

CARTON 9:40

THE BROTHERHOOD of SLEEPING CAR PORTERS

Athens Lodge (ELKS)

1951

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1 of 4

PHOTOCOPY REQUEST FORM

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CALL NUMBER

72/132c

BOX/CARTON NO.

25

COLLECTION NAME:

Dellums Papers

Folder no. or title	Description of item	Pages to copy
MISC Clippings	"Oakland Police Inquiry"	2
	"Brother Dellums' Charges"	1
	"FERC Killed in Committee" (1953)	1
	"Assembly Votes to Pull FERC Killing Floor"	1
Storefront Non-Union Workers 1947-48	Letter 6/1/49	1
	Letter 5/28/49	1
Police clippings	Letter 6/12/51	2
	Statements "Police Brutality Protested"	2
	"For Immediate Release" press statement	1
* Athens Lodge (Elks)	"Oakland ELKS Win Victory ..."	1
	Release: "Oakland ELKS Win Victory"	3
	Athens Lodge Appeal Committee ... 7/49	5
	Letter & document 7/5/51	4
Alameda County Democratic Council	Letter 2/23/51	1

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GRAND LODGE IN VICTORY OVER SILENT PLEDGE

Oakland, Calif.:— Supreme Court Judge Ledwith issued an injunction in favor of the Grand Lodge #70 of Oakland enjoining and restraining the Grand Lodge from recognizing any other group as Athens Lodge #70. Two years ago the Grand Lodge suspended Athens Lodge through District Deputy Douglas Simpson for its failure to take title to property located at 1219 8th Street, Oakland. The Lodge had notified J. Finley Wilson, Grand Exalted Ruler, that it could not take title to this property because it did not now, nor did it ever belong to the Lodge. Athens Lodge decided to fight back and created an Appeals Committee consisting of J. L. Bellum, Chairman; Edward Nichols and Bill Perry. An appeal was taken and the Appeals Committee took the position that the Lodge was not properly suspended. After exhausting the avenues created by the Grand Lodge for redress, Athens Lodge then resorted to court action. Judge Ledwith issued a temporary restraining order preventing the Grand Lodge from setting up a new Lodge in Oakland. Later some of the members of Athens Lodge who had been working with the Grand Lodge, were recognized as the reinstated Athens Lodge #70. A few months ago the case for a permanent injunction came to trial before Judge Ledwith with Attorney Robert Rogers of San Francisco representing the original Athens Lodge. The permanent injunction just issued by Judge Ledwith, agreed with the original Athens Lodge in that it had never been properly suspended in accordance with the provisions of the Grand Lodge laws and that the original Athens Lodge was the only Athens Lodge and that the so-called reinstated Athens Lodge must return the government bonds, certificates and all other property they removed from the original Athens Lodge, to them and that no other group in Oakland can use the name Athens Lodge #70.

In an interview with a reporter from this paper, Mr. Bellum, Chairman of Athens Lodge Appeals Committee, who led the fight against the actions of J. Finley Wilson, stated that there was no malice on the part of the officers and members of the original Athens Lodge and that now that the courts have told the "Grand" that he did not deal with Athens Lodge in a legal manner that he was hoping that Mr. Wilson would be big enough to forget the past and make a sincere effort to get together with Athens Lodge so that it can regain its rightful place in the community. Mr. Bellum further stated that the property in question was purchased by some of the members of Athens Lodge through a non-profit association they created known as Athens Home Association, and that a majority of the members of Athens Lodge were not members of Athens Home Association and therefore had no interest in the Association or the property. Mr. Bellum further stated that two law firms, incidentally one white and one colored, were engaged to look into this property and both firms reported back to Athens Lodge and to Mr. Wilson that Athens Lodge did not own the property, did not pay the purchase price and therefore could not take title to it. In light of this the real reason for the attempted suspension of Athens Lodge can only be known to Finley Wilson himself.

RELEASE

OAKLAND ELKS WIN VICTORY OVER GRAND LODGE

ATHENS LODGE No. 70 I. B. P. O. E. of W.
Oakland, California gets Injunction
AGAINST J. FINLEY WILSON

Oakland, California

Athens Lodge No. 70 reported this week through the Chairman of its appeals committee, C. L. Dellums, that they had won a Preliminary Injunction against the Grand Lodge and its local District Deputy, Douglas Simpson of San Francisco and its local Stearing Committee, C. M. Johnson, Allen Stanford, Lee Gregory, W. R. Wingfield, stopping them from organizing a new Athens Lodge No. 70. At a Press Conference in his office Mr. Dellums gave the back ground of the controversy as follows:

That nearly 30 years ago some of the members of Athens Lodge organized the Athens Home Association, a non-profit Corporation and sold bonds to certain other members of Athens Lodge and with this money purchased property at 1219 8th Street, Oakland, which they still hold, valued at about \$30,000.00. None of the funds of Athens Lodge was used in the purchase of this property nor has any been used in maintaining it; that the Home Association has allowed Athens Lodge to use some of this property free of charge for approximately 25 years and that all of this time J. Finley Wilson Grand Exalted Ruler knew all about it. But that after more than 20 years of such free use Mr. Wilson ordered Athens Lodge to take title to the property in its own name. A Negro law firm was employed to look into the matter in order to determine whether or not this could be done. This firm reported that Athens Lodge did not own this property, never did own it and therefore could not take it. That report was mailed to Mr. Wilson and nothing further was said for about a year when again the Lodge was ordered to take this property. Then a white law firm was employed to look into the matter with substantially the same report being given. Mr. Wilson then ordered the lodge to take the property or be suspended. Since his order could not be carried out, the Grand Exalted Ruler suspended Athens Lodge and immediately appointed a few members of Athens Lodge, as a Stearing Committee for the purpose of organizing a new Athens Lodge, "even though Athens Lodge had appealed the suspension", believing that the members of Athens Lodge would go along with the Stearing Committee. The great majority refused and are still dues paying members of Athens Lodge. As a result of this, Athens Lodge brought suit against the Grand Exalted Ruler, the District Deputy and the Stearing Committee to stop them from calling themselves the New Athens Lodge and trying to organize a new Lodge. The judge stated from the bench, according to Mr. Dellums, that everything that the Stearing Committee had done up to now was illegal and told them that they could not organize a new lodge nor could they recruit a new member and that the only thing that they could do was to try to get Athens Lodge reinstated in accordance with the provisions of the Grand Lodge.

ATHENS LODGE GOES TO FEDERAL COURT

Mr. Dellums stated that Athens Lodge has now filed action in the Federal District Court of San Francisco against J. Finley Wilson, and the Grand Lodge charging an illegal suspension. Athens Lodge charges Grand Exalted Ruler J. Finley Wilson with violating every section of the Grand Lodge Laws in reference to suspensions and appeals and that even though his Grand Legal Advisor Perry W. Howard gave him a written decision on the rights of Athens Lodge while its case was on appeal, Mr. Wilson ignored and acted contrary to Mr. Howard's legal opinion. The Court is asked to issue a writ of Mandamus forcing the removal of the suspension and recognition of Athens Lodge.

EDWARD D. MABSON
916 Kearny Street
San Francisco 11, Calif.
DOuglas 2-3653

Attorney for Plaintiff.

COPY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

ATHENS LODGE No.70, an
unincorporated fraternal
organization,

Plaintiff,

vs.

No. 223553

J. FINLEY WILSON, JAMES E.
KELLEY, DOUGLAS SIMPSON,
C. M. JOHNSON, ALLEN STANFORD,
LEE GREGORY, W. R. WINGFIELD,
FIRST DOE, SECOND DOE, THIRD
DOE, FOURTH DOE, FIFTH DOE
AND SIXTH DOE,

PRELIMINARY INJUNCTION

Defendants.

The Order to Show Cause, heretofore issued in the above .
entitled action upon plaintiff's verified complaint on file herein,
came on regularly for hearing before the above entitled court,
Department 11 thereof, on the 13th day of December, 1949, and was
continued from time to time for further hearing until the 7th day
of February, 1950, Edward D. Mabson, Esq., appearing for plaintiff
and Robert C. Burnstein, Esq., of Popper and Burnstein, Esqs.,
appearing for the above named defendants, it appearing that said
defendants have been duly served with the complaint on file herein
and said Order to Show Cause, and said complaint and the affidavits
of plaintiff and defendants having been duly considered and the
Court fully advised in the premised, and the matter submitted, the
Court finds this to be a proper case for a preliminary injunction
and that sufficient grounds exist therefore,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that until
further order of this Court, that you, Douglas Simpson, District

Deputy Grand Exalted Ruler of the Improved, Benevolent and Protective Order of Elks of the World, C. M. Johnson, Allen Stanford, Lee Gregory, and W. R. Wingfield, the defendants above named, and all of your counselors, agents and all other persons acting in aid, or assistance or at the direction of you, or either or any of you, be and you and each and all of you are hereby enjoined and restrained from doing, assisting in doing, or encouraging or directing to be done any of the following acts:

From organizing a new lodge under the name of Athens Lodge No. 70 as the designation or name of such fraternal organization in the City of Oakland, or County of Alameda State of California, by representation that the said Athens Lodge No. 70 charter is now revoked, or otherwise, and from conducting, operating or performing any acts toward the reinstatement of the suspended plaintiff Athens Lodge No. 70, other than in accordance with the Constitution and By-Laws of the Grand Lodge of the Improved, Benevolent and Protective Order of Elks of the World.

IT IS FURTHER ORDERED that each and all of said defendants above named and all of their counselors, agents and all other persons whomsoever acting in aid of said defendants or any of them, or for or in their behalf be and they hereby are restrained and enjoined, until further order of this Court, from representing or advertising in any manner whatsoever, that said Athens Lodge No. 70 Charter is revoked, and are further enjoined from doing any things, acts or matters whatsoever in relation to said Athens Lodge No 70 other than in accordance with the Constitution and By-Laws of the Grand Lodge, Improved, Benevolent and Protective Order of Elks of the World.

IT IS FURTHER ORDERED that plaintiffs file a written undertaking herein with sufficient sureties in the amount of One Thousand (\$1,000.00) dollars.

Dated: February 16th, 1950.

Ralph E. Hoyt
Judge of Superior Court

ATHENS LODGE APPEAL COMMITTEE'S APPEARANCE BEFORE THE GRAND LODGE TRIAL
COMMITTEE, SAN FRANCISCO, JULY , 1949.

Athens Lodge Appeal Committee, consisting of C. L. Bellum, Bell Perry, and Whitney Lester appeared before the Committee which consisted of 12 or 15 men. When the case was called, our Committee was asked by the Chairman to identify themselves and who would be the spokesman. C. L. Bellum spoke up and said he was the spokesman and introduced the other two members. Then Mr. Perry Howard took charge and told us that they knew what it was all about and would now hear what we had to say. We asked them if they had copies of our appeal and also copies of all of the correspondence relative to this purported suspension by the Grand Exalted Ruler J. Finley Wilson and Athens Lodge. The Chairman was the only man who had any papers before him at all and he said that Attorney Perry W. Howard seemed to know anything about the case. C. L. Bellum asked about the correspondence. Again Mr. Howard spoke up saying that they knew all about the case, "what have you to say for yourself". C. L. Bellum then reviewed the case from its inception, pointing out to the committee and explaining to them the correspondence. He pointed out to the committee that Athens Lodge was instructed to do something which was physically and legally impossible for it to do and yet it was suspended for failing to do it anyway. Bellum pointed out that the Lodge first appointed a Negro Attorney, George Vaughn for the purpose of looking into this matter. The subject in question was that Athens Lodge had been instructed by the Grand Exalted Ruler to change the title of the property at 1219 Eighth Street, Oakland from Athens Home Association to Athens Lodge #70, I. B. F. O. E. of W. Attorney Vaughn, a Brother Elk, attended a meeting of Athens Lodge and explained in person that Athens Lodge did not pay the purchase price for the property in question, did not own it, never did own it and therefore could not take it away from Athens Home Association. Attorney Vaughn further explained that

Athens Home Association purchased this property with money supplied by individuals through their purchase of bonds in the Home Association, and that the Home Association was a non-profit corporation incorporated by the State of California, and that nothing could be done other than provided by the law. C. L. Dellums pointed out that this information was sent Grand Exalted Ruler Wilson but that certain members of Athens Lodge, apparently not having confidence in Negro Attorneys, employed Attorney Robert Burnstein, a white Attorney to investigate the matter, and that Attorney Burnstein charged the Lodge five times as much as Attorney Vaughn did and gave Athens Lodge substantially the same report that Attorney Vaughn did. C. L. Dellums then pointed out that Attorney Burnstein furnished the results of his investigation not only to Athens Lodge but also to Attorney Hugh McBeth, Grand Lodge California Representative and also Grand Exalted Ruler Wilson. But in spite of all this, Athens Lodge was again told to take title of the property or be suspended. Since Athens Lodge could not comply, it was suspended. Dellums then pointed out that Athens Lodge had been placed in the position of the man whom the policeman knocked down on the sidewalk and then arrested him for blocking the traffic. Athens Lodge Committee then asked that the action of the Grand Exalted Ruler be reversed since the suspension or rather the "so-called" suspension was unjust. He then explained why he referred to it as a "so-called" suspension, pointing out that the Lodge had never received a notice of suspension but that the District Deputy came to Athens Lodge meeting on the first Tuesday of January 1949 and read what he called instructions to suspend Athens Lodge and then put the paper he was supposedly reading from, back in his pocket. It was pointed out that subsequent to that, Athens Lodge sent it's quarterly tax to the Grand Secretary who returned the tax, stating that Athens Lodge had been suspended and that he, the Grand Secretary, could have no dealings with Athens Lodge until they got straight

with the Grand Exalted Ruler. Then the Lodge decided to appeal this "so-called" suspension since for all practical purposes it was suspended. The Committee then produced a letter which was a copy of a letter addressed to Grand Exalted Ruler J. Finley Wilson relative to the suspension and signed by Mr. Perry W. Howard, Grand Legal Advisor, in which Mr. Howard told Mr. Wilson that Athens Lodge Appeal was prepared and in order and that the Lodge had the right to function and pay taxes until the appeal was finally disposed of. Mr. G. L. Bellums then pointed out that subsequent to Athens Lodge receipt of this Perry Howard letter that Athens Lodge again sent tax to the Grand Secretary who again returned it and that the Grand Exalted Ruler had acknowledged the legal opinion of the Grand Lodge Legal Advisor. The Grand Lodge procedure for handling appeals was pointed out to the Grand Lodge Committee to show that Athens Lodge had complied with the Grand Lodge law but that the Exalted Ruler had violated every section of it in reference to appeals and asked in light of all that Athens Lodge should be reinstated to good standing. Attorney Howard still insisted that Athens Lodge could get control of the property in question and Athens Lodge Committee asked him to tell them how. Mr. Howard then asked if any of the Athens Lodge representatives were lawyers and when told they were not said that you ought to have a lawyer so that you will have somebody that understands things. He then sent out for Attorney Hugh McBeth who came in forthwith and remained during the rest of the hearing but said nothing. One of the members of the Grand Lodge Committee asked if it wasn't a fact that the membership of the Home Association and the membership of Athens Lodge are identical. Mr. P. Howard immediately spoke up and answered in the affirmative. Mr. Bellums then said that he was speaking for Athens Lodge and in answer to the question, the answer was no, that the membership of the two organizations was not now nor never was it identical. Then a member of the committee asked if it was not true that in order for one to buy a bond in the Association that he would have to be a member of Athens Lodge.

Mr. Dellums stated that though he was and as a representative of Athens Lodge and not Athens Home Association that he would still answer the question. The answer was that at the time bonds were sold, many years ago, that was a requirement, and further that we had been told by a number of Attorneys that there was nothing wrong or illegal about that requirement and that such a requirement gave Athens Lodge no claim on the property since these members purchased the bonds with their own funds and not the funds of Athens Lodge. Attorney Howard then seemed to get angry and told Mr. Dellums that he knew what it was all about and that if Mr. Dellums didn't look out he, Howard, would get "frank". Mr. Dellums told Attorney Howard not to pull any punches and to please do be frank because Athens Lodge Committee certainly was frank. Mr. Howard then asked if Mr. Dellums was present a few years ago when some Grand Lodge Officers, including Mr. Howard and the Grand Exalted Ruler, visited Athens Lodge and took up this question. Mr. Dellums answered that he was Exalted Ruler at the time but was out of the city on that night. Mr. Howard sarcastically said that he had heard that Mr. Dellums was purposely out of the city. Mr. Dellums told Mr. Howard that he was surprised that Mr. Howard would make such a statement because surely Mr. Howard knew who Mr. Dellums is. Mr. Dellums told Mr. Howard that he, Dellums, didn't run from anybody and if anyone should know that, Mr. Perry Howard should know it and for the benefit of the other members of the Grand Lodge Committee, he wanted them to know that he was C. L. Dellums, Oakland, California, International Vice-President of the Brotherhood of Sleeping Car Porters which should explain there is no lack of courage and that on the night in question that he, C. L. Dellums was in the city of Chicago with Mr. A. Philip Randolph on union business and that that should convince all informed members of the Committee that Dellums wouldn't run from anyone. Mr. Howard changed this subject then but attempted to argue that Athens Lodge didn't want to carry out instructions of the Grand Exalted Ruler. Again he was asked how the Lodge could carry out those instructions and attention was then called to a

communication signed by Whitney Lester, Exalter Ruler of Athens Lodge asking the Grand Lodge the same question then pointed out that the question was still unanswered and wanted to know on what basis then could a suspension of Athens Lodge stand. The members of the Grand Lodge Committee just sat there as if they were spectators and the Chairman asked Mr. Dellums if he by chance had the papers of incorporation and the by-laws of Athens Home Association. Mr. Dellums told him that he did have them and that he borrowed them from the Secretary of Athens Home Association and had to return them. The Chairman then asked if these papers could be left with Grand Lodge Committee for just a few minutes so that they could read them and that they would then return them and that we could wait in the anti-room for them. There being no further questions Athens Lodge Committee left these papers with the Grand Lodge Committee and after waiting in the anti-room for about an hour called for the papers so that they could depart.

Whitney Lester

A. E. Bradley: Telephones
Res. 62-3372 office 6-0082
or 70-9113

April 5th

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Mr. A.E. Bradley
Grand Esquire I.B.P.O.E.W.
17 Dayman street
Long Beach, Calif.

Dear Sir & Brother:-

Brother C.L. Dellums, vice president of the Brotherhood of Sleeping Car Porters, and chairman of the legal committee# appointed to protect the interest of Athens Lodge will be in the southern part of the state next week, and is planning to call on you for the purpose of seeking an amicable adjustment of the dissension now existing in Athens lodge #70, and which has been deliberately kept alive by dishonest and scheming men to further their own selfish ambitions.

Brother Dellums has the complete confidence of the members of Athens lodge, including your humble servant, and if the Grand Lodge has given you the power to effect a settlement of this long standing controversy, then any terms that Dellums and your goodself agree upon will be faithfully supported by the membership of Athens Lodge #70.

With best wishes for the good health of yourself and family,

I remain fraternally yours,

Thomas M. Jackson
Thomas M. Jackson,
Acting Sec'y Athens #70.

*St. John's
Athens #70
Long Beach*

216 Kearny Street
San Francisco 11, Calif.
March 19th, 1951

Mr. Robert Burnstein
Attorney at Law
414 - 13th Street
Oakland 12th, California

Dear Mr. Burnstein:

The committee from plaintiff Athens Lodge No. 70, appointed for the particular purpose of considering an amicable settlement of the matter of Athens Lodge No. 70 vs. Douglas Simpson, et al., now pending in the Superior Court of Alameda County, submit the following essential requirements for such settlement:

1. That the wrongful purported suspension be immediately vacated.

2. That plaintiff Athens Lodge No. 70 be recognized and restored to full membership in the Grand Lodge I. B. P. O. E. W. as of the date of said purported suspension, to-wit, the 4th day of January, 1949, and that the financial standing of each and every member of said plaintiff Lodge be recognized and credited by said Grand Lodge as of said date, January 4th, 1949.

3. That the only Grand Lodge Tax said plaintiff Lodge is to be required to pay will be the tax for the quarter during which this agreement is consummated.

4. That the purported attempt to reinstate said plaintiff Athens Lodge No. 70 in said Grand Lodge be discontinued and immediately abandoned, and that said plaintiff Athens Lodge No. 70 be held safe and harmless from any and all debts and obligations created and owed by defendant Douglas Simpson and his Steering Committee and evidence of the payment of all such debts shall be exhibited and delivered to the undersigned.

5. That the provisions of Items 1 and 2 hereof, hereinabove set forth, shall not apply to defendant W. R. Wingfield, for the following reasons:

2.

Mr. Robert Burnstein, March 19th, 1951.

Prior to said purported suspension said Wingfield had been duly tried and found guilty of having misappropriated substantial funds belonging to plaintiff Athens Lodge No. 70, and, for wrongfully removing and carrying away records, covering a period of one year, from the files and office of said plaintiff Lodge; that the penalty imposed upon him by said plaintiff Lodge was duly approved by District Deputy Grand Exalted Ruler McCalla; that upon the appointment of defendant Douglas Simpson, as such District Deputy, he, said Douglas Simpson, wrongfully, arbitrarily and wilfully set aside said penalty placed upon said Wingfield and forced said plaintiff Lodge to restore Wingfield to membership therein, notwithstanding Wingfield's failure and refusal to purge himself of said penalty imposed by said Lodge.

6. That no press releases shall be made of the settlement of this lodge controversy, nor any negotiations therefor by any person or persons whatsoever, other than the authorized agents or representatives of said plaintiff Athens Lodge No. 70.

7. That all personal property, of every kind or description, particularly United States Bonds and Home Association bonds, removed or taken from the possession of said plaintiff Athens Lodge No. 70 by said defendants or any of them, or by any person acting for or in their behalf, shall be returned in tact to said plaintiff Lodge.

8. That the Grand Lodge send plaintiff Lodge an apology for its wrongful and improper purported suspension.

9. That said plaintiff Lodge be reimbursed by defendants for all costs and expenses incurred and money paid out by it for every thing or matter, as a result of said purported suspension.

10. That any and all funds in possession of defendants and their Steering Committee be surrendered and delivered to plaintiff

3.
Mr. Robert Burnstein, March 19th, 1951.

Athens Lodge No. 70.

11. That it be stipulated that judgment in that certain action pending in the Superior Court in Alameda County, wherein Athens Lodge No. 70 is plaintiff and Douglas Simpson, et al., are defendants be granted and entered in favor of plaintiff.

Respectfully submitted,

THOMAS H. JACKSON

C. L. DILLON

WHITNEY LESTER

EDWARD L. HITCHES
