

Views Given On Sitdowns By Marshall

CHARLOTTE, March 26 (AP) — Thurgood Marshall, the NAACP's chief lawyer, declared Sunday that people taking part in sitdown demonstrations cannot rightfully be convicted of trespassing. But he admitted it is uncertain whether a store owner can be required by law to serve Negroes as well as whites.

Marshall, director-counselor of the NAACP's Legal Defense and Educational Fund, made his remarks at a news conference. Later he addressed a "Freedom Mass Meeting" sponsored by the NAACP's Charlotte branch.

He told newsmen the NAACP will defend with all its resources every person involved in a court action because of "a lawful and peaceful demonstration." The matter was thoroughly covered at a lawyers' conference just ended at Howard University in Washington, he added.

Marshall admitted it is questionable whether the courts would rule that a business establishment must serve people of all

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races. People who enter stores with the purpose of buying are known in legal terminology as "business invitees," he said, and common law once held that an owner could arbitrarily withdraw this so-called invitation.

However, he said, court rulings more recently have tended in the other direction. He said size of an establishment often figures in such rulings. "A small, very swanky dress shop may say 'I just don't want to deal with you.' But a large shopping center, say, would not have a clear-cut right to restrict its service to people of one race."

Marshall again spoke out against the idea that Negroes may purchase goods in a variety store at every department except seated at a lunch counter. He also denied that any legal issue is involved in the arrest of 388 Negroes at Orangeburg, S.C., where a downtown demonstration was held last Tuesday.

Fifteen of the Negroes were convicted at Orangeburg Saturday of breach of the peace. They were fined \$50 each and Negro lawyers filed appeal notices.

Asked why sitdown demonstrations, which began a few weeks ago at Greensboro, have spread so rapidly, Marshall opined that young people are impatient with the slowness of court action in furthering equality. "And if you mean, are the young people impatient with me, the answer is yes," said the NAACP's chief legal counsel.

He told a packed crowd later at Charlotte's Park Center that the sitdowns are the latest evidence that "the cry for freedom is increasing in tempo throughout the world."