

Young Negro Lawyers Hold Own Against Att'y General

Mandamus Hearing In N.C. Fails

Three Young Colored N. A. A. C. P. Attorneys Oppose State Attorney General And Two Aides In Durham Courtroom In Effort to Open Professional School to Negro Students

DURHAM, N. C. April 7.—After a dramatic and intense two-day legal battle here, Judge M. V. Barnhill on March 29 denied a petition of mandamus brought by Thomas H. Hocutt, a colored youth who sought to be enrolled in the school of pharmacy of the University of North Carolina. Hocutt sought an order from the court directing the university to admit him as a student. The judge held that the petition of mandamus was not the proper method of seeking relief.

Denial of the mandamus was expected by all parties and was predicted before the suit was filed. The attorneys for Hocutt immediately filed notice of appeal and are preparing the papers for the higher court. Attorneys for the NAACP in Washington and New York are studying the opinion. This suit is only the first step in Carolina and other southern states.

Judge Says Color Barred Hocutt
Judge Barnhill, regarded as the best trial judge in this section of North Carolina, in his opinion made the vitally important point that in his judgment Hocutt's admission to the university was denied on the sole ground that he was a person of African descent. Judge Barnhill also declared that Hocutt had made due application to the university to be admitted.

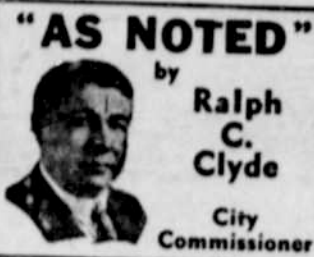
On two other questions of fact which he was asked to decide, the judge answered in the negative, saying that he did not believe Hocutt complied with all the rules and regulations in respect to such application and that he did not believe Hocutt had established a clear legal right to the university as a student in pharmacy.

Drama In Courtroom
The hearings were held in a courtroom packed with colored and white people. Conrad Pearson and Cecil McCoy, young Durham lawyers, were assisted by William H. Hastie of Washington, D. C. sent down by the NAACP.

The young colored lawyers were lined up against Dennis G. Brummitt, Attorney General of North Carolina, A. A. F. Seawall, first assistant attorney general and Victor Bryant, local white lawyer.

Although the hearing was set for Friday, it actually did not get under way until Saturday. Friday was taken up with conferences in the judge's chambers in which it was sought to arrange a compromise. The attorney general, as he said later in the argument, was for granting anything to the Negroes if they only would not ask entrance to the sacred campus of the University of North Carolina. No compromise was reached and Saturday morning questioning of witnesses began. Interest was high in the case as

(Concluded on page four)



"AS NOTED" by Ralph C. Clyde, City Commissioner

BUILDING AND ZONING LAWS

I note that zoning restrictions can be set aside at the will of the City Council. Very frequently delegations of home owners will appear before the Mayor and City Commissioners vigorously protesting against the granting of a special permit to some speculator who desires to construct an apartment house, grocery store or filling station in a residential district.

If home owners are successful in fighting off one commercial buccaner there is nothing to prevent another high pressure promoter from coming before the City Council with a similar petition to erect a vegetable stand, a garage or a convalescent home in a residential area.

It does not seem right to me that parents who put their all in a nice home, and want to raise their children in a nice district, should be compelled to fight commercial invaders who, for the sake of a few dollars, would spoil home surroundings and wreck property values.

The only way to guarantee absolute protection to home owners is to have the zoning laws made part of our City Charter. This will prevent zoning regulations from being nullified. There is no other way.

APARTMENT HOUSES
The following extract from an address by Miss Jessie M. Short, who is an authority on this subject, is very significant. Miss Short said, "Between 1929 and 1931 some 500 apartment buildings were scattered indiscriminately over Portland. Most of their builders were exempted, almost to their liking, from ordinances that would have insured proper light, ventilation, privacy, fire protection, construction that would stand up and would provide protection from the elements, and honest financing."

"High pressure salesmanship and misrepresentation kept apartment house construction in full swing even when there was already a 25 per cent vacancy in many of the newer apartments, and a larger percentage in older ones. Before depression days came to make bad matters worse.

A man closely connected with Portland's hotel and with apartment and hotel management in the city estimates that this building boom has cost Portland \$26,000,000 in reduced rentals, and depreciation of home values.

Portland is paying for the debacle with rentals 13 per cent below the 1914 level. It is the only class A city, according to the U. S. Government statistics, showing so great a slump in rentals."

THE ADVISORY BOARD
Here is an interesting excerpt from the printed report of "The Mayor's Committee On The Revision of The Housing Code." Bear in mind the "Advisory Board" is presumed to strengthen the code, not weaken it. The item is as follows:

"The chief means of weakening the Code lay in the provision for a board of appeals, called the Advisory Board to consist of an architect, a builder and a 'social worker'. As chairman of the board a builder was appointed who had opposed the adoption of the original code and had been one of those on the revision committee that had lowered its standards."

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Done at Random

—By— RALPH L. LESTER

WILL YOU JOIN?

I am starting a new movement. One sadly needed in every community where Negroes reside. It will be known as the N. A. A. W. S. C. in P. or in full, "The National Association Against Wearing Stockings Caps in Public". The emphasis on the last two words. There are many things that a person can do in privacy that they would not dare to do in public. Wearing Stocking Caps is or should be one of those things. First, it shows a lack of personal pride; second, it is unsightly; third, it is unnecessary, and last but not least, it encourages harmful but just criticism. The number of Negroes, men and women, who parade through the streets, run to the stores, and hang around the corners, wearing dirty, greasy stocking caps, is astonishing. Now, readers, please don't misunderstand me. They are helpful to us, but there is a time and a place to wear them. That time and that place is never in PUBLIC!

THEATRE PESTS

Those who arrive late and never have aisle seats.
Those who bring infants.
Those who sneeze on your neck.
Those who cough continuously.
Those who keep up a steady line of chatter, gossip, etc.
Those who have seen the show and insist on explaining in advance to a friend.
Which one are you?

Idle thought—Who cut the cards for this new deal?

It is rumored that Ivar Kreuger, the late Match King was responsible for the superstition that it is unlucky for three people to use the same match. He thereby increased his income many thousands of dollars.

Pag Ripley—A postal clerk in Philadelphia, Pa., answers to the name of Ed. Wynn.

A GRAND AND GLORIOUS FEELING
To make a statement on a certain subject and have everyone turn it down as being so much rot; then some authority on the subject express the same idea you advanced.

CHECK AN SHORT CHECK
One evening a short time ago, at a friend's house the following took place: Junior heard his mother say "that daddy was going to join a lodge. When his father came down stairs, Junior spoke up: Daddy are you going to join Kingfish's Lodge?"

Harvey Nicholson of Media, Pa., usually has an entry in the fashionable Rose Tree Races, (white). These races are held annually in Media, Del. County, Pa. His entries have won several prizes and in 1929 he had a winner.

LESTERGRAM—Three faithful companions. A dog, a pipe and a book.

SAYS WOMEN SUCCED IN FIGHT AGAINST LYCHING
Dixie white women are making a concerted effort to abolish the lynch evil in the United States. Mrs. Jessie Daniel Ames, of Atlanta, Ga., director of woman's work of the Commission of Inter-racial Co-operation and executive director of the Association of Southern women for the Prevention of lynching.

Helpful Hints

—By— NANCY LEE

GOOD AND EVIL THOUGHTS

Sin brings its own consequences that cannot be avoided. When we tune ourselves to the wrong vibration, we reap what we sow because every thought can be picked up as we lower or raise our vibration through certain thought processes.

The more powerful the thought of good or evil, the larger the wave length and the larger its influence. But as everything returns to its source, we should be careful just what kind of thoughts we broadcast so there will be no danger of them returning with an evil effect.

Sarcasm, backbiting, faultfinding and gossip return and "rend" us, while good thoughts return to bless us.

'CRAWFORD CASE SET FOR TRIAL

BOSTON, April 7.—The postponed hearing in the extradition case of George Crawford will be held between April 15 and May 1, it became known here Wednesday.

According to the New York Times, John Galleher, attorney for Loudoun county, Va., has written to Attorney General Thomas E. Knight of Alabama, chief prosecutor in the Scottsboro trials, asking the advice on how to defend the jury system of the south.

Galleher wrote that he was facing this difficulty in Boston in trying to return Crawford to face trial in Virginia for murder of Mrs. A. B. Ilesley and her maid. The whole jury system in the south, which for decades has excluded Negroes, is being challenged on all fronts and the attorneys of Virginia and Alabama are consulting together to devise ways of meeting the onslaught.

WILL ELIMINATE OFFENSIVE WORDS
Philadelphia, Pa., April 7.—In response to his protest, I. Maximilian Martin, newly elected president of the branch NAACP, has received a letter from Blackett-Sample-Hummert advertising agency assuring him that the word "darker" will not appear in any more radio advertising of "Old English" wax and other products.

St. Louis, Mo., April 7.—C. T. Felker, editor of the Sporting Goods Dealer, has assured the NAACP that no offense was intended by the use of the word "darker" in a recent issue; but that since it offends colored people, it will not be used again.

told sixty prominent women at a meeting held Monday afternoon of the Arkansas council of the association at the Women's City Club.

"The basis for the movement against lynching," Mrs. Ames said, "is respect for the social teachings of religion, respect for federal and state constitutions, respect for courts and respect for society."

She told of the program of the Central committee of the association which is composed of 13 southern states, 12 of which have completed their organization. Arkansas is among this number and has pledged 35 counties to the program.

PRISONS and PRISONERS

By CLIFFORD C. MITCHELL

One of my readers has called my attention to a recent incident which in the country. The abilities, individually, of these prisoners can be matched educationally, vocationally, and of equal capacity with the abilities of society's members.

Thus, no one should be surprised at the exceptional work or service that a prisoner can accomplish. If there is any surprise at all it is in the fact that society, with all its affluence and advantages, did not offer an opportunity for the full development of exceptional ability and it was necessary for the man to become a prisoner before he showed conclusively his possibilities.

When a larger number of the members of society take more interest in prisons and prisoners and ascertain the extent and development of the many individual prisoners who try so hard to develop themselves, educationally, vocationally, morally and spiritually, then, will prisoners as a whole show an even greater demonstration of self-development of latent talents.

For it is a known fact, as prisons are usually conducted, especially their parole policies, many other considerations beside "self-development" are, seemingly, of greater value, or at least more resultful.

Not only would society be surprised but they would be the ones to benefit, if through some general policy some system of reward or extra clemency would be established that would add a greater encouragement and an impetus to draw out, and work towards, an even greater amount of self-development, individually and collectively, and hundreds of, now in prison, every where, unutilized that society indeed would be able to find all types of individuals—as prisoners—that it is possible to have and proficient prisoners.

By E. R. Ross, M. A., L. L. B. (Lex. Pub. Co. Drawer 1896, Seattle.)

Now that the country has modified its liquor laws, many readers who are particularly interested in the subject will find this little book written by an eminent Canadian lawyer quite informative as to the many experiments used by Canadians in controlling their liquor traffic.

Prohibition in all its phases is statistically treated and its workings in each province is separately treated by giving a thorough analysis of the difficulties and how they were met by each separate government unit.

According to the statistics included in this book, it is clearly proven that millions of dollars in revenue were added to the income of each governmental unit but at no time during this period of increased revenue have the per capita taxes decreased.

Even when all of the advantages of governmental control of liquor (in Canada) are arrayed, Mr. Ross, convincingly points out that just as long as private capital, in any of its connections, direct or indirect, can materially profit from the sale of liquor that the Canadian system will be greatly abused, regardless of the strictness of the governmental control.

NAVY CONTROL OF VIRGIN ISLANDS CALLED "DISASTER"
NEW YORK, Apr. 7.—THE NATION in its issue of April 5, has an editorial declaring that the return of the Virgin Islands to control of the Navy would be a "disaster". In part the editorial states:

"The islands . . . are in pressing need of rehabilitation. Governor Paul Pearson has been working on a plan to achieve that end, and in face of universal economic depression, has made a good beginning. He has turned over to the Virgin Islanders 40 per cent of the administrative posts. As Negroes are barred from the Navy except as mess boys and in other menial positions, return to naval control would mean ousting of the Virgin Islanders from responsible offices."

CONFERENCE ON TUBERCULOSIS
Atlanta, Ga., April 7.—(ANP)—The first annual conference of the Georgia Tuberculosis association, of which Dr. J. P. Faulkner is executive secretary, was held Tuesday morning and afternoon at the School of Social Work on the campus of Atlanta university.

More than one hundred physicians and leading citizens attended the conference.

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Arrow

—Tips—

By Kitz Reild

"God grant us wisdom in these coming days

And eyes unsealed, that we clear visions see
Of that new world that he would have us build,
To life's ennoblement and His high ministry.

God give us sense—God-given sense of life's new needs."
John Oxenham

EINSTEIN ON LAW

Einstein believes that law is not important as a bulwark against war, since law can be changed at a moment's notice. Man must have certain principles of his own independent of law. This sentence is quoted in the hope that the name attached to it will bring it to the attention of those who are luke-warm in the cause and have been giving as the reason for their tepid temperature that our laws must be changed and we must have international law. You see what the "first citizen of the world" believes? The law is not of first importance—what YOU believe is of the big moment.

AMERICA AND HITLERISM

When one reads of the tragic situation in Germany, ones thoughts go back to the days after the war when America helped to put over the Versailles Treaty that fastened the chains on that country. We must put the blame for Hitlerism on the governments which forged those chains—England, France, Italy, America. And in this country are talking "dictator" thereby confessing that the much touted Americans must abandon their democratic form of government of the masses because they lack common sense enough to rule themselves. It is to be wondered and groaned. The law is not of first importance—what YOU believe is of the big moment.

When we give them that sample of dictatorship (thro our tool in the White House) and see how the people like it. If they don't like too much fuss, we will give the next dose. It might be well for us to prepare for the next dose by examining the records of the people who have received federal appointments. Just take an hour off—look up Swanson, Secretary of the Navy—big armament sympathizer, well, Roosevelt is that, 'oo, —Douglas, director of the budget—bitter enemy of public ownership—Woodin, secretary of the Treasury, big corporation stockholder. Just find out a few things, Mr. Citizen, before the chains are riveted any tighter.

CAN WE CRITICISE RUSSIA?

I have taken the following item from the March 27 number of John Haynes Holmes "Unity". Referring to the action of Soviet Russia in placing a ban on the use and possession of certain forms of money. An action which critics of Russia called "utmost tyranny", please observe what I am quoting and think it over—
"But tyranny justified from the Russian point of view by the plea of public necessity. If the Soviet system were to survive, the government must have control of its currency. Now exactly the same or a very similar situation here in America has led to the same plea of necessity and the same action on this plea. Our government has done exactly what Russia has done—laid an absolute ban on individual liberty in the money field and backed this ban with penalties of a fearful character. Read the provision relating to hoarding in the new banking act and see if it is not identical with the Bolshevik program, except only that it authorizes no capital punishment." Personally, I see no difference between being shot up against a wall and starving to death—the poor devil of a citizen is just as dead. I wonder what the next chapter in the Wall street program is and how much longer the common people can stand the screws?

I can partly answer the "screws" question. So far as it applies to the air—the only stuff we can hear over the radio is that which is approved by the National Broadcasting Company. According to a recent item in a journal, "nothing is to be allowed on the air which will undermine 'confidence and faith'." Now, Mr. Common Citizen, how do you like that? Talk about being taught the way to go—we are even being taught the way to think and believe—and then after all that guidance by minds twisted by self interest, we are expected to know how to act as an "independent" part of a democratic government and to make democracy a success! Is it any wonder that we, the common people haven't any common sense or have we? Perhaps we are waiting for another twist of the Wall street screw.

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