

THE LOUISVILLE PATTERN

EXCERPTS

from the

OFFICIAL TRANSCRIPT

Jefferson County Grand Jury Investigation

September, 1954

into an

EXPLOSION AT THE HOME OF ANDREW WADE IV

ASSOCIATION OF NEGRO AND WHITE PEOPLE

The prosecutor and the grand jury showed keen interest in personal associations--especially the association of Negro and white people.

Witness: a Negro co-worker of Vernon Bown.

Q How long have you known Vernon Bown?

A Well, I have knowed him the last year or year and a half.

Q And how did you become acquainted with him?

A Working with him.

Q Do you ever visit in his place of residence?

A No.

Q Have you ever gone to his home or his room or his apartment?

A No.

Q You are sure?

A That's right. His room or apartment.

Q Do you know where he lives?

A No, I don't.

Q You haven't the slightest idea where Vernon Bown lives?

A That's right.

Q You have never known where he lives?

A Well, when he was over in Indiana, that's the onliest place I knowed where he lives. He lived over in New Albany there.

Q How did you know that?

A We went over there hunting one night, coon hunting. I didn't go to the house. He pulled up in front of his door. He got out and got his gun, and then taken off in his machine. What street he lived on I don't know, but we went in, went across the bridge and come back thisaway. I don't know what street it was, to be frank about it.

Q Has he ever visited you in your home?

A That's right.

Q He has?

A Yes.

Q On many or few occasions?

A Very few occasions.

Q How many times within the past twelve months would you say?

A I would say about twice.

Q About two times in the last year, is that right?

A That's right.

Q Who came with him if anybody on those occasions?

A Nobody else, only himself.

Q Do you have lunch with Bown very regularly or not?

A Have lunch with him?

Q Yes.

A I haven't had lunch with him.

Q Have you ever gone out and eaten with him?

A No.

Q Dinner, supper, or breakfast?

A No.

Q Do you know a man by the name of Cole (white)?

A I know of him.

Q Do you and Bown and Cole associate with each other?

A We work on the same job.

Q Do you associate together?

A We don't associate. The only one that's been to the house twice is Bown in the last twelve months.

Q How many times have you visited Cole?

A Never visited him at all.

Q You have never been in his apartment or house?

A No.

Q Does he live in an apartment or house?

A I don't know.

Q Do you and Cole and Bown go out together?

A No.

Q You never have?

A No more than working around the job there.

Q When you are working around the job, do you occasionally go down to Tenth and eat together?

A No. They eat over on Tenth Street, but I don't go. I bring my lunch with me.

Q How did he come to visit in you home?

A He was a stranger in town. I work with him. He seems like a nice fellow.

The witness was recalled during the second week of the investigation. His second testimony included the following questions and answers:

Q Let me also make this clear to you, that if a witness commits perjury before a Grand Jury or in court, that the penalty in Kentucky for that is one to five years in the penitentiary. I am not saying that to scare you or intimidate you, but to advise you. You are positive you have never attended a meeting which was also attended by Bown?

A That's right....

Q Has he ever been to your place in Newburg?

A Yes, he went out with me to Newburg.

Q How long ago?

A It must have been along in April or May, something like that.

Q Who else went with you?

A Me and my wife went together.

Q You and your wife and Bown?

A That's right.

Q Was your wife at home when he came down on Greenwood?

A No. I picked him up.

A No. I picked him up.

Q Picked him up where?

A On Avery.

Q Whereabouts on Avery?

A On the corner of First and Avery, Second and Avery.

Q Why did you pick him up there?

A He said, "I'd love to go out with you and see it." I said, "Come on and go. I am going out in the morning." So I stopped and picked him up, and he went on out and came on back.

Q What was his address?

A I don't know the address.

Q Is that where he lived?

A He lived there a while. I don't know how long he lived there.

Q What kind of building was it?

A Brick.

Q Apartment building?

A I am sure it was. It was an apartment, sure it was.

Q Did you go inside?

A No, I never went inside.

Q Your wife was with you?

A Yes.

Q How many times has he been out to your home on Greenwood?

A I figure three or four times, I figure he has been there.

Q When was the last time, about?

A Along here I think it was along in March, something like that.

Q And who came with him on those occasions?

A By himself.

Q And he came in his automobile?

A That's right.

Q He stayed there, is that right?

A No, he didn't stay there.

Q How long did he stay?

A He stayed there for a while, then he said he had to come back up town, but for what I don't know.

Q He did that on three or four different occasions?

A Well, we went hunting together, as far as that, as I told you the other day.....

Q Have you ever tried to get Bown out of jail?

A No, I never tried to get him out.

Q Have you asked anybody to put money up to get him out?

A No. I haven't asked anybody to put any money up.

Q You started to say something about him being in jail Friday night?

A They come down and got him Friday, night on the job, and they locked him up, and he says to me, he says, "Here is a package." He give me a package, about a half-pint of whiskey.

Q Is that all he gave you?

A That's all. It was in a package.

Q Where is that whiskey now?

A I drank it up.

* * *

Witness: Another Negro co-worker of Bown.

Q Has Bown ever been in your home?

A No sir.

Q You have never been in Bown's home?

A I never been in Bown's home.....

Q Do you socialize, so to speak, with Bown?

A No. I don't, say, socialize with him. I just know him

from working. Of course, he worked at night and I worked in the day.

Q Has he ever been to your home?

A Well, he came right near my house there, with (a) boy that worked there with him, was working with him at night, one time. A boy named Junior, working at Dearing with him. He had an accident with his car, and I let Junior have my car, and Bown came out there with him.

Q He never has been inside your home?

A No.

Q Never has been inside your home?

A No.

Q Does he know your wife?

A No.

Q Has never met her?

A No.....

Q Now...have you tried to help Bown get released from jail?

A No sir.

Q And you are positive that you haven't called anybody by telephone since he was arrested Friday night and asked them to chip in money to get him out?

A I haven't called anybody.

Q You haven't asked anybody that by word of mouth?

A I sure haven't.

Q Has anybody called you?

A No. Nobody ever called me.

Q You are sure you haven't asked anybody with whom you work to help get Bown out of jail?

A I haven't asked anybody to help get him out.

* * *

Witness: Another Negro co-worker of Bown.

Q (Calling witness by given name), how long have you known Vernon Bown?

A Well, I judge it's about around anywheres from fifteen to seventeen months, something like that, I think now. He had been over on the north side over here at Dixie's before they transferred him over there with us.

Q You met him then through working at Dixie Cartage Company?

A Yes sir. Met him just working there with us.

Q Has he ever visited in your home?

A He has been in my home twice, one day I said something about going coon hunting back up to my home, and so it went on that way up until the last of the week, up until about Friday, Saturday, or something, and someone was asking me was I going, and I said yes. He said he never was coon hunting and he said, "Would you mind me going?" And I said, "No, I wouldn't mind you going." And he asked me then, said, "Would there be any place that I could eat or something if we didn't get in until daylight, in a hotel?" I told him, yes, most of the time I went through town, but my people lived out of town.

Q What town is that?

A At Springfield, Kentucky. That's my home. Well, we went, and of course it was daylight when we got through hunting, and he went out home with us.

Q Did he have a gun?

A No, he didn't have a gun.

Q He didn't have a shotgun or a rifle?

A Not with me.

Q What did he use?

A Well, when we go a coon hunting, we don't hardly ever carry nothing but climb the tree and shake them out. That was last year.

Q What month was it in, if you remember?

A Well, I just don't remember, because I went once after that, was in January. Of course, he didn't go with me. He went up there once with me in the daytime. Of course, we didn't go out to my home. We just went up in that country and went out and hunted, rabbit hunting, and when we got through we came back to Louisville.

Q What kind of a gun did he have when you went rabbit hunting?

A He had a twelve gauge.

Q Was it his own?

A Well, he had it. I guess it was his own, just a little small single-barrel gun.

Q You say he has been to your home here in Louisville on two occasions?

A Yes, that's when we went a hunting. See, I went with him in the car. He carried me in the car and my dogs up there.

Q Did he come inside your house?

A Yes, he was inside of my house.

Q How long did he wait?

A Oh, we would just come through the house, practically, and went on out and got my dogs and then right back and put them in the ar.....

Q Now on these hunting trips that you took with Bown, did he ever talk about the Communist Party?

A No sir, that's one thing he--you want the truth, and I'm going to tell you--that's what I am going to tell you--as far as that boy with me, I thought he were a fine boy when we worked together, and we went just backwards and forwards to work around there and all, and I worked with him I reckon about three or four or five months. I never heard him tell anything. You want the truth, and that's what I am going to tell you.....

Q Has anybody been to see you or talked to you in any manner about getting Bown out of jail?

A No sir, no sir. That is the truth. They have not.

* * *

Witness, a white co-worker of Bown, called to testify because his automobile had been observed in the neighborhood of the Wade home on Rene Court.

Q Do you recall who his (Bown's) friends are?

A Yes. A colored fellow by the name of Bowman.

Q Do you know his first name?

A His initials are J. R.

Q Do you know where he lives?

A He lives in Newberg.

Q Out at Newberg?

A Yes sir.

Q Have you ever been out with Bown and this colored man, Bowman?

A No sir.

Q Who else? That is one. Can you tell us some more of them?

A Well, he is pretty friendly with all the colored fellows down there, but he is closer with Wright and Lamar and a white boy by the name of Cole.

Q Where does Lamar work?

A He also works with us at Dixie Cartage.

Q Then you think that they do associate together socially and otherwise, is that right?

A That's right, yes sir. I know of an evening this fellow Bown works of a night, and Bowman works in the daytime, on the same shift I am on, and I know Lamar works of a night, but it looks like quitting time, when time comes for us to go home and them to come on, they go up and congregate. They get together out away from the rest of us. But what is said I have no idea.....

Q Would you consider yourself a close friend of either of these men that you named, including Bown?

A No, I wouldn't consider myself being a close friend of any of them.

* * *

Witness: white foreman at Bown's place of employment.

Q Of course, if he just comes in contact with three other people, if he is on the night shift, I wonder if you could tell us whether in your observation of his movements and his activities, does he seem to seek the company of Negro workers? I mean, does he seem to sort of congregate with them, if he sits down and eats his lunch, does he sit with them or does he-----

A No. He eats in the white restaurant, same restaurant I do. Eats quite often at the same table I do. He doesn't seem to congregate with the Negro people, no. The thing that surprised me very much was to find out--hearsay, too--that he had been out to the Wade house and stood guardout there. I knew nothing of that until he was called in here and it took me more or less by surprise.....

* * *

White witness called in for questioning because he was reported to have overheard threats of bombing the home, not otherwise connected with the case.

Q Have you ever attended any meetings of colored and white people?

A No, sir.

* * *

The witness is Andrew Wade IV.

Q Have you ever attended any meetings, other than the Wade Defense Committee, with the Bradens where white and colored people, both, appeared?

A Yes.

* * *

Witness is a white man, who publishes a mimeographed monthly magazine. Printed an article by Braden on the situation at Rene Court prior to the bombing. Served as a guard at the home after the bombing.

Q Let me ask you this question. Don't answer it if you don't want to. But I notice in your publication here just a couple of titles, and also your interest in the Wade situation. Why is it that people such as you--and as I say, don't answer the question; I am just asking you for my own information. Now, I think that all of us in this Grand Jury room are equally interested in the welfare of mankind, so to speak, and I have just as much feeling, I believe, for an unfortunate colored family as you do have, but why is it that people will bend themselves over in a situation of this kind, that is, some people, to protect a colored man's family, and yet not do the same for a white family? I mean, what is your thinking along that line, if you don't mind saying? In other words, would you go to this much trouble to help a white man whose house had burned down, or whose house had blown up as you would to help Wade?

A Well, that's a hard question to answer. I never thought that I would do more for a colored man than I would for a white man.

Q Have you ever gone out to protect a white man's house where his home may have been entered by burglars, or where he was mistreated or thought that he was mistreated?

A No. But as far as I can remember, I have never known a

white man that wanted anybody to guard his house.....

Q Did it occur to you that when you went to the Wades' home to act as a guard--did it occur to you that you might get into trouble doing that?

A No. I didn't anticipate getting into trouble. Perhaps I should have thought about it, but I didn't.....

Q Were you there at daytime or at nighttime?

A At night. I thought they wanted me for maybe window dressing, if nothing else, to show other people that white people were in favor of Wade having the right to live there, perhaps.....

Q Why was it that you did not go out there before the explosion? You stated a while ago that there really wasn't much point in guarding a house after it had already been bombed. Why is it you went after but did not go before, if that's a fact?

A Well, what I said by I didn't think there was much point in guarding the house after, that was my own personal feeling in the matter, but I went because I felt that they wanted me or somebody to come.....

* * *

The witness is Vernon Bown, white truck driver, who served as daytime guard at the home and was later indicted for sedition, conspiracy, contempt, and the bombing.

Q (by a juror) Well, Mr. Bown, you went out there, did you not, without knowing Mr. Wade?

A Yes, ma'am.

Q May I ask you a question? Would that be in your mind a reasonable question?

A A reasonable question.

Q Why did you go?

A Well, ma'am, I can't say a definite time, over a period of time, I might have been away from home and working out on different jobs and so forth, I have gradually come to the conclusion that Negro people have been pretty badly treated in this country. They are persecuted in many areas, and even in Louisville where the people are more enlightened than they are further south. Still there is a lot of prejudice and segregation, and I believe that colored people have the same rights and should have the same rights as anyone else, and that includes the right to move into a house wherever they wish, regardless of whether it is in colored neighborhoods or white neighborhoods. White people can move in any house

where they wish, why should white people try to tell colored people where they should live? I think it is a question of the Constitution. We are all supposed to be human beings. We are all guaranteed certain rights under that Constitution, so if Mr. Wade had moved out there and been no violence whatever, I probably would have paid no attention to it, but after the violence started, it seemed to me that Mr. Wade needed help. He wasn't going to be able to carry on this fight himself, and in view of my ideas on the question, I decided to go out and see what I could do to help, even if it wasn't more than moral support. I don't know what I could do, I just went out to see them.

THE FACE OF PREJUDICE

The eventual twist which the investigation was given reveals more clearly than anything else the attitude of the officials and the other people concerned in regard to democracy for Negroes. However, frequently the wording of questions and answers pointed up these attitudes, many times unwittingly, on the part of the speaker.

The third time he appeared before the grand jury Mr. Wade made the following statement to them:

I am very much concerned over this thing getting unraveled, However, it comes out, I definitely know that I didn't have anything to do with it. Now there was a good intent in moving out there on my part.

Q (by the prosecutor) There was a what?

A A good intent, and my wife was commenting on it last night, "Look at all this, all we wanted was a house, and what's happening? Big things." But I am very much concerned to this point, that if it is a matter of negligence, or whatever it is, that this thing hasn't been wound up by now, I think it ought to be uncovered. The clues that were found the other day by you people, whichever person found them, I think it's pretty bad to say that clues are still there.¹ They may be there now. Maybe something else. They mentioned in the paper a possible expert. Perhaps he could find something. One expert has been there already to my recollection, and I don't know if he found anything or not, but I allowed him on the premises, and he was arranged for in advance. I would say that there was a possible confession made, and it was authentically stated that there would be an arrest very soon at the time of that other Grand Jury hearing.² I would like that you people take all of those points into consideration.

Q Andrew, let me make this statement to you, and at least I have been more or less impressed I think with your sincerity about it, and I don't intend to cast any reflections on you or your witnesses, and I felt that you probably wanted to get to the bottom of it. I hope you do. But so far as the conflict in the testimony, in my opinion it has come from your side of the fence, so to speak,

1. During the investigation the grand jury inspected the bombed house. It was later announced in the press that one juror said he had found a "clue." The nature of his find was never publically announced.

2. See statement of Carl Braden, 10-1-54, on page .

and that's why I asked you a while ago about Bown and the significance of that radio.³ Now if you know of anything reflecting upon Bown, Bradens, Ronos, Rinehart, or anybody, you ought to go on and tell this Grand Jury about it and not withhold anything. And since you say that was Bown's radio,³ I am particularly making my remarks in connection with that man, and also with the Bradens, and as I say if there is anything at all one way or the other, we want the truth, and that's what we are trying to get, but unless you and your friends and everybody cooperates with us, you can't expect us to do the impossible. And for that reason, now if you know of any statement that Bown or Rene or anybody has made to you, it is your duty and your moral obligation to tell this Grand Jury about it.

A I would say from the over-all picture, I don't think that any persons on my side had anything to do with it, but from the line of this investigation, it has caused me to wonder, and still each person in here could easily see why that I have a lot of confidence in these people, because the people that are on my side went to a lot of trouble and possible risk of their life conscientiously I believe to safeguard my welfare, and they have done endless hours of work. Now I don't know how Communists operate. I don't know how liberal people of any other race operate. But I do know more about the non-liberals in this country than I do about Communists and how they operate in their own country. I know only what I read, but I know from here in this country we have had a lot of determined efforts to keep Negro and other minorities from securing what is rightfully theirs. You will find, if you trace my history, that I conscientiously believe that I should be considered as much a man as another, and I would be wrong in thinking myself better than anyone else. So if there's anything that would materialize, I think I would feel free to talk to Mr. Hamilton.

* * *

During the second week of the hearing Bown was called in for the second time, and the following exchange took place with one of the jurors.

Q Of course, you have always felt, as you just said, I believe, the Negroes as well as any minority group has the right to live any place he wants to?

A That's right.

Q And there are a number of people, I think you will agree, who feel the same way you do in principle?

A I believe there are.

Q However, their way of doing it is different from yours. They feel that those things are best effected over a long period

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3. The blast blew a hole in the floor of the bedroom which Bown had been occupying. His shattered radio and other items from the room were found beneath the floor later.

of time. You evidently are of the school of thought where you don't think so?

A I think you are assuming--

Q I am not assuming. I am asking you the question if that is what you think.

A You see, this wasn't my idea for Mr. Wade to move out there, and once he had moved out there I felt he had the right to stay, and if I could help him to stay there, I thought it was my duty.

Q Have you ever participated in any other thing that happened like this before?

A No.

Q Have you ever, when another Negro family has needed assistance in any way, have you ever done that, helped them?

A Well, not in this sense, no. I guess I just never have run across another case like this. I know there are cases like this that have happened in other cities, but I wasn't there.

Q Didn't it occur to you that if there was violence there and a lot of shooting you could have been killed too?

A I am not the kind of person that runs away from violence. I don't let fear interfere with things like that. If I feel strongly about a situation, I don't let fear interfere with it.

* * *

During his first testimony Carl Braden was asked by the prosecutor:

Q Will you tell the jury in your own words, Mr. Braden, just what led up to the purchase of this house by you and Mrs. Braden for the Wades?

A Well, it was, as I said, sometime in March, and he (Wade) called and he came down to see us. I don't think Mrs. Braden was there when he first came. And he talked to me about getting a house. He said he wanted a ranch-type house with a sort of stone facing. He mapped it all out in his mind, that he and his wife had decided that was the kind of house they wanted, and they had looked all over town and couldn't find any downtown, so they had gone over to Indiana, on Green Valley Road, I believe, and found a place over there. Now he said that prior to that he had attempted to buy two or three houses of that type, one I believe in Indiana and two in the suburbs of Louisville, and he had been unable to because before he closed the deal the people who were selling it or the real estate man discovered that he was a Negro. He is very light-skinned, and some people mistake him for a Puerto Rican or some foreign nationality. So he kept running into this. When they checked his references and found out where he lived, they

they found out he lived in a Negro neighborhood, and they checked further and knew who he was, and he said somebody suggested why not get some white friends to do it. So he said he first studied about getting a Negro couple who were almost white to do it, and then he was afraid that they would be discovered, so he asked us if we would do it. Well, I said that I would personally, and I thought my wife would, but to come back and talk to both of us. So he came back and talked to both of us, and we said that we would. We couldn't do anything else, because if you believe in something you believe in it. You believe in equality and democracy, you either practice what you preach or you keep still about believing in it...

* * *

James A. (Buster) Rone, age 26, is the son of the man who built the house and sold it to the Bradens. Buster was a neighbor of the Wades. He was subpoenaed to testify on the second day of the hearings and gave the following answers to questions:⁴

Q Do you know anything about burning the cross in the field near the house?

A Me and my brother-in-law was the ones who burned the cross. It was just two pieces of wood tied together.

Q Was it wrapped in cloth?

A No it was not.

Q Did you put inflammatory material around it?

A Yes sir.

Q What was your idea in burning the cross?

A It was just an idea brought up.

Q Who brought it up?

A I don't know. It was on my ground. I didn't think it would do no harm.

Q What was your purpose--what did you hope to gain?

A I don't know. We just wanted--there is nobody thought they should move in the neighborhood.

* * *

4. Young Rone, Rinehart, and Stanley Wilt, brother-in-law of Rone, confessed to active participation in the cross burning on May 15. None were indicted by the grand jury. On 2-24-55 Mr. Wade filed affidavits accusing the trio of the cross burning. The Quarterly Court dismissed the charges on the ground that a subsequent grand jury failed to indict.

Lawrence Rinehart, another neighbor, was questioned the first day of the hearing. He also was questioned about the cross burning.

Q Now, Lawrence, I advised you a while ago about your rights not to incriminate yourself, and if you do not want to answer any of the questions, you say so, and we will get the court to rule on it. But were you present on May 15th when a man by the name of Will (probably Stanley Wilt) and Buster Rone came out to your house and I believe a cross was built out there. Do you remember that occasion? Or, do you want to answer that question?

A I am not sure about the date.

Q But the three of you did build a cross, is that right?

A There was just one there. I mean, it was not exactly a cross and we took it over to the property.

Q You took it over to Mr. Rone's mother's?

A Yes.

Q Were there 2 people there when you arrived?

A There were several people there.

Q Can you give us their names?

A No, I don't know them.

Q Could you give their first names?

A No.

Q After you got there to Rone's house with the cross, what did you do with the cross?

A Burned it.

Q And where did you burn it?

A On Buster's property there.

Q Where was that?

A There next to his mother's.

Q And that would be somewhere across the street from Wade's house?

A No, it would be on the same side of the street.

Q But more or less next to Wade's house?

A In a lot adjoining Wade's house.

Q Now can you tell the jury the purpose of burning that cross there?

A I don't know.

Q Sir?

A Just a silly idea, I don't know.

Q Well was it an effort to frighten the people in the Wade house?

A I guess so. What it was, was just to let them know that we didn't want them. To let them know that they were not welcome in that neighborhood.

Q (by a juror) Who instigated that?

A I don't know. It was just a thought that somebody threw around, I guess.

* * *

On the fifth day of the hearing the mayor of Shively was called in to testify. The jury evidently wished to ascertain the general feeling of people in the area concerning the Wades' moving into the house. He testified in part as follows:

Q (by a juror) Mr. Mayor, our first question is, can you sum up in your mind the general attitude or the general feeling of the people in Shively, I mean the things that have been said to you, the things that you all have talked about, of how the people out there feel about the whole thing?

A Well, the sentiment of the majority of the people, naturally, property owners are opposed to colored people moving out there or purchasing property. Heretofore, we have had no colored people out there. That is in the boundary of Shively. I know that the majority of the people are opposed to any colored people moving out there or purchasing property for fear of more of them coming, I guess.....

Q They just wouldn't do a thing about it? If this was happening in this neighborhood and they had lived there for a number of years, and they don't like it, we can understand that, that they just would say, "Well, this thing has happened, and that's it?"

A I feel it's the colored people have equal rights, and there is nothing we can do about it.

Q Sure they do.

A But of course, I suppose there are some people I know who don't approve of it, but there isn't too much we can do about it.

Q (still by a juror) Do you feel like the Jefferson County Police have done a good job in their duty in the protection of the Wade family?

A Every time I passed there, I always see a car there, and I have spoke to the Shively police, and they have stated that they have been very effective and on the job all the time, although they didn't appreciate it very much, I understand, but they had to do their job.

Q What do you mean they didn't appreciate it, they felt they should have done it themselves?

A Ma'am?

Q What do you mean, the Shively police didn't appreciate having the County police there?

A No. The County police didn't appreciate the job that they had. That's what I mean.

* * *

Another Shively citizen was the following witness. He too was asked to give his opinion as to the reaction of the people in the area. His testimony was brief and contained the following statement:

I have some Negro neighbors. And we have this little colony of the Negroes over in the St. Denis area. They are good neighbors. In the early part of the year, they dedicated themselves a church over there, which I was invited to and did attend, and practically every business house in the St. Denis area was represented at that meeting. I don't believe they call it dedication-- what do you call it when they start? Ground breaking?

Q Cornerstone.

A And so far as I know, every business house in that neighborhood contributed to that church. They were all represented there. And one man said that he wanted them to know that they were good neighbors, and we love you, and we will do anything we can to help you. So I would say that's the general attitude of people in that area, of the Negro population that we have. Now insofar as the city of Shively is concerned, so far as I know of we have not a single Negro in it. If we do have, he is hidden somewhere that I don't know about.....

* * *

The grand jury picked up little bits of information here and there about the people concerned. Toward the end of the investigation a former

deputy sheriff. was questioned about a white woman, who had openly expressed her support of the Wades and spent a number of afternoons at the home with Mrs. Wade.

Q What can you tell us about her that you think would be of any benefit?

A (witness is speaking of an incident occurring a number of years before) I followed her in--she was on the bus, you know, and I followed her in to see where she was going, because I had understood that she had quite a few Negro friends out to her house, and she went to Seventh and Market upstairs (hall of the Progressive Party) on the southwest corner. So I was in the sheriff's office. So Mr. Dixon, he was sheriff, and he told me he thought I ought to go over and talk to Captain Bender about it. So I went around and told Captain Bender. I believe it was him and Lieutenant Young went up in this place one night when they were having a meeting, and he told me that Herb Monsky was up there and Monsky was the head of this whole outfit. Now I guess maybe you all probably know that. I don't have to tell you. But he said that Negroes and whites were mixing freely up there. They were dancing together and some were playing cards and games. Now that's all I can tell you.

* * *

A Negro witness, co-worker of Vernon Bown, was questioned at great length and was asked:

Q Have you ever gone to any kind of group meetings at all, where friends called you to come and discuss Negro rights or anything?

A No, I haven't been in any discussion.

* * *

THE POWER OF THE PRESS

The prosecutor and the grand jury were acutely conscious of the influence of the press on the community. They devoted a good deal of time to exploring the attitude of reporters and discussed the press at some length in their final report. The Louisville Times and the Louisville Courier-Journal, two of the few remaining liberal dailies in the country, came in for special attention. The Shively Newsweek, which had devoted a large percentage of its columns to a discussion of Wade and his friends from the time he moved in until after the bombing, also received some attention. No one from the Louisville Defender, Negro weekly, was called in. See Appendices I through III for the jury's comments regarding the press in its final report and for samples of editorial comment.

*

The editor of the Shively Newsweek testified twice. He was the second witness on the first day of the investigation, appearing prior to the testimony of Andrew Wade IV. On the first day he spoke to the jury as follows:

Well, of course the first thing we knew about out there was what we read in the Courier-Journal, as far as them moving into Rone Court. We are a weekly paper, and we don't try to catch the hot news, and we didn't find out until later, but after I found out about it I was encouraged by several people who work for me to write what I thought about it. I feel as though the entire move was a Communist move. I feel it is Communist backed. I think that the purchase was a premeditated fraud to cause trouble out there, which it has, and I wrote about it.....

Well, of course it is true that the way this has taken place, the way it's been played, I have read a copy of the Red Front, and the way it looked to me, it looked to me like a pattern. Also the Howards up in Chicago, when they moved into Trumble Park, it was a pattern that's followed to cause trouble. I believe the whole thing was set out there to start a race war. Now of course, after they moved in and after I wrote the first article, I didn't write a news article necessarily, I visited over there quite a bit, and in fact I was over there the night of the explosion.....

.....I mean when I went over there, I didn't go into the Wade house. I had no desire to go into the Wade house, because what information I got, I got from the Courier-Journal, and I believed about half of it and that's what I wrote about. In other words, I write what I believe. I don't believe it is a fight for a home, and if I am allowed to say this without being sued for it, I'd like to say it.....I believe it is Communist backed.....

Two days later he was recalled by the grand jury, and the following exchange took place:

Q (by the foreman) We started talking the other day--the thing I was interested in at that time, and still am--have you talked to a lot of people in that section there about this bombing and have you formed any opinion and what is the general opinion in this case as to who done it and what is behind it?

A Now I think I told you the other day, Mr. Raque, and noticed after I got out of here and read the late paper that came out that evening--Wednesday evening--was what I had been talking about, the Communist angle. And talking with police officers and different men in the Police Department and the general run of people out there, and Mr. Grubbs (see Appendix III) he called me a number of times and talked to me about it, and I believe, just my personal viewpoint is that it is a Communist plot. I don't believe it starts with the Wades. I believe Wade is being told what to do. I have no facts, it is just my opinion but I believe he is being told what he can do, which I stated in one of my articles. If the Communists can come into Shively again and they send another colored family out there, maybe they will cause as much terror and we will have the same thing again because in doing that they will have gained twenty-five people who want to join the party, and think how a person Communist inclined will feel.

Q You mean they will gain these sympathizers?

A I mean they will have gained support and sympathizers because of the "rotten way white people have treated these Negroes."

Q Do you really believe, and do you know of some people out there who really believe the Wades have been treated terribly?

A Judging from some of the letters I got, yes.

Q In other words you are speaking from the letters you got?

A Yes, I would say there is quite a bit of sympathy for them--from some groups. Now a churchman came to me--I went to Methodist Church several times--this fellow was a Sunday School teacher--he came around and asked me, "Do you really feel that way about the Wades?" and he said, "Why do you say it is a Communist activity," and I said I wrote that because its what I thought and he said he had been there the night before, after Wade had been there three or four days, to welcome them to Shively. A lot of the church people use the moral issue. I don't believe in persecuting any negro--I have nothing against them--I have one working for me today. I don't feel she is Communistic, but a Negro who is being mixed up in an effort to overthrow our government is the reason I started srting this.

* * *

A few of the jurors tried to evaluate the influence of the Shively Newsweek on the minds of the people in the area. They asked Buster Rone about it both days he was before them. The first day after he had confessed to participating in

the cross burning and had denied any knowledge as to who bombed the home, a juror asked him:

Q Do you read this Shively newspaper?

A Yes sir.

Q Do you read these editorials?

A Sometimes.

Q Did you read anything about white supremacy, or the Ku Klux Klan, or anything about colored people and whites?

A No sir.

The second time he was before them another juror asked him:

Q Mr. Rone, you have told us you had a part in the burning of the cross.

A Yes, ma'am.

Q Where did you get the idea from?

A It was just the idea brought up. I don't know where it came from. I mean, no certain one.

Q Have you been reading the Shively News?

A No, ma'am. I never get, never did get the Shively paper.

Q You don't get the Shively paper?

A I do now, but I didn't. I didn't get it before.

Q Before when?

A Before the Wades moved in.

Q You didn't get it before the Wades moved in?

A I started I say maybe a couple weeks later.

Q After they moved in?

A Approximately.

Q Of course, you lived right near the Wades. Were there any reporters who contacted you from the Courier or the Times or the Shively News to get your impressions of how it felt, having that kind of situation so close to you?

A There was some people came out there, but they asked my

impression on it. I told them I didn't have none. I didn't say nothing.

Q Who were they?

A I don't know. Some of them come from--well, I wouldn't exactly call them--they wasn't our kind of people. I mean, they wasn't exactly white. And they were over there, and they wanted me to talk through a--say something through a--they had some kind of thing in their hand, and it stood over on the desk.

Q You mean a microphone?

A No, it wasn't a microphone.

Q (by the prosecutor) A recorder?

A It might have been. They had a camera, I know that, so I didn't know what they was. They wanted me to say something in it, and I think it went over television. I didn't know them from nobody.

Q You don't know what station they were from?

A I didn't know then, and I don't remember what station it was over, but it was supposed to have been over television.

Q You lived there in Shively, and since there is a Shively News, did Mr. Hitt (the editor) come over and talk to you about it?

A I didn't see Hitt for quite a smart while after they moved in there, before I ever saw him, and I didn't know who he was.

Q Did he come over there and talk to you about this situation, about the fact--

A No, he didn't.

Q --about the fact that these colored people had come over there?

A He didn't come over and talk to me exactly, just come out and say about it, but naturally, he is a newspaper man.

Q That's what I mean.

A And he'd like to find everybody's opinion.

Q That's right.

A There was lot of them like myself that had no opinion.

Q That had no opinions?

A That's right.

Q He didn't come over and talk to you about it at all. Did you start reading the paper or subscribing to it in June, would you remember?

A No, I don't remember when we started subscribing to it.

Q There was an article--we have seen it--that appeared in the Shively News, that resembles the sort of stuff that would be referred to as Ku Klux Klan propaganda. Did you see that article? Do you remember reading it at all? It was on the editorial page, by a man by the name of Grubbs. Do you recall having seen that article?

A I never read it, and I didn't know the Ku Klux Klan, didn't know what they represent or nothing about it.

Q Didn't hear people talking about it?

A I have heard people saying something about it afterwards.

Q After it appeared in that paper?

A No. I didn't see it in the paper. I don't read the paper too doggoned much.

* * *

The Shively Mayor was also questioned about the effect of the articles in the Newsweek. First, he was asked about the general attitude of people in the area. Then a juror asked him:

Q They didn't seem to be too much disturbed about it?

A No. And reporters called me and I didn't want to get any publicity, because--

Q The reporters from where?

A Courier-Journal and the Shively Newsweek.

Q What is your personal opinion of the Shively Newsweek?

A Well, I think the Shively Newsweek has been doing a very effective job printing news for the interest of the community, naturally, and to get wider circulation. As far as Mr. Hitt is concerned, I only know him for two or three years. I have only had business relationships with him, and so far as I know he is a perfect gentleman.

Q Where did he come from, do you know?

A No, I don't.

Q Did anyone out there ever check where he came from and something about his background?

A His father was a real estate dealer and a builder, and young Mr. Hitt was with the Federal Government during the war in Washington, had a position up there. And after that, he came to

Shively and his father established him in the paper business.

Q Have you read a good many of the articles which he has printed in his paper concerning the Wade case?

A Yes, I read all of them.

Q What is the general feeling of the people about those articles which you read?

A Well, as far as I know, they are a hundred per cent in favor of him, of the articles.

When another Shively citizen testified, the foreman of the jury asked him:

Q Do you read the Shively paper very much?

A I read it most every week, yes sir.

Q How do you feel about those editorials and those articles that Mr. Hitt was writing in there? Do you think they had anything to do with disturbing people in that section?

A Yes.

Q You do?

A Yes, I think any newspaper story and any newspaper editorial that is critical of anything sways a certain number of people.....

* * *

This witness is a white man, a rotogravure pressman by trade, who has had a life-time ambition to be a publisher himself. At the time of the investigation he was publishing a small mimeograph magazine which he ran off on a machine in his home. He published an article by Carl Braden in his magazine after the first violence at the Wade home. After the bombing he spent some time as a guard at the home. He was asked over 250 questions during his session with the jury. They are exceedingly interested in his magazine and brought it up several different times during his testimony.

Q (by the prosecutor) Now, I have no reason to think that you would be involved in the explosion out at the Wade home. Nevertheless, I feel I should advise you of your Constitutional privilege, if you don't already know it, that under the law, a person cannot be made to testify about facts which might incriminate them in the commission of a crime. So if any question is asked you that you don't want to answer for that reason, you say so, and we can either let the Court rule on it or pass it over.

A May I ask about the rules of order?

Q Yes sir.

A Am I supposed to answer questions just "yes" or "no", or should I comment?

Q If it requires any explanation, you are free to explain it, yes sir.

A All right.....

Q Now, how did you say you met the Bradens again? Just through working with them?

A Well, we work in different departments, so we wouldn't meet in the ordinary course of work. After I read about the unusual situation in the paper, of a white man buying a house and selling it to a colored man, I had just recently put out the first issue of my little magazine. Well, Mr. Braden's name was very well known in Louisville. He was a writer, and----

Q Very well known how?

A Well, I mean, he was very well known after the story came out in the paper. And--

Q Is that all you meant?

A Yes. I had never heard of him until the story came out in the paper, but I presume that a lot of people heard of him that read the story in the paper. Anyway, my magazine, I am interested in keeping it going, and the success of it. It's a home made, home-duplicated thing. It's not a very good thing, as far as printing is concerned, and to make a success of it, I feel I have to print in it something that has unusual interest, and so one thing I had in the back of my mind was to see if I could get Mr. Braden to write something for it. I don't pay for the stuff. Whatever is in it, I get for nothing. I pay in a few copies, giving a few copies of the magazine after it is printed, but that's the only way. I didn't say anything about writing anything for it when I went up to see him. I just went up to introduce myself and give him a copy of the magazine. I thought I'd go up to see him about a week or two later, maybe, and suggest it to him, but I didn't have to wait that long. He called me up a day or two later after he read the magazine and started talking to me about it, and it ended up that he wrote a piece for my next issue.

Q Did he write his article on the Wade case?

A Yes. I didn't know. I anticipated you'd ask me these things, so I brought some of the magazines along.

Q I'd like to see them, but before we go into that, you say the name of the magazine is "Louisville Writers and Poets?" Is that by subscription? Do people pay for it?

A Yes.

Q How do you take care of the distribution, circulation of this?

A I have a few subscribers, fewer than a hundred, and then what I run besides that, I have given away.

Q To whom? How? I want that included in your method of distribution.

A Well, the first issue, I printed a thousand...Of course, this first issue, I didn't even know Mr. Braden then, and I gave away just--I couldn't expect--

Q You mean in your own neighborhood?

A To friends and relatives and neighbors, and just anybody I ran into that I knew, or something like that. And I gave away probably 600 of them. I still have two or three hundred of them. Anyway, I ran a thousand to begin with. Then the second issue, I ran 600, and Mr. Braden gave me the names of--he typed off some addresses for me on a gummed label, already ready to mail out, on 300. I mailed those out free.

Q Was that the issue his article appeared in?

A Yes. I made 600 of those, and I mailed out 330 of the list he gave me, then I gave him about forty besides that, then I have other writers of articles in it, and I would give them anywhere from ten to fifty apiece, and that issue is completely exhausted.

Q What do you charge for this magazine?

A A dollar a year, or ten cents a copy.

Q The purpose of it, aside from making a little money, is what?

A Well, it has two main purposes. The main purpose is to make money, and I hope to make a profession of it in time, or a job. In other words, quit my regular work.

Q What type of article do you get? What is the gist of them? Of course, every magazine has a purpose. Is it--well, you tell us. What is the purpose? I mean, you had to have some idea in printing this magazine. What is that?

A I chose the name, Louisville Writers and Poets simply because the name doesn't imply what kind of a magazine it is. I did that because I didn't know myself very much what kind of magazine it was going to be. I am new at it. I don't know how to publish a magazine. I am learning as I go along, and the first issue, my first idea was to put out a neighborhood magazine.

Q Tell us, what type of articles do you receive? I would like to see that magazine.

A They are outside there.

Q The type of thing you print. Do you accept just anything that comes to you?

A I have so far. Of course, when I get--people give me more stuff than I can print, then I will be choosy. But I--

Q They can be expression of opinion on anything, would you say? Is that the type of thing? I think it's difficult to talk about something unless you see it.

A Yes.

Q I just wondered. Some magazines come into existence for definite purposes. Some people feel for reactionary opinions, some people for liberal opinions, and I just wondered what the purpose and what the idea behind yours--I mean, did you feel that the people that submitted the articles to you, or did you feel yourself, that there was a need, aside from this purpose of making money, did you feel that there was a need for a magazine, let us say, of more liberal expression, perhaps? Maybe you felt that it should be less liberal or even reactionary? You understand the point I am trying to make? What I am trying to determine, aside from what you say about money, what is it? What was the idea behind it? I can understand money, and I can understand the future, but what I what to know, is, what was really the idea behind this magazine, whether it was, or whether the purpose in it was for the expression of ideas along certain lines? Do you see what I mean? Some of us are more liberal than others, we read magazines that have more liberal expressions than others. Some magazines have more reactionary views. You have read those magazines. I have read them. Papers--some newspapers are more liberal than others. That was the reason I was trying to determine what your purpose was in having this magazine. Why not just go to work for a newspaper on the side, for a neighborhood newspaper? You see what I mean? I am just interested in your point of view along that line.

A Well, I naturally will be partial to articles in the magazine that go along with my way of thinking. Everybody has opinions.

Q That's right.

A But my primary ambition is not to publish a magazine for this or that or the other, or this cause or that cause, but my primary idea is to publish a magazine, period.

Q You mean print the truth, regardless of who it might help or hurt?

A You speak of the truth, as if I am trying to put truth in front of people. I am trying more to entertain people and be paid for it. I don't want to be a pressman or printer, either one. I want to be--well, I don't mind being a printer if I am in business for myself, but I want to be in business for myself.

Q I understand that, but you said you accept articles that come to you. Now, would it be necessary, I wonder, if in printing a paper, whether it would not be necessary to be selective in a measure as to what articles you would print?

A Oh, I am just now reaching that stage. See, I have just put out three issues, and when I said I selected all, I have been able to use about everything everybody has given me so far, but now I am in

the stage where I feel I have more material than I need. I can leave something out, or I will have to leave something out.

Q How many pages does the magazine have?

A The first issue was forty pages, and the other two have been thirty-two pages apiece.

Q It's quite large, then.

A It's not a very big format.

Q Would you get it?

A If I may be excused to get it.

Q How far do you have to go?

A In the jury room. (Witness left and returned with the magazines.) I have to apologize for one thing. The copy that Mr. Braden's article is in, the issue was exhausted, all except some spoils, so the only thing I have to show you is press spoils in that particular issue. It's a corny, home-made magazine. If you are looking for something kind of nice, you are going to be---

Q I think it's very nice for ten cents.

A These are press spoils. That's all I have on that.

Q Which was the first one?

A This one.

Q Is this the one the Braden article is in?

A Right there, yes. These are press spoils, too. Even my good ones aren't too good, but they are a little better than those. That's the best I can do today. If it will help answer your question, when you were inquiring about my purpose----

Q Every one of us--if I sit down and write an article--all of us, we are going to have some idea behind that. We just don't sit down and write words and hope. We know when we get things in the mail, more goes into the trash can than goes in the hands of readers, that they actually read. So nobody wants to go to all this trouble that you have gone to and have them pitch it--even if you are going to give the first few editions away free. Now, the reason I am interested in this, I am interested in publications. I can see you are ambitious. I think it's good to have ambition, but I am wondering what is the principal idea behind this. You made the statement that you went to join the--

A National Association for the Advancement of Colored People.

Q --because you are a "do-gooder". I think basically we are all "do-gooders", but I am muchly interested in the idea behind this publication, because you have to attract writers. I imagine you took into consideration, that in attracting writers, that they want to see

their stuff published. So they would submit it to somebody who would print their stuff. So there must be some consistency in the thinking. Understand what I mean? Like if I sent an article to the Saturday Evening Post. They are not just going to publish my article--I mean, if I were an amateur writer, which I am not. But I am interested in these magazines, and I would like to have an opportunity to look through them.

A You can have them, for that matter.

Q Did you make any kind of a deal with Mr. Braden for the 330 names he submitted to you? I mean, the labels that he gave you with the names to send these? I mean, what was Mr. Braden getting out of that?

A Nothing that I know of. As I said, I have fewer than a hundred subscribers, and the main work in the magazine is typing the paper plates and setting up the duplicator for it, so I wouldn't run just a hundred. I ran 600, which is very little more work than running a hundred.

Q What did you hope to gain out of the 330 labels that he had submitted to you?

A I hoped to get some subscribers out of it. I didn't get very many. I got a few.

Q Did it occur to you what he hoped to gain out of it?

A Well, I think he--

Q Do you know very many people where you can walk up to them and they would give you 330 labels and say, "Here. Here are 330 names." I mean, wasn't that a little bit out of the ordinary for you?

A Well, I thought mailing out 330 copies for him was a pretty fair exchange for his writing the story. I felt he did some thing for me, although most people that don't approve of his article or whatever it's all about, wouldn't think so. Like I say, I can't compete with other magazines in looks and appearance and everything, so I have to put something in there that's unusual to attract attention. In other words, I have to be sensational if I can be, one way or the other, or nobody is going to buy my magazine.....

Q Now, what method do you use in addressing your publication when you mail it out? Typewriter, longhand, or some sort of addressograph system?

A Just longhand.

Q And how do you keep your records of your subscribers and the names of the people on your mailing list? Do you have one running list, or do you keep a card-indexing system, or how do you do that?

A Right now I just have a sheet of paper in my desk drawer. I realize that if I can make some progress I will have to get some system to it, but I don't need it so far.

Q That list at the present time is in your home?

A Yes.

Q Where is your duplicating machine?

A In my home.

Q In the basement?

A No, It's on the first floor.

Q Now, then, how would you segregate from the list you have there at home the names furnished to you by Braden as distinguished from the names of subscribers you got yourself? I mean, is there any way you can pick them out, so to speak?

A I didn't keep any record, see. The names he gave me he typed on gummed labels, and it's perforated, and he gave me sheets, and all I did was wet the gum and paste them on the articles and mail them out, and I don't know who they went to.

Q You don't have a record then of those names?

A No.

Q Did he only give you that on one occasion?

A Yes. See, this one occasion, it was for the issue that he had his article in.

Q That's the only issue? Were they all sent to Louisville, do you recall?

A No. Some of them were sent to other--most of them were sent around close, but some of them were in other states.

Q (by a juror) May I pursue this just a moment on magazines? This is your first issue, is it not, in June?

A Yes.

Q You have here, "Aloha Mahilini" and "A Living Faith for a Time of Crisis," "Want New Louisville Friends?" and "The Ninth and O Baptist Church", and you have, "Free Dancing Lessons. You Don't Have to Go to the Studio to Get Free Dancing Lessons." This, I believe was your second copy, right?

A Yes.

Q This time, "The Causes and Cures of Race Prejudice." Now, on the back it says, "A Peek Inside... Don't Blame Your Prejudices on God." And they are referred to page 7.

Q (another juror) Would you give the color of the cover?

Q Orange. "You will be given many times to die." "We ourselves stand a good chance of going with the wind--a thermal nuclear-powered

one." "Over the Hills". "Will it really make the world safe for democracy?" On Page 27. Of course, I haven't read these articles yet. "You men will be safe to write to me." I notice they have addresses in here and names. Is that simply for purposes of correspondence?

A Yes.

Q Now, on the last issue, you have "The Philosophy of Henry George." "Tramp Angels"; "A Living Faith for a Time of Crisis"; "Soldier or Scholar"; "Decision in the Hills of Idaho". I was looking through the "Decision in the Hills of Idaho."

A That's a continued novel.

Q Yes. You have a question on the back, "And would life's music be one-half as sweet had winter never come?" You have other questions back here, and it gives me the feeling--I wonder--that you do have a purpose--

A Well--

Q --In publishing it. I haven't read any of this, as I say. The first one which was got out--

Q (another juror) The yellow copy.

Q What I am trying to get out of here is, "Will it really make the world safe for democracy?" I haven't read the story on page 27, I don't know what that article is. But you have gone to an awful lot of trouble, don't you think? I mean, it's good for ten cents. They get better than their money's worth in what it is, but I don't know. "In the Hills of Idaho." And here you have brought in racial prejudice. You propose questions at the back so that the reader will do some thinking what is in there. I mean, you do have that purpose, don't you?

A Well, may I comment on that?

Q Yes.

A I just plain out-and-out swiped that from the Courier-Journal front page. They have "Quotable Quotes," and this is just lifted exactly word for word from this page here. And see, these page numbers appear here, until my plate went to pieces, then it wouldn't print any more, and that's merely to arouse the reader's curiosity, and I picked out sentences that I thought were catch sentences. So that's the idea of that.

Q There is nothing else other than that behind these, I mean, that you just arouse their curiosity so they will read the articles?

A Yes, that's my idea there. As I said, naturally I expect the magazine to be somewhat like I am. If I believe in equality for Negroes, well--

Q Then one of the purposes is to persuade opinion, to help-- every writer, unless he just writes a nice little novel or story, hopes to influence his reader. I mean, you believe in equality of

of Negroes, so you would attempt in this, "Causes and Cures of Race Prejudice," you would attempt to influence the thinking of people, is that correct?

A If I am writing that type of article, yes.

Q Well, that's what I mean. As a whole, would the purpose of this publication be to influence thinking?

A It might in a way, but as I said before, that's not my primary purpose. Could I say something else?

Q Sure.

A Back years ago, in 1942, like I testified a while ago, I was working for the Anderson Herald newspaper, but at the same time I bought a littleprint shop in which a country weekly was published. I published a country weekly for three months in a town of a thousand people, just because I wanted to be a publisher, and three months is about all I lasted, and I went out of business; and ever since then I thought, "When I get the money, when I can, I am going to be a publisher again," and--

Q Is anybody else associated with you in this?

A No. My wife draws the pictures for me is all.

Q That's all?

A Yes. Anything that's given to me I always put the byline with it.

Q I am very interested. I want to take these with me....

Q (by assistant prosecutor) You stated that you became a member of the National Association for the Advancement of Colored People one night as a lark out here with your minister and Sunday School teacher.

A I didn't mean to call it a lark. We did join.

Q As a matter of fact, you have been interested in this question of the black and white races for some time, haven't you?

A Yes.

Q Over a period of years?

A I would say so, yes.

Q Isn't it true, along the line of Mrs. Handmaker's (juror's) questions there, that the primary purpose of disseminating this literature here is to disseminate your views as to the discrimination, or whatever you want to call it, between the white and black people?

A No sir, it is not true.

Q Isn't it strange that in your early articles, in your early publications, those articles appear, one by Braden and one by you?

A That article I probably would have written maybe a couple of years from now. I wrote it now because I wanted to put it with the Braden article.

Q You did have it in the back of your mind, then, to use the medium for your views of colored people?

A At some time or other, I intended to write an article on it, yes.

Q And what is this one here? I notice you say "Dear RGA." Is that you?

A That's Readers Getting Acquainted.

Q "We are a local married couple in our 20's. We visit a nudist camp in Indiana occasionally." What kind of trash is that? Who is interested in whether someone went to visit a nudist camp in Indiana?

A Well, maybe people aren't. I don't know. But I put it in there.

Q Here is one other thing you put in there.

Q (by a juror) Is that the red copy you are reading from?

Q The orange copy. In your article, you stated that there is something wrong with the English version of the New Testament. The way you put it here, "While studying Greek, I carefully avoided reading the New Testament in English, as I didn't want to handicap my study with a 'pony'". Will you tell us what is wrong with the New Testament as it is written and distributed in all the churches in English?

A If you had read the article, you'd understand exactly what I meant. At the time, I was taking New Testament Greek, and in a theological seminary, and reading it in English at the same time would--I can't think of the word--would hurt my scholarship. If I avoided reading it in English, I'd have to dig it out of the Greek, therefore I would be a better Greek student.

Q What is a "pony"?

A You have heard of a Latin pony. It is a book that has the English translation already written. They call it a pony probably because it helps you.

Q Are you now reading the New Testament in English?

A Yes. I read it occasionally. I mean, every once in a while, about as much as--probably a lot more than a lot of people.

Q You read it in English and accept what is said in there in English?

A Yes. That was for the purpose of while I was studying in Greek. I wanted to be a good student, and I believe I was a good student.....

On the last day of the investigation, a news commentator from WHAS (Courier-Journal station) was summoned to the grand jury. Most of the questioning centered about his 7:30 a.m. news broadcast of that day. It was read aloud in the jury room, and he was asked detailed questions about it. The reading of the script was broken by comments and questions by the prosecutor and jurors and by the witness' answers. This is the statement in full:

"Good morning!

"The case of Andrew E. Wade IV promises to become one of the most interesting, most significant and most noted of anything in recent Louisville history-- so this might be a good time to go over a few things. The case has developed sedeviciously--as well as rapidly--since Wade obtained possession of a house on Rome Court in Shively in May that sometimes we have lost track of some significant facts.

"In the first place, Wade, a Negro, obtained the house by purchase from Garland Anne Braden. Mr. Braden works on the Courier-Journal copy desk, and not long ago was the information officer of a vigorous local union. It has been alleged that Braden bought the house solely for the purpose of selling it to Wade.

"Within a few days of the time the Wade family moved into their new home--this was in mid-May--rocks were thrown through the windows, a number of shots were fired into the house--and on an adjoining lot one night a fiery wooden cross was burned. The owners of the property later said they themselves burned the cross--and the Commonwealth's Attorney found no law against it.

"Steps were then taken by the mortgage holder to collect on an \$8000 loan on the property--collect immediately and in full. Our records fail to show offhand just what happened in that case, but it would not be a bad guess at all that it is still pending in Circuit Court.

"But the Wade's troubles were just getting a good start. The night of June 26th, a terrific blast rent the controversial little home--destroying the furnishings and fixtures of a bedroom and bathroom, and ripping a huge hole in the floor. Some structural damage to walls also was done. At the time of the blast, Andrew Wade and his wife and two friends were sitting on a porch on the opposite side of the home from the center of the explosion.

"A few days later Mr. Braden claims that Commonwealth's Attorney A. Scott Hamilton proclaimed he was aware of the identity of the dynamiters, and would see that they were hustled to the bar of justice. At about this same time the Wade home was put under 24-hour guard by the County Police--and a visitor to the home ran into some difficulty with one of the guards--the visitor and Wade were hauled into court, found guilty of disturbing the peace, and were fined.

"The September Grand Jury began investigating the explosion and the most disturbing of a number of disturbing things happened all of a sudden. At the order of Commonwealth's Attorney Hamilton, what Braden describes with some accuracy as a witch hunt, was launched. Hamilton explained that he was making a two-way investigation of the

cause of the bombing-- to determine if it was done by persons trying to chase the W des out of the neighborhood--or by Communists to stir up racial antagonism.

"It was at this point that Mr. Hamilton was guilty of one of the more reprehensible techniques of Senator Joseph McCarthy. The Commonwealth's Attorney said that 'they' had reported that the bombing might have been staged by Communists. Pressed by a number of reporters to identify this mysterious, vague, unseen 'they' Mr. Hamilton refused. But he continued to conduct the investigation with no little vigor.

"Many of the friends of this Negro couple, as a result, have faced the Grand Jury--and faced charges of contempt of court for refusing to answer questions about membership in the Communist Party, or a number of its front organizations. Agents of the Commonwealth's Attorney have searched the dwellings of two of Wade's friends--and they have come up with some left-wing literature.

"The matter has come to such a point that Attorney Grover Sales has been asked by the American Civil Liberties Union to keep a careful eye on the proceedings to see that nobody's Constitutional rights are trampled underfoot.

"It is impossible to escape one conclusion about the handling of this case so far. The fact that the home of a law-abiding citizen was bombed, badly damaged--in fact, partly destroyed, has been lost in the shuffle of talk of communism and sedition. Many people are wondering if Mr. Hamilton is not trying a bit of legerdemain--if he isn't trying to distract attention from failure to find the dynamiters by hauling out the Red scare.

"It is, it seems to me, simply a matter of good reporting to point out that an increasing number of good, loyal American citizens are becoming increasingly alarmed about the increased ease with which the civil rights of more and more people are flouted or contemptuously trampled underfoot. We have, in the past couple of years, and presumably largely because of the impetus of McCarthyism, drifted far away from American concepts of protection of the rights of all persons. Now, all you need to do to start a hysterically frenzied alarm is to start investigating Communism.

"The situation was summed up like this by a lawyer friend of mine: We should maintain a wary eye for those who would destroy our system, and curb our freedom--but they can steal our liberty just as completely protesting that they are protecting us from Communists as the Communists can steal it--protesting it is for our own good.

"All this reminds me of a very fine, intelligent Negro friend of many years ago. He was a teacher at one of the juniorhigh schools, an active leader in trying to improve the lot of his race. Yet he constantly was reminding both Negro and white folks who got in too big a hurry--and this is pretty much a direct quotation: 'Never in the history of the world has a people come so far from slavery in such a short time as the Negroes of the United States since the Civil War. There is still a long way to go, but we are getting there. We want to continue to get there, and the only way to do it is to make haste slowly.'"

The prosecutor opened the questioning:

Q I have heard reports of your broadcasts which you carry at 7:30 of a morning, on WHAS, over the past several days, so this morning I turned it on and listened to it myself.

A I hope you found it interesting.

Q I found it interesting and very resentful, between you and me and the gatepost. While I don't expect to cry on your shoulder, and didn't ask you to come here for that purpose, it seems to me that actually the newspapers and commentators might take into consideration the sacrifices of people who go into public office. I imagine my income is a fourth of what it was before I came over here. The Grand Jury practically donates its services, and that sort of thing. Nevertheless, I am sure you, being a well-educated person and so on, it is not necessary for me to inform you of your Constitutional privilege, but it does appear to me on the surface, if anybody wanted to do it--and I don't know whether they do or whether they don't, or whether they will or whether they won't--but actually, that article, in my opinion, is criminally libelous. I think it tends to obstruct justice, and maybe a few other things. So if any question is asked you that you don't think you should answer for that purpose, you say so.....

Witness was questioned about the script almost phrase by phrase. The following is part of the exchange about one paragraph (number 7). Unless other wise indicated, questions and comments are those of the prosecutor.

Q What about that would disturb you or anybody else?

A Scotty, in the climate of this country today I think anyone who makes accusations like that and attempts to stir up emotions--let me amend that--who stirs up emotions as any statement like that will stir up emotions, must be on very, very firm ground.

Q Well now, how do you know that I and this grand jury are not on very, very firm ground?

A I don't know that you are not. I only know that you have not demonstrated it yet.

Q The only place you got your information from is Braden, is that right?

A Oh, no.

Q Who else, then told you what went on before the Grand Jury?

A I got one statement from Carl Braden.

Q And the rest came from newspaper clippings and Braden?

A Yes.

Q So based on that information you thought that I had done a number of very disturbing things. Now, was it your intent to imply

that I, without any justification, was undertaking to disturb the good people living in this community?

A Would you say that again, please? (Question is read back by the reporter.) I don't know whether you had such intent. I think that was the effect.

Q That was the effect of your statement?

A No. I think that was the effect of your actions. It was not the effect of my statement.

Q What would the effect of your statement be, that the September Grand Jury began investigating the explosion and the most disturbing of a number of disturbing things happened.

A If I can guess the public reaction, I think that might raise a question of doubt.

QFrom your knowledge--and you used to be a reporter around the courthouse, is there any doubt in your mind but what this Grand Jury and myself had the right to explore both theories of this bombing in order to determine the motive for it?

A No doubt whatsoever.....

Q (by a juror) I wonder if you will tell us why you concluded that Braden was somewhat accurate in describing it as a witch hunt? As I understand it, the sole source of your information was Braden and what you read in the paper.

A The source of my information from Braden--let's get it clear once and for all--is the single statement that he made last week, and I don't know what Carl says he said or what the newspapers printed, but Carl called us and gave us that statement for the sake of its most effective use. We did not use the statement religiously the way he gave it to us. I turned it around. I put his last sentence first and left out one paragraph. It happened we were in a jam on the 5:30 news. I wrote a section of the story. That's the only thing Carl Braden has said to me for--I am under oath. I hate to pin it down too much--I think four or five months. I forget what casual conversation we might have had that long ago, until I passed him in the hall this morning and he says, "The Gestapo's got you, too."

Q (by the prosecutor) That was this morning?

A Yes.

Q That was after you--

A That was when he saw me in the hall out here.

Q Let me ask you this. I don't want to belabor the point, but why would it be somewhat accurate in his statement?

A That is the impression I have received.

Q From reading the newspapers?

A And from reading the newspaper and from continuing information. Braden merely labeled it. I received my impression from such people as Dick Harwood, Briney, and our other reporters.....

Q (by a juror) I still think there are certain facts and evidence, I know as a newspaper man you think you should be told everything. I appreciate that. That is your business. But after all, one has to think in terms of the solving of a situation such as this. And did you know, too, that the reason that this case is before the Grand Jury at this time is that it was requested by the Wade Committee? Did you have that information?

A No, I did not.

Q You see, the point that I am trying to demonstrate to you is that people on one side of a case or another tell you the facts-- and I am not naming definitely Mr. Braden, because you must have heard, being a newspaper man who would want to be a fair reporter, you would naturally want to get the other side, too. You wouldn't want your thinking to be influenced by one side. We know, we are all people, and we use facts for our own purposes. Now, these people who have been called in here know that, that this investigation is the result-- am I correct in that, Mr. Hamilton?

THE PROSECUTOR: Yes.

Q (juror continuing) --that this Grand Jury was given the understanding from the beginning that the reason this case has been presented was because it had been requested, and in all sense of fair justice, that was the reason it was presented here.

A What is your name, please?

Q Mrs. Handmaker.

A I don't think that I even knew that there was such a thing as the Wade Committee.

Q I didn't either, before I got on this trial, but this is the point. May I go on?

THE PROSECUTOR: Yes.

Q (continuing) You are enough in the public eye, you know enough about the community of Louisville, you know enough about what is going on, don't you?

A Not nearly enough. I wish I knew a lot more.

Q Well, you wouldn't be in the position you are if you weren't a man of intelligence.

A Thank you....May I summarize it? I have been critical of Mr. Hamilton and the Grand Jury, exercising a prerogative of a reporter to take information--a commentator, not a reporter--take the information that is available and express a view on it.

Q I can appreciate that. However, I am sure there are exceptions to every rule, and that rule it seems to me, in a case of this kind, where there is great feeling and great danger and great controversy, difference of opinion, that you, because of your experience in this field, would appreciate that and know that, and rather than give the impression--now, even changing your word, I think the word "adequately as a witch hunt," tells me very definitely what your personal thinking is. "With some accuracy" gives you a little leeway, but you don't want people to get in a stew and demonstrate and all unnecessarily. We want to do this thing intelligently, and we want to, as your Negro friends, not act in haste, but we want to be fair to everybody. Now, you know that, being here, and I don't think you are doing your listeners--that you are altogether just with them. As I say, I am close to this case, and I know a great deal more about it at the present time than you do, but I don't think you are altogether fair.

* * *

The next witness was a Louisville Times reporter.

Q (by the prosecutor) Here day before yesterday I believe it was, I think that you had occasion totalk to a Mr. I.O. Ford out here in the hallway, outside the Grand Jury room. Is that true or not?

A I did.

Q It was reported to me on that occasion by two or three people that they overheard what he said to you. One of them, in fact, came to me and said that his statements were so revolting they didn't want to much hear what he had to say, and I asked what it pertained to and I was told that he admitted in substance that he was in favor of communism and that sort of thing. Now, will you tell the Grand Jury as best you can exactly what Mr. Ford told yourelative to whether or not he was a Communist?

A Mr. Hamilton, I am perfectly willing to answer any reasonable questions about myself or my personal knowledge of the case, and whether I think they are relevant or not is not the point. I would respectfully answer those questions. However, from the very beginning of newspapers, there is a tradition grown up that the reporter cannot divulge his sources, and when the source is known, cannot divulge what passed between them and what one of his news sources, because if we didn't have such a policy, I think we would be in a very difficult position in inspiring any sort of confidence in our sources. For that reason, I must respectfully decline to answer.

Q Will you state whether or not Ford told you that the Communist literature found in his residence was owned by him or by Bown or by both of them jointly?

A Mr. Hamilton, I must refuse to answer that.

Q On the same grounds?

Q Who instructed you to so answer these questions?

A I conferred with Mr. Issacs, who is the Managing Editor, and with Mr. Wilson Wyatt, who is counsel for the newspaper.

Q And they advised you to give these answers, is that true?

A They advised me not to disclose the substance of my conversation with any news source.

Later the reporter was taken before the judge. He persisted in his refusal to answer, and the prosecutor moved that he be sent to jail for contempt. After lengthy argument between counsel for the paper and the prosecutor, the court found the reporter in contempt. Counsel moved for a stay in execution of sentence to enable him to prepare a writ of habeas corpus in order to check the interpretation of the statute in another court. The court granted this request. Thereupon the prosecutor withdrew his motion that the reporter be held in contempt.

GUILT BY PRIVILEGE

As the investigation progressed, the jury became more and more interested in the political affiliations, personal associations, and reading habits of witnesses.

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The second time she appeared before the jury, a white woman, a friend of the Wades, tried hard to cooperate. This is part of her testimony.

Q I.O. Ford. Do you know him?

A Yes. I met Mr. Ford--I don't know. I believe he was introduced to me, I am not sure, by Alberta Ahearn, once at--I think it was in a Wade Defense Meeting.

Q Any other meetings?

A Yes. I seen him once at Fifth and York. Is that where the library is? Fifth and York?

Q Yes.

A I went there with a Miss Bell, asked me to go to a meeting there with them. Some kind of a peace meeting.

Q How long ago?

A Well, I can't tell you exactly, but it was maybe approximately three, two or three years ago, probably.

Q Was that the American Peace Crusade, I believe they called it?

A It was some kind of meeting. Mrs. Bell--I tell you how I met her. I was working at a home supply place up here. I don't know the name of the street. But I just went up there for a few times to work. It was a sales company, and I met Mrs. Bell up there, and she asked me if I would attend the meeting with her. She had a car and I went to it. And Mr. Ford was there.

Q Mr. who?

A Mr. Ford was there at that meeting. Mr. Ford and a lady--I don't remember her name. Something like Moose. I don't remember.

Q Was that the only meeting you ever attended where Ford was present?

A Well, I believe maybe it is. He may have been at another one of the Wade meetings, but I couldn't say for sure.

Q On those occasions, and especially on the occasion of the meeting out at the public library, wasn't there certain literature passed out by Ford?

A Well, him and this lady were conducting this meeting.

Q Who was the lady?

A I don't know what her name was. -Moose I think her name was.

Q Didn't they pass out literature?

A They passed out something. I don't know what it was. And they gave me some of it, but I never did get to read it. I just threw it aside.

Q (by a juror) Did the other people read it?

A I don't know whether they did or not.

Q Couldn't you see whether they were reading it?

A I don't know whether they read theirs or not. They probably just stuck it in their purse or pocket and took it home with them.

Q Was it a newspaper, magazine, mimeographed bulletin, or what?

A I don't remember exactly, but I think it was just little pamphlets or paper.

Q About how many pamphlets?

A I wouldn't know about that, either. I believe there was maybe a little book. I am not sure, and--

Q What was the heading on it?

A I really don't know.

Q Was there any illustration, pictures on it?

A Well, I tell you what they did have. They had a lot of pictures set up along the side of the wall.

Q Pictures of what?

A Well, just ordinary pictures. They said they were from Russia. The best I remember, that's what they said, but--

Q Don't you remember what they were?

A No. They looked like just ordinary pictures, like you would think they was pictures from here. At least, that's what I thought.

Q Were they houses, farms, or--

A Some of them was people, and some was houses.

Q What were the people doing? Carrying babies, standing in a group, or what?

A No. I really didn't pay too much attention to it myself.

Q Were there any flags on the pictures?

A I don't recall, but I do remember something about a girl. I believe it was a girl and a dog, I think, on one picture. I really wasn't interested in it, and I didn't pay too much attention to it.

Q When they told you they were from Russia, did it strike a note with you?

A Well, I just didn't believe they were from Russia. I said they looked like they were some of our pictures, is what I said.

Q There must have been some writing on them, wasn't there?

A Yes, honey, but I didn't read it.

Q I know. I know a lot of times we look at those things and don't see them, but were they in English?

A Oh, that I don't know either, because I didn't read the writing, and I would have had to have went over close to it and put my glasses on to have read it, and I know a lot of people did get up and go read it, but I didn't.

Q Even if you weren't interested, can you remember--I mean, I don't imagine Russian language is a lot different, but would it be unfamiliar?

A I don't think it would be in Russian, because we couldn't have read it if it had been.

Q I have seen posters in this country, in French, particularly travel folders. Would it be something you would not recognize as English?

A You mean the letters?

Q Yes.

A Honey, I didn't read it at all. I wouldn't know.

Q Even looking at it, it wouldn't make any impression on you?

A No. From where I was sitting, I couldn't tell anything about the reading.

Q The letters?

A No.

Q Whether it was in English or whether it might have been in some foreign language?

A It could have been, but if it was, I didn't notice it.

Q You can go into a travel agency--

A I believe they did--there was something said that they was pictures from Russia. I do remember that much.

Q Who said that?

A I don't recall who said that, but I believe these people that was giving the lecture.

Q Ford?

A And this woman. I believe they were the ones that said it.

Q How old a woman was she?

A She was--I wouldn't say, She was kind of elderly-like woman.

Q Dark or light-complected?

A I think she is light-complected. Kind of grayish, like, hair.

Q Did she wear glasses?

A I don't remember. I believe her name was Moose. I am not sure what they called her.

Q M-u-t-h?

A No. Moose. It sounded more like that to me.

Q Did she give you the impression she was telling Ford what to do?

A Oh, I didn't pay enough attention to know.

Q Was she in charge of the meeting, or was Ford in charge of the meeting?

A That I wouldn't know either. They was just both up there, was all I could tell you.

Q How many people were at this meeting?

A I'd say approximately about between twenty-five and thirty, thirty-five or forty, something like that. Now, that's a rough guess, but there wasn't so very many people there.

Q Did she ask you to contribute any money or sign anything there?

A Well, yes. They asked for donations, but I told Miss Bell to not--we didn't want to give them anything. She didn't give them anything, either, and I didn't.

Q But they didn't ask you to sign anything, a piece of paper they sent around?

A No, ma'am.....

After being shown a pile of pamphlets, none of which the witness was sure she had ever seen before, the following questioning occurred:

Q (by the prosecutor) Have you ever seen these magazines such as these--"Soviet Union," up at the top of it?

A I don't know. That might be one of the pictures that she had up. I am not sure, but I didn't pay any attention to it.

Q You'd remember if you had seen a magazine?

A I believe they had pictures something like that, just ordinary pictures, and they had a whole row of them, was the only thing I could recall.

Q Could it have been a whole row of those magazines?

A No. They were about that high, I believe. The pictures were.

Q (by a juror) Were they framed?

A No, I don't think so. Some of them was. I believe some of them were framed pictures, and some of them was--

Q Were they on a piece of pasteboard, pasted on there?

A I really don't know, because I didn't go over and examine them, and I was sitting way over in the room, and I just looked. They was up on the side of the room. In fact, I didn't pay any attention to them. I was more listening to their speech. In fact, I wasn't a lot interested in it. It didn't concern me. I was asked to go.....

Q May I ask another question that doesn't pertain to these publications? What is this Progressive group that you said you went to these meetings with different people? What is that?

A It's a club, where colored people and white people go together. There is no segregation.

Q Do they have a program? It is social, or what is it?

A Well, I just don't know about that.

Q When you get there, do you have discussions, dance? What is the purpose of it? What do you all meet for? What kind of meetings?

A I honestly don't know what they meet for. I just went because I enjoyed--we was just having some fun, is all. They did have some speeches and all, but I really don't know what they talked about, because I didn't pay too much attention to it.

Q Who did you go to the meeting with?

A I went by myself a lot of times, and several people went with me at different times. I believe that--I am not sure who told me about it first. I believe Carroll was the one told me about it. Alfred Carroll. And then I went just to see what was going on.

Q Is he a white person?

A He is a colored lawyer. And then a lot of my friends went,

just like I did. They just went to see what was going on, because they were curious. We didn't know what--

Q In every meeting, did you have a speaker?

A For a while I believe it was every Saturday night.

Q Don't you recall what they talked about? I mean, what was the subject of their talks?

A Well, voting was one thing. It was Progressive voters. I do remember that. But that's about all I do remember on the speeches, but I will tell you who made most of the speeches, as I can recall. Professor Birdwhistle. He was the one made most of the speeches, but I really don't know what he talked about because I never paid too much attention to him.

Q (by the prosecutor) Let me ask you this question, and I wish you would give it some thought and give us a good answer--I mean, at least a sincere answer, and I don't have any reason to think you won't, but at any of these meetings at the library or at the Progressive Club, did anyone tell you that you ought to join the Party, the Communist Party?

A No, they did not, because they certainly would not have got me in the place if I knew that they was--if I knew it was a Communist club, I certainly wouldn't be in it.....

Q Have you ever been told at any of these meetings or by an individual that is, say, within the last two or three years--I may have asked you this before--how much nicer it would be to live under the Communist rule than it would be the democratic form of government?

A No, I haven't.....

Q Haven't you been told by Bown or Ford or some of these people along the line that it would be a good idea to stir up trouble between whites and colored people?

A Oh, no, no, Mr. Hamilton. I never was told that, because anybody wouldn't tell me that because I would tell them right off that they was wrong. I don't believe anybody would suggest that to me.

* * *

Early in the investigation some witnesses vigorously protested as ridiculous the prosecutor's public declaration that the bombing of the Wade home might have been a part of a Communist plot to stir up racial trouble. They refused to answer questions of personal association and reading habits on the grounds that such questions were irrelevant to the identity of the person who bombed the house. The court did not uphold them on grounds of irrelevancy, and six witnesses finally refused to answer questions under the privilege

granted by the Fifth Amendment of the U. S. Constitution and Sec. 11 of the Kentucky Constitution. All of these witnesses were later indicted under the state sedition law.

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Carl Braden's final statement in regard to his and his wife's position was made to the Grand Jury on October 1 as follows:

"On September 15, we came before this Grand Jury in good faith in an effort to help find the people who bombed the Wade house. We and other friends of Wade had insisted that the Grand Jury investigate the bombing. We cooperated with the jurors by telling them everything we knew about the sale of the house and about the bombing. Since then, it has become evident that this investigation is not directed at catching the bombers. If it were someone would have been indicted by now. If the Grand Jury does not know who bombed the house, it is because Hamilton is with-holding information from it, or the County Police are witholding information from Hamilton.

"Louisville Police Chief Carl Heustis told us a few days after the bombing that County Police had a statement from a man involved in the dynamiting, and that this man had told the general area in which the dynamite was obtained. Heustis told us in great detail what type of people blew up the house.

"On July 1st, Hamilton himself called off a Grand Jury investigation of the bombing because he said the police knew who did it and would make arrests in a few days. Instead of indicting the people, Hamilton has made public statements putting us in the role of defendants. He has said he will charge us with contempt or obstructing justice. He has hinted that we may be charged with some seditious plot or even conspiracy.

"Under these circumstances, we feel that any answers we give to any question might tend to incriminate us. We are therefore invoking Section 11 of the Kentucky Constitution which provides that no person shall be compelled to give evidence against himself."

* * *

The prosecutor consistently admonished witnesses appearing before the jury. For example, on September 24, when Bown appeared for the second time, the prosecutor said:

Q ...At that time (Bown's first appearance before the jury) you were admonished concerning your Constitutional privilege not to testify about facts which would tend to incriminate you in the commission of a crime. You recall that, don't you?

A Yes sir.

Q And under the law, a man cannot be compelled to give evidence against himself. Now if these questions that I am going to ask you, and perhaps some members of the Grand Jury will want to ask you too, in your opinion tend to incriminate you, you say so and we will go out and let the Court rule on it.....

At later points in this testimony the following statements were made:

Q Let me point this out to you, Mr. Bown. The Grand Jury is investigating this explosion, as you know, which occurred out on Rone Court. You know that, don't you?

A Yes sir.

Q And there have been two theories advanced as to how that explosion occurred and why, and one of them being--at least two I should say--one of the being that it was done by white people to run the colored family out of the neighborhood; the other being that it was done by persons trying to stir up trouble between the colored and the white race here in Louisville, and the questions concerning Communism in any way pertaining to the theory that it was done to cause trouble. And I might say that the American Bar Association as an example in 1951 put out a pamphlet setting out the danger of Communism to this country, and they circulated that throughout America among all the lawyers in this country, and giving the people the inside story so to speak, about Communism that is that it is bad and it is definitely determined to overthrow the government in this country by force and violence, and the principles set out in that pamphlet and in all works on Communism and Marxism and Leninism say that Communists want to hold the courts in disrepute and that they want to stir up trouble between the white and colored race, and that is really the reason for going into Communistic end of it. Now as I stated, and as you have taken advantage of the Fifth Amendment, so you state, and the Constitution of Kentucky, I believe it is Section 11, I anticipate that you won't want to answer any of these questions, but nevertheless I will ask them.

A It is quite obvious to me that the bombing was done by people who wanted to drive the Wades out of their home, because it was a deliberate campaign on the part of some people to stir up violence against the Wades. As far as the political angle, I think it is completely false. I think it is foolish.....

Q Do you belong to any organization which advocates the following: Exciting and inflaming our so-called minority groups?....Do you belong to any organization which has as one of its purposes infiltrating government departments for the purpose of obtaining information to be funneled or given to a foreign power or its agents? Do you belong to any organization which has as one of its purposes infiltrating the press, the radio, movies or TV for the reasons or purposes of disseminating information favorable to the Soviet Union? Do you belong to any such organizations?

The witness refused to answer all of these questions. Then the prosecutor asked him if he belonged to a long list of organizations which he said "have been put on the subversive list by the United State's Attorney." The witness also refused to answer these questions. After the court had sustained him in his refusal to answer, they returned to the jury room, and the following exchange took place:

THE PROSECUTOR: Well, Mr. Bown, in view of the Court's ruling that you don't have to answer that question or any of those questions because it might incriminate you--I disagree with the Court--there is nothing more I can do. I have no more questions to ask you.

THE WITNESS: Mr. Hamilton if you have any concrete evidence----

THE PROSECUTOR: Just don't say anything to me. I am asking the questions. You can answer them or not. I don't want any speeches. Do you all want to ask any questions?

* * *

Two women called rather late in the investigation as witnesses at first refused to be sworn at all and were sent to jail for contempt. The following exchange occurred in open court prior to the sentencing of the first one:

THE WITNESS: If he would have let me explain, I am not taking the oath because I am not going to testify. I'd like to explain the reason for that if I may.

THE COURT: All right.

THE WITNESS: The reason I am not is that if I had any information about the bombing I would have come here long ere now to give it, because I am anxious to see the real criminals who did that crime out there be apprehended, but it appears to me from the reports in the paper that Mr. Hamilton is harrassing and heckling Mr. Wade's friends to the point where people are becoming very frightened in the community. It seems to me that people are afraid to open their mouths any more, and say a Negro is a human being.

THE PROSECUTOR: I think this. It follows that pattern, to come in the court, ridicule the Court, and the prosecutor and that sort of thing, and I am tired of it, and I move she be sent to jail for contempt of Court.

* * *

During the contempt hearing of the second woman who refused to testify, the following conversation occurred:

THE WITNESS: In view of the types of things that have been going on, from what I read in the papers--

THE COURT: I don't care anything about that. That's beside the point.

THE PROSECUTOR: I object to that.

THE COURT: Do you refuse to be sworn?

THE WITNESS: Yes, I do.

THE COURT: Do you refuse to obey the order of the Court that you be sworn or affirm that your testimony will be the truth?

THE WITNESS: Well, does one have any--

THE COURT: Just answer yes or not.

THE WITNESS: Does one have any right of attorney?

THE COURT: Yes, you may get an attorney, but the lawyer wouldn't do you any good now because I just want to know yes or no, whether you refuse.

THE WITNESS: Could you delay your ruling until I consult an attorney?

THE PROSECUTOR: I object to that. The law says she is to be put in jail.

THE COURT: The law is plain. Take her back in there and undertake to swear her, and if she refuses, I will have to rule she is in contempt of court .

THE WITNESS: What will that mean, Judge Curtis?....

THE COURT:Contempt of court, because of your refusal to obey the order of the Court. The order is that you take an oath or affirmation to tell the truth before the Grand Jury, and if you refuse to do that, you have refused to obey the order of the Court, and you are in contempt of court, and I will have to send you to jail.

* * *

During one contempt hearing the assistant prosecutor said:

"Same business, Judge, same Fifth Amendment Communist business that we have been having here for months. It amounts to the same thing....."

* * *

Later during the same day, one of the jurors was urging a witness to cooperate. She began:

Q May I speak?

THE ASSISTANT PROSECUTOR: If you want to waste your time.

Q I don't feel like I am wasting my time. I do want to say this. Sometimes one has to disprove in order to prove. You will agree with that I am sure. I think we on this jury are as anxious to disconnect you--and I think your lack of cooperation ties our hands. Now if we ask you if you know somebody like Mr. Renner, and you refuse to answer on the basis that you might incriminate yourself, then it leaves us no alternative to formulate ideas, which perhaps you

aren't being fair to yourself. I don't know. That's the only supposition that we as a jury can work on.

A Well, I have to make that decision, and that is my decision.

Q Well, I just wanted you to know that the jury in a major, its hands are tied, because as I said originally, in order to disprove something--to prove it either way, you don't want it to be, but you have to disprove it. And if you don't have the cooperation of a witness, one doesn't have that opportunity, and conclusions are drawn.

* * *

On March 31, 1955, several weeks after Carl Braden had been tried and shortly before his wife, Anne, was scheduled to go on trial, the prosecutor participated in a panel discussion at the annual convention of the Kentucky Bar Association. The Louisville Times reported in part as follows:

A panel of lawyers at the State Bar Association convention yesterday strongly defended the right of defendants to invoke the Fifth Amendment. And they criticized Jefferson County Commonwealth's Attorney A. Scoot Hamilton for attacking people for claiming the protection of the Amendment....

Hamilton declared: "The very fact that a man claims the privilege indicates that he is guilty of the crime he's accused of. It is an admission that he is guilty and he has no place in public office"....

#

FOREWARD

These excerpts from the transcript of the proceedings of the September, 1954 Grand Jury in Louisville, Kentucky tell a story of our times. They represent a segment of history profoundly significant, not just for the principals concerned, but for all the people of America. They are presented here in the hope that their lessons will make some humble contribution in the advance of the American people toward real democracy.

Some background information is necessary to understand fully the events which were occurring behind the closed doors of the grand jury room.

Andrew Wade IV, a young Negro veteran, and his wife wanted to buy a house. They wanted a ranch type house away from the crowded city. After a fruitless search in the Negro communities in and around Louisville, they began to look at houses in so-called white communities. They found several which they liked. However, each time the deal fell through when the seller discovered they were Negro.

Finally, in the spring of 1954 Mr. Wade asked Carl and Anne Braden, a white couple, if they would purchase and transfer a house to him. They said they would. He found a house which he liked near Shively, a suburb of Louisville. The house was located in a neighborhood where only white people lived. The deal was closed, the house transferred to the Wades, and they began to move in on May 13, 1954.

When the builder of the house, James Rone, Sr., discovered the final buyer was a Negro he was quite disturbed. Later Mr. Rone, the real estate agent who handled the transaction, and a group of about twenty men visited the Braden home late at night. Threatening remarks were made to Mr. Braden by one man in the crowd. On May 15 a rock wrapped in an insulting message was thrown through the front window of the Wade home. Hostile crowds gathered in the neighborhood. That night a cross was burned in the lot adjoining the home, and about midnight a round of rifle shots were fired into the house. A campaign of anonymous threats began against both the Wades and the Bradens. Police protection was demanded for the Wades. For a while the county police established a 24-hour a day guard. Later this was reduced to night-time guard only. The guard consisted of one or two policemen sitting across the road in the yard of the Rone family. The insurance company cancelled the insurance on the home, and the bank instituted proceedings to foreclose the mortgage on grounds of a technicality. The situation remained tense for two or three weeks; then things seemed to settle down.

On June 27th about 12:30 a.m. the home was shattered by a blast of dynamite placed under the floor.

As weeks passed and no arrests were made there was a rising demand for an official investigation of the bombing. The September

Grand Jury took up the matter. At the end of their investigation, they brought in sedition indictments against Carl and Anne Braden; Vernon Bown, a truck driver who had stood volunteer guard at the Wade home; I.O. Ford, his 79 year old roommate; Louise Gilbert, a social worker; and LeRue Spiker, who until shortly before had been employed in a local factory. Bown was also indicted for contempt and for having caused the explosion. Later the Bradens, Bown, Ford and Lewis Lubka, a union steward at the local General Electric plant, who has also acted as a volunteer guard, were indicted under the sedition law for conspiracy to destroy property to achieve a political end--Communism. All of the defendants are white. Maximum penalty for each count under the state sedition law is 21 years in prison and/or a \$10,000 fine.

In one sense, the individual defendants are not important. They are hostages to segregation and self-incrimination. Therefore, no attempt has been made to detail the role they played as individual citizens in supporting the Wades' right to live where they chose. However, several trends, broader in their significance than the lives and welfare of the individuals involved, became apparent in the grand jury proceedings. These trends are set forth in the following excerpts. They are significant for all Americans.

- APPENDIX I

(Excerpts from a special presentment of the grand jury, as quoted in the Courier-Journal, 10-2-54.)

This grand jury was distressed at the fact that while it was attempting to get the truth of the matter, the Courier-Journal and the Louisville Times, the only daily papers in this community, saw fit to belittle its efforts to discover just what connection the Communists had with the explosion, and to associate this investigation with those conducted by Senator McCarthy, and to print in minute detail prepared statements of witnesses who refused to state whether or not they were Communists or members of other subversive organizations, and some of whom even refused to be sworn by the grand jury; and to play up in headlines their accusations that the investigation by the grand jury was a "witch hunt".....

This grand jury believes it improper to write such material as appeared in the Courier-Journal and the Louisville Times and broadcast by WHAS on its 7:30 am news broadcast during the course of an investigation being conducted by the grand jury or any duly constituted authority, and believe it borders on the obstruction of justice. We do not condone the material printed in the Shively Newsweek which tends to incite people and encourage racial animosity.....(This is the only mention the grand jury makes of the Shively Newsweek.)

We believe that radio station WHAS will render a real public service if it will give more publicity in its scripts to the evils of communism rather than endeavor to browbeat and intimidate the authorities on the pretense of the protecting of individual rights.

This is especially true of the script on its 7:30 am news broadcast, conducted by Richard Oberlin. We wish to emphasize that witnesses involved in this investigation have been asked questions relating to communism or Communist sympathy when there was reason and proof for such questions, and that no one of these persons need have been embarrassed in the eyes of the public except for his own actions in discussing what occurred with newspaper reporters, after leaving the grand-jury room.

We acknowledge, of course, that this court is obligated to abide by the Constitution and the laws of the State, but there have been instances where we felt that a much stronger law should be enacted so that it will be impossible for certain of these witnesses to obstruct the investigation of the facts surrounding this case....

We recommend that a copy of this report and a resume of the facts developed, and clippings of all newspaper articles and radio scripts pertaining to this matter be forwarded to the F.B.I., the United States Attorney General, the district attorney in this district, the Federal Communications Commission, to Senator Jenner of the Senate Committee on un-American activities (the internal-security subcommittee), and to Congressman Velde, of the House Committee on UnAmerican Activities.

APPENDIX II

(Excerpts from Courier-Journal editorial, September 17, 1954.)

THE CRIME WAS BOMBING, NOT BELIEFS

....We felt strongly, and said clearly, that the Bradens' action in buying by subterfuge in a white community a house which they then turned over to a Negro friend, was deplorable. Instead of advancing the cause of better racial relations, a cause which had progressed here without benefit of the Bradens' shock treatment, they have harmed its advancement perhaps irreparably. They have embittered and endangered their friends the Wades and have set in motion forces of ugliness and bigotry that will not soon be stilled.

But, having made this clear, we must manifest the deepest disapproval of the line of questioning followed by the Commonwealth's Attorney, A. Scott Hamilton, during a grand jury investigation of the recent explosion at the Wade house.

On the pretext that both the house purchase and the bombing may be part of a Communist plot, Mr. Hamilton asked Mr. and Mrs. Braden a series of questions on their political beliefs, their associates, their reading habits and their membership in a number of organizations.

In our opinion the refusal of Mr. and Mrs. Braden to answer these questions is quite correct. Mr. Hamilton has produced not the slightest evidence to uphold his theory of a Communist plot. He has paid very little attention to the alternative and much more likely theory that the bombing was the work of hoodlums who resented a Negro's purchase of a house in a white area. If he has any facts or indications to back up the Communist plot idea, it is his duty to lay these before the grand jury. The questions he has asked the Bradens seem designed to force them either to call themselves Communists or, by refusing to answer, to give him the right to call them so.

But even if both the Bradens had said yes to all of Mr. Hamilton's leading questions, this is still a far cry from proving the existence of a plot or their connection with such a plot. We regret deeply that Judge Curtis lent himself to this display of local McCarthyism and we hope that before the witch hunt proceeds any further, the Judge will recall to his associate the real objectives of the inquiry. The matter under investigation is not what the Bradens believe or read. It is the wanton destruction of a man's house in the middle of the night by persons who only accidentally avoided the further crime of murder. Questions which throw light on this affair are urgently needed. But questions which merely establish the self-evident fact that the Bradens hold unpopular views are in the highest degree irrelevant. They are, moreover, symptoms of the prevalent hysteria which this community has previously escaped and into which it should not be dragged now by a prosecutor who does not seem very clear either as to his duties or the rights of witnesses in a democratic society.

unbelievable and assine decision by a stacked Supreme Court which would abolish State Rights, destroy the U. S. Constitution, strike down and destroy the White Race. These have been the fatal signs and portents of the rising red bureaucracy over a betrayed people and republic.

It would be useless and disgusting to enumerate all of the usurpation of power and unconstitutional act of Congress and other branches of our federal government in the past twenty years. How the people of this republic could stand idle and watch the Congress as it was reduced to a cowardly and cringing rubber stamp, is beyond my comprehension. How they could have sat still while burcau was piled upon burcau and directive issued issued by the reams for burcaucrats appointed overnight to strut about exercising every kind of control over our lives and property, except self-control. This will be the strange insanity which seized the White people, and about which the historians of the future will write.

Today, not only in America, but throughout the world the White people are hemmed in and surrounded by colored people. They live literally in a sea of color. The only chance or hope for the survival of the White Race in a world's population which out-number it ten to one is by adherence to a strict rule of segregation. They must maintain their inalienable rights of choice and privacy or else as a race they will surely perish.

It was our Creator that fashioned the White and the Black races, and commanded that they reproduce after their kind. Segregation of races and species is expressed in all of nature from the giant elephant to the smallest insect. A bluebird does not flock or mix with a blackbird or a redbird. In all of God's creation, man is the only creature that disobey the divine law of segregation.

The Marxist world plotters well know that non-segregation leads to miscegenation and racial mixture, which in turn will destroy the White Race and populate the world with a mongrel half-breed tribe. They know that the White man has stood throughout the centuries a road block to the march of slavery and their ambition of putting a firm heel on the neck of mankind.

The great media of press, radio and screen are largely controlled by the enemies of this republic and are being used to clamor down and silence all who seek to expose treasonable activities. It is worse than folly to expect to learn the truth from such channels of public information. These channels of public information are more or less under the domination of an international money mob that masterminds the world Communist apparatus. They have their henchmen, and dupes and tools in every locality as watchdogs to report the name of those who try to defend themselves and the Constitution of the United, so they can be marked for a smear attack by the kept press. Their monopoly on the metropolitan news is notorious and beyond dispute. They are dominant in the industrial, financial, and political life of the world and have brought many people in America into such economic slavery that they are now afraid to whisper a word of protest against the vulgar frauds which are paraded almost hourly before their eyes. This is the alarming and shameful condition of our affairs at this moment.

APPENDIX III

(Excerpts, front page editorial in the Shively Newsweek, 5-20-54.)

HAS THE WADE'S SHIVELY 'DREAM HOME' TURNED OUT TO BE A NIGHTMARE?

by John W. Hitt

For the past week the most talked about news in Shively and this area has been our new negro neighbors. And it should be a leading issue too. When the Wades moved into their "dream house" on Rone Court they did so in a furtive fashion, sneaking around, with the help of their white friends, the Carl Bradens, who thought so dearly of these negroes that he went to quite a bit of "finagling" to purchase this house, then immediately transferred the deed into Wade's name.

We wonder if this is truly a move of friendship or an organized attempt to place colored people in a neighborhood that has in the past been all-white, and to cause panic or possibly bloodshed between the whites that have lived in this fair community, and the incoming Negroes.....To our way of thinking, this is not a search for happiness or a dream home, but a means toward something much deeper and more serious.....Is Wade, with the help of Braden, really looking for happiness, or is he being a martyr for a cause? What cause? The Cause of non-segregation, or is it the cause which made Stalin the lion of Russia, or could it be the cause of the Communists in this country to encourage panic, chaos, and riot to lower the morale of the American people?

Braden stated in an article in the Louisville Courier-Journal Monday that acceptance of the Wades in the Shively area would prove "the test of democracy". Democracy is the will of the majority, where the supreme power rests with the people. We don't think the opinion of the majority of the people in this area is in agreement with this Negro family.

The entire incident boils down to this fact. The majority of residents in this community, we feel, do not want non-segregation. "One" colored family wishes to settle in our midst, knowing of this feeling. Mr. Braden then has the audacity to infer, that we are not Democratic. His statement in the Courier-Journal reads: "We feel that every man has a right to live where he wants to, regardless of the color of his skin. This is the test of Democracy. Either you practice what you preach, or you shut up about believing in Democracy." What, then is being Democratic? The law does state that the colored race can live anywhere they choose, but there is no law protecting the feeling of the white race at all. If we wish to mix, there are numerous, modern up-to-date communities that have been established by white families, and given up for the betterment of the colored race. The West End is a prime example. Now, what of the white race? In the instances where we do not wish to mix, which is "our Democratic right", isn't it being taken away from us when we are forced to do so against our will?....

We are an easy-going race and it is so easy to read about incidents similar to this happening other places and shrug it off with the thought "that couldn't happen here". Either you take a firm stand now or take the consequences along with your indifference!

(Letter published on editorial page of Shively Newsweek, 6-3-54)

WADE PURCHASE A PREMEDIATED FRAUD

The brazen discrimination against the White people by subversive pressure groups and crooked and controlled politicians should be brought to an end.

Neither time nor space here will permit a full and proper discussion of the greatest peril that has ever threatened the Caucasian people. I can only make the melancholy picture pass before you like a dark shadow.

The premediated and corrupt fraud by a copy-reader for The Louisville Courier Journal, to obtain title to a piece of real estate in an exclusive White community for a negro family was pursuant to a Communist conspiracy that has for its objective the establishment of a black beach-head in every White subdivision.

No honest court will hesitate one minute to cancel and set aside the deed to this property which obviously and admittedly was obtained by gross misrepresentation and fraud. No rule of law is more solid and long standing than the one which does not allow a person to gather the fruits of his own crime--to take advantage of his own fraud.

The long and unbroken control in Washington by a sinister group of which Franklin Delano Roosevelt, Harry Solomon Truman, and Dwight David Eisenhower have been the top-bracket front men, has enabled these arch conspirators to break down one constitutional safeguard after another and to let Communist spies swarm over the ramparts to take key positions in government, and to bring about the distressing situation which now confronts the Caucasian Race.

The complacency of the White people for the past twenty years in the very face of the open treasons in high public office has invited the onrushing calamities that now almost overwhelm them.

The indifference by our citizens to the shameful high crimes and misdemeanors by their public officials is largely responsible for the plight in which we find ourselves. The malfeasance in public office which was out in the open and plain for everyone to see has almost made government itself disreputable, as is evidenced by the abortive attempt of Justice William O. Douglas, of the U. S. Supreme Court to override the action of the court and save the Rosenberg traitors from the electric chair; the high-handed misconduct of Franklin D. Roosevelt and his directive which locked up the evidence for several years which finally sent Alger Hiss to the penitentiary, and would have brought Hiss to trial for treason and the electric chair had Roosevelt not impounded it until limitation had run; the despotic act of Harry S. Truman in his order to seize the steel mills to make the owners surrender to Walter Routhier and his C.I.O. mob; the glaring dictatorial directive of Eisenhower just a few days ago which clapped his hand over and closed the mouth of witnesses in the current Senate Committee investigating charges that public officials are protecting Communist spies and traitors. It is manifest that Eisenhower and his cronies do not want the Committee and the American people to know the truth involved in the charges. And lastly, the

For several years the writer has devoted his time to an effort to awaken our people from the stupor which seems to grip them to recall to their memory the glorious exertions of their ancestors as they unfurled the banner of human liberty in the wilderness of America and served notice on the world that they were ready to shed their blood to establish a nation of free people.

The most urgent need of the white people at present is a militant organization to counteract the subversive pressure mobs and stop the intolerable discrimination against white people. To meet this imperative need, the writer, Rev. Oscar Gibson, and others had a meeting a few weeks ago and launched the movement under the tentative name of "The American White Brotherhood." It is a herculean task we have undertaken. We need your help and believe that you need ours.

It was Edmund Burke who said: "The only thing necessary for evil forces to win is for the good people to do nothing."

The writer has had considerable experience in organizing and promoting movements of this character. He helped organize the Continental Christian League and was National Director of it a few years ago.

If you are a member of the Caucasian race this matter involves all that you hold dear whether or not you now know it. The scheming and conniving conspirators and their dupes and tools do not give us advance information of their contemplated crimes against us. We must be on guard to detect them quickly as the pattern unfold before us.

This organization exclusively is for loyal white people and no others will be allowed membership. If you are interested and can qualify we will be happy to hear from you.

Millard Doe Grubbs
In Care of
Shively Newsweek

NEWS from
Southern Conference Educational Fund, Inc.
822 Perdido Street, New Orleans 12, La.

May 10, 1961

ATLANTA, Ga.---The jailing of Carl Braden and Frank Wilkinson for contempt of the House Un-American Activities Committee is a sign "that McCarthyism is on the rise again," Dr. Martin Luther King, Jr., declared in an interview here.

He said Braden is "being punished for his integration activities" and asserted that the House Committee "should not be used to thwart integration." He also said he favored abolishing the Committee.

Dr. King, who is president of the Southern Christian Leadership Conference, gave his views in an interview with the Atlanta Journal after Braden and Wilkinson surrendered here to begin serving their one-year sentences.

Both men were questioned about their beliefs and associations at hearings of the Un-American Activities Committee in Atlanta in 1958, and Braden was asked about his activities in the integration movement. They refused to answer, taking the position that the questions violated the freedom of speech and association guaranteed by the First Amendment to the U.S. Constitution.

The U.S. Supreme Court upheld their convictions for contempt in 5-4 decisions. The minority justices wrote dissents in which they said it seemed that Braden was called before the Committee because of his integration work and Wilkinson because of his activity in organizing opposition to the Committee.

Braden is field secretary for the Southern Conference Educational Fund, and Wilkinson, a civil liberties leader, is field secretary of the National Committee to Abolish the Un-American Activities Committee.

May 10 release --page 2

In the Atlanta Journal interview, Dr. King discussed the petition which he and 16 other Southern leaders have initiated asking President Kennedy to free Braden by executive clemency. He said:

"We are not upholding communism in any way...But we see the rise of McCarthyism in the South again because all other weapons of the segregationists have failed."

Dr. King said he endorsed the minority opinion of the Supreme Court in the two contempt cases and added:

"We agree with Mr. Justice Hugo Black in his dissenting opinion which said that if the Committee has unlimited powers it will misuse them. Mr. Braden was called before the Committee simply for his integration activities. We think that if the Un-American Activities Committee is to have the power to subpoena everyone they will misuse the power to stand in the way of integration."

Braden and Wilkinson are both being held temporarily in the Fulton County Jail in Atlanta, pending transfer to a Federal prison. It was not learned immediately where they would be sent to serve their sentences.

#

Opinion and Comment

IRVING DILLIARD

'Liberty Defenders' Free Again

Carl Braden of Louisville and Frank Wilkinson of Los Angeles are back home after a year in federal prison in Pennsylvania. All Americans who care what happens to individual liberties in our great country should breathe a little easier now that these men are again free.

Why breathe easier? Because Braden and Wilkinson did not violate any law as such but chose to defend freedom of speech and assembly under the Bill of Rights. They refused to talk about their political, social, and economic views before the House un-American activities committee. They were found guilty of contempt and the harsh judgments were upheld by the United States Supreme court by the hairline margin 5 to 4.

In short, Episcopalian Carl Braden, former staff member of the Louisville Courier-Journal, and Methodist Frank Wilkinson, once an attendant in Jane Addams' Hull House, were political prisoners. And political prisoners, if there are to be such anywhere, belong in Russia, but certainly not in free America.

Violation of Basic Rights

Braden and Wilkinson's imprisonment was both unjust and contrary to basic American concepts of constitutional rights.

These men took seriously two recent major decisions of the Supreme court. They took seriously first a 1954 unanimous decision on the public school desegregation cases. As field secretary for the Southern Conference Educational fund, headquartered in New Orleans, Braden, with his wife, Anne, author of "The Wall Between," has been a leader in the application of the decision to specific situations in the south. Wilkinson also has been active in the integration movement, as well as critic of the House un-American activities committee.

Both were subpoenaed by the House committee in Atlanta in 1958. They refused to answer political questions. They said they respected Congress' authority and power, but

that in this instance its purpose was not to lay the groundwork for legislation but to harass them and to discredit their work—in violation of the 1st amendment's guarantees of free speech and free assembly.

'Not an End in Itself'

In defense of their position they cited the Supreme court's 6 to 1 decision in the 1957 Watkins case, in which Chief Justice Earl Warren, speaking for the majority, said that broad though the investigating power is, "no inquiry is an end in itself." Warren also said: "Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible."

Then before the Supreme court heard the Braden and Wilkinson cases, it decided the 1st amendment 1959 contempt case of Lloyd Barenblatt, former Vassar psychologist. Change in the Supreme court's personnel was a factor in the Barenblatt result. Justices Frankfurter, Clark, Harlan, Whittaker, and Stewart made up the majority against Barenblatt. Chief Justice Warren and Justices Black, Douglas, and Brennan found the majority decision harmful to the historic American free way of life.

Thus Wilkinson and Braden were caught between the 1957 Watkins decision, on which they relied, and the 1959 Barenblatt decision, which went far to repudiate Watkins. Split 5 to 4 on the Braden and Wilkinson cases, the Supreme court followed the Barenblatt decision and the two opponents of segregation went to prison for contempt. Eisenhower appointed Justice Stewart who wrote the narrow majority opinion.

We all need to reflect on Justice Black's dissent concerning the Braden decision: "The founders of this nation were not then willing to trust the definition of 1st amendment freedoms to Congress or this court, nor am I now. There are grim reminders all around the world that the distance between individual liberty and firing squads is not always as far as it seems. I would overrule Barenblatt, its forerunners and its progeny, and return to the language of the Bill of Rights. The new and different course the court is following is too dangerous."



Irving Dilliard

IRVING DILLIARD
Author & Editor
For many years
Chief Editorial Writer
St. Louis Post-Dispatch
Trustee
University of Illinois

"I've never been as proud of him as I am today." ANNE BRADEN

Tuesday, May 2, 1961 The Atlanta Journal

King Sees 'McCarthyism' In 2 U.S. Contempt Sentences

By DOUGLAS KIKER

Atlanta integration leader Martin Luther King Jr. said Tuesday that the one-year jail sentences given Carl Braden and Frank Wilkinson are evidence that "McCarthyism" is on the rise again.

"I have no doubt they are being punished—particularly Mr. Braden—for their integration activities," he said, adding:

"We are not upholding communism in any way. We simply feel the House Un-American Activities Committee should not be used to thwart integration. We see the rise of McCarthyism in the South again because all other weapons of the segregationists have failed."

MR. BRADEN and Mr. Wilkinson pinned pink rosebuds on their lapels, kissed relatives and friends goodbye and surrendered to the U.S. marshal here Monday afternoon.

They both will serve one-year jail sentences for contempt of Congress because they refused to tell the committee, in a 1958 Atlanta hearing, whether they ever have been Communists.

Presently they are being held in Fulton Jail until federal authorities designate the prison where they will serve their sentences.

But they hadn't been in custody for an hour Monday afternoon before an announcement came that Dr. King, along with 16 other Southern integration leaders, had signed a petition asking President Kennedy to grant them clemency.

EARLIER MONDAY in Newnan, U.S. District Judge Boyd Sloan refused to either lessen or probate the sentence of either man.

Both Braden and Wilkinson refused to answer questions in that 1958 hearing because, they said, the First Amendment—which guarantees freedom of speech and assembly—says they didn't have to.

But the U.S. Supreme Court, in a recent 5-4 decision, said they did.

Dr. King said Tuesday he endorsed the minority opinion of the court himself. "We agree with Mr. Justice Hugo Black in his dissenting opinion which said that if the committee has unlimited powers it will misuse them," he said.

He said Mr. Braden was called before the committee "simply for his integration activities," adding:

"We think if the Un-American Activities Committee is to have the power to subpoena everyone they will misuse the power to stand in the way of integration."

He said he was in favor of abolishing the committee.

Among others signing the petition sent to President Kennedy included: Rev. Ralph Abernathy of Montgomery, James McBride Dabbs of Mayesville, S.C.; Rev. Clarence Jordan of Americus, Rev. Fred Shuttlesworth of Birmingham, and Rev. Wyatt Tee Walker, executive secretary of

Martin Luther King's Southern Christian Leadership Conference. Officials of the Southern Conference Educational Fund Inc., added that the petition "is now being circulated for signatures among other prominent citizens in the civil rights movement throughout the country."

THERE WAS A LIGHT drizzle falling when Mr. Braden and Mr. Wilkinson, their arms linked, came walking down Fairlie Street to go to jail. A host of reporters and photographers clustered around them at the Fairlie Street entrance of the Old Post Office, and an impromptu press conference was held. Mr. Braden said he thinks imprisonment will "be worthwhile if it alerts American people to the dangers posed to their liberties by the House Un-American Activities Committee" and other like it.

Mr. Braden's wife said, as her husband surrendered himself:

"I've never been as proud of him as I am today. I'm almost 37 years old, and we've been married 13 years, and I figure we've got a long life ahead of us. It's been a wonderful 13 years in which we've worked together for the things that we think are right."

UN-AMERICAN?

'Bulwark of Segregation' Seen in HUAC Leadership

(Ann Braden is author of "The Wall Between" and is editor of "The Southern Patriot," publication of the Southern Conference Educational Fund, Inc. The following article is condensed from her pamphlet, "House Un-American Activities Committee: Bulwark of Segregation.")

By Ann Braden

The House Committee on Un-American Activities (HUAC), the Senate Internal Security subcommittee (SISS) and the little HUAC's of the various states are part of a vast network of official "investigators" that has grown up in our midst over the last 30 odd years. They investigate the thoughts, associations and political activities of American citizens.

Equating movements for racial equality with subversion goes back to the Fish Committee (established in 1930). It stated ominously that Communists were spreading "revolutionary propaganda among the Negroes" and were "openly" advocating that "there must be complete social and racial equality between the whites and Negroes even to the extent of intermarriage . . ."

This line has continued and a study of men who have led HUAC provides important clues as to why.

The first chairman, from 1938 to 1945, was Rep. Martin Dies, traditional segregationist from Texas whose political position was threatened by movements to increase the number of Negro and poor-white voters. Dies appointed as the first committee investigator, one Edward F. Sullivan, a publicity specialist for Nazi groups in America. Dies himself was one of the most ardent foes of the New Deal, suggesting that the way to cure unemployment was to deport the 6 million "aliens" he estimated were in the country.

THE FIRST report of HUAC under Dies followed the pattern of the Fish Committee in equating racial equality with subversion: report No. 2 stated that "communism is a world-wide political organization advocating . . . absolute social and racial equality . . ."

Until 1945, HUAC was a temporary committee which had to be reappointed by each Congress. The man who then pushed through a resolution making it permanent was Rep. John Rankin of Mississippi.



—Herblock, Washington Post

"Ask the Un-American Activities Committee to investigate what this strange flag is doing here."

Rankin, elected by 10,400 votes in a district with a population of over 200,000 was a self-professed crusader for segregation and bragged that he was "not only an American but an Anglo-Saxon." He was obsessed with the belief that Negroes were happy in the South's segregated system until stirred by "Communist agitators."

He was known nationally for his outspoken anti-Semitism as well as his racist opinions. Time called him the "No. 1 Jew biter of the House." He called Walter Winchell a "Communist little kike" and once in a speech quoted in the Congressional Record referred to a delegation from New York as "that gang of Communist Jews and Negroes." One of his great crusades was against FEPC and he called his activities on this "a battle to save America for Americans." Another pet project was to prevent mixing of white and Negro blood in blood banks which he said was "one of those schemes of the fellow travelers to try to mongrelize this nation."

Another chairman of HUAC in the 1940s and early 1950s was Rep. John Wood of Georgia, also an ardent segregationist elected by 6 per cent of the eligible voters in his district.

THE CHAIRMANSHIP of HUAC was assumed in 1963 by Rep. Edwin Willis of Louisiana who led the Southern opposition to the civil rights bill in Congress in 1964. (In 1958) he was elected to Congress with a total of 8,962 votes.

Taking over as vice chairman of HUAC was Rep. William Tuck of Virginia. Tuck was an architect of Virginia's now discredited massive resistance to integration. When told that some parts of the state wanted to desegregate, Tuck said, "If they won't go along with us, I say make 'em."

The other chairmen of HUAC have been Northerners. Rep. J. Parnell Thomas of New Jersey, who served from 1947 to 1949, later went to jail for conspiracy to defraud the government. From 1953 to 1955 the chairman was Rep. Harold Velde of Illinois. His attitudes were indicated when he opposed legislation for mobile library service in rural areas because, he said, "the basis of communism and socialistic influence is education of the people."

From 1955 until his death in 1963, Rep. Francis Walters of Pennsylvania was chairman. Ironically, a national scandal which finally established definite links between HUAC and organized racism in America occurred during the regime of Walters.

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Charleston, West Virginia

June 14, 1964

THE YORK, PA., Gazette & Daily and the Washington Post reported in 1960 that Richard Arens, then staff counsel for HUAC at a salary of \$16,000 a year, was drawing another \$3,000 a year as consultant on a project designed to show that Negroes are genetically inferior. The papers also disclosed that Walters was a member of the committee connected with this project.

No wonder when HUAC was fighting for its appropriation from Congress in 1963 its most vocal support came from Southern congressmen. After a long period when virtually no congressman dared raise his voice in opposition to the committee, this was the year when 20 voted against the appropriation and only 13 actually spoke on the House floor in support of it; except for members of the committee, all but two of these were Southerners.

One of the most ardent was Rep. Albert Watson. He is from a South Carolina district where, according to the U. S. Commission on Civil Rights, five out of nine counties have Negro majorities but where white registration runs from 65 to 100 per cent whereas Negro registration is as low as .8 per cent of potential in one county. The HUAC appropriation was necessary, Watson said, as a means of "preserving our way of life."

You may order copies of the 52-page pamphlet, HUAC-BULWARK OF SEGREGATION, @ 25¢ each, from:

SOUTHERN CONFERENCE EDUCATIONAL FUND
822 Perdido Street, New Orleans, Louisiana 70112

Additional Information--Confidential

After the indictment of Bown on the bombing charge and the other friends of Wade on charges of sedition and conspiracy to blow up the house, a well-known Louisville lawyer approached Robert Zollinger, who by then was representing some of the defendants, and said: "What would it be worth to these people if the man who blew up that house came forward and confessed publicly?" Zollinger told him he would let him know.

Some weeks later, the true facts of the situation were found out from a person in a position to know but who cannot be quoted by name.

This man said it was true that there had been a confession. He said it was made by Lawrence Rinehardt. Police questioned Rinehardt for about five hours one day soon after the explosion and he said he and others had blown up the house. However, he did not sign the confession. (It happens every day in the week that people make confessions and then do not sign them--so this is no unusual or mysterious circumstance.) Rinehardt told police that the two people who helped in the dynamiting were James A. "Buster" Rone and James Bryant. He also said the dynamite was stored in Buster Rone's basement for some time before the bombing. He also said that the police who were originally working on solving the crime had since been pulled off of it--just how or why or by whom was not learned.

This same source also said that it had been ascertained that Rinehardt had set his own house afire in order to collect the insurance money. However, no arson charge has been placed against him.

After getting this information, Zollinger went back to the lawyer who had approached him about a public confession and let him know he knew the man was Rinehardt. The lawyer verified that this was so. Zollinger asked him to see what could be worked out with Rinehardt. A few days later, this lawyer came back to Zollinger and said he had been mistaken about the whole thing. Evidently, Rinehardt by this time had temporarily solved his financial problems. It might be worth noting that by this time also it had got pretty well talked around the Court House that the defendants in these cases knew that it was Rinehardt who blew up the house.
