2/69, 1969 Appearance of William B. Allen, filed.  
 Recognizance  
 Presentment filed - 2 copies issued - copy filed  
 Recognizance taken Ind. 6471  
 Indictment filed Copy served - Receipt 10.2.69  
Arraigned and Pleads: Not Guilty  
Not concluded and Returned on 7 February, 1969  
Not concluded and Returned on 10 February, 1969  
Not concluded and Returned on 11 February, 1969  
Not concluded and Returned on 13 February, 1969  
Verdict: Guilty 1st Count  
Sentences deferred pending filing Motion for New Trial, S. J.  
Motion for New Trial filed  
By order of a Judge of the Court and Court, S. J.  
By order of a Judge of the Court and Court, S. J.  
Arrested - 10/2/69  
Arrested with bond 10/2/69

STATE OF MARYLAND  
 64778  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69

CHARGE - *Shocking (C. 14A)*  
 Commitment filed  
 Appearance of *Stanley Paul* filed; 6 April 69; *Comm of State, B. Allen*, filed.  
 Recognizance  
 Presentment *State - 2 - copies issued - copy held*  
 Recognizance taken *in Jail 6/20*  
 Indictment filed *Copy served - Receipt 14, 21 Nov.*  
 Arraigned and held: *Not Guilty*  
*Indictment taken: Not Guilty; 2 copies before Shleser J.*  
*Not Committed and Released on 7 February, 1969*  
*Not Committed and Released on 10 February, 1969*  
*Not Committed and Released on 11 February, 1969*  
*Not Committed and Released on 13 February, 1969*  
*Arrested: 100 Count*  
*Motion signed pending filing Motion for New Trial, Shleser J.*  
*Motion for New Trial, filed*  
*Motion for a New Trial heard and held: *Order - Shleser J.**  
*Order for a New Trial denied: *Shleser J.**  
*Judgment: *Order (1) for reversal of judgment of *Appt. of Criminal Justice* from 13 Feb, 1969.**  
*Continued: *Order 6/23/69**

STATE OF MARYLAND  
 64779  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69

CHARGE - *Burglary Dwelling House (B&H)*  
 Commitment filed  
 Appearance of *Stanley Paul* filed; 6 April 69; *Comm of State, B. Allen*, filed.  
 Recognizance  
 Presentment *State - 2 - copies issued - copy held*  
 Recognizance taken *in Jail 6/20*  
 Indictment filed *Copy served - Receipt 14, 21 Nov.*  
 Arraigned and held: *Not Guilty*  
*Indictment taken: Not Guilty; 2 copies before Shleser J.*  
*Not Committed and Released on 7 February, 1969*  
*Not Committed and Released on 10 February, 1969*  
*Not Committed and Released on 11 February, 1969*  
*Not Committed and Released on 13 February, 1969*  
*Arrested: 100 Count*  
*Motion signed pending filing Motion for New Trial, Shleser J.*  
*Motion for New Trial, filed*  
*Motion for a New Trial heard and held: *Order - Shleser J.**  
*Order for a New Trial denied: *Shleser J.**  
*Judgment: *Order (1) for reversal of judgment of *Appt. of Criminal Justice*.**  
*Continued: *Order 6/23/69**

STATE OF MARYLAND  
 64780  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69

CHARGE - *Obscene Matter (OBM)*  
 Commitment filed  
 Appearance of *Stanley Paul* filed; 6 April 69; *Comm of State, B. Allen*, filed.  
 Recognizance  
 Presentment *State - 2 - copies issued - copy held*  
 Recognizance taken *in Jail 6/20*  
 Indictment filed *Copy served - Receipt 14, 21 Nov.*  
 Arraigned and held: *Not Guilty*  
*Indictment taken: Not Guilty; 2 copies before Shleser J.*  
*Not Committed and Released on 7 February, 1969*  
*Not Committed and Released on 10 February, 1969*  
*Not Committed and Released on 11 February, 1969*  
*Not Committed and Released on 13 February, 1969*  
*Arrested: 100 Count; 100 Count*  
*Motion signed pending filing Motion for New Trial, Shleser J.*  
*Motion for New Trial, filed*  
*Motion for a New Trial heard and held: *Order - Shleser J.**  
*Order for a New Trial denied: *Shleser J.**  
*Judgment: *Order (1) for reversal of judgment of *Appt. of Criminal Justice*.**  
*Continued: *Order 6/23/69**

STATE OF MARYLAND  
 64781  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69

CHARGE - *Harassment (HVIOL)*  
 Commitment filed  
 Appearance of  
 Recognizance  
 Presentment *State - 2 - copies issued - copy held*  
 Recognizance taken *in Jail 5/24*  
 Indictment filed *Copy served - Receipt 14, 18 Jan 69*  
 Arraigned and held: *Not Guilty*  
*Not detained by State by Order of Court: *Walt.**

STATE OF MARYLAND  
 64782  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69  
 24 Nov  
 11 Oct  
 21 Oct  
 25 Oct  
 24 Nov  
 6 Feb 69  
 7 Feb 69  
 10 Feb 69  
 14 Feb 69  
 15 Feb 69  
 15 Feb 69  
 17 Feb 69  
 19 Feb 69  
 20 Feb 69  
 23 Feb 69

CHARGE - *Harassment (HVIOL)*  
 Commitment filed  
 Appearance of  
 Recognizance  
 Presentment *State - 2 - copies issued - copy held*  
 Recognizance taken *in Jail 5/24*  
 Indictment filed *Copy served - Receipt 14, 18 Jan 69*  
 Arraigned and held: *Not Guilty*  
*Not detained by State by Order of Court: *Walt.**

CRIMINAL COURT OF BALTIMORE, INDICTMENT DOCKET - SEPTEMBER TERM 1968

STATE OF MARYLAND

vs.  
GEORGE E. RICE

6470-1000 6470-1000 6470-1000  
27 July 68 6470-72, 73, 74, 75; Petition of Court of Special Appeals of Maryland filed by Thelma B. Baker attorney for the Appellant  
27 July 68 6470-72, 73, 74, 75; Copy of letter from the Chief of Criminal Branch to Appellant and Secretary of the Board of Parole and Pardon Commission  
15 Sept 68 6470-72, 73, 74, 75; Petition and Order of Court therein that as trial for transmitting the record on appeal to the Court of Special Appeals of Maryland is suspended and including defendant's affidavit filed Harris, J.  
15 Sept 68 6470-72, 73, 74, 75; Petition to Revoke Order of Appellate Suspension of Trial and Order of Court therein that trial be resumed

Prosecuting Witness

STATE OF MARYLAND

vs.  
GEORGE E. RICE

15 Sept 68 6470-72, 73, 74, 75; Petition of Court of Special Appeals of Maryland filed by Thelma B. Baker attorney for the Appellant  
17 Sept 68 6470-72, 73, 74, 75; Petition and Order of Court therein that as trial for transmitting the record on appeal to the Court of Special Appeals of Maryland is suspended and including defendant's affidavit filed Harris, J.  
24 Sept 68 6470-72, 73, 74, 75; Petition and Order of Court therein that as trial for transmitting the record on appeal to the Court of Special Appeals of Maryland is suspended and including defendant's affidavit filed Harris, J.  
1 Oct 68 6470-72, 73, 74, 75; Petition and Order of Court therein that as trial for transmitting the record on appeal to the Court of Special Appeals of Maryland is suspended and including defendant's affidavit filed Harris, J.  
24 Oct 68 6470-72, 73, 74, 75; Petition and Order of Court therein that as trial for transmitting the record on appeal to the Court of Special Appeals of Maryland is suspended and including defendant's affidavit filed Harris, J.  
23 Oct 68 6470-72, 73, 74, 75; Petition and Order of Court therein that as trial for transmitting the record on appeal to the Court of Special Appeals of Maryland is suspended and including defendant's affidavit filed Harris, J.  
27 July 70 6470-72, 73, 74, 75; Petition of Court of Special Appeals of Maryland filed by Thelma B. Baker attorney for the Appellant  
George Edward Rice vs. State of Maryland (Case 6470-72, 73, 74-235)  
Copy from the Criminal Court of Baltimore  
Filed: Baltimore 20, 1969  
March 23, 1970: Briefly through (P) granting grant Motion of Appellant and Appellant by Criminal Branch on Petition  
June 24, 1970: Order by Appellate of Case Dismissed as Appellant's Affidavit to the Appellate is 6470-72, 73, 74, 75; Photograph of Thelma B. Baker, which is removed without a jury trial  
10 June 71 6470-72, 73, 74, 75; Petition of Court of Special Appeals of Maryland filed by Thelma B. Baker attorney for the Appellant  
See Post Conviction Docket - Volume 2202

Prosecuting Witness

STATE OF MARYLAND

Prosecuting Witness

STATE OF MARYLAND

vs.

5742 Permitted Practice (PP)  
July last 27 " paid Sheriff

Prosecuting Witness

✓  
10/20/68  
446

SEPTEMBER TERM, 1968

No. 6470

STATE OF MARYLAND

vs.

George Edward Lurie

607 RESERVOIR ST. Jail

TAKE BAIL IN \$ —

COIT  
JUDGE

ALLEGHENY MUTUAL CAS. CO.

Fred W. Frank  
3222 South green Rd

See Writ.  
CORPORATE BOND

OCT 21 1968

7500<sup>00</sup>

CEPI on Bail 10/21

Frank J. Pelt SHERIFF

CAPIAS  
CRIMINAL COURT OF BALTIMORE

SEPTEMBER TERM, 1968

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of George Edward Rice

and immediately have him before the Court to answer a Presentment for Perverted Practice

WITNESS the Hon. Dulany Foster, Chief Judge of the Supreme Bench of Baltimore City, this 9th day of September, 1968.

Issued this OCT 25 1968 day of OCT 18 1968, 1968.

LAWRENCE R. MOONEY  
Clerk, Criminal Court of Baltimore.

RECEIVED  
SHERIFF'S OFFICE  
OCT 18 3 02 PM '68  
BALTIMORE CITY, MD.

RECEIVED  
CRIMINAL COURT  
BALTIMORE, MD.  
OCT 21 4 58 PM '68  
LAWRENCE R. MOONEY  
CLERK

SEPTEMBER TERM, 1968

No. 6472

STATE OF MARYLAND

vs.

George Edward Lue

607 RESEMOIN ST

TAKE BAIL IN \$ 2000<sup>00</sup>

COH  
JUDGE

See 6470

CEPI

on Bail 10/21

Frank J. Pelt SHERIFF



CAPIAS

CRIMINAL COURT OF BALTIMORE

SEPTEMBER TERM, 1968

RECEIVED  
SHERIFF'S OFFICE  
OCT 18 3 02 PM '68  
BALTIMORE CITY, MD.

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of George Edward Lize

and immediately have Lize before the Court to answer a Presentment for Kidnapping

RECEIVED  
CRIMINAL COURT  
BALTIMORE, MD.  
OCT 21 4 13 PM '68  
LAWRENCE R. MOONEY  
CLERK

WITNESS the Hon. Dulany Foster, Chief Judge of the Supreme Bench of Baltimore City, this 9th day of September, 1968.

Issued this OCT 25 1968 of OCT 18 1968, 1968.

LAWRENCE R. MOONEY  
Clerk, Criminal Court of Baltimore.



SEPTEMBER TERM, 1968

No. 6473

STATE OF MARYLAND

vs.

George Edward Rice

607 RESERVOIR ST. Jail

TAKE BAIL IN \$ ~~75~~<sup>40</sup> 00

COR  
JUDGE

see 6470

CEPI

on Bail 10/21

Frank J. Reb

SHERIFF

CAPIAS  
CRIMINAL COURT OF BALTIMORE

SEPTEMBER TERM, 1968

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

*George Edward Rose*

and immediately have

*him*

before the Court to answer a Presentment for

*Burglary*

WITNESS the Hon. Dulany Foster, Chief Judge of the Supreme Bench of Baltimore City, this 9th day of September, 1968.

Issued this *18* day of *Oct.*, 1968.

LAWRENCE R. MOONEY

Clerk, Criminal Court of Baltimore.

RECEIVED  
SHERIFF'S OFFICE  
OCT 18 3 02 PM '68  
BALTIMORE CITY, MD.

RECEIVED  
CRIMINAL COURT  
BALTIMORE, MD.  
OCT 21 4 13 PM '68  
LAWRENCE R. MOONEY  
CLERK

SEPTEMBER TERM, 1968

No. 6471

STATE OF MARYLAND

vs.

*George Edward Rice*  
*Jail*

TAKE BAIL IN \$ *C*

*CDH*  
JUDGE

*See 6470*

CEPI

*on Bail 10/21*

*Frank J. Pehz*

SHERIFF

CAPIAS  
CRIMINAL COURT OF BALTIMORE

SEPTEMBER TERM, 1968

THE STATE OF MARYLAND

To the Sheriff of Baltimore City, Greetings:

We command that you take the body of

*George Edward Lise*

and immediately have

*him*

before the Court to answer a Presentment for

*Indecent Practices*

Witness the Hon. **Dulany Foster**, Chief Judge of the Supreme Bench of Baltimore City, this 9th day of September, 1968.

Issued this

*18*  
OCT 25 1968

of

OCT 18 1968

, 1968.

**LAWRENCE R. MOONEY**

Clerk, Criminal Court of Baltimore.

RECEIVED  
SHERIFF'S OFFICE  
OCT 18 02 PM '68  
BALTIMORE CITY MD.

RECEIVED  
CRIMINAL COURT  
BALTIMORE MD.  
OCT 21 4 11 PM '68  
LAWRENCE R. MOONEY  
CLERK

SEPTEMBER TERM, 1968

No. 6475

STATE OF MARYLAND

vs.

*George Edward Rice*

*607 RESERVOIR ST*

TAKE BAIL IN \$ *1000*<sup>00</sup>

COM  
JUDGE

*See 6470*

CEPI *on bail 10/21*

*Frank J. Rob* SHERIFF



ALLEGHENY MUTUAL CASUALTY COMPANY

HOME OFFICE: MEADVILLE, PENNSYLVANIA

No 75287 B

KNOW ALL MEN BY THESE PRESENTS, that Allegheny Mutual Casualty Company hereby constitutes and appoints FRED W. FRANK

its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute on behalf of the said company, as sole Surety, subject to the limitations herein set forth, A CRIMINAL BAIL BOND on behalf of

GEORGE E. RICE to be given to STATE OF MARYLAND

provided that the authority of such Attorney-in-Fact to bind the Company shall not in any event exceed the sum of TEN THOUSAND (\$10,000.00) DOLLARS on any one bond and the said Attorney-in-Fact is hereby authorized to insert, in the space above, the name of the person on whose behalf and the court to which this bond is given.

THIS POWER OF ATTORNEY CAN BE USED ONLY ONCE AND WILL BE VOID UNLESS USED ON OR BEFORE DECEMBER 31, 1968.

IN WITNESS WHEREOF, Allegheny Mutual Casualty Company has caused these presents to be signed by its duly authorized officer and has caused its corporate seal to be hereto affixed this 1st day of October, 1966.

ALLEGHENY MUTUAL CASUALTY COMPANY

Corporate Seal

*J. Floyd Smith*

By.....

President

RE-USE PROHIBITED

STATE OF PENNSYLVANIA }  
COUNTY OF CRAWFORD }

Warren E. Smith, Jr. being duly sworn, deposes and says that he is an officer of ALLEGHENY MUTUAL CASUALTY COMPANY, the corporation which is described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the seal affixed to the said instrument is the corporate seal of ALLEGHENY MUTUAL CASUALTY COMPANY and was thereto affixed by authority of a resolution adopted at a meeting of the Board of Directors of ALLEGHENY MUTUAL CASUALTY COMPANY, on September 4, 1951, which resolution is now in full force and effect, as follows:

BE IT RESOLVED, that any one of the following officers of Allegheny Mutual Casualty Company: J. Floyd Smith, President; William E. Stapel, Vice President; C. P. Heckman, Secretary; and Warren E. Smith, Jr., Assistant Secretary; is hereby authorized to execute on behalf of ALLEGHENY MUTUAL CASUALTY COMPANY Powers of Attorney authorizing and qualifying the Attorney-in-Fact named therein to execute on behalf of ALLEGHENY MUTUAL CASUALTY COMPANY Criminal bail bonds in a principal sum not to exceed fifty thousand (\$50,000.00) dollars on any one bond, and further that any one of the aforesaid officers of ALLEGHENY MUTUAL CASUALTY COMPANY is hereby authorized to affix the corporate seal of the said Company to Powers of Attorney executed pursuant hereto.

Sworn to before me this

.....1st..... day of October..... 19...66.

*Blanche H. Staller*

Notary Public

*Warren E. Smith, Jr.*

Assistant Secretary

MY COMMISSION EXPIRES SEPT. 23, 1970.





APPEARANCE NOTICE

CRIMINAL COURT OF BALTIMORE

No. 6470-2-3-4 Docket 1968

STATE OF MARYLAND

vs.

George Edward Rice

Sept. Term, 19 68

Charge: Rape PC

Mr. Clerk:

Enter my appearance for above defendant. Also summon witnesses whose names are endorsed hereon.

Name Stanley Paul  
(PLEASE PRINT) Attorney

Address 244 Equitable Bldg 21202  
Zip Code

Social Security number required when representing indigent defendant.

S.S. No. \_\_\_\_\_

*Filed*  
*11/21/68*

*(Signature)*



MARYLAND HOUSE OF CORRECTION

DATE: Sept. 11, 1969

NAME: George E. Rice

NUMBER: 109-133

COMMITTED FROM: Balto. City Crim. Ct.

JUDGE OR JUSTICE: SKLAR

DATE RECEIVED: 6-30-69

SENTENCE: 15 yr. 2-13-69

CRIME: 1) Kidnapping (2) Rape (3) Perverted Practice 4. Burg. 5 Obscene Matn

CURRENT DISCHARGE DATE: (2-13-72) Not accurate

PAROLED: \_\_\_\_\_

RETURNED FROM PAROLE: \_\_\_\_\_

ESCAPED: \_\_\_\_\_

RETURNED FROM ESCAPE: \_\_\_\_\_

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

RECORD OF REQUESTS OF PETITIONS OR WRITS: \_\_\_\_\_  
 \_\_\_\_\_



APPEARANCE NOTICE

No. 6470  
6472  
6473-75 Docket 1968

CRIMINAL COURT OF BALTIMORE

STATE OF MARYLAND

Sept Term, 1969

vs.

George E. Rice

Charge: \_\_\_\_\_

**ON APPEAL**

Mr. Clerk:

Enter my appearance for above defendant. Also summon witnesses whose names are endorsed hereon.

Gerald A. Smith  
(Signature)

Name Gerald A. Smith  
(PLEASE PRINT) Attorney

Address 1500 AMERICAN Bldg 21202  
Zip Code

LAWRENCE R. MOONEY  
CLERK

SEP 15 1 23 PM '69

RECEIVED  
CRIMINAL COURT  
BALTIMORE, MD

Social Security number required when representing indigent defendant.

S.S. No. \_\_\_\_\_



RECEIVED  
CRIMINAL COURT  
BALTIMORE, MD

STATE OF MARYLAND

IN THE CRIMINAL COURT

vs

SEP 22 9 53 AM '69

OF

LAWRENCE R. MOONEY  
CLERK

GEORGE E. RICE

BALTIMORE CITY

INDICTMENT NOS.: 6470

6472-75/1968

\* \* \* \* \*

PETITION TO SET BAIL PENDING APPEAL

Now comes George E. Rice, by his Attorney, Gerald A. Smith, and moves that this Court set Bail Pending Appeal of convictions under the above indictments and gives the following reasons:

1. That Defendant was tried during February 6 - February 11, 1969 and convicted on February 13, 1969 of the following offenses under the above indictments: rape, unnatural and perverted sexual practices, kidnapping, burglary and unlawfully and knowingly photographing obscence matter.

2. That on June 30, 1969 following the denial of the Defendant's motion for a new trial he was sentenced as follows:

Indictment #6473 - 15 years imprisonment dating from February 13, 1969  
Indictment #6470 - 15 years imprisonment concurrent with the sentence in indictment #6473  
Indictment #6472 - 3 years imprisonment concurrent with the sentence in indictment #6473  
Indictment #6474 - 10 years imprisonment concurrent with the sentence in indictment #6473  
Indictment #6475 - 1 year imprisonment concurrent with the sentence in indictment #6473.

3. That Defendant has filed a timely Notice of Appeal and on or about September 15, 1969 Defendant filed a Petition to prosecute an Appeal as indigent for the limited purpose of having the State pay for the printing of the transcript.

4. That the Defendant's friends and associates are willing and able to pay all Appeal costs with the exception of the transcript. That said friends and associates are unwilling to pay for said transcript because they previously paid for a transcript to be used in connection with the Defendant's motion for a new trial.

5. That said friends and associates are willing and able to engage the services of a professional bondsman to secure the Defendant's release pending the Appeal in this case provided bail pending appeal is set in a reasonable amount.

6. That said friends and associates would not be able to finance bail and also finance costs of another transcript.

7. That prior to trial the Defendant was free on \$7,500.00 bail.

8. That Defendant is 27 year old life-long resident of Baltimore City and all of his close relatives including parents and sisters live in Baltimore City, Maryland. That Defendant's close friends and associates live in Baltimore, Maryland.

9. That prior to Defendant's arrest he was gainfully employed in Baltimore, Maryland as a maintenance man.

WHEREFORE, Defendant prays that this Court set a minimal Bail pending Appeal.



GERALD A. SMITH  
Howard, Brown and Williams  
1500 American Building  
Baltimore, Maryland 21202  
727-0340  
Attorney for Defendant



I HEREBY CERTIFY that on this 22 day of September, 1969,  
a copy of the foregoing Petition to Set Bail Pending Appeal  
was hand-delivered to Charles E. Moylan, Jr., Esquire, State's  
Attorney for Baltimore City, Room 204 Court House, Baltimore,  
Maryland 21202.

*Gerald A. Smith*  
\_\_\_\_\_  
GERALD A. SMITH

STATE OF MARYLAND

VS.

GEORGE W. RICE

INDICTMENT NOS. 6470 and  
6473-75/68

\*\*\*\*\*

IN THE

CRIMINAL COURT

OF

BALTIMORE CITY

RECOMMENDATION FOR APPEAL BOND

The State in the above-entitled matter recommends an appeal bond in the amount of \$25,000.00.

*[Signature]*  
MICHAEL E. KAMINK W  
ASSISTANT STATE'S ATTORNEY

MEK:mhb

*Oct. 2, 1969*

*On the above recommendation of the State's Attorney, bail in the amount of \$25,000<sup>00</sup> is hereby approved.*

*W.D. Allen  
Judge*

RECEIVED  
CRIMINAL COURT  
BALTIMORE  
OCT 1 10 10 AM '69  
LAWRENCE R. MOONEY  
CLERK



Maryland bar board accused of racial bias  
*Afro-American (1893-1988)*, Nov. 11, 1972.  
ProQuest Historical Newspapers, Baltimore Afro-American (1893-1988)  
Pg. 17

## Maryland bar board accused of racial bias

### BALTIMORE

A total of 326 candidates were successful in this year's Maryland bar examination conducted by the Maryland State Board of Law Examiners July 25 and 26.

The successful candidates are to be recommended by the Board for admission to the Court of Appeals of Maryland.

However, Alvin Dwight

Pettit, a candidate, has charged the Maryland State Board of Law Examiners with discrimination and tainting the examination with subtle racial prejudices aimed at failing black candidates.

By this means, contends Mr. Pettit, black lawyers can be excluded "from the State, then the black population is primarily dependent on the caucasians."



## Prince George's Ordered To Bus More in January

BLAINE TAYLOR

*Afro-American* (1893-1988); Jan 6, 1973;

ProQuest Historical Newspapers Baltimore *Afro-American* (1893-1988)

pg. 1

# Prince George's Ordered To Bus More In January

By BLAINE TAYLOR  
Baltimore

"We think the plan adopted by the court is a good one.

"We also think that there are problems in the plan to resegregate, and these will bear watching."

This was the reaction of attorney Gerald A. Smith,

NAACP lawyer, to the Prince George's County school decision handed down Friday, which will desegregate that county's system by Jan. 23, 1973. It includes additional busing.

Mr. Smith was speaking for himself and on behalf of his two colleagues in the case: NAACP lawyer Kenneth L. Johnson, and Amer-

ican Civil Liberties Union attorney Richard V. Falcon. The record setting decision, which affects the 10th largest school district in the nation, is one of the most important since the Supreme Court's 1954 "Brown" opinion.

It was given in U.S. District Court here by Judge Frank A. Kaufman.

The decision came in response to a suit filed last March by parents of eight county school children which charged that Prince George's had ignored the 1954 ruling and had never desegregated.

In place of desegregation, the suit, alleged the county had maintained an illegal, dual school system for its 162,000-plus school age po-

pulation.

Judge Kaufman's decision means that Prince George's will now have to implement a staff-produced plan to bus 32,000 more pupils, in a system that already buses 47 per cent of its students.

Counterattacks to Judge Kaufman's ruling are already underway.

Accordfing to the senator,

The attorney for the county school board Paul M. Nussbaum, said Friday he wouldn't seek an immediate delay from the Fourth District Circuit Court of Appeals in Richmond.

Judges of this court will meet in regular session Jan. 8, and one source claims that they are ready to hear any appeals arising

out of Judge Kaufman's ruling as the first order of business that day.

Shortly after Judge Kaufman's decision was announced, Gov. Marvin Mandel, in accordance with what he promised an angry group of Prince George's parents Dec. 11 at Annapolis ordered the state attorney general to start an im-

mediate review of the case to see if the state can get into the appeals process on the side of the County.

In yet another attempt to head off mid-term busing in the county, Sen. J. Glenn Beall, R.-Md, stated Friday he would introduce in Congress legislation to stop Judge Kaufman's order from taking effect.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

## NAACP hits Sparrows Pt. steel firm

By BLAINE TAYLOR

BALTIMORE  
"It's going to be a long, tough battle," Baltimore Branch NAACP President, Mrs. Enola P. McMillan told the AFRO, "but we're going to keep this case in court until we win it."

She was speaking about the two-year-old fight of black workers at the Bethlehem Steel Corporation's Sparrows Point plant to get back pay and to transfer to jobs offering them better hopes of advancement.

According to lawyer, Gerald A. Smith, the NAACP attorney in the case (as well as the recently concluded Prince George's County school desegregation suit), "The whole thing started in 1965 when the workers filed a complaint with the U.S. Department of Labor.

"The government finally began to act in May, 1966, and hearings were held that September."

From then until last Jan. 15 the case lay dormant, but on that date the Labor Department handed down a so-called discrimination order against Bethlehem Steel.

Mrs. McMillan is dissatisfied with the terms of that ruling, however, stating "It doesn't provide for compensatory pay for what the men have been cheated out of for years and it limits to two referrals or attempts the men may try to transfer to another position."

"We're taking steps now to work with the men at the plant," she continued, "and the reason that it will be a long legal battle is that we face three opponents: the government, the steel industry and the labor unions.

"The government isn't keeping its own laws, despite all its talk about law and order, because they're not supposed to maintain contracts with discriminatory firms and should cancel them, but haven't."

"A favorable decision for us will mean the steel industry will be faced with this sort of thing nationwide, and it can run into millions of dollars.

"The United Steelworkers of America labor union, while taking the black man's dues all these years, has in reality been helping the white man maintain segregation to the black man's detriment," she stated.

Mr. Smith claimed that the NAACP's legal goals are back pay, declaratory and injunctive relief on the seniority system which is unfairly benefiting whites, and to obtain supervisory and management position opportunities for black employees at the huge steel complex.

The fight, he explained, is being waged in two cases: Bernard Laine et al versus Bethlehem and Foster Lewis et al versus the company, the Lewis case being a class action suit.

Both will be handled in the U.S. Court for the District of Maryland, and Mr. Smith is gathering material for the Lewis suit now, which he hopes to get on a court docket sometime this year.

"While the NAACP Legal Defense Fund is financing the case, the NAACP, which is a totally separate organization, is trying to inform the men of their current rights under the Labor Department ruling," he asserted.

Mrs. McMillan stated the case is extremely important, "Especially because a favorable decision will force the unions to abide by it."

Herbert Hill, the NAACP's national labor director, held a press conference here last week prior to a meeting with about 100 workers at Shiloh Baptist Church at Turner Station in Dundalk.

At the meeting, both Mr. Hill and Mrs. McMillan appeared with Grover Smith Jr., NAACP Southern regional labor director, and pledged to aid the workers in their fight until victory was won.





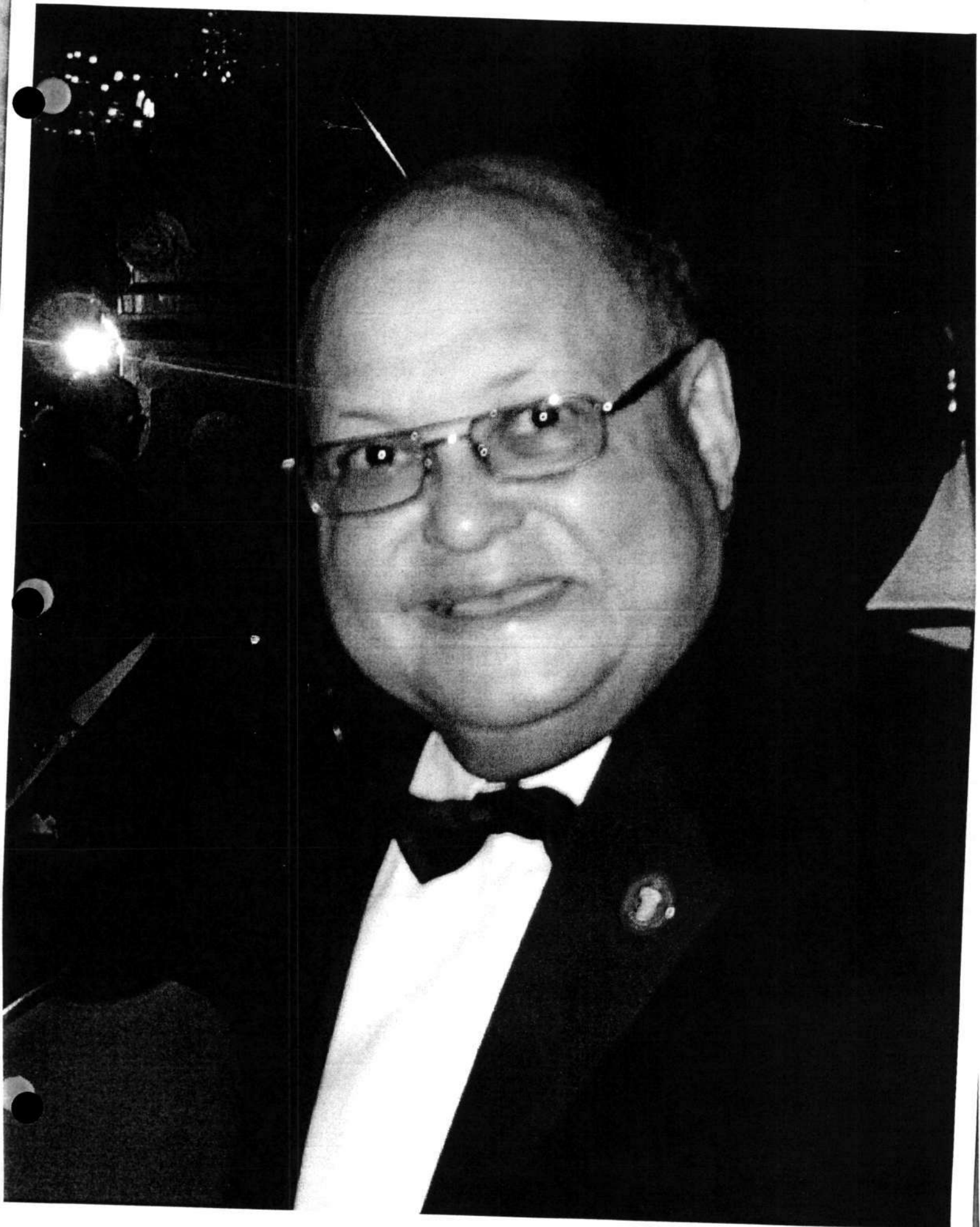












# **GERALD A. SMITH, ESQ.**

## **HOME ADDRESS**

**2 Burr Oak Court  
Randallstown, Maryland 21133  
410-521-7133**

## **OFFICE ADDRESS**

**711 Saint Paul Street  
Baltimore, Maryland 21202  
410-727-0920**

---

**PROFESSION:** Attorney At Law; Member of the Maryland Bar since 1965

## **ADMITTED TO THE FOLLOWING COURTS:**

- Court of Appeals of Maryland
- Circuit Court of Baltimore City
- United State of Court of Appeals for the Fourth Circuit
- United States District Court for The District of Maryland
- United States Tax Court

## **EDUCATION:**

- HOWARD UNIVERSITY SCHOOL OF LAW, Washington, D.C.  
Juris Doctofate, 1965
- HOWARD UNIVERSITY, Washington, D.C.  
Bachelor of Arts, 1956

## **LEGAL EXPERIENCE:**

January 1, 2001 - Present; Member, Smith, Barlow, & Challenger, LLC  
Practice areas as described during period January 30, 1980 – December 31, 2000

January 30, 1980 – December 31, 2000

Engaged in Private General Practice of Law with concentration in Real Estate and Commercial Law, currently represent several financial institutions, small businesses, religious corporations, and cooperative housing developments. Have been involved in several commercial projects from acquisitions, financing and development with continuing legal representation, as well as the disposition of assets and property. Currently serve as Vice President and General Counsel to a local title company and General Counsel to a bank. Formerly served as Counsel to a small retail food chain which is no longer in business.

October, 1973–January, 1980; Partner in Law Firm of Johnson & Smith, P.A.  
Engaged in general practices of law. Concentration heavy in Civil Rights and Commercial Law.

June, 1966-October, 1973; Special Assistant City Solicitor for Baltimore, Maryland  
Assigned to the Baltimore Community Relations Commission. Provided legal assistance and representation to City of Baltimore in enforcing its Civil Rights laws. Engaged in General Practice of Law in Baltimore City, Maryland, specializing in Civil Rights and Law as it affects the poor. Worked in cooperation with NAACP Legal Defense and Educational Fund, Inc. and the National Office for the Rights of the indigent, both New York City, New York. Worked in legal capacity for Union for Jobs and Income, Steel Workers for Equality and Mothers, Rescuers from Poverty.

June, 1965-June, 1966; Legal Intern – NAACP Legal Defense and Education Fund, Inc., Suite 2030, 10 Columbus Circle, New York, New York 10019

September, 1962–June, 1965; Law Student–Howard University, Washington, D.C.

July, 1964-September, 1964; Summer Intern, (Law Clerk) Treasury Department (Bureau of Customs) Washington, D.C.

**NOTE:** I have 4 daughters, three attended Howard. One graduated from the College of Liberal Arts and the Law School. One graduated from the College of Liberal Arts and the third completed College at another University.





# GERALD A. SMITH ESQ.



# THE BEGINNING

“I was delivered into this world by the hands of a midwife.”

# Gerald A. Smith

- Born 9/17/34 to Reverend E. Hiram Smith and Lula E. Smith
- 3rd child in a family of seven children
- Hiram E. Smith was a real estate entrepreneur and founder of the Mount Lebanon Baptist Church
- Owner of Beachwood Park, Pasadena MD

## BEACHWOOD PARK

- In 1943 Hiram E. Smith purchased 64.8 acres of land along the Magothy River

- Racial Covenants barred the sale of land to anyone of “Negro, Japanese or Chinese descent”

- “Maryland's Finest Interracial Beach and Amusement Park”

- Amusement Park Atmosphere

- Catered to religious groups, vacationers, manufacturing companies, etc

- In 1949, he purchased an additional 16 acres from neighboring Beechwood Grove.

- In 2003, Anne Arundel County purchased property for \$1.3 million.



BEACHWOOD PARK

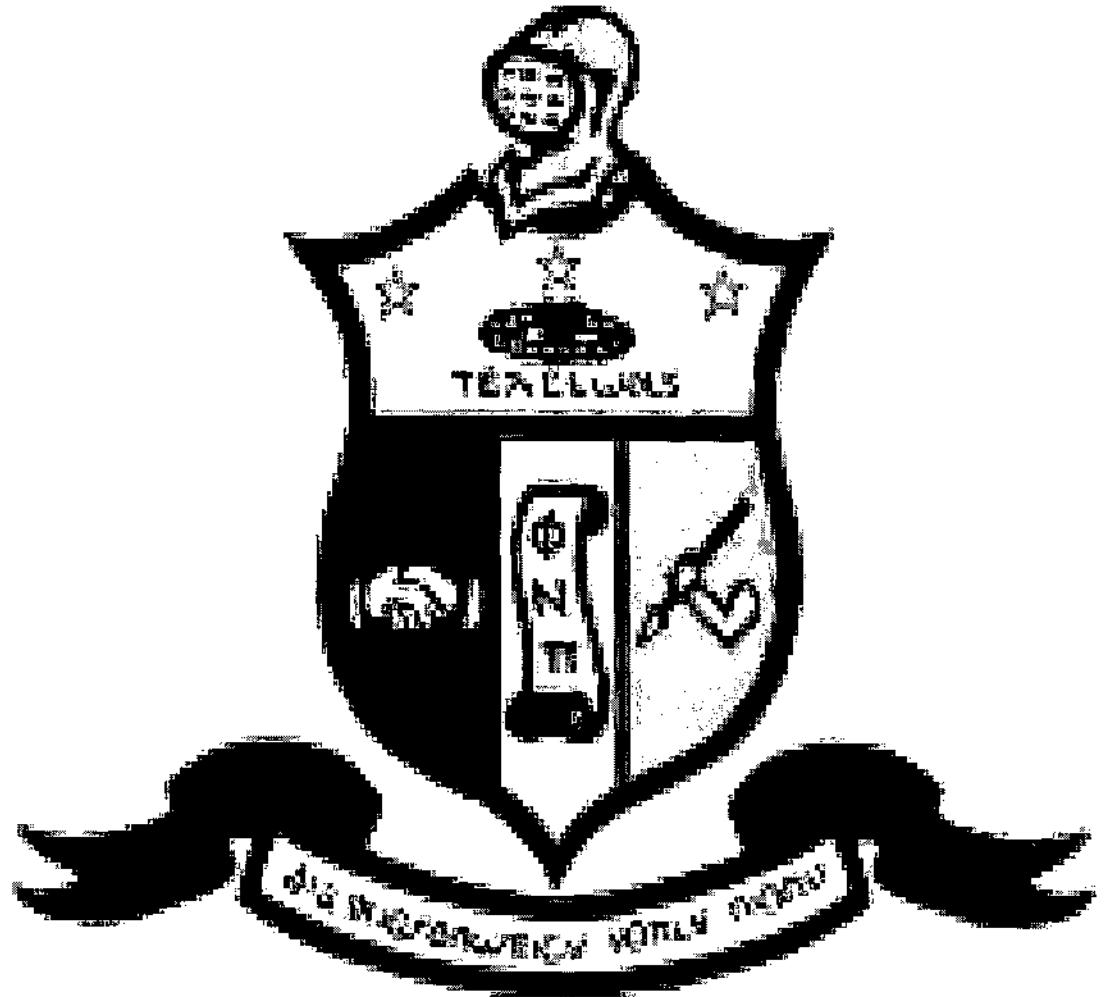
## EDUCATION

- FREDERICK DOUGLASS  
SENIOR HIGH SCHOOL-  
Baltimore, MD (1947-1950)
- OAKWOOD FRIENDS  
SCHOOL- Poughkeepsie, NY  
(1950-1951)
- WILMINGTON COLLEGE-  
Wilmington, Ohio (1951-1952)
- BUCKNELL UNIVERSITY-  
Lewisburg, PA (1952-1953)
- HOWARD UNIVERSITY-  
Washington DC (1954-1956)



## Kappa Alpha Psi

- Pledged Kappa Alpha Psi Fraternity
- Elected Vice Pole March of Chapter
- Fundraiser
- Community Service



# LIFE AFTER HOWARD.....

- Bachelors Degree in Business Administration
- Developed a real estate and insurance business
- Joined the United States Army
- Provost Marshall
- 1 year, 11 months, 9 days

# DESTINY

“I knew I wanted to be a lawyer at  
an early age”



**HOWARD  
UNIVERSITY  
SCHOOL OF LAW**

•106 enrolled, 15 graduated

•Assistant Editor of the  
Howard Law Journal

•Published International Law  
article

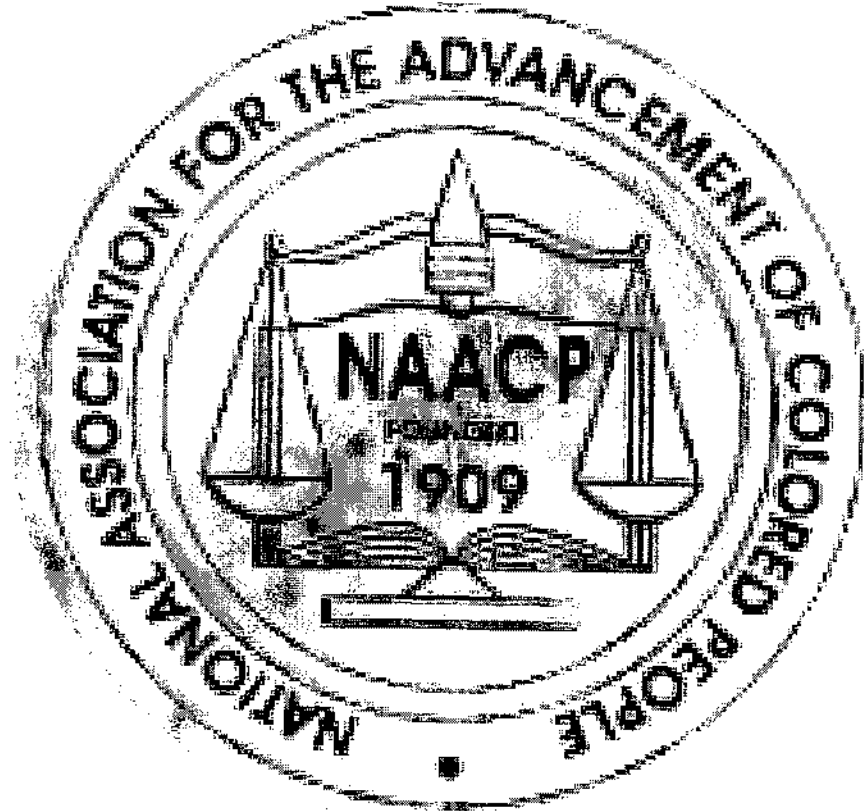
•Received an award Legal  
Fraternity

•Graduated Cum Laude



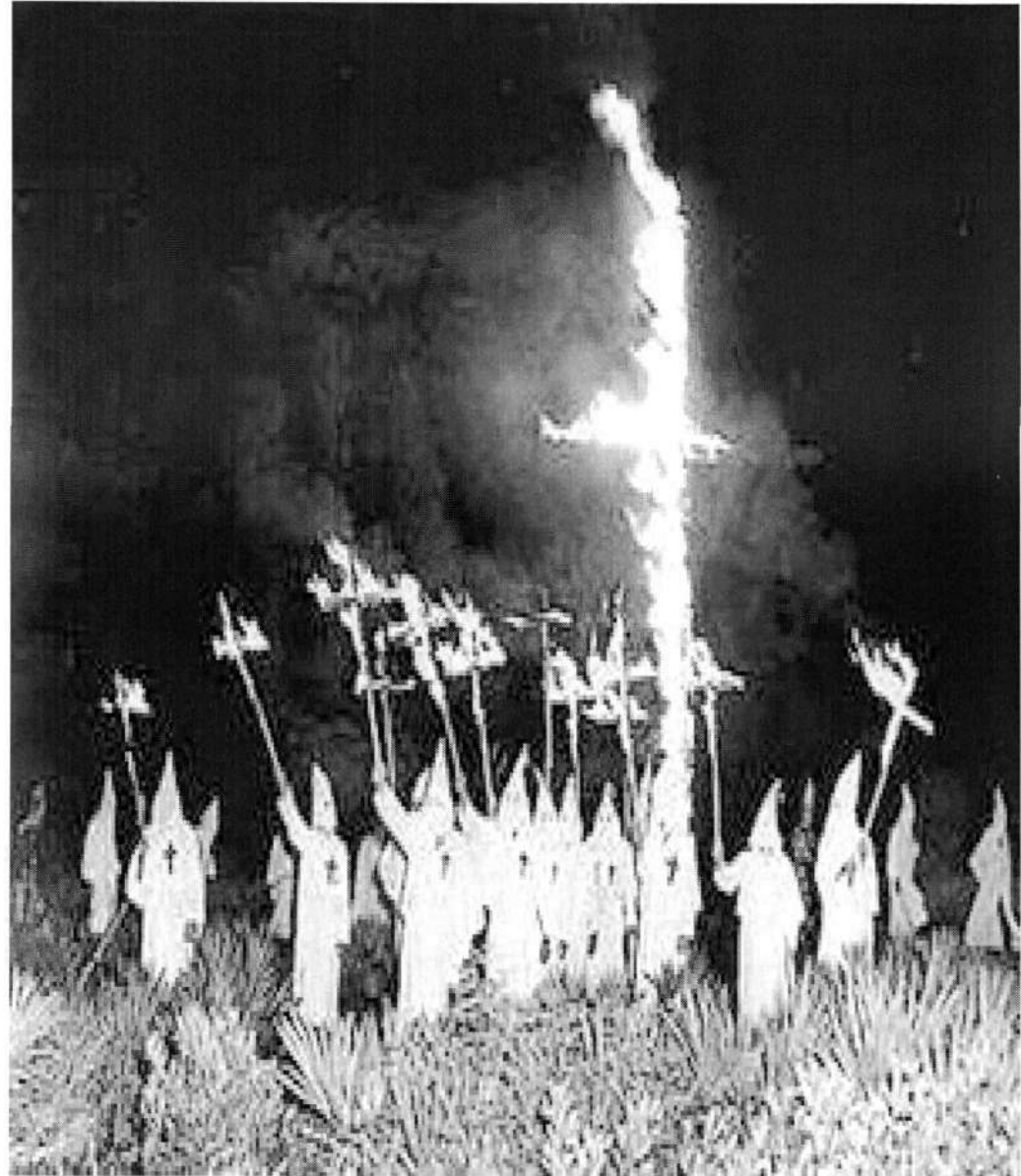
# NAACP LEGAL DEFENSE FUND

- Marshall Field Fellow
- Jack Greenburg (Director of Counsel)
- Civil Rights litigation focused on Voting Rights and Brown v. Board of Education cases.
- Associate Counsel for Legal Defense Fund



## NAIMASTER V. NAACP

- United States District Court for the District of Maryland
- Vernon Naimaster filed suit against the NAACP alleging
  - Count 1: Libel
  - Count II: Invasion of Privacy
  - Count III: Malicious and Intentional Interference with contract of employment
- NAACP filed a petition for removal from Baltimore County and motion to dismiss
- Motion was dismissed and case was remanded.



# Rice v. State of Maryland

- Court of Special Appeals
- Appeal by George E. Rice from conviction in Criminal Court of Baltimore for:
  - Rape, kidnapping, unnatural and perverted sexual practice, burglary and unlawfully and knowingly photographing obscene material.
- Defendant argued the rape conviction was erroneous as a matter of law, given the conduct of the prosecutrix, absence of force, and violence or threats
- Court held
  - A woman is not required to resist sexual advances to extent that she runs a substantial risk of grievous bodily harm before conviction of rape may be sustained;



## Rice v. State of Maryland

- Test: Whether the act was performed with or without consent
- In the present case, the sexual act was performed without consent. Thus evidence supported rape conviction.

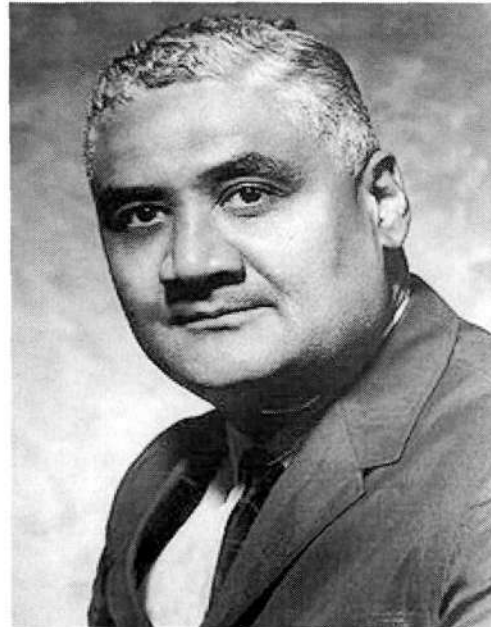


# POLITICS

“Don’t Vote for Three, Just Vote  
for Me”

**JOSEPH C. HOWARD  
&  
JOHN R. HARGORVE**

- Acted as the Campaign Treasurer for Joseph C. Howard and John R. Hargrove.
- Joseph Howard became the first African American to win an election as Judge for the Baltimore City Supreme Bench.
- John Hargrove was the first African American to be appointed Assistant U.S attorney



John C. Howard Sr.



John R. Hargrove



**Joseph Howard & Archie Williams Filing for Primary Election, 1968**

*Left to right: Benjamin Brown, Larry Gibson, William Toadvine, Charles Howard, Solomon Baylor, William Hicks, Gerald Smith, DeHaven Smith, LeRoy Carroll, Joseph Howard, David Allen, Charles Williams, Loyal Randolph, Archie Williams, Turhan Robinson, Louis Hudnell, William Murphy, Sr., Charles Watts*


*LS Gibson pic*



# Joseph Howard Campaign Materials

"Don't Vote for Three, Just vote for Me"

Lever  
No.  
**10 F**



**JOSEPH C. HOWARD**

Pull just one lever for Judge-Supreme Bench, Lever No. 10 F.

YOU DO NOT HAVE TO VOTE FOR THREE JUDGES. YOU MAY VOTE FOR JUST ONE, and your vote will count.

By voting just for me, and for none of my opponents, you help me to WIN.

TAKE THIS CARD INTO THE VOTING BOOTH

Now you know that **JOE HOWARD** possesses superior qualifications for the office of Associate Judge of the Supreme Bench of Baltimore City.

---

Compare these qualifications with those of the other candidates and vote for the most qualified man.

**VOTE FOR**  
**JOSEPH C. HOWARD**  
for  
**SUPREME BENCH JUDGE**

**Vote for**  
**JOE HOWARD**  
for Supreme Bench

Tuesday, November 5, 1968

... if you don't  
it won't be because you  
didn't know he was qualified

Appliances: Donald A. Smith, Treasurer  
1500 American Bldg