

43 Students Convicted In Raleigh

RALEIGH, March 28 (AP)—Lunch counter protests brought trespass convictions today for 43 Negro college students.

City Court Judge Albert Doub ordered two of the 43, James A. Fox and Albert R. Sampson, to pay fines of \$25 and costs each. They were arrested last Monday at the McLellan's store in downtown Raleigh.

The other 41 were ordered to pay fines of \$10 and costs. They were arrested on the sidewalk near a Woolworth Store in Raleigh's Cameron Village several weeks ago.

Lawyers for the 43 served notice of appeal to Wake Superior Court. One of them had stated previously they intended to carry the cases to the U. S. Supreme Court if necessary.

Motion Denied

In each case, Judge Doub denied a defense motion for a non-suit. The written motions contended that the state's trespass law, which says in effect that a merchant may serve the customers he wishes to serve, is unconstitutional.

The 41 cases were all tried upon an agreed statement of facts and were disposed of in rapid-fire order. Both the defense and prosecution agreed that the facts were the same as those upon which two other students, George Samuels Jr. and Thomas Alexander Hairston, also arrested in Cameron Village, were convicted two weeks ago.

Trial of Fox and Sampson took another hour.

At the conclusion, Judge Doub commented that, "under the law

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as I understand it, they are guilty of trespass. They were asked to leave and they didn't leave. They said they had no intention of leaving."

Lawyers for the two youths subjected Claude M. Breeden, manager of the McLellan store, to a searching cross-examination. He told the court that since the southside Negro lunch counter protests started several weeks ago, he had erected a small fence to separate the lunch counter from the rest of the store and had erected signs saying, "Employees and guests only" and "no trespassing."

During the cross-examination, Breeden testified that if Fox and Sampson had been white they would have been served. He also answered, "That is correct" when he was asked if Negroes were welcome to trade at every counter in his store except the lunch counter.

He also testified he did not serve Negroes at the lunch counter because he did not have facilities for serving them in accordance with local customs.

Asked if it was a local custom to exclude Negroes from lunch counters patronized by whites, Breeden answered, "I don't know."

Police officer J. T. Duke said he arrested the youths after Breeden had repeated in his presence a request that the students leave the lunch counter and they declined to leave.

"They told me that's what they wanted—to be arrested," said the officer. Sampson denied saying this. However, he said students had waited for some time for McLellan to leave the entrance to the lunch counter unguarded by a store employe so they could enter.

Both Sampson and Fox said they made purchases in the store before going to the lunch counter and they considered this made them guests of the store.