

Groundwork Laid For Possible High Court Test Of Lunch Counter Battle

By Associated Press

A city court conviction of 43 Negro students for trespassing in North Carolina has laid the groundwork for a possible U.S. Supreme Court decision on lunch counter demonstrations.

Attorneys for the students announced yesterday the convictions and fines at Raleigh will be appealed first to Superior Court. One lawyer has said the cases will be taken to the Supreme Court if necessary.

The appeal involves constitutionality of North Carolina's trespass law which says in effect a merchant may serve the customers he wishes to serve. Other Southern states have similar statutes.

While the court test got under way, the sitdowns spread to Louisiana for the first time. The chief of police at Baton Rouge arrested seven Negro students from all-Negro Southern University after they sought service at the white lunch counter of an S. H. Kress Store. They were charged with disturbing the peace.

After the arrests, Louisiana Gov. Earl Long said the demon-

stration was very foolish. He suggested that dissatisfied Negroes return to their native Africa and "they'll find out they're doing a lot better here."

At Memphis, Tenn., eight Negro lawyers met with the city commission and asked that all public facilities be desegregated immediately. The answer was an emphatic no. Mayor Henry Loeb said the commission is "pledged and committed to maintain segregation by all legal means."

Orangeburg, S.C., continued trying 388 Negro students arrested two weeks ago in an anti-segregation parade. Twenty received sentences of \$50 fines or 30 days in jail for breaching the peace and promptly appealed to a higher court. Fire hoses and tear gas were used to break up the parade March 15.

And in Columbia, S.C., Gov. E. F. Hollings said racial demonstrations which threaten the peace will result in the arrest of either white persons or Negroes. He spoke out at a news conference when asked about recent Ku Klux Klan cross burnings.

State law makes it a crime to burn a cross on public property or on private property without consent of the owner. The recent burnings were on property leased by pre-arrangement.