

# FREEDOM CLOSED TO CHARLIE SMITH

## WOMAN'S REVERSED TESTIMONY SEALS DOOM

RALEIGH, N. C. (Special).—A case which has lagged in and out of court for the past three years was closed definitely Wednesday when Parole Commissioner Edwin Gill failed to pardon or even parole Charlie Smith for the alleged attempted attack on Mrs. Sarah Lyles during the summer of 1936.

Probably one of the greatest comedy of errors in jurisprudence history, the case has attracted statewide attention due to the numerous times the prosecutrix has altered, and in one instance, changed her original testimony.

In his first trial at the August, 1936 term of court, Smith drew a verdict resulting in the death penalty. The state supreme court upheld the verdict of the lower court and there was an immediate clamor for clemency brought about by the many who did not believe Smith guilty. Since that time it has supposedly been under the consideration of the parole board.

It all came about when the prosecutrix positively identified Smith as her assailant during the first trial. When she was approached with the petition asking that his sentence be committed to life imprisonment, she stated that there were possibilities of her having made a mistake in the identification of her assailant.

She made another trip to Commissioner Gill in Raleigh a short while later, and without any outside prodding, issued the following definite statement:

"I admit I made a mistake. Charlie Smith is innocent."

This in itself was sufficient to free the man but the commissioner, holding to the assertion that her son, Clarence was 14 at the time the crime was supposed to have been committed, seemed positive that Smith was the man and continued to hold on to Charlie.

This prolonged incarceration was partly due to a warning from Supreme Court Judge John J. Burney who in 1936 was a solicitor and prosecuted Smith. Judge Burney advised the commissioner against freeing Smith stating that he could not be exonerated simply on the prosecutrix's change of testimony.

Armed with this advice, the commissioner decided to let time take its course meanwhile Smith did time for a crime he had been cleared of by his original prosecutor.

The scene changes. Following repeated petitions from those who believed in the young man's innocence, the parole board sent a representative to interview the accused again. This time, realizing that her last confession had stood long enough, she decided to change it again.

"Charlie Smith is the guilty man," she guessed. Her son, now residing in South Carolina, corroborated her accusation sealing Smith's fate.

Claims Outside Influence. In attempting to account for her continuous change of mind, intimations have been made recently that her marriage to Henry Britt, might have had something to do towards influencing her various, different testimonies.

Her marriage to Britt came immediately after she had gained the spotlight following the Smith case. New that Britt is in jail in Robeson county, those intimations further suggest, the Lyles woman can finally tell "the truth, the whole truth, and nothing but the truth." Yet the fact still remains that she had changed her testimony twice before she married Britt. However the case goes down as closed until as such time that she deems to reopen it with a different story altogether.

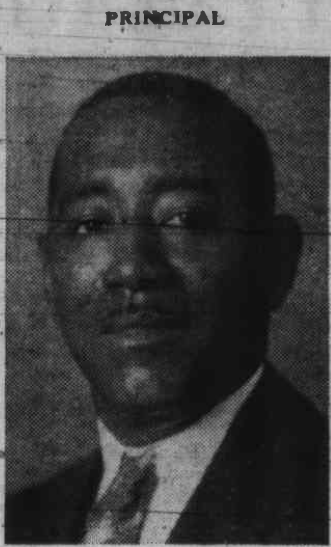
# The Carolina Times

"THE TRUTH UNBRIDLED"

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## RIOT QUELLED AT A. & T.

### 'Lucky' Morris Execution Stayed For Sixty Days



REV. H. S. DAVIS, principal of Mary Potter school, Oxford, who is rounding out another successful year with his commencement exercises next week.

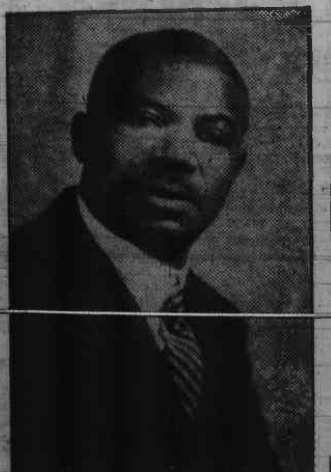
### Garner Loses To Lynch Foe

SAN ANTONIO.—San Antonio voters dealt a body blow to the reactionary Garner for President coalition this week when they voted in Maury Maverick, Texas New Dealer, as San Antonio's new Mayor. Maverick, who was defeated by the Garner block last year when he ran for re-election to Congress, was the only southern congressman to support the anti-lynching bill.

C. K. Quin, Garner lieutenant and present Mayor lost out by a large majority as San Antonio voters repudiated the Garner alliance and swept Maverick and fusion ticket of four commissioners into office. Maverick takes office on June 1.

Political observers here are of the opinion that Maverick's victory clears the way for his return to Congress next year. It was also interpreted to mean that Bexar County will send a progressive delegation to the 1940 Democratic State convention, thereby challenging Garner's plans to control the State Convention in preparation for a fight on the New Deal at the National Democratic convention.

### COMMENCEMENT SPEAKER



DR. R. A. SCOTT, President of Campbell college who will deliver the Baccalaureate sermon at Morris Brown university, Atlanta, Sunday, June 4.

### Governor Wants More Time For Investigation

RALEIGH, N. C. (Special to the TIMES).—The life of Arthur Morris who was slated to die Friday, May 19, has been spared for another sixty days according to an announcement given out by Governor Hoey late Thursday evening.

Morris, known simultaneously as the 'Eel' and the 'Gray Mouse', was convicted by a Wake county superior court on varying charges of night burglary which in this state carries the death penalty. The specific charge in this trial being the one in which he is supposed to have entered the home of Dr. W. B. Dewar, white, Raleigh. In this instance, Morris was charged with taking a check from the home of the physician and cashing it in Durham.

Before making the reprieve, Governor Hoey consulted Judge W. C. Harris of the Wake county superior court who sentenced Morris, and Solicitor William Bickett who prosecuted him. Both reported to the governor that a reprieve would be "satisfactory" to them.

Interested Parties Interested. Since the conviction of Morris, many petitions have been sent to the governor. Members

of his family were the first to visit the executive's office and in reciting a brief history of the condemned man's life, brought out many instances wherein the young man was a mentally deficient.

Louis J. Spaulding, of Durham, after having procured the signatures of the trial jurors, had an interview with the governor Tuesday in behalf of Morris. The governor was very cordial in his reception of Mr. Spaulding and promised at that time to give the case due consideration.

The trial jurors stated to Mr. Spaulding that they would have brought in a verdict of guilty of second degree burglary had not Judge Harris in his charge to the jury instructed them to either return a verdict of guilty of first degree burglary, which carries the death penalty, or an acquittal. Due to the fact that Morris had previously pleaded "guilty as charged," it was impossible under the circumstances to grant a complete acquittal leaving only one other alternative, guilty of first degree burglary. Judge Harris' charge to the jury had presented a legal

Please turn to page eight

### Local NAACP Reorganized

At the "revival meeting" of the Durham branch of the NAACP at White Rock Baptist Church Sunday afternoon, May 14, the members and officers agreed that their meetings would be held more regularly and that a campaign would be waged for more members.

Attorney M. Hugh Thompson, chief advisor and chairman of the local branch, gave a brief history of the work that has been done in the local branch. Many outstanding citizens of Durham made interesting and

inspirational talks to the group gathered for the revival. C. C. Spaulding admonished the people concerning the dire necessity for maintaining his organization.

Dr. C. W. Lightner of Duke University urged that the branch be supported. He also made a motion that the president would call another meeting in the near future.

Annual membership fee was paid by many of the members who were present.

### Nazi Leader Assails Racial Equality

BERLIN.—In a speech crowded with vicious incitements of race hatred, Dr. Alfred Rosenberg, Nazi cultural leader, asserted at a meeting in the Sportpalace here that the emancipation of the Negro, if it continues in the political sphere, must bring the downfall of civilization.

The Hitlerite leader of the Nazi programs against the Jews in Germany assailed the democracies as advocating today "the antiquated principles of the French Revolution" of the equality of peoples. He repre-

sented Democracy as decadent in comparison with fascism and stated that the alleged equality of people is one of the most dangerous enemies ever proclaimed in political life.

Rosenberg's speech followed within a few days the issuance of a decree by the Nazi regime which will establish miniature ghettos in German cities, probably designated by the five-point yellow star used in medieval times by compelling all Jews who will not or cannot emigrate to live in segregated sections.

### Dr. Julian Miller Finals Speaker At A. & T.

GREENSBORO, N. C. (Special to the TIMES).—Dr. Julian Miller, Editor of the Charlotte Observer, will be the principal speaker at the commencement exercises at A. & T. College, Monday, May 29, at 8 p. m. The Baccalaureate sermon will be delivered by Dr. Adam Clayton Powell Sr. pastor emeritus of Abyssinian Baptist Church, New York City, Sunday morning May 28, at 11 o'clock. All public exercises will be held in the college gym.

Dr. Miller is a native of South Carolina. He was educated at Erskine College and the University of North Carolina. He served as editor of the Charlotte News from 1915 to 1932. Since 1935, he has been editor of the Charlotte Observer, leading daily of the Carolina. The speaker has also taken an active part in social welfare and interracial groups. At present, he is president of the North Carolina Conference of Social Service.

Dr. Powell is a native of Virginia and a graduate of Virginia Union University. He received his B. D. from Yale Divinity School and holds the honorary Doctorate in Divinity from Union, Virginia Seminary and Howard University. He has been connected with the Abyssinian Church, the largest Protestant church in the world since 1905.

The complete list of commencement events follows:

FRIDAY, MAY 26  
6:00 p. m. All Student Banquet  
SATURDAY, MAY 27  
4:00 p. m. Senior Class Day Exercises  
6:30 p. m. President's Reception  
SUNDAY, MAY 28  
11:00 a. m. Baccalaureate Sermon, Rev. A. Clayton Powell, Sr. pastor emeritus, Abyssinian Baptist Church New York  
8:30 p. m. Open Air Concert, A. Capella Choir on front lawn.  
MONDAY, MAY 29  
10:00 a. m. Meeting of Alumni association  
1:00 p. m. Alumni Luncheon  
4:00 p. m. Band Concert on the Lawn  
7:00 p. m. Commencement Exercises, Address: Hon. Julian S. Miller, Editor of the Charlotte Observer, Charlotte, N. C.

### Negro Sets 'Chute Mark

WASHINGTON.—The National Aeronautical Association has decided that the parachuting record in this country is held by Willie (Gracie) Jones, Negro aviator of Chicago.

The Association this week advised Jones that examination of a barograph carried in a plane from which he made a parachute jump on March 2 showed that he had leaped from an altitude of 24,468 feet, as compared with the country's previous mark of 22,783 and the world record of 26,575 held by a Soviet parachuter.

### But Students Ask Breaux's Reinstatement

GREENSBORO, N. C. (Special to the TIMES).—Despite threats of expulsion and other warnings from members of the board of trustees, the students of A. & T. College are still enthusiastic in the demonstration of their resentment to the dismissal of Iman A. Breaux as director of athletics at the college.

The agitation was at its peaks Thursday night when between 200 and 300 male students marched in front of the home of President F. D. Buford yelling "we want Breaux." It has been reported that several hundreds of dollars worth of damage was done to school property during the demonstrations.

The unrest began when the news circulated that Bernard Jefferson, who graduates from Northwestern this year, would replace Breaux as head of the department of athletics at A. & T. The students, led by the athletes who have been under the direct tutelage of Breaux, refused to attend classes last Friday as the expression of their united desire for the reinstatement of the coach's reinstatement. The athletes have stated that they found Coach Breaux to be "competent, inspiring, and possessing a profound coaching ability. He will always be our coach."

### TRUSTEE SPEAKS

In an attempt to put a stop to the demonstrations of the students and the destruction of the school property, Major L. P. McLendon, former Durham Attorney and member of the Board of Trustees of the A. & T. College warned the students that if the violence persisted the State of North Carolina would be forced to take the steps necessary to protect its property at the school. He further stated that any student who was definitely proven to be a leader of the strike would be sent from the institution. Any grievance that the students have, he stated should be brought before the board of trustees when they meet in Greensboro Friday, May 19.

### Reject Negro's Song

RICHMOND.—A hot debate is raging in this state on the recent action of the Virginia Federation of Music Clubs, white, in voting against the proposal to have the Legislature designate "Carry Me Back to Ol' Virginny" as the official State song. The federation favored a little known composition called "Old Virginia" written by a white man. "Carry Me Back to Ol' Virginny" was composed by James A. Bland, a Negro minstrel in the late nineteenth century and is identified in the public mind with the State while "Old Virginia" is little known, even in Virginia.

The Spring Graduation Exercises of DeShazor's College of Beauty Culture will be held at the White Rock Baptist Church, of which Rev. Miles Mark Fisher is pastor Sunday, May 28, at 3 p. m. with Prof. R. Henningburg, Assistant president of North Carolina College acting as Master of ceremonies.



CHAMPION JOE LOUIS as he appeared just before leaving New York last week on his way to Lafayetteville for several weeks roughing prior to launching his camp at Pompton Lakes June 1

### Tobacco Union Urges Workers To Stand Firm

With T. J. Atwater, president of the local tobacco workers union-number 194 presiding, two very interesting and important meetings were held at the union hall located in the Scarborough building on Popular street on Monday night at eight o'clock.

The meeting was opened by singing and prayer being offered by Chaplain Allen Spain. After the devotions the meeting was opened for business.

At the opening of the business session a motion was made that the president appoint a finance committee composed of three members of the union. The motion was carried and those appointed were L. L. Johnson, Clyde Brown and Dannie Harrington.

Following the appointment of the finance committee, a negotiating committee was elected composed of L. L. Johnson, Howard Williams and Will Stewart.

At the Friday night meeting the president spoke briefly and urged the members to stick to the organization. He told the members present that the union had made wonderful progress with the union.

since its beginning, but that they must not become slack and let their membership lag.

Present at the Friday night meeting was S. E. Blain, secretary of local number 176. Mr. Blain delivered a very inspiring talk in which he told of the benefit to be derived from organized labor. Mr. Blain stated in his talk that if there was any class of people who needed to organize it was colored people because they were being oppressed from every angle.

The speaker said he hoped the time would come when the colored people in the Liggett and Myers Tobacco Company would wake up. The speaker pledged to the members of the colored union his best support. Mr. Blain stated that if colored workers could not organize themselves that the white workers in the factory would organize.

The members of the union have pledged themselves to withdraw their patronage from any business that is opposed to unionism. The union on the other hand has pledged to support all organizations that cooperate with the union.

### Press Ruling To Aid Race Editors

MOBILE, Ala. (CNA).—In a decision that may set a precedent in cases of terrorism against courageous Negro editors in the South, a Federal Court jury this week convicted five of six white persons of conspiring to interfere with the freedom of the press.

The government contended that the six defendants conspired to intimidate Henry R. Hall, white former executive editor of the Mobile Press Register, who was conducting a campaign against gamblers, by photographing him in a compromising position.

Please turn to page eight