

U.S. SUPREME COURT DECIDES ISSUE

N. A. A. C. P. WINS WHITE PRIMARY CASE BY A DECISION OF SUPREME COURT

New York.—The United States Supreme Court, Monday, by unanimous decision, sustained the National Association for the Advancement of Colored People in its contention that the state of Texas had exceeded its rights in barring colored voters from the democratic party primaries in that state. In a sensational decision, read by Mr. Justice Oliver Wendell Holmes, the Supreme Court declared the Texas law of 1923 unconstitutional, thereby crowning the fight carried through all the lower courts by the N. A. A. C. P.

The Supreme Court, in its decision, declared that "it seems to us hard to imagine a more direct and obvious infringement of the Fourteenth Amendment" than is contained in the Texas law. The Supreme Court in its decision also quoted from the Louisville Segregation case won by the N. A. A. C. P. in 1917, the quotation being as follows:

"That Amendment (the Fourteenth) 'not only gave citizenship and the privilege of citizenship to persons of color, but it denied to any state the power to withhold from them the equal protection of the laws. . . . What is this but declaring that the law in the states shall be the same for the blacks as for the whites; that all persons whether colored or white shall stand equal before the laws of the states, and, in regard to the colored race, for whose protection the Amendment was primarily designed, that no discrimination shall be made against them by law because of their color.'"

"The statute of Texas in the teeth of the prohibitions referred to assumed to forbid Negroes to take part in a primary election the importance of which we have indicated, discriminating against them by the distinction of color alone. States may do a good deal of classifying that it is difficult to believe rational, but there are limits, and it is too clear for extended argument that color cannot be made the basis of a statutory classification affecting the right set up in this case."

James Weldon Johnson, Secretary of the N. A. A. C. P., hailed the decision and victory as one of the most important won for the Negro since the adoption of the Civil War Amendments.

"This decision will have a far-reaching effect on the petrified South," declared Mr. Johnson. "It justifies the energy and the money that has been expended in carrying this case through the court of Texas and the lower federal court to the highest tribunal in the land. It is, furthermore, a justification of the generosity and sacrifice of those who backed up the appeal of the N. A. A. C. P. for an adequate Legal Defense Fund."

"The Supreme Court decision is a rebuke to the persistent violation of the Fourteenth and Fifteenth amendments in the Southern states. Furthermore, it establishes that the primaries are part of the general election system, and, as such, subject to federal control. This is a case profoundly affecting not only the political and civic status of the Negro, but many other great political issues as well. Negroes may well be proud to have been instrumental in obtaining a definitive decision on this issue which lawyers have been vainly putting up to the Supreme Court for decades."

"Especially ought the membership and friends of the N. A. A. C. P. be grateful for the magnificent work done by the National President, Mr. Moorfield Storey, as well as by Mr. Louis Marshall, member of the Legal Committee and of the Board of Directors, and by Mr. Arthur B. Spingarn, Vice President of the Association and Chairman of the Legal Committee. These gentlemen have given of their time without stint and without any compensation whatever, and the reply brief they framed to the contentions put forth by the State of Texas is a masterpiece of close reasoning and clear exposition."

CLARENCE DARROW THREATENED BY MOB FORCED FROM SOUTH

Celebrated Lawyer Arouses Anger of Benighted Bourbons By Making Speeches in Negro Schools

PROVES AN UNWELCOME GUEST

Mobile, Ala.—Menaced with "tar and feathers" because of his pro-Negro speeches, Clarence Darrow, famous free thinker and plain talker, was on his way back to Chicago Tuesday night, leaving behind him an enraged population.

Darrow's vacation on the Gulf coast ended abruptly when a series of addresses he made on the racial question inflamed Mobile county to a dangerous pitch.

The celebrated champion of evolution and "terror of the Bible belt," left at noon, accompanied by his wife, for Chattanooga, where he plans to visit friends for four days, then proceed to Chicago.

County authorities were forced to take steps to protect Darrow during the latter part of his stay here, when agitation to "ride the agnostic out of town on a rail" was started.

Darrow first provoked the anger of the countryside a fortnight ago when he spoke at a Negro industrial school at Daphne, Ala., on "Crime, Its Cause and Treatment," digressing at length on Negro lynchings.

Sentiment against the outsider became stronger when Darrow repeated his address at the Negro organic school in Fairhope. Circulars quoting Darrow as advising the Negroes to "resist your white masters" were distributed in Mobile.

COLORED BOY SCOUT IS CITED FOR HEROISM

Rescues Two Japanese Children From Burning Building and Is In Turn Rescued By Firemen

Los Angeles, Cal.—At the annual roll call of honor at which 7,000 boys and their 847 adult leaders met at the Polytechnic High school in celebration of the 17th anniversary of the founding of the Boy Scouts of America, Scout James H. Burruss of Troop 148 was the only colored scout to receive a citation for outstanding deeds in Los Angeles.

Scout Burruss saved the lives of two small Japanese girls during a midnight fire at the corner of Birch and Ninth streets, on the night of June 7, 1925, in Los Angeles. After pushing the children out of the front door, Burruss was trapped, his escape by the same avenue cut off by the intense raging flames, attempting an exit by a window, the youthful hero was knocked unconscious by falling timber and finally saved by a thrilling rescue by firemen.

James Burruss, only 19 years old, is assistant Scout Master of Troop 148 of St. Victor's Social Center, and is a commissioned officer of the Boy Scouts of America. He is the first colored lad to receive such a citation in Southern California.

DENIES COMMITTEE'S VISIT

Mr. Maurice Micklin says: "I was considerably surprised when my attention was called to an article in a local paper stating that I had been interviewed by a committee with reference to employment of colored help in the Lake Theatre. In the first place, no such committee called upon me, and whoever is responsible for such a false and malicious statement, did not take the trouble to look into the facts, since it is well known to all who attend the Lake Theatre that out of eleven employees several are colored. The policy of the Lake Theatre is to treat everyone with due respect and fairness and to maintain proper decorum in the theatre. We are always open for any suggestions for improvement of our service as we are trying to give the people of this neighborhood the best attractions obtainable."

EDITORIAL

The National Association for the Advancement of Colored People has again won a far-reaching victory for the constitutional rights not only of Negroes but of all American citizens. Some day America will appreciate the contribution of the American Negro towards the realization of her fundamental principles and ideals and the protection of human rights. In all the battles it has waged against injustice, proscription and the denial of his rights it has apparently been only the Negro's fight. But not so. This is only a superficial view. In opposing injustice to himself he has been opposing injustice to others. In attempting to safeguard his rights the Negro has been safeguarding the rights of others. Whatever victories he may win for justice and right he cannot selfishly hold for himself but must share with others. This is a sociological law which none can escape. The Negro's fight for justice and fair play, which has in reality just begun, is not for himself alone but for all.

There is one outstanding militant organization that is waging an unremitting and uncompromising fight against discrimination and denial of opportunity and for the maintenance of his constitutional rights, of which, because he is of the minority and weaker group, the Negro is largely deprived. That organization is the N. A. A. C. P. It is constantly on the job and demonstrates the power of intelligent organized effort.

Its latest victory is having had declared, by the Supreme Court of the United States, the Texas "White Primary" law unconstitutional. This decision, of far-flung significance, was handed down by the Supreme Court Monday. It strikes a solar plexus blow at the whole principle of disfranchisement which is so flagrantly flaunted in the South and of which the Texas law was the boldest and most glaring. Its redeeming feature was its honesty and freedom from all camouflage. It plainly stated that its purpose was to deprive the Negro from voting in the primaries of the Democratic party. This law was passed by the legislature of 1923.

Dr. L. A. Nixon, a prominent and reputable colored physician, who had registered as a democrat and paid his poll tax, attempted to vote at the general primary election in El Paso, July 26, 1924. The judges of election would not permit him to vote because of the law. Dr. Nixon secured a certificate from the election officials which recited:

"This is to certify that we, C. C. Herndon and Charles Poras, Presiding and Associate Judges, respectively, have not permitted L. A. Nixon to vote, as per instruction 26 given in ballot boxes to election holders."

C. C. HERNDON
CHARLES PORRAS.

July 26, 1924."

The case was carried through the United States District Court for the western district of Texas, which upheld the election judges in their refusal to allow Dr. Nixon to vote. But there was no falling down on the job. An appeal was taken to the United States Supreme Court. The national office of the N. A. A. C. P., employed as counsel, Fred C. Knollenberg, of El Paso, a white attorney who had been retained by Dr. Nixon and the El Paso branch of the N. A. A. C. P., and associated with him in the preparation of the brief, Moorfield Storey, president of the N. A. A. C. P., James A. Cobb, of Washington, and Robert J. Channell of El Paso. Arthur B. Spingarn and Louis Marshall were subsequently added to this brilliant array of legal talent. The case was argued before the Supreme Court on January 5, 1927. Dan Moody, attorney general of Texas, was granted 30 days to file a reply; and A. B. Spingarn was granted time to file a brief replying to Texas.

The result is known. The highest tribunal of the land, from which there is no appeal, has now spoken and decrees "that color cannot be made the basis of a statutory qualification affecting the right set up in this case." That is the right to vote.

This decision establishes the principle, more far-reaching than may at first appear, "that color cannot be made the basis of statutory qualification affecting the right" which may be set up in other discriminatory matters such as residential segregation and Jim Crow car laws. All these offenses against the constitutional rights of American citizens must and will be swept aside. The fight must go on until this is done.

TWO SISTERS FINISH HIGH SCHOOL AT THE AGE OF FOURTEEN

Chicago, Ill.—Margaret B. Jackson, aged 14, the daughter of Mr. and Mrs. M. H. Jackson, 6508 St. Lawrence avenue, was among the mid-year graduates of Englewood High school, finishing the four-year course in three and one-half years with an average of E.

That mark places her on the roll of the Signiferi, an honor society of the school. She will enter the University of Chicago this fall.

Margaret was born in Cincinnati and her folks moved to this city when she was but a month old. She graduated from the Burnside school, in Morgan Park, in 1923, just a few days before she was 11 years old.

At the same time Margaret was graduating from the grammar school her sister Dorothy graduated from the Englewood High school at the age of 14, finishing her four-year course in three and one-half years with an average of E.

Dorothy entered the University of Chicago and swept through the four-year course in three and one-half years, and now, at the age of 18, is teaching Spanish and French at Taladega College.

"Y" SECRETARY GOES TO TRENTON

Miss Edna Stratton, who for the past four years has been executive secretary of the North Side Branch of the Y. W. C. A., Twenty-second and Grant streets, where she has done excellent work, leaves Saturday for Trenton, N. J., where she goes to take charge of the Y. W. C. A. there. It is not known who her successor here will be. Miss Grace Collins, the efficient secretary in charge of the girls' work at the "Y," who for the past year and a half has been associated with Miss Stratton, will have the big job of carrying on her own work and that of the executive secretary until another secretary is appointed.

MID-NIGHT RAMBLE AT THE LAKE THEATRE

So popular have Bouton and Scruggs' Colored Minstrels proved as an attraction at the New Lake Theatre, that Bill Bergman, the wide-awake young manager, is putting on something new, at 11:30 Saturday night. It is a Mid-Night Ramble, with a complete change of program. Record-breaking crowds are attending these performances.

ONTARIO MAN, 103 IF A FORMER SLAVE

Lloyd Graves, a Mount Salem Negro, Is Termed the Provice of Ontario's Oldest Resident

Aylmer, Ont., Can.—The oldest man in Ontario observed his 103rd birthday this week. He is Mr. Lloyd Graves, Negro resident of Mount Salem, near here.

Graves was born in Boone county, Kentucky, February 22, 1824, in the days of slavery, and when a lad some 18 years of age, hearing his old master was about to sell him off the plantation, made a sensational escape through the underground railway. After weeks of fear of being caught, he was placed on a boat at Cleveland and brought to Port Stanley. For some years he lived at St. Thomas, but for more than 65 years has lived at Mount Salem, where he worked among the farmers.

Years do not appear to bear heavily upon him, for at his advanced age he is still the caretaker of the Mount Salem school, which has been his charge for some 25 years. He is well regarded by all the boys and girls, and delights to be among them. In the summer season there is no finer garden in the district than that cared for by Graves.

With the exception of being deaf, Graves possesses all his faculties to a marked degree. He attributes his long life to good, plain food, plenty of work and steady habits. He appears like a man in the eighties, and there is no apparent reason why he should not live for many years yet. Next August he and Mrs. Graves will celebrate their 60th wedding anniversary.

ARCHIE ALEXANDER IS GIVEN HARMON AWARD

Young Civil Engineer Who Has Won Outstanding Distinction In His Chosen Profession

Des Moines, Ia.—Archie A. Alexander, president of the A. A. Alexander Contracting company, was presented recently with his prize of \$100 in gold and a bronze medal from the Harmon foundation, as the second prize in the section devoted to successful Negroes in business. Alexander is an Iowa product, born in Ottumwa, and was graduated from the North High school in Des Moines. He



was graduated from the University of Iowa Engineering school in 1912. He formed a partnership with George Higgbee, a white engineer, two years later. When Higgbee was killed in 1925, while at work, Alexander continued the company under his name.

During the last two years this company has become one of the leading contracting concerns in the country. The two most important projects undertaken by the concern, which are now under way at Iowa City, are a \$500,000 combined light, heat, power and electric plant in the center of the Iowa river, and a \$250,000 viaduct.

The medal was presented by Mayor Fred Hunter.

Messrs. W. A. Johnson, T. T. McWilliams, Mason Todd, Henry Harris and others were Omaha visitors Sunday at the Council of Deliberation.

IN THE "WHITE PRIMARY" CASE

Attorneys Louis Marshall, Moorfield Storey and Arthur B. Spingarn Frame Stirring Reply Brief for Supreme Court in the Texas Case

New York City.—A stirring reply (brief) to the contentions of the state of Texas was framed by attorneys for the N. A. A. C. P. in the "white primary" recently before the United States Supreme Court, arising out of the Texas statute of 1923 which prohibits any "Negro" from voting in the Democratic party primaries of the state.

The brief is signed by Louis Marshall of New York, famous authority of constitutional law and member of the N. A. A. C. P. board of directors; Moorfield Storey, Esq., of Boston, president of the N. A. A. C. P.; Arthur B. Spingarn, vice-president and chairman of its national legal committee; and by Messrs. Fred C. Knollenberg and Robert J. Channell of El Paso, Texas. The brief characterizes as a "contemptible platitude that is in itself an insult to the Constitution" the statement of the Texas attorney general that the "Democratic party of the state is a white man's party."

It points out that party lines in southern states are so drawn "that a nomination in the Democratic primary is equivalent to an election," and continues: "The real contest takes place in the primary or preliminary election. The general election is nothing more than a gesture, in which but few participate, everything having been determined for all practical purposes at the primary election; . . . If, therefore, 'Negroes', who are in good faith attached to the principles of the Democratic party and are otherwise qualified, are prevented from voting at a Democratic primary, they are virtually denied the right to vote, so far as the right possesses any value. The mere fact that they, too, may go through the form of casting a vote at the general election, in ratification of what has been done at the primary, is a tragic joke. . . . Though citizens, they are rendered negligible, because their votes, to all intents and purposes, have been nullified. To them the right of suffrage would cease to be that thing of substance which it was intended to be, and would be converted into a useless toy, 'a Dead Sea apple', the lifeless corpse of a constitutional right, if the legislation now under consideration were to be upheld."

The brief also points out that the 15th amendment to the Constitution forbids denial of the "right to vote" and must apply to voting for any purpose, not excluding primaries. In conclusion, the brief, after citing numerous court decisions, opinions and books on civil rights, says of the Texas "white primary" law:

"If this is not arbitrary classification by race and color; if it does not constitute a complete deprivation of the equal protection of the privileges and immunities of a citizen of the United States, then it is impossible to conceive of any acts which come within those terms. Every white man and every white woman who possesses the qualifications mentioned in the act, however ignorant, or degraded, or mentally unfit, whether naturalized or native, may vote without let or hindrance, and every 'Negro', though possessing all the qualifications prescribed by the statute, however intelligent and patriotic and industrious and useful a citizen he may be, though he and his ancestors may have lived and labored within the state from the time of its organization, is denied that right. We are not here concerned with a political question. It is one that transcends all politics. It is one which involves the supremacy of the Constitution both in its letter and in its spirit."

John H. (Jack) Broomfield, who has not been in the best of health for the past two years, and for two months has been confined to his home at 2124 Lake street, with a serious heart attack, is reported to be much improved.