

Civil Rights Bill Is Sustained By Court

MICHIGAN SUPREME COURT UPHOLDS CIVIL RIGHTS BILL

New York, N. Y.—The Grand Rapids, Michigan, Branch of the National Association for the Advancement of Colored People reports to the national office, 69 Fifth Avenue, that the supreme court of Michigan in the case of Emmett N. Bolden vs. Grand Rapids Operating Corporation has upheld the Civil Rights Law of that state.

The case arose out of Dr. Bolden, who is a colored dentist, being refused a seat on the first floor of a theatre operated in Grand Rapids by the Grand Rapids Operating Corporation. The action was brought on behalf of Dr. Bolden but the defendant's motion to dismiss the case was granted in the lower court. The case was thereupon appealed to the supreme court. The sections of the law which the supreme court took into consideration were the two following:

"No. 15570. Section 1. All persons within the jurisdiction of this State shall be entitled to full and equal accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theatres, motion picture houses and all other places of public accommodation, amusement and recreation and all public educational institutions of the State subject only to the conditions and limitations established by law and applicable alike to all citizens.

"No. 15571. Section 2. Any person being an owner, lessee, propri-

etor, manager, superintendent, agent or employe of any such place who shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities and privileges thereof or directly or indirectly publish, circulate, issue, display, post or mail any written or printed communications, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such places shall be refused, withheld from or denied to any person on account of race, creed or color or that any particular race, creed or color is not welcome, not desired or solicited, shall for every such offense be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifteen dollars or more than one hundred dollars or shall be imprisoned in the county jail for not less than ten days nor more than ninety days or both such fine and imprisonment in the discretion of the court."

The Supreme Court in its decision said:

"It therefore seems clear to us that a person denied admission, in violation of its provisions, has a right of action for such damages as he sustained thereby.

"The judgment for defendant is reversed and set aside and the cause remanded."

The Grand Rapids Branch of the National Association for the Advancement of Colored People is determined to fight the case to a finish.

EDITORIAL

Frequent attempts have been made in several states which have a Civil Rights Bill to evade the plain provisions of the law. Violators of such laws only get away with it when the plaintiff lacks the intestinal stamina and quite frequently the financial ability to fight, not with fists or dangerous weapons, but with legal procedure. We know of no case, where the provisions of such a law are plain, in which the plaintiff has not won either in a supreme court of the state or of the nation. Lower courts have found for the defendant but whenever such cases have been carried up to the supreme court, the higher court has reversed the decision. For example, there have been several cases of this kind in Michigan, one quite recently, and in each one the Michigan supreme court has rendered its decision in strict accordance with the letter and spirit of the law. It has upheld the law, which is so plain "that a wayfaring man though a fool may not err therein," or at least ought not err therein.

However, the decision of some lower courts in cases submitted under the Civil Rights Bill, like that of Michigan and of some other states, certainly casts a serious reflection upon the mentality of those courts. They certainly belong to a lower mental category than that of the "fool" which Holy Writ contemplates.

The issue in the case, Dr. Bolden versus the Grand Rapids Operating Company, seems very plain. As a citizen of Michigan the plaintiff had been denied a seat on the first floor of a theatre, in the face of the law which provides that "all persons within the jurisdiction of this state shall be entitled to full and equal accommodations, advantages, facilities and privileges of theatres . . . subject only to the conditions and limitations established by law and applicable alike to all citizens."

The case was dismissed in the lower court. Most of our people under the circumstances, would have considered the case hopeless and given up. Not so Dr. Bolden. He carried it to the supreme court and was backed in his appeal by the National Association for the Advancement of Colored People with the result that the Civil Rights Bill was sustained.

Every legal victory of this kind helps to make secure our constitutional rights. The validity of the Civil Rights Bill in Michigan emphasizes the validity of the Civil Rights Bill in Nebraska.

It should be noted that the provisions of the Nebraska Civil Rights Bill are almost identical with those of Michigan, only that of Michigan contains a phrase which makes it more inclusive than the Nebraska law. That phrase is this, "all other places of public accommodation, amusement and recreation." "All other places of public accommodation" include drug stores, soda water fountains and soft drink places. Because such places of public accommodation are not nominated in the present Nebraska law one cannot successfully bring suit against such places, but in the case of hotels, restaurants, barber shops, public carriers and theatres, the law is specific and plain. Therefore, for example, no theatre or movie house in this state has any right to restrict any citizen of Nebraska on the ground of his color or race to any special place in said theatre. The denial of admission on any ground or conditions other than those "established by law and applicable alike to all citizens" is a violation of the law of this state and the courts have so ruled.

The courts are for the safeguarding of our constitutional rights and we ought to invoke their aid whenever necessary.

EX-HEAD OF KLAN HELD FOR ROBBERY NEGRO FARM OWNER

Flogging Probe Discloses That It Is Ex-Policemen Who Hold Deeds to Land Obtained by Force From Farmer

Birmingham, Ala.—In spite of the fact that the investigation of the flogging of Arthur Hitt, race farmer, is being veiled with the utmost secrecy, startling developments have been revealed.

Was Klan Leader
It has been disclosed that the man who holds the deed to the land which Hitt was forced to sell by the floggers was at one time cyclops of a Birmingham Ku Klux Klan unit. The man, W. J. Worthington, said "he expected to be indicted by the grand jury," although, on the other hand, he stated that he "paid a fair price for the property."

Was Coerced
Hitt, a respectable land owner, was forced into selling land which he owned by threats of violence and through fear of a brutal flogging administered to him by a band of masked whites. That Hitt did not receive a fair deal in the transaction was evidenced by the fact that he received \$600 for his land although its value is at least \$9,000.

County authorities stated that they expected to have all of the men guilty in connection with the flogging of Hitt under arrest within a few days. It was also said efforts would be made to return Hitt the deed to his land.

FORD HIRES 5,000 A WEEK FOR NEW CAR

Detroit, Mich.—The Ford Motor Company is recalling old employees and hiring new men at the rate of about 5,000 weekly, it was revealed here recently. Indications are Ford plans to be in full stride on his new car by September 1st.

NAME THREE MORE ON FLOOD RELIEF COMM.

Washington, D. C.—J. S. Clark, president of Southern Uni., Baton Rouge, La; Dr. L. M. McCoy, president of Rust college, Holly Springs, Miss., and H. C. Ray, Department of Agriculture Extension, Little Rock, have been appointed to adjust misunderstanding in the flood relief area by the American Red Cross flood relief body.

GROVE M. E. CHURCH TO LAY CORNERSTONE OF EDIFICE

Grove M. E. church will lay the cornerstone of their recently acquired church, Twenty-second and Miami streets, Sunday, August 14th, at 3 p. m.

Bishop M. W. Clair, Dr. W. A. C. Hughes, Rev. B. R. Booker, D. S., and Rev. S. H. Johnson, Lincoln, Neb., will be in charge of the general program for the occasion, assisted by the pastor and officers and members of Grove M. E. church.

The laying of the cornerstone will be conducted by the Masonic frater-



nity, assisted by the Pythians of the city.

All bodies which are to participate in the ceremonies will assemble at Grove M. E. church, Twenty-second and Seward streets, at 1 p. m. and will march from this point to the new edifice at Twenty-second and Miami streets.

All pastors, Sunday school superintendents, with their churches and Sunday schools are invited, as are all fraternal societies and civic bodies. The general public is also invited. A group picture will be taken.

Prof. Waddle's band will furnish the music, and the police department will furnish a police escort. Refreshments will be available. Come and join them.

COLORED FLYER SETS RECORD IN LONG FLIGHT

Los Angeles, Calif.—Clarence E. Martin, colored aviator who has announced his intentions of entering the \$35,000 Hawaii-American flight recently broke an aeroplane speed record when he flew from Salt Lake City to Los Angeles, a distance of about a thousand miles, in seven hours.

Washington, D. C.—Miss Emma Mae Irwin, head nurse at Freesman's hospital, resigned from the service recently.

NEGRO PHYSICIAN ELECTED ALTERNATE TO LEGION CONVENTION

Nebraska State Convention of the American Legion Chooses Jones. Recognizes the Roosevelt Post

At the state convention of the American Legion held in Lincoln this week Roosevelt Post was signally honored by the election of Dr. J. Wesley Jones as an alternate delegate to the national convention in Paris which convenes there in September. As there are only three alternates from the state the rivalry for the honor was keen, which makes Dr. Jones' election the more significant.

Dr. W. W. Peebles was a member of the important committee on resolutions and Edward W. Killingsworth served on the committee on credentials. The recognition given Roosevelt Post speaks volumes for the spirit of the Nebraska legionnaires. Among the resolutions passed was one urging the admission of all citizens to military training camps without discrimination as to race, creed or color.

NEGRO COMPOSITION PUT ON AIR BY NEW YORK BAND

Preston News Service
New York, N. Y.—The Goldman Band is playing a new composition by Clarence Cameron White, head of the music department of West Virginia Collegiate Institute, in their summer concerts in New York City at Central Park and the campus of New York University. The concerts are being broadcast over a fifteen station hookup.

HONOR BRIDAL PAIR

Mrs. Vera Williams, 2639 Seward street, entertained 60 guests at a bridal shower on Wednesday evening, July 27, in honor of Mrs. Catherine Preston Jones and Mr. James Jones. The color scheme was pink, which harmonized with the over draperies of Mrs. Williams' home. The guests were served with special ice cream, after dinner mints and individual cakes made and decorated by Mrs. Williams. After the guests were served the large array of beautiful presents was shown, and for which Mr. Jones and Mrs. Jones thanked the guests. A good time was had by all.

Those who assisted were Mrs. Jeanette Robertson, Mrs. R. L. Ross and Mrs. Myrtle Marshall. Mr. and Mrs. Jones were married July 19 in Council Bluffs. Mrs. Jones is a charming young lady, the only daughter of Mrs. Hallie Preston.

Mr. Jones is the youngest son of Mrs. Florence Jones, and a brother of Walter Jones, Mrs. W. A. Harris, wife of Rev. W. A. Harris of Council Bluffs, and of Mrs. Vera Williams of Omaha. Mr. Jones is considered one of the foremost trombone players of the city. He and his bride are very popular among Omaha's younger set. They are making their home with Mrs. Jones' mother at 2639 Seward street.

ETHEL WATERS OPENS NEW SHOW IN NEW YORK CITY

New York City—One of the foremost race artists of the day, Ethel Waters, opened a new show, "Africana," at Daly's Sixty-third street theatre, New York City, on Monday, July 11.

JOHN HENRY, STEEL DRIVER; WAS HE MAN OR MYTH?

The great interest being shown in Negro songs lately calls to mind that grand old song known as John Henry. Who has not heard of John Henry, the famous Negro steel driver? The story is that he was about the most powerful steel driver that ever lived. It is said that during the building of the Big Bend Tunnel he competed with a steam drill, out-drilled it, but dropped dead "with the hammer in his hand."

Is this a true story, or is it just an interesting tale that Negro workmen have made up? It all sounds quite possible, but did it really happen? Some people who have investigated this legend say that John Henry was only a myth, an imaginary character invented by Negro steel drivers. Others say that John Henry was a real man, that he did drive against the steam drill, and that he really did beat it and drop dead with the hammer in his hand.

Among those who are trying to find out the truth about John Henry is Professor G. B. Johnson of the University of North Carolina. Mr. Johnson is collecting songs and stories about John Henry from all over the nation, and later on he is going to put all of these in a book about John Henry. He says, "I am inclined to think that the story about John Henry is a true story, but of course I would rather have definite proof that it is true. I believe that there are still many people living who could give evidence concerning the origin of the story about John Henry, but they are growing old, and unless they speak soon we may never know whether John Henry was a man or a myth."

Mr. Johnson would like to hear from anyone who knows a song about John Henry or can tell him anything about the origin of the song. He is especially anxious to find an old printed copy of the original John Henry song, and he states that he will pay a good price for such a copy. He can be addressed at Box 652, Chapel Hill, North Carolina. It is to be hoped that all who know anything about John Henry will write to Mr. Johnson and thus help to preserve the folk songs and folk lore of the race before it is too late.

ST. LOUIS READY TO HOUSE DELEGATES TO BUSINESS LEAGUE IN AUGUST

Tuskegee Institute, Ala.—The city of St. Louis, Mo., which is to be host to the twenty-eighth annual meeting of the National Negro Business League, August 10, 11 and 12, is prepared to take care of visiting delegates at reasonable rates, according to word received here by Albon L. Holsey, secretary of the League. Accommodations in hotels and private homes are adequate and can be secured at the uniform rate of \$2 a day. This rate does not include meals.

KLAN DRIVES MAN CRAZY

Sea Bright, N. J.—City officials arranged last Monday for the deportation of Jacob Hall, a colored employee at one of the local resort hotels here, to his relatives in Smithfield, Va. Hall became violently insane, it is said, because of threats made by members of the Ku Klux Klan. He left Smithfield several months ago after some trouble there, and the Klan at that place is said to have communicated with the one at Sea Bright. Hall ran amuck and had to be strapped to his bed.

Visiting delegates are advised to proceed to the League headquarters, 911 North Vandeventer avenue where they will register and be assigned to quarters. An information bureau will be maintained in the Union Station with Boy Scouts as guides to direct visitors. Local leagues are urged to send forward to the St. Louis league at its headquarters, the names and number of persons expecting to attend from their respective leagues.

The St. Louis League gives assurance that everything possible is being done to see that the visitors have a happy stay while attending the conference.

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'SALT OR SOMETHING' SERVED IN SODA AT DEPARTMENT STORE

This is the Charge Made by Mrs. Rountree and Her Niece Who Had an Embarrassing Experience at Local Store

ASSISTANT MANAGER IS SEEN

Expresses Regret for Language Used by Him and Declares Policy of Store Is Courtesy to All Patrons

Last Thursday afternoon, Mrs. Othello Rountree, jr., accompanied by her 16-year-old niece, Lulu Green, went to the soda water fountain in Kresge's department store, Sixteenth and Harney streets, and ordered a chocolate and pineapple soda. The waitress took the order. This waitress and others continued to serve others, but failed to serve Mrs. Rountree and Miss Green.

After a wait of fifteen minutes, Mrs. Rountree realized that there was a determination not to serve her at the fountain. Leaving her niece, at the fountain, Mrs. Rountree asked to see the manager, and was told that the manager was out of the city, but that Mr. Davidson, the assistant manager was on the floor. She found Mr. Davidson and told him the facts and asked if it were not his duty to see that patrons were served.

According to Mrs. Rountree's statement, which was substantially corroborated by Mr. Davidson when interviewed by The Monitor, Mr. Davidson said rather sharply, "Yes, if we must serve you, we will."

Mr. Davidson then spoke to the girl who took the order and the order was filled. Mrs. Rountree stated that before the girl brought her the soda ordered she said something to another girl and they both laughed. When she drank her chocolate soda, "it tasted salty and bitter" and nauseated her, and that Miss Green complained that her pineapple soda tasted funny and she did not drink it.

Mrs. Rountree told Mr. Davidson that the girls must have put something in the sodas because hers made her sick and her niece could not drink hers at all.

Mr. Davidson then told her, according to Mrs. Rountree, and he admitted to The Monitor that he made the statement, for which he expressed regret, "I think you've got your nerve to force yourself in here on white people."

Mrs. Rountree reported this case to the Public Welfare Board and was advised by Miss Lucas to report the case to the editor of The Monitor and to the Omaha branch of the National Association for the Advancement of Colored People.

Representatives from the N. A. A. C. P. took up the case with Mr. Davidson and Monday afternoon, accompanied by Attorney H. J. Pinkett, the editor of The Monitor interviewed Mr. Davidson, who was found to be a very pleasant and courteous young man, a native of Iowa. He said to his credit that he was manly and straightforward about the whole matter and substantiated the facts as given us by Mrs. Rountree.

He said that Mrs. Rountree's attitude rather nettled him and that accounted for but did not justify his statement to her which he regretted. He said that it is the policy of Kresge's to treat all patrons courteously and alike and it was not the policy to discriminate at the fountain or anywhere else and he gave assurance that he would speak to the man in charge of the soda water fountain that there might be no further cause for complaint.

He said the store has a large colored patronage. It was suggested in leaving that this patronage might be seriously affected if such a policy as that which Mrs. Rountree encountered should become the rule.

The Masons of Washington, who have just closed their 24th annual grand lodge session, re-elected Howard D. Brown of Seattle, grand master.