

THOMAS "SKEET" ALLEN ARRESTED AND BRUTALLY BEATEN IN COURTHOUSE BY LOCAL POLICE.

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The next morning they came up and got me. Officers Gates and Owens. Officer Gates said, "We are going to allow you a break if you want it. Officer King has gone out, and Mr. King says if you talk and give us any information as to who look part we will let you go for \$200 bond. I said, "Mr. Owens, I like you allright, but I don't know anybody who was down there."

I think Mr. Jones has it in for me. When he was making some arrests down there on Cozart Street, I was standing out there looking, and he told me to move on, and I said, "I'm a citizen; I pay taxes; I have a right to look," and I was moving all the same time, but he came upon the porch and got me and put me on in the car, and carried me up town. When they had the trial, Judge Borland told me to tell about it, and I did and he let me go. Officer Jones tried to make out that I was cursing and so forth, but I told Judge Borland just how it was and he let me go.

When all that to do was in Hayti, I had just walked up, and was standing there and Officer Jones looked over there at me, and grabbed me by the arm and said something, and a soldier said, "What are you trying to arrest that civilian for," and the soldier grabbed him, and I walked on away when he turned my arm loose.

After that, one day when I was coming out of the shoe shine parlor, Officer Jones was with three other policemen, and he pointed a stick at me and said, "I'm going to get you yet."

They asked me about the Draft Board, and I told them I was on Board number 2. Officer Gates said something about old Louis Austin. He said he didn't care about what news Louis Austin put in his paper; he said it didn't hurt him. It was a favor to him. He said the Lawyer was against it, the judge was against it and all the white citizens were against it. Said four or five white people bought the paper just to see what he would say about it.

SIGNED: THOMAS C. ALLEN (SEAL)

HASTIE AGAIN ATTACKS BIAS AT TUSKEGEE FLYING SCHOOL

(Continued From Page One)

gro and white officers at Tuskegee. Even in the construction plans for the Tuskegee Air Base separate quarters and separate eating facilities were provided for white and colored officers. Similar separation was planned for white and colored enlisted men. I protested against these plans and the Air Corps refused to change them. During the summer of 1942 after the planned segregation had actually been put into effect, I protested again and was told that this segregation at Tuskegee was in accord with established policy and existing customs, and that it would not be changed. These communications were all in writing and should be in the War Department files. I cannot understand the present denial of the well-known and notorious fact.

Concerning Negro administrative officers at the Tuskegee Air Base, the War Department states that "as Negro officers become qualified they will be advanced according to their ability." But the record shows a consistent policy of advancing white administrative officers who have no exceptional qualification, and restricting Negro administrative officers to subordinate positions. I have heretofore refrained from citing specific cases to avoid possible embarrassment to any of the officers themselves. But now that the discrimination is publicly denied, I believe cases should be cited. Nothing except racial discrimination can explain the retention of an experienced Negro chemical warfare officer in a subordinate position while a white officer of considerably less experience was made Post Chemical Warfare Officer. This case is made more glaring by the fact that the Negro officer had demonstrated his studious application to his specialty by writing an elementary handbook on the subject of Chemical Warfare. There can be no explanation except racial discrimination for the refusal to assign a veteran and experienced Negro officer of the finance department to the responsible position of Post Finance Officer after he had been detail to Tuskegee, or the assignment of a Negro officer to supervise the post restaurant when he was sent to Tuskegee because of his unusual and outstanding experience in organized recreation and physical education. When a white Lieutenant fresh from a CCC Camp advances rapidly to be a Lieutenant Colonel and second in command at the post one must ask why a Negro Lieutenant also fresh from commanding a CCC Camp and actually trained by the Army for an Adjutant's work, finds himself, nearly two years later, merely a Captain serving as Provost Marshal. Certainly racial discrimination is shown when not one of the half dozen Negro graduates of the Adjutant General's School, now stationed at Tuskegee, has been assigned to an Adjutant's duties in Post Headquarters. There can be no question that race has been a large factor in promotions in the post administration.

It is ridiculous that the War Department now explains that use of Negro service pilots is "under study." This matter has been "under study" for a year. The real trouble as I have already pointed out is the practical impossibility of working out a Jim Crow plan for using service pilots.

The Department also states that sufficient Negro weather officers and meteorologists are now in training for the present Negro-fighter group. So far as I know, this means seven Negro weather officers. Yet the War Department has, within the past few weeks, expanded its plan for training a thousand weather officers to the training of ten thousand such specialists. The few Negroes who were trained all finished near the top of their classes. Yet they and men like them cannot be used to fill any of the prospective ten thousand vacancies. This, of course, is because they would have to make weather calculation for white pilots.

The suggestion of the War Department that Negroes are trained only for single engine pursuit flying and not for bombardment "because of the technical and other features present in flying" is sheer nonsense. The single engine pursuit pilot has the most difficult and exacting aerial task. The fact is that the Air Forces do not purpose to give this Negro any greater opportunity in flying than they are forced to give.

The excuse now advanced for restricting technical opportunities as mechanics, radio men, etc., is that a much smaller percentage of Negroes than white pass the mechanical aptitude test. But in 1941 and 1942 when white volunteers by the thousands were allowed to qualify for technical training, Negroes were being rejected, not because they were incompetent but because they were colored. The fact that fewer Negroes than white were qualified was no excuse for excluding the Negroes who could qualify. I understand that very recently the Air Command has begun seeking qualified Negroes in various non-technical units to be transferred for technical training and assignment. This, of course, is an important and gratifying new development.

The history of the Aviation Squadron (Separate) belies present War Department claim that these units were established to "provide a place for men in the Air Forces who do not have the qualifications for more technical work." The first ten of these units were authorized back in 1940. They were then the only Negro units of any type in the Air Corps. They were set up in order that it could be said that Negroes were in all branches of the Army. Men were assigned to them without regard to technical ability or lack of it. If the Air Forces are now going to take the well qualified men out of these units and assign them to technical training, this will be a new and forward step. But up to the present time, there has never been an effort to prevent the assignment of men with superior qualifications to these labor units.

In summary, although there have been some recent improvements, the practices and policies of the Air Corps are still very bad, far worse than the new War Department statement would lead the public to believe. In this connection, it is to be regretted that Under Secretary of War Patterson, a man of great integrity but who has little personal knowledge of and no supervision over the Air Training Program, should be used as the mouthpiece for the misleading statement which has found its way into the press.

Allen is charged in the warrant with "incite and participate in an unlawful assembly and riot."

Mr. Rivers is a member and the president of the American Bar Association it was explained, that one dissenting vote on the Executive Committee may bar an applicant and five in the Association. It was admitted by the American Bar president that there "Now, as you know, there is nothing whatever either in the Constitution or By-Laws of the Association drawing the color line, but as you equally know, there are usually and probably always present at meetings of the Association at least five members who will vote against an applicant if and because he is a Negro; and also that there is usually and perhaps always upon the Executive Committee at least one member who will vote against an applicant if he chances to be a Negro."

is particularly true when the Association is asking for new members. Therefore the extended delay of the Membership Committee in acting upon the application of Mr. Rivers has convinced me that the Association is barring him because he is a Negro.

I have been a member continuously the judge of the American Bar Association for 29 years and desire to continue my membership if I can do so without stultifying myself.

To be member of a professional organization which bars Negroes from its membership would, in essence be contributing toward the perpetuation of bigotry. This I refuse to do.

Unless I receive concrete evidence that the Association is not pursuing this discriminatory and un-American practice, you may regard this letter as my resignation from membership of the American Bar Association.

The application membership forms of the Association ask for an indication of whether an applicant is white, Indian, Mongolian or Negro.

In the South wing of the Criminal Court Building on the 6th floor Assistant District Attorney Rivers would not make a statement but he did give a brief history of the case. At 2 Lafayette St. Commissioner William B. Hurlands of the Department of Investigation gave the following statement: "I am investigating the facts. If, as reported, Francis E. Rivers' application for membership in the American Bar Association has been rejected because he is a Negro, I shall immediately resign from the Association."

Francis Rivers has been a personal friend of mine for many years. He had a distinguished career at college, in the legal profession, and in the public service. He is a graduate of Yale College, where he was awarded the Phi Beta Kappa key. He is a graduate of Columbia Law School, which is also my alma mater. He is a war veteran. He is a former member of the New York legislature. He worked for four years on the staff of former District Attorney Thomas E. Dewey, now Governor Dewey. He is now a Chief Assistant in District Attorney Hogan's office. He is a member of the Association of the Bar of the City of New York.

There can be no question as to Francis River qualifications for membership in the American Bar Association.

I understand that Mr. Rivers application was pending before the Committee on Admissions in January. It is possible that the application has been or will be acted upon favorably. If I find that it has been rejected, there is only one course open for any self-respecting American lawyer and that is to resign."

Letters and telegrams of congratulation have poured into Judge Goldstein from organizations and individuals and it is rumored that many prominent members of the ABA will voice their objections and resign.

In reply to Attorney Cornelius McDougal who wrote: "It is unfortunate for the American Bar Association that there are not more real Americans among them." Judge Goldstein replied: "Self respect and American principles of democracy gave me no alternative other than to take the action which I did."

I am always mindful of the last words of the salute to our flag: "With liberty and justice for ALL" — all means ALL. The individual or the minority groups may be singled out for injustice — never for justice. Justice is only assured when it is meted out to all."

In 1932 Mr. Rivers upon invitation sent his application and \$400 dues to the ABA. In May 1932 his check was returned and he was rejected. In subsequent communications between the president of the New York Bar Association and of which

JUDGE BLASTS LAWYERS ORGANIZATION FOR BARRING RACE ATTORNEY

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LEGAL NOTICES

NOTICE

IN SUPERIOR COURT

North Carolina

Durham County

Thelma M. Keck and husband,

D. H. Keck, vs

William O'Daniel and wife,

Ida O'Daniel, J. B. Shaw (widower); Edward Shaw and wife,

Emma Shaw; Nannie C. Allen (widow); Ruth Mickle (widow);

Julian O'Daniel and wife, Minnie O'Daniel; Ernestina O'Daniel (widow); Thurman O'Daniel (single); Robert O'Daniel (single); Bonnie O'Daniel (widow);

Lucille O'Daniel (single); Cornelia O'Daniel (single); Bonita O'Daniel (Minors); and Edward Warren O'Daniel and wife, Virginia N. O'Daniel, heirs at law and next of kin of Rebecca A. Shaw, deceased, and all other persons in esse and not in esse who are or may be heirs at law and next of kin of Rebecca A. Shaw, deceased.

THE DEFENDANTS, Edward Shaw, Emma Shaw, Thurman O'Daniel, Robert O'Daniel, Lucille O'Daniel and Cornelia O'Daniel, and all other persons in esse and not in esse who are or may be heirs at law and next of kin of Rebecca A. Shaw, deceased, will take notice that an action entitled as above has been commenced in the superior court of Durham County, North Carolina, to sell the land described in the petition in this cause, for division; and the said defendants will further take notice that they are required to appear at the office of the Clerk of the Superior Court of said County in the Court house in Durham, N. C., on or before ten (10) days after the 6th day of May, 1943, and answer or demur to the petition in the said action, or the petitioners will apply to the court for the relief demanded in said petition.

This the 6th day of April 1943.

JAS. R. STONE, Asst. Clerk Superior Court, Durham County

M. Hugh Thompson, Attorney

Administrator's Notice

Having qualified as the administrator of the estate of Harrison Lyons, deceased, late of Durham County, North Carolina, this is to notify all persons having claims against the said deceased to present them to the undersigned at 112 Parish Street, Durham, North Carolina on or before the 27th day of February, 1943, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 25th day of February, 1943.

Mechanics and Farmers Bank, administrator of the estate of

TRUSTEE SALE OF LAND

North Carolina

Durham County

UNDER AND BY VIRTUE OF the power conferred upon the Trustee in a certain deed of trust dated July 28, 1937, executed by Security Finance Corporation of Durham, Incorporated, and duly recorded in the office of the Register of Deeds of Durham County, in Book of Mortgages 249, at page 201; default having been made in the payment of same, the undersigned Trustee will offer for sale at public auction to the highest bidder for cash at the courthouse door in Durham, North Carolina, on FRIDAY, APRIL 30th, 1943, AT 12 O'CLOCK NOON, the following land, to-wit:

LOTS No. 1 to 9 inclusive in Block "G"; lots No. 1 to 18 inclusive in Block "H"; Lots No. 1 to 9 inclusive in Block "I"; Lots No. 1 to 3 inclusive in Block "J" Lots No. 1 to 11 inclusive in Block "K" lot No. 1 to 7 inclusive in Block "L" of the J. A. Buchanan property as per survey of J. T. Poe, C. E., January, 1927, said plat duly recorded in the office of the Register of Deeds of Durham County in Plat Book No. 6, page 115. Reserving one lot, No. 10 in Block "K" sold to Fred Umstead, deed recorded in Book 99, page 208, Durham County

SENATE TO PROBE JIM CROW IN ARMY

BY ERNEST R. JOHNSON

WASHINGTON, AA W P.—

The senate committee on military affairs will hold preliminary hearings into the charges of racial discrimination in the armed forces preparatory to the appointment of a five man subcommittee to undertake a full-dress investigation into the matter.

This is the procedure which will be followed as a result of a resolution introduced in the senate last Thursday by Senator Sheridan V. Downey (D) of California calling upon that committee to conduct a full and complete study and investigation with respect to the status of the Negro and other minority groups in the armed services as well as the WAACS, WAVES, SPARS, and marines, women's auxiliaries.

Introducing his resolution Sen. Downey declared on the floor that complaints of violations of the non-discrimination provisions of the Selective Training and Service act of 1940 had been made by responsible persons, notably William H. Hastie, the civilian aide to Secy. of War Henry L. Stimson who resigned in protest, when complaints have created "anxious concern among large segments of our people."

The senator made it clear in his remarks that he is not attempting to judge the veracity of the charges but rather to point out the intent of the President and the legislation establishing selective service that the objective be attained without racial discrimination. He pointed out that Negroes are greatly restricted in the armed forces, particularly in the air corps.

"By the end of this year there will be more than 10 million Negro Americans serving their country in our armed forces," he told the senate.

"They will represent more than 10 per cent of all Americans under arms. Their heroism, their loyalty is unquestioned. The records of such Negro heroes as Dorie Miller at Pearl Harbor offer living testimony of the will of the Negro people to defend the heritage of freedom and democracy which is the birthright of all Americans.

Sen. Robert Reynolds (D) of North Carolina is chairman of the military affairs committee. It is customary that when a committee is to be appointed in accordance with a resolution, the sponsor is generally consulted on its membership. Sen. Downey was expecting to leave for the West Coast where he was scheduled to delve into manpower problems in California. It is therefore unlikely that the sub-committee will be appointed before his return about May 8.

The specifications of the resolution call for the committee to ascertain the extent to which there has been compliance with the racial discrimination clause of the Selective Service and Training act of 1940; the nature and extent of any practice in the organization and placement of personnel which acted to exclude Negroes from particular branches of the armed forces either on land, at sea or in the air; the extent to which advancement of Negroes in the ranks commissioned officers has been limited; the extent to which the armed services are failing to utilize the full professional and technical skills of Negroes; and the relation of the system of segregated units to the effective utilization and appropriate placement of persons on the basis of individual competency and merit.

Registry. THIS SALE will remain open ten days to receive increase bids, as required by law. THIS PROPERTY is sold at the request of the holder of said note.

DATED this 29th day of March, 1943.

B. L. McDOUGAL, Trustee C. J. GATES, Attorney

VOTE FOR LABORS FRIEND. Representatives of Durham's Labor Unions have investigated All City Election Candidates and Recommend the following persons to our fellow workers: FOR MAYOR Sam B. Brockwell. First Ward J. Frank Barfield. Fifth Ward J. E. Strawbridge. GO TO THE POLLS AND ELECT OUR FRIEND.

GIVE WAR FUND. Buy United States War Bonds and Stamps.

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS. Buy United States War Bonds and Stamps.