[MS-0436.004.013.069]

Tribune
April 23, 1965

Court Upholds CORE Sit-In Jail Terms

Appellate Judges Outlaw Acts Which Disrupt Business

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Demonstrators who break the law to correct social evils — real or imagined — must stand ready to take their punishment, Superior Court appellate judges ruled today.

That was the message of a lengthy ruling by the Appellate Division of the Superior Court in affirming the jail sentences of Congress of Racial Equality members who conducted sit-ins, lie-ins and other demonstrations last summer.

The demonstrations were at various San Diego branches of the Bank of America in protest over alleged discriminations in hiring practices.

Evidence Discounted

In their trials, the defendants protested that evidence of discrimination at the bank was ruled inadmissible.

In upholding the convictions, the appellate judges also rejected defense contentions that their actions which obstructed bank business were protected by new federal civil rights laws.

The decision observed that the new laws are aimed at eliminating racial discrimination at places of public accommodation. The local banks, the ruling said, provided service to all persons, even to the demonstrators whose actions tied up business.

Obstructions Outlawed

While outlawing such actions to protest "real or imagined" discrimination in hiring policies, the judges declined to say what manner of protests might be held legal.

However, in answer to a reporter's question, one judge observed:

"The right to picket is protected as part of the right of free speech. That means it must be for informational purposes only. That means it cannot be used for physical obstruction of the business.

'They Can Picket'

"It means that if a person or group wants to picket to call public attention to their protest — in small enough numbers so as not to interfere with the business — then they can picket night and day to their hearts' content."

Today's decision upheld convictions and sentences imposed on CORE leaders by Municipal Court judges Madge Bradley, Luther Hussey, Frank Nottbusch and Roy Fitzgerald.

Cases Combined

The cases had been combine for purposes of review by the Appellate Division of the Superior Court. The division consists of judges William Glen, James Toothaker and Robert Conyers.

Hardest hit by the decision was the chairman of the San Diego Chapter of CORE, Harold K. Brown, a teacher at Einstein Junior High School. He received jail terms totaling 75 days. Others received as few as six days.

Nottbusch Hits 'Liberals'

The original sentences included judges' statements ranging from sympathy for the CORE cause—but not for the manner of protest—from Judge Fitzgerald to a statement by Nottbusch that he had nothing but contempt for "white liberal intellectuals" who he said have no place in the struggle for Negro rights.

Warrants Name 23 CORE Pickets

Superior Court Judge Vincent A. Whelan yesterday ordered the arrest of 23 Congress of Racial Equality demonstrators for alleged contempt of court.

The contempt action arose out of CORE's mass demonstration and sit-in Friday at the main branch of the Bank of America a day after Whelan had issued a preliminary injunction limiting picketing at the bank.

Whelan signed warrants of arrest late in the day and set bail for each defendant at $300. A hearing was set for 10 a.m. next Thursday. He also issued an order for CORE to show cause why the organization should not be held in contempt.

Josiah L. Neeper, attorney for the bank, charged the defendants intentionally violated the injunction in the Friday demonstration.

He introduced declarations of the branch's operations officer, Ernest Holmes, and four others, photographs, films, a leaflet and a speech made by Harold K. Brown, CORE leader.

Brown, in the speech at the bank Friday, declared demonstrators were violating the injunction because it was "unjust and immoral."

Neeper said those who were served with the court order during the demonstration were warned that they were violating it.

Individuals named in the warrants included Brown, 30, of 762 Bollenbacher St.; William R. Beard, 34, of 3215 Bramson Place; Ambrose Brodus, 39, of 653 San Miguel St.; Frederick Cawley, 32, of 2444 River Road, National City; Stanley Crocket, and a man named Collins whose first name is believed to be Charles, according to Neeper.

Two of those named were arrested last night. Beard was booked in the county jail. Cawley posted the $300 bail.

GOVERNOR CALL

Visit Ch

A layman's "therapy" this week highly buoyed the spirits of former Mayor Charles Dail, recuperating from surgery in Sharp Memorial Hospital.

The therapy was a visit from a friend of about two decades—Gov. Brown.

"You look marvelous . . . You have that old sparkle again," Brown was quoted as saying as he walked into Dail's room. Mrs. Dail said the former mayor was excited about the governor's visit.

Dail and Brown talked about old times and the for-