Legal defense for the poor keeps pace with the times

By JACK GREENBERG
Director - Counsel
NAACP-LDF

The caseload and legal staff of the NAACP Legal Defense and Educational Fund, Inc. (LDF) showed continued growth during 1966 — dramatizing the LDF's role as the legal arm of the entire civil rights movement.

However, a major expansion of the LDF's legal emphasis has taken place with regard to legal services for the poor of all races.

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The LDF, during the past year, initiated a major program to bring equal protection of the laws to millions of Americans — colored, white, Spanish-speaking, and Indian — whose economic dependence precludes their effective participation in society, and who are often victimized by policies and practices ostensibly designed to alleviate their difficult situations.

The new program has two basic premises:

1. That the poor should enjoy the same legal rights as anyone else.

2. The state and local governments should not make racial distinctions in providing welfare, housing and other public services.

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THE LDF in 1966 brought actions in the courts and before administrative agencies dealing with rights to counsel and to bail, protection from arbitrary evictions and from capricious or discriminatory application of welfare regulations, and other fundamental guarantees.

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These issues are legally undeveloped. As with civil rights in the 1930s when the LDF was founded, precedent must be made upon sound legal foundation.

This increases the importance of planning and nationwide coordination of the efforts of the private attorneys, Legal Aid Societies, law schools, and government-sponsored neighborhood law offices.

A one million dollar grant in November — largest single grant in civil rights history — was given LDF by the Ford Foundation for establishment of the National Office for the Rights of the Indigent.

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A GLIMPSE of the litigation affecting rights of the poor which was under way at the close of the year offers insight as to just how quickly the new program has been developed.

1. Pending in the U.S. Supreme Court, a suit by a Durham, N.C., mother of three who received a 15-day eviction notice from a low-income housing project, without a hearing, the day after she was elected president of a tenant group.

2. A sweeping suit against the New Bern, N.C., Housing Authority attacking excessive rents, mandatory leases, in which tenants sign away virtually all legal rights, segregated housing projects, and the eviction and denial of admission of women who have had illegitimate children (and thus need public assistance more).

3. A Georgia suit contesting the constitutionality of the "employable mother" welfare rule, under which need for supplemental aid is determined by irrational criteria, and payments to colored mothers are stopped when county officials "decide" that "suitable jobs" — domestic work, pecan and cotton picking — are available.

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THESE JOBS are not deemed "suitable" for white welfare recipients.

4. A complaint to the Department of Health, Education and Welfare of national importance, seeking to end the "man in the house rule," under which Aid to Dependent Children is cut off if a recipient has a (vaguely defined) relationship with a man, who has no legal responsibility for the children.

Here the LDF charged that the rule subverts the purposes of the Social Security Act, is unconstitutionally vague, and allows for unconstitutional invasions of privacy.

5. A suit seeking to establish the right of indigents to counsel in cases involving a misdemeanor.

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OTHER practices to be attacked in future suits include excessive credit rates, consumer frauds, arbitrary denial of assistance to participants in civil rights action:

Garnishing of wages without a hearing, exploitation of migrant farm laborers, and disregard for procedural fairness in government dealings with poor people.

Returning to the other areas of the LDF's program, our caseload rose from 375 to 420 separate cases (up 11 percent);

Our legal staff from 17 to 28 full-time lawyers, up 39 percent; and, our roster of cooperating attorneys rose from 187 to 250 (up 25 percent).

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Our budget remained at $2,000,000.

We cite these figures in the context of 1966 being "remembered as the year when the civil rights bandwagon came to a sudden halt."

As in past years, education continued as a major area of activity for the civil rights lawyer. To speed the process of school integration, LDF attorneys represented, through 189 school suits in 13 states, the interests of two million children still confined in Jim Crow schools.

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Our field program — the educational facet of our work — aided thousands of parents to transfer their children to newly integrating schools and worked with HEW.

However, we point out that in absolute numbers (because of population growth), more colored children attend segregated schools now than in 1954.

This is because the methods of tokenism are many and varied. Most desegregation plans — called "freedom of choice" — put "the entire burden of transfer on the often vulnerable colored parents."

As knowledgeable Americans realize, justice is often contingent upon social and economic standing. The poor in general and colored Americans in particular are often subject to discriminatory treatment that mocks the norms of American law.

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Included in our legal victories in this area during 1966 were:

1. Alabama justices of the peace were prohibited from personally collecting fines they levy, thus taking the profit out of prosecuting civil rights workers.

2. Florida was ordered to desegregate its jails and reform schools.

3. A Texas court ruled that juveniles must be given fair notice of charges when arrested.

The death penalty for the crime of rape — when a life is not taken — seems to be reserved exclusively for colored men who rape white southern women.

A decisive step forward occurred in 1966 when the U.S. Supreme Court was asked to order lower courts to hear LDF evidence, gathered in an extensive survey of 2,600 rape cases in 11 southern states at a cost of nearly $100,000.

The high court subsequently did send cases back for reconsideration.

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Other issues of criminal law — affecting all citizens — were raised by LDF litigation: They were:

1. The rights of indigents to counsel in misdemeanor cases.

2. Whether the right to counsel should include investigative, medical, and other services.

3. Protection for persons arrested for "status crimes" — like vagrancy — which often amounts to arbitrary preventive denention.

4. The right of indigent accused to be released on some condition other than bail before trial.

5. Protection from arbitrary practices in juvenile courts.

6. The rights of prisoners and ex-convicts in parole proceedings.

7. The right to rational, objective sentencing.

HEALTH

Despite the clear provisions of the Civil Rights Act of 1964, thousands of medical facilities in southern and border states segregate or exclude colored patients, physicians, dentists, and nurses or provide them with blatantly inferior services.

The LDF prosecuted, during 1966, 15 precedent-setting cases in six states and processed 400 complaints with HEW in an effort to halt this discrimination.

So long as the government refuses to appropriate funds sufficient to implement its own legislation, the LDF will continue to increase its involvement in suits to stop practices that amount to discriminatory imposition of disease, disability, and death on colored citizens.

LEGAL TRAINING —

We have always been hampered by the crucal shortage of civil rights attorneys in the South. We were able to expand our Mississippi legal team from three to six as a result of our legal intern program.

In the fall of 1966, we started five new interns, two of whom will join our Mississippi staff at the end of their one-year training period in our New York office. Our intern program — only one of its kind — is greatly responsible for our increased caseload.

Our Civil Rights Law Institutes — weekend law schools conducted by some of the nation's top constitutional law experts — were held five times during 1966.

As the year ended, public defenders from across the country began to attend, thus expanding the educational outreach of the LDF.

JOBS —

As knowledge of means of securing jobs spreads, with great assistance from rapidly expanding community education field staff, more complaints of job bias are being filled with the Equal Employment Opportunity Commission.

By the end of the year, the LDF was representing plaintiffs in 30 suits in nine states. The federal government, as the year ended, had filed none.

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The LDG, since its separation from the NAACP some years ago, has grown extensively and now serves as the legal arm of the entire movement.

It represents members of all the major civil rights groups, plus individuals with bona fide civil rights claims.

Friendship Salutes . . .

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MR. PROTECTION

MARSHALL MEN AND WOMEN

(Right to left) Sgt. John Cheatham, Sgt. Louis Pittman, Corporal James Powell, Officer William McNeil, Corp. Dave Mitchell, Sgt. Thomas Johnson, Patrolmen James Williams, John Smothers, Jerome Harrison, James Thornton, Corp. James Manning, Patrolmen James Ellis, Anthony Mitchell and Sgt. James Wilkes. Seated are: (left at right)— Officer Donald Carter, Sgt. Beatrice Martin, Lt. James Moody, Capt. Robert Marshall, Lt. Clarence E. Anderson, Officer Bernice Bowant, and Corporal Walter Smith.

ROBERT C. MARSHALL

No short cut to success except hard work is his philosophy, Candidate for City Council.

• His work as a marine military policeman gave him idea to open his own detective agency.

• Fifteen of the original twenty-five men that helped him get started still work with him.

• Baltimore Civic Center provides Marshall detectives with their biggest contract.

Robert Cornell Marshall, head of Northwestern Investigating Bureau, can well be dubbed Baltimore's, 'Mr. Protection.'

The 33-year-old businessman employs 150 detectives of both races, men and women who police public events throughout the state.

After serving in the Korean War, Mr. Marshall remained in the Marine Corps as a Military policeman (M. P.) in the Intelligence Department. There he served with a guard company responsible for finding men who had gone AWOL.

Foundation

This position as M.P. laid the foundation for the successful firm he now operates. Mr. Marshall reflects that he is doing the same thing now that he did as a serviceman.

After receiving an honorable discharge, Mr. Marshall returned to Baltimore and worked for other agencies before establishing his own. At the time, colored people were denied permits to operate detective agencies.

Gets license

In 1957, he managed a special investigation office and in 1958, he obtained the awaited permit to operate his own agency.

As President and General Manager; he is a private detective, licensed to hire uniformed guards.

Twenty-five men helped him to 'get on his feet.' Fifteen of them still work with him.

Some of the devoted 'first' include: Lt. James E. Moody, who is in charge of personnel; Lt. Clarence E. Anderson, business manager; Sgts. James Powell, John Cheatham, and James McQuaide.

150 employees

Now, the fully integrated staff numbers 150 and are easily recognized in their familiar blue uniforms with triangular identity-patch on the sleeve.

Nine of his employees are women: Sgt. Beatrice Martin, Mrs. Bernice Bowman, Mrs. Maggie Green, Mrs. Frances Bevans, Mrs. Delores Gardner, Mrs. Priscilla Marcus, all patrolwomen; Miss Clara Brown, office manager; and two bookkeepers, Mrs. Catherine Kerns, and his wife, Alice Marshall.

State-wide

Marshall detectives, who work seven days a week—often around the cock, serve Provident Hospital, Friendship Airport, Urban Renewal on shifts at four housing projects, trucking companies and Morgan State College. Most of these companies employ 1 or 2 guards per shift.

A contract with the Baltimore Civic Center provides for at least seventy-five guards to be hired by the sponsors of every event or affair.

The city of Baltimore also commissions fifty to sixty Northwestern Guards per week to supervise high school activities, athletic contests, dances, etc.

Sport star

A 1950 graduate of Baltimore's Carver High School, Mr. Marshall was captain of the football and baseball teams, and a member of the 1950 championship boxing team.

After graduation, he was signed by the Baltimore Elite Giants for $75 per month.

The next spring he joined the Brooklyn Dodgers' Farm System along with Jim Gilliam and Joe Black. This career which was interrupted by the Korean War, was halted permanently when Mr. Marshall sustained arm injuries during the war.

Mr. Marshall also holds a Law Enforcement Degree from the University of Maryland Law Enforcement night school which he attended for two years, 1958-61.

During this time and up to 1962 he worked nights at Western Electric and operated his Investigation Bureau in the day.

The recipient of three marine battle stars, a good-conduct medal and Purple Heart he is the father of three girls: Aonya, 8; Pamela 4; and Allison, 7 months.

Youngest

The son of the late Mr. and Mrs. Samuel B. Marshall, he is the youngest of eleven children, four of whom are deceased.

His father was a wood and ice dealer who lived in the Waverly section near Baltimore.

His three brothers and four sisters include: Samuel and Charles, both long-time employees of Western Electric; Howard H., art teacher at school number 130; Mrs. Susie Johnson, beauty shop operator; Mrs. Marie Brown, retired; and Mrs. Ann Nichols, housewife. His brothers James, Novel, and Herbert and a sister, Mrs. Margaret Cromer are deceased.

FAMILY

Picture shows Mrs. Alice Marshall holding seven-month-old Allison. The other children, left to right, Tonya, 8 and Pamela, 4.

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DOWN MEMORY LANE: 75 YEARS AGO

BALTIMORE: 1892

By ELIZABETH M. OLIVER

The AFRO-AMERICAN Newspaper library (morgue) contains hundreds of files of priceless newspaper clippings and photographs. From the one-of-a-kind collection an accurate history of Baltimore and the nation for that matter can be drawn.

As one browses through old records and pictures he can easily look backward 75 years.

Many highlights come through to make the return to the past enjoyable although Baltimore, the charming old half-South, half-North city was not then (and is not too much so now) an example of equal justice for all people.

Among the more pleasant facts Baltimore was in 1892 at the AFRO's birth, rich in good living and the smell of good food as it is today.

The identical brick row houses with white steps, some wood, some marble were fairly new then, not forming the slums as a great many of them do today.

They lined narrow streets with odd names, and unexpected squares. Sticking above their uneven roofs were tall monuments and so many church spires the town was at that time known as the city of churches and monuments.

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THE CORNER store, still familiar today, was picturesque on gas lighted cobblestoned avenues that turned corners, changed names and became entangled at junctions.

Market places and parks were meeting places where housewives with large baskets stopped to exchange greetings.

Sunday church-time was a colorful, all-day occasion, ladies in their best frocks and white gloves; men often in formal morning attire, as shining buggies drew up to the door.

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NEARLY ALL residents enjoyed the best of food from Lafayette and Lexington Markets since prices were well within everyone's reach.

AFRO features gave recipes for seafood the Chesapeake Bay region boasted as best in the world; oysters as now, larger and more succulent than anywhere else; soft-shell crabs, Maryland fried chicken, spoon bread Smithfield ham and hot biscuits.

Sunday morning breakfast, kidney stew and waffles, is still a tradition faithfully followed.

In fact, Baltimore's best cooks of the day were such caterers as the Johnsons, the Conaways, the Waterses, the Baileys and many others.

The way they prepared food established Baltimore's name once and for all as a town where eating was good.

After more than 100 years Baltimore calls upon them to provide the best in crab cutlets and beaten biscuits.

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RESIDENTS OF the Old Towne — as the city is sometimes known — were 75 years ago, as now, "set in their ways" and slow to change.

In 1892 they gazed wistfully upon the old, suspiciously upon the new and as they still do benevolently upon the rest of the world.

Baltimore of the 1890's will be remembered long in the future as the days of "real society." Old - timers say today has "nothing as fabulous as it was then."

Class conscious, as folks were said to have been, "society" meant persons who were distinctive in ancestry, education — and money.

Most so-called elite were employed as school teachers, doctors, lawyers, carpenters, caterers; railroad waiters and porters, postal and other government workers.

Bishops and members of the clergy enjoyed special position.

Druid Hill Ave. (called Ross St. in 1851) was vacant lots and a few buildings located toward downtown where the AFRO is today.

Residences were chiefly on Division, Etting, Carey, Calhoun and intersecting streets.

Old families such as the Benjamin Murphys, were located in Union Alley; the Truman Pratts in 200 block Biddle; the Malichi Gibsons, 93 Montgomery St.; the John Hitchens East of Broadway.

Others who earned excellent pay were ship caulkers, brickmakers, oyster shuckers, port workers, hod carriers, draymen and truck farmers on the Eastern Shore.

Stevedores, the majority of them colored citizens, joined the International Longshoremen's Union also founded in 1892. They were also top wage earners and, as today, noted as homeowners.

Colored residents were scattered throughout the city although most lived in East, South and Northwest Baltimore.

Homes were heated by coal stoves and fireplaces. Gas lights were used throughout in lighting and there was always a coal range in the kitchen.

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OUR CHURCHES date from the early 19th century. Sharp Street Memorial ME Church was established in 1802. The first colored Baptist Church was organized in Baltimore in 1836. The building at Dolphin and Etting Sts. was the first built especially for the congregation. Other were churches purchased from owners of other denominations.

By 1890 congregations included Madison Street Presbyterian, St. James PE, Bethel AME, Little Bethel AME and Independent AME, Sharp Street ME, Asbury ME, John Wesley ME, Richard Street ME, and Dallas Street ME, Sharon Baptist Churches.

Among Catholic parishes were St. Peter Claver on Pennsylvania Ave. in Northwest Baltimore and St. Francis Xavier.

Madison Street now known as Madison Avenue Presbyterian Church was secretly called "Society's Door to Heaven" since those persons socially prominent, went there to church and to concerts.

Weddings performed there were always top drawer events. Even funerals were certain to witness a turn out of the élite.

To "dress up" meant Prince Albert coats, high hats, spats and canes. Sunday afternoon after church meant a round of calls. If no one was home, printed calling card was left.

In 1892 Bishop James E. Handy, 1341 N. Carey St., became bishop of the AME Church. James Varick was the first AME Zion Church bishop in 1796.

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IN 1898 William Andrews was lynched after he was tried and convicted in Princess Anne, Md. for attacking a white woman.

In 1900 Maryland and each state involved contributed $5,000 toward the re-surveying of the Mason-Dixon Line, said to divide the North and the South.

The political scene 75 years ago, when the AFRO was still in swaddling clothes was as interesting as the social and economic picture.

Although some scholars "read" law and were eligible, not one colored attorney had been admitted to the bar.

Colored voters rallied almost to a man to the Republican party.

They helped elect Lloyd Lowndes to the governor's seat in Annapolis and Alcaeus Hooper to the mayor's chair at City Hall.

Emerging as time went on were Baltimore's first colored City Councilmen, Harry Cummings, LLB University of Maryland, 1889; Dr. J. Marcus Cargill, 1899 and Hiram Watty who made history the following quarter of a century.

Direct results were the appointment of Malichi Gibson, attorney, as secretary of the Republican judiciary committee of the state Legislature and Warner T. McGuinn as clerk of the Baltimore Liquor Board.

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DR. WILLIAM H. WEAVER dictated every colored appointment.

Dr. Frank Eggleston, pastor of Grace Presbyterian Church for 17 years, was appointed to the School Board in 1899.

He declined because he did not believe in mixing the church with politics and moved to New Jersey in 1908.

It was around the public schools that politics surged most violently and in 1892 the first colored high school was established with Dr. G. L. Staley, white, as principal.

In 1898 the first graduates received diplomas, seven men and two women. The same year the first school to employ teachers was opened at Carrollton and Riggs Aves.

In 1896 Dr. Cargill sponsored an ordinance in the City Council which had as its purpose the gradual elimination of white teachers from colored schools.

It passed but it was not until 1899, three years later, that the Rogers Avenue School in East Baltimore was turned over to colored teachers.

Henry Brown was made principal and Miss Nannie Grooms principal of the female department.

In 1900, the tide of politics flowed back to the Democrats' control. Thomas G. Hayes defeated William T. Malster, Republican, for mayor.

The new City Charter was inaugurated and the School Board was reduced to three from the original 24 members.

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The Colored High School from Saratoga St. to Pennsylvania Ave. during the Hayes administration. The Rev. Hugh M. Brown was named principal of the all-colored faculty.

The Colored Polytechnical School came into being through an ordinance introduced by Councilman Harry S. Cummings and was consolidated with the High School.

Although the election of Hayes brought the end of the reign of the stalwart group of Republican leaders their influence was felt until their deaths.

They all held important posts and Mr. McGuinn, one of "The Big Five" came back later to win a City Council seat from the 17th Ward, Fourth District.

Baltimore's first transit service began in May, 1844, the first as horse drawn omnibuses, the first rail line with horse cars started July 12, 1885. Electricity supercede cables and cable cars appeared in August, 1885.

In 1900, New Street was famous for it was there the late Tom Smith first opened his saloon.

When election day came, he cornered the colored Democratic vote there and thus began his career as a renowned Political Boss.

He also opened the famous Goldfield Hotel at that time and such famous personalities as Joe Gans and Florence Muse were guests at the hostelry.

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Echoes of Fred Douglass

THE 1890'S rang with echoes of Frederick Douglass (1817-1895) who was a ship caulker on the port and was a member of the East Baltimore club when he met his first wife.

Harriett Tubman (1815-1913) was known for her Underground Railroad on the Eastern Shore and it was whispered how she had aided slaves to freedom in the North.

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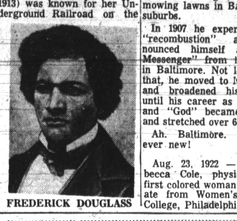
FATHER DIVINE, then known as George Baker, was born in Georgia, but was mowing lawns in Baltimore's suburbs.

In 1907 he experienced a "recombustion" and announced himself as "The Messenger" from his pulpit in Baltimore. Not long after that, he moved to New York and broadened his sphere until his career as "Father" and "God" became legend and stretched over 60 years.

Ah. Baltimore. Old, yet ever new!

Aug. 23, 1922 — Dr. Rebecca Cole, physician and first colored woman to graduate from Women's Medical College, Philadelphia.



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