

1956

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CHRONOLOGY OF EVENTS

May 10, 1954: Carl & Anne Braden purchased house on Rone Court from James I. Rone through Hudson Realty Company for purpose of transferring it to Andrew & Charlotte Wade. (Wade had approached Bradens earlier in spring of 1954 and asked them to do this, and negotiations had been in progress for some weeks prior to actual purchase date.) Transcript references:

Grand Jury Transcript, Vol. I, pp. 19-25 (Anne Braden's testimony)
Grand Jury Transcript, Vol. I, pp. 57-61 (Andrew Wade IV's testimony)
Grand Jury Transcript, Vol. II, pp. 5-10 (Carl Braden's testimony)

(There was also, of course, testimony about this at Carl Braden's trial in testimony of both Wade, IV, and Braden, but facts presented there are identical to those in Grand Jury transcript.)

May 13, 1954: Andrew Wade has started moving some things into the house. In late afternoon, Rone (the elder) approaches Wade, asks him if Bradens are renting house to him. Wade replies: "No they are deeding it to me." Rone: "Deeding it to you? Who is?" Wade: "Why, the Bradens, of course. I believe they are the ones who own it. Now, I wonder when you will be able to get to the work on repairing that defective tile in the bathroom as you told Braden you would do?" Rone: "I haven't got time to think about that now; I've got things to do." Rone left in rush, and a few hours later cars began assembling at his house, across Rone Court from Wade house. Later that night, motorcade of Rone and others came to Braden home on Virginia Avenue. Crowd approached Braden, led by Rone and Hudson, real estate man. Asked him to sell house back to Rone. Crowd surly and hostile, threats made by at least one person. Transcript references:

Grand Jury Transcript, Vol. I, pp. 27-29 (Anne Braden testimony)
Grand Jury Transcript, Vol. II, pp. 10-12 (Carl Braden testimony)
Grand Jury Transcript, Vol I, pp. 106-107 (Lawrence Rinehart testimony)
(Rinehart admitted he was in crowd that went to Braden's and that 15 or 20 cars went.)

(These incidents were also related by Andrew Wade IV in testimony at Braden trial.)

May 15, 1954: Andrew & Charlotte Wade and a friend, Carlos Lynes, went to Rone Court late in afternoon to spend first night there. When arrived, found front picture window broken out by a rock and grating in vent on south side of house. (This vent was in general location where dynamite was placed six weeks later.) At 10 o'clock that night, Wades saw group of men burning cross on property owned by Rone adjoining Wade lot. (Rone's son, Buster Rone, Stanley Wilt--young Rone's brother-in-law who also lived on Rone Court---and Lawrence Rinehart later admitted they were in ~~xxxx~~ crowd that burned cross.) At 2 o'clock following morning, Wades and Lynes

were awakened by shots being fired into house. About 10 shots fired, some imbedded in woodwork, etc. Transcript references:

Grand Jury Transcript, Vol. I, pp. 61-68 (Andrew Wade testimony)
(about window, cross-burning, shots)

Grand Jury Transcript, Vol. I, pp. 70-71 (Wade testimony)
(about broken grating)

Grand Jury Transcript, Vol. I, pp. 107-110 (Rinehart testimony)
(confession to cross-burning)

Grand Jury Transcript, Vol. III, pp. 9-10 (Buster Rone)
(confession to cross-burning)

Grand Jury Transcript, Vol. III, pp. 20 (Buster Rone)
(said grating not broken out before Wades moved in)

Grand Jury Transcript, Vol. III, p. 97, (Stanley Wilt)
(confession to cross-burning)

Grand Jury Transcript, Vol. III, pp. 118-119 (Col. Walter Layman)
(testimony as to direction from which shots came---
from Crums Lane, from high angle)

Braden Trial Transcript, p. 287 (Wade IV)
(testimony about grating being knocked out on May 15)

(Wade also testified in detail about all events of this night
at Braden trial. Same information as before Grand Jury.)

May 16, 1954: Vernon Bown, like many other people, went to call on Wades in evening to express friendship and offer support.

Grand Jury Transcript, Vol. III, pp. 75-78 (Bown testimony)

Grand Jury Transcript, Vol. IV, pp. 223-234 (Charlotte Wade Testimony)

Grand Jury Transcript, Vol. V, pp. 79-80 (Wade IV testimony)

(Wade also testified about this at Braden trial)

Late May-

Early June, 1954: Threats to Wades and also Bradens continue. Shively Newsweek and its editor, John Y. Hitt, carry on militant crusade against Wades. Millard Grubbs, former Klan leader, calls for organization against Wades in Shively Newsweek. Transcript references:

Grand Jury Transcript, Vol. I, pp. 29, 46 (Anne Braden)

Grand Jury Transcript, Vol. II, p. 17 (Carl Braden)
(both pertaining to threats received)

Grand Jury Transcript, Vol. II, pp. 18-20 (Carl Braden)
(Shively Newsweek and Grubbs)

Grand Jury Transcript, Vol. III, pp. 2-5 (Ralph Diemer)
(About conversation alleged to have occurred in his store about dynamite being stored on Rone Court to blow up Wade house. This testimony is attached in full to this memorandum)

Grand Jury Transcript, Vol. III, p. 32 (Andrew Wade, Jr.)
(threats)

Grand Jury Transcript, Vol. V, p. 98, (Wade IV)
(about man seen crawling through weeds toward house on
a Saturday night several weeks before bombing; someone
in house fired shot in air, he ran)
Grand Jury Transcript, Vol. IV, pp. 252-253 (Andrew Wade Jr.)
(Testified that when picture window was being placed,
crowd in car drove by and shouted they'd break it out
again.)

Grand Jury Transcript, Vol II, p. 39 (John Hitt's own testimony)
(thought this situation like Trumbull Park in Chicago---
somebody trying to stir up trouble)

Mid-June, 1954: Vernon Bown gave up his room in Louisville and moved into
Wade home with all his belongings to be there during day (he
worked at night) with Mrs. Wade while her husband was at work.
Wade testified that this came about after it was announced at
a meeting of Wade Defense Committee that he needed someone to
stay at the house during the day. Two people volunteered---
Bown and a Negro man, but since the other man had a family and
Bown did not, Bown was selected. Transcript references:

Grand Jury Transcript, Vol. I, pp. 91-92 (Wade IV)
(At this time Wade testified Bown moved in about two
weeks before bombing)

Grand Jury Transcript, Vol. III, pp. 79-82 (Bown)

Grand Jury Transcript, Vol. IV, pp. 224-230 (Charlotte Wade)

Grand Jury Transcript, Vol. IV, p. 246 (Andrew Wade Jr.)
(Said: "We were asking for somebody to spend some
time during the day...")

Grand Jury Transcript, Vol. V, pp. 79-86 (Wade IV)
(This is testimony about announcement being made at
Wade Defense Committee meeting)

Grand Jury Transcript, Vol. VI, pp. 95-99 (Bessie Simmons)
(Said she suggested to Bown that he move into house;
nobody else testified to that)

Braden Trial Transcript, pp. 217-232, 255, 278-279, (Wade IV)
(On p. 228, he testified Wade Defense Committee
recommended Bown after he (Wade) made request for
somebody. On p. 224, prosecutor asked if Bown did
not move in on Sunday night right after the shooting,
which of course was weeks before he actually did move
in. Wade replied: "It might have been. I am not
sure of the time." It is reasonable to assume that
Wade was confused at this time in the tense atmosphere
surrounding the trial. At all other times, he has
remembered clearly that although Bown called on him
briefly the Sunday night after the shooting he did not
move in until weeks later.)

June 25-27, 1954: On Friday, June 25, Bown left in the afternoon to go to work and told
Wades he would be gone over weekend on a trip to Milwaukee. On that
Friday night, four of Wade's friends spent night at house---Robt.
Williams, Eldridge Veasy, Ben E. Smith and a fourth whose name Wade
did not remember when giving testimony. On the following Saturday
morning, June 26, these four people and Wade and Mrs. Wade and
little girl all left house about 8 a.m. and came to town. All that ^{morning}

house was therefore empty and unguarded for first time since Wade occupancy. (Daytime police guard had been removed several weeks before). ~~XXXX~~ Between 11 a.m. and 1 p.m. (testimony of several witnesses vary as to this time) Mrs. Wade and her little girl and a friend, Anna Harris, and Wade, Jr., returned to house. Wade, Jr., stayed only briefly and left. Mrs. Wade, Miss ~~XXX~~ Harris and little girl were there alone all afternoon. About 7 or 7:30 that night Wade IV came out, ~~XXXXXX~~ bringing Tellus Wicker and Melvin Edwards. Wicker and Edwards agreed to stay alone and keep eye on house and Wades and Anna Harris left for picnic. Picked up food in town, went to Indiana side of river and had picnic. Came back to Louisville quite late in evening, dropped Anna Harris at her home, took little girl to Wade's parents to spend night (this was regular custom on Saturday night so she could attend Sunday School on Sunday morning in town) and Mr. and Mrs. Wade returned to Rone Court. Wade noticed as they drove into court that all houses in neighborhood were dark---an unusual circumstance for that hour on a Saturday night. It was about midnight. When they reached house, Wicker was on side porch (north side of house) and Edwards was asleep on couch in livingroom. Wade got soft drinks ~~XXX~~ out of refrigerator, and he and Mrs. Wade sat down on side porch to talk to Wicker. Wicker reported one unusual circumstance that had happened ~~XXX~~ shortly before they arrived. Said three lights had flashed in big triangle formation---the first one near driveway of Rone yard across Rone Court (where policeman was on guard duty---policeman Blevins was sitting in chair, no police car or radio available. Wicker said it appeared to be a woman near him with a flashlight. Second light flashed in barn behind Wade house. Third light flashed in field on opposite side of Wade house---southside. A person in position of third light would not have been able to see first light, as Wade house would have obstructed vision, but could have seen second. Person in position of second light could have seen first. While Wades and Wicker were discussing this strange circumstance, explosion occurred on south side of house. Edwards came out of house slightly stunned. ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ Policeman Blevins came running, called on phone, soon other officers including Captain Johns were there. No neighbors came out to see what had happened. Transcript references:

Grand Jury Transcript, Vol. I, pp. 7-8 (Officer Blevins)

(Testified no neighbors came out during uproar)

Grand Jury Transcript, Vol. I, pp. 68-72 (Wade IV)

Grand Jury Transcript, Vol. II, p. 39 (John Y. Hitt)

(Testified he was on Rone Court shortly before midnight that night, talking to Blevins. Transcript gives impression he was in terrific hurry to explain this fact to Grand Jury before they had even asked about it. There had been widespread rumors ~~XXX~~ early after bombing that police were investigating fact that he had stopped on Rone Court about midnight and asked Blevins if "anything had happened at Wade house yet." Source of this report is Courier-Journal reporter Phil Harsham. Blevins has never so testified but he has never been asked.

- Grand Jury Transcript, Vol II, pp. 44-52, (Melvin Edwards)
(He told what happened night of bombing, described destruction of house, etc. He, of course, has since died, ~~being~~ having apparently had a heart attack in November, 1954, before Braden trial. There were insinuations during Braden trial that he could testify to many things if he were alive.)
- Grand Jury Transcript, Vol. III, p. 21-23, (Buster Rone)
(He claimed he slept through bombing, never heard it, although he admitted sound of dynamite explosion would be quite unusual in that section.)
- Grand Jury Transcript, Vol. III, p. 34 (Wade Jr.)
(Testified that he got out there soon after bombing and ~~the~~ neighborhood was in total darkness)
- Grand Jury Transcript, Vol. III, pp. 47-49 (John Y. Hitt)
(Again displayed anxiety to explain why he was around Rone Court that night. Said he was there about 10 to 12. He knew this because Blevins had asked him the time and he had "lit cigarette lighter" to see. He said a police officer called him ~~was~~ soon after bombing to tell him about it. For some reason, was reluctant to say which police officer and was not required to do so.)
- Grand Jury Transcript, Vol. III, pp. 100-101 (Stanley Wilt) (pp. 99-102)
(Claimed he was working under his car on his automatic transmission around midnight night of bombing and had just gone in and got in bathtub when he heard explosion. (He lived at dead end of Rone Court across court from Wades and down a bit.) Said he had his porch light on while he was working, although Wade and others testified neighborhood was completely dark. Also claimed he went down Rone Court earlier (before explosion) and talked to Blevins. Blevins has never testified about this, although he has never been asked.)
- Grand Jury Transcript, Vol. IV, pp. 179-180, 184-187, 188-197, 204-210 (Tellus Wicker)
Testified in detail. Testimony about flashing lights is on pp. 190-191. On p. 205, testified that explosion made terrific noise.
- Grand Jury Transcript, Vol. IV, pp. 231-232, 234 (Charlotte Wade)
(Testimony in detail about day and night of bombing)
- Grand Jury Transcript, Vol. V, p. 97-98 (more by Wade IV)
(Testified house was empty from 8 to 1 that day. Testified that he had put a piece of wood in opening where grating in vent had been knocked out sometime before and that he knows this piece of wood was still there on Friday before bombing.)
- Braden Trial Transcript, pp. 268-300 (Wade IV)
(details on bombing, essentially same as in GJ transcript)
- Braden Trial Transcript, p. 242 (Wade IV)
(He was asked by prosecutor whether certain people were at his house on Friday night preceding bombing. Those mentioned were Lewis Lubka, Henry Rhine and Elizabeth & Bill Overby. He replied in negative. Later he testified (p. 269) that four people spent night there Friday night--- Robt. Williams, Eldridge Veasy, Ben E. Smith and another he could not remember)

- Braden Trial Transcript, p. 275 (Wade IV---testimony about flashing lights before bombing)
- Braden Trial Transcript, pp. 1243-1259 (Capt. J. C. Johns)
(Testified that he and Officer Marrs got there 5 or 10 minutes after explosion---after Blevins called him. Saw no neighbors around)
- Braden Trial Transcript, pp. 1259-1268 (County Police Officer Robert Davis) (Testified he was on guard duty at house that night earlier in the evening, left about 10:15 when Blevins relieved him, knew nothing of bombing)
- Braden Trial Transcript, pp. 1269-1278, Officer Blevins
(Pretty much same testimony as before Grand Jury. Also testified that he observed some activity on side of Wilt home late that night, couldn't say when their light went out.)

POINTS OF SPECIAL INTEREST

I. Question of Bown's little radio

Much, of course, has been made by the prosecution of the fact that pieces of a radio owned by Bown were found under the house after the explosion. It is the prosecution theory that this radio was used to detonate the dynamite. Bown has never denied that the radio was his. He says he had it in the back bedroom of the house, which was the room in which he slept. This was the room which---along with the bathroom---was damaged the most of any room in the house. A great hole was blown in the floor. It is of interest to note that the theory that the radio might have been used to detonate the dynamite was first mentioned to the Grand Jury by Andrew Wade IV (Grand Jury transcript, Vol. I, pp. 85-95). He said, however, that he did not suspect that Vernon Bown had caused the explosion, just that somebody else might have got hold of the radio and used it.

The general line of the prosecution theory is that the radio was placed under the house and rigged up to the dynamite. A radio expert (Kenneth Bixby) testified at the Braden trial as to how such a device could be used to detonate dynamite (Braden Transcript, p. 1337). However, there has never been any testimony by anybody to indicate when the prosecution thinks the radio was so rigged up or how it was actually made to detonate the dynamite on the night of the explosion.

Actually, the prosecution theory rests on two factors:

- (1) Statements by witnesses that pieces of the radio were found scattered underneath all parts of the house---even under parts where there was no damage to the floor above, the conclusion apparently being that if the radio had just fallen through the floor in pieces it would not have scattered to parts of the house where the floor was not damaged.

- (2) Statements by the prosecution that the handle of the demolished radio was found after the explosion hanging from a wire that was hanging from a nail that had been nailed into a joist under the house.

This latter factor is the most interesting, but to dispose of the first factor first:

Wade testified he found parts of radio scattered under house ~~at~~ far back up in corners where there was no damage above (Grand Jury transcript, Vol. V, p. 100). He also testified that he found no parts of it in bedroom where radio normally was and he thought if it had been in room at time of explosion, some parts would have stayed in bedroom. (Grand Jury transcript, Vol I., p. 93). However, Bown said that Wade had mentioned to him the possibility the radio might have been used the Monday after the explosion and he also inspected the premises. He testified he found these conditions: that parts of the radio were in the bedroom and that pieces of his toilet articles and other personal belongings that had been in the bedroom were also scattered everywhere under the house, just as parts of the radio were. Grand Jury Transcript, Vol. III, p. 88.

In regard to the statements of the prosecution that the handle of the radio was found hanging from a wire hanging from a nail in a joist under the house:

This statement was made by Commonwealth's Attorney A. Scott Hamilton in his opening statement to the jury in the Braden trial; it was repeated in the closing argument; it was repeated again in the brief which the Commonwealth filed with the Court of Appeals in the Braden case. It has been said so often that practically everyone who has been following the case has assumed that at some time someone testified that the handle was so found.

The fact is that nobody has ever testified that it was so found. Such a circumstance was not mentioned in any testimony before the Grand Jury. In the testimony at the Braden trial, it was mentioned only in questions asked of the elder and younger Wade by the prosecutor and both replied they didn't know whether it was found in this manner. In fact, a reading of the two transcripts indicates that it was not found hanging from such a nail, because officers who investigated the case and wondered about the radio talked about the radio but never mentioned a handle hanging from a wire on a nail. If it had been found in this manner, it would have surely been mentioned before the Grand Jury. The pertinent testimony, either in summary, or verbatim follows:

The only three police officers who testified before the Grand Jury were Officer Blevins, who was on duty the night of the explosion, Colonel Layman, the chief, and John Burke, a detective. Blevins said he never did any investigating after the bombing at all. Layman supposedly summarized for the Grand Jury what his force had found on the case. He mentioned the radio only briefly toward the end of his testimony (p. 127, Vol. III, GJ Transcript) and then only to say that Detective Burke couldn't stop worrying about that radio, thinking it had something to do with the explosion. In the course of his testimony, Layman enumerated for the Grand Jury clues they had been able to find---dynamite fuses pieces and wire, foot prints of which they made plaster casts---but he made no mention of a radio handle. He said: "Every piece of evidence went right to the lab. The reports actually was no evidence that was valuable." (Vol. III, p. 123) Burke later testified before the

This about dynamite fuses is important, because if fuses were used radio was not used.

10 on page 125-126, Vol III # Layman testified that police sent pages & what appeared to be fuses to lab & received back report that they were "ordinary dynamite fuses."

Grand Jury that he was indeed suspicious about the radio and how it was scattered in pieces under the house (Vol. III, p. 141), but he made no mention of the radio handle. *Young Wade also testified at length about picking up pieces of the radio after bombing, but made no mention of the handle hanging from the trial.*

The only County police officers who testified at the Braden trial were Officer Blevins, Capt. J. C. Johns, and Robert Degis. Officer Blevins gave virtually the same testimony he gave the Grand Jury, was asked no questions about the radio, didn't mention it and said he did no investigating (Braden Trial transcript, pp. 1269-1278). Davis who was on duty before Blevins that night gave no testimony about investigation after bombing. (Trial Transcript, pp. 1259-1268). Capt. J. C. Johns said he was at the scene five or 10 minutes after the bombing and had been in on the investigating. He did not mention the radio and was not asked about it. (His testimony, pp. 1243-1259)

The following bits of testimony from Andrew Wade IV at the Braden trial bear on the radio handle question:

646Q: Now immediately after the explosion, Mr. Wade, did you or not find a portable type battery-type radio suspended from a joist, or did you see it?

A: I remember when the investigating officers shined a light under the house, making a temporary investigation, and I remember seeing parts of a radio. I do not recall seeing the radio parts, any particular parts suspended from a wire, but I believe that it has been ascertained that there were such parts suspended.

The Court: Not what has been ascertained, but just what you saw.
Braden Trial Transcript--p. 290.

* * * *

657Q: I will exhibit to you what purports to be the handle of a radio and ask you if that resembles or is identical to, except for its damaged condition, to the handle that was on the Bown radio?

A: It looks like it's part of the same outfit.

* * * *

659Q: Now, Mr. Wade, after the explosion occurred, did you have occasion to examine this handle or not? In other words did you ascertain any wire marks on it? Have you done that yourself or not?

A: I ~~examined~~ examined the entire radio and its parts, and I don't particularly remember any wire marks.

Trial Transcript, p. 294

Shortly thereafter, prosecutor introduced in evidence a piece of wooden joist in which a nail was driven and a piece of wire hanging from the nail. He asked Wade IV if it was identical to piece of joist and wire cut from house after explosion. (At this point there was no mention of radio handle).

Wade answered: "Yes, I remember them cutting that piece off." (p. 296, Transcript.) Prosecutor then pointed out dent in wood under nail where "apparently something blew up or was blown up and struck it, is it not?" Wade answered: There is an obvious dent in the wood." (pp. 296-297) Prosecutor then asked him if it was in the same condition after the explosion. A: "I did take particular note of it, and I remember that it's very close if not exactly the same." Prosecutor: "And the nail and wire were attached to it just as it is now?" A: "That's right and I remember the dent." (P. 297).

* * * * *

The following testimony of Andrew Wade, Jr., bears on the same points:

The prosecutor showed him the joist with the nail and wire and asked him if he had seen it before.

A: Yes sir, I have seen it before.

32Q: With that wire attached to it?

A: That's right.

33Q: Now after the explosion, tell the jury where you saw that.

A: You mean that piece of wood?

34Q: Yes.

A: That was attached to one of the---where the flooring formerly was, of course the floor was blown away, and we got a saw from someone and ~~XXXXXXXXXX~~ saved this piece of wood off of that joist.
(Transcript, pp. 1307-1308)

Prosecutor then showed him some radio batteries and he said they were found in the vicinity of the vent on south side of house. (Transcript, p. 1308)

42Q: Now was there any part of the radio attached to the wire when you first saw it? Do you recall or not?

A: I kind of believe it was---

Mr. Zollinger: Objection to what he believes.

The Court: Well, his best recollection. He can give that.

43Q: Do you recall having seen that radio handle before?

A: That's right.

44Q: Now I will ask you, Mr. Wade, if that was not suspended to that wire immediately after the explosion and when you first saw it?

A: I am not too sure. There was some kind of connection there, the way this thing was hanging up when we first discovered it. But I am not too sure that it was attached to the joist or not. It's been quite some time ago---and we didn't---don't remember so well.

Transcript, pp. 1308-1309

Other matters of interest concerning radio:

The prosecution's expert, Kenneth Bixby, testified that if such a radio were rigged up to detonate dynamite, the battery would go dead within a half-hour or possibly just a little longer. (Pertinent excerpts from his testimony are attached to this memorandum. His testimony starts on p. 1335 of Braden Trial Transcript.)

There has been testimony about the ~~parts~~ tubes being out of the radio after the explosion, although it has never been made too clear what significance this is supposed to have. Wade IV testified before the Grand Jury (Vol. V, pp. 55-56) that it perplexed him why they were out. He said he found in examining the parts that they were gone and had been taken out clean---in other words, no prongs from tubes had broken off in sockets, indicating apparently to him they might have been removed before the explosion. At the Braden trial, prosecutor produced some tubes while Wade IV was testifying. Wade commented that this was the first he had seen of any tubes, that he had never been able to find any. (Braden Trial Transcript, p. 295)

There were also some questions during Wade IV's testimony about a piece of tape allegedly on back of radio. It was not clear what significance this was supposed to have either. Testimony on this:

850Q: I will show you another part, and I will ask you to state whether or not you ever saw a piece of tape on the back of Vernon Bown's radio affixed in that manner?

A: I never noticed it?

* * * *

653Q: Can you tell whether or not a new radio would ordinarily have a piece of tape stuck on the back of it like that, and if so, if you know the purpose of it?

A: Apparently this tape was used to keep down unnecessary vibration between two dissimilar materials. There is metal and plastic. I don't think it is customary for them to use scotch tape or this type of tape for that purpose.

(Prosecutor then offered this in evidence)

---Braden Trial Transcript, p. 292.

Wade IV testified (p. 95, Vol. 1, Grand Jury Transcript) that explosion blew big hole in back bedroom floor. Police who testified also said this. It might be well to bring this out to show how radio could have fallen through floor. In fact, might be well to take jury to view house.

Wade IV testified (p. 86, Vol. 1, Grand Jury transcript) that there was no clock on Bown's radio.

Wade IV testified (p. 94, Vol. 1, Grand Jury transcript) that the windows

in Bown's bedroom were not locked on day preceding explosion when nobody was in house. In fact, windows in house were never locked throughout this whole period. It might be important to bring this out, in case prosecution convinces jury radio was used to detonate dynamite---this would give idea that even if radio was used it was not necessarily Bown who did it, that anybody could have reached in and got radio out of room. Wade could also testify that Buster Rone often walked by this side of house on his way back to a barn or field or something where he had some cows or horses (not sure about this). He has never testified in court to this fact, but he has commented on it in conversation.

II. Matter of Bown's time card at Dixie Cartage Company where he worked.

At Braden Trial, prosecution brought in timekeeper from Dixie Cartage, apparently in effort to show that Bown worked Saturday night, June 26, although he said he was out of town that night. This was John W. Blair. (Testimony on pp. 1206-1210 of Trial Transcript.) He started to testify that Bown worked that night, defense counsel [redacted] objected on grounds this did not pertain to Braden. Curtis upheld objection but allowed him to make avowal into record outside hearing of jury. When he and lawyers got out in a hall to make avowal he looked at his records again and discovered that in fact Bown had not worked Saturday night but had worked Friday night of that week. (Pertinent testimony is attached to his memorandum.)

III. Matter of alleged confession of someone connected with dynamiting.

There are a number of reports about this, little of which has ever been brought out in courts. This information is detailed fully in long memorandum on bombing dated December 22, 1955. To summarize facts briefly:

1954

On July 1, Hamilton had told Wade Defense Committee he'd have Grand Jury probe bombing that day. When Attorney Ewbank Tucker and members of committee arrived for investigation, Hamilton told Tucker the police had found who did the dynamiting and there would soon be arrests, therefore Tucker agreed to postponement of Grand Jury investigation. (Source of this information: Tucker)

During that same period, Colonel Walter Layman told committee from Wade Defense Committee "We could put our hands right now on man who did it, but we want to get more evidence before making arrest." (Source: Tucker who was present and heard statement. [redacted]) Reportedly, the Rev. G. W. Sims and Booker Sitgraves were present and also recall statement)

On July 1, 1954 (later in afternoon after Hamilton called off Grand Jury investigation), City Police Chief Carl Heustis called Carl Braden to his office, informed him he had information from County police that some of same people involved in Wade bombing [redacted] planned bombing at Braden home. He said he was putting 24-hour guard at Braden home and did so.

On July 2, 1954, Heustis told Anne Braden that the people who blew up Wade house were a "bunch of ignorant asses" and would be under arrest within 48 hours.

On July 7, Heustis withdrew guard from Braden house, saying he could not keep them there longer [redacted] because he needed them elsewhere but would continue to watch house by patrolling. On that day, he told Carl Braden county police had obtained confession from one of men involved in Wade dynamiting, that he had said others involved were planning similar action at Braden home, that the dynamite had been obtained he thought somewhere in southern Indiana but he did not know exactly where. Heustis said county police were afraid to make arrests until they had more corroborating evidence [redacted] which they were then striving diligently to get.

When September Grand Jury started Grand Jury investigation, Bradens gave this information to jury. Heustis was never called before jury to explain. Layman was not asked anything about it.

At beginning of September Grand Jury investigation, Braden also gave statement to Courier-Journal about above information. Heustis verified it by telling Courier-Journal (published Sept. 16, 1954): "It was my impression that a semi-confession had been made and that County police were in a position to make an arrest." [redacted]

Layman when called by [redacted] newspaper reporters said this was all a mistake, that the confession had referred only to the cross-burning. He continued to maintain this position, later telling reporters (interviews never published) that his officers had had Lawrence Rinehart in their office several hours, he finally said "I did it," at that moment, some county policeman rushed out to call Heustis and tell him to put guard at Braden home, and [redacted] shortly thereafter Rinehart had said "OH, I didn't mean I bombed the house; I burned the cross." None of this explains why his confession to a cross-burning presaged special danger to the Braden home or why a week elapsed and [redacted] Heustis still kept the guard at Bradens and was still talking about a confession to the bombing.

Zollinger ^(an attorney) later (after indictment of Bown) obtained information from someone who heard Rinehart confession that it [redacted] actually occurred. However, this person would not testify publicly and spoke in confidence.

A lawyer who used to represent Rinehart approached Zollinger soon after September, 1954, indictments and indicated person who really bombed house might be willing to confess publicly for a reward. Later this offer was withdrawn.

It may be of some significance that Rinehart was in and out of court all the winter of 1954-55 on an unrelated charge having to do with car theft. Case kept being continued because county police never had witnesses there. Finally, in late spring of 1955, Curtis told police if witnesses weren't there next time case was called he would dismiss case. He did so soon thereafter.

Layman told Zollinger in winter of 1955-56 that he never had thought any of people indicted for sedition bombed house, that he was sure Rinehart did it but he couldn't prove it. Rather obviously, he would not be likely to testify to this in court.

In February, 1956, Heustis was questioned briefly about these matters during hearings of Wade foreclosure suit. (This testimony is attached to this memorandum.) In view of fact that he testified Rone was chief suspect, it seems likely that if it was actually Rinehart who confessed he implicated one of Rones (probably Buster) as brains of the thing.

IV: Matter of alleged conversation in Diemer's store.

Testimony of Ralph Diemer before Grand Jury is attached. Implication is that bombing was discussed there before it happened. Diemer denied it, but County Police Officer William O'Keefe obviously made statement about it. O'Keefe was never called to testify. May know more than just this one statement would indicate.

V. Matter of alleged meeting at Wade house on Friday night before bombing.

Hamilton has repeated circulated rumor that he had information meeting was held at Wade's house on this Friday night to plan bombing. Rumors have varied as to who was supposed to be there. In addition to various defendants, names mentioned have included Henry Rhine and Elizabeth and Bill Overby (all former organizers for United Electrical Workers). Some of rumors have placed meeting on Thursday night. Only time this has been alluded to in testimony is in Braden Trial, when prosecution asked Wade IV (Transcript, p. 242, if the following people were not at his house on that Friday night: Lewis Lubka, Henry Rhine, Overbys. Wade replied that they were not. It is of interest in this connection that he testified at the trial later (p. 269) that Robert Williams, Eldridge Veasy and Ben E. Smith and someone else he had forgotten were there that night and spent the night. Should prosecution try to allege such a meeting, all of these people could be subpoenaed to refute it. It would be necessary to check with them though as to whether they remember being there that night. This has not been done.

VI. Matter of Bessie Simmon's testimony regarding Lubka.

This should be noted, since Lubka is charged as co-conspirator on bombing. Bessie Simmons testified before Grand Jury (Vol. VI, pp. 88-93) that Lubka came to her house and rented a room weekend of bombing and went out and stayed all night and came in early in the morning and messed up his bed to make it appear he had slept there. She said he explained this by telling her he had gone back to his wife and didn't want her and her other boarders making fun of him--he had rented a room there once before when he and his wife had been on the outs and had then gone back to his wife, and she said he said he thought they'd laugh at him. Her testimony in this connection sounds very ~~incriminating~~ incriminating. Lubka says as a matter of fact he did rent a room there and did what she said about coming in and messing up the bed but that it was not the weekend of the bombing. He says it was the previous weekend and that on weekend of bombing he was at home with his wife. They then lived at ~~1784~~ 1784 Bolling in an apartment. They had just rented a house at 1408 Taylor Avenue, he says which they were to occupy on July 1 but previous occupants had vacated it a week early and he and wife had spent all day that Saturday moving things in, were dead tired, went to bed early on Bolling Avenue that Saturday night. He might be able to verify this date by date when he rented this particular house. Also, his landlord on Bolling Avenue knew he and wife were there

Saturday night, June 26, and would probably remember it because they discussed bombing with them next morning as soon as they heard about it. Mrs. Lubka talked with Wades on telephone that morning and woke Lubka up to tell him news. ~~_____~~ The landlord's name is Lawrence Gordon, 1784 Bolling.

None of this may come up. Bessie Simmons is known as a scatter-brain, and it is somewhat doubtful prosecution would try to introduce her testimony. But you can't tell.

VII. Matter of alleged Bown statement, ~~in jail~~.

It should be noted too that Hamilton has repeatedly said he has statement from somebody ~~Bown was in jail with~~ that Bown told them ~~in jail~~ he planned this bombing and went to Milwaukee to have a good alibi. This may be bluff, or he may try to produce such testimony. ~~_____~~

VIII. Matter of Rone, et al subsequent connection with White Citizens Council.

It may be pertinent that James A. Rone ~~_____~~ (that's Buster) and Delores Rone are among the incorporators of the local White Citizens Council (incorporated in spring of 1956). Stanley Wilt has been an active organizer for the Council. We don't know about Rinehart.

IX. Matter of how explosive was placed under the house.

It is of importance to remember [#] that there was only one opening under Wade house through which a grown person could enter and get under house. ~~_____ from testimony and other documents attached.~~
(There was no basement, only about a three-foot elevation under house.) This opening was on north side of house, near side porch, on side of house where Wades were at time of explosion and on opposite side from where explosion occurred. ~~_____~~
~~_____~~ This opening was about 3 ft by 3 ft. However, there were also at other points around house small air vents, estimated at about 9 in by 12 in in size. One of these vents was under bathroom just where main impact of explosion hit. This was also the vent that had its grating knocked out on May 15, 1954, six weeks before bombing. Wade had replaced grating with piece of wood---not fastened in. The original assumption by most people was that the explosive had been placed in this air vent, the assumption being this could easily be done without the person setting attempting to enter under the house himself. In fact, Wade testified before the Grand Jury (Vol. 1, p. 90) that he himself ~~_____~~ figured this is where the explosive was placed under the house. However, as time went on, the prosecution appears to have developed the idea (never proved by any testimony but insinuated and assumed) that the person who planted the explosive crawled in through the larger opening on the north side of the house, crawled over to the south side (all the way across the house) and set the dynamite that way---hooked up to the radio, of course. It should be noted that no transcript contains the first iota of evidence to prove that it was done in this way. It is pure supposition.

It may also be significant that the questioning on redirect examination of Kenneth Bixby, the radio expert, in the Braden Trial would indicate ~~_____~~

that the prosecution was implying that someone situated in the house above pulled a string to break a circuit and make the radio detonate the dynamite below the house. ~~It is stated in the transcript that the prosecution has not been able to prove that~~ (Braden Trial Transcript, p. 1340). It should also of course be noted that absolutely no proof was ever introduced to indicate that anything like this happened.

In connection with the above theory of the prosecution, the following testimony of Wade IV before the Grand Jury may be pertinent:

Q: You did not notice any wires? Or did you notice any holes bored in the floor where they could have run a wire from the radio under the floor to the opposite side, or not?

A: No, I did not....

(Grand Jury Transcript, Vol. I, p. 93)

#

Excerpt from testimony and other documents attached.

Testimony of William E. Blevins, officer on duty at Wade house night of bombing, regarding absence of any neighbors after explosion:

(From Grand Jury Transcript, Vol. # 1, pp. 7-8)

Q: At the time of this explosion did any of the white neighbors in the neighborhood come around to see what had happened to this house?

A: Not while I was there they did not.

* * * *

Q: Was the explosion very loud?

A: It was loud where I was at.

Q: Is there white people living on either side of this house?

A: Yes.

Q: And none of those people were disturbed at that time?

A: As far as I know they weren't.

(Blevins gave similar testimony at Braden Trial. Captain Johns, who arrived 5 or 10 min. after explosion, also gave similar testimony at Braden trial. (Braden Trial Transcript, pp. 1257, 1276-1277)

Testimony of Lawrence Rinehart on Cross-burning:

(From Grand Jury Transcript, Vol. 1, pp. 107-110)

Q: ...were you present on May 15 when a man by the name of Will 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 but it was in the shape of 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 two 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 mothers.

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?

(cont)

Rinehart testimony (cont)

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: Who instigated that?

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

Q: Did you stand around while the cross was burning?

A: Yes.

Q: With some other men?

A: There were quite a few people there. It didn't last more than 4 or 5 minutes, I guess.

Q: Were there men and women? Or just men?

A: I couldn't tell you.

Q: Were there any remarks passed back and forth?

A: No. Two colored people came out on the porch and they hollered something. I don't know what they hollered.

Q: Was there any shooting or anything?

A: No.

Q: Did you all expect any shooting?

A: No.

Q: Then after the cross burned, what did you all do?

A: Stood around there, and talked a while and went on. Everybody disbursed.

* * * *

(on page 111):

Q: Do you know whether a fellow by the name of Bown, Vernon Bown, was among the men in the group that was around there where they were burning the cross?

A: I don't know; I never heard of that name at all.

Testimony of Buster Rone on Cross-burning:

(From Grand Jury Transcript, Vol. III, pp. 9-10)

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.

Testimony of Stanley Wilt on Cross-burning:

(From Grand Jury transcript, Vol. III, p. 97)

Q:....Will you tell the jury what you know about these things?

A: The other instances I don't know a thing about, but the cross burning, that night I and Rinehart happened to be up there. I took him home and when I came back my wife was washing, so I walked back between Rone Court and went to Buster's Dad and was over there and there was a cross there and somebody said somebody grab hold of this and I grabbed it. It was a 2x4 or something nailed together.

Testimony of Ralph K. Diemer:

(From Grand Jury Transcript, Vol. III, pp. 1-5)

Q: Will you state your full name, and address your remarks to the members of the jury?

A: Ralph Kenneth Diemer.

Q: Where do you reside?

A: 3002 Hartlage

Q: How old are you?

A: 33

Q: Where did you say you live?

A: 3002 Hartlage

Q: That's in Jefferson County?

A: Yes.

Q: What business are you in?

A: I am the owner of a hardware store,

Q: Now, Mr. Diemer, you are familiar with the explosion that occurred at the home of Andrew Wade IV on June 27, 1954?

A: Yes.

Q: Mr. Diemer, do you sell dynamite or any explosive at your store?

A: No sir.

Q: Mr. Diemer, did you ever hear a conversation by anyone in your store or elsewhere relating to the fact that there was going to be, or might be, an explosion at the Wade house?

A: I don't recall.

Q: Well, now, let me ask you if you ever made this statement to anyone, or a statement containing the substance of this---I am going to read this statement to you: "About June 1, 1954, I had occasion to be in Diemer's store and there were several men---about five---talking about Negroes on Rone Court---and the place should be blown off the map. Mr. Diemer, owner of the store, said the dynamite already had been bought in the county and was stored in Rone Court." Now did you make that statement?

A: No sir.

(cont)

~~_____~~
Diemer testimony (cont)

Q: Now, did you ever hear anyone make a statement that the Wade home in Rone Court should be blown off the map?

A: I may have.

Q: Are you positive you never made the statement that the dynamite had been ~~_____~~ bought in the County and was stored in a basement in Rone Court. [Emphasis added. Note that reference to basement was not in statement as quoted above or below. Where did Hamilton get this information? (This latter is editorial note---not in transcript, obviously)]

~~_____~~
A: I did not.

Q: Are you positive?

A: I am positive.

Q: Are there any other Diemers interested in the hardware store?

A: Only my wife.

Q: Do you know a man named William O'Keefe?

A: I met him, I guess, three or four weeks after the explosion when he accused me of making the statement.

Q: And what did you tell him?

A: That he was a liar.

Q: (by Grand Jury foreman) What kind of fellow is O'Keefe?

A: A police officer, I believe.

Mr. Hamilton: He is a member of the Jefferson County Police Force.)

Q: Did you ever see him in your store?

A: He said he was in the store buying paint, and I don't know why he didn't stop me if I made the statement, and a month later he brought in a police officer.

Q: Why did he make the statement?

A: I don't know.

Q: This is the statement by O'Keefe, "About June 1, 1954, I had occasion to be in Diemer's store and there were several men---about five---talking about Negroes

(cont)

Diemer testimony (cont)

on Rone Court---and the place should be blown off the may. Mr. Diemer owner of the store, said the dynamite already had been bought in the County and was stored in Rone Court." Now that is the statement made by O'Keefe. Do you have nay knowledge whatsoever about the occurence?

A: No.

Q: How far do you live from the neighborhood?

A: From what neighborhood.

Q: Where Wade bought his house?

A: By road or by field?

Q: The nearest way.

A: By straight line, about a thousand yards.

Q: Are you related to the Wades in any way?

A: No sir.

(Witness excused)

Testimony of John W. Blair, treasurer and timekeeper at Dixie Cartage Company,
where Vernon Bown worked:

(From Braden Trial Transcript, pp. 1206-1210)

Blair was put on the witness stand and identified, etc., and then asked what time Vernon Bown went to work on June 26 and what time he got off in early morning of June 27. Defense objected to this line of questioning before he could answer. Judge Curtis upheld objection unless it could be tied to Carl Braden later ~~but~~ but said avowal could be put in record. Witness and counsel for prosecution and defense withdrew from hearing of jury ~~whereupon~~ whereupon witness discovered Bown didn't work on 26th. Following avowal taken:

Q: On the 25th, what time did he go to work?

A: Well, to clarify the record, or after looking at the calendar and finding that the 25th is on a Friday, he started to work at 26 minutes after 6 o'clock.

Q: That's the time he punched in?

A: That is correct, on the 25th, and he punched out on Saturday morning, the 26th at 8 minutes after 1 o'clock.

Mr. Tucker: Now as to the 26th, the night of the 26th...

The Witness: According to this time card, he did not work.

Testimony of City Police Chief Carl Heustis pertaining to conversations with Colonel Layman week after bombing:

(Testimony given in proceedings in suit of South End Federal Savings & Loan Association vs. James I. Rone et al, February 9, 1956)

Attorney for Wades and Bradens asked Heustis if he had placed a guard at Braden home during first week in July, 1954, and, if so, what prompted him to do it. This exchange followed:

A: The chief of the Jefferson County Police Department, Layman, had advised me of the dynamiting and that it was advisable.

Q: In your conversation with Colonel Layman, did he tell you he had an admission or confession of anyone who admitted bombing the home of the Wades?

A: He told me at the time he warned of the condition, or the possibility of trouble occurring at the Braden home, that they had an excellent suspect whom they believed they would make a case on. He mentioned the name of Rone. Under the circumstances, he felt there should have been detectives there and I agreed with him.

(We will provide transcript of this testimony before trial--- original transcript, that is.)

Excerpts from testimony of Kenneth Bixby, prosecution's radio expert:

(From Braden Trial transcript, pp. 1335-1341)

Bixby was first qualified as a radio and electronics expert. This testimony followed on direct examination by prosecution:

9Q: Now, Mr. Bixby, did we exhibit to you this broken-up radio and batteries in this box, which I exhibit to you, or one identical to that, and did you examine that?

A: Yes sir, I saw that.

10Q: Now, I will ask you, Mr. Bixby, have you examined this battery that has the shiny wire on this corner, did you examine that?

A: Yes, I did.

11Q: At my request, Mr. Bixby, have you taken a battery exactly like that, being a radio battery, and by use of that wire on a new battery set off a charge of dynamite or more than one charge or not?

A: We did take a battery of that type, and we did detonate the caps used to explode a charge of dynamite, yes sir.

12Q: Now, in doing that, did you use the wire in the new batteries such as you had that was comparable or identical to the wire that's exposed on the battery I just showed you?

A: Yes sir.

13Q: Now will you explain to the jury, if you will, please, sir, just what you did to detonate the percussion cap that would set off the dynamite?

A: I was thinking whether I could properly do that without a diagram.

14Q: Would you want to draw one on the blackboard? Would that assist you or not?

A: Yes, it would assist in explaining it.

This battery is made up of a number of dry cells. These dry cells are interconnected by these small wires which are connecting links. This battery circuit can be closed. This cap can be connected across the two points in this circuit of very low resistance. The circuit can then be broken at this point across which the cap is connected, and the cap will detonate. It did detonate. That is one method that could be used. It could also be detonated by simply using the same circuit and by placing this circuit in this manner and completing the circuit; either method did detonate these caps.

(cont)

Bixby testimony (cont)

15Q: Now, can you explain to the jury, Mr. Bixby, the significance, if anything, of that wire sticking up there, I mean in connection with your answer?

A: The question was asked whether or not this wire could have been the connecting link that was broken in the manner indicated in the first diagram to detonate the charge. Yes, that could have been the link.

16Q: Now in the explosion you set off, did you use the wire in that respect or not?

A: Yes sir.

17Q: Now, Mr. Bixby, just one other question. Is it true or not that a connection can be made to a radio or rather to the part of a radio to which the speaker is ordinarily attached and in that manner set off an explosion?

A: I have not actually done that. I believe it would be possible. I have not done it. I would not want to state that I could do it until I had done it.

The Court: The jury won't consider the last part of the answer wherein he said he believes it could be done.

18Q: Your answer was based, I take it, upon your experience and education, is that right?

A: My opinion.

The Court: The jury may consider the answer then since that is his opinion as an expert.

Mr. Hamilton: I believe that's all.

Cross-examination:

19Q: Mrs. Bixby, that first illustration is one whereby a tremendous load is placed on another circuit than the battery circuit, isn't that correct?

A: No sir. That is not correct. That is placed on the battery circuit proper.

20Q: But what is the significance of breaking the original closed circuit? What does that have to do with it?

A: I was asked to determine if this charge could have been detonated at a more remote point by means of a string or a cord, if that could have been done. We did do that, and the answer is yes.

21Q: Now in that first illustration, how long would it take after making that hookup before the battery would be run down unless the circuit was broken quickly?

(cont)

A: The battery would probably remain active for a period of a half an hour or more before---

22Q: So under that first system which you described, as that system which was probably used, where this wire was exposed, and which this exposure of wire would indicate, means that the hook-up was made within a half an hour before the explosion, is that correct?

A: In my opinion, that's about the time. I don't know the exact condition of the battery. The battery, that might enter into this, but if the battery was in reasonably good shape, it could be a period of a half an hour or possibly somewhat more.

Redirect examination:

23Q: Now, Mr. Bixby, I failed to ask you this question on direct examination, but could that, and was the charge detonated by that method done by pulling on a string?

A: Yes it was.

24Q: Now as I understand it then, assuming that a charge of dynamite was planted under a house, and a person up in the house had a string running from the battery to where he was located inside the house, by pulling that string could set off the charge of dynamite, is that true?

A: That's the way we did that.

(End of Bixby testimony)

List of Witnesses before Grand Jury and at Braden Trial who testified about Wade house in general or about bombing:

Much of the testimony before the Grand Jury did not directly concern the bombing or even the matter of the Wade house, since it was concerned only with the red issue. (This was especially true toward the latter part of the investigation) Most of the testimony at the Braden Trial was in this category. Therefore for convenience, this is a list of the witnesses whose testimony did bear on the Wade house.

Grand Jury (by volumes; each volume is indexed in front as to what pages testimony of various witnesses appears on)

Volume I:

- William Blevins
- Anne Braden
- Andrew Wade IV
- Lawrence Rinehart

Volume II:

- Carl Braden
- John Y. Hitt
- Melvin Edwards
- Andrew Wade IV

Volume III:

- Ralph K. Diemer
- Buster Rone
- Andrew Wade, Jr.
- John Hitt
- Vernon Bown
- Stanley Wilt
- Bessie Simmons
- Colonel Walter Layman
- Alvin Corum
- John Burke

~~Carl Kornrumpf (he was one whose car Wade had seen repeatedly in area of Rone Court and whose license number he had checked. He testified to absolutely nothing, except that to deny he had been in area and to say it might have been his son. Son was never called. This description applies to several other witnesses listed below.)~~

Vol. IV:

Carl Kornrumpf (he was one whose car Wade had seen repeatedly in area of Rone Court and whose license number he had checked. He testified to absolutely nothing, except to deny he had been in area and to say it might have been his son. Son was ~~was~~ never called. This description applies to several other witnesses listed below.)

Grand Jury witnesses (cont.)

John R. Williams (friend of Wades)
 Donald Benner (one who guarded house)
 Mrs. Lula Ann Cook (one whose car was seen in area)
 George R. Kastelhan (one whose car was seen in area)
 William Harding Jones (one whose car was seen in area; also worked with Bown
 but Grand Jury did not seem to know this until he got before them)
 James I. Rone
 William Oscar Dover (one whose car was seen in area)
 Harold C. Ackerman (one whose car was seen in area)
 Herbert R. Catlett (one whose car was seen in area)
 Anna Louise Harris (friend of Charlotte Wade's who was with her at Rone Court
 on afternoon preceding bombing)
 Clarence Lamar (friend of Bown's)
 Tellus Wicker †
 Fred Pike (Bown's foreman)
 Charlotte Wade
 Andrew Wade, Jr.
 Buster Rone
 John L. Brown (co-worker of Bown's)

Volume V:

Joseph C. Strotman (mayor of Shively)
 Franklin A. Gullledge (called as a leading citizen of Shively)
 Andrew Wade IV
 Andrew Wade Jr.
 Vernon Bown

Volume VI:

Clarence Lamar
 James Bowman (co-worker of Bown's)
 James D. McCarty (~~co-worker of Bown's~~ *member of Bown's union - Teamster*)
 Bessie Simmons
 Calvin George Little (co-worker of Bown's)
 William Henry Wright (co-worker of Bown's)
 Rosalie Branham (girl Bown had dated occasionally)
 Lewis Lubka

Volume VII:

Lewis Lubka

Volume VIII

William Cook (co-worker of Bown's)
 A. H. Curella (real estate man Wade once dealt with)
 Carl Braden
 Anne Braden
 Forrest Gardner (former boarder with Bessie Simmons, tends to contradict her
 testimony that Lubka was boarding there at time of bombing)

(The above list identified only those who have not been previously identified in this memorandum. In addition to those whose testimony bears on Wade house and bombing, those whose testimony relates to Bown in any way are included. Those omitted from list include such people as Louise Gilbert and LaRue Spiker and the reporters, Dick Oberlin and Dick Harwood. All of this testimony makes fascinating reading and shows temper of Grand Jury but does not bear directly on Wade case.)

Braden Trial Witnesses

Andrew Wade IV---pp. 158-232; 240-376

John W. Blair---pp. 1206-1210

A. H. Curella---pp. 1240-1243

Capt. J. C. Johns---pp. 1243-1259

County Police Officer Robert Davis---pp-1259-1268

County Police Officer William Blevins---pp. 1269-1278

Andrew Wade Jr----1300-1335

Kenneth Bixby---pp. 1335-1341

Andrew Wade IV---testified again immediately after Bixby, page references don't have

Carl Braden---only small part of his testimony pertained to Wade house, mostly repetition of what he said before Grand Jury

List of Witnesses who should be subpoenaed for Bown trial:

Andrew Wade, IV, 436 S. 18th St., Louisville (would certainly also be subpoenaed by prosecution)

Charlotte Wade, 2622 W. Madison

Wellus Wicker, 408 S. 18th St.

Robert Williams

Eldridge Veasy

Ben E. Smith

Colonel Carl Heustis, City Hall

Colonel Walter Layman, County Police Headquarters

Officer William Blevins, County Police Headquarters

Officer John Burke, County Police Headquarters

Officer William O'Keefe, County Police Headquarters

Capt. J. C. Johns, County Police Headquarters

Kenneth Bixby, 26 Eastover Court

Lawrence Rinehart, Rt. 2, Scottsburg, Indiana (?)

James I. Rone, Rone Court

James A. Rone (Buster), Rone Court

Stanley Wilt, Rone Court

Ralph Diemer, 3002 Hartlage

John Y. Hitt, Shively Newsweek, 4755 Dixie Highway

Millard Grubbs, 1427 S. Sixth

Andrew Wade Jr, 436 S. 18th

Other possible witnesses:

Clarence LaMar, co-worker of Bown's who he told 7 in a.m. June 25, he was leaving to go to Milwaukee.

Somebody from Western Union to advise by telegram V. was sent Esther Moez feeling he was coming to Milwaukee (First we'd have to check with her to see if they still have telegram)

John W. Blair, treas. Dixie Carriage Co, 1100 W. Main St.

An explosives expert - who could testify to what strange things an explosion could, such as scattering pieces of metal to far corners under house

Possible witnesses

*Barker T. Fitzgerald, 3332 Hale
The Rev. J. W. Sims, 719 Magazine*

*Heard Layman & date
Layman who should be
but they should be
interviewed before
testifying to see if
that's what J.*

Andrew E. Wade IV, 436 S. 18th St., Louisville, Ky.

Charlotte Wade, 2622 W. Madison, Louisville, Ky.

Tellus Wicker, 408 S. 18th St., Louisville, Ky.

Robert Williams, Second floor, 1410 W. Madison, Louisville, Ky.

Eldridge Veasey, 2008 rear W. Jefferson, Louisville, Ky.

Col. Carl Heustis, Louisville Police Headquarters, Louisville, Ky.

Col. Walter Layman, Jefferson County Police Headquarters, Courthouse.

Officer William Blevins, " " " " "

Officer John Burke " " " " "

Officer William O'Keefe " " " " "

Capt. J. C. Johns " " " " "

Kenneth Bixby, 26 Eastover Ct., Louisville, Ky.

Lawrence Rinehart, Route 2, Scottsburg, Ind.

James I. Rone, Rone Court, Route 8, Louisville 16, Ky.

James A. Rone (Buster), Rone Court, Route 8, Louisville 16, Ky.

Stanley Wilt, Rone Court, Route 8, Louisville 16, Ky.

Ralph Diemer, 3002 Hartlage Ct., Shively, Ky.

John Y. Hitt, Shively Newsweek, 4756 Dixie Highway, Shively, Ky.

Millard Dee Grubbs, 1427 S. Sixth St., Louisville, Ky.

Andrew Wade Jr., 436 S. 18th St., Louisville, Ky.

The Rev. G. W. Sims, 719 Magazine St., Louisville, Ky.

Booker W. Sitgraves, 3332 Hale Ave., Louisville, Ky.

MEMORANDUM ON LOUISVILLE BOMBING FRAMEUP

December 23, 1955

In the early morning of June 27, 1954, dynamite exploded under the house of a young Negro veteran in Louisville, Kentucky.

The event created a sensation in Louisville, where race relations have been quiet on the surface for many years, but it did not cause much immediate stir outside Kentucky--perhaps because it was only one of a rash of bombings of Negro homes in various American cities in recent years. It was several months later that the Louisville dynamiting, something in the manner of a delayed reaction, hit the national headlines.

The story became national news when it took on a "man bites dog" twist. In the fall of 1954, five white people, who had supposedly been friends and supporters of the Negro, Andrew Wade IV, were accused of responsibility for dynamiting his house. One of the five, Vernon Bown, was indicted on a charge of actually doing the dynamiting. Four others were accused of conspiring with him to bomb the house. Two of these, Carl and Anne Braden, were a white couple who had originally bought the house in a white neighborhood and sold it to Wade and his wife. The Bradens did this at Wade's request after he could not obtain the house in any other way.

The conspiracy charge was brought under an old and previously unused Kentucky sedition statute--the charge being in substance that the indicted persons conspired to bomb the house for seditious purposes. The dynamiting charge against Bown was a run-of-the-mill criminal charge--causing an explosion. All five were also charged in another indictment with simply advocating sedition. Two other white persons were also named in this latter indictment but not accused of plotting the bombing. All of the indicted persons were known as outspoken

opponents of segregation. Their previous actions indicated they were advocates of equality and progress for the Negro people.

Carl Braden was brought to trial first in December, 1954--not, however, on the charge of conspiring to bomb the Wade house but on the other charge of advocating sedition. He was convicted and given a sentence of 15 years in prison and a \$5,000 fine, which he has appealed to the Kentucky Court of Appeals with the aid of the American Civil Liberties Union. Trials of the others have been delayed until May 14, 1956, or until there is a decision on Braden's appeal.

Since the indictments and the trial of Braden, thousands of words have been written about the case in newspapers and periodicals. Various writers have dealt with different aspects of it. As might be expected, however, the emphasis has been on the aspect of sedition--either the dangers of the "communist" menace or the dangers of the "violations of civil liberties involved," depending on the viewpoint of the writer. No reporters, it seems, either on the scene in Louisville or writing from afar, have yet bothered to probe very deeply into the facts surrounding the event which precipitated it all--the bombing of the house.

The theory on which the prosecution in Louisville acted--one that seemed unique when it was announced--was that the people indicted were Communists; that they plotted the purchase and sale of the house to Wade and then plotted the dynamiting of it in order to create an incident and stir up trouble between the races.

It is not within the scope of this article to go into the question of whether the indicted persons are or are not Communists or whether their prosecution under a state sedition act is just or unjust. These questions have their importance, but they have already been argued quite fully. The question that needs to be aired now is the validity of the Louisville prosecutor's theory--that a Negro's home was bombed by people who were by their previous actions apparently foes of segregation.

If his theory is valid, it could well have sensational repercussions, as it

might well provide clues to the responsibility for anti-Negro violence in various parts of the country--and there are enough instances of such violence that have gone unsolved.

If, on the other hand, his theory is not valid, the Louisville situation might well be a case study in the use of the Red issue to becloud basic issues --even to the extreme of covering up actual crime. It might also be a case study in a new and rather startling technique for avoiding the prosecution of the perpetrators of anti-Negro acts.

The possibilities inherent in the latter situation become more sinister when one considers the ~~highly conservative~~ ^{way authorities} in Mississippi started out to clear, and finally did clear, the murderers of Emmett Till. Expressing doubt that the body found in the river was that of the young Chicago Negro boy, Sheriff H. C. Strider declared: "The whole thing looks like a deal made up by the National Association for the Advancement of Colored People."

The bombing of the Wade home did not occur out of the blue. It was preceded by a chain of events which are well known to Kentucky law-enforcement officials as well as to many private citizens who followed the case closely.

The chain started on Monday, May/ 10, 1954, when Carl Braden, at that time a copy editor for The Louisville Courier-Journal, and his wife Anne closed a deal for the purchase of a house in Shively, a suburb of Louisville. They paid \$11,300 for the ranch-type house, using \$1,400 of Wade's money to make the down payment. They bought the house through the Hudson Realty Co. from James I. Rone, a small-scale builder and contractor. The house was one of several that Rone had built and was planning to build along a short dead-end street which he had named Rone Court. It was in an area occupied only by white people. Rone himself lived cat-a-corner across the road from the house the Bradens bought.

It is a matter of record in several courts that the Bradens bought the house for the express purpose of transferring it to Wade, a young electrical contractor whom they had known for several years. Wade testified before the

Jefferson County grand jury, at Braden's trial in Jefferson County Criminal Court, and at hearings on a foreclosure suit against him that he had gone to the Bradens and asked them to buy a house and resell it to ~~him~~ him. He said he made this request after he found no house that he wanted in the Negro neighborhoods and had tried unsuccessfully several times to buy a house for himself in a so-called white neighborhood. He said he picked the house on Rone Court because it was the kind of house he wanted and was within his means.

It is a matter of dispute as to whether the Bradens told Rone and the Hudson Realty Co. they planned to live in the house. The Bradens say they did not; Rone says they did. Certainly it is a fact that Rone had no idea the ultimate purchasers of the house were to be Negroes. Braden later told a Circuit Court commissioner that he didn't think it was any of Rone's business what he intended to do with the house.

The day after the Bradens bought the house from Rone, that is on Tuesday, May 11, Wade began moving furniture into the house. He apparently spent two days getting things straightened up before Rone realized what has happened. On Thursday, May 13, Wade says, Rone approached him and asked if the Bradens were renting the house to him.

"No," Wade says he replied, "They are deeding it to me."

"Deeding it to you? Who is?" Wade says Rone exclaimed.

"The Bradens," Wade answered. "They are selling it to me."

Wade then tried to change the subject and asked Rone when he would repair some minor defects in workmanship on the house.

Rone's answer was abrupt: "I don't have time to talk about that now. I've got things to do." With that he dashed off.

That was in the late afternoon. Within a couple of hours, as it was beginning to get dark, cars began to gather in Rone's yard across the road. A crowd milled about in the yard and in and out of the house. Wade and his wife were alone in their house and did not yet have a telephone. Mrs. Wade was expecting her second child in about three months. Wade says they were

nervous but stayed where they were. They did not leave until a good bit later,-- almost midnight--after the visitors at Rone's house got into their cars and drove away together.

From Rone Court, the cavalcade apparently went direct to the Braden home in Louisville several miles away. Braden later testified that 15 or 20 men, led by Rone and Ben Hudson, head of the Hudson Realty Co., visited his home about midnight that night and spoke to him in an angry and unpleasant manner. Rone and Hudson were spokesman for the group, Braden says, demanding that he get the Wades out of the house. At least one of the crowd threatened that harm might come to Braden's home and his two small children if he did not comply.

Witnesses in the Braden neighborhood verify that the crowd did in fact come to the Braden house that night and appeared to be an angry mob; Rone has never denied that he was there. One of his attorneys later said that Rone went along in order to keep the crowd orderly and keep them from violence. Hudson gave the same reason. It is obvious, however, that the other men would never have known about the Wade purchase, and who had sold him the house, if Rone had not alerted them earlier in the evening.

Both the Bradens and the Wades testified that the next morning they began to receive constant threats by telephone. Wade, however, proceeded on Friday to move the last of his furniture into the house and to prepare to take up residence there. Before doing so, he called County police to ask for protection. The Rone Court property lies just outside the city limits of Shively and within the jurisdiction of the Jefferson County Police Department. Wade himself talked to the district police captain. His father, Andrew Wade Jr., talked to County Police Chief Walter Layman. Both say no police were in evidence around Rone Court that day.

The Wades did not sleep at the Rone Court house that night. On Saturday they did not return to the house until late afternoon. At that time, Wade and his wife Charlotte and a friend of theirs, Carlos Lyles, went to the house to spend the night. When they arrived they found that the front picture window had been

broken with rocks. Inside they found one of the rocks with a piece of paper tied around it. On the paper it said, "Nigger, get out!" One of several small gratings in the foundation of the house had been broken out. This was the opening under which the explosive that wrecked the house six weeks later was apparently placed.

The Wades and their guest settled down for the night. About 10 o'clock they looked out to see a cross burning in the vacant lot next door--about 25 feet from their house. Wade says four or five figures, apparently those of grown men, were dancing around the cross. He stepped onto the porch and called something to the men. In a few minutes they went away. Wade says he could not make out their faces.

Later, Wade and his wife went to sleep in one of the bedrooms of the house. Lynes slept on a couch temporarily placed in the kitchen. About 2 o'clock in the morning they were all awakened by the sound of rifle shots. They later said they heard about 10 shots all told. At least three bullets entered the house and embedded themselves in the walls, where they were later found by police. One barely missed Lynes' head.

It has never come out who was responsible for firing the shots, nor for throwing the rocks through the window or breaking out the grating. It is, however, a matter of public record as to who burned the cross that night. Three men admitted this crime before the grand jury that investigated the bombing in September. One of these^{was} James A. (Buster) Rone, 20-year-old son of the builder. The others were Stanley Wilt, young Rone's brother-in-law, who also lived on Rone Court, and Lawrence Rinehardt, a former County policeman who lived in the neighborhood.

During young Rone's testimony before the grand jury, this exchange took place:

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 was nobody thought they should move in the neighborhood.

Rinehardt gave similar answers when questioned before the jury:

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.

Under Kentucky law, it is a crime to band together to intimidate any citizen. Neither young Rone nor Wilt nor Rinehardt was indicted.

Rinehardt also admitted before the jury that he was in the crowd that went to the Bradens' home on the night of May 13. He said about 15 or 20 cars went. He was asked who asked him to make the trip. He replied: "I believe Mr. Hudson, the real estate man, suggested it."

After the events of the night of May 15, the County police set up a 24-hour guard at the Wade house. There were no more instances of violence until the actual bombing six weeks later. Throughout this period, however, the Braden/s and Wades continued to receive threats--some by telephone and some by mail. At least one of these letters stated that the house would be "blown off the map." Wade says that cars often drove past his house with people shouting threats at him and his family. He got the license numbers when he could, looked up the names of the owners, and turned them over to County police. On several occasions the County police told the Wades: "You people are too intelligont to get excited over those little things; just let them go."

On one occasion, when Wade's father and some others were replacing the broken picture window, a car drove by and a man in it shouted: "There's no use putting that window back in. We'll break it out again." The car drove to the dead end

of Rone Court and stopped; someone got out and covered the license plate, and the car drove back out the court and away.

There were ~~momentary~~ ^{constant} reports of talk in bars and other places about plans to get the Wades out of the house. An anonymous caller told the Bradens she had overheard someone in a Shively store saying that "as soon as the police leave we are going in there and drag the Wades out and kill them." Many of these rumors undoubtedly resulted from loose talk that was never intended seriously. Most of them are not a matter of public record, but at least one came to the attention of the grand jury investigating the bombing. Ralph Kenneth Diemer, owner of a hardware store in Shively, testified as follows before the jury:

Q: Mr. Diemer, did you ever hear a conversation by anyone in your store or elsewhere relating to the fact that there was going to be, or might be, an explosion at the Wade home?

A: I don't recall.

Q: Well, now let me ask you if you ever made this statement to anyone, or a statement containing the substance of this--"About June 1, 1954, I had occasion to be in Diemer's store and there were several men--about five--talking about Negroes ~~in~~ ^{on} Rone Court--and the place should be blown off the map. Mr. Diemer, owner of the store, said the dynamite already had been bought in the county and was stored on Rone Court." Now did you make that statement?

A: No sir.

Q: Now did you ever hear anyone make a statement that the Wade home in Rone Court should be blown off the map?

A: I may have.

(At this point the questioning turned to something else and Diemer was not asked to expand on this last answer.)

Later in the questioning this took place:

Q: Do you know a man named William O'Keefe?

A: I met him, I guess, 3 or 4 weeks after the explosion when he accused me of making the statement.

Q: What did you tell him?

A: That he was a liar.

Q: What kind of a fellow is O'Keefe?

A: A police officer, I believe.

(O'Keefe was then identified by the prosecutor as a member of the County police force.)

Meantime, soon after the firing of the shots into the house and the burning of the cross, there were other and apparently more legal efforts to get the Wades out of the house. The insurance company which held the casualty policy on the house cancelled it. The lending institution that held the \$8,000 first mortgage, the South End Federal Savings & Loan Association, then gave notice that it would foreclose because of lack of insurance.

However, the Urban League found another insurance company that was willing to give the Wades insurance on the property. The South End then sued to foreclose on the ground that the Bradens failed to obtain its consent to transfer the house to Wade. The Wades and Bradens contended that the consent clause in the mortgage contract was in effect a restrictive covenant and outlawed by the Supreme Court decisions of recent years.

The Wades also contended that invoking of the clause was a device to deprive them of their equity in the property because they are Negroes. A Circuit Court commissioner ruled Dec. 9, 1955, that evidence pertaining to this might be introduced by the defendants at hearings on the suit. Hearings were set to resume Feb. 8, 1956.

As a result of the violence and the lawsuit, a Wade Defense Committee was formed in Louisville with the announced purpose of "insuring Wade's right to live in his house in peace." The committee included many of the leaders in the Negro community of Louisville, as well as a few white people---including most of those later indicted. Wade told the committee he was doubtful about the adequacy of police protection, and he asked for men to stay at the house with him and his family at night. Many did, both Negro and white.

The prosecution has made much of the fact that Wade and the people who stayed with him had guns in the house. Wade testified, however, that he felt this was necessary because of the threats he was receiving and also because of editorials appearing in the community newspaper, The Shively Newsweek. These editorials became a matter of record both before the grand jury and at Braden's trial and can certainly be described as highly inflammatory. Wade testified that he gave strict instructions to everyone in the house not to fire a gun unless it was absolutely necessary and then only into the air to attract the police--unless someone's life was actually in danger.

Certainly it is a fact that no shot was ever fired from the house except once on a Saturday night. This shot was fired into the air after people in the house saw a man crawling through a field toward the house on his stomach. If the man had really been there, he had plenty of time to get away while the police on duty across the road upbraided Wade for letting the shot be fired.

In mid-June, the County police notified Wade that they would have to discontinue the guard at the house in the daytime. Wade urged them not to, and delegations from the Wade Defense Committee made similar pleas at police headquarters. But the day guard was discontinued. Wade then let it be known at a Wade Defense Committee meeting that he would like to have a man who worked at night to stay at the house in the daytime to watch out for his wife and child while he was ^{away} at work. The Wades' daughter, Rosemary, was almost 3 years old at that time. Their second daughter was born in August, 1954.

Two men volunteered in response to Wade's request. One was Vernon Bown, a white truck driver and a member of the AFL Brotherhood of Teamsters, who was later accused of blowing up the house. The other was a Negro. Wade later said that he selected Bown rather than the other volunteer because Bown had no wife and children whereas the Negro did. Bown gave up his living quarters in Louisville and moved into the Wade home on Rone Court. He took along all his belongings, including a portable radio that figured in the case later.

Things were fairly quiet the week before the bombing. The threats had tapered

off. There was also good reason for the Wades to think that efforts to remove them from the house by foreclosure on the mortgage would fail. Wade had obtained a virtual promise from a Negro lending institution, Mammoth Life & Accident Insurance Co., that it would let him have the money to cover most of the mortgage held by South End. He had assurances from individuals that they would loan him enough money to make up the balance due on the South End mortgage and to pay off a \$1,900 mortgage held by Rone, the builder.

The Mammoth firm scheduled a meeting of its board for Monday, June 28, 1954, to give final approval to the loan. The fact that Wade's problem regarding the mortgage was practically solved had been widely talked around at meetings of the Wade Defense Committee and elsewhere. It began to become generally known that court action to get him out of the house would fail. While there is no proof that this reached the ears of Rone and others in Shively, it would be logical to assume that it did. In fact, Wade discussed the matter on his telephone and he later became convinced that there was a constant tap on his phone.

On Friday, June 25, ^{BOWN} left the Wade house and told the Wades he would be gone over the week end. He was making a trip to Milwaukee to visit friends and to attend a family reunion. On Saturday morning, June 26, Mrs. Wade and Rosemary went into Louisville with Wade when he went to work. The house was thus unoccupied and unwatched from about 8 o'clock in the morning until early in the afternoon, when Mrs. Wade, Rosemary, and Wade's father returned there. In the early evening, Wade returned with two friends who were to spend the night. They were Melvin Edwards and Tellus Wicker, both Negroes. The Wade family then left the house in charge of Edwards and Wicker and went to a picnic in Indiana, the only place nearby where they could have such ~~unrestricted~~ relaxation without segregation.

After the picnic, Mr. and Mrs. Wade left Rosemary at the home of Wade's parents in Louisville. This was a Saturday night custom so the child could be taken to Sunday school more easily on Sunday morning. This fact probably saved Rosemary's life, for her bedroom and bed were blown to splinters in the explosion later that night.

Mr. and Mrs. Wade returned to Rone Court about/midnight. Wade later testified that he was surprised to see that all the homes in the neighborhood except his were dark. Lights usually burned late in some of the homes in the vicinity on Saturday night.

Wicker was sitting on the side porch of the house and Edwards was asleep on a couch in the living room. Wade asked Wicker if anything unusual had occurred. According to later testimony of both Wade and Wicker, the latter then told Wade that he had seen lights flashing in an unusual pattern in the neighborhood just a few minutes before.

He said the first light flashed across the road from the Wade home, near the point where the policeman guarding the house was sitting in a chair in the Rone yard. Then a second light flashed in a barn behind the Wade house, the barn being the property of a neighbor. Finally, a third light flashed in a field on the side of the Wade house opposite the side visible from the Rone yard where the policeman was sitting. The lights formed something of a triangle. The point where the first light flashed would not have been visible from the point where the third light flashed, although the point where the second light flashed would have been.

A few minutes after Wicker gave this report, there was a deafening explosion. Half of the house--the side opposite where the Wades and Wicker were talking--blew up. (Damage was later fixed at \$5,500.) No one was hurt, although Edwards was shaken up and he narrowly missed being hit by a mirror blown off the wall.

Immediately the policeman on duty across the road came running. Soon other police were there. It has seemed significant to many people that no neighbors appeared to find out what had happened; in fact none of them even turned on their lights. This was brought out before the grand jury in testimony of Officer William E. Blevins, the County policeman who was on duty in the Rone yard at the time:

Q: At the time of this explosion, did any of the white neighbors in the neighborhood come around to see what had happened to this house?

A: Not while I was there they did not.

Q: Was the explosion very loud?

A: It was loud where I was at.

Q: Is there white people living on either side of this house?

A: Yes.

Q: And none of these people were disturbed at that time?

A: As far as I know, they weren't.

In the days following the explosion, there were vigorous demands that the bombers be brought to justice. On Tuesday and Wednesday, the Wade Defense Committee sent delegations to the Courthouse to visit various public officials and urge that something be done. It appears, too, that at that time the County police were making a fairly diligent investigation. On Wednesday, a delegation called upon A. Scott Hamilton, Commonwealth's Attorney, and asked for action.

Hamilton proposed that the crime be laid before the grand jury which was to meet the next day, Thursday, July 1. According to Wade's attorney, C. Ewbank Tucker, the prosecutor asked Wade and others who might have information to appear before the grand jury that day and said he would summon people whom the police had been questioning.

On Thursday, Wade, Braden, Tucker and others reported on schedule to the grand jury witness room. At that time, according to Tucker, Hamilton said: "I think we should postpone this investigation. The police think they have the man who did the bombing and an investigation right now might impede their work."

Hamilton has since denied that any grand jury investigation was ever set for July 1 or that he made such a statement. It is difficult to square this with the fact that newspaper stories at the time reported that the case would be presented to the grand jury and later reported that the investigation had been postponed. The newspaper accounts did not give any reason for the delay.

In any event, Wade and his friends went home. Later that same afternoon, City Police Chief Carl Heustis called Carl Braden to his office, saying he had a matter of great urgency to discuss. Heustis and Braden had been ~~some~~ friends

since 1933, when Braden was a police reporter for a newspaper and Heustis had just started his career by going to work as a motorcycle policeman. Heustis told Braden that his department had received word that some of the people who dynamited Wade's home were planning to blow up Braden's house. Plans were worked out for a 24-hour police guard around the Braden home, Braden was advised to move his children out of the house, and to take other precautions. All this was done. Twenty-one detectives took turn guarding the house, but they were called off after about a week when the dynamiters did not show up.

On the same afternoon that he conferred with Braden, the police chief called James S. Pope, executive editor of The Louisville Courier-Journal, and told him about putting the police guard at Braden's home. Heustis asked Pope not to mention this fact in the newspaper for fear of tipping off the bombers. In the course of the conversation, Pope later said, Heustis told him that County police had a confession from the man who set the dynamite at the Wade home and there would soon be some arrests. (Braden was a copy editor for The Courier-Journal at this time.)

On the following morning, Mrs. Braden went to Heustis' office. She went to inquire further about the danger to her home and children and especially to ask Heustis if he thought the dynamiters might have tapped the Braden telephone. She noted that Wade had decided his telephone was tapped. Mrs. Braden said Heustis replied:

"Oh, no, you don't have to worry about that. You'll see what I mean when you see who these people are. They are just a bunch of ignorant asses, and they wouldn't know how to tap a telephone if you gave them the equipment. Besides, this ~~is all~~ ^{is all} going to be over in 48 hours--and I will pull the guard off your house--because the people will be arrest by then."

This was on July 2, 1954, and no arrests have been made yet. When the guard was taken off the Braden house the following week, Braden visited Heustis again. Braden said Heustis told him the City could no longer keep a fulltime guard there but would patrol the area. Braden reported that Heustis made this statement,

in substance:

"The county police have a confession from the man who set the dynamite. He told them that he and others blew up the house and that the dynamite was obtained somewhere in Southern Indiana, and that some of the people involved were planning to blow up your house next. But the police say they do not want to make an arrest until they get more corroborating evidence. They are checking the quarries over in Indiana to see if they can find out where the dynamite came from. They have had too much experience with going into court with just a confession--having the person repudiate it--and not getting a conviction. However, they are making progress and think they will have enough evidence to make an arrest soon."

That same week, according to Attorney Tucker, a committee from the Wade Defense Committee again visited Colonel Layman. At that time, Tucker says, Layman made this statement: "We could put our hands right now on the man who did it, but we want to get more corroborating evidence before making an arrest."

Later in the summer, Robert W. Zollinger, a Louisville attorney who later became counsel for the Bradens in their defense against the sedition indictments, says he had occasion to discuss the case generally with Chief Heustis. No one had suggested at that time that the Bradens or Bown might have blown up the house, but there had been rumors that maybe it was an inside job and the Wades blew it up. Zollinger says that in the course of his conversation with Heustis, the chief made this remark:

"No, the Wades didn't blow it up. We know who blew it up, but we can't get a conviction."

Present during this conversation, Zollinger says, was Henry Sadlo, an assistant to Commonwealth's Attorney Hamilton, who later helped prosecute Braden.

It should be recognized, of course, that the statements of the Bradens regarding what Heustis told them might not be completely reliable--considering their position in the case. The same might apply to statements by attorneys for Wade and the Bradens. Even the statement of James S. Pope might be suspect, as he was Braden's superior at The Courier-Journal and the newspaper itself was under attack with Braden. It is significant, however, that Heustis, when confronted with at least part of his previous

alleged statements during the September grand jury investigation, did not deny them.

On the first day of the jury investigation, Hamilton announced his startling theory that the bombing might have been a Communist plot by friends of the Wades. Braden countered with a statement to the press that this was ridiculous and that Heustis had told him two months before that "a man involved in the dynamiting had confessed and he (Heustis) indicated that the people who did it were ignorant hoodlums."

Asked about this by reporters, Heustis made this statements, which was printed on the front page of The Courier-Journal on September 16, 1954: "It was my impression that a semi-confession had been made and that County police were in a position to make an arrest. I don't recall that I used the word 'confession.'"

When reporters called County Police Chief Layman, he denied it all. He was quoted in the same newspaper as saying Heustis was "mistaken." He said the confession did not involve any dynamiting but came from persons who had supposedly burned a cross near the Wade home. According to The Courier-Journal, "Those persons, Layman said, acknowledged that they had set a fire, but that it was on their own property and was not a cross."

This statement is a little hard to understand . There was no doubt about the fire being a cross, as The Courier-Journal had printed a picture of its charred remains the day after it was burned. Nor did Rinehardt, Rome and Wilt tell the grand jury that it was not a cross.

Except for the brief statement by Braden that Heustis had mentioned a confession to him, none of the above alleged statements by Heustis, Layman, and Hamilton have ever been printed in the many stories that have been written about the case. However, Louisville reporters have inquired into them in subsequent interviews with layman. It is interesting that Layman later in the winter of 1954-55, after Braden's conviction, gave a somewhat altered explanation of the rumored confession.

It was all a terrible mistake, he told a reporter--in an interview that was never printed. What happened, he declared, was that police questioned Lawrence Rinehardt for about five hours one day during the week after the bombing. Finally

Rinehardt shouted "I did it." Then, according to Layman's later story, police typed a confession for Rinehardt to sign. Presented with this, Rinehardt exclaimed, "Oh, I didn't mean I blew up the house. I meant I burned the cross."

It was between the time that Rinehardt said "I did it" and the time shortly thereafter that he refused to sign the confession that one of the County police officers called Heustis and told him the man had confessed. It was just an unfortunate blunder, Layman said.

All of this is hard to accept. If such a terrible blunder had been made, it would seem logical that County police would immediately call Heustis back and correct the false impression. But the questioning of Rinehardt, to fit in with the pattern, must have taken place on or about July 1, the day Hamilton called off the first scheduled grand jury hearing and the day Heustis called Braden to his office the first time. Yet it was almost a week later that Heustis told Braden on his second visit that police had a confession from the man who set the dynamite. Whether one accepts Braden's statement or not, it is a fact that Heustis' men had been guarding the Braden home 24 hours a day for almost a full week and using a considerable part of the taxpayers' money to do so.

Also, in all his subsequent explanations, Layman never explained why the first reports of a confession referred to the dynamite being obtained in Southern Indiana, since one does not need dynamite to burn a cross.

More recently Layman has reportedly made more illuminating statements. Zollinger says Layman recently told him that he never really believed the Bradens or Bown or any of the people indicted had anything to do with the bombing and that he was pretty sure ^{that Rinehardt did,} ~~he knew who did,~~ although he could not prove it. Again allowing for the possible unreliability of a statement by a lawyer involved in the Braden defense, it would seem to be a fact that Layman has told several different stories at different times.

When the grand jury met in September, ^{1954,} it made headlines by its sensational inquiry into the political beliefs and associations of the Bradens and other supporters of the Wades' right to live in the house of their choice. As might be

expected, the bombing got somewhat lost in the shuffle. It is of interest, however, to examine exactly what evidence regarding the bombing came before the grand jury and what inquiry it made and did not make along this line. In Kentucky, grand jury minutes become public record when the state asks for a copy, as it did in this case. The full grand jury transcript was later filed in evidence by the defense at Braden's trial and is now part of the record of the case in the Kentucky Court of Appeals.

It is of interest to note that an objective study of the grand jury minutes reveals no evidence to support the bombing charge against Bown. No witnesses gave any testimony that might be so construed, although to be sure some of them testified to things indicating that Bown was left-wing in his political opinions. The prosecution offered the theory that the dynamite was set off by the small portable radio Bown had taken into the Wade house when he moved there. This theory was supported by no evidence except that pieces of the radio were found under the house after the explosion, along with a good many other items that fell through the holes blown in the floors by the dynamite.

Bown himself was questioned at length. The prosecution has relied heavily on the fact that Bown declined on the ground of possible self-incrimination to answer a number of questions about the occupancy of the house, including a question as to whether he ever went under the house. In fairness, however, it should be noted that when Bown refused to answer these questions he had already told the grand jury he would answer no more questions on any subject because their previous questions about his political beliefs and their general attitude had already placed him in the position of being a defendant.

Despite this lack of evidence in the minutes, the grand jury indicted Bown on a charge of causing the explosion at the same time they indicted him, the Bradens, Bown's 80-year-old roommate and two white social workers for sedition. It was a later grand jury, sitting in November, 1954, that indicted Bown, his roommate, the Bradens, and yet another white man who had stayed at the Wade home on the charge of conspiring to bomb the house.

It is of special interest to note what the September grand jury did not do. Although Braden and his wife told the jurors on the first day of the investigation about the statements Chief Heustis allegedly made to them, Heustis was never called before the grand jury. To this day, 1½ years later, Heustis has never been called to testify about these statements. Nor was Pope, who reportedly heard a similar statement from Heustis, called. Colonel Layman testified, but he was not even asked about the reports of a confession in July. His testimony consisted mostly of telling the jury which officers had been assigned to the case. None of these except Blevins, the one who was on duty the night of the explosion, was ever called. William O'Keefe, the police officer who had evidently reported overhearing the conversation about dynamite on Rone Court while in Diemer's hardware store, was never called. There were some references throughout the testimony to statements being taken by County police after the bombing from various residents of the Shively area, including John Hitt, editor of The Shively Newsweek. But no police officers were asked about the content of any of these statements.

Wade and Wicker both told the grand jury about the lights flashing in a triangle formation the night of the bombing. However, no other witness was ever asked about this--not the County policeman on duty, not the people who lived in the Rone house, where the first light reportedly flashed. The owners of the barn where the second light flashed were not called before the grand jury. The neighbors of the Wades who were called before the jury were subpoenaed because they were on a list submitted by Wade. Those whose names crept in through testimony of others were never called.

Wade had given Hamilton a list of names he had compiled of owners of cars that cruised his neighborhood regularly, with the occupants shouting or looking in a threatening manner. Wade had got their names by checking license numbers. Many of these were called before the grand jury. All denied having been in the vicinity of the Wade home. Many of them said the only way they could explain the reported presence of their cars in the area was that their grown sons often drove their cars. None of the sons were ever called before the grand jury.

The most important thing that the jury did not do was its failure to indict the three men who confessed to the jury that they burned the cross near Wade's house --although this was a clear violation of a Kentucky statute.

This brought repercussions several months later, in February, 1955, when Wade himself swore to warrants for the trio and had them arrested. They were released on small bonds. When they appeared in Quarterly Court the judge dismissed the charges on the ground that the evidence had already been presented to a grand jury in the higher Circuit Court and the jury had failed to indict. Wade then asked Hamilton to submit the case to another grand jury. Hamilton ^{PROMISED} to do so, but as of December, 1955--15 months after the original grand jury investigation--he has not done so. Meantime, attorneys believe the statute of limitations may have run out, barring any prosecution of the three.

Another interesting thing happened during the winter and spring of 1955 in regard to Lawrence Rinhardt. At the time of the September grand jury investigation, he was under indictment on a completely unrelated charge of automobile theft. This case appeared on the Criminal Court trial docket numerous times during the winter and spring. Each time it was continued, usually because of failure of police witnesses to be present on the day set for trial. Finally in the late spring of 1955 the case was dismissed by the judge because of the reputed failure of the witnesses to appear.

Perhaps one of the most significant aspects of the entire case has been the persistent refusal of the prosecution to bring to trial the bombing charge against Bown. After his indictment, Bown through his attorney asked for immediate trial on the bombing charge. All the defendants maintained that this case was the key to the whole set of cases and should be tried first. Under Kentucky law, however, the prosecution has the right to select which defendant it will try first and, in the case of several charges, to select which charge it will try. It gains this right when persons indicted jointly demand separate trials, as was done in this case.

The prosecution elected to try Carl Braden on the sedition charge. The record of Braden's trial, now on file with the Kentucky Court of Appeals, reveals a complete absence of any evidence linking him to the bombing. In fact there is no evidence throwing any definite light whatsoever on the bombing. Most of the case against him consisted of the testimony of former Communists about books that were found in his house, and finally of one witness who claimed she had known him to be a member of the Communist Party--a charge Braden denied on the witness stand.

There was considerable testimony about the bombing, but mostly bearing on how the bomb could have been set off with Bown's radio. There was nothing that would pass as proof that the radio was actually used to set off the dynamite or that Bown had any connection with the bombing.

Immediately after Braden's conviction in December, 1954, the prosecution announced that it would try Bown on the bombing charge, and the date was set for February, 1955. In just a few weeks, however, the prosecution announced that it had changed its mind and instead would try Mrs. Braden next on the same charge as her husband--sedition.

This trial was postponed throughout the winter because of complications in the court, including a two-month strike by the stenographer because he had been ordered to prepare the transcript of Braden's trial without advance payment. Meantime, Bown kept demanding trial. He had been put in jail under \$10,000 bond on Sept. 24, 1954, and was still there. (He did not get out until the middle of February, 1955.)

Finally, in April, 1955, the prosecution made an agreement with the defendants to postpone all sedition and conspiracy trials pending the outcome of Braden's appeal and the Steve Nelson case. In the latter case, the U.S. Supreme Court has been asked to upset a Pennsylvania Supreme Court ruling that sedition is a matter for prosecution by the federal government and not the states.

The most interesting part of this agreement was that the prosecution insisted on including in the order of postponement the simple bombing charge against Bown. Many people wondered why, since this charge was brought under a much-used ordinary

criminal statute, and had no relation to the constitutional questions raised in the Braden and Nelson appeals.

Hamilton tried to explain in a statement to the press about the inclusion of the bombing charge in the postponement agreement. He said he preferred to wait and try Bown under the charge of seditious conspiracy to bomb the house rather than under the actual bombing charge. The conspiracy charge, he pointed out, carried a 21-year penalty, whereas the maximum penalty for causing an explosion was only 10 years. He expressed the opinion that to try Bown under both would be "double jeopardy."

This statement ended the matter for the time being. But the fact remains that 1½ years after the bombing, after large expenditures of taxpayers' money, after weeks and months of tying up the courts, the facts surrounding the bombing of the Wade home remain unresolved in the courts of the Commonwealth of Kentucky. Many people feel that the perpetrators of the crime are still at large in Louisville, untouched by prosecution of any kind.

This fact, if true, takes on significance beyond the Wade house itself when one considers the problems that face the South with the ending of segregation in the schools and the necessity to control those who would commit violence to keep segregation. Many of the facts brought out in this article are not known to the general public, even in Louisville. Certainly the whole incident deserves some sort of investigation that would throw the clear light of day on what looks like a very rotten situation.

One of the worst aspects of the whole business is that the Wades still do not have a permanent home. The house on Rone Court is still lying in ruins because the insurance money is tied up by the litigation over the mortgage. The Wades could not even find a house to rent until December, 1955, the whole family having been forced in the meantime to bunk up like refugees with his mother and father. They are still battling for the right of every man to live where he wants to.

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