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6A The Montgomery Advertiser, Sunday, April 9, 1964

WHITE STUDENTS LEAVE 20 Post Appeal Bonds In Disorderly Conduct

By DICK HINES
 Twenty persons, including an Illinois sociology professor and 19 of his students, were found guilty of disorderly conduct Friday after Recorder's Court Judge D. Eugene Loe ruled that their conduct in attending an interracial luncheon was "calculated to create a breach of the peace." Seven of the defendants were fined \$50 and costs and 13 were fined \$100 and costs. All appealed the guilty verdict and posted cash bonds which were set at twice the amount of the fines.

The Illinois student group was reported to have left Montgomery Friday night. According to their attorney, Clifford J. Durr, they were en route back to school. The hearings for the 20 defendants, who were arrested Thursday at the Regal Cafe, a Negro eating place at the corner of Grove and Jackson streets, continued through most of the morning and into the early afternoon. After Judge Loe found them guilty, he adjourned court for two hours before reconvening to pronounce punishment.

In addition to Nesmith, those fined \$100 and costs were the Rev. Robert Earl Durbose and the Rev. Solomon S. Seay Sr., local Negro ministers; the Rev. Elroy Embry and Marzette Watts, who were expelled from Alabama State College a month ago for participating in anti-segregation demonstrations; James Richburg, a student at ASC, and the Rev. R. Edwin King, 23, assistant pastor of Grace Methodist Church in Cambridge, Mass.

VAGRANCY CHARGES
 Embry and Watts were also arraigned on vagrancy charges, with police saying neither had any visible means of support since they were expelled from college. Embry's case was set over until April 8. He testified he serves as minister of two churches in Green County for which he receives a minimum of \$1,200 a year.

The Rev. A. S. Bannister, district superintendent of the Montgomery District of the Methodist Church (Negro), said Embry is an "approved supply" minister rather than an ordained minister. **SUFFICIENT FUNDS**

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mounting before the group was placed under arrest. Chief of Police G. J. Ruppenthal said that the crowd had to park up on Jackson about a half a block. Pictures of whites and Negroes seated together at a table were shown on a movie screen set up in the courtroom.

The Nesmith couple and the students of the Illinois college were represented by Alty Clifford J. Durr, who contended that the behavior of the group was "inconsistent" with the charge of disorderly conduct. No evidence was presented to indicate cursing or boisterous conduct, he said, and he pointed out that the city now has no laws forbidding Negroes and whites to eat together.

King and the Negroes were represented by three Negro attorneys, Fred Gray, Solomon S. Seay Jr., and Charles Langford. Nesmith was the sole defense witness. Purpose of the group's tour of the South, he said, was to "give students a chance to make personal contact with issues and problems connected with sociology." Montgomery was put on the agenda, he said, because of "non-violence" practices of Negroes during the bus boycott. His group went to lunch at the Regal Cafe with Negroes whom he met at the pre-integration Montgomery desegregation assembly.

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Birmingham Court Slates Sit-In Trials For Monday

Montgomery Advertiser
BIRMINGHAM (AP)—Ten Negroes arrested in a demonstration at downtown eating places Thursday were released from jail on \$500 bond each Friday.

All will be tried in Recorder's Court Monday night on charges of trespassing after warning. The students were arrested minutes after they took seats at lunch counters in three variety department stores. None was served.

The lunch counters were closed temporarily but reopened later in the day. No incidents developed in connection with the demonstrations.

The Rev. F. L. Shorttsworth, 30, Birmingham Negro leader, was arrested Thursday on a charge of giving a false report to police. He was released on \$500 bond Friday.

Police said the Baptist minister's arrest had nothing to do with the demonstration. He will be tried in Recorder's Court Monday night.

Detectives C. L. Stearns and J. L. Pifer were charged with the arrest. They were accompanied by a report negative police last week.

Police said the Negro had been with placing a dangerous obstruction on a public road. More than 100 crosses were burned in widely scattered areas in Birmingham in a drive to desegregate the city.

Convicted were Wilburn D. Cowan, 37, Birmingham, Ala. man 23; Norris E. Faulkner, 27, Calvin Tamsey, 35, all of Amherst, Ala., and Orville Pessnell, 37, Blue Mountain, Ala.

Their attorneys said they will appeal. Oscar Faulkner Jr., 30, Clac, Ala., failed to appear and was ordered arrested. He was assigned from the Ku Klux Klan and said publicly the cross burning and said publicly the cross burning embarrasses his family.

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Sociologist Disappointed By Verdicts

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