Baltimore Afro-American

OUR CREED

We believe that America can best lead the world away from racial and national antagonisms when it accords to every man, regardless of race, color or creed, his human and equal rights. Hating no man, fearing no man, the Colored Press strives to bear witness in the firm belief that all are hurt so long as anyone is held back.

"We are Americans and, as Americans we should speak to America."
—Frederick Douglass

FOUNDED IN 1892

By John H. Murphy Sr. — 1848-1922

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THOUGHT FOR THE WEEK

An arc of performance is worth a whole world of promise.—WILLIAM DEAN HOWELLS.

Disappointing decision

Chief Justice Earl Warren, using language an eighth grade child could understand, took only 11½ pages to write the decision abolishing segregation in public education.

Newly appointed Judge Robert C. Thomsen, in an effort to narrow that historic May 17 decision, takes 31 pages of tortured, legalistic verbiage to conclude that the doctrine of "separate but equal" still applies to public recreation.

But the more he unwinds it, the more he winds it up.

Judge Thomsen's argument boils down to three points.

1. The May 17 ruling applied only to schools and the subsequent May 24 rulings were on cases which originated before May 17.

2. Unlike schools, recreation is not compulsory but voluntary.

3. Intimate contact between swimmers is greater than it is between pupils in a classroom.

His strongest assertion is that it was not the intention of the United States Supreme Court to destroy the whole pattern of segregation in the May 17 decision.

We are just as firmly convinced that it was.

The Court years ago held that the object of the 14th Amendment was to enforce absolute equality of the two races before the law.

And the Supreme Court has repeatedly held in crystal clear language that no sign absolute equality can exist when any group of citizens is denied privileges, benefits and rights freely granted to another.

On May 17, it went further, ruling that "to separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be done."

Judge Thomsen in ruling as he did in the swimming pool cases apparently has overlooked the Supreme Court's unequivocal language when it said:

"The impact is greater when it has the sanction of law. For the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group.

While it is true as Judge Thomsen holds, the May 17 decision applies specifically with public education, surely he must realize that the same conclusions are applicable to public recreation.

It is just as clear that the Supreme Court has decided the time has come to abandon the moldy Plessy vs. Ferguson "separate but equal" doctrine. And it said, so, despite the narrow interpretation Judge Thomsen chooses to place upon its decision.

"Separate facilities," held the Supreme Court "are inherently unequal."

Being unequal, they are in violation of the 14th Amendment to the United States Constitution.

In reaching its momentous May 17 decision, the Supreme Court pointedly declared:

"In approaching this problem, we cannot turn the clock back to 1896 when Plessy vs. Ferguson was written."

It's unfortunate that Judge Thomsen could not bring himself to think beyond "the 1896 Dodge" vs. Murphy point of course case upon which his disappointing decision was pegged.

Cleveland, Yanks, Dodgers, Giants?

AFRO readers queried by the Inquiring Reporter, favored the Cleveland Indians and Brooklyn Dodgers as the teams most likely to meet in the 1954 baseball World Series.

Only two persons interviewed expressed the opinion that the New York Giants, despite the presence of Willie Mays, would hold up in the stretch run to the National League pennant.

None felt that the New York Yankees, regardless of their all-time record of five consecutive world titles, would overhaul the Indians in the American League race.

Statistics at this point show the Dodgers trailing the Cleveland by two games, and the Indians in front of the Yankees by a some what similar margin.

Answers given here would seem to indicate that Baltimoreans are not of the "frontier" variety. Not are they eager to quit on a team.

They remain loyal to the Dodgers though at the time of inquery, the Bums' chances of overhauling their Harlem rivals appeared quite dim.

And they cling to their faith in Cleveland in spite of that team's reputation—derived not so much from its performance under pressure from the Yankees.

The Linton story

In the case of Mrs. Louella Linton, the mother of six children who was left destitute by the untimely death of her husband, one can again see the citizens of Baltimore have shown their eagerness to help others not so fortunate.

After stories appeared in the AFRO about the plight of Mrs. Linton several persons rushed immediately of her assistance with gifts of food and money.

A delicatessen owner, his wife and niece took it upon themselves to place a container on their store counters showing the AFRO's stories and asking their customers to help.

And the deacons and trustees of Faith Baptist Church rushed to quickly with a check for her.

People are still calling in for Mrs. Linton's address so that they, too, might respond.

All this, mind you, when no actual plea were made for assistance. The AFRO simply started the predicament Mrs. Linton found herself in following her husband's death.

You readers did the rest. You should be as proud of yourselves as Mrs. Linton and we are.

On Mrs. Terrell

Words are puny things when it comes to memorializing a person like Mary Church Terrell.

For her there should be music—strong, stirring, brassy rhythms — or the graceful permanence of sculptured stone.

Only a short time ago she was still busy among us — leading picket lines, speaking out against wrongs, busting about briskly on her cane with a vigor and independence which belied her ninety years.

Death was not unexpected at her age, but her passing brings a deep sense of loss to the city, the country and all who knew her.

Spanning nearly a century, her years on earth were crammed full of the elements that make for rich and creative living.

As a person, she was warmhearted, tender and kind, interested in life and people and human affairs, blessed with a sense of humor and a keen wit. She had known the sorrows as well as the joys of motherhood and homemaking and had been the trusted helpmate of a distinguished District citizen, Robert Heberton Terrell, who became a Municipal Court judge in the District.

As a public figure, Mary Terrell was identified early in life to join the continuing battle for freedom and dignity for all human beings.

Founding the National Association of Colored Women here in the 1890's was only one of her many achievements in the long struggle for full rights for Negroes in this country—a struggle which continued to interest her all her life.

We also helped found the NAACP, worked in World War I, became active in politics, and was in great demand as a writer and lecturer during World War II.

Advancing years did not slacken her public activities. She continued to gather strength from such latter-day contests as the battle against the color bar in the United A.L.U.W. and the fight against Jim-crow in Washington restaurants and theatres.

The victories which crowned these efforts have served as spur and encouragement to the destruction of racial discrimination and segregation throughout the nation — and indeed the world.

Many honors and tributes were heaped upon Mary Terrell during her lifetime, and in the years to come her name will continue to ring like a clarion call in the cause of human freedom.

Probably the best tribute we can pay to her is a rededication of ourselves to the aims for which she gave such wholehearted service. There were not many leaders like her, perhaps in today's confused and materialistic world we shall look in vain for her selfless zeal and high-hearted idealism which inspired her.

May we never forget her qualities of sincerity and courage and perseverance. May we unceasingly strive to cherish these qualities and to pick up the torch she has laid down and carry it forward for the full freedom of all mankind.

The more he unwinds it, the more he winds it up

Chief Justice Warren of the U. S. Supreme Court used only eleven pages to end segregation in all public schools of the United States. Judge Roszel C. Thomsen, U. S. District Court of Maryland required 31 pages to explain that segregation in recreation is different from segregation in public schools.

Little Things

By JESSE H. WALKER

Putting one over word behind another, now that the Public Service Commission has permitted the BTC (Blasted Trolley Conditions) to raise the bus and trolley fares to 18 cents, why doesn't the BTC make the following accommodation for its riders:

Let one transfer be good for as many changes as a rider wishes to make in a general direction. Thus, a person could travel anywhere over the city by only paying a single fare. It's possible in New York City through a transit system there. Why not here?

Mr. Walker

Naturally this doesn't mean a fellow could go to work in the morning, grab a transfer, keep it all day and then go home on it at night. On second thought, for 18 cents, why not?

MAN FROM SPACE — Now that frenetic disk jock is planning to leap from a helicopter to the water outside Carr's beach Saturday to celebrate his birthday.

Does this mean that he'll draw another such crowd as the one which answered his bid to his natal day celebration two years ago at the now-shuttered country club?

WE AIN'T READY YET — It had to happen, sooner or later. Local brother who recently set up office downtown as a "first" finally heard that dreaded epithet.

You're way ahead of me, but you're right. He heard it when he was dressed down in uniformal fashion by a "lady" of his own hue. And right before everybody, too!

MEDIC'S CORNER—The majority of the 35 young physicians recently licensed to practice in Maryland are June graduates from Howard University.

Maryland is one of the few states which does not require a medical school graduate to serve an internship before he or she can obtain his or her license. Approximately 32 states do require such internship.

HOME DOINGS—Is the Federal Trade Commission checking into the activities of two home improvement companies which do a lot of business in Baltimore? My sources say 'tis so.

GOOD SAMARITAN — Poor "Doc" Waingust. There he was baberdashing Betty Baker well out of their way to play "Godfather" to that fellow who said he was a former member of the "Prisonaires" and wha' hoo peep.

Well, for one thing, "Doc" says, last time he saw the fellow was last Friday when he hit him for a couple of bucks then strolled up Pennsylvania Ave.

A job Baker is said to have obtained for the former pen inmate—on a receptionist job only lasted one day. Too confining, no doubt.

He disappeared from that room, at the YMCA.

WE'RE SCHEDULED to appear at the Morning Star Baptist Church, tonight (Friday) to see what a young group. We'll wait and see.

But Poor "Doc" Wongust. It's not the first time it happened," he wails. "Everybody takes me."

"Doc" has finally done something he should have done in the first place: He's checking with the Tennessee prison authorities to see if "our" man was the "right" man in the first place.

Hodge-Podge

By ROBERT MATTHEWS

The word "sandwich" is applied to any conglomeration of edible matter encased between two slices of bread.

Believe me, that word "any" should be substituted for the word of that but people slap between slices of bread makes me even to think about it.

Guess sandwiches can be loosely lumped into about three classifications: first is the plain old garden variety sandwich.

This one's favorite fillings are bologna, or cold cuts. It's usually spread with mustard, mayonnaise or catsup, maybe a leaf of lettuce or slice of tomato is thrown in to keep it from being dry.

You'll find this type sandwich mainly in lunchboxes or where ever the first is in a big hurry.

Sandwich class number two is the "party sandwich." Here taste has been completely thrown out of the window. The object is to see just how small and how pretty you can make the sandwich.

As a result, they usually taste like sawdust and requires four of them to make a mouthful.

But the artistic side of the sandwich world is the combination. This is where one is allowed to let his imagination run.

Once sent a co-worker to a luncheonette with instructions to bring back a sandwich. Didn't matter what kind, just so long as it contained meat.

He returned bearing a sandwich of gigantic proportions and contained ham, cheese, salami, relish, mustard, lettuce, tomato, and pickle—I (burp) swallow one! I am full.

But the absolute end occurred during lunch period at the salmine-factory-other day when I spied a fellow worker munching on a suspicious-looking sandwich.

Couldn't contain my curiosity so I walked over and asked him what kind of sandwich it was. He smiled demurely, took a drink of water and announced:

"Baked bean!" The end!

Words To Live By

By Rev. R. T. Newbold Jr.
Pastor, Grace Presbyterian Church, Baltimore

session—life.

Far too many of those who are older are living for the possession of things. Automobiles, money, real estate form the goal of those in this class.

TO BE SURE, these things are important. However, they should not be accepted as ends.

The Rich Fool had possessions; but he was a fool in that he, apparently, believed possession could bring him peace and things could be substituted for truth.

He was a fool in that he made provisions for his body and not for his soul.

He was materially rich, but spiritually imporverished. He had accepted the things which man was living for the wrong things.

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MANY YOUNG people seem to be living for "a good time." By this they mean drunkenness, sex orgies, dissipation, and sin.

Of course we all need moments of relaxation and recreation. Certainly we deserve "good times." But we do not really experience this by desecrating our most sacred possessions.

Eleven years old is a pretty bad age to be if you are a cartoonist like Norman Williams, of Cherry Hill.

During the past year, the youngster has won two scholarships to art schools in the country and in both cases he is too young to take advantage of them. He must be at least 14 (by the time he goes to School No. 180, has been drawing since he was six-years-old. He prefers to do caricatures, though he has done some portraits.

His mother, Mrs. Dorothy Williams, was honorable mention in the AFRO Ideal Mother Contest, this spring.

Williams has suggestions of how the youngster can make use of his remarkable talent, during the summer months. Interested, please contact this reporter.

COURT WARNING

Magistrate R. Everett Lane, of Northeastern Police Court, is cracking down on all persons who order warrants and then failure to appear in court after the arrest is made.

From now on, these people will be brought into the police station and held over night until the trial comes up the next morning.

For those who fail to appear when summoned, Judge Lane will issue a warrant for their arrest and they will be held in custody until the matter is settled.

The issuing of warrants and summonses takes up a lot of the magistrate's time and it's pretty aggravating when the prosecutors do not appear.

Reporters' Report To The People

Sightseeing

By JAMES D. WILLIAMS

What's this we hear about the assistant superintendent of a local girl's school quitting her job suddenly last Saturday after the latest in a long series of clashes with the head lady.

Among the most popular fishing spots in the city are the two bridges on the Harewar St. extension, where every afternoon fishers gather by the dozens. Wonder if they ever catch anything? Most of the time there seems to be more fishers than fish.

Officially there is a 30-mile-an-hour speed limit on the extension, but the only drivers who seem to observe it are those on a motorcycle.

A WIDELY CIRCULATED rumor has it that one of the top officials in one of our local institutions is getting ready to step down from his post as soon as the smoke from a recent scandal settles and affairs resume their normal pattern.

Among the things we never knew until now is that G. Robert Smith, is a brother of the late Lola Jennings. Brother was formerly with the top musical aggregation, the Three Bees and Honey, and is now a parole officer in Ohio.

Understand that Douglass Johnson Jr., son of the former Douglass counselor, is now stationed in England with the Air Force, where he expects to be joined shortly by his wife whom remarried in Texas.

Latest person to succumb to Bermuda shorts is friend Roger Bowie. He cut quite a dashing figure on Druid Hill Ave. one afternoon last week.

Tidbits

By SHIRLEY KYLE

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Noteworthy

By HERBERT MANGRUM

Attended my first Republican political convention last week and discovered that they can be the most tiresome things in the world to sit through. Especially if you already have the speaker's address before you.

Certain folks that both you and I know seemed to be working overtime in little discussion groups off on the side.

Knew most of the folks with the exception of one little man who wanted everyone to know that, "I—, I'm for Calvin Douglass."

REMEMBER, this was a Republican convention. What goes

For a long time I have looked forward to the day when I could call Ben Carter a barbershop. I could call Ideal. Found it the other day at Baker and Bentalou Sts.

Pinkney Howell has opened up such an establishment and business is booming. He has machines that can do everything anybody else in Baltimore.

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When a newspaper goes out on the AFRO picture caravan he's liable to run into anything. Young woman down on Division St., the other day asked me to drop by and look at her "bird." **Darn thing turned out to be a pigeon almost as big as a dive bomber. Crazy mixed up kid had built a nest in the woman's living room and was protecting those eggs like mad.**

Funny still is how that four-year-old boy survived that 30-foot fall off Fayette St. Seems as if he tumbled while coming down something that was supposed to have been a fire escape.

Speak Your Piece

On John Brown

Dear AFRO:

Regarding your story as to "Who is John Brown?" it is a question many wanted answered and there were many answers and opinions given.

Another question many people have been asking is how is John Brown? The usual answer is he is better.

But the greatest question on my mind when I saw him lying in the gutter, bleeding, suffering and I thought dying, was: Have we let down our Savior and also John Brown?

I haven't heard anyone yet express any interest about John Brown's soul.

It costs something to be a Christian, but we should let the world know there is nothing in the world worth the peace we have mentioned in John 14:27 and Galatians 5:22.

REDDIE F. LINK

Newstipster thanks

Dear AFRO:

I am very grateful to you for receipt of the check for $3 for payment for a story.

I enjoy reading your newspapers and purchase them regularly.

ESTELLINA PRITCHETT

If You Ask Me

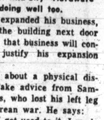
By B. M. Phillips

Our Town Insulted Mary Church Terrell

That grand old lady, Mrs. Mary Church Terrell, who died last week at the age of 90, did not forget Baltimore as long as she lived. In her autobiography, "Colored Woman In A White Woman's World," she tells how our town hurt her feelings.

She says: "The only time I have been openly attacked on the platform for something I have said in an address was in Baltimore."

Her book then goes on to explain that she was to deliver the commencement address for the high school class in 1917, soon after the U.S. entered the World War. Then she adds



"The Gov Mrs. Phillips ernment wished commencement speakers to refer to the war to interest the public in this country's efforts to aid the Allies . . . so I decided to take as my subject, 'The Race Problem and the War.'

". . . **Since the U.S. was fighting to make the world safe for Democracy, I declared, if the Allies won the victory the status of colored people in this country would 'a greatly improved. I held out the hope that the opportunities hitherto denied the race would be enjoyed.**

Mrs. Terrell's autobiography then describes how Baltimore's Comptroller "was the only insult in her long career:

"The Comptroller of Baltimore had been requested to represent the Mayor at the Commencement exercise, and, when he arose to make some remarks he was so enraged that he could scarcely control himself.

"He complained those who had spoken, those who had sung —in fact he had fair words for everybody but myself. He launched at once into a tirade against 'the speaker of the evening.'

"While with rage, he paced up and down the stage criticizing my speech.

"The speaker of the evening has predicted that the condition of the colored people of this country will be greatly improved' he declared with fierce indignation.

"He was too deeply stirred to proceed, so he paused a second . . . "He shouted, and I shook his fist at the audience, as he warned . . . 'But I tell you people you will have no more of this after the war than you enjoy now.'. He shook his fist at the audience again, as he uttered this threat.

"Then something occurred which I had never heard before in an audience of colored people and which I have never heard since. They hissed the Comptroller of Baltimore with all their might.

"But he shook his fist at them again and told them sarcastically that he was sorry they disappointed people, that he understood them perfectly and that he didn't care a fig for words that expressed how much they hissed . . ."

. Man Who Did It Says He Remembers

James F. Thrift was the city comptroller referred to here in Mrs. Terrell's autobiography. He is now 40 years old and maintains offices in the Equitable Building.

He told this reporter that he recalled the Terrell talk very well.

"I remember that Mrs. Terrell said that if colored people would band together and assist the Allies, they would break the iron curtain drawn around them by the white people just as the Allies had broken the ring the Germans had put around them."

Mr. Thrift said that if he had it to do over again, he would still be disgusted with Mrs. Terrell's remarks.

"I'm far from having any ill feeling toward colored people," he added. "In fact, I feel most kindly feeling toward colored people and I am perfectly willing that they should have every right I have. But I think that if they have these rights among themselves they would be better off.

"I believe have never had moment's trouble with any colored person who has worked for me. I have loaned them money, in fact I came up on a farm where I played with colored boys."

Asked to comment on the Supreme Court's school segregation decision, Mr. Thrift said: "I think it's an error. I feel that you people are better off to enjoy your rights among yourselves.

"For over 50 years we have accepted the decision of the Supreme Court rendered by one of the ablest courts we have had and that court decided that separate schools for colored kids are for colored people and white schools are for white."

This And That About Our City

Does it make you feel good to find men and women making a success of a business venture? Do you get a little tingling of pride when you enter their establishments to learn they are operated in a businesslike manner?

If you do, you'll understand what I mean when I say that the, Pinkney Howell Barber Shop at Baker and Bentalou Sts. is first-class.

Mr. Howell and his barbers are neat and clean in their starched uniforms and stand out.

The shop itself is comfortably cool and clean as a whistle. And it is well-equipped.

There are four chairs for the

ICC hearings show colored cars separate

Witnesses from 6 states testify as to conditions in Richmond, Raleigh and New Orleans

Seaboard, Southern and Pennsylvania Railroads warned for continuance of J.C. policies

President Eisenhower has been asked to make a "clear and certain call" for passage of legislation to end racial segregation in interstate travel.

A telegram from officials of the NAACP, made public Tuesday, said that the bill approved by the House Interstate and Foreign Commerce Committee on July 21, could pass before the 83rd Congress adjourns.

The wire was signed by Dr. Channing Tobias, chairman of the board; Walter White executive secretary; and Clarence Mitchell, director of the Washington Bureau. It said, in part:

"We know that you personally oppose racial discrimination. We believe that you support this bill.

"There is need for a clear and certain call upon Congress to act. We ask that you urge the leadership of both houses to pass this bill before adjournment. We are certain that with your support it can be done."

Meanwhile, NAACP lawyers trained their big legal guns on segregation in interstate travel —the second big target in the organization's timetable for full equality by 1963.

Demand Action

With 16 colored persons and one white witness as complainants, the NAACP lawyers walked into the Interstate Commerce Commission and asked the Commission to order 11 railroads, one terminal company and one restaurant to stop making distinction among its passengers based on race or color.

One of them, Miss Hattie Ballard, St. Albans, N.Y., told the ICC examiner that on Dec. 17, 1952, she bought round-trip train reservations on the Seaboard Airline from NYC to Greenwood, S.C., on the crack, reserved-seat streamliner, "Silver Comet."

Her seat was in Car 25-B, she said. Going South she had no trouble, she said, but when she boarded the train on the return trip Dec. 27 and started walking toward the rear of the train, she met the conductor who told her there was no Car 25-B. She said she had to walk back until the train reached the next stop, when she was given a seat in the jim-crow car. The porter on the train told her there was a Car 25-B and when she reached New York, she checked and verified his statement by a medical convention.

One day, Dr. Higgins entered the pool for a quick dip and swim. When he came up after his first dive, the pool was empty.

Fellow physicians, noting the obvious attempt of other white bathers to embarrass Dr. Higgins, promptly entered the pool and life went on aboard the Queen Mary.

Edwina and Hank Whittack, Gary, Ind., newspaper publishers, are at the Annapolis home of her cousin, Miss Adams. They're commuting to the Democratic Convention in Washington.

Remember Edwina, who is Gussie to her friends, when she was an AFRO reporter?

She is now the mother of four.

Dr. Frank N. Cardozo, who pulled a fast one over a waiter, in his wife died, is back on the firing front. Says he will reopen a medical office.

Just couldn't stand being over in Washington away from the friends he had made during his 72-odd years.

Wonder if someone is concerned, don't take people's word for anything.

A couple of months back when we heard the news of the impending marriage of Dr. Ulysses Bourne, Jr., and Barbara Adams, there was a lot of speculation.

But the event is set for next month.

And now Helen Glover shrugs off marriage rumors even though John Pinkett Jr., took out a marriage license in Washington.

Sooo..we'll wait and see!

1954-55 edition of Who's Who in America has added the name of Methodist Bishop Edgar A. Love.

See Bar "Carry-Out Service" on Laurens St., near Pennsylvania Ave., selling tasty half fried chicken sandwiches for 50 cents.

Should be called Tasty Carry-Out Service—Dee-licious.

A man walked into the office this week to report he overheard a former congressman and a Calvin Coolidge appointee, Jack Pollack and politics in the Fourth District.

Says he definitely heard them say Pollack has Fourth District residents in the palm of his hand and Calvin Douglass is the puppet who will assure election of Bernard McIntcove.

Maybe somebody will happen!

Thought Of Week

It is nice to be important, but it is more important to be nice. —Benjamin Franklin.

NATURE AND SEGREGATION — This is the entrance to Area C at Patapsco State Park, the section set aside for colored people. These boys are leaving the area after a camping trip. In the group are James Figare, 11, 1325 N. Stockton St.; Albert Coates, 10, 1313 Stockton St., and Jerome Bruce of the 1500 block Baker St. Patapsco is one of 12 state parks administered by a five-man commission appointed by the governor. Commission says segregation here will continue until Attorney General Rollins rules otherwise.

Broad Street Station Denies Segregation

WASHINGTON (NNPA) — Conflicting testimony on racial segregation in the Broad Street Station at Richmond, Va., was offered as hearings neared an end Tuesday before the Interstate Commerce Commission on complaints of racial discrimination in interstate travel.

The Broad Street Station is owned and operated by the Richmond Terminal Company. The Union News Company, a New York corporation, leases space in the station for the operation of eating facilities.

Originally named as one of the defendants in the proceedings, involving 11 railroads and the terminal company, the Union News Company was ruled a not engaged in interstate commerce and the complaint against it was dismissed.

Company Lawyer Objects

When Robert L. Carter, counsel for the 17 complainants — 16 colored persons and one white —sought to offer testimony as to discriminatory practices of the terminal company, Wirt P. Marks Jr., attorney for the company, objected.

He told Examiner H. Hosmer, before whom the hearings were held, that the only difference between him and Mr. Carter was the question of whether the terminal company prescribed any rules for segregation of passengers.

He said no segregation of any kind was prescribed or enforced by the terminal company.

Since the Union News Company had been dismissed as a defendant, he argued, there was no allegation in the petition justifying of any evidence as to the practices of that company in operating the restaurant facilities.

Says Signs Mean Nothing

The examiner, however, took a legal question of whether the terminal company was subject to examination by the Interstate Commerce Commission. The Union News Company, counsel should stipulate that the independent ownership of the Union News Company, counsel stipulated that the company was an independent concern.

According to Marks, colored persons were permitted to use all waiting rooms and lavatories, although two waiting rooms and the rest rooms were plainly marked for whites or for colored.

After the luncheon recess, counsel stipulated that on July 24, 1953, James Green and Miss Dorothy M. Scott purchased tickets for a trip to Washington to get married. While waiting for their train, they entered the restaurant reserved for whites and sat at an empty table.

Denied Dining Service

Upon giving their orders to a waitress, they were told they could not be served in the dining room but would have to go to the one reserved for colored passengers.

The complaint alleged that the colored restaurant facilities were "filthy."

Mr. Marks called as a witness John E. Borkey, a special agent for the Richmond, Fredericksburg and Potomac Railroad, who is the chief law enforcement officer at Broad Street Station.

He testified that no segregation is enforced in the use of waiting rooms and other facilities in the station and that colored and white military personnel were served in the white restaurant.

Mr. Carter Means Nothing

Mr. Carter called as a witness W. Lester Banks of Richmond, NAACP state executive secretary, who testified that he had observed patterns of segregation at the Broad Street Station, Greyhound and Trailways bus stations over a period of seven years.

Over objections of Mr. Marks, Mr. Banks testified that on a number of occasions he had observed colored passengers coming up from the train ramps toward the main lobby in search of rest rooms, walking very briskly in the south, and when they saw the signs, they turned around and sought facilities elsewhere.

He said he had never observed white passengers using the facilities marked for colored.

He testified that the pattern of racial segregation at the Greyhound bus terminal was just about the same as at the Broad Street station. At the Greyhound bus terminal, he said, there is a sizeable waiting room for whites and a "cubby hole" for colored.

In recent years, he added, there has been a "trickling" of colored persons entering the white restaurant at the bus terminal.

Some Few With Courage

Asked by the examiner whether there has been any change in the facilities since the Supreme Court struck down a Virginia law compelling segregation of interstate bus passengers in that state, Mr. Banks said the only change was one to the colored person who "have courage enough" to enter the white waiting room.

He said there is "a hesitancy" on the part of colored persons to use the white waiting room.

He said there is "a feeling" that if something happens to disregard signs and use facilities marked for white.

He testified, under cross examination by Mr. Marks, Mr. Banks said segregation in restaurants throughout Richmond is required by law.

Conflicting testimony on racial segregation in the Broad Street Station at Richmond, Va., was offered as hearings neared an end Tuesday before the Interstate Commerce Commission on complaints of racial discrimination in interstate travel.

The Broad Street Station is owned and operated by the Richmond Terminal Company. The Union News Company, a New York corporation, leases space in the station for the operation of eating facilities.

Originally named as one of the defendants in the proceedings, involving 11 railroads and the terminal company, the Union News Company was ruled a not engaged in interstate commerce and the complaint against it was dismissed.

Company Lawyer Objects

When Robert L. Carter, counsel for the 17 complainants — 16 colored persons and one white —sought to offer testimony as to discriminatory practices of the terminal company, Wirt P. Marks Jr., attorney for the company, objected.

He told Examiner H. Hosmer, before whom the hearings were held, that the only difference between him and Mr. Carter was the question of whether the terminal company prescribed any rules for segregation of passengers.

He said no segregation of any kind was prescribed or enforced by the terminal company.

Since the Union News Company had been dismissed as a defendant, he argued, there was no allegation in the petition justifying of any evidence as to the practices of that company in operating the restaurant facilities.

Says Signs Mean Nothing

The examiner, however, took a legal question of whether the terminal company was subject to examination by the Interstate Commerce Commission. The Union News Company, counsel should stipulate that the independent ownership of the Union News Company, counsel stipulated that the company was an independent concern.

According to Marks, colored persons were permitted to use all waiting rooms and lavatories, although two waiting rooms and the rest rooms were plainly marked for whites or for colored.

After the luncheon recess, counsel stipulated that on July 24, 1953, James Green and Miss Dorothy M. Scott purchased tickets for a trip to Washington to get married. While waiting for their train, they entered the restaurant reserved for whites and sat at an empty table.

Denied Dining Service

Upon giving their orders to a waitress, they were told they could not be served in the dining room but would have to go to the one reserved for colored passengers.

The complaint alleged that the colored restaurant facilities were "filthy."

Mr. Marks called as a witness John E. Borkey, a special agent for the Richmond, Fredericksburg and Potomac Railroad, who is the chief law enforcement officer at Broad Street Station.

He testified that no segregation is enforced in the use of waiting rooms and other facilities in the station and that colored and white military personnel were served in the white restaurant.

Mr. Carter called as a witness

W. Lester Banks of Richmond, NAACP state executive secretary, who testified that he had observed patterns of segregation at the Broad Street, Greyhound and Trailways bus stations over a period of seven years.

Over objections of Mr. Marks, Mr. Banks testified that on a number of occasions he had observed colored passengers coming up from the train ramps toward the main lobby in search of rest rooms, walking very briskly in the south, and when they saw the signs, they turned around and sought facilities elsewhere.

He said he had never observed white passengers using the facilities marked for colored.

He testified that the pattern of racial segregation at the Greyhound bus terminal was just about the same as at the Broad Street station. At the Greyhound bus terminal, he said, there is a sizeable waiting room for whites and a "cubby hole" for colored.

In recent years, he added, there has been a "trickling" of colored persons entering the white restaurant at the bus terminal.

Some Few With Courage

Asked by the examiner whether there has been any change in the facilities since the Supreme Court struck down a Virginia law compelling segregation of interstate bus passengers in that state, Mr. Banks said the only change was one to the colored person who "have courage enough" to enter the white waiting room.

He said there is "a hesitancy" on the part of colored persons to use the white waiting room.

He said there is "a feeling" that if something happens to disregard signs and use facilities marked for white.

He testified, under cross examination by Mr. Marks, Mr. Banks said segregation in restaurants throughout Richmond is required by law.

Federal Court action means pools, beaches remain separate

Judge Thomsen says colored people 'feel more at home' within their own racial group; he calls bathing interpersonal; cites sex relations

Federal Judge Rozel C. Thomsen on Tuesday denied NAACP petitions for declaratory judgments which would have opened Baltimore City swimming pools, both Ft. Smallwood beaches and both Sandy Point beaches to all citizens.

At present, there are six outdoor pools in the city for white, only one for colored. At Ft. Smallwood and Sandy Point, there are separate beaches for colored and white citizens. Under Judge Thomsen's ruling, such segregation must continue. Here are excerpts from his opinion:

U.S. District Court, Roszel C. Thomsen, presiding; cases No. 3965, (Sandy Point); No. 5847, (Ft. Smallwood) and 6879 (city swimming pools.)

The motion for judgments on the pleadings in these three cases raise a single legal question: Does segregation of the races in the state of Maryland and the city of Baltimore at public bathing beaches, bath houses and swimming pools, violate the rights any rights protected by the Fourteenth Amendment?

PLAINTIFFS in the cases at bar contend that any classification or segregation by a state on the basis of race is prohibited by the Fourteenth Amendment unless

(1) It is justified by some proper governmental objective,

(2) the classification in question is a reasonable one to achieve that objective, and

(3) the separate facilities are substantially equal. Inherently as well as physically, on the field of governmental activity in which the classification or segregation is made is so unimportant that no substantial rights under the Fourteenth Amendment are involved. Let apply these tests to the relations involved in the case.

(1) What are the objectives sought to be attained by the regulations, and are they proper governmental objectives?

The first objective cited by defendants was the one approved by the Court of Appeals of Maryland in Durkee v. Murphy, quoted above, namely: "to avoid any conflict which might arise from a mixed assemblage." Here the court found to be "a compelling reason for the exercise of the regulation of public facilities in Maryland." 181 Md. at 265. Plaintiffs in the case at bar argue that this is not a sufficient objective to justify segregation in any field, and that only an objective as strong as the preservation of the republic in time of war is sufficient.

Plaintiffs cite Brown v. Warley, 245 U.S. 60, in support of their contention. In that case the Court held that a statute providing for segregation in property owner to transfer or convey his property to a person of another race was not a reasonable discrimination, a deprivation of property, etc.

The court did not hold that the promotion of the public peace by preventing race conflicts was not a proper governmental objective. Rather, it held that desirable as such an objective may be, it cannot be accomplished by laws or ordinances which deprive a citizen of rights protected by the Federal Constitution.

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IN EACH CASE the importance of the objective and the extent to which the abridgment, infraction or damage must be considered. It may well be that by an objective as strong as the preservation of the republic will justify the denial of some rights of liberty as was involved in Korematsu vs. United States, or such a clear deprivation of property as was involved in Buchanan v. Warley.

But it does not follow that the prevention of civil disturbances is not a sufficient objective to justify segregation but equal bathing and swimming facilities.

Buchanan v. Warley was decided in 1917, and thereafter the Supreme Court continued to permit the states to supply or regulate segregated facilities in many different fields.

Beginning with Sweatt v. Painter the Court held that segregated education is not reasonably equal to achieve the educational objective.

The Court did not say what governmental "objective was sought to be attained by the segregation involved in that case nor why the objective was not a proper one, nor why segregation in education was not reasonably related to the objective if it was a proper one.

The bare statement in Boiling vs. Sharpe that "the segregation question as it is presented in these cases involves only bathing and swimming facilities."

THE SECOND OBJECTIVE cited by defendants in the cases at bar was the desire to avoid "of the greatest number," of colored as well as white.

At the present stage of social development in the State of Maryland, most (but not all) people feel more relaxed and feel more at home among members of his own race than among members of other races, colored and whites; the same is true of whites.

I have never heard this statement seriously disputed or questioned by counsel for plaintiffs at the hearing in this case.

The fact embodied in the statement is deplored by substantially all intelligent colored people in Maryland, and by some whites. It is quite possible that the ending of segregation in public accommodations will change this pattern swiftly or slowly.

But the fact that at this time most colored people will get relaxed and feel more at home in their own group rather than in most colored people will get relaxed and feel more at home and swimming with other colored people than in mixed groups

The provision of facilities which will provide the greatest amount of recreation for most members of each group is not an unreasonable objective, though it cannot be pursued in a manner which deprives colored people or others of their constitutional rights.

Whatever constitutional rights plaintiffs may have are personal and must be enforced. That aspect of the problem will be discussed below. We are dealing here only with the objectives which the State may properly seek to attain.

Neither the Supreme Court nor the Fourth Circuit has held that the objectives sought to be attained by the regulations in these cases are not proper governmental objectives sufficient to justify the segregation of the races at public beaches, bath houses and swimming pools, provided the regulations are reasonable and the facilities inherently as well as physically equal.

(2) ARE THE REGULATIONS reasonable? The degree of racial feeling or prejudice in this State at this time is probably higher than it was when segregation in bathing and dancing than with any other interpersonal relations except direct sexual relations.

The State Board of Forests and Parks has recognized this fact, because the segregated bath houses at Sandy Point Park, Sandy Point involved in case No. 5847, are located in different localities under control of that Board.

The other facilities at Sandy Point State Park, and at other places under the jurisdiction of that Board (none of which have bathing facilities) are completely unsegregated.

THE STATE OF MARYLAND and its citizens have steadily broadened the permissible and customary fields of interracial activities.

Counsel for plaintiffs, at the oral argument of these cases, denied that the statement in Durkee v. Murphy that "separation of the races is normal and natural in this state" is still true.

He cited, among others, the following facts: The last Jim Crow transportation law in Maryland was repealed in 1952. Johns Hopkins University, Loyola College and a number of other private educational institutions admitted Negro students before the decision in Brown v. Board of Education.

Less than three weeks after the opinion in that case was rendered the Board of School Commissioners of Baltimore City voted to abolish all segregation in the Baltimore City Schools effective September, 1954.

The University of Maryland adm