

Legal Bulwarks Of Rights Cases Set Racists Free

By James E. Clayton
Staff Reporter

The Supreme Court added another touch of irony yesterday to the case of two leaders of the National States Rights Party who were convicted of contempt of court in Alabama.

The Justices unanimously reversed the conviction, basing their action on a legal theory developed three years ago in the case of a Negro from Louisville.

The twist was the latest in the series through which the leaders of the violently anti-Negro, anti-Semitic Party have benefited from legal efforts put forward previously on behalf of Negroes.

Carried by ACLU

The case, involving Edward R. Fields and Robert Lyons, was carried through the courts by the American Civil Liberties Union. It received support in legal briefs filed by the NAACP and the Department of Justice.

The Supreme Court's decision simply said: "The judgment of the Supreme Court of Alabama is reversed. Thompson v. City of Louisville, 362 U.S. 199; Garner v. Louisiana, 336 U.S. 157." The two cases stand for the rule that a man cannot be convicted of crime if there is no evidence against him.

The Court meant that nothing the two men did violated an order issued by an Alabama circuit court. The

two were arrested in Fairfield, Ala., in 1961 for violating that order which directed them not to hold a rally protesting desegregation and not to distribute handbills.

They were arrested at the time and place of the rally when they told people it had been moved to another city and distributed copies of their newspaper, but not the handbill.

Course Urged by Justice

The Justice Department had urged the Court to take this particular course of decision and thus avoid the constitutional question raised by the case: whether an unconstitutional court order must be obeyed or can be tested in a contempt proceeding. The order was probably unconstitutional because it infringed on their right of free speech. The Court normally avoids constitutional issues whenever it can.

The no-evidence rule was established in 1960 after Sam Thompson was convicted of loitering in Louisville. Before that time, the Supreme Court had never specifically said that a conviction based on a total lack of evidence is unconstitutional.

Thompson was also defended by the ACLU. The other case cited by the Justices was the first decision relating to Negro sit-in demonstrations.

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JK2251F Page 39
MAR 3 - 1964

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States Rights Party Picks
2 for Presidential Ticket
LOUISVILLE, Ky., March 2 (AP)—John Kasper, operator of an automobile service center in Nashville, is the National States Rights party's nominee for President.
J. E. Stoner of Atlanta was selected as the party's Vice-Presidential candidate.
George Lincoln Rockwell, leader of the American Nazi party, tried unsuccessfully to get into the States Rights convention, held yesterday at a Louisville hotel.
While integrationists picketed quietly, outside the hotel, the Nazi leader was "gently but firmly" turned away from the meeting, according to Edward R. Fields, leader of the Birmingham-based States Rights group.
Mr. Fields called the Nazi leader a "known leftist."
Kasper served three jail terms on charges of having interfered with court-ordered desegregation in Tennessee.