

# SUPREME COURT FREES 4 FLA. NEGROES

## Four Youths Charged With Murdering Fish Peddler In May 1933

JACKSONVILLE, Fla. — "The Negro citizens of Florida, who have given freely of their nickels and dimes through their local churches throughout this supreme court victory as a Second Emancipation."

This was the statement issued here today by S. D. McGill in commenting on the unanimous United States supreme court decision handed down Monday, February 12, Lincoln's birthday, freeing four young Negroes whose death sentence had been affirmed by the Florida supreme court on the basis of "voluntary confessions" secured after a week of torture, the telling of which shocked the members of the highest court in the land.

To Mr. McGill, a member of the National Association for the Advancement of Colored People's national legal staff, who carried the case to the Florida high court five times, the decision represented not only the thirteenth victory of the Association out of fourteen cases carried to the United States supreme court, but the culmination of six years of struggle, out of which he received only \$177 for his own services. Mr. McGill and Leon A. Ransom, also of the NAACP national legal staff, argued the case before the High Court.

The high court's decision, which was read by Mr. Justice Hugo L. Black, reversed the death sentence faced by Izell Chambers, Walter Woodard, Charlie Davis and Jack Williamson. They had been charged with the murder of Robert Darcy, a white fish peddler in Pompano, a small town in Broward County, Florida, near Fort Lauderdale on the night of May 13, 1933.

In one of the most forceful reaffirmations of the Fourteenth amendment to the United States Constitution, which guarantees to every person convicted of a crime the right of a fair trial, the U. S. Supreme court vigorously condemned the torture inflicted by these young men, by means of which the state of Florida was able to wring a confession of guilt from them. Setting forth the attitude of the court on this issue, which so clearly involves citizenship rights and liberties, Justice Black said: "In view of its historical setting and the wrongs which called it into being, the due process provision of the Fourteenth Amendment—just as in the Fifth has led few to doubt that it was intended to guarantee procedural standards adequate and appropriate, then and thereafter to protect, at all times, people charged with or suspected of crime by those holding positions of power and authority."

"From the popular hatred and abhorrence of illegal confinement, torture and extortion of confessions of violations of the law of the land evolved the fundamental idea that no man's life, liberty or property be forfeited as criminal punishment for violation of that law until there had been a charge fairly made and fairly tried in public tribunal free of prejudice, passion, excitement and tyrannical power. They who have suffered most from the secret and dictatorial proceedings have almost always been the poor, the ignorant and the numerically weak, the friendless and the powerless."

"Pointing out that the torture attendant upon this type of criminal procedure has always been visited upon racial minorities, Justice Black said: "Tyrannical governments had immemorably utilized dictatorial criminal procedure and punishment to make scapegoats of the weak, or of helpless political, religious, or racial minorities and those who differed, who would not conform, and who resisted tyranny."

The following is the story of the victims who were freed on Lincoln's birthday: Robert Darcy, a white fish dealer, was murdered in Pompano, a small town in Broward County, Florida, near Fort Lauderdale, on May 13, 1933, about 9 p. m. Some twenty or thirty Negroes in the little town were arrested that same night and the following day-Sunday, put in jail and held on suspicion. All of them were later released, however, except Izell Chambers, Walter Woodard, Charlie Davis and Jack Williamson.

Feeling among the people of Broward County ran high and there was talk of mob violence to be had everywhere. J. T. Williams, an old convict guard from an adjoining county, a mere volunteer, hastily came to the assistance of Sheriff Clark and helped him round up the suspects and his services were so effective according to Sheriff Clark, that the Sheriff entrusted him with the duty of fixing the responsibility on somebody for the murder. Two days later Williamson and Woodard were rushed to Miami, Florida and lodged on the fifteen floor of the jail to prevent them from being lynched.

"From the time Darcy was murdered, all efforts were made to force confessions from the many suspects in jail of the crime. The men were brutalized in jail and tortured by this convict guard Williams. Sheriff Clark and his deputies for a week to make them confess. The men finally cracked under the strain and on May 21, 1933, confessed to a crime which they now say they never committed. On the same night the Grand Jury indicted the four of them and a few days later sentences of death were pronounced upon all of them by the Circuit Judge of Broward County.

These boys, all young, ignorant Negroes, strangers and with out friends, had come from Georgia and North Carolina only a short time before for the purpose of picking beans, an industry quite profitable for farmers at that season of the year. The white lawyers who claimed to represent these defendants did nothing for them at the trials, made no objections to the evidence, made no motions to exclude the illegal confessions of guilt offered against the accused made no motions for new trials, took no appeals to the Supreme Court of Florida from the death sentences imposed, nor did they take any of the steps known to lawyers whatsoever, to prevent the sentences of death from being swiftly carried out by the law enforcement officers of the State of Florida.

Added belief in this rumor came when Reuben Stacey, a Negro, was taken from Sheriff Clark and lynched almost in sight of the jail where these men were kept. However, great precaution was taken and under the protection of a number of law enforcement officers and machine guns, Attorney McGill alone appearing for the condemned men, the trial went on. A jury again found the men guilty and they were quickly spirited away under heavy guard for safe keeping.

The case was taken to the Supreme Court of the United States on March 8, 1935, after the Florida Supreme Court denied a motion for rehearing in the case. The case was argued in the Supreme Court of the United States on January 4, 1940, by S. D. McGill and Leon A. Ransom.

The Court's decision remands the case to the Florida supreme court. Meantime the four Negro youths continue to occupy 'death row' cells at the State Prison farm at Raiford near Fort Lauderdale, where they have spent almost their entire time since 1933.

According to Louis F. Maire, assistant state attorney, no action will be taken to determine whether the victims will be given another trial or set free, until the copy of the high court's opinion has been forwarded. "If there is enough evidence left without the confessions to warrant it, there is a possibility of a new trial," he said.

GREENVILLE, S. C. (ANP) — The Negro division of the Greenville County council, an organic part of the Greenville County council, both of which are financed through a five year experimental subsidy by the General Education board, recently became affiliated with the National Urban League through an arrangement worked out by Jesse O. Thomas, southern field director.

Some 12 of the most prominent white and colored people comprise the members of the board of control of the newly created organization. In the opinion of many of the "old timers" this marks a new day in race relations in that section of the Palmetto state, and is first branch ever established in either Carolina.

## Banishes White Students Who Cheer Negro's Right To Attend University

COLUMBIA, Mo. — More than 125 teen-aged white girls, students at the exclusive Stephens College here, were ordered from the Boone County Circuit court room by Judge W. M. Dinwiddie, February 10, after they had openly expressed their sentiments, in favor of Negro citizens attending the University of Missouri, with loud cheers.

The youthful students gave the demonstration when Miss Lucille Blufford, 28-year-old managing editor of the Kansas City Call, refused to reveal contents of several letters between herself and her counsel, Charles H. Houston, in connection with her filing for entrance to the University of Missouri School of Journalism. William S. Hogsett, attorney for S. W. Canada, registrar of the University of Missouri, who barred Miss Blufford from the school of journalism because of her color, had sought to make the newspaper editor tell the contents of the letters. Miss Blufford said the letters were personal.

The young college girls, who crowded the courtroom during the two-day trial, occupying every available inch of floor space in the front and back of

the courtroom, followed the testimony carefully. They were attending the hearing as a class project in their course in social problems.

At the end of the Trial Judge Dinwiddie reserved decision. Miss Blufford, represented by NAACP attorneys: Charles H. Houston, and Sidney Redmond, the latter of St. Louis, Mo., is suing for a writ of mandamus to compel the University of Missouri to admit her for graduate work in its school of journalism. She contends that twice, once when she appeared on the campus of the school January 30, 1939 and again on September 14, 1939, she has been denied admission to the school solely on the ground that she is a Negro.

She contends that the university's failure to admit her, is a denial of her full right as a citizen under the fourteenth amendment to the Constitution. The University contends that her action is not brought in good faith, and that she should bring her action against Lincoln University, a Negro school at Jefferson City, Mo., to force that school to set up a school of journalism.

## Silver Moon

MEMBERS OF THE SILVER MOON CLUB spent a delightful evening at the home of Mrs. Ida Rush of Umstead Street. The evening was spent transacting business. The public is cordially invited to attend a "jitterbug" contest given by this club on March 25 at the Durham Chauffeur's Club room. There will be a small admission. A prize will be given to the best jitterbug.

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## Chapel Hill Birthday

BY FRED HAWKINS  
MRS. ELEASE WINSTON is very sick at her home on Lindsay Street.

MRS. LIZA JONES died early Wednesday morning at her home on McDae Street where she has been sick for some time. The funeral service was conducted at O'Bryant's Chapel, Friday at 2 o'clock with the pastor, Rev. Fletcher in charge.

MISS M. J. SCARLETT head of Dramatic club sponsored a program Wednesday morning and Friday night at the Orange County Chapel for Negro History week.

REV. C. T. BOYD spoke to the Young People Sunday at the Church of God.

MRS. EFFIE MERRITT is ill at her home on Church Street.

REV. DUNN, of Providence, Rhode Island spoke at the Church of God last week.

THE DAUGHTERS OF ALLEN gave a program in honor of Allen's day last Sunday at St. Paul A.M.E. Church with Miss Beatrice Rade in charge.

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## OXFORD

BY CHARLES A. ALSTON  
The following citizens motored to Durham to attend the reception given by Roland Hayes at the North Carolina College, February 14: Misses Nancy Mayer, Lessie Anderson, Mr. and Mrs. Mary Firsty Gregory, and Mr. and Mrs. Charles Alston. Wesley Harris has returned to the city after being away on business.

Rev. Thorston observed interracial week at his church Saint Joseph A.M.E. Zion Church.

Dean James T. Taylor spoke to the students and friends of the Angier B. Duke Memorial school, February 14, during the observation of Negro History Week.

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