WHEN YOU FINISH READING YOUR AFRO PASS IT ALONG TO A FRIEND

—Thurgood lambasts

(Continued from Page 1)

solicitation of funds from the public to pay the costs of litigation involving the legality of racial discrimination.

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"CHAPTER 35 would make it an offense to bring a suit in which all or part of the expenses are paid by a person or organization which has no direct personal interest.

Originally, the NAACP and the NAACP Legal Defense and Educational Fund filed separate suits against the Virginia Attorney General and five Commonwealth's attorneys who are charged, by law, with enforcement of one or more provisions of certain legislation passed at the 1956 special session of the Virginia General Assembly.

Both complaints sought to have five anti-NAACP statutes, Chapters 31, 32, 33, 35 and 36, declared invalid on the ground that they violated constitutional rights.

The Federal District Court declared Chapters 31, 32 and 35 unconstitutional and enjoined their enforcement on the ground that they violated the 14th Amendment. It kept Chapters 33 and 35 on its docket for a reasonable time to allow the NAACP an opportunity to proceed in the state courts to secure an interpretation of them.

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"THESE ARE not just 'run-of-the-mill' statutes which came down the road," Mr. Marshall told in beginning his argument, adding:

"There is nothing in the record on that, but the record is replete with the deliberate and calculated purpose of Virginia to tie the hands of the appellees (the NAACP and the NAACP Legal Defense and Educational Fund) in this case."

Mr. Marshall then pointed out that the Prince Edward County case was one of the five cases in which the Supreme Court ruled on May 17, 1954, that racial segregation in public education was unconstitutional.

"Immediately after those opinions, the Commonwealth of Virginia started out to do the opposite of what this court said in September in the Little Rock case — that the Brown decision (of May 17, 1954) imposed on all agencies of government in a state, and it applied to the Commonwealth of Virginia," a duty to initiate every effort toward bringing about the elimination of segregation in the public schools.

• • •

YET, MR. MARSHALL said, the Government and legislature of Virginia, "with the active support of nearly every political faction in the state, set about to do just the opposite."

He said the record shows and the Federal District Court found that Virginia adopted a program of "massive resistance." This involved two courses, one of which was enactment of a pupil assignment law and laws closing the schools and cutting off state funds to schools which were desegregated.

He said the state passed other implementing laws — "all directed toward making it well nigh impossible to attend any school in the state that was not segregated."

Mr. Marshall charged that the other course consisted of enacting laws designed to "exterminate" two organizations which had assisted in the schools desegregation cases and to make it impossible for lawyers to represent the people in segregation cases unless the plaintiffs themselves had a direct personal interest in the litigation.

THE CONSTITUTIONALITY of these statutes, Mr. Marshall argued, must be considered in the atmosphere in which they were enacted.

He pointed out that on Aug. 30, 1954, the Governor appointed a Commission on Public Education to study the school desegregation decision and make recommendations.

The report of that commission, Mr. Marshall said, declared that the Supreme Court decision meant that the most fundamental rights of the state and its citizens existed by the court's sufferance and that the law of the land is whatever it determines it to be.

The commission, he said, concluded that separate facilities were in the interest of both white and colored people educationally and otherwise, and compulsory integration should be resisted by all proper means, which, Mr. Marshall said, he gathered from Mr. Gravatta means that any law passed by the Virginia General Assembly is insulated from attack anywhere except in the Commonwealth courts.

• • •

MRS. MARSHALL pointed out that the 1956 special session of the Virginia General Assembly passed an interposition resolution stating that Virginia "emphatically disapproves" of the school segregation decision which the resolution characterized as a "deliberate, palpable and dangerous" attempt of the court to usurp power to amend the Constitution.

The resolution, he said, challenged the "usurped authority" that would inflict upon Virginia citizens the consequences of the court's decision and pledged the firm intention to take all appropriate measures honorably, legally and constitutionally available to the state to resist "this illegal encroachment upon our sovereign power."

The General Assembly was called into extra session Aug. 27, 1954. Mr. Marshall said the Governor told the Assembly that he was before them to submit recommendations to continue segregated public schools.

Mr. Marshall said the Governor told the legislature that it was time for a decisive and clear answer to these questions:

1. DOES VIRGINIA accept the attempt of the Supreme Court, without constitutional or any other legal basis, to usurp the rights of the state and dictate administratively its internal affairs.

2. Does Virginia accept integration?

3. Does Virginia want to destroy the schools by permitting a little integration?

The Governor said the answer was "No," Mr. Marshall said.

On the other hand, the Governor said the state would take all appropriate measures honorably, legally and constitutionally available to it to resist the encroachment upon its sovereign powers.

In response to this exhortation, the legislature enacted a whole series of laws and what was characterized by the District Court as a general plan to obstruct integration. Mr. Marshall said. He added that the statutes involved in the case before the court constituted an important part of this plan.

THE IMPORTANCE of these acts, he said, is that every step would be made by pupil assignment, cut off of funds, and every means the legislature could think of to prevent integration on a voluntary or any other basis.

Once having done that, Mr. Marshall said, the General Assembly obviously realized it had shut the door on every possible means of getting the schools desegregated except by political action and resort to the courts.

Near the end of the session, he said, the General Assembly passed the five statutes aimed at curbing the NAACP.

Justice Felix Frankfurter remarked that it would be im-

—Picketing

(Continued from Page 1)

or, has started serving all patrons in its store.

This decision came a few days after CIG members stayed sit-down sessions at tables and at the counter.

The sit-down campaign at the other place, the roof-top restaurant operated by the Hecht Company, is still suspended pending the outcome of negotiations about the service policy.

• • •

OFFICIALS OF THE CIG are apparently optimistic about the prospects that the Hecht Company will agree to serve all. They expect a decision early next week.

A proposed conference on the policy of the theatre failed to materialize Monday when neither Joseph nor Jerome Grant, theatre operators, appeared for the meeting.

Meanwhile, the CIG has scheduled another mass meeting for Monday. These meetings have had in the past such speakers as Mrs. Daisy Bates, school desegregation leader from Little Rock, Ark., and A. Philip Randolph, labor leader.

Jackie Robinson, former baseball great, is expected to address a meeting in the near future if the campaign continues for any prolonged period.

2 charged in burglaries after hit-run auto crash

The investigation of an accident at Pennsylania Ave. and Mosher Sts. Saturday led to the arrest of two persons believed to have committed a series of burglaries in the city.

Ray T. Hunt, 24, dishwasher, 1900 block Eutaw Pl., was held for grand jury in $12,000 bail on ten burglary charges, Thursday at Northwestern before Magistrate Linwood G. Koger.

His friend, Edgar E. Washington, 25, unemployed, same address, was held in $3,000 bail on one burglary charge.

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MR. HUNT is charged as follows:

Feb. 6, 1958— theft of a record player, property of Sinclair Scott, 1600 block Lafayette St.

Jan. 17, 1959— theft of a wallet, property of Jessie Taylor, 1600 Ash. St.

Feb. 6, 1959 — set of encyclopedia, gun rifle, compass, coat, ball shoes, hat coat, two sport shirts, sheets, suit, misc. of paint, property of James Bates, 1700 block Linden Ave.

Feb. 9, 1959— television, property of Mrs. Delores Miles Miller, 1700 block Eutaw.

June 11, 1958— a camera, property of Paul Yarbrough, 2200 block Brookfield Ave.

Feb. 20, 1959—a clock radio, typewriter, transister radio, watch, property of Warren Notter, 1800 block Madison Ave.

March 6, 1959—typewriter, property of William Harwood, 1600 block Madison Ave.

Feb. 13, 1959—clothing, whiskey, two watches, a clock, a rifle, a portable radio, property of Mrs. Hallie Nutter, 2200 block McCulloh St.

Feb. 11, 1959— a record player property of Mrs. Rosalie Beale, 1800 block Gwynns Falls Parkway.

March 11, 1959— a television record player, two radios, an overcoat, a suit, two watches, a dress, a shirt, shoes and towels from Dewey Allord, 1800 block Madison Ave.

Mr. Washington is also charged with the March 11 theft.

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POLICE SAID the investigation began when Mrs. Adelaide Lucas, 32, 800 block N. Carey St. was struck by a car which jumped the curb.

Patrolmen Donald McKay and Edwin Wilson of traffic division investigated the case and drove the car to the scene and found the television set on the floor of the car.

Registration cards in the car led to the arrest of the two men.

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SKIN SUCCESS SOAP

—Asks $150,000

(Continued from Page 1)

Lafayette Ave., Henry Williams, 150 N. Ann St., Ralph Williams, 350 Vegta Lane, Mrs. Elsie Smith, 350 Vogts Lane, Arthur Adams, 350 Vogts Lane, William Price, 1315 W. Fayette St., and Clarence W. Harris, 189-23 116th Rd., St. Albans, N.Y.

• • •

DR. ROBERT McDANIEL, who filed a separate suit, told the AFRO that the first notice he had of the court action was when a reporter called for a statement.

He said: "I will have my lawyer, George Pitcaithley, look into the matter. All properties I have had the sidewalks and streets repaired. "The property referred to in this suit may not be mine as someone else has built on it. We will study the case, and file proper answer."

—Get 132 years

(Continued from Page 1)

serve for one case of armed robbery.

Reports introduced into court testimony by the arresting officers and two detectives said the men were a part of an organized gang which participated in a series of 11 robberies and terrorized Northwest Baltimore from Nov. 15 to Jan. 12.

• • •

THEY SAID THE only trips they made that were the gang made was once to East Baltimore and once to South Baltimore.

The arresting officers were Sgt. Joseph Schraml and Patrolmen Thomas Webster, William Anderson, Donald Czymek and Herbert Armstrong of Northwestern and Detectives Oliver Walker and William Burke of the Hold-Up Squad.

Their reports, included in a statement of facts to the court by assistant State's attorney Edward P. Borgerding, alleged that Ogle rented his gun to the others to be used in the robberies.

Although Ogle pleaded guilty to charges of being an accessory before the fact, he maintained that he did not rent the gun.

All of the defendants pleaded guilty to each charge except one, who pleaded not guilty to receiving stolen money.

Reeves and Thomas were the only two defendants who did not take the witness stand. None denied the facts that were stated by the assistant State's attorney. Edward P. Borgerding. Ogle was the first of the men to be sentenced on Dec. 31 as he attempted to burglarize an Eastern Ave. building.

Mr. Borgerding said Reeves was also the building at the time Ogle was arrested, but managed to escape police by hiding under a truck.

However, Mr. Borgerding said, one arrest revealed information that led to another arrest until all of the seven were in police custody.

Mr. Borgerding said the men's method was to select some place one of the gang may be familiar with to burglarize, or send one of them inside to purchase a pack of cigarettes, or some other pretense, and report to the rest.

He said the gang never operated with more than three or four men at a time.

• • •

ONE ASSAULT WITH intent to murder charge placed against Johnson, Reeves and Thomas, grew out of a robbery of a parking lot in the 500 block N. Eutaw St.

Johnson worked there, Mr. Borgerding said, and knew what time the proprietor, Raymond Levinsohn, collected money from different parking locations.

Johnson allegedly stayed in the car while Thomas entered with a gun. Reeves was supposed to take money from a truck while Thomas held up Mr. Levinsohn, according to Mr. Borgerding.

During the course of the hold up, Thomas allegedly shot the proprietor in the hand. The bullet came out at his wrist and entered his abdomen, Mr. Levinsohn told the court.

Police said the men ran after the shooting, but managed to escape with $128.

• • •

ANOTHER ASSAULT with intent to murder charge resulted from a robbery of a tavern in the 2600 block W. Franklin St. Sept. 21 when the men shot at Miss Anna Reed, 1200 block N. Augusta Ave., and the proprietor, Charles Schamfelter.

Reeves and Johnson were reportedly involved in this holdup on Dec. 19.

• • •

THE ASSISTANT State's attorney said Tyson was not involved in any robberies after the N. Eutaw St. shooting.

According to his information, Mr. Borgerding said, Ogle was the owner of the gun used for the crimes. He allegedly rented it to the others.

Mr. Borgerding said Terry Jr., was involved in only one of the crimes because he became involved in a brawl a few days after that robbery and was given a four-month sentence in police court for assault.

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NEWS NOTES

By R. DELACY PETERS

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Realty firm wins new round as 5th case is thrown out

The State Real Estate Commission on Tuesday dismissed another of the series of charges which were filed with considerable fanfare last fall against the Manning-Shaw Realty Company.

This case, as was a previous one, was dismissed with prejudice when the complainant failed to appear to prosecute.

Five of the original seven charges have now been dismissed and decisions will be handed down in the last two when the commissioners have completed study of some 800 pages of testimony.

The case thrown out Tuesday was brought by Andrew Leak, 1202 Young Ct., who claimed he could not get back a $500 deposit he made on a house at 2306 Roslyn Ave. when he did not buy.

Neither Mr. Leak nor any attorney showed up to represent him.

• • •

THE TWO undecided cases include one brought by the Allendale - Lyndhurst Improvement Association, Inc., charging that, Manning-Shaw knowingly and willfully used an illegal listing form.

Key witness in this case when testimony was heard a few weeks ago was Mrs. Evelyn Heller, a broker who formerly was associated with Manning-Shaw.

Her testimony was that at a meeting with the Real Estate Commission's recently retired executive secretary, W. G. Nicholson, Manuel M. Bernstein, a co-owner of Manning-Shaw, was instructed by Mr. Nicholson to make a change in the listing form in question.

Mr. Bernstein and Warren S. Shaw, president of the realty firm, have insisted they were given no such instructions.

They insisted that the meeting with Mr. Nicholson was to iron out a complaint made by one J. Thomas Younger involving a listing form belonging to Mrs. Heller.

Both Mrs. Heller and Mr. Nicholson agree that they was asked the reason for which the meeting was called.

• • •

ON THE stand on Tuesday, Mr. Nicholson was asked if he recalled ever having told the realty dealers the form they were using was illegal against the law.

Mr. Nicholson answered: "I don't think so. No sir."

He said he had never had any complaint before or after the Younger complaint involving the realty firm's listing form and emphasized that this complaint was on Mrs. Heller's card.

Most of the great volume of testimony to be sifted by the commissioners was taken in the final case, that involving the sale of a home at 3800 Grantley Ave.

Manning - Shaw is charged with the fraudulent sale of the house to Mr. and Mrs. Joseph J. Carter, in order to panic white home owners in the area.

The complainants, Allen and Jeanette Kleiman, 3901 Grantley Rd., and Bernard and Ruth Cherry, 3802 Grantley Rd., charged that a line of "For Sale" signs was posted on the property when there was no bona-fide sale.

• • •

IN ADDITION to lengthy briefs on this case, Melvin J. Sykes, attorney for the complainants and J. Calvin Carney, counsel for Manning-Shaw, gave oral arguments Tuesday afternoon.

Joseph S. Kaufman, assistant attorney general, who, with Stedman Prescott Jr., deputy attorney general, has been on hand alternately, to advise the commissioners, was present on Tuesday.

Members of the commission are Edward J. Dyas, chairman; Mac Gardiner and Ralph P. Ripley. Samuel T. Abrams is executive secretary.

In arguing the contention of the complainants that the June 19, 1958 sale to Mr. and Mrs. Carter was not bonafide, Mr. Sykes spent considerable time trying to deicredit the value of the testimony by Mr. Shaw, Mr. Bernstein and Mr. Carter.

"You can't believe anything Carter says," he told the commissioners, and referred to the testimony of the realty owners as "prefabricated and self-serving."

• • •

TO HIS witnesses he was kinder, as in the case of Mr. Cherry, one of the complainants, of whom he told the commissioners, "You saw Cherry here, a respectable pharmacist."

However, Mr. Sykes did not question the veracity of other Manning-Shaw witnesses, such as Mal Sherman, a well-known realtor, who testified the sale contract under question was in his opinion, bonafide.

Mr. Sykes said the firm had been willing to sell the house to another man after it was supposed to have been sold to the Carter.

This man, testimony has shown, was sent to inquire about the house by an employee of the Northwest Baltimore Ashburton Improvement Association to which members of the complaintants belong. Some of the witnesses were members of the association.

He also said the firm had not considered the sale bonafide and had not paid a commission on it, and that Mr. Carter was known to be incapable of buying the $18,000 house.

Mr. Sykes argued the realty firm was seeking to "mislead" the commissioners and called upon them to give the owners more than "just a slap on the wrist."

MR. CARNEY opened his argument terming the charges against his clients "vicious if illegal efforts by some residents to prevent Manning-Shaw from owning property in changing neighborhoods."

He told the commissioners that most of the persons involved in the "fabricated and false" charge were members of the New Ashburton Improvement Association.

He cited the fact that three different lo - companies had been willing to cover mortgages up to $10,000 on the home for Mr. Carter and the fact that Mr. Carter was able to put up $2,000 down payment on the home.

Insisting that if was a bona-fide sale all the way, Mr. Carney pointed to the fact that Mr. Carter is still in the house and making his weekly payments.

Stressing his contention that the charges were fabricated, Mr. Carney reminded the commissioners of testimony that showed that Mr. Sykes, counsel for the complaintants, had gone to Mr. Carter's home in an effort to get the man's wife to say she had not signed papers for the purchase of the home.

He reminded that other witnesses for Manning-Shaw, in particular Mr. Sherman, had testified that the sale was bona fide.

• • •

AS FOR the use of sales and signs causing panic, Mr. Carney stated:

"Talking about panic. It is just a figment of their imagination. Nothing happened. Only one house has been sold there (in the immediate area) and Manning - Shaw did not sell it. It's so much bosh."

Noting that the charges were "filed with a lot of fanfare" and that some were "not even prosecuted," Mr. Carney declared, "It seems to me (the commissioners) ought to put a stop to this thing."

Given a few minutes for brief rebuttal argument, Mr. Sykes for the first time. He suggested that the June 19 contract under question could itself have been backdated.

Reminded by Mr. Kaufman there had been no testimony at all on this, Mr. Sykes insisted that it was an "ultimate conclusion."

He maintained that position even after measures of the commission pointed out that this was mere speculation with no evidence whatsoever to back it up.

Suspended sentence for 'borrowing $$

Robert D. Pinnick, 21, 1200 block N. Caroline St., was sentenced to five years in Federal Court Friday after he pleaded guilty to charges of forging and cashing a United States Treasury check.

However, Judge R. Dorsey Watkins granted the request of the defendant's attorney, George Pernoff, for probation on the condition that his client make restitution of $49.40, the amount of the check he cashed.

According to testimony, the check was the property of a tenant in the home where Mr. Pinnick lives with his parents and wife.

THE DEFENDANT told the jurist, that after cashing the check, he placed all of the money in the top bureau drawer of Robert Williams, the payee, because he realized he had done wrong.

"He (Mr. Williams) didn't come home for several days and I borrowed from it $5 at a time," he said.

He added that he had been out of work a year at the time and had bought a new car.

When he told Mr. Williams what he did, Pinnick said, Mr. Williams told him it was already in the hands of the Secret Service but if he had known sooner, they could have settlied the matter between themselves.

Mr. Pinnick said he is now employed as a cement finisher.

Judge Watkins told the defendant, "Your record has been good, and you certainly ought to be able to keep out of trouble now."

BATON ROUGE, La. — The principal Founder's Day address at Southern University last week was delivered by Mordecai W. Johnson, president of Howard University of Washington.

Dear friends in the brotherhood of God, through the love of Jesus Christ and the fellowship of the Holy Spirit. We ask the aid and consecration of all mothers in encouraging their children to attend regularly the Sunday school of their choice. We feel that early training in the teachings of Christ is an investment that will contribute greatly to the future happiness of both parent and child. It is up to us, the people of God, to begin such a movement. Will you join the procession of all Negroes from the people of God, and work with us, in this, our Master's work?
ALFRED BROWN, Chairman
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★ Patches - Ann Mar and Jack Wells TV Personalities To Judge Pet Contest
The judges are expecting to see pets dressed in Easter outfits, clown getups, hobo clothes and other garbings that stretch the imagination.
Trophies will be awarded to first, second and third place winners, and consolation prizes for places four through ten.
★ EASTER BUNNY 18-FT. TALL
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