

1EK6715

# 1 Of Negro Appeal Cases Hearing Jury

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. Heiston 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 of failing to obey an officer and disorderly conduct.

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

## BOWMAN TESTIFIES

# 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 an honorary French Counsel for Alabama, testified in Circuit Court 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 M.I.'s 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."

**JACQUELINE DESVAUX**  
... Arouses French interest

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 in vogue during Dixie. He accused Nesmith of discussing the racial issue with "Communist-influenced" organizations and other groups promoting integration.

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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 Negroes were eating with the whites.

**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 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 a 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 against the Communist Party in the 1950s, said the Communist Party and the defendants both state and federal, were not worried. He said the integrated lunch was a peaceful, non-violent act. He said the group was welcomed by management of the Negro cafe and that the crowd of Negroes did not form until authorities arrived in police-marked vehicles.

Both Durr and Crosland were fined \$250 each. Durr was also fined \$250 for contempt of court. The National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference (SCLC) were among the groups that were selected for the trial. The trial is expected to last several weeks.

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