

## BROWN CASE VOIDED

# Evidence Of Conspiracy

## Viewed In Mix Arrests

By ARTHUR OSGOOD  
S. District Judge Frank M. Johnson declared a conspiracy Thursday declined of the defendants. Asst. Police Chief E. P. Brown, finding that the plaintiffs had failed to substantiate their criminal police officials by a Kansas testimony for the plaintiffs by a seminar professor, his wife failed to substantiate their criminal two Boston University students. They were arrested March 31 at a local Negro cafe as they discussed local racial unrest with

a group of Negroes over a chicken dinner. Johnson did not accept the plaintiffs' testimony for the plaintiffs. All defendants have asked a directed verdict in their favor.

### DAMAGING EVIDENCE

But he described the testimony after the plaintiffs had completed their case late Thursday afternoon, as "indicating to me that there was a course of action designed to bring about a disorderly conduct statute of a disorderly conduct statute."

The judge said "the most damaging evidence in this lawsuit" was the minutes of a City Commission meeting showing the passing of disorderly conduct statutes under which the plaintiffs were arrested a few days afterwards and the repeal on the same day of former city ordinances forbidding public race mixing.

The plaintiffs are Dr. and Mrs. Richard Nesmith, of Kansas City, and college students Thomas W. and Thel Baumann Ramsbey. The defendants remaining in the case are City Commissioner L. B. Sullivan, Police Chief G. J. Ruppenthal, Asst. Chief J. R. Elland, and Police Lt. H. D. Alford.

But Johnson kept Elland in the case only under the conspiracy claim and the false arrest and malicious prosecution claims as they related to Mrs. Ramsbey. (See ARRESTS, Page 2A)

## Arrests

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tion during examination and cross-examination of witnesses before the case was recessed were whether the arrests of the Nesmiths and 10 students while they dined with Negroes were justified by a tense racial situation, and whether the plaintiffs suffered damage to their reputations as a result of their arrests.

Dr. Nesmith, who headed the sociology department at MacMurray College, Jacksonville, Ill., at the time he headed a sociological field trip into the South last year testified his group was "trying to get a better understanding of the South's sociological conditions."

He said that efforts were made in the trip to reach spokesmen for both segregationist and integrationist points of view, and that he did not know a tense racial situation prevailed here prior to his arrival.

Cross-examined by Attorney John Kohn, representing Ruppenthal, he said there were no plans to talk with local segregationist spokesmen though the group intended to visit the Toddlers' Acres cattle farm to study agricultural changes.

He said his arrest caused him embarrassment and humiliation. Defense attorneys challenged his statement that it had also damaged his reputation.

### MORE PAY, NO LOSS

He conceded that his new post at the St. Paul School of Theology brought him more pay and no loss in prestige and that he was not forced to leave MacMurray College.

But Nesmith maintained that his professional reputation had been damaged in the eyes of some of his colleagues and that threatening and abusive letters and telephone calls stemming from his arrest here.

Nesmith and the other three plaintiffs all testified to snubs and censure on the part of college associates.

But they did not claim being put to heavy expense beyond sums ranging from \$15 to \$50 spent traveling to and from Montgomery to face trial. They also did not claim that they were cursed or physically mistreated by police.

Mrs. Nesmith said she suffered great anxiety when police here took her two-year-old child from her after her arrest and put it in custody of Juvenile Court authorities. And Ramsbey said his parents were disturbed by a "crank letter."

Mrs. Ramsbey, who was Miss Thel Baumann, at the time of the arrests, was asked if the experience damaged her romance with Ramsbey. She responded that "he understood."

### LIVE EAR CARE

Three Negro witnesses, Rachel and S. Jordan Sr., Henry Spears and Reuben Gince, all of whom live near the cafe where the arrests were made, all testified they saw no sign of impending violence.

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But Alford, taking the stand as the first defense witness, said he feared violence as a crowd of between 100 and 150 persons gathered.

He said he signed warrants against the college group at the direction of a superior.

Detective R. C. Cox, questioned by plaintiff's attorney Benjamin E. Smith of New Orleans, said his memory was at fault when he said he was dispatched by Brown to the cafe where the mixed group were dining. He said it was Elland who sent him.

Local attorney Clifford Durr presented most of the case for the plaintiffs. Sullivan, Brown and Alford were represented by Calvin Whitesell, Ruppenthal by Kohn, and Elland by James Carter.

An all-white male jury was seated after three Negroes were removed by challengers, one by plaintiff's attorneys and jurors were questioned as to their relations with parties or attorneys in the lawsuit and on membership in the White Citizens Council.

The case will be resumed at 9 a.m. Friday.