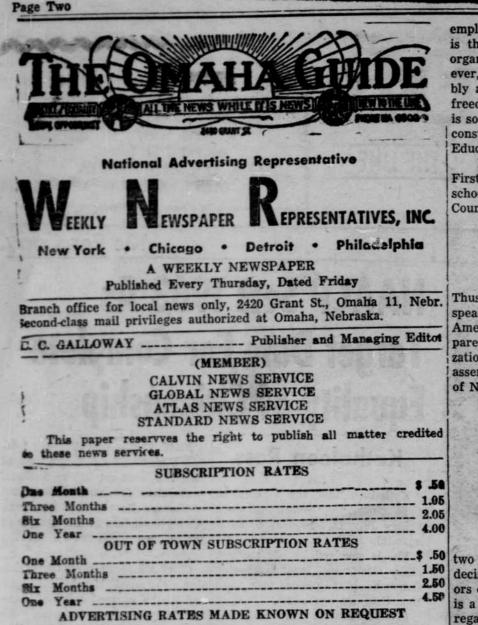
Omaha, Nebraska, Friday, July 20, 1956



Industry's View

Continued From July 13 Issue

THE "RIGHT TO WORK" IS PROTECTED BY THE

NINTH AMENDMENT

endowed by their Creator with certain unaftenable rights; that among

"Creator" of all men. John Adams, our second President, assured the

of American Government from the very beginning and was not grant-

these are life, liberty, and the pursuit of happiness."

others retained by the people."

ed by the Constitution.

THE OMAHA GUIDE

employees have no freedom of association. All that remains to them merchants themselves will urge the police to "lay off" so we can keep \$10,000 is the freedom to be coerced by the majority, whether of a labor our customers. The southern Negro is getting smarter. He is a lot smarter

organization or the community in which they live. Fortunately, however, freedom not to associate is as much a part of freedom of assem-than many of his brothers up North. Negroes in northern and bor-Raised At bly and association as the freedom to remain silent is a part of the der cities have not yet learned how and where to spend their money is sought to compel one to utter that which he does not believe. This boycotting a bus or street car company which would not hire Negro NAACP Meet freedom of speech, a right which becomes wholly inviolable when it and how to make their dollars count. They have never thought of constitutional proposition is made clear in West Virginia Board of drivers. They spend their money freely in department stores whether or not they can enjoy all of the conveniences provided by those Education v. Barnett, 319 U.S. 624 (1943).

In that case the Supreme Court struck down as a violation of the stores for their customers and regardless of whether they are given First Admendment the State Board of Education's requirement that equal consideration when it comes to employment. school pupils' salute the flag and recite the pledge of allegiance. The Court said there:

".... To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind." (p. 634.)

Thus the Supreme Court found the idea of forcing the individual to speak contrary to his convictions to be a contravention of the First northern and border cities could gain more if they could capture Colored People here on July 1.

Amendment. The analogy to cases under "Right-to-Work" laws is ap- some of the spirit exhibited in Montgomery and Tallahassee. Even parent-to force an individual to become a member of a private organi- without large numbers, some gains could be made "up North" with zation against his will is to violate his First Amendment freedom of the spirit of unity that is being demonstrated down South. We may and visitors gave thunderous apassembly and association. It was well stated by the Supreme Court not be strong enough in number to force a company to cease its of Nebraska:

"We think the freedom of association, the freedom to join or not to join in association with others for whatever purposes such association is lawfully organized, is a freedom guaranteed by the First Amendment."

Continued Next Week

A Strange Twist

A recent issue of the American Bar Association Journal contains \$.50 two articles expressing conflicting views on the U. S. Supreme Court decision in the school segregation cases. Ironically, one of the authors of the article which opposes the opinion of the Supreme Court is a lawyer from Missouri which can no longer be classified as a segregated state, while the article supporting the Supreme Court decision is a Texan. ent time in the midst of de-segregation problems.

The Missourian who sides with Eugene Cook, attorney general of Georgia, in writing the article against the Supreme Court decision is William I. Potter, a practicing lawyer in Kansas City. The Texan who upholds the Supreme Court view is George W. Stumberg, a netive of Louisiana and a professor of law at the University of Texas since 1925.

This strange turn of events just goes to show that prejudice and NAACP. The Ninth Amendment reads that the 'enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage discrimination are not based solety upon geography. A man cannot be branded by where he lives or where he was born. Justice Hugo

The Declaration of Independence proclaimed to the world the Black, who came from Alabama, is one of the most liberal justices on "self-evident" truths "that all men are created equal; that they are the Supreme Court bench. In objecting to the Supreme Court decision, Mr. Potter and Mr.

Cook state three reasons:

1. That the court's decision of May, 1954, and the implementing The Declaration of Independence, it should be noted, was careful them. to state that liberties and human rights were not man made. Their opinion of May 31, 1955, conflict with prior opinions of the same court less than five years old. source was not governmental; rather they were endowed by the

2. That the court action nullifies state laws providing for sep people that "You have rights antecedent to all earthly governments; arate but equal educational facilities and "assumes power that conrights that cannot be repealed or restrained by human laws; rights stitutes further encroachment by the central government upon the rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe." This basic concept of individual sovereignty and liberty was absolute in the theory tution." 3. The Supreme Court relied upon college professors, psycholo-

gists and sociologists to support its theory that the segregated school generated in the Negro pupil "a feeling of inferiority that may affect

The Ninth Amendment is a basic statement of the inherent rights of the individual. On its face it declares there are unenumerated his heart and mind in a way unlikely ever to be undone." Georgia's Cook and Missouri's Potter state that the South gave Methodist Church and one in rights that are retained by the people, as a group and individually. heed to white parents' preference for separate schools by enacting Dundee Presbyterian Church. Body Taken Individual freedom is the basis of our democracy and is the virtue which marks ours over other forms of government. Liberty, or free- laws and providing for equal education facilities in separate schools." We were also host to a state-wide What Cook and Potter fail to state is that there is no such gathering of Christian youth in From Mo. River

SAN FRANCISCO, July 5 .- Responding to an impassioned plea by Franklin H. Williams, NAACP west coast regional secretary

The one big advantage which the Negro citizens of Montgomery, as counsel, 8,000 persons contributed well as those of Tallahassee have, is that of numbers. Numbers a total of \$10,000 to the NAACP count. The Negro citizens of Kansas City form barely one-tenth of Fight for Freedom Fund at the the total population while in the southern cities they are between closing session of the 47th annual convention of the National Association for the Advancement of Crowding the Civic Auditorium to near capacity, the delegates plause to Roy Wilkins, the Association's executive secretary, as he warned in the convention's final address: "The United States of America cannot lead the nations

of the world if the shameful banner of Jim Crow is to cast its shadow across the bright colors of the Stars and Stripes. The two walking for weeks to come. We glory in their spunk, but what are we billion non-white peoples of the world are not interested in Jim Crow or colonialism. They are rooting out the apostiles of Thurgood Marshall without the NAACP. When the brilliant NAACP white supremacy. Just the other chief counsel stalked out of a committee session in San Francisco, day the last English soldier left he may have been irritated or angry enough to break off his dealings the Suez Canal, after a stay there with the conference committee members, but we don't believe that of 76 years. The Dutch are out he has any intention of leaving the NAACP, especially not at the presof Indonesia. Nigeria and the Gold Coast in West Africa are a bout to enjoy self-government. There are more than stirrings in

East and North Africa." Bolstering Mr. Williams' fund appeal were living witnesses to

the South's racial tyranny who briefly recited their stories and told of the help they received from the NAACP. They were Mrs. Autherine Lucy Foster who broke

They go together like ham and eggs. And like the flag and the the color bar at the University of ved an attempted assassination in Belzoni, Mississippi, Mrs. Rosa Parks whose refusal to give up her seat in a bus to a white man sparked the successful Mont-

gomery, Alabama, bus protest. and L. A. Blackman who, at the sacrifice of his business, defied the Ku Klux Klan and remained in his home town of Elloree,





GIA, NEURITIS with STANBACK TAB-LETS or POWDERS. STANBACK in not a one ingredient formula . . STANBACK is BACK combines several medically proven pain relievers into one easy to take dose. . . . The added effectiveness of these MULTIPLE ingredients brings faster, more complete relief, easing anxiety and tension usually accompanying pain ...

Test STANBACK Smap Back with





SUFFERERS

COLD discomforts yield quickly to STANBACK'S prescription formula. STANBACK tablets or powders work fast to bring comforting relief from tired, sore, aching muscles, neuralgia and headaches due to colds.



Relieve pains of tired, sore, aching mus cles with STANBACK, tablets or powders. STANBACK acts fast to bring comforting relief... because the STANBACK formula combines several prescription type in gredients for fast relief of pain.

Council of Seeks Funds Norvel. (continued from page 1)

a city-wide basis, one in St. Paul

Fourth of July. We hope we have heard the last of any split between Alabama, Gus Courts who surviliams officiating. Interment was at Graceland Park Cemetery.

Thurgood had an engagement of long standing in Denver.

Of course, the percentage of Negroes in the total population

considerably smaller in most northern cities than it is in the South.

But even with smaller percentages to work with, the Negroes of

operations ,but we could put a big enough dent in its profits to cause

has been he is only just now becoming aware of his full strength.

He is just now coming into his own, gaining courage when legal bar-

cember in protest against segregation. Those in Tallahassee will be

THURGOOD AND THE NAACP

We cannot imagine the NAACP without Thurgood Marshall nor

Since Marshall more than any other single man is responsible

for the cases which led to the Supreme Court decisions in the school

suits, he won't leave the NAACP with his job still unfinished. Roy

Wilkins, the NAACP chief executive, has denied that there is any

rift between Marshall and others high in the administration of the

The wide publicity that was given to Marshall's "walk out" at

San Francisco probably can be attributed to an over-eager reporter

anxious for a good headline, coupled with the circumstance that

The NAACP and Thurgood belong together like Mamie and Ike

riers were put out of his way by the U. S. Supreme Court decisions.

The southern Negro has had numbers in his favor all along. It

The citizens of Montgomery, Ala., have been walking since De-

one-third and one-half of the population.

him to sit up and take notice.

doing about our own situation?

Pallbearers: Messrs. Jessie Franklin, Nathan Winston, Harris Austin, Ellis Sutrdevant, Percy Unidentified

South Carolina. FOR SOMETHING NEW

the equivalent of the right to live, worship, work and pursue the right of opportunity to seek, secure and retain employment free thing as "separate but equal." Had the South consistently through dividuals "are endowed by their Creator." As such, it is preserved denial or disparagement by State or Congress.

In discussing the Bill of Rights before the First Congress, James Madison, the father of the Bill of Rights and author of the Ninth Amendment, warned the people:

"The prescriptions in favor of liberty ought to be leveled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the Executive or Legislative Department of the Government, but in the body of the people, operating by the majority against the minority. But I confess that I do conceive that in a Government modified like this of the United States, the great danger lies rather in the abuse of the community, than in the legislative body." (Gales and Seaton's "Annals of Congress.")

Fears of excesses in government led to the Bill of Rights. Fears of excesses by a majority of the community led to the Ninth Amendment.

As stated by Mr. Justice Douglas, dissenting in Barsky v. Board of Regents, 347 U.S. 442, 472 (1954):

"The right to work, I had assumed was the most precious liberty that man possesses. Man has indeed as much right to work as he has to live, to be free, to own property. The American ideal was stated by Emerson in his essay on Politics, 'A man has a right to be employed, to be trusted, to be loved, to be revered.' It does many men little good to stay alive and free and propertied, if they cannot work. To work means to eat. It also means to live. For many it would be better to work in jail, than to sit idle on the curb. The great values of freedom are in the opportunities afforded man to press to new horizons, to pit his strength against the forces of nature, to match skills with his fellow man."

It is difficult, if not impossible, better to state the principle behind the Right-to-Work laws.

THE FREEDOM OF ASSOCIATION IS PROTECTED BY THE FIRST AMENDMENT

Amendment, particularly freedom of speech and freedom of assembly. excluded." This was in 1950, four years before the decision which is This right springs from the liberty of the individual to live his life now causing such a stir. A similar view was expressed in the Mcas he sees fit, to choose where he will seek to work, and freely to Laurin case of the same year. choose what, if any, private organizations he will seek to join or refrain from joining.

as such by the Supreme Court in NLRB v Jones and Laughlin Steel curred. He points out further that the court at tha time was made Corp., 301 U.S. 1, 33 (1937). There the Court pointed out that the up of four southerners and five northerners. There was no disagree- ready secured some improvements purpose of that statute was to "safeguard the right of employees to ment. self-organization " It then added:

"That is a fundamental right. Employees have as clear a right to organize and select their representatives for lawful purposes as the respondent has to organize its business and select its own officers and agents." (Emphasis added.)

In Thomas v. Collins, 323 U.S. 516 (1945), the Supreme Court considered a Texas statute requiring union organizers to register and obtain a card before soliciting members. The Court ruled that the Texas statute violated the Fourteenth Amendment's protections of freedoms of speech and assembly. Said the Court:

"As a matter of principle a requirement of registration in order to make a public speech would seem generally incompatible with an exercise of the right of free speech and assembly....And the right either of workmen or unions under these conditions to assemble and discuss their own affairs is as fully protected by the Constitution as the right of businessmen, farmers, educators, political party members or others to assemble and discuss their affairs and to enlist the support of others." 323 U.S. at 539. (Emphasis added.)

Finally the Court stated:

"There is some modicum of freedom of thought, speech. and assembly which all citizens of the Republic may exercise throughout its length and breadth, which no State, nor

or impede." 323 U.S. at 543.

our city. happiness as an individual. Liberty and freedom, we believe, includes the year actually provided equal facilities for Negro children, the of any form of compulsion to join or pay tribute to any private all-out fight against segregation itself may not have come so soon. It now in session in all parts of the organization. This is one of the unalienable rights with which in- was the Negro's disgust at the shabby schools maintained for Negro city. About 100 such schools will children over against the well-equipped buildings provided for white by the Ninth Amendment and protected by it, at least against any children that led to the series of court cases which resulted finally in the famous decision of May 17, 1954, declaring segregated schools unconstitutional.

We are surprised that a lawyer practicing in the state of Missouri should side with Eugene Cook. He has an example in his own state and his own city of how well integration is working in the schools. Yet he stands with Georgia. Wake up and look around, Mr. Potter.

The article written by Professor Stumberg of Texas U. is a scholarly piece which points out clearly that since 1803, the Supreme in Central United Presbyterian Court has had the power to determine the constitutionality of state and federal laws. This procedure, he says, "has long since become 200 teachers from Omaha schools so thoroughly imbedded in our system of government that for it now and some from Council Bluffs. As he saw the body floating face to become otherwise, a constitutional amendment or a revolution one teacher put it, "You have down. He brought it to shore. would be necessary." This is answer enough to Cook's and Potter's been very helpful to me and I point No. 2.

Stumberg goes on to say that it is "unlawyer-like when a state 1 have received." constitutional or legislative practice is declared to be invalid under the constitution of the United States to refer to the decision as "un- continuing program of but one lawful" or as an "invalid imposition upon the states."

The professor from Texas points out further that the Supreme of Churches - its Christian Educa-Court decision did not come without forewarning "as a sudden impact tion Committee. upon the social customs of the states affected, from some alien body

unfamiliar with the problems involved." The May 17, 1954, decision came as the climax to a series of de-

cisions beginning with the Gaines vs. Canada decision of 1938, each may be necessary. of which knocked another chip off the stone of segregation and paved the way gradually for the big decision of two years ago. The Sipuel case of Oklahoma went a little further than the Gaines decision. Another step was won with the McLaurin vs. Oklahoma State Regents case. The Sweatt case of Texas went stil further along the road toward an outright decision against segregation.

The Texas professor cites also the fact that two of the nine justrained Lutheran Chaplain who tices of the Supreme Court were born and reared under segregation, devotes part of his time to giving one in Texas and the other in Alabama. Yet neither of them dissentdirect Protestant service and ased in any of the school cases.

It will be recalled that in the Sweatt case the Supreme Court ministering to those in our hossaid in discussing the separate law school set up for Negroes, first at pitals and public and private in-Austin and then at Texas Southern U., that even though the facilistitutions.

ties were good there could be no equality in a system of legal educa-The Civic Relations Committee Freedom of association is a composite of rights under the First tion from which "a substantial and significant segment of society is won a victory for public decency which has been well publicized in the campaign which defended our existing laws. Some quiet

Another good point made by Professor Stumberg is that both work is now being done to secure of these dicisions of 1950 were written by Chief Justice Vinson, a

the better administration of jus-Freedom of association is a fundamental right and was recognized Kentuckian, and that Mr. Justice Reed, also from Kentucky, contice. Cooperative forces have ala d further progress is expected. Much could be told, in addition,

It seems - inconceivable," the Texas professor says, "that four of the work done by such other southerners could be overwhelmed by five justices from outside the South, particulary when one of the four delivered the opinion."

With him we agree and wonder how Mr. Potter and Mr. Cook can do otherwise.

The Power That Is In Unity

The Negro citizens of Tallahassee, Fla., like those in Montinformation may call the Council gomery, Ala., before them, are demonstrating the power that lies in office, 320-321 Y.M.C.A., phone unity. The Negroes of the South have found an effective way to AT 0246.

combat segregation and discrimination. What they have not been able to do through persuasion, over the conference table or even in the courts, they have accomplished through use of the economic boycott

When the 14,000 Negro citizens of Tallahassee stopped riding busses in protest against segregated seating and a discriminatory hiring policy, the company shut down its total operations because it could not afford to run the transit system without their support. Negro riders made up two-thirds of the company's patronage. With local hospital. that much business cut off, the company suspended service on its bus lines until the matter is cleared up. And with expensive equipment 73 years and is survived by his and men standing idle, something will be done soon to bring the wife, Mrs. Anna Johnson of Oma-Negroe's business back.

ter.

Vacation Church Schools are

The body of an unidentified man was taken out of the Missouri be held. Teachers and leaders for these schools were given train-River Sunday afternoon July 15. ing in two all day sessions. He was perhaps about forty five Countryside Community Church or fifty years of age, about five was host to one training school

in which the Nebraska and Omaha feet eight inches tall and Councils cooperated. The Omaha weight about 175 pounds. Council conducted a "Skillshop" Condition of the body made identification difficult. Fred Church which was attended by Schworm, 6016 South 17th Street, was out in his motor boat when Burial was made Tuesday morntrust I may pass on to others what ing by Thomas Funeral Home.



If You Want

the low-down, the inside baseball news, you'll want to take advantage of this special offer.

We'll send you 12 weekly issues of THE SPORTING NEWS (regular value \$3.00) PLUS a copy of the big, brand-new 528-page 1956 edition of the Official Baseball Guide (regular price \$1.00) for only \$2.001

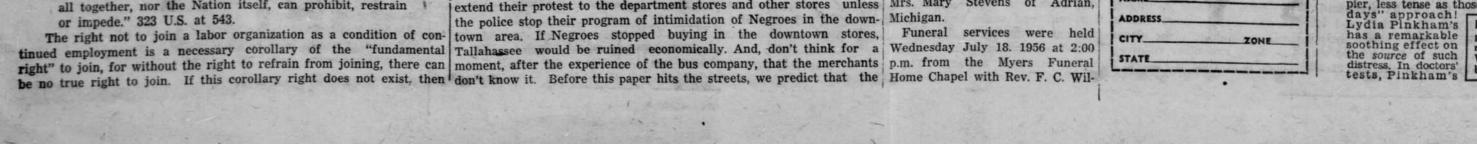
IT'S OFFICIAL, AUTHENTIC

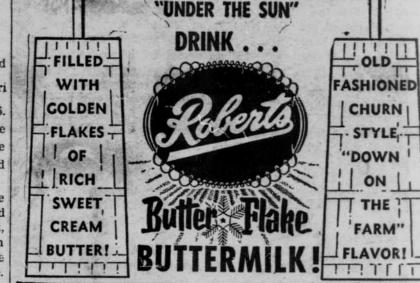
committees as the Church Extension and Planning, Evangel DAJEDAL ism, Radio and Television, and of the service rendered by the Council office as an information cen-Anyone interested in further

Harry Johnson

of 7020 So. 49th Street, expired Saturday July 14th, 1956 at FREE OFFER COUPON THE SPORTING NEWS 2018 Washington Ave. St. Louis 3, Mo. He was an Omaha resident for

ha: 3 nieces, Mrs. Florence Jones







Possibility full time work. For local interview give full particulars, phone. Write P.O. Box 7047, Minneapolis, Minnesota.

Article in Reader's Digest Reveals **Jittery Pre-Menstrual Tension** Is So Often a Needless Misery!

De you suffer terrible nervous ten-sion — feel jittery, irritable, de-pressed — just before your period each month? A startling article in **READER'S DIGEST reveals such** pre-menstrual torment is needless misery in many cases!

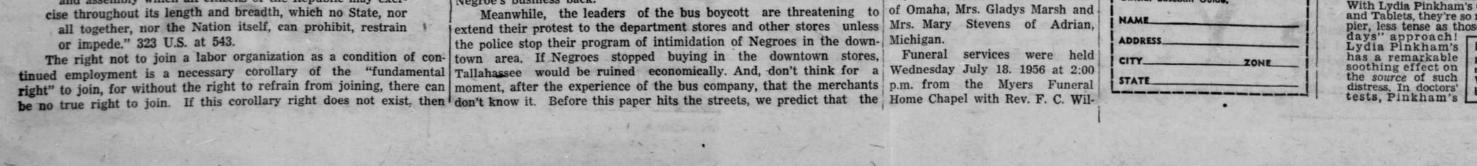
stopped . . . or strikingly relieved ... pain and discomfort! 3 out of 4 women got glorious relief! Taken regularly, Pinkham's re-lieves the headaches, cramps, nerv-ous tension . . . during and before your period. Many women never suffer—even on the first day! Why should you? This month, start tak-ing Pinkham's. See if you don't escape pre-menstrual tension . . so Thousands have already discov-ered how to avoid such suffering. With Lydia Pinkham's Compound and Tablets, they're so much hap-

escape pre-menstrual tension., so often the cause of unhappiness. Get Lydia E. and Tablets, they re so much hap-pier, less tense as those "difficult often the cause of unhappiness. days" approach! Lydia Pinkham's has a remarkable soothing effect on the source of such which have

It's free to you - along with a 12 - week subscription to THE SPORTING NEWS for \$2.00. Let's get acquainted-use this coupon,

Mr. Harry Johnson age 73 years, without delay!

Herewith you will find \$2.00 for which I am to receive THE SPORTING NEWS for 12 weeks, and a free copy of the Official Baseball Guide. NAME



major and minor league averages, records, official playing rules and thousands of facts about the game.

