Rights Bill Would Place Juries In Supreme Court

WASHINGTON (NNPA) — The jury trial amendment in the civil rights bill would even extend to criminal contempt cases in the U.S. Supreme Court and the U.S. Circuit Courts of Appeals.

A memorandum to that effect was made public Wednesday by Sen. William F. Knowland of California, Senate GOP leader, who led the fight for the House-approved civil rights bill and opposed crippling amendments, including the jury trial amendment, in the Senate.

* * *

THE MEMORANDUM was sent to him by William P. Rogers, acting attorney general, after Mr. Knowland had inquired about the effect of the jury trial amendment on litigation involving the Federal Government.

It concerned the effect of the jury trial amendment on contempt proceedings in the Supreme Court and the U.S. Courts of Appeals.

Jury trials are held in neither the Supreme Court nor Circuit Courts of Appeals.

The text of the memorandum follows:

* * *

"THIS OFFICE has been asked by you to make an analysis of the effect on contempt proceedings in the appellate courts of the United States of the so-called "jury trial amendment" to the civil rights bill.

"Since the "jury trial amendment" to the civil rights bill applies to all criminal contempt proceedings for violation of orders of "any court of the United States or any court of the District of Columbia," the amendment plainly covers the Supreme Court of the United States and the 11 Federal Courts of Appeals.

"In all criminal contempt proceedings in those courts for violation of their own orders—except where the contempt was committed in or near the presence of a court, or by a court officer — a jury trial would be required by the bill as it now stands.

"The Supreme Court customarily issues, each year, various kinds of stay or injunctive orders, for the purpose of preserving its jurisdiction pending a decision in a case.

* * *

"IF THOSE orders are violated, criminal contempt proceedings can be instituted by the court to punish the violator.

"Up to now, it has not been necessary to provide a jury trial. Under the bill, a jury trial will be mandatory.

"For instance, it is not infrequent for the court (or one of its justices) to stay the execution of a criminal by state prison authorities while the Supreme Court is considering the prisoner's case.

"If the prisoner should nevertheless be executed, or given over into the hands of a mob or be lynched, the court's order would be violated, and the violators could be punished in contempt. United States v. Shipp, 203 U.S. 563, in 1906, was just such a case.

After a stay of execution had been issued by the Supreme Court, the sheriff was charged with delivering the prisoner — a colored man accused of raping a white woman — into the hands of a local mob which lynched him.

"The Supreme Court then instituted contempt proceedings, and took testimony through a commissioner whom it appointed specially 1/ (214 U.S. 471);

* * *

"ON THE basis of the written record of this testimony, the court entered its judgment, after argument, that the defendants were guilty (214 U.S. 386). Some of the defendants were sentenced to 90 days and some to 60 (215 U.S. 580).

"Under the present version of the civil rights bill, the Supreme Court would be required in these circumstances to impanel a jury (even though no proper provision is now made for finding and impanelling such a jury in the Supreme Court) and to hold a full jury trial (as in the ordinary criminal case) before it could convict the violator and punish him.

"The jury would have to sit in the District of Columbia and in the presence of the court; undoubtedly, the court's other business would have to be delayed pending the trial which could take days or possibly even weeks.

* * *

"WHEN THE Supreme Court (in an action commenced in that court) is in need of testimony, it is its practice to appoint a commissioner or special master to take the testimony at any place in the country where it is convenient to do so.

"The commissioner, in the Shipp case, took testimony at Chattanooga, Tenn., where the lynching took place.

"The provisions with respect to the impanneling of juries — contained in Title 28, Chap. 21, of the United States Code (28 U.S.C. 1861 et seq.) — are phrased in terms of "the judicial district," "the district," or "district courts" and were obviously intended to apply only to the Federal District Courts.

They do not fit the impanneling of juries in the Supreme Court or the Courts of Appeals.

* * *

"IT SHOULD be noted that the statutes now provide that 'in all original actions at law in the Supreme Court against citizens of the United States, issues of fact shall be tried by a jury.' 28 U.S.C. 1872.

"The court has been able to live with this provision—which is probably required by the Seventh Amendment guarantee of jury trial in civil "suits at common law" in the Federal Courts—because "original actions at law" in that court against an individual citizen have been practically non-existent almost since the beginning of our history.

"As a whole, original actions in the Supreme Court are very few; those few are rarely "at law" but mostly in equity; and almost always they involve states or governmental entities.

* * *

"THE OBSOLESCENCE of this provision of 28 U.S.C. 1872 is indicated by the fact that the United States Code does not contain any mechanism for drawing a jury for the Supreme Court.

"The case would be similar if the Supreme Court should grant bail to a defendant and some official should refuse to recognize that order. The trial before the Supreme Court would have to be by jury.

"Other kinds of injunctive orders are also commonly issued, staying official or private action of some kind pending review by the Supreme Court —e.g., staying the effectiveness of railroad and other utility rates, staying mergers, staying the enforcement and Federal or state statutes, etc.

* * *

THE SAME OBSERVATIONS can, of course, be made with respect to the 11 Courts of Appeals which likewise issue stay, injunctive and bail orders.

"An example of a contempt proceeding in a court of appeals is the well known case of Sawyer v. Dollar, 190 F. 2d 623 (C.A.D.C.), involving the disputed stock in the American President Lines, Lt.

"Under the present bill, the criminal aspects of that complicated contempt proceeding would have had to be tried by a jury.

"This is a particularly serious matter for the courts of appeals which have constantly been forces enforcing the orders of such agencies as the Federal Trade Commission, the National Labor Relations Board, and others.

"Under the bill, jury trials in the courts of appeals would have to be had in all such cases—with all the incongruities, difficulties and delays already mentioned."

Ike still opposes Senate on rights

By LOUIS LAUTIER

WASHINGTON (NNPA — President Eisenhower is still against the civil rights bill in its present form, Sen. William F. Knowland, of California, the Senate GOP leader, told reporters Tuesday after the weekly White House conference of Republican Congressional leaders.

Mr. Knowland talked with reporters at the Capitol. He did not see reporters at the White House.

When he and other Republicans left the conference with President Eisenhower, reporters were being briefed by White House Press Secretary James C. Hagerty on the operation which Mrs. Eisenhower underwent at Walter Reed Army Hospital Tuesday morning.

* * *

MR. HAGERTY said Mrs. Eisenhower had entered Walter Reed Hospital Monday (Aug. 5) and underwent an operation Tuesday morning for a "benign condition." The operation was performed by Dr. Humbert L. Riva (colonel, Army Medical Corps) and was successful.

Mrs. Eisenhower was taken into the operating room at 8:15 a.m. The operation was concluded at about 10:15 a.m. Dr. Riva is a gynecologist. Mr. Hagerty said there was nothing malignant which caused Mrs. Eisenhower to undergo the operation.

Upon receipt of the report from the hospital about his wife's condition, President Eisenhower told the Republican congressional leaders meeting with him about the operation.

* * *

WILLIAM P. ROGERS, deputy attorney general, attended the conference of the Congressional leaders with the President and was reported to have informed Mr. Eisenhower that the jury-trial amendment, applying to all contempt of court cases arising out of Federal decrees would apply to the United States Supreme Court and the United States Circuit Courts of Appeals which do not have jury trials.

Talking with reporters after the Republican Policy Committee meeting later in the day, Sen. Leverett Saltonstall, of Massachusetts, said members of the House who attended the White House conference, as well as senators, believe that the bill should go to conference and an effort made to iron out differences between the House and Senate bills.

Democratic leaders, on the other hand, would like the House to accept the Senate bill and send the measure to the White House this month.

* * *

SENATOR KNOWLAND told reporters that there was a general feeling at the White House conference that the bill is not in a satisfactory form at the present time and should go to conference in the hope that an effective measure would finally emerge and be reported to the two houses.

Replying to a question, Mr. Knowland said the President does not get into the details of legislative procedure, but "I think he was disappointed in the amendments which were added and feels that they greatly weaken the voting right provisions of the bill which were pretty largely the major part left outside of the commission itself."

The bill would authorize a bipartisan commission to investigate civil rights problems, establish a civil rights division in the Justice Department, and give the Attorney General power to bring suits for injunctions in Federal courts to prevent a person from being deprived of his right to vote in a Federal election.

But a person charged with criminal contempt of court growing out of a violation of a court order not only in a voting rights case, but in any number of other types of cases arising under 38 different Federal statutes, would be entitled to a jury trial to determine whether he was guilty of contempt of court.

"I think the bill in its present form is a great mistake," said Senator Knowland, who led the fight for passage of the civil rights bill as it was approved by the House.

Mr. Knowland said the jury-trial amendment is too "extensive" and does damage to other activities. He also said the jure-trial amendment greatly weakened enforcement powers in securing voting rights.

"What may be worked out in conference between the Senate and House and in what forms the bill will finally come out," Senator Knowland said, "I do not know."

* * *

ASKED WHETHER he had urged the President to veto the bill, Senator Knowland said he had not urged anything and will not urge anything "until I see what comes out.

"This is not the final form of the bill. Until I see the final form, I would not have any recommendation to make to the President."

Senator Knowland said he would like to see "an effective civil rights bill" approved at this session of Congress.

He explained that if the conferees do not agree during the current session of Congress, "it does not mean the bill will die." Senator Knowland said he would hope, if the bill is sent to conference — that the conferees will come up in the remaining two weeks of the session "with some satisfactory language."

SENATOR IRVING M. IVES (Rep., N.Y.) issued a statement Tuesday saying he believes the House conferees will refuse to accept the bill in its present form.

Praising Vice President Nixon and Senator Knowland "for the effective part" they played in making it possible for Senators "to vote on any kind of civil rights bill at all," Senator Ives said:

"Without their effort and persistence this bill, as it passed the House, would never have come before us for debate.

Senator Ives also praised Sen. Lyndon B. Johnson, of Texas, the Senate Democratic leader, "whose efforts to make the bill palatable to a majority and thereby thus far to avoid a filibuster, were so masterful."

At the outset of the debate, Senator Ives called the bill "puny." He said Tuesday that "it has been made more and more feeble, until now not even a respectable corpse remains."

"What we have before us is a ghost — and a very real ghost which will come back to haunt us if the bill is finally enacted in its present form," Senator Ives said, adding:

"The jury trial amendment would open a Pandora's Box of trouble where a multitude of statutes are concerned. Several of these statutes have been mentioned in the course of the debate. I am particularly disturbed about one of them.

"This is the provision in the Taft-Hartley Act which pertains to strikes that cause national emergencies.

"I realize that this provision in its present form is not perfect; and some of us have been working to devise a satisfactory substitute for it, but thus far our efforts have not met with success. For the foreseable future, all we have to rely on is the emergency provision as it now stands.

"In the light of threatened mergers on the part of workers in the transportation field, where a strike of even moderate proportions might paralyze a large part of the nation, it is most essential that the national emergency provision in the Taft-Hartley Act should reman inact and should not be crippled or made ineffective for any reason.

* * *

"THEREFORE, were it not

16 groups urge passage of 'disappointing' rights bill

Calling the Civil Rights bill before the Senate "a bitter disappointment," sixteen organizations supporting meaningful civil rights legislation, Thursday, said the bill "does contain some potential good."

In a joint statement to all members of Congress, leaders of the organizations urged completed legislation action this year.

Commenting on the Senate moves, the statement said, "the action of the Senate in deleting Part III of the House bill and attaching a jury trial amendment to Part IV seriously restricts a program which was modest and moderate to begin with."

Disappointing as this is, the statement emphasized that for the first time in 87 years some new tools are provided for enforcement of the constitutional rights of colored people to vote.

* * *

THE STATEMENT exhorted Senate supporters of civil rights to vote for the bill "in the hope that some means will be found to strengthen it in the House," and called upon the friends of civil rights in both political parties "to place the goal of some progress in this area ahead of any fancied political advantage."

The organizations said 'any bill passed now will be the beginning, not the end of our struggle" and they pledged themselves to continue "to demand legislation implementing the Supreme Court's decisions against segregation. . . and other civil rights laws.

"Above all," the statement add, "we shall continue to press for an end to King Filibuster. The sorry crippling of H.R. 6127 in the Senate is the most eloquent argument for the establishment of majority rule in the U.S. Senate."

* * *

FOLLOWING ARE the names of the individuals who signed the statement on behalf of their organizations:

Earl W. Jimerson, president, and Patrick E. Gorman, secretary - treasurer, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO; John T. Blue Jr., director, American Council on Human Rights; Shad Polier, chairman, executive committee, American Jewish Congress; Joseph Rauh Jr., vice-chairman, Americans for Democratic Action; E. Raymond Wilson, executive secretary, Friends Committee on National Legislation; Hobson Reynolds, director, Civil Liberties Department, of the Elks; James B. Carey, president, International Union of Electrical Workers, AFL-CIO.

Adolph Held, chairman, Jewish Labor Committee; Bernard Weitzer, national legislative director, Jewish War Veterans of America; James B. Cobb, president, National Alliance of Postal Employees; Roy Wilkins, executive secretary, NAACP; David L. Ullman, chairman, National Community Relations Advisory Council; William Pollock, president, Textile Workers Union of America, AFL-CIO; Michael Quill, president, Transport Workers Union of America, AFL-CIO; Walter P. Reuther, president, United Automobile Workers, AFL-CIO; and Francis Shane, executive secretary Civil Rights Committee, United Steelworkers of America, AFL-CIO.

—'Rights bill' seen

(Continued from Page 1)

tempt proceedings in Federal courts.

* * *

EARLIER WEDNESDAY, Sen. William F. Knowland of California, the Senate G O P leader, made public a memorandum sent him by William P. Rogers, acting attorney general asserting that the bill in its present form would require even the Supreme Court and United States Circuit Courts of Appeals to give jury trials to persons accused of violating its decrees in criminal cases.

Generally, the nature of contempt proceedings is at the discretion of the judge. If his purpose is to compel compliance with his orders and the person accused of contempt of court may purge himself by doing what he has been ordered to do, the proceedings are civil and no jury trial would be required.

If the object of the proceedings is to punish a person accused of contempt of court and to uphold the dignity of the court, the proceedings are criminal and, under the civil rights bill, the defendant would be entitled to a jury trial.

* * *

THE BILL approved by the Senate Wednesday night is the first civil rights legislation enacted since the Civil Rights Act of 1875, a good portion of which has been declared unconstitutional by the Supreme Court and the remainder nullified down by Supreme Court decisions.

As originally proposed by the Attorney General and approved by the House, the bill was designed to protect rights guaranteed by the 14th Amendment as it has been revised by the Senate, I should vote against its final passage.

"As it is, I believe that the upon a suitable revision of Part IV or, failing in this attempt, will stand adamant in their refusal to accept the bill in its present form."

As a vote on passage neared, Knowland continued to worry about what the House is going to do with the bill.

Rep. Joseph W. Martin Jr., of Massachusetts, the House GOP leader, predicted Monday that the bill will be sent to conference with the Senate because the House could not accept the Senate's amendments, principally the one requiring jury trials in criminal contempt of court cases arising out of violations of court orders in voting right and other cases.

A conference could delay final action on the bill until next session of Congress which begins next January.

In another development, Majority Leader Johnson Monday accused Vice President Nixon of joining in a "concerted propaganda campaign" against the Senate version of the civil rights bill. The charge was made at an informal press conference.

Asked why he singled out Mr. Nixon, Senator Johnson said it was because of the Vice President's statement after the vote on the jury trial amendment.

"This was one of the saddest days in the history of the Senate because this was a vote against the right to vote," Mr. Nixon had said.

The Texan said it was rare for a Vice President to "start lecturing the Senate, particularly when he was around for so little of the discussion."

Johnson later told the Senate it was "unfortunate" that discussion of the bill has centered around "the politics of the measure." He said the bill in its present form "represents an important advance in the field of civil rights."

the Attorney General would have been empowered to bring civil suits for injunctions to enforce the Supreme Court decision outlawing racial segregation in the public schools.

But Dixiecrats scored their first major victory when the Senate voted to strike out Part III.

Dixiecrats then levelled their attack against Part IV which gives the Attorney General authority to bring civil suits for injunctions to prevent persons from being deprived of the right to vote.

This section was weakened by an amendment requiring jury trials in all contempt of court cases. Some elements of organized labor supported the jury trial amendment.

* * *

TO GAIN WIDER support of the jury trial amendment, its proponents added a provision which would extend the jury trial sons eligible for Federal grand and trial jury duty without regard to their meeting state qualifications.

A number of states require that a person must be a qualified elector in order to serve on juries.

The Senate version of the bill also would establish a bipartisan commission to study civil rights problems and report to both the President and Congress.

It also would create an additional position of assistant attorney general and raise the civil rights section in the Justice Department to divisional status. The new assistant attorney general would head the division.

Before the debate ended on passage of the bill, Senator Johnson announced that he would vote for the bill. He said it "effective" and "enforceable," "national — rather than sectional — legislation."

Subpoena powers given the commission, he said, "would justify terming the bill a constructive step."

Johnson said there are some "people who are still more interested in securing votes than in securing the right to vote," and "are still more interested in the issue than in a solution to the issue."

"I am aware of the implications in my vote," Johnson said adding:

"It will be treated cynically in some quarters and misunderstood in others. No Texas Senator has cast a vote for a civil rights bill since 1875.

"But the Senate has dealt fairly and justly with this measure. This is legislation which is good for every State of the Union, and as far as I am concerned, Texas has been a part of the Union since Appomattox.

"I could not have voted for the bill that came to the Senate. But the measure now before us seeks to solve the problems of 1957 — and not to reopen the wounds of 1865."

Johnson said he will "genuinely support this legislation with enthusiasm — secure in the belief that it represents progress and assures an advance in the rights to which all our people are entitled."

* * *

SEN. CLIFFORD P. CASE, (Rep., N.J.) who fought against crippling amendments, told the Senate that "The battle is not over."

"The bill is not a good bill," he said, "and those of us who believe in civil rights don't have to accept the choice between this bill and no bill at all."

Senator Case disclosed that A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, sent a telegram Tuesday to Vice President Nixon urging rejection of the bill with the jury trial amendment. "It is worse than no bill at all."

Rights bill passage termed a 'victory'

Following the passage of the civil rights bill by the Senate, Clarence Mitchell, director of the Washington Bureau of NAACP, released a statement saying:

"Some 72 members of the Senate have told Dixie that it must stop denying colored citizens the rigth to vote. This is a victory for democracy and a defeat for the forces that seek to destroy human rights.

"We must continue to press for legislation that will eliminate segregation and discrimination from all aspects of American life. We shall do this with all the strength, vigor and persistence at our command."

Civil rights roll call

FOR THE BILL

DEMOCRATS—29

Anderson, N.M.
Alan Bible, Nev.
John A. Carroll, Colo.
Dennis Chavez, N.M.
Frank Church, Idaho
Joseph S. Clark, Pa.
Paul H. Douglas, Ill.
Albert Gore, Tenn.
Theodore F. Green, R.I.
Carl Hayden, Ariz.
Thomas C. Hennings, Mo.
Hubert Humphrey, Minn.
Henry M. Jackson, Wash.
Lyndon B. Johnson, Texas
Estes Kefauver, Tenn.
John F. Kennedy, Mass.
Robert S. Kerr, Okla.
Frank J. Lausche, Ohio.
Warren Magnuson, Wash.
Mike Mansfield, Mont.
Pat McNamara, Mich.
Mike Monroney, Okla.
James E. Murray, Mont.
Richard L. Neuberger. Ore.
Joseph C. O'Mahoney, Wyo.
John O. Pastore, R.I.
George A. Smathers, Fla.
Stuart Symington, Mo.
Ralph Yarborough, Texas.

REPUBLICANS—43

George D. Aiken, Vt.
Gordon Allott, Colo.
Frank A. Barrett, Wyo.
J. Glenn Beall, Md.
Wallace F. Bennett, Utah
John W. Bricker, Ohio.
Prescott Bush, Conn.
John M. Butler, Md.
Homer Capehart, Ind.
Frank Carlson, Kans.
Clifford P. Case, N.J.
Francis Case, N.J.
John S. Cooper, Ky.
Morris Cotton, N.H.
Carl T. Curtis, Neb.
Everett M. Dirksen, Ill.
Henry C. Dworshak, Idaho
Ralph E. Flanders, Vt.
Barry Goldwater, Ariz.
Bourke B. Hickenlooper, Iowa
Roman L. Hruska, Neb.
Irving M. Ives, N.Y.
Jacob K. Javits, N.Y.
William E. Jenner, Ind.
William F. Knowland, Calif.
Thomas H. Kuchel, Calif.
William Langer, N.D.
Thomas E. Martin, Iowa.
Edward Martin, Pa.
Thruston B. Morton, Ky.
Karl E. Mundt. S.D.
Charles E. Potter, Mich.
William A. Purtell, Conn.
Chapman Revercomb, W. Va.
Leverett Saltonstall, Mass.
Andrew F. Schoeppel, Kans.
Margaret C. Smith, Me.
H. Alexander Smith, N.J.
Edward J. Thye, Minn
Arthur V. Watkins, Utah
Alexander Wiley, Wis.
John J. Williams, Del.
Milton R. Young, N.D.

AGAINST BILL

DEMOCRATS—18

Harry F. Byrd, Va.
James O. Eastland, Miss.
Sam J. Ervin, N.C.
Lister Hill, Ala.
Spessard L. Holland, Fla.
Olin D. Johnston, S.C.
Russell B. Long, La.
John L. McClellan, Ark
Wayne Morse, Ore.
A. Willis Robertson, Va.
Richard B. Russell, Ga.
W. Kerr Scott, N.C.
John J. Sparkman, Ala.
Herman E. Talmadge, Ga.
Strom Thurmond, S.C.

Rights bill better 'than none at all'

NEW YORK (NNPA) — Adlai E. Stevenson expressed doubt Tuesday that the civil rights bill will do what it is supposed to do if the House accepts the jury trial amendment which the Senate wrote into the measure.

Discussing the bill at a press conference eight hours after his return from a three-month visit to Europe and Africa the twice defeated Democratic candidate for President said:

"I am not sure that the bill will accomplish its purpose. I doubt if it is wise to change the old law of criminal contempt just to meet this situation. But I would rather have this bill than one at all."

Absent but would have voted for amendment of present:

J. Allen Frear, Del., and Matthew M. Neely, W. Va., Democrats; Styles Bridges, N. H., and Frederick G. Payne, Me., Republicans.

Absent but position unannounced: George W. Malone, Nev.

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3 playgrounds show marked differences

McAbee, Dukeland and Lynhurst Playgrounds.

Three major playgrounds and each different in terms of facilities.

Dukeland is located at the corner of Dukeland and Bakers Sts., in a predominantly colored neighborhood.

Lynhurst is located at the corner of Gelston Drive and Allendale St., in an area populated principally by white residents.

McAbee playground is located at the corner of Laurens and Gilmor Sts., in a predominantly colored neighborhood.

* * *

"WE HAVE no trash cans, only one drinking fountain and no laboratories. The conditions here are just horrible."

These were the words of John E. Mohamed, assistant director of Dukeland playground.

There are no tables in the office, in fact the office is without anything, just a cement floor.

"They tell us they are going to fix things on, when, I don't know" said Mr. Mohamed, a recent graduate of Morgan College.

In the central office of McAbee park there are only four tables and one drinking fountain, 12 swings and other facilities. The playground will accomodate some 300 children.

In contrast to the McAbee and Dukeland Playgrounds, Lynhurst has a modern office wit ha tile floor. Some 14 swings and 4 slides with seven seats in the park for the children.

There are desks, trash cans, electric fans for the central office, modern bathrooms facilities, a basketball court, two goals and a grassy baseball diamond.

There is a coca cola machine in the central building, bulletin boards and a drinking fountain within the building. The park has green grass and beautiful shade trees.

* * *

"THE McABEE playground is in fine shape, but Dukeland playground could stand toilet facilities and grass on the grounds. Dukeland is not a year round operation, but McAbee is operated on a yearly basis, that in itself may have something to do with the modern facilities.

"However, I think that the facilities at McAbee park are just as good as the facilities at Lynhurst playground."

These were the statements of Theodore Brown, senior supervisor of the Bureau of Recreation. He is in charge of Dukeland and McAbee playgrounds.

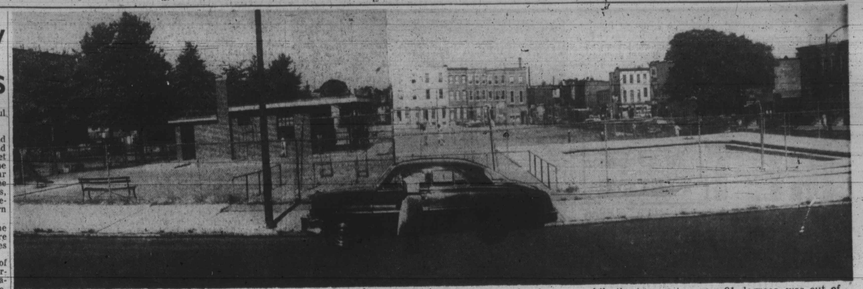
"There are going to be major improvements on Dukeland playground in the immediate future, in terms of grass and other minor things" said Mr. Brown.

According to Harold S. Callowhill, superintendent of recreation, "Dukeland playground is not as large as the other playgrounds and is not operated on a year-round basis. We are not in a financial position according to the budget to do anything about the present conditions. I am hoping that the 1958 budget will allow for a better construction program of all the playgrounds.

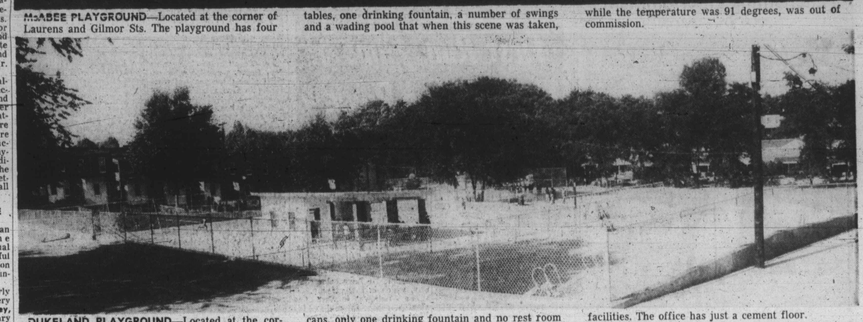
HEART PLAYS LEAD ROLE IN CBS RADIO WORKSHOP

NEW YORK—The human heart was the star in "The Heart of the Man," an actual dramatization of a successful heart operation presented on CBS's Radio Workshop on Sunday.

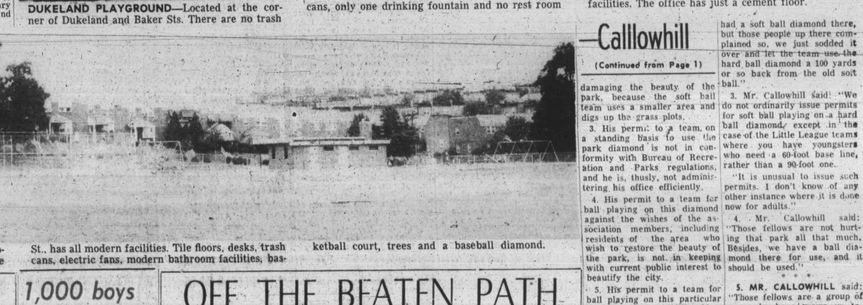
The story drew on the early contributions to heart surgery made by **Dr. Ulysses G. Dailey,** one of the field's contemporary pioneers who now resides and practices in Chicago.



McABEE PLAYGROUND—Located at the corner of Laurens and Gilmor Sts. The playground has four tables, one drinking fountain, a number of swings and a wading pool that when this scene was taken, while the temperature was 91 degrees, was out of commission.



DUKELAND PLAYGROUND—Located at the corner of Dukeland and Baker Sts. There are no trash cans, only one drinking fountain and no rest room facilities. The office has just a cement floor.



MODERN FACILITIES—Lynhurst Playground, located at the corner of Gelston Drive and Allendale St., has all modern facilities. Tile floors, desks, trash cans, electric fans, modern bathroom facilities, basketball court, trees and a baseball diamond.

—Calllowhill

(Continued from Page 1)

damaging the beauty of the park, because the soft ball team uses a smaller area and digs up the grass plots.

3. His permit to a team, on a standing basis to use the park diamond is not in conformity with Bureau of Recreation and Parks regulations, and he is, thusly, not administering his office efficiently.

4. His permit to a team for ball playing on this particular diamond is grossly inconsiderate of a majority of taxpayers' wishes, because the local members using the diamond live far from the area itself, and there are other diamonds, soft ball ones, readily available for their use.

* * *

GIVEN THESE direct queries on Wednesday, Mr. Callowhill stated:

1. "I have talked with the man handling the ball team, and he told me his group creates no disturbance up there. He said any disturbance must come from somebody else. I haven't been up there, and I don't know. But, if there are disturbances, it's a matter for the park police, and Edgar Myerling, assistant superintendent of parks, would handle that."

However, the New Ashburton Improvement Association and Mr. Callowhill met on this matter as far back as April 20, 1955, at which time a 10 a.m. agreement was reached with a ball team's disturbing Sunday morning playing in this park. This was reported in the April 22, 1955 edition of the AFRO by a staff reporter who attended.

In addition, a later association letter to Mr. Callowhill stated, in part: "We feel that it is the responsibility of your department to enforce the 10 a.m. ruling, which you suggested at the meeting on April 20, 1955."

2. Mr. Callowhill said: "They had a soft ball diamond there, but those people up there complained so, we just sodded it over and let the team use the hard ball diamond a 100 yards or so back from the old soft ball."

3. Mr. Callowhill said: "We do not ordinarily issue permits for soft ball playing on a hard ball diamond, except in the case of the Little League teams where you have youngsters who need a 60-foot base line, rather than a 90-foot one.

"It is unusual to issue such permits. I don't know of any other instance where it is done now for adults."

4. Mr. Callowhill said: "Those fellows are a group of men who have grown up together, and have played together there for years. Nobody else wants to play there, as I see no reason why they should not play there, if they prefer that diamond and park."

Mr. Myerling, assistant superintendent of parks, was approached on the association's point of disturbances on the park diamond before 10 a.m. Sundays.

"I don't know of any such disturbances," Mr. Myerling stated. "We did have complaints of hard ball playing in the park between a park stream and Longwood St., along the Gwynn Falls side. We stopped that.

"But, parks are made for people to play in. I don't know of any agreement for a team not to use that diamond before 10 a.m. Sundays."

Asked if he would enforce such a disturbance ruling if it were brought to his attention, Mr. Myerling said: "I wouldn't want to answer that at this time."

Just a week ago Mr. Callowhill admitted to the AFRO that he had skipped over the names of several qualified colored applicants for posts as recreation center directors, and appointed white persons lower on the list of eligibles and less qualified.

The Baltimore Equal Opportunity Commission is presently investigating job policies at the Bureau of Recreation and Parks.

Sob Sister

By RUTH JENKINS

PHILADELPHIA

The World Council of Churches in session last week in New Haven, Conn., met without its president, Bishop AME Bishop D. Ward Nichols.

The bishop was otherwise occupied in Atlantic City, vacationing trial for misconduct of office. He put up a fight—but he lost.

That was a real tear-jerking farewell Monday between mother and son going off on a two-week stint at camp.

Image 50,000 of those scenes occasioned by the Boy Scout Jamboree. The usual sad writers could have had a field day.

* * *

SCHOLLEY ALEXANDER was a recent Monday afternoon visitor to a Father Divine Holy Commission service.

Father Divine delivered a 212 word welcome address.

Mr. Alexander responded wit h 188-word greeting which included these sentiments:

"It is just a real privilege to be in the presence of the Almighty Father of Universal Love. It is simply amazing.

"I sat here and thought, as a matter of fact I had to take a taxi to be here at 2 o'klock— and the rush and hurry of the street is just a few feet away, and the hustle and bustle and knock-down and drag-out activity—

"—And to step across this dorm ill is just heaven, and I am happy to be here to share it with you."

* * *

FAYE BRISTER is back home all agog over an exciting vacation in Canada.

Dr. Harry Greene, Philly NAACP president is a co-chairman of the national NAACP dinner to be held in NYC in November. Jackie Robinson, chairman, says that admission had been set at "a minimum of $100 per couple."

The Freedom Fund dinner will have a three-fold purpose: To honor Branch Rickey Sr., who introduced integration to major league baseball; and Duke Ellington, the master musician;

To stimulate participation in the association's life membership campaign; and to raise $100,000 for the NAACP national budget.

Having undergone an operation, Mrs. Pearl Zeigler of 42 E. Ashmead St. is recuperating at Germantown Hospital. Drop her a cheery card to Room 501 at the hospital, Penn and Wistar Sts.

* * *

FBI AGENTS and city police with drawn guns, a rooftop chase and tense search of the building and alleyway provided quite some excitement in the Christian St. YMCA and Joe Baker Associates neighborhood last week.

Object of the police search was a young man wanted on a bad check charge in another state who was staying t he Y. While there, a merry chase ensued in which the young man was finally captured in a nearby alley.

Mr. Baker was vacationing in Canada, so this is to let him know tht his employees didn't get much work done that afternoon.

* * *

THE LEWIS (URBAN LEAGUE) CARTERS JR. will vacation in New England and Erie, Pa.

The Leon Sullivans, pastorate family of Zion Baptist Church are ensconed in their new home at 12 Langford St. out Devon way.

The Moorestown (N.J.) Baseball Club would like to have some games with Philadelphia teams during August, either here or there.

William H. Brooks Jr. of 137 Walker Ave., Moorestown is the booking manager. He says "We would like particularly to hear from the 88 Stars, Granddads and others."

Tonight (August 7) they play the Old Timers, featuring such former greats as Billy Yancey of the N.Y. Black Yankees, Frank Pettius of the Baltimore Elite Giants; and Penn Muse, Hillidale.

Being a dyed-in-the-nylon Phillies fan (veteran supporters won't let me say claim to being dyed-in-the-wool), I resented it when non-Phillies fan draped my home team pennant in mourning at the Christian Republican Club.

When the Whiz and Fizz Kids finally rallied out of that losing streak and held 1st place for a thrilling 24 hours, I made them take down the mourning strip.

But with things going the way they are from day to day—well, gee whiz.

* * *

QUESTION: Well, then, why bother.

Speaking of Youth

By MARY E. JONES

A festival sponsored by the Wilson Park Improvement Association was held Saturday for the young people of the Wilson Park area. Dallie Wirks is president of the sponsoring group and Mrs. Beryl Williams is vice president.

Among the scores of young people who attended the affair were Roslyn Mitchell, Carlene Thomas, Anthony Wirks and Jean Harris.

Sandra Merrith and Patricia Standley attended a farewell party recently for one of their friends who left for South America. Both girls said they enjoyed the affair very much.

1,000 boys will be guests of Gunther's

One thousand boys from the Baltimore Police Boys' Clubs will be among the spectators at the fourth annual Colt Nite intra-squad game at the Memorial Stadium, August 12.

The game is played for the benefit of the Police Boys' Clubs. Kickoff time is 8 p.m.

This year is the fourth in succession that the boys have been guests of the Gunther Brewing Company at the game which officially marks the opening of the Colts' exhibition schedule. As in previous years, the boys will be transported to the Stadium in chartered buses.

The Police Boys' Clubs receive more than 90 per cent of their annual operating funds from this promotion, sponsored by the Mayor's Citizens Committee, the Baltimore Sports Reporters' Association and the Colts' Associates.

Gunther also sponsors an Athletic Awards Program for the more than 2,800 Police Boys' Club members throughout the year and annually awards a scholastic grant to the one youth selected as the "Boy of the Year."

OFF THE BEATEN PATH

By ELIZABETH MURPHY OLIVER

LIFE WITH MARMALADE ON THE SIDE

A pretty picture of life which had everyone on the No. 19 bus smiling contentedly was a family group which included a young father and his two youngsters.

Let's take the father first. He was decked out in a Continental tan (beretta, khaki pants and shirt.

Around his neck on a long shoulder strap was a pink diaper bag. In his arm he carried the cutest nine-months old baby girl you ever laid eyes upon.

Her fluffy two-inch long skirt was pink as was her bonnet, matching the diaper bag.

As they sat down on the long front seat, she settled safely in her father's arms, her finger in her tiny mouth.

Accompanying them was a three-year-old little man who was dressed Hopalong Cassidy fashion, had a two-gun holster, with wooden bullets, a cowboy hat and all the trimmings due a Western star.

He knelt on the seat close to his father, looked out the window and went "bang, bang" with first one gun and then the other.

* * *

THE FATHER kept pulling the short, short dress of his darling daughter down over her knees, smoothing it modestly and alternately reaching in the bag for kleenex, and the "milky" bottle as he called it.

When the nine-months old kiddie had what folks call "an accident," both daddy and the three-year old youngster got busy and dried the area concerned without the least trouble, zipped up the plastic pink bag, and settled down again.

The infant went on sucking her finger, daddy resumed smoothing down her dress and matching the diaper bag.

As they sat down on the long front seat, she settled safely in her father's arms, her finger in her tiny mouth.

Accompanying them was a three-year-old little man who was dressed Hopalong Cassidy fashion, had a two-gun holster, with wooden bullets, a cowboy hat and all the trimmings due a Western star.

He knelt on the seat close to his father, looked out the window and went "bang, bang" who had been employed by a large ice and coal business concerned 40 years had a savings account of $4,000 when he retired.

He had no family but turned over his $4,000 to a friendly lady to purchase a home where she promised him he might live "the rest of his days."

But—one day he turned up missing.

The police were notified, discovered him wandering around over in East Baltimore, nearly out of his mind.

He had been put of the house upon which he had made the down payment, had nothing to show that the $4,000 was his constribution.

His employer was called to aid the pitiful old fellow but nothing could be done. His money was just "gone" as far as the law was concerned.

Subsequently, the man was placed in an old folks home where he worries and regrets he had no receipt for his $4,000 nor anything else to show for it.

TOUCHY BUSINESS—When a fellow is shooting pool he has to keep his eye on what he is doing. The fell