

'NOT A SHRED OF EVIDENCE'

But Judge Convicts King and Co. Anyway

Verdict will be appealed all way to Supreme Court

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BIRMINGHAM, Ala.—“There's not a shred of evidence that these defendants engaged in unlawful activity of any kind, unless the city of Birmingham considers an orderly stroll on the sidewalk as unlawful.”

That was terse summation Mrs. Constance Baker Motley, associate NAACP counsel, made to Circuit Judge W. A. Jenkins Wednesday afternoon.

But Judge Jenkins obviously wasn't listening.

Friday morning he sentenced Dr. Martin Luther King Jr. and ten other ministers to five days in jail and fined them \$50 each after finding them guilty of criminal contempt for violating a state injunction against any form of protests against racial discrimination and segregation.

JACK GREENBERG, NAACP chief counsel, immediately served notice that the convictions would be appealed all the way to the United States Supreme Court, if necessary.

Under Judge Jenkins' rul-

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ing, the 11 ministers must stand committed to the custody of the sheriff of Jefferson County, Ala., for a period of five days beginning Thursday, May 16.

Besides Dr. King, president of the Southern Christian Leadership Conference, ministers found guilty were:

Ralph D. Abernathy, vice president of the conference and pastor of Atlanta's West Hunter St. Baptist Church; A. D. Williams King, pastor of First Baptist Church, Ensley, Ala., brother of Dr. King; Wyatt Tee Walker, executive director of SCLC; J. W. Hayes, pastor of Trinity AME Zion Church, Ensley; Andrew Young;

ALSO N. H. SMITH JR., pastor of New Pilgrim Baptist Church; Theodis L. Fisher, pastor of Mount Hebron Baptist Church; James Bevels of Cleveland, Miss., field secretary of SCLC; Fred L. Shuttlesworth, president of the Alabama Christian Movement for Human Rights and pastor of Revelations Baptist Church, Cincinnati.

A total of 52 other Freedom Fighters and two organizations, the Alabama Christian Movement for Human Rights and the Southern Christian Leadership Conference, are scheduled to face contempt trials on May 8.

MRS. MOTLEY'S calm and deliberate argument Wednesday concluded a three-day bitterly-fought effort of the City of Birmingham to put the clerical Freedom Fighters behind bars.

She did succeed in convincing Judge Jenkins that the 11 respondents were not guilty of civil contempt. Under this charge they could have been kept in jail forever if the judge deemed they had not purged themselves of the charge.

The wording of the injunction would have left Dr. King and his followers with only one way to free themselves.

This would have been to pledge that they would not

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