

# Seawell Rebuffs New York Critic

**BY GUY MUNGER**

Greensboro Daily News Raleigh Bureau

RALEIGH, Feb. 12—Attorney General Malcolm Seawell today told a New York critic of his views on Negro student sitdown strikes that "I stand by what I have said—if you like it, well and good—if you don't like it, you may lump it."

The blunt reply was in a telegram from Seawell to Patrick Murphy Malin, executive director of the American Civil Liberties Union.

Malin wired Seawell yesterday that the attorney general's comment on Negro efforts to eat at lunch counters serving whites "may be taken as a threat to prosecute the students for their legitimate assertion that under the 14th Amendment, as American citizens, they are entitled to equal treatment."

### 'Supports Efforts'

"The American Civil Liberties Union strongly supports efforts to desegregate places of public accommodation such as restaurants . . ." Malin said.

"We also believe that the students' peaceable demonstration is an exercise of their first amendment right of free speech."

In his reply to Malin, Seawell said that he stood by his previous

comments that "the sitdown strikes in restaurants in this state pose a serious threat to the peace and good order in the communities in which they occur" and that "the right of the owner of a private business to sell or to refuse to sell to customers has been recognized by our State Supreme Court."

### Cites Court Ruling

Seawell also cited a July 16, 1959, ruling by the U.S. 4th Circuit Court of Appeals involving a case of alleged racial discrimination by a Howard Johnson Restaurant at Alexandria, Va.

Seawell said the court "has stated that a privately operated restaurant is at liberty to deal with such persons as it might select and that the 13th and 14th Amendments of the federal Constitution do not operate to prevent its proprietor from excluding Negroes."

Seawell told Malin that "it is of the utmost unimportance to me as to what efforts or activities the American Civil Liberties Union may support."

"Let me assure you that I have threatened no one," said Seawell, "and let me add emphatically that my statements with respect to the law in this state are none of your business."