

KERNS APPEALS CASE TO HIGHER COURT



THE OMAHA GUIDE

5c Per Copy

VOLUME VIII

OMAHA NEBRASKA MAY 9, 1934

NUMBER—FIFTEEN.

Commissioner Frank Frost To Open Park

Mrs. J.H. Kerns Loses Theater Suit

Mrs. Idean Kerns, wife of J. Harvey Kerns, executive secretary of the Mid City Community Center-Urban League, brought suit against the management of the Brandeis Theatre for violation of the Civil Rights bill and assault. The case was tried in Municipal Court before Judge Sophus Neeble, Jr.

The plaintiff sued for damages on the Civil Rights act and \$900 on the assault action. The suit was an aftermath of controversy regarding seats to be occupied by Mrs. Kerns and Mrs. William Haynes, who attended the show on March 22nd.

Mrs. Kerns testified that she and Mrs. Haynes purchased tickets, went into the foyer of the theatre, thence to the center door of the auditorium proper. There they were met by an usher who stretched his arms across the door preventing their entering. He told them that they would have to go to the balcony. Some few words were passed, after which the usher directed them to either go upstairs, get their money back or see the manager. They decided to do the latter. Repeated knocks at the office door brought no response. The ladies then decided then to see the show and started again into the main auditorium. Mrs. Kerns going to the center door and Mrs. Haynes to another entrance. Mrs. Kerns attempted to push the ushers arm out of her way, about this time he expelled Mrs. Haynes about to enter the other door and rushed over there seizing her by the wrists and preventing her entrance. Mrs. Kerns started into the door just deserted by the usher, on stepping partially inside she was met and seized by the arms by a second usher who in showing her out, placed his knees in her lower abdomen. At this stage in the controversy, the manager appeared on the scene and asked what the confusion was. The usher then stepped aside and the ladies went in the show. Mrs. Kerns testified that the manager told them that if they went in they did so at their peril. After staying in the show a short time, Mrs. Kerns and Mrs. Haynes returned home and as a result of the manhandling, Mrs. Kerns testified that she was confined to bed for several days.

Mrs. Haynes' testimony was substantially the same as Mrs. Kerns. Appearing as witness for Mrs. Kerns were Dr. Herbert Wiggins, Dr. J. Palmer Finley, J. Harvey Kerns, Mrs. Earl Wheeler, Mrs. William Haynes, and William Peebles.

After the theatre manager put on their witnesses, Judge Neeble gave the instructions to the jury. The jury deliberated for about fifteen minutes, and brought in a verdict for the defendant.

Mrs. Kerns was represented by Attorneys Elmer E. Thomas and Elmer Thomas Jr. The Brandeis Theatre was represented by Attorney J. J. Dunn. An appeal from the judgment of the Municipal Court was filed Thursday. The case will be heard in appeal in District Court.

The Brandeis Theatre is owned by the Singer Omaha Corporation, against whom the suit was brought. Also named as defendant was William the manager.

Interested spectators at the Kerns and Haynes trials were Mrs. Rachel Taylor, executive secretary of the North Side Y. W. C. A., Dr. and Mrs. A. L. Hawkins, Mrs. J. W. Allen, Sergeant Isiah Bailey, Mr. Toby James, City Inspector of weights and measure Miss Delight Holliet, Educational secretary of the Central Y. W. C. A., Miss Dorothy Taylor, Mrs. J. D. Crawford, Mr. Lovejoy Crawford, Mr. Wm. Peebles, Rev. and Mrs. Rhone, Mr. Paul Holliday, Mrs. Lola McCallen, Girl's Work Secretary, Mrs. C. Manchester, Dr. Palmer Finley, Dr. Herbert Wiggins, John Benning Horton, Editor and owner of the Chronicle, and Mr. and Mrs. Wm. Haynes.

BRANDEIS THEATRE LOSES SUIT

Mrs. William G. Haynes, wife of William Haynes, Chemist for the Union Pacific Railroad, Friday in Municipal Court was awarded damages of one dollar in her suit against the Singer Omaha Corporation, owners and operators of the Brandeis theatre. This action arose out of a controversy on March 22 between Mrs. Haynes, Mrs. Kerns, and the Theatre Management in which Mrs. Haynes and Mrs. Kerns were temporarily denied seats on the Main floor of the auditorium of the theatre.

Mrs. Kerns brought suit losing her case, while on the other hand, Mrs. Haynes won. Both actions arose out of the same set of circumstances. For full details read the article in this issue dealing with Mrs. Kerns' trial.

NEGRO MINERS INJURED IN ALABAMA STRIKE

Birmingham, Ala.—(CNS)—Industrial turmoil in Alabama increased during the past week when more than 15,000 of the State's 23,000 coal miners many of them Negroes became idlers as the miners went on strike. More than 3,500 men were employes of the Tennessee Coal, Iron and Railroad Company, which announced its four "captive" coal mines closed on April 27. Mrs. Kerns had been injured in clashes with the pickets at its Hamilton shaft.

The action of the Tennessee Company made the total of idle miners in the State more than 17,500, with prospects that more workers might join them.

Two Negro miners were injured at the Hamilton mine of the Tennessee company. One was charged with firing a rifle above the heads of the pickets who swarmed over the highways, preventing any except maintenance crews from entering the mine.

Tom Green, also colored, was clubbed by the pickets, who disarmed him. Ralph W. Howell, president of the Hamilton local, No. 5795, of the U. M. W. A., surrendered to deputy sheriff a dirklike knife he said pickets took from Green.

Another Negro, Will Dancy, was roughly handled by pickets within the Hamilton camp. It is claimed the miners of the Tennessee Company had taken a "holiday" to force the same wage scale as that prevailing in the Illinois and Pennsylvania captive mines of the United States Steel Corporation, of which the local company is a subsidiary.

Appeal for President Roosevelt to intervene in the controversy was made by Governor B. M. Miller who wired to the President from Montgomery, urging immediate action so that men in Alabama can start to work and business can get settled.

Ninety Year Old Hemrit Leaves Lodge \$6,000.

Winfield, Kans.—(CNS)—James "Toby" Smith, an eccentric 90-year old man who died here recently bequeathed \$6,000 for the erection of a Masonic lodge hall for the use of Walnut Valley lodge.

He helped dig the foundation for the Britton hotel in 1880 and worked at the hotel continuously until last fall when he was taken ill. He was born in Columbus, Mo., where he herded sheep for 20 years.

DANCE SUCCESS

The most successful dance entertainment in Omaha in many months was given by the Omaha Waiter's Association at the Dreamland Hall. Lloyd Hunter's orchestra furnished the music.

PUNISH GUILTY—DON'T HAMSTRING INNOCENT

Col. D. C. Jackling, who is responsible for the production of more copper than any living man; holder of the most coveted medals of the engineering and mining world and the United States Distinguished Service Medal; builder of towns and communities in waste spaces, says in regard to stock exchange control bill now before Congress:

"Don't scuttle the ship simply to get rid of the rats." In an interview in the Salt Lake Tribune, Mr. Jackling said: "This legislation is actually designed to control industry down to the very lowest unit that uses the corporate form of organization. The effect of this legislation will be harder on the little fellow than on the big fellow.

"This is like scuttling the ship to get rid of the rats." "The fundamental target at which the proposed legislation is aimed is the clamping of a federal, bureaucratic halter on all industries, both large and small.

"In the legislation, as proposed, the regulation of security exchanges is academic. The primary effect will be to destroy the very foundation of industrial securities."

Mr. Jackling declares that the legislation would place control of all business in a politically appointed bureau without knowledge of business and with its sole objective political aggrandizement and perpetuation in office.

"Let's get down to primary factors," he said. "This legislation means an attempted destruction of the American way of doing business—the method which has made the United States the greatest industrial nation, the richest and happiest nation in the world. That's what the people ought to think about."

Mr. Jackling is a typical self-made American business man. The properties he heads employ thousands of men and pay hundreds of thousands of dollars in taxes. It is just possible he knows a little about the subject of which he speaks.

THE DEADLY GAS

When starting the spring and summer driving pay particular attention to the exhaust pipe on your car. Out of that pipe comes a deadly gas generated by the engine—carbon monoxide.

Unless the mechanism is in perfect condition the gas may not be carried out in to the open air where it dissipates, but may leak up into the car.

Quantities of carbon monoxide are present in three out of five motor vehicles now moving on highways. Though the fumes are not concentrated highly in the majority of vehicles, they are sufficiently strong in 7 per cent, to cause collapse and greatly to increase the probability of fatal accidents and asphyxial deaths.

Traffic experts have been analyzing causes of highway accidents now classified as "drove off roadway," "poor judgement," or "inattention." They believe that in such cases drivers may have been dazed or overcome by carbon monoxide.

Defects in exhaust facilities contribute to this hazard, says Albert W. Whitney, Associate Gen. Mgr. National Bureau of Casualty and Surety Underwriters. Short or split exhaust pipes, leaking flexible tubes, defective manifold gaskets or leaking mufflers and connections, are highly dangerous. Defective floor boards, openings around pedals or dash board, and poor engine efficiency are contributory factors.

Motorists can control the hazard by observing the following: 1. Stop engine in parked closed car, (especially in garage), or ventilate freely. 2. Inspect car regularly and replace at once defective manifold gaskets, particularly flexible exhaust tubes which leak exhaust pipes, or have seam wear out rapidly. 3. Ventilate moving vehicle from front. 4. Install seaming ground. Pipe should discharge at rear side opposite driver. 5. Avoid following too closely a car with smoking tail pipe.

EXPLORATION AT THE TOP OF THE WORLD

By James A. Slaughter
Navigator of the Byrd Arctic Expedition

It is generally believed that Arctic explorers are a wreckless, adventurous, publicity seeking, group of individuals. I have had the pleasure and the privilege of being acquainted with and working with some of the greatest explorers of our day, including Byrd, Amundson, Elsworth, Balkin, Bennett and many others that have gained world renown for their contributions to science by their self-sacrificing work in exploration of the unbeat and unexplored paths of the world.

That belief is entirely erroneous and without fact.

We explorers are never reckless, to be so would be not only the height of folly because we never would be able to accomplish our purpose or reach our objectives, besides in most cases our very lives depend on careful planning and the precise execution of these plans.

We are adventurous but only when there is a definite theory to be proven. It is true explorers have a lot of publicity, but I have never known of an incident but that the explorer has not tried to escape as much of it as possible.

In my humble opinion the real Arctic explorers are a group of individuals who believe honestly that we will need all of the resources on this little old globe on which we live and have our being and that by providing that get to these resources and can live there to develop them, the world will have those resources at its command.

In my next article I will take you by word picture into the Arctic.

Dividends of \$12,930,000 on capital invested by shareholders in the Occidental Building & Loan Association have been declared since the organization was formed nearly forty-five years ago. Kirk Griggs, president of the Association, advised his board of directors at their regular meeting Tuesday.

"During that time, the Association has never missed its quarterly dividend, with the exception of a single year, April 1930 to April 1931. This is a record of 97 3-4 per cent service to our shareholders," said Mr. Griggs.

The last quarterly dividend was declared by the board for the quarter ending March 31, 1934.

On June 12 the Occidental Building & Loan Association will celebrate its forty-fifth anniversary as a Nebraska corporation. In addition to its dividends of approximately 13 million dollars, it has an unmarked record of never having failed to pay out one hundred per cent on investments, in order of their filing.

"As we approach our forty-fifth birthday, it is highly gratifying to find business on the rapid up-swing," Griggs said.

"We are looking forward to a return to normal conditions at no distant date.

"The past few years have not been without some compensating benefits through the knowledge we have gained that safety of investment is much more to be desired than an unjustifiably large return." The Occidental has no outstanding debts excepting current monthly bills, he pointed out, explaining that "Our stock outstanding is our sole liability, and our total assets are directly back of our stock."

THE C. C. NEWS

Rudy Geron was shot in the forehead with an empty machine gun shell. . . . Hurlig Russel is known as the colored Russ Columbo, inging in his high bass. . . . Joe Glover, populad pug, has turned crooner also. . . . Hurry Harper agrees that there is no place like home. . . . Glover Scott is sawing hair. . . . Emmett James is still dreaming of Irene

PULLMAN PORTERS UNION WINS TWO BIG COURT CASES

New York, May 1—Pullman Porters are jubilant over two big victories won this week over the Pullman Company by the Brotherhood of Sleeping Car Porters and are flocking into headquarters at 207 West 140 Street to discuss the matter with their officials.

According to Ashley L. the Brotherhood had been receiving Totten, national secretary-treasurer, numerous complaints of practices by railroad and pullman deceives who beat up porters upon mere suspicion of losses on cars or on numerous charges without the slightest evidence, and plans were made by the organization and its attorney to be on the alert for the first case brought to their attention to put a stop to these abuses. On Monday April 9th, a pullman porter, reported to Totten that while receiving passengers at Penn Terminal station on Pullman car K-21, train 135 operating between New York and White Sulphur Springs, Va., and about 5:30 p. m., two passengers with tickets for lower berth 6 boarded his car, left some packages in the berth and walked back to the terminal explaining as they left that they would be back before the train leaves. While they were away, railroad detectives, John P. Rothline and Radding walked in the car, charged him with hauling contraband liquor and carried him in the pullman office where they proceeded to intimidate and threaten him. Later he was taken before district superintendent O. W. Sneddy who, according to the usual method, told him that he did not believe a word he was saying in his own defense, and failing to compel him to sign a statement accepting guilt, immediately dismissed him from the service. When Carter explained at Brotherhood headquarters that Detective Rothline had struck him on his head, Totten sent him to Dr. Wilkerson, 220 West 139 Street for an examination and employed the services of Joseph B. Chaitkin, 60 East 42nd Street, an attorney for the Brotherhood who hailed the officials in court. The report of Carter's condition made by Dr. Wilkerson and testimony of other witnesses in the magistrate's court at 9th St. and 6th Avenue before Judge Landan resulted in Detective Rothline being held for special sessions.

and paroled in the custody of his attorney while a civil suit is now pending against the Pullman Company. Porters Wife Wins Suit for Benefit. Simultaneously Totten received a letter from the State Insurance Department at Albany that the Prudential Life Insurance Company is ordered to pay the total death and disability claim to the widow of Joseph M. Green, Pullman Porter deceased. Mrs. Green whose husband had been ill 18 months before he died reported to the Brotherhood that the Pullman Company had sent a white representative to her house and after demanding the policy, refused to pay any benefit on the ground that during his illness he did not pay any premium. Totten explains that the group insurance plan is compulsory and that the Pullman Company draws \$2.20 every month out of the pay checks of porters to pay the premium, so it is quite clear that any long duration of illness renders it impossible for the porter to pay. Several attempts were made to secure payment of the policy to no avail, finally Totten reported the matter to the State Insurance Department at Albany on January 27th and also placed the case in the hands of Joseph B. Chaitkin, attorney for the Brotherhood with results of complete victory for the widow of Mr. Green.

Randolph Returns. A. Philip Randolph, National President of the Brotherhood of Sleeping Car Porters returned today from Elizabeth City, N. C. —(CNS)—President Emeritus Dr. P. W. Moore, of the State Normal school and active head of the institution for nearly a half century, died here last week, aged 75 years.

'LITTLE FELLOW' AND CONSUMER LOSE BY CODES SAYS DARROW

Washington — (CNS) — Clarence Darrow, chairman of the National Recovery Review Board, set up by Administrator Hugh S. Johnson, now claims after two months' examination of the NRA, that the small business man and the consumer are the losers under the codes.

The veteran Chicago attorney, who has fought the battles of the underdog for more than half a century, declares that evidence already presented to his board tends to prove the contention of Senator Nye and others that the big fellows have got control of the code authorities and put up prices to beat the band.

"The price of oil and gas and everything else has gone up," he said. "Any body knows that."

Asked if his criticism of price-raising did not constitute a blanket indictment of the whole recovery act, the Chicagoan grinned and wrinkled his nose in declaring:

"Never mind about that. Maybe it's true that falling prices were disastrous. But when you put 'em up the way they're going now, who's going to get the money to buy things."

JOINT COMMITTEE SECRETARY LASHES NEW DEAL PROGRAM

Washington — (CNS) —Declaring that the only way to bring about sound recovery for the nation was to make real and actual for Negro sharecroppers and Negro industrial workers the benefits provided by the New Deal administration, John P. Davis, executive secretary of the Joint Committee on National Recovery, presented a brilliant array of facts at an unofficial hearing before a joint congressional committee in the Senate Office building here Saturday morning. The unofficial hearing was presided over by Senator Costigan of Colorado and Congressman William P. Connery Jr. of Massachusetts, chairman of the House of Labor committee, was called to discuss the effect of New Deal legislation on America's unemployment problem and to consider the need for further legislation.

A number of the leaders of both houses of Congress were in attendance as well as such nationally known leaders as Dr. John Dewey of Columbia University, Benjamin Marsh of the Peoples Lobby, Rabbi Sidney E. Goldstein of the Joint Committee on Unemployment, and representatives of liberal groups from all large industrial centers in the country. Following the hearings a luncheon was held at the Cosmos Club, at which a nationwide broadcast was made of the facts presented at the hearing. Davis attended the luncheon conference.

One of the six witnesses chosen to present unemployment conditions, Davis pointed out that there had been a complete breakdown in the recovery program so far as Negroes are affected. "The whole group of recovery measures seem to have been so loosely drawn as to allow benefits intended to bring about recovery for Negroes to slip out of their hands," he said. Continuing he outlined how the cotton crop reductions program had operated to give Negro farmers 40 per cent less land from which to earn a living, while the government rental price intended to be provided in compensation for the loss of this land, had not gone to Negro sharecroppers but had been stolen from them by their white landlords.

The witness created a sensation when he read a report of conditions of Negro sharecroppers in Mississippi. Congressman Connery interrupted him to say, "It is difficult to believe that the conditions you have cited here can exist in a civilized country. I would think that cases of fraud, theft and brutality which you have just brought to us could have occurred only before the Civil War."

In response to questions from Congressman Connery, Senator Costigan and Congressman Lundon of Minnesota, Davis vigorously lashed what he

FROST PUSHES PLAY GROUND

Omaha's dream of an ideal sight for spring, summer and fall athletics is about to be realized. Hitherto lacking the facilities, space and equipment necessary for recreational games so necessary in the development of citizenship Negro Omaha has suffered accordingly. Three men, Commissioner Frost, Attorney Frost and C. Hender, park department foreman, realizing the keen need have enthusiastically plunged into plans for turning 22nd and Paul into an athletic paradise.

These three men, keen sportsmen and believers in fair play are determined Negro children shall have an ideal play sight for all around recreation and the development of physical, mental and moral characteristics. It will be remembered, C. Hender, father of Claude Hender, junior World Heald midweight boxing champion and Technical High School all around athlete, personally supervised the improvement of the Mid City Center's gym. Mr. Hender will enthusiastically supervise the building of the new play sight with Commissioner Frost providing materials. Attorney Frost has attended to all necessary legal procedure towards North Omaha's most important recreational projection in years.

Martin Thomas—Mid City Center
Collins Lee of the Park Dept.

N. A. A. C. P. DEBATE

Don't fail too hear the debate which is being sponsored by the Educational Committee of the N. A. A. C. P., May 10th at Pilgrim Baptist Church.

The question is a vital one, and which the committee is sure will interest you. It will be discussed, pro and con to its ultimate analysis by astute and competent debaters. Each debater has had experience in public speaking accompanied by a glittering scholastic record in the educational institutions of Omaha and elsewhere.

Those upholding the affirmative of the question are J. C. Harris, a graduate of South High School, and Oscar D. Washington, a senior at Creighton university. Those upholding the negative of the question are Lloyd L. Lee, a special student at Omaha Municipal university, and Henry P. Thomas, a graduate of the same institution.

Incidentally this debate brings together as opposers, two of Omaha's most brilliant young Negro students in the persons of Henry R. Thomas and Oscar D. Washington. Both of these students have outstanding records as public speakers in and out of Omaha and will do their best to win for his side.

The battle is on. Be there and win with your side. Don't forget the place and time. 8 o'clock, at Pilgrim Baptist Church. The debate is a decision debate. Prizes will be awarded the winning team.

termed the "callous indifference" of General Johnson to the problems of Negro workers and the maladministration practiced in the distribution of relief funds under the Federal Emergency Relief Administration. He pointed out that not only had the NRA allowed vicious wage differentials to discriminate against Negro workers, but also that there had been "no honest attempt made to solve, what anyone is willing to be the most difficult problem faced by the NRA; namely, what to do about the insistence of southern employers to pay Negro workers less money." He declared that in the entire NRA machinery there was not a single Negro above the rank of messenger, that there was no one in the entire set up whose duty it was to attempt to solve the difficult problem. The witness in answer to Congressman Connery's remark that perhaps organization of Negroes to bargain collectively was needed, called attention to the fact that Negro miners last week were shot down in cold blood by Alabama National Guardsmen when they attempted to exercise their right to col-