—'Sitting Judge' myth

(Continued from Page 1)

and to keep judgeships out of politics.

Indeed, the test of this principle is the actual machinery by which judges are selected and the quality of judges actually produced by the system.

* * *

THE WHOLE SYSTEM presupposes that the governor, a political figure occupying a political office, and in large part sustaining himself on political patronage, can and will appoint individuals free from politics and on the basis of the best man for the job.

It is likewise presupposed that the Judiciary Committee of the Baltimore City Bar Association produces a list of candidates for judges on a fair and equitable basis.

However, an examination of the practices of this committee, which generally consists of representatives of the larger and more influential law firms, vitiates the premise.

Indeed, this small blue ribbon committee, which in its history has never included a black man, by their own methods of deliberation, determines whose name shall and whose name shall not be presented to the governor,

These names are neither voted upon by the Bar Association, nor is their general approval required before recommendations are forwarded and published.

Thus, as a practical matter, one must naively assume that the governor, in a temporary state of purity and piety, would become momentarily oblivious to the handsome contributions furnished to his campaign by wealthy lawyers and that their suggestions with powerful law firms. And that their suggestions with respect to the appointment of judges have no other significance as he arrives at his final decision of appointment.

A clearer understanding of the judicial picture is found not in the philosophy espoused, but in what the "Sitting Judge Principle" has systematically and actually live makeup of the present produced.

IN TERMS of the qualitaSupreme Bench, it is difficult for one to believe that academic training, trial experience, proven legal knowledge, and diversity were the major considerations upon which the Bar Association's Judiciary Committee recommended, and former Gov. J. Millard Tawes appointed, his nominees to the Supreme Bench.

It likewise strains one's credulity to believe that two of the sitting judges now running for election and, incidentally, men of independent wealth, who allegedly contributed heavily to the present governor's campaign, were appointed solely on the basis of qualifications.

Finally, the elastficity of one's imagination must be overworked to believe that qualifications alone have created a bench of which at least half of its members on-half of its members occupied political positions of some type prior to appointment or election to the Supreme Bench and half were independently wealthy or members of politically powerful and influential law firms.

Once it is seen that the "Sitting Judge Principle" neither produces the most qualified judges nor frees their selection from politics, the question arises as as to why this principle has been so vigorously promoted and urged upon the voting community in the past five years.

History reveals that only once in the last 100 years has a sitting judge of the Supreme Bench been defeated at the polls. This was the defeat of the late Honorable Judge Cornelius Mundy by the late Honorable Judge Edwin Harlan in the election of 1956.

* * *

WHAT IS less apparent and has less currency in the general community is the fact that the powers that be, both within and without the legal field, recognize that today Baltimore's population is perhaps 50 per cent black.

They recognize further that Baltimore's black community in the 1970's and 80's could, if they chose to, elect any and all judges to sit on the Municipal Court, the People's and the Supreme Bench of Baltimore City.

I suggest that it is, and has been, this realization that precipitates the pressure felt in the City of Baltimore to take the judiciary out of the hands of the electorate and to entrench it in the hands of politicians. This pressure was first felt in the early 1960's in the form of the much acclaimed Niles Plan.

The Niles Plan, developed by former Supreme Bench of Baltimore City, Niles and supported by a small faction of judges and the inner circle of lawyers, has been rejected consistently by the State Legislature.

Nonetheless, a somewhat modified version of the Niles Plan was cleverly included in the one recently proposed revised Constitution, but again vigorously rejected by the people.

OBVIOUSLY, the "Sitting Judge Principle," in its various disguises over the past few years, could not have been, and indeed was not defeated by the black community alone.

Rather, the reason for its defeat and failure has been because the poor and common man, along with the enlightened majority of Maryland's citizens, recognize that the pople's constitutional right to participate freely in the selection of judicial representatives was being abridged by arjbitrary selection.

Yet, it is a fact that no ethnic group stands to lose more than the black Marylander if the "Sitting Judge principle" becomes a reality.

I believe, therefore, that first and foremost it is incumbent upon the black community and indeed upon the City of Baltimore to develop and retain the ability to select judges who are representative of the total community, rather than merely those that are acceptable to whites.

SECONDLY, black pople must be aware that the essence, the "Sitting Judge Principle" is an instrument of tokenism.

The numerical facts for all of Baltimore City and the State of Maryland to consider are that of the 12 appellate judges in the state, none are black;

Of the over 70 Circuit Court judges throughout the state, none are black.

Of the well over 100 lower court judges in the Free State, only two are black;

And the 19 judges that make up the Supreme Bench of Baltimore City, only one is a black man.

Finally, in the impending primary election on Sept. 10, to design the Sitting Judge Principle" is to appeal to the unthinking or unconcerned voters.

Subtly, the voter is being told that he should not be concerned with a sitting judge's qualifications because sitting judges are supposedly unquestionably qualified by virtue of their appointments.

* * *

THUS, THE electorate is being asked to determine and select qualified judges. Rather we are being asked to rubber stamp the governor's selections.

This, then is the myth and the shameful and unwarranted system that has resulted.

Choice exclusion by political chicanery or any other means can no longer be tolerated.

The enlightened and responsible electorate and the political powers that be would do well to recognize that the time has come for positive and progressive change in our judicial system.

Therefore, as a step toward such change and the dawning of the day when progressive participatory democracy can become a reality for all people, I urge your support of my candidacy for associate judge of the Supreme Bench of Baltimore City and that of my colleague, Archie Williams in his bid for a seat on the People's Court of Baltimore City.

Your vote in this crucial election on Sept. 10 is indeed important and a matter of urgency.

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—Police grads

(Continued from Page 1)

and embittered."

The new role, he said, did not come to the police by design: "You did not seek this role but it is yours and you cannot escape it."

The graduating class at the War Memorial Auditorium Friday morning was the fifth to graduate this year upon the completion of a 14-week training program.

Officer Donald J. Bartnik gave the valedictorian address.

Mr. Sachs cited Police Commissioner Donald D. Pomerleau as a "real pro," who has made a "head start" on the reforms toward the new role and new professionalism of police he outlined.

He pleaded for an understanding that crime is not the sole province of the poor, "the disadvantaged, the alienated or the sick. What I'm trying to say, for perspective's sake, is that there's plenty of it inside "The System."

"And who would deny that at least one cause for the cynicism and disrespect for law we find so prevalent today among those who have too little, is the disrespect for law that is too prevalent among those who have so much.

"The street corner hoodlum who watches 'Mr. Big' flout the law and prosper is bound to want a piece of the action for himself."

He listed in the system's crooks as lawyers, landlords, doctors who cheat on income tax, dishonest law enforcement officials — "the crimes 'nice' people commit, sophisticated lawlessness, establishment crime."

The graduating officers Friday included:

James R. Avery, Olin D. Barbee, Donald J. Bartnik, Clarence G. Britton, IrcLion Richard S. Brodskyy, David C. Bruce, Lloyd D. Cleary, Thomas E. Danegier, Nicholas A. Gesell, Joseph C. Gordon, Hayes A. Hatcher, Donald F. Haupt, Richard A. J. Hite, Maurice R. Hooper, Bryn R. Joyce, Gary G. Lembach, William D. Libingston, Joseph M. Mon, Jr.,

Clifford F. Morris, Herbert J. Norfolk, Thomas C. O'Hara, William P. Robertson, Jr., Robert S. Sharp, Jr., Douglas M. Shriver, Roland E. Slocdm, Jr., James A. Stockley, Jr., Floyd J. Stokes, David Stuckey, James Whitt, Jr., John Zubalik, III. Donald Law, James C. Dugent, Carl H. Edelmann, Edward A. Brown and Samuel M. Richman.

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—Rights above all

(Continued from Page 1)

phases.

Moreover, the vice president is saddled with "an unholy covenant" in the Democratic platform which calls for something less than his speech indicates.

Speaking emotionally on the doings of Daley's police, Mr. Humphrey told the Democratic convention: "We are saddened over the violence which has erupted in this great city. We have learned that violence breeds counter-violence, and it cannot be condoned from whatever the source."

"Let us resolve that never, never again shall we see what we have seen this week," he urged, declaring "We must make this moment of crisis a moment of creation."

Then he outlined three realities which face the nation (1) Peace in Vietnam and in the world; (2) The necessity for "Peace and justice in our cities" and in our nation, and (3) Paramount necessity for unity in our country.

In stressing these points, Mr. Humphrey insisted that "peace and freedom do not come cheap" and emphasized that "the policies of today need not be limited to policies of tomorrow."

ON VIETNAM, he asserted he would work "day and night" toward peace, but reminded his listeners that "neither vindication or repudiation will bring peace." He added "we must halt the arms race before it halts humanity."

Then Mr. Humphrey spoke firmly and bluntly about law and order, declaring "urban congestion has not only created a complex offproblems, but has multiplied and intensified the problems of race, of poverty, crime, hunger and despair."

All of these have grown to "explosive proportion," the nominee asserted, and "the simple solution of the frustrated and frightened is to lash out against society, we know — and they must know — that this is no answer."

Then he cried, "violence breeds counter-violence. Disorder destroys. Only order can build. Riot makes ruin. Reason makes For solution." He continued:

"No man in the White House — or at any level of government — can shrug the immediate responsibility of guaranteeing to every American the right to personal security.

"Every American has the right to a safe neighborhood. On this there can be no compromise.

"Rioting, burning, sniping, mugging, traffic in narcotics and disregard for the law are the advance guard of anarchy — and they must be stopped. Neither mob violence nor police brutality has any place in America."

* * *

THE NOMINEE then took a slap at the Republicans declaring "The answer does not lie in attacks in our courts, or our laws, or our attorney general.

"The answer lies in reasoned, effective action by state, local and federal authority. We do not want a police state but we do need a state of law and order.

"I pledge to use every resource available to the President," he added "to end the troubles in our cities."

Turning to the causes of the unrest in urban areas, Mr. Humphrey insisted "nor can there be any compromise with the right of every American who is willing to work to have a job, who is willing to be a good neighbor, to live in a decent home, who is willing to learn to have a good education."

In a fervent plea for unity, Mr. Humphrey declared, "We must be one nation — united by liberty and justice for all.

He said there "can be no compromise on the securing of human rights" and urged that no candidate hedge on this point.

"Winning the presidency is not worth the price of silence or evasion on the issue of human rights; winning the presidency is not worth a compact with extremism," he asserted.

SENATOR MUSKIE, in his acceptance speech, took note of the fact that "to make a society such as ours work is not easy," but expressed the hope and will that it can be done. To do so he declared:

"Means living with, understanding and respecting our differences as human beings, different colors, different races, different national backgrounds, different cultural levels, different tastes and intellectual capacities, different educational attainments, and different social backgrounds, personalities and dispositions, and to accept each other as equals."

Too, he said it means "respect for the rule of law and equal justice as the best guardian of the rights of all citizens," and the "granting to all citizens equal opportunity to participate in American life, in the policy-making processes of our society."

"In all frankness," he said, "our society has not worked to now, but we have learned that freedom does not work unless we work it."

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John H. Murpay, 3rd, President; Elizabeth M. Moss, Vice President and Treasurer; Mae E. Dyson, Secretary; Moses J. Newson, Executive Editor. George W. Collins, Editor.

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—Ex-partners

(Continued from Page 1)

of notice. And it was only through a long distance phone call from Cindy after she had gone to Detroit to be with the Supremes, that we found out that she was no longer with the group."

THEY ALSO SAID "Cindy's departure hurt us financially as well as emotionally because we were very close to each other after working together for seven years."

NONA HENDRIX, the Bluebelles' alto voice, said a contract was involved but Cindy was released in exchange for a check from Motown Records.

Cindy joined the high-flying Supremes as the replacement for Florence Ballard — one of the original Supremes — who is now trying to be a hit alone.

"We did not want to keep Cinry from getting ahead, but she appeared to be an opportunist. It was just done the wrong way," she

THE GROUP also criticized their management by Atlantic Recording Company.

They said "The lack of promotion by the company has kept them from reaching the top like some of the other Atlantic groups such as the Young Rascals.

Bernard S. Montague, who has managed the group for seven years, agreed with them and added that a meeting will be held this month over their future with Atlantic Records.

He said, "If Atlantic gives the right answers, we stay; if they don't, we will ask for a release of our contract."

—Black Power

(Continued from Page 1)

trol of the black community.

The conference, ended with a "call for action," summarizing the consensus of the meeting. Thursday, Wright stated, "this is the most important assembly taking place in this nation or this world. We are here for the saving of this nation from an out-of-joint white world."

He said the conference would have to decide on a political course of action.

Wright said the choices were either a third party or "the largest non-participation in the world — a boycott."

Another conference leader, The Rev. Jesse Jackson, of the Southern Christian Leadership Conference, said the purpose of the meeting was to plan "implementation" of the black power philosphy determined last year in Newark."

WHITE REPORTERS were invited to a press conference Thursday at Heritage House, Broad and Master Sts., but they were turned back by a youth in African attire.

The reporters were barred because they "incredibly distorted" facts while covering last year's conference in Newark, according to Chuck Stone, a former aide to Harlem's Adam Clayton Powell, who is a press representative for the conference.

The delegates stayed in colored homes, ate in colored restaurants and held workshops in other colored owned businesses.

H. Rap Brown, Stokely Carmichael, Adam Clayton Powell and Whitney Young were among black community leaders invited to conduct workshops.

On Thursday about 70 white demonstrators appeared outside the police administration building, Eighth and Race Sts., to protest precautions taken by police for the conference.

All city policemen had days off canceled and went on 12-hour shifts.

In addition, mobile units were on alert in case of trouble. "We are unalterably opposed to violence" said Dr. Wright. "When we arm we do not defend ourselves against the violence against us."

The Philadelphia host committee included:

Phillip Savage, Tri State NAACP Secretary; Stanley Branche, executive director of the Philadelphia Black Coalition; William Mathis, chairman of the Philadelphia chapter of CORE, and Andrew Freeman, executive director of the League.

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(Friday's edition described how tipped telephone racial hate messages for public consumption led the Washington AFRO to the headquarters of the National Socialist White People's Party, sponsors of the telephone appeals. This newspaper discovered Party members are plain Lincoln Rockwell's former Nazi troopers operating under a new name. This disclosing article is an account one Nazi gave of the arms cache being stocked by whites.)

By JAMES McNEIRNEY

The Nazi produced a sheet entitled the NS Bulletin. Naturally, there was a swastika on one side of the letter head. On the front of the sheet it read, "commemoration of Commander Rockwell's Martyrdom," and also stated that the ideological officer, Dr. William L. Pierce had spoken at George Washington University recently.

Reporter: "Who's this guy, Pierce? He's the guy talking on the message? What's his role? Did he take over after Rockwell died?"

Nazi: "No. Koehl is the leader. Dr. Pierce takes care of publications and stuff like that. Man, he's a regular guy. You'd think of a doctor of being a little short guy with glasses. Not this guy. He's 6-foot tall, and weighs about 190 pounds. He's really great. He even helps us out on leaflet distributions. Really a great guy."

Reporter: "What's his doctor stand for? I guess political science major."

Nazi: "I'm not sure. But I think it's chemistry. But man, is he smart. Not only book knowledge, but common sense. Man, he's got it."

Reporter: "Oh, I guess it doesn't matter. As long as he's doing the job against the n--rs."

Looking at the back of the sheet one could find any number of weapons that would do the job. The list showed the following weapons, available from the Party's new subsidiary, NS Arms, of these descriptions:

Riot Gun. 12 ga., 5 shot, rapid-fire, pump action. The perfect weapon for self-defense and crowd control. Manufactured by Remington, one of the most reliable producers of firearms in America. Brand new.

FN Model 1949 Semi-Automatic Rifle. Shoots 30-60 cartridges, the standard U.S. caliber. Ammunition available everywhere. This is the perfect rapid-fire sniper rifle. Made to exacting specification at the FN factory in Belgium. Used, in excellent condition.

Madsen Bolt-Action Rifle. Also shoots the standard 30-60 cartridge. With armor-piercing ammunition, this weapon will penetrate an engine block. Used, in excellent condition.

The "Volunteer" Semi-Automatic Carbine. Small, compact rifle with nearly unlimited firepower. Each magazine holds 30 rounds of 45 ACP ammunition, another standard U.S. caliber. Looks just like the old Thompson and shoots as fast as you pull the trigger. Brand new.

P-38 Semi-Automatic Pistol. Shoots the popular and powerful 9mm parabellum cartridge. This was the standard during WW II. Manufactured by Walther, a German firm which has not compromised its quality workmanship. New.

Walther PPK Semi-Automatic Pistol. Available in .22 or .380 caliber. A small, but powerful pocket pistol. Perfect for rapid-fire self-defense. New.

Astra .25 Caliber Semi-Automatic Pistol. Seven shots as fast as you pull the trigger, is a weapon smaller than a pack of cigarettes. Manufactured by a reliable European firm. The perfect weapon for concealing in a small area. New.

High Standard Derringer. The very best derringer manufactured today. Chambered for the powerful .22 Magnum cartridge. Small enough for carrying in purse or under belt. Made in the United States. New.

Chemical Mace. First time offered to the public. The only brand used by thousands of policemen across the country. Completely disables attackers for several minutes without causing permanent damage. Chemical Mace comes in two sizes: MK IV, large canister; will control a whose crowd; contains approx. 80 bursts.

Reporter: "That's beautiful, but what about organizing? How do you propose to get the white people together?

Nazi: That's the problem. A lot of the whites aren't afraid of the coming n--r revolution. They don't even realize what's going on. We have to try and get enough white men armed so that when the n--rs start coming through the white section, there will be some one there to stop him."

Carmichael, in one of his speeches, even said that's how it's going to work. The white man will stay in his house and try to protect his family, but the n--rs will be organized. They'll take over. What we want to do is find enough white people who will have the ability to organize the whites when the war starts."

Reporter: "When did Carmichael say that? I guess at the Black Panther trial.

Nazi: "I don't know when, but he said it. A lot of the whites don't know what's going on."

Interruption. The captain was back after his mace. All he had was a $50 bill. He wanted change, but the Nazi said they didn't have that kind of money around. He went to get change. The phone rang. A brief conversation took place. Every conversation ended with "Heil Hitler."

Reporter: "Well, what to you intend to do in Baltimore? Carmichael will probably come back after the Panther trial. What are the plans for Washington?

Nazi: "We don't have anything definite planned. It's like I said before, we're trying to arm the white community. They aren't going to stay in n--r neighborhoods. They're going to start coming into the white sections, and we want to be ready for them."

The captain was back. He got change. The Nazi handed him his receipt, and went in the back room. A few other comrades had gone in and out in the interim.

Reporter: "I see from your insignia that you were in the airborne. (Army) How long did you spend in the service? I got out in 1964, and it was getting bad then."

Because of a telephone interruption, it was impossible to hear what he said. The rest of the conversation was repetitive and I decided to leabe.

Reporter: "Have you got any more information about the party? When I get back home, I want to get my friends involbed in this. The way things are going, we got to do something."

I was immediately bombarded with all kinds of pamphlets and leaflets. Some of them concerned the Jewish problem.

Reporter: "I don't know if I can go along with this Jew thing. I agree with your philosophy about the n--rs, but the Jews are white."

Nazi: "Hitler didn't intend the thing to be just

Nazi: "That's why we don't take new members right away. You have to think about these things, and when you convinced, then it's time to join."

Reporter: "You say on the phone, White People's Party. That's why I'm here. I'll tell you get a lot of calls."

Nazi: "Yeh, the phones are busy all the time. We have four phones on that hook up, and they are going all the time. A lot of people are calling.

Reporter: "What about this Army thing at Fort Hood? The refusal to serve in Chicago?"

Nazi: "Yeh, they couldn't have done it when I was in there. The Army just wouldn't put up with it. They would have all gone to jail. Fort Hood is Armour too. When the rebolution starts, those n--rs in the tanks will be turning them against us."

Reporter: "Do they everbother you here? You're only a few miles from D.C. It's a wonder they don't come out here."

Nazi: "They never bother us. We sit here in this glass front building and they leave us alone. When I came here, I was shocked when I saw the Black Panthers. I was shocked when I come here. It's so quiet. Matter of fact, the raids on Panther Headquarters on the coast turned up hand grenades and machine guns. Out there we had to be ready. We were always getting hit with molotov cocktails. Here it's quiet, but I got this gun in case." (The Nazi had a pistol on his hip, and a container of mace over his back left pocket.)

Reporter: "Well I guess I can buy that book (Rockwell's book on white power) in any bookstore."

Nazi: "Not really. The Jews control most of the book distribution outfits. They won't touch it. There's one store in D.C. that sells it, but I don't know the name. If you really want it send a check to us, and we'll sure take care of it.

* * *

Reporter: "And the guns?

"Nazi: "Just send your order to us. You'll get the guns."

I walked out of the office. The sun was still shining brightly. It seemed like any other residential street. Quiet and peaceful. The kid across the street was still working on his car. Families were sitting on their porches enjoying the evening. I recalled one of the Nazi's lines. "The white people don't know what's going on." They don't know colored people moving in next to them, but they let this group operate freely. He's right. The white people don't know what's going on.

LOTT CAREY BAPTIST FOREIGN MISSION CONVENTION met last week in Baltimore and had as featured speaker Mayor Walter Washington of Washington, D.C. At left are Dr. W. C. Sommerville, executive secretary of the convention; Dr. M. L. Wilson, of New York City, president of the convention and pastor of the Convent Ave. Baptist Church; Mrs. W. A. Wright, president of the Women's Auxiliary of Philadelphia, Pa.; Dr. Abner Nelson of New Delhi, India, missionary and Mayor Washington, who is lawyer for the convention and received his early training from Lott Carey. He addressed the closing session. At right, Dr. W. W. Payne, host pastor of Wayland Baptist Church, gives a sample of the food served to a representative of the church garment society during meal time. Members of the food committee look on happily over their preparations. They served more than 12,000 meals during the meeting at Wayland.

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—Cab drive

(Continued from Page 1)

Cab company to transport persons facing emergencies to the center.

When a reporter attempted to put the family in a Diamond Cab the driver locked the doors.

The driver whose license was No. 2486 and driving Cab No. 162 refused to transport the family.

The case was referred to the Public Service Commission which is now conducting an investigation.

* * *

Out-Going Public Service Commissioner Solomon Liss takes his oath of office today as an associate judge of the Baltimore Supreme Bench.

His replacement is William O. Daub, formerly general counsel to the commissioner. Peter Parker, former president of the Board of Supervisor of Elections, has been named general counsel.

A "position statement" on the constant violations will be issued by Mr. Daub this week and will be published in Friday's edition of the AFRO.

The reaction of the taxi cab company officials will also be included along with more examples of violations.

2 indicted in church fire

FAYETTEVILLE, N.C. — The Cumberland County Grand Jury has indicted two young Fayetteville men on charges of setting fire to a small colored church near the Bladen County line Aug. 13.

The defendants are Glynn Kirk Lewis, 19, and John Robert Biddle, 20, both white. They are charged with unlawful burning, a felony charge with a maximum prison sentence of 40 years.

The Willis Creek AME Church was slightly damaged in the fire. Investigators said gasoline had been thrown on the front porch of the church and ignited.

A passing couple noticed the fire early in the day and extinguished it.

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