

First Of Negro Appeal Cases Nearing Jury

5-10-60

Appeal trial for the first of 32 Negroes who staged anti-segregation demonstrations is expected to go to the jury today.

Defense attorneys Monday asked for separate trials for each of the 32 defendants, so the proceedings could well last for two weeks or more.

Atty. Sam Rice Baker was named special circuit judge to hear the cases. Atty. Heirston Foster usually handles such special duties, but Foster was hospitalized last Tuesday from exhaustion from his campaign for circuit judge.

The cases arose out of a demonstration near Alabama State College on March 8. The 32 were given heavy fines in Recorder's Court on charges of failing to obey an officer and disorderly conduct.

First to go on trial was Kenneth McMillian, 19, a student at ASC. Two college employes and a city policeman were among the first witnesses.

Mr. H. O. Davis Sr., Children's Friend

Dear Mr. Davis:

You knew who and what was needed for a hurrypup job, and did it. You talked severely with some, more moderately with others and in about the time it took to walk from here to there, you had \$200,000 wrapped up for the new Spastic School.

Montgomeryans who contributed to the drive were unanimous in their praise of you for the way it was conducted. There was no wheedling of a dollar of this corner and two dollars across the street.

You realized it might take months, even years, to get the

BOWMAN TESTIFIES

5-10-60

France Watching Girl's Trial Here

By DONALD F. MARTIN
United Press International

The French government has taken an "active interest" in the disorderly conduct trials of 12 Midwestern whites given heavy fines in Recorder's Court for eating lunch with seven local Negroes.

W. C. Bowman, board chairman of the First National Bank and honorary French Counsel for Alabama, testified in Circuit Court late Monday that one of the MacMurray College defendants, Jacqueline Desvaux, was a Fulbright scholar from Saint-en-Laye, a suburb of Paris.

Bowman said the French Consul in New Orleans, who appointed him to his post in Alabama, asked him to "manifest interest" in the case against the petite blond from across the seas. He said the purpose of the Fulbright scholarships was to "promote international friendliness" through the exchange of intellectually-curious students.

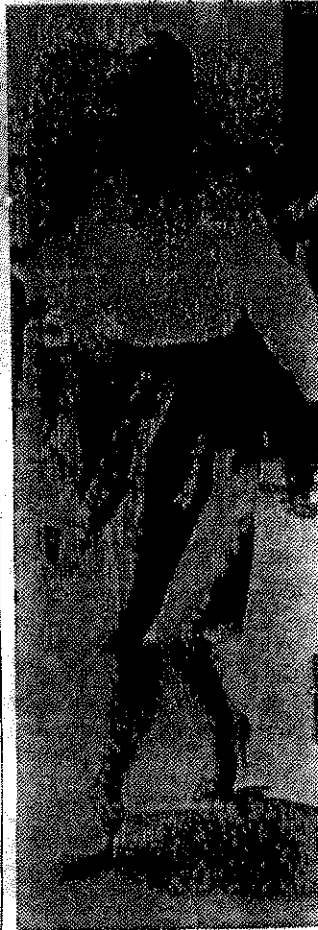
Bowman, head of Alabama's third largest bank, said Miss Desvaux was studying sociology at the integrated Methodist college at Jacksonville, Ill.

When asked by prosecutor David Crosland whether the Fulbright plan promoted integrated eating, Bowman snorted "no." In persisting with that line of attack, Crosland was taken aback by Bowman's reply, "it's obvious you don't want the facts."

NESMITH CASE NEAR JURY

The jury is expected to receive the cases against Sociology Prof. Richard Nesmith, his wife and 10 MacMurray students before noon today. Defense attorney Clifford Durr, a former member of the Federal Communications Commission, told UPI he planned to rest his case after placing each of the defendants on the stand "so the jury can get a good look at them."

The prosecution rested its case



JACQUELINE DESVAUX
... Arouses French Interest

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Monday with the accusation they were promoting integration.

Crosland accused Nesmith of leading his wife and the students from MacMurray College at Jacksonville, Ill. on a southern tour to show how integration was invading Dixie. He accused Nesmith of discussing the racial issue with "Communist-influenced" organizations and other groups promoting

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TRIAL

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a breakdown of the color bar in Arkansas, Mississippi, Louisiana, and Alabama.

Nesmith, dean of men and chairman of the sociology department at the 114-year-old school, adamantly denied the charges and said the purpose of the trip was "to familiarize the students with non-violent resistance as a device for social change."

Nesmith, his wife and 10 students were arrested while eating lunch with seven local Negroes March 31. All 20 were jailed overnight except Nesmith and his wife who were allowed bond. Their two-year-old daughter was placed in the custody of the county welfare department until the professor and his wife were released. The next day, the 12 whites and the seven Negroes were convicted of disorderly conduct and fined from \$50 to \$100 and costs.

Earlier, Durr made Police Chief G. J. Ruppenthal concede there was "no profanity, no boisterous action, no threatening words and no violence" in the private dining room where the whites were eating with the Negroes.

TENSION CREATED

However, Ruppenthal, along with three other officers, testified a crowd of between 100 and 300 Negroes formed outside the cafe where the integrated luncheon was held, "creating an air of tension."

Taking the stand, Nesmith testified the police waited 45 minutes before sending the group to jail or informing them that they were breaking local social customs. He said the group was welcomed by the management of the Negro cafe and that the crowd of Negroes did not form until authorities arrived in police-marked vehicles.

Circuit Judge Eugene Carter dismissed a motion by Durr to throw out the case on ground the city had failed to present valid evidence and because charges against the defendants represented violation of the freedoms of speech and assembly.

"There is not one scintilla of evidence there was any violence, any disturbance, any resistance caused by these defendants," Durr said, "and I therefore move that all evidence be stricken and the cases dismissed."

Crosland, who won convictions in Recorder's Court April 1, said the Constitutional rights of the defendants, both state and federal, were not violated. He said the integrated luncheon was a premeditated calculation to breach the peace.

Both Durr and Crosland struck 16 men each from the venire list of 32. No members of the Ku Klux Klan, the Citizens Council, the National Assn. For the Advancement of Colored People, the Congress of Racial Equality or the Montgomery Improvement Assn. were seated. No Negroes were

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