

NATION STILL SPLIT OVER BLACK ISSUE AS FIRST REACTION TO TALK IS SEEN AS FAVORABLE

Ashurst Refuses Comment, Hinting He May Sit in Impeachment Trial; 'I Did Belong to Klan.' I Resigned, Justice Says.

(Continued from Page One)

was to make a statement of fact from a man who was and would remain a Justice of the Supreme Court. At the end, he said:

"When this statement is ended my discussion of the question is closed."

Constitutional authorities agreed that there was no possibility of successful impeachment proceedings against Justice Black. They said that past affiliation with the Ku-Klux Klan was not grounds for impeachment.

In Boise, Ida., Senator Borah (R.) said that he hoped the entire matter would be dropped.

"Justice Black stated the matter of his relationship with the Klan as I understood it to be when I spoke on the subject in the Senate," Senator Borah said. "I understood then he had been a member but had dropped his affiliation about 11 years ago."

"He will take his seat as a mem-

BLACK'S SPEECH BEFORE F. D. R.

President Believed Studying Text and Gauging Nation's Reaction.

(Mrs. Roosevelt's Column, Page 9)

WITH ROOSEVELT EN ROUTE TO GRAND COULEE DAM, Oct. 2 (U. P.).—President Roosevelt, who missed Justice Black's radio statement of his one-time affiliation with the Ku-Klux Klan, today was believed studying both the address and the country-wide reaction to it.

The President was aboard his special train heading back to Washington. Today he will speak at the Grand Coulee dam site.

There still was no comment from the President. James Roosevelt, his son, told reporters his father didn't hear the speech. While Justice Black spoke in Washington Mr. Roosevelt rode in an open car, reviewing the garrison of Ft. Lewis, Wash. When he went aboard his radio-equipped railroad car the speech was ended. However, it was believed a transcript of Justice Black's talk in which he said he had "dropped, discontinued and abandoned" the Klan was ready for the President.

This morning when the President arose it was thought the comment of scores of editorial writers and the observations of Justice Black's former congressional colleagues also was available for his study.

Ignored Black Speech
Senator Homer R. Bone (D. Wash.), who was riding with Mr. Roosevelt at the time of Mr. Black's speech, said that the President did not once give any indication that the subject was on his mind.
Mr. Bone said: "We didn't hear the speech. There was no radio in the car."
Some persons were inclined to attach significance to the fact that Mr. Roosevelt shifted to the car without a radio, and that his schedule would have put him in Tacoma at the moment that Mr. Black began to speak, had it been adhered to. Although the Presidential party was near its schedule most of the time, there was a long delay at Olympia when Mr. Roosevelt visited the State executive mansion, and he arrived in Tacoma an hour behind time, when it was too late to hear the speech over his railroad car's radio.

'Man in Street' Leans Slightly To New Justice After Speech

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After Justice Hugo L. Black finished his radio speech last night, United Press reporters went into the streets of the major cities and asked persons at random what they had thought of it.

The replies follow:
Salt Lake City:
L. G. Horsely, Railroad Stenographer—"I thought he was all right to begin with, since Roosevelt appointed him. I don't think he left any doubt in anybody's mind where he stands on the situation."
O. A. Roache, Taxi Driver—"I used to belong to the Klan, but that's no reason for holding anything against a person. Black was gallant. Anybody who gets that high is bound to make enemies."

New York City:
Aaron Levy, Dressmaker—"He sounded okay to me. I guess it's okay."
R. J. Hendricks, Clerk—"I got no use for a Ku-Kluxer, past, present or future."

Irene Frank, Hostess—"If President Roosevelt says he's all right, he's all right with me. It sounded like a good speech."

Daniel J. Wallace, Switchboard Operator—"Justice Black claimed he always has been tolerant, liberal-minded and unprejudiced. He couldn't have been 15 years ago."

Admires His Honesty
Harry Andrews, Store Keeper—"He was frank about it, and I admire his honesty. But my opinion is unchanged. No judge of the Supreme Court should have any taint of prejudice about him."
Charles Coyne, Restaurant Manager—"He presented his case well but that doesn't change my opinion

Text of Address

WASHINGTON, Oct. 2 (U. P.).—The text of Justice Hugo L. Black's radio address last night:

Ladies and Gentlemen: The Constitution is the supreme law of our country. The Bill of Rights is the heart of the Constitution.

The Constitutional safeguard to complete liberty of religious belief is a declaration of the greatest importance to the future of America as a nation of free people. Any movement or action by any group that threatens to bring about a result inconsistent with this unrestricted individual right is a menace to freedom.

Let me repeat: Any program, even if directed by good intention, which tends to breed or revive religious discord or antagonism, can and may spread with such rapidity as to imperil this vital constitutional protection of one of the most sacred of human rights.

I believe that no ordinary maneuver was used for political advantage would justify a member of the Supreme Court in publicly discussing it. If, however, that maneuver threatens the existing peace and harmony between religious and racial groups in our country, the occasion is not an ordinary one. It is extraordinary.

During my recent absence on a short vacation abroad, a national and concerted campaign was begun which fanned the flames of prejudice and is calculated to create racial and religious hatred. If continued the inevitable result will be the protection of religious beliefs into a position of prime importance in political campaigns and to reinforce our social and business life with the poison of religious bigotry.

First, Justice Black stated his belief in the Constitution and especially in the Bill of Rights. "The Constitution," he said, "is the supreme law of our country. The Bill of Rights is the heart of the Constitution."

"The Constitutional safeguard to complete liberty of religious belief is a declaration of the greatest importance to the future of America as a free people."

"Any movement or action by any group that threatens to bring about a result inconsistent with this unrestricted individual right is a menace to freedom."

Speaking very slowly he repeated the last sentence. "Then, remarking that 'no ordinary maneuver executed for political advantage' would justify a Supreme Court Justice making a speech such as he was delivering, he cited the events which occurred while he was abroad for a vacation."

Occasion Is Not Ordinary
"If, however, that maneuver threatens the existing peace and harmony between religious or racial groups in our country," he said, "the occasion is not an ordinary one. It is extraordinary."

"An effort is being made to convince the people of America that I am intolerant, and that I am prejudiced against people of the Jewish and Catholic faiths, and against members of the Negro race."

Such insinuations, he said, were refuted by the record he compiled during his two terms in the Senate. That record, he declared, "shows that I was of that group of liberal Senators who have continued to fight for the civil, economic and religious rights of all Americans, without regard to race or creed."

Included among his friends, Justice Black asserted, are "many members of the colored race" while he was one of the best and most intimate friends "have been Catholics and Jews."

"The insinuations of racial and religious intolerance made against me," he said, "were refuted by the fact that I joined the Ku-Klux Klan about 15 years ago," he said. "I did join the Klan. I later resigned. I never rejoined."

'I Dropped the Klan'
"Before becoming a Senator I dropped the Klan. I have had nothing whatever to do with it since that time. I abandoned it. I completely discontinued my association with the organization. I never resumed it and I never intend to do so."

Justice Black's speech was another highlight in the controversy that has raged around the Supreme Court since President Roosevelt proposed last spring to enlarge the Supreme Court by six justices. On Aug. 12, after his plan had been killed by a long and bitter fight in the Senate, President Roosevelt nominated to the Court the then Senator Black to take the seat vacated by Justice Willis Van Devanter of Indiana, who had resigned on May 18. It was President Roosevelt's first appointment to the high bench.

There were immediate charges in the Senate that Justice Black had been or was a member of the Ku-Klux Klan, which were not denied by Justice Black. The charges first were made in the Judiciary Committee and later on the floor in a speech by Senator Copeland. However, the Senate confirmed his appointment on Aug. 17 and two days later Justice Black resigned from the Senate and took the oath of office as Justice. He then left for Europe.

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The insinuations of racial and religious intolerance made concerning me are based on the fact that I joined the Ku-Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. What appeared then, or what appears now, on the records of the organization, I do not know.

I never have considered and I do not now consider the unsolicited card given to me shortly after my nomination to the Senate as a membership of any kind in the Ku-Klux Klan. I never used it. I did not even keep it.

Before becoming a Senator I dropped the Klan. I have had nothing whatever to do with it since that time. I abandoned it. I completely discontinued any association with the organization. I have never resumed it and never expect to do so.

On no meeting of any organization, social, political or fraternal, have I ever offered the slightest departure from my steadfast faith in the unfettered right of every American to follow his conscience in matters of religion. I have no sympathy with any organization or group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest degree with complete religious freedom. No words have ever been spoken by me, directly or indirectly, indicating that any native or foreign-born person in our free country should or could be restricted in his right to worship according to the dictates of his conscience. I have supported candidates for public office without reference to their faith. In my endorsement of applicants for governmental positions, I have acted without discrimination of any kind or character.

On the evidence adduced and by the confession of ex-Klansman Black, I believe that the great blunder of making a sudden appointment, of a political type, without bothering to investigate and discover such open secrets.

Des Moines Register-Tribune—It was a smart, very smart, very smart move. He made the best of a bad situation. It does not excuse him for not telling the President the truth about his Klan connections, nor does it excuse the President for the great blunder of making a sudden appointment, of a political type, without bothering to investigate and discover such open secrets.

Cleveland Plain Dealer—Clings as he will to the high principles he enunciated last night, every act and every vote of the new Justice will be suspected. The public will not forget that the man from Alabama once subscribed to the hated principles of the Ku-Klux Klan. He public repudiation of his former Klan colleagues comes too late to justify his acceptance now as a member of the Supreme Court. He goes tagged to his high judicial post. He ought to resign.

Harford (Conn.) Journal—Caught with the goods, Mr. Black had to fall back on his career in the Senate as offering proof that there is nothing in his make-upavoring of intolerance or bigotry. He valued this appointment more than he valued his honor. If he takes his place on the bench next Monday, as he is expected to do, it will be with the knowledge that his silence deceived the Senate. The cloud of moral fraud will hang over him.

New Haven Journal-Courier—Mr. Justice Black takes his place upon the high bench a confessed Klansman; having secured confirmation at least in part by the concealment of his membership in the President and Senate. Mr. Roosevelt and the semi-liberals are welcome to him. The sensitive will avert their eyes.

Pittsburgh, Oct. 2 (U. P.)—Entitled a "Fireside Chat," the cartoon of the Pittsburgh Post-Gazette, which exposed Justice Hugo L. Black's Ku-Klux Klan membership, today depicted a flaming cross and a "K. K. K." radio microphone.

Cy Hungerford, the cartoonist, had a finger of K. K. K. hoods serve as "air waves" on which the cross and microphone were drawn.

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"Records show Justice Black regarded himself as a member of Klan when he was a member of the Alabama Klan with a 'card.' This was the great honor, the highest honor of the realm, and of course 'unsolicited.' In his speech of acceptance, he referred to 'this great fraternity to which we belong.'"

"Mr. Black himself supplied fitting comment for the situation when on the floor of the Senate in 1936 he said—'show me the steps a man made in the sand five years ago and I will show you the steps he is likely to make in the same sand five years hence.'"

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PRESS ASSAILS JUSTICE FOR HIS LINK WITH KLAN

What Does Roosevelt Say Now? Asks New York Herald-Tribune.

Editorial comment on the speech of Supreme Court Associate Justice Hugo L. Black follows:

The New York Times—Regardless of when and how he severed his connections with the Klan, regardless of his record since he left it; regardless of the present views he holds, and his affirmation of faith in the principles of racial and religious tolerance, it is a deplorable thing that a man who has ever taken the oath of allegiance to a sinister and destructive organization should now take his place on the high court of justice in this country.

At every session of the Court the presence on the bench of a Justice who has worn the white robe of the Ku-Klux Klan will stand as a living symbol of the fact that here the belief in liberalism is unwittingly betrayed.

The New York Herald-Tribune—The effort of Senator Black to suggest that he is the real protagonist of religious freedom, and that his enemies are intolerant is perhaps the greatest item of effrontery in a uniquely brazen utterance. Only a man heedless of the truth and a man afraid of his official skin could fall so low. It is now for President Roosevelt to speak. What does he now say of his appointee?

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Reaction of Congressmen Differs on Explanation of Ku-Klux Membership

Satisfactory Statement, O'Mahoney Declares; Let Democrats Settle It, Snell Advises; Tydings Stands on Record.

By United Press

Comment from public figures on the speech of Justice Hugo L. Black explaining his past affiliation with the Ku-Klux Klan follows:

LOS ANGELES—A group of Senators, including leaders of the successful Senate fight against President Roosevelt's Supreme Court enlargement program, now on a Congressional junket, heard Justice Black's speech here. They commented:

Senator O'Mahoney (D. Wyo.)—"It was a frank and satisfactory statement which ought to be and which I think will be accepted by the country."

Senator Burke (D. Neb.)—"When the matter of confirmation of Black was before us, we urged him to answer a few questions we should like to have asked him. He would have clarified himself on certain matters which would have smoothed out the difficulties."

"I believe it would have been better had he not given any speech at all. There was a time when he should have answered questions but that was long past."

Senator Tydings (D. Md.)—"I voted against Black's confirmation. I have nothing to add or subtract from that."

Rep. Snell (R. N. Y.), House Minority Leader—"It's a Democratic row. Let them settle it."

Senator Gillette (D. Iowa)—"The President appointed Black and the Senate confirmed the appointment. It's a closed incident. He is a member of the Supreme Court for life."

Senator Connally (D. Tex.), a member of the Senate Judiciary Committee—"I have always opposed the Klan. Black frankly admitted he was a member. Like many others upon reflection and realization of the error, he stated he resigned and abandoned it. Former membership is not an impeachable offense and it seems to me that the incident is a closed one."

Address Was Fine, Says Klan Head
ATLANTA, Ga.—Justice Black's speech confirms what he has said right along, Imperial Wizard Hiram W. Evans of the Ku-Klux Klan, said today—that Black is not a Klansman.

"He made a fine address," Mr. Evans said. "He told the truth about his former membership in the Klan. I have repeatedly contended that Justice Black is not now a member of the Klan. There is no such thing as a life membership."

Bloom Declares He Left in a Fog
WASHINGTON—Members of Congress now in Washington commented as follows on Justice Black's speech:

Rep. Bloom (D. N. Y.), "An Associate Justice of the Supreme Court

testified as a witness tonight and then closed the discussion. "I looked up in the dictionary the word discussion and it means a two-party debate. After hearing Justice Black's speech, I am just as much in a fog as ever. It seems to me that the higher position the more the holder should come out in the open. We have not heard the last of it."

Senator Reynolds (D. N. C.)—"The radio address of Justice Black offers new evidence of his great ability and his record for tolerance. It was an effective answer to charges of intolerance leveled against him. When I voted for confirmation of Justice Black I did so because of my personal knowledge of his record as a Senator. His frank statement of purpose should convince every right-thinking American citizen of his honesty of purpose and his sincerity. Justice Black will make an outstanding member of the bench