

**Frankie and Nellie Were Not Lovers**

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## **Frankie and Nellie were *Not* Lovers**

**Frankie and Nellie were not lovers, but their lives and the lives of their friends and family became curiously intertwined in the years between 1956 and 1996. Frankie a/k/a Frank Morrissey and Nellie a/k/a Nelson Brown were Loyola law students who both received their JD degrees in 1958. They had nothing in common except their experience at Loyola and the fact that both were south side Chicagoans. There the similarities ended.**

**Frank was the son of a poor, Irish, Roman Catholic, immigrant laborer; Frank's mother was a secretary by day and a movie ticket vendor at night. They lived at 68<sup>th</sup> and South Parkway. Nellie was the son of a prominent lawyer; Nellie's mother was a housewife and socialite. They lived in a large home on Drexel Boulevard. Frank had left St. Mary of the Lake Seminary and handed out towels at the Santa Fe Railroad during law school until he was awarded a Kirkland Scholarship. Frank's social life during law school was limited to law school events; he claimed to have gone to a total of five movies during**

his law school years. By contrast, while in college and law school, Nellie dated, became engaged to, and married, Diane Dickerson, the debutante daughter of one of Chicago's premier Black lawyers, Earl Burrus Dickerson. Needless to say, Frank was white, and Nellie was black.

This paper focuses primarily on the lives of the Dickersons and the Browns . . . lives of great successes . . . lives of great tragedy.

Earl Burrus Dickerson was born in 1891 in Canton, Mississippi. Earl's father died when Earl was only four, and his mother, a washer-woman, was the driving force in his early years. She wanted him to become an educated Negro. In 1906, she managed to arrange a trip for him to New Orleans to experience the Mardi Gras. While there, he heard about a prep school affiliated with the University of New Orleans. When he told his mother about the school, she set about getting him admitted the following year. How was it possible for a little black kid from Mississippi to go to a prep school in New Orleans? Earl explained that he stowed away on the train from Canton to New

Orleans. During the school year he did chores to pay his tuition, which was, he said, a pittance in those days.

One of Earl's teachers at the prep school, Anna Parker, was working for her master's degree at the University of Chicago. Anna Parker must have had considerable resources, for she offered to pay Earl's tuition at the University of Chicago Lab School. Tuition was one thing, but how was this teenager to get to Chicago? On the Illinois Central, of course. Earl's mother gave a porter \$2. For that \$2, the porter hid Earl in toilets, in the baggage car where he sat on a casket for hours, and eventually on the open space of the back of the coal tender of the locomotive. He arrived at Twelfth Street on June 15, 1907, one week before his 16<sup>th</sup> birthday.

The U of C Lab School was in Hyde Park, of course, and Hyde Park was virtually all white in the early 20<sup>th</sup> century. Earl soon discovered that in Hyde Park, he was confronted by the same prejudices that existed in Mississippi. He washed windows, scrubbed floors, and mowed lawns in Hyde Park in order to feed himself. As evidence of the

bigotry in Hyde Park, as Earl told it, on occasion a cop would stop him and ask him what he was doing in that neighborhood.

When Miss Parker's largesse wore thin, Earl was planning to attend Wendell Phillips High School. As luck would have it, however, one morning while scrubbing the steps of an English type basement apartment, he fortuitously met the tenant, a graduate of Northwestern who knew the principal of the Evanston Academy, a prep school modeled on Phillips Exeter. The newly found friend, John Faulkner, introduced Earl to the principal of the academy. Earl's lucky, chance meeting with Faulkner resulted in tuition-free attendance at Evanston Academy where he studied Cicero and Vergil, English, plane and solid geometry, algebra, and quadratics. Upon graduation in 1909, Earl was described in the school yearbook as "A Latin and English shark of the first water."

He then entered Northwestern University and took more courses in Latin and English. When the money ran out again, and he had to leave school, he got a job at the main Chicago post office. On the day he was

to become a full-fledged, full time clerk, he bolted. Life as a postal clerk was not a life for Earl Dickerson.

Soon thereafter, a friend told him that the University of Illinois would be within his means, and off he went to Champaign where he completed his requirements for a degree in the fall of 1913. While at the University of Illinois, he decided to become a lawyer.

Earl never lacked confidence in his own intelligence. He was, however, driven to overcome his own poverty and the degradation of being called a “nigger.” Poverty? During his studies at the Lab School and Evanston Academy, for example, his mother had sent him \$1 every week and lived on just \$2 a week herself. That was no way to live. Injustice? Degradation? Earl’s inspiration to become a lawyer stemmed, in part, from the language of Justice John M. Harlan, the sole dissenter in *Plessy v. Ferguson*, the infamous “separate but equal” decision. Harlan wrote, “In the view of the Constitution, in the eye of the law, there is in this country no superior, dominant class. Our Constitution is color-blind. In respect to civil rights all citizens are equal before the law.”

In the fall of 1915, having been given a job in the law school library, Earl entered the University of Chicago Law School. Near the end of his second year of law school, Congress declared war on Germany. Not long after war was declared, Dickerson and his law school classmates received a notice from the War Department that they could apply for acceptance at the officers' training school at Fort Sheridan.

Dickerson, however, was soon separately notified that he should report to a new, segregated officers' training school at Fort Des Moines, Iowa. That degradation infuriated him, and he considered pulling out of officers training. When he re-thought the situation and reported to Fort Des Moines, his brilliance stood him in good stead, for his facility with French won him a position as an interpreter on the western front. His good fortune in that regard, however, did not blind him to the overall abominable treatment of the black military during World War I. He returned to Chicago determined to fight the inequality between the races.

The years after World War I were racially turbulent times in America. In July of 1919, Chicago was especially troubled by Race

Riots. Between July 1 and July 27, 1919, twenty-four bombs were thrown at the homes of Blacks and at the homes of real estate agents who sold or rented to Blacks in racially contested areas. Twenty-four bombs, but not one arrest was made. The so-called Black Belt, an area of aging, dilapidated housing that stretched thirty blocks along State Street and was rarely more than several blocks wide, had absorbed almost fourteen thousand Blacks between 1900 and 1910 and could take no more. Residential building had stopped with the outbreak of war, and the Black Belt had to expand into adjacent areas to the south; the Whites in those areas fled, and Whites in all other “threatened” areas strengthened their resolve to maintain segregation.

The rioting culminated on Sunday, July 27, when Eugene Williams, a black 17-year-old kid, entered Lake Michigan at 26<sup>th</sup> Street. Holding on to a railroad tie, he drifted farther south to the 29<sup>th</sup> Street “white” beach. A group of white men and boys began throwing rocks at him until he was knocked unconscious and drowned. Blacks who saw the event demanded of a white cop that he arrest the man accused of throwing the fatal rock. The cop refused to do so and instead arrested



a black man. Thus began a three-day riot in which many cops sided with the white rioters and fired with abandon into black crowds. Finally, on Wednesday night, the state militia was called out, and by Friday, August 1, the rioting had all but stopped.

Acutely aware of the race riots, Dickerson knew that education was his only personal way up. He re-entered the University of Chicago Law School in 1919. Because of the race riots, he carried his service Smith and Wesson weapon concealed under his coat. He said the whole atmosphere of the city was charged with fear and madness.

Earl received his law degree in March of 1920. He was the first Black to receive a law degree from the University of Chicago. In recognition of that accomplishment, the Black Law School Association at the U of C law school was officially named the “Earl Dickerson Chapter.”

Earl was the first black graduate of the U of C law school, but he was black, and he needed help obtaining a job as a lawyer. Dean James Parker Hall and Professor Ernest Freund recommended Dickerson to several large, prestigious Chicago firms, but all turned him away

stating that their clients would object to their having a colored lawyer in their firm.

But Dickerson did not give up and was not long without work. He became general counsel for the first black life insurance company in the North and also opened a private office with a fellow U of C graduate on West Washington Street. At that time there were only about 100 black attorneys in Chicago serving a black population of over 11,000.

Earl was not lacking for clients and had sufficient monies to support himself and his first wife, Inez. In 1923 he bought a house at 4807 South Prairie Avenue for \$6,000. In 1924 he bought a two-flat at 4528 South Parkway for \$22,500. Earl once said the 1924 purchase was the first time an African-American had lived in that neighborhood.

Although Inez and Earl reportedly threw splendid, fun parties at their place on South Parkway, they were not happily married. They divorced in 1927; he moved out of the house and gave it to her.

In 1930, Earl married Kathryn Kennedy Wilson, who had graduated from Englewood High School, took courses at the Art Institute, and

had developed an expertise in sewing and fashion design. Their only daughter, Diane, was born on May 13, 1934. The family then moved to a six-flat in which Earl had a half interest; he had bought it at a foreclosure sale.

The most significant move of the Earl Dickerson family took place in 1947 when he bought a luxurious three story home on Drexel Boulevard. The building was east and south of the racial dividing line. After considerable litigation, they moved into the property in 1949 and became the first black family to live in Hyde Park since before World War I. Judge William Sylvester White once told about seeing a white man riding a lawnmower on Dickerson's property. Judge White reportedly said, "I never thought I'd live to see the day that a white man on Sunday would be cutting a Negro's lawn."

Dickerson's rise to power in the City of Chicago was based more upon his business acumen and his political ambition than on his success as a lawyer. He is, however, remembered for his participation as lead counsel in *Hansberry v. Lee*, a Supreme Court case involving racial covenants, demographics, and class actions.

As early as the late 19<sup>th</sup> century, in many cities throughout the country, Blacks had begun moving into neighborhoods that had been exclusively white. The issue for the Whites was how to save the neighborhood. The initial answer was to pass zoning ordinances that excluded Blacks from certain areas. In 1914, Louisville, Kentucky, passed just such a restrictive zoning ordinance, which became the subject of a test case. A black man purchased a piece of property in Louisville from a white realtor. The black man refused to pay for property that he could not live in because of the ordinance; the white realtor sued the black man for breach of contract and also claimed that the Louisville zoning ordinance was unconstitutional because the ordinance made it impossible for him to make a living. In the case styled, *Buchanan v. Worley*, the United States Supreme Court held that legislation that prevented a black person from owning property solely because of his race was unconstitutional state action under the 14<sup>th</sup> Amendment.

If Whites could no longer count on zoning laws to keep the Blacks out of white neighborhoods, what else could they do? Violence would

work. Intimidation would work. But there was a limit to those means. Besides the Whites wanted something, some device, that at least smacked of legality. The something that met the test of legality for nearly thirty-five years was the racially restrictive covenant. Real covenants were not new to the law, but racially restrictive covenants were a clever means to the desired end, and they were contrived by the joint efforts of lawyers and real estate interests after the decision in Buchanan in 1917.

Being purely private agreements, these covenants did not violate the 14<sup>th</sup> amendment because they did not involve state action. The agreements provided that owners in a certain area of a city agreed not to sell to Blacks—a Black being defined as a person whose lineage was 1/8 black. In addition, the covenants “ran with the land,” meaning that future property owners were bound to the agreements even though they had not been parties to the original agreements. Clever devices these covenants!

The District of Columbia had many of these covenants. One racially restrictive covenant was challenged as unconstitutional in the D.C.

courts, but the United States Supreme Court dismissed the appeal for lack of a “substantial federal question.” In effect, the Court’s basis for the dismissal of the appeal meant that the case was essentially frivolous and would have been highly unlikely to succeed if the Court had heard it. This 1926 case, *Corrigan v. Buckley*, to all intents and purposes, sanctioned the racially restrictive covenants throughout the country.

It is estimated that in the late 1920’s, 85% of Chicago was covered by racially restrictive covenants. One small area of the south side of Chicago, Washington Park, rose to legal and historic significance. Washington Park was bordered by South Parkway (now Martin Luther King Drive) on the west and Cottage Grove on the East and by 60<sup>th</sup> Street on the north and 63<sup>rd</sup> Street on the south—a three block by four block area. At that time, the Hyde Park area to the east and the Woodlawn area were nearly 100% white. It was also rumored that President William Rainey Harper of the University of Chicago was concerned for the value of university property which lay due east of Washington Park.

**In 1926 residents of Washington Park and Woodlawn, the area directly south of Washington Park, created the Woodlawn Property Owners' Association. Its primary function was to prevent Blacks from moving into the subdivision. During the fall of 1927 and January 1928, a member of the association, accompanied by one or two notaries public and sometimes by a minister or a rabbi, knocked on doors throughout the neighborhood asking that the property owner sign the racially restrictive covenant. Ultimately 542 people signed the covenant, including not only the bulk of the home owners within the subdivision, but also a major business, a hospital, a synagogue, and Protestant churches.**

**By the late 1920's the black population bordering this area had exploded exponentially. Blacks wanted into Washington Park, and in the wake of the 1929 crash, Whites could not sell to other Whites because of the soft real estate market. Selling to Blacks was the financial solution. Was there a way to overcome the racially restrictive neighborhood covenant?**

In 1937, Carl Hansberry, a black man of some means and a leader in the black community, borrowed a few thousand dollars from the Supreme Liberty Life Insurance Company, where he dealt with Earl Dickerson. The home Hansberry purchased at 6140 Rhodes Avenue was not on the fringe of Washington Park, but in the very heart of the neighborhood, which exacerbated the racial tension. (Incidentally, Hansberry was not in the dire financial straits portrayed by his daughter Lorraine Hansberry in *A Raisin in the Sun*.) In an effort to force the Hansberrys out of Washington Park, six members of the association sued eight individuals and institutions that had been involved in the Hansberry's purchase of the home. The eight defendants were represented by six of the premier black lawyers in Chicago, Earl Dickerson being the lead counsel.

The plaintiff's theory was that the defendants had conspired to introduce Blacks into Washington Park by making dummy sales to middlemen. The plaintiffs sought an injunction that would require the defendants to cease activities that violated the racially restrictive



covenant. Filed in 1937, the case was decided by the United States Supreme Court in the fall of 1940.

Suffice it to say here that the Court did not address, some say “ducked,” the issue of the constitutionality of racially restrictive covenants. Rather, *Hansberry* is known among class action lawyers for its holding that the representative parties in class action cases must “adequately represent” the class that they represent; that is, for example, there must be no conflict of interest between and among the representatives and the other members of the class.

Earl and his fellow legal eagles won *Hansberry*, but for the wrong reason from their point of view. The decision increased panic among Whites in the area, and many suits were initiated to restrain sales to Blacks. Eight years after *Hansberry*, however, Thurgood Marshall successfully argued the constitutional issue in *Shelley v. Kramer*. In *Shelley*, the court held that private parties may abide by the terms of a racially restrictive covenant, but they could not seek judicial enforcement. Judicial enforcement would constitute discriminatory

state action, which would violate the equal protection clause of the Fourteenth Amendment.

Now back to our man Earl Dickerson. One author has stated that between 1939 and 1943, Dickerson had become the nation's most prominent and powerful African-American lawyer. In 1941 he was a Chicago alderman, a member of the NAACP's board of directors, and a member of FDR's Federal Employment Practices Committee. The FEPC was the federal government's primary effort to deal with racial discrimination in employment before Title VII of the Civil Rights Act of 1964. In addition, Dickerson worked at Liberty Life, later Supreme Liberty Life Insurance Company until 1971. The growth of Supreme Liberty owed a great deal to the legal cleverness and business savvy of our subject.

Dickerson's life was a whirlwind. He had a private law practice, but also during the 1920s and 1930s he had been assistant corporation counsel for the City or assistant attorney general of Illinois. He left the Republican Party and traveled throughout the North to build support among Blacks for the Democratic ticket. He served on the

board of the Chicago Urban League. He became an early leader in the National Lawyers Guild, which was the first integrated bar association in the nation. Four months after his victory in *Hansberry*, Earl was a guest on the platform at FDR's third inauguration.

Earl's friends called him "Earl B"; his detractors called him "Silk Stocking Earl." He was brilliant without question, but he was also the epitome of arrogance. He was tall, handsome, and light skinned; he was renowned for his impeccable dress.

Earl was, by no means, a "go along" guy. As an alderman, he was an agitator. He bucked the machine. He ran against the machine candidate in the Democratic primary for Congress in 1942 and lost in a bitter campaign. In 1943 the machine handpicked a firefighter to challenge him in the aldermanic race--the machine won again. Earl was essentially finished in politics by 1942, except for a weak run as a Republican for Congress in '43 and losing badly as a Henry Wallace Progressive in the '48 congressional campaign.

Nonetheless, in the black community Earl was the epitome of a successful businessman. Moreover, he was a highly prominent figure

among his fellow black lawyers. He and a few of his fellow black lawyers became determined to accomplish one particular professional goal. They wanted to become members of the prestigious Chicago Bar Association. Admission to the CBA became Earl's raison d'être in 1944.

The process by which Blacks broke the racial barrier at the CBA is a somewhat colorful story, replete with names of powerful Chicago attorneys. Elmer Gertz of *Gertz v. Robert Welch* fame wrote a letter to the president of the CBA in 1945 pleading with him to change the organization's policy. Gertz's plea fell on welcome ears, for the recently deceased sister of the CBA president, J. Francis Dammann, had been an adamant opponent of racial discrimination. Dammann promised Gertz he would change the CBA policy on race, and he kept his promise, but delivering on the promise was not easy.

One of Dickerson's efforts to gain support for admission is noteworthy. He took his application to Judge Otto Kerner, Sr., who then was on the Seventh Circuit. Dickerson had served for seven years as assistant attorney general under Kerner and was somewhat

surprised by Kerner's response. "Earl, I would do anything to help you. You were trusted and a good man in my office. But the members of the CBA have been friends of mine for years and have endorsed me as I moved forward to this position. I wouldn't want to enter into any controversy in this connection and therefore I can't sign."

Dickerson did receive the endorsement of several other members of the CBA and eventually was called for an interview before the 35-member board of the CBA. The Chair of the Board was Floyd Thompson, former chief justice of the Illinois supreme court. His first question to Earl was "Are you a communist?" Earl replied, "The communist state takes over all private property. The test is this: In practicing law I have accumulated a few funds and pieces of property; if any one of you were to undertake to deprive me of that property, you would find out whether I am a communist. Of course I am not a communist. Does that satisfy you?"

As the story goes, when Earl and his fellow applicant black friends were admitted, the CBA sent them letters accepting them and, at the same time, subtly attempting to dissuade them from making use of the

CBA dining room, then a favorite lunch spot of Chicago lawyers. To Earl this was nothing less than a challenge.

Within a few days of Earl's admission to the CBA, the prime minister of Jamaica came to Chicago to speak to a West Indian group in the city. One of the group was a friend of Dickerson and a native of Barbados. Earl invited the two to join him for lunch in the CBA dining room. According to some accounts, the two men, dressed in full regalia, utterly astonished and amazed the white lawyers dining that day. Earl said, "That was my debut as a member of the CBA. After that . . . I made it a practice to have lunch in the CBA once or twice a week."

While Dickerson was among the socially elite in the black community, he had been educated primarily in white schools, the U of C lab school, Evanston Academy, Northwestern, the University of Illinois, and the University of Chicago Law School. It was no surprise to many of his black friends that in 1949 when his daughter, Diane, was ready for high school, she went to Francis Parker on the north

side, while her black girl friends went to Du Sable High on the south side.

Diane was, indeed, the apple of her father's eye. In 1950, while a Parker student, she made her debut at an extravagant garden party, with aerial photos taken as a remembrance of the event. Her black girl friends apparently did not appreciate her having gone to Parker. One is quoted as saying, "I can still remember that white convertible she drove around after she graduated from Parker. She was like black royalty, wealthy, good looking, sophisticated." Another quipped later, "After her folks sent her to that Francis Parker School, that was the end of her life with black people."

In 1952, before Diane left for Mills College in Oakland, California, she and her boyfriend, Nellie Brown, planned a farewell date at the Empire Room of the Palmer House. Her father made the reservations. When Diane and Nellie arrived, the maitre de declared there was no reservation for them and refused to seat them, although the dining room was far from full. Nellie called his father, Sydney Brown, the first Black member of the Chicago Board of Education, and Diane

called her father, who immediately engaged another black lawyer and directed him to file a lawsuit under the Illinois Civil Rights Act. The suit against the Hilton Hotels for \$1,000 was successful. An all white jury awarded the kids \$100. According to Jet magazine however, this was no small matter. “The suit is believed to be the first of its kind won against a large hotel chain in this country.”

To celebrate the victory, Earl made reservations for all involved—guess where?—in the Empire Room. When the large party of guests arrived, the same maitre de who had refused to seat Diane and Nellie directed Earl and his guests to the balcony, although Earl had specifically made reservations for a table by the floor show. Dickerson fumed at the maitre de, reminding him in no uncertain terms that the family had recently won a lawsuit against the hotel for similarly discriminatory conduct. Diane reported that, despite a difficult beginning, the celebration was a splendid success. However, neither the maitre de nor the Hilton was repentant . . . for Dickerson had to garnish one of the Hilton accounts to collect the \$100 judgment.



By contrast, without difficulty, Earl was able to reserve a sixth floor suite of the Waldorf-Astoria--a suite reputedly often rented by Bing Crosby. The local press commented, "We have not known of any other Negroes to be served in the Waldorf Astoria (where he dined with another African American)." Earl also broke the color barrier at the Mayflower Hotel in Washington, D.C.

In the spring of 1956, rumors that Nellie and Diane would marry were confirmed by Jet magazine.

On August 11, 1956, John and Eunice Johnson gave the first of a "galaxy of glamorous and ultra swank" parties for Diane Dickerson prior to her August 18 nuptials. The prospective wedding was dubbed by the press as one of the most "talked of, and looked forward to, affairs of the social season." The wedding took place on August 18, 1956, at St. Edmund's Episcopal Church, 6100 South Michigan Avenue.

Following the wedding and honeymoon, Diana Dickerson Brown's name frequently appeared in the press as a beautiful matron and as a model in various fashion shows. Nellie Brown's name rarely appeared

in the press, which leads to the surmise that he must have been taking his law studies seriously. On June 15, 1957, Diane and Nellie became the proud parents of Steven Garret Brown. The couple was not featured together in the society columns during the next year or so, although Diane's name and photograph continued to appear by herself alone.

In early 1959, the Chicago Defender noted, in a review of the past year, that one sad event of 1958 was the announcement that "Diane Dickerson, daughter of wealth insurance mogul, Earl Dickerson, whose lavish wedding two years before had been a social highlight, and her husband Nelson Brown, Jr. scion of another prominent Chicago family had decided to go their separate ways."

Thereafter, little appeared in the popular press about either Diane or Nellie, until in 1961 Diane Dickerson Brown was reported as having received a Master's degree in social service administration from the University of Chicago. Diane's name appeared again when it was announced in February of 1964 that Diane Dickerson Cohen and her husband Stephen had become the proud parents of Joshua Earl Cohen.

Another of Diane's former friends is quoted as saying, "[S]he married Nelson Brown—this good looking lawyer from a good family . . . then with all her good background and history, she divorces Nelson and then ups and marries some white man that nobody ever heard of . . . somebody named Cohen."

During the course of the 1960's Nellie is frequently mentioned in the business or legal section of the south side newspapers as being a featured speaker on various aspects of real estate law.

In June of 1967 the Defender reported the birth of Nelson F. Brown, Jr. to Nelson Brown and the former Sonja Holmes, who had formerly been a secretary to Mrs. John K. Johnson of the publishing firm.

Six months later tragedy struck the Brown family when Donna Brown Branion, Nellie Brown's sister was murdered. At 11:30 a.m. on December 22, 1967, Dr. John Branion had set off in his car from the Ida Mae Scott Hospital on the south side. Five minutes later—after passing his home—he picked up his 4-year-old son from nursery school, then called on Maxine Brown, his sister-in-law, who was to have lunch with him and his wife. When Maxine explained that she

could not join them, Branion drove to his apartment at 5054 South Woodlawn. He arrived at 11:57 a.m. and found his wife Donna lying in a pool of blood on the floor of the utility room. She had been strangled and shot four times with a 38-caliber automatic pistol.

Branion immediately called the police.

Branion left for Vail, Colorado, for a Christmas break two days after the murder. One month later, armed with a search warrant, police recovered two boxes of 38 caliber ammunition from a closet in Branion's apartment. One box was full; the other had 4 shells missing, the same number that had killed Donna Branion. Shortly afterwards Branion was arrested for murder.

At trial a detective testified that a series of tests had been performed driving the route allegedly taken by Branion. The tests revealed that there was sufficient time for Branion to have left the hospital, driven home and killed his wife, and then gone on to pick up his son. A ballistics expert testified that the bullet could only have been fired from a very rare make of automatic pistol. Branion had denied owning that rare pistol until it was pointed out that he had received

that gun as a belated birthday present in February of 1967. Branion then changed his story, claiming the gun must have been stolen by the murderer. The weapon was never found.

To establish motive, Patrick Tuite, the prosecutor, asked a long series of improper questions regarding Brandon's mistress and his wish to get rid of his wife. Each question was objected to, and each objection was upheld by the court. However, that tactic enabled Tuite to establish at least the likelihood of an illicit relationship. Branion did not testify. He was convicted of murder and sentenced to 20-30 years.

Released on a mere \$5000 bond, Branion's lawyers took his case to the Illinois Supreme Court, which upheld the jury's verdict. While the case was pending, Branion managed to obtain a fake passport. In 1971, apparently sensing that the game was up, Branion fled the country to Africa. After a short stay in Sudan, he journeyed to Uganda and became Idi Amin's personal physician from 1972-79. Although he escaped the civil wars and invasions in Uganda, the new regime shipped him back to the United States, and he began serving his 20-30 year sentence in 1983.

Another twist to the story occurred in 1986 when Judge Reginald Holzer received an 18-year jail sentence for extortion and racketeering. Nellie Brown is featured in a fascinating affidavit signed by Attorney Bill Hooks on July 19, 1986, which states:

“After Dr. Branion was convicted, and while Judge Holzer was deciding what to do about the defense motion for a judgment notwithstanding the verdict, Nelson Brown [Donna Brown Branion’s brother] came to me and said that Judge Holzer was looking for a bribe. . . . A couple days later, Nelson Brown told me that he was able to get \$20,000 from other friends of John Branion’s, but they had imposed a condition that \$10,000 be paid to Judge Holzer in advance and the remaining \$10,000 would be paid to him as soon as John Branion was freed.... A day or two later, I inquired of Nelson Brown what was going on, and he informed me of a meeting that was held at the Holiday Inn on Lake Shore Drive, at which Judge Holzer and his bailiff, and Nelson Brown, were present. At that meeting \$10,000 in cash was passed to Judge Holzer. A day or two later . . . Nelson Brown informed me that Judge Holzer said that he could not accept the

remaining \$10,000 in addition to the \$10,000 he had already received, because the state's attorney had somehow gotten wind of the meeting in the Holiday Inn and threatened to arrest everyone concerned and to lock up the judge too if the judge reversed the jury's verdict. Nelson Brown added that Judge Holzer said he would, however, release John Branion on bail in return for the \$10,000 that was paid."

During the course of the 1986 Holzer proceeding, Prosecutor Tuite admitted that he had heard rumors of Holzer's intention to overturn Branion's conviction and had gone to see him, urging that the law be allowed to take its course. The speculation was that Holzer, unnerved by Tuite's visit, swindled those who allegedly paid the bribe, then sought to placate them by substituting a ludicrously low bail of \$5,000 allowing Branion to escape.

After serving seven years of his sentence, Branion was released from prison in August 1990 on health grounds. One month later, at age 64, he died of a brain tumor and heart ailment.

The affidavit of Attorney Hooks during the Holzer proceedings was essential because Nellie Brown could not testify. Nellie Brown had

been stabbed to death in the vestibule of his office building on Sunday, March 13, 1983. The news story of his death reported he had been a prominent attorney and that robbery was apparently the motive.

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Indeed, Frankie and Nellie were not lovers, but Frankie's connection with the names in this story does not end until years after Nellie's death. In 1989, my husband, Frank Morrissey, and I moved into an apartment building in Hyde Park where Diane and Chuck Montgomery lived. Diane had married Chuck in 1978. Upon learning that Diane Montgomery had been Diane Dickerson Brown at one time, Frank often engaged Diane in conversation about Nellie and about her father.

One evening in early 1990, Frank invited Diane and Chuck for a drink, and during the conversation Frank proposed that, with their approval, he would go about establishing the Earl Dickerson Award at the Chicago Bar Association. Frank thereafter met with the board of the CBA and with Chester Blair, who was CBA President in 1990-91. The Earl Dickerson Award was first presented in 1991 and has been



given to prestigious, black lawyers every year since. The first recipient was Harold Washington, posthumously. Later recipients include George Leighton, Ann Williams, and Don Hubert, who also received the award posthumously in 2007. When Chester Blair received the award in 2009, he graciously announced that Frank Morrissey had provided the impetus for the award when he, Chester, was president of the CBA in 1990-91.

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When I was thinking of presenting this paper, “Frank and Nellie Were Not Lovers,” I remembered vividly the evening in 1994 when Frank and I strolled into the lobby of our building. Upon seeing Frank, Diane Dickerson Brown Montgomery exclaimed, “Oh, Frank, today Nellie would have been a grandfather!”

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