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1 STATE OF MARYLAND :

2 :

3 vs- :

4 :

5 ROBERT M. BELL, :

6 LOVELLEN P. BROWN, :

7 ARIMENTHA D. BULLOCK, :

8 ROSETTA GAINNEY, :

9 ANNETTE GREEN, :

10 ROBERT M. JOHNSON, :

11 RICHARD MCKAY, :

12 ALICETEEN E. MANGUM, :

13 JOHN R. QUARLES, JR. :

14 MURIEL B. QUARLES, :

15 LAWRENCE M. PARKER, :

16 BARBARA F. WHITTAKER :

17 Indictment #2523 :

IN THE

CRIMINAL COURT

OF

BALTIMORE CITY

PART III

Baltimore, Maryland
November 10, 1960

Transcript of proceedings

Before Honorable Joseph R. Byrnes, J.

Appearances:

James W. Murphy, Esq. on behalf of the State.

Robert B. Watts, Esq.

Tucker R. Dearing, Esq.

Juanita J. Mitchell,

On behalf of the Defendants.

1 THE CLERK: Indictment #2523. Robert M. Bell,
 2 Lovellen P. Brown, Arimentha D. Bullock, Rosetta Gainey,
 3 Annette Green, Robert M. Johnson, Richard McKay, Aliceteen
 4 E. Mangum, John R. Quarles, Jr., Muriel B. Quarles, Lawrence
 5 M. Parker and Barbara F. Whittaker. As I understand all
 6 three counsel, Mr. Watts, Mr. Dearing and Miss Mitchell
 7 are representing all defendants, is that correct?

8 MR. WATTS: That's right. All are here with one
 9 exception, Aliceteen Mangum.

10 THE CLERK: All are charged with trespassing in
 11 Indictment 2523. Now as to all defendants, have copies
 12 been received?

13 MR. WATTS: Yes, we have received copies.

14 THE CLERK: Robert Bell, what is your age?

15 MR. BELL: 17

16 THE CLERK: Your address?

17 MR. BELL: 2026 E. Hoffman St.

18 THE CLERK: Lovellen Brown, your age?

19 MISS BROWN: 17,

20 THE CLERK: Your address?

21 MISS BROWN: 2019 N. Wolfe St.

1 THE CLERK: Bullock, what is your age?
2 MISS BULLOCK: 17.
3 THE CLERK: Your address?
4 MISS BULLOCK: 1211 N. Caroline.
5 THE CLERK: Miss Gainey?
6 MISS GAINNEY: 19. 1518 N. Broadway.
7 THE CLERK: Annette Green?
8 MISS GREEN: 18. 1019 N. Wolfe St.
9 THE CLERK: Robert M. Johnson?
10 MR. JOHNSON: 18. 1711 N. Castle.
11 THE CLERK: Richard McKoy?
12 MR. MCKOY: 17. 2519 N. Colvin.
13 THE CLERK: John R. Quarles?
14 MR. QUARLES: 28. 2409 West Lafayette.
15 THE CLERK: Muriel Quarles?
16 MISS QUARLES: 21. 1530 N. Caroline St.
17 THE CLERK: Lawrence Parker?
18 MR. PARKER: 20. 2608 Burrell Ave.
19 THE CLERK: And Barbara Whittaker?
20 MISS WHITTAKER: 18. 1110 Wilmot Court.
21 THE CLERK: Aliceteen Mangum here now?

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MISS MANGUM: Yes, sir.

THE CLERK: Your age?

MISS MANGUM: 22.

THE CLERK: Your address?

MISS MANGUM: 1404 Argyle Avenue.

THE CLERK: All right. Now, the pleas as to each, Mr. Watts?

MR. WATTS: The pleas are not guilty as to each defendant.

THE CLERK: Court or jury trial?

MR. WATTS: Court trial.

MR. MURPHY: I'd like to call Miss Dunlap, please.

ELLA MAE DUNLAP,
produced on behalf of the State, having first
been duly sworn according to law, was examined
and testified as follows:

THE BAILIFF:

Q Your name and address?

A Ella Mae Dunlap. 902 Exeter Hall.

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THE COURT: How do you spell your name?

THE WITNESS : D U N L A P.

DIRECT EXAMINATION BY MR. MURPHY:

Q Miss Dunlap, where are you employed?

A Hooper's Restaurant, Charles and Fayette.

Q Were you so employed on June 17th of this year?

A Yes, I was.

Q In what capacity are you employed at Hooper's Restaurant?

A Hostess.

Q In connection with your employment, what are your duties as hostess, what do you do?

A Well, I'm at the front. As the guests come in to the lobby I greet the guests. All guests are greeted by me or another hostess who might be at the front at that particular day.

Q Well, what do you do when you greet the guests?

A I ask how many is in their party.

Q I see. Do you seat them?

A Yes, I do seat them.

1 √Q Is anyone seated without you or the other hostess
2 seating them?

3 A No, sir.

4 Q No one is allowed to seat themselves in other
5 words, is that correct?

6 A As a rule, no.

7 Q All right. Now on this particular day of June
8 17th, this was a Friday was it not?

9 A Right.

10 Q Did something happen at the restaurant there,
11 some thing unusual?

12 A Yes, sir.

13 Q About what time was it?

14 A Roughly, say about 4:15 or 4:20.

15 Q P. M. ?

16 A P. M.

17 Q Now you describe to his Honor, please, just
18 exactly what happened at that time?

19 A At that particular day, 4:15 or 4:20, a group
20 of people came in, 15 or 18 at a time. I said "May I help
21 you"? A person said "Yes, I'd like to be seated". I said,

1 "I'm sorry, but we haven't integrated as yet".

2 Q These people were negroes, is that correct?

3 A That's right.

4 Q And you refused to seat them at that time?

5 A I said "We haven't integrated as yet".

6 Q Where did this conversation take place? Where
7 were you at that time when the conversation took place?

8 A Right at the entrance of the top step in the
9 restaurant.

10 Q Where were these people, these people that had
11 come in the group ?

12 A The group was in the lobby.

13 Q All right. To get to the lobby, to where the
14 dining area is, are there any steps?

15 A Yes, sir. It's an elevation of about four steps.

16 Q Is there a handrail there or two handrails?

17 A Yes, sir. There are two handrails, one on each
18 side.

19 Q What is the distance between the handrails,
20 approximately?

21 A Roughly between four and five feet.

9

1 Q This is up the steps between the handrails where
2 the people have to come from the lobby to the dining area,
3 is that right?

4 A That's right.

5 Q At that time you told them you were not going to
6 seat them, is that correct?

7 A I said "We haven't integrated as yet".

8 Q You were at the top of the steps ?

9 A That's right.

10 Q They were at the bottom, is that correct?

11 A That's correct.

12 Q What happened then?

13 A They said "Well, you mean you're not going to
14 seat us?" I said, "Well, that's right". They said "Well,
15 aren't you ashamed of yourselves"? I said "Well, no, I'm
16 not. It just so happens I work here. That's Mr. Hooper's
17 orders. It's the preference of the customers". They said,
18 "Well, you mean you're not going to seat us"? I said "Well,
19 that's right, I work here and that's my orders at this
20 particular time".

21 Q What happened then?

1 A In the meantime the manager was on his way to
2 the front of the dining room or where I was standing.

3 Q What is his name?

4 A Mr. Al Worfel.

5 Q Go ahead.

6 A While I was talking to these people, Mr. Worfel
7 came. He started to talk to them as well. In the meantime
8 while he was talking, we were blocking the front of approx-
9 imately four feet, four to five feet.

ANSWER:

10 Q Between the handrails/We were standing there talk-
11 ing to the group. At that particular time the group broke.
12 They broke through the line or through Mr. Worfel and my
13 self a distance of four to feet feet and also went to the
14 downstairs as well. We have a Grill which is downstairs.

15 Q How did they get past you and Mr. Worfel?

16 A Well, we were standing sort of sideways at the
17 time and we were glancing back and answering questions and
18 at the second we just turned, they broke through the line
19 and seated themselves.

20 Q Were you pushed ?

21 A They pushed me.

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MR. WATTS: That's leading. I object to that question.

THE COURT: Yes. I sustain it.

Q (Mr. Murphy) Well you tell us what happened, how did they get past you and Mr. Warfel?

A Well, as I said we were standing sideways talking with various people which were asking us questions and I was pushed against the rail which is to the left of it.

Q What happened then?

A The line broke and I was pushed against the rail and also pushed back. I would roughly say eight to ten feet. That is, not literally pushed, but more or less edging back.

Q All right.

A I couldn't hold them back.

Q What did the people do?

A They seated themselves in various parts of the dining room between our guests that were dining.

Q And what happened?

A At that time they scattered from place to place and then Mr. Warfel called the police.

1 Q All right. Did the police eventually come?

2 A Yes, the police did come.

3 Q Your witness.

4

5 CROSS EXAMINATION BY MR. WATTS:

6 Q Now Miss Dunlap, as a matter of fact, after these
7 students were refused admission, didn't you go over and
8 talk to the manager and ask is that still the policy of the
9 restaurant?

10 A The manager was right there.

11 Q He was not in front, in this four to five feet
12 area, was he?

13 A Yes, sir.

14 Q He was blocking the area?

15 A We both were standing there when the line broke.

16 Q I see. When the group broke through, twelve of
17 them got in and you put your hands up and stopped the rest
18 of them? Isn't that what happened?

19 A I did try to stop them but the group wasn't
20 interested in being stopped.

21 Q The ones who got in just walked in and sat down ?

1 A That's right.

2 Q And they didn't strike you or actually shove you,
3 did they?

4 A Yes, I was shoved.

5 Q You were shoved?

6 A Yes. I was standing at the front rail and I was
7 shoved.

8 Q You described it as saying not literally shoved
9 but you, as going to take their seats they passed by you,
10 is that right?

11 A Well, actually, I was standing by the rail. The
12 distance between four to five feet. At the top of this rail
13 which I'm talking about the entrance way, there's a knob on
14 this rail. I was pushed against that. Then I tried to stop
15 them, the group from continuing on and as I said I actually
16 was not pushed from there on but I was pushed when the line
17 started to break. Then it was about four to five feet or
18 maybe eight feet, I don't know.

19 Q I see. Now, you refused them admission to this
20 restaurant solely on the basis of their color, is that
21 correct?

1 A Yes, sir.

2 Q And that you didn't refuse them admission because
3 they were in any way disorderly?

4 A Well, I wouldn't say they were mannerly.

5 Q Answer my question? Did you refuse them admission
6 because they were disorderly?

7 A No.

8 Q Did you refuse them admission because they weren't
9 properly dressed?

10 A No.

11 Q Had they been white people they would have been
12 seated, is that correct?

13 A Yes, sir.

14 Q That's all.

15 MR. MURPHY: I'd like to call Mr Warfel, please.
16

17 ALBERT R. WARFEL,

18 produced on behalf of the State, having first been
19 duly sworn according to law, was examined and testi-
20 fied as follows:

21 THE BAILIFF:

1 Q Your name and address?

2 A Albert R. Warfel. 830 Argonne Drive.

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4 DIRECT EXAMINATION BY MR. MURPHY:

5 Q Where are you employed?

6 A I'm no longer associated with Hooper's.

7 Q Were you employed by Mr. Hooper on June 17th of
8 this year?

9 A Yes, I was.

10 Q Where were you employed?

11 A Charles and Fayette St.

12 Q What capacity?

13 A Manager.

14 Q I want to direct your attention to that particular
15 date, did something unusual happen there at the restaurant?

16 A That particular afternoon, approximately 4:15 in
17 the afternoon, I was called by the hostess in front of the
18 restaurant where a group of people were standing . It
19 happened to be this group plus a few others that are not
20 here now. It has been stated, it had been stated to me,
21 company policy, we're not, we have not integrated the

1 restaurant . I so notified - First I asked the leader of
2 the group, which I wanted to get it centralized. I spoke
3 to him. I told him the company policy. As I was discussing
4 this --

5 Q What was this person's name?

6 A I believe it was John Quarles.

7 Q Do you know which one he is?

8 A The gentleman here in the uniform.

9 Q You're name is Quarles? He indicated the defendant
10 Quarles. Go ahead?

11 A Well, while in the process of translating the
12 company policy, the group broke. They brushed by us and
13 sat at various tables in the restaurant. After they were
14 seated they proceeded to hedgehop.

15 Q What do you mean by that, sir?

16 A Well, what they do, originally they all go in,
17 it might be four of them sit at one table. After they are
18 all seated, they'll look around for empty tables and break
19 and spread out to all the tables in the restaurant.

20 Q So that all the empty tables were occupied?

21 A No, they weren't.

1 Q As best as possible?

2 A They were spread out as evenly as they could.

3 At which time then, I noticed Mr. Hooper. Upon his request
4 I notified the police.

5 Q All right. Did you go out and get the police?

6 A I stepped outside the restaurant looking for
7 police. I also had the cashier call the radio car.

8 Q Did the police come?

9 A Yes, sir.

10 Q In the presence of the police did you read the
11 trespassing statute to the defendants?

12 A Yes, I did.

13 THE COURT: I'd like to know specifically what
14 was read?

15 THE WITNESS: 577.

16 THE COURT: I'm asking you.

17 Q (Mr. Murphy) I'd like to show you Section 577
18 of Article 27 of the Maryland Code of Public General Laws
19 and ask you if this is the section you read to them, sir?

20 A I read the whole thing, including this.

21 Q But you did read this specific section?

1 A Yes, sir, I did.

2 Q This is the section reading "Any person or persons
3 who shall enter upon any, cross over any land etcetera -
4 is that correct?

5 A Yes, sir.

6 THE COURT: For the record, Mr. Murphy, I'd like
7 to get again the section and the article.

8 MR. MURPHY: And that is Article 27, Section 577,
9 is that correct?

10 A That's correct.

11 Q What happened after you read this section of the
12 Maryland Code to the defendants?

13 A Several of the group, they were all notified they
14 would be arrested for trespassing, several of the group
15 left, while others in the group here stayed, at which time
16 we went over and got warrants and had them arrested.

17 Q Warrants were obtained at the station house by Mr.
18 Hooper, is that correct?

19 A That's correct. Central.

20 THE COURT: At that time Mr. Warfel did you inform
21 the group that unless they left they would be arrested?

1 THE WITNESS: That's correct.

2 Q (Mr. Murphy) Some of them did actually leave?

3 A Yes, they did.

4 Q But these people remained?

5 A That's correct.

6 Q All right. After Mr. Hooper obtained the warrants,
7 did he come back to the restaurant?

8 A Well we all come back to the restaurant.

9 Q The police were there?

10 A That's right.

11 Q What happened then?

12 A We had the people arrested.

13 Q The police took all of their names, etcetera?

14 A Yes, sir.

15 Q Your witness.

16

17 CROSS EXAMINATION BY MR. WATTS:

18 Q Mr. Warfel, is it?

19 A Yes.

20 Q Your instructions to your hostess, your help there
21 was that they were not to serve negroes, is that correct?

1 A It was company policy that we were not integrated.

2 Q So that these people were refused service solely
3 on the basis of their color, is that correct?

4 A That's correct.

5 Q For no other reason?

6 A No, sir.

7 Q That's all.

8 THE COURT: Mr Warfel, were any of the group
9 taken to the station house or were they just released by
10 the officer?

11 A I believe they were all taken over but then they
12 were released from Central.

13 THE COURT: Were they taken to the station house,
14 Central?

15 A Yes, sir. I don't remember.

16 THE COURT: Do you have other witnesses?

17 MR. MURPHY: Yes I have the police here too,
18 your Honor.

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G. CARROL HOOPER,

produced on behalf of the State, having first been
duly sworn according to law, was examined and testi-
fied as follows:

THE BAILIFF:

Q Your name and address?

A G. Carroll Hooper. 3501 St. Paul Street.

DIRECT EXAMINATION BY MR. MURPHY:

Q Mr. Hooper, you are the owner of various restau-
rants around town, is that correct?

A That's right.

Q Do you have a restaurant located Charles and
Fayette Streets?

A Yes, I do.

Q And that actually is owned by a corporation, is
that correct?

A Yes, sir.

Q Hooper Food Company Inc.?

J A That's right.

Q Are you the president?

1 A President.

2 Q Are you the lessee of that premises there?

3 A That's right.

4 Q And you operate your restaurant there, is that
5 correct?

6 A Yes, sir.

7 Q Or one of your restaurants?

8 A That's right.

9 Q Did you so operate the restaurant on June 17th
10 of this year at that premises?

11 A I did.

12 Q I want to direct your attention particularly to
13 that date sir, did something happen at your restaurant?

14 A Yes, it did.

15 Q About what time was it?

16 A About 4:15, 4:30.

17 Q In the afternoon?

18 A Afternoon.

19 Q Well, you describe to his Honor what you observed
20 at that time, sir?

21 A I was in the rear of the restaurant where we have

1 a bar and lounge which is a distance of about a hundred
 2 feet from the front lobby. My attention was attracted by
 3 the commotion up front. When I went up there all this had
 4 happened. These groups of people here entered the dining
 5 room and had seated themselves, had pushed their way through
 6 the hostess, by the hostess, and had scattered about in
 7 different tables and there were several minors in the
 8 group.

9 Q Practially all of them were minors?

10 A I mean juveniles, under 15, that we didn't
 11 prosecute. They were released that day at the police
 12 station.

13 Q Under 16 years of age?

14 A Under 16. We did not prosecute them.

15 Q What were they doing when you saw them, sir?

16 A Well, they scattered about, one at a table. They
 17 spread out like a fan in all sections of the dining room.
 18 These young girls that were juveniles and most of the
 19 others had a book in their hand. They took a book out and
 20 were reading it at the table. This was about the fourth
 21 occasion that we had been visited by these people. On prior

1 occasions, particularly one that I remember, they came in.
 2 I think we were the first people in town that they tried
 3 to get in. When I came in they were all scattered. They
 4 refused to leave. It was about 4 in the afternoon. I
 5 ordered the place closed. We turned off the air conditioning
 6 and locked the door and I went around to the tables and
 7 told them we were closed and asked them to leave. They
 8 would not. There is a gentleman sitting back there named
 9 Tony Adano --

10 MR. WATTS: I object to this. This is another
 11 case he is referring to, if your Honor please.

12 THE WITNESS: Well, I think it's pertinent to the
 13 purpose of these people visiting us at this time. What I'm
 14 going to say I believe will be pertinent to the case to
 15 show the intent and motive that these people were not
 16 coming here to eat.

17 THE COURT: Was this spoken by the man you have in
 18 mind in the presence of these defendants?

19 THE WITNESS: This man back here; I sat at the
 20 table with him and two other people and reasoned and talked
 21 to him why my policy was not yet one of integration and

1 told him that I had two hundred employees and half of them
 2 were colored. I thought as much of them as I did the white
 3 employees. I invited them back in my kitchen if they'd like
 4 to go back and talk to them. I wanted to prove to them it
 5 wasn't my policy, my personal prejudice, we were not, that
 6 I had valuable colored employees and I thought just as
 7 much of them. I tried to reason with these leaders, told
 8 them that as long as my customers were the deciding who
 9 they want to eat with, I'm at the mercy of my customers.
 10 I'm trying to do what they want. If they fail to come in,
 11 these people are not paying my expenses, and my bills. They
 12 didn't want to go back and talk to my colored employees
 13 because every one of them are in sympathy with me and that
 14 is we're in sympathy with what their objectives are, with
 15 what they are trying to abolish, but we disapprove of their
 16 methods of force and pushed their way in.

17 Now, the leader, I have talked to Mr. Quarles,
 18 who is on this case. I have talked to him on that same line.

19 Q (Mr. Murphy) He indicated the defendant Quarles.

20 A Mr. Tony Adano, another one back there. All this
 21 and three or four cases before this particular case came up.

1 They knew how I felt and I say that these people coming in
2 and putting books down, under 15 years of age, are not
3 coming to be served. They are trying to legislate by terror,
4 going to force me to either serve or close.

5 MR. DEARING: I object.

6 THE WITNESS: So on this particular occasion --

7 Q (Mr. Murphy) Tell us about that.

8 A When I got there, they had spread out^{to}/all the
9 tables. They wanted to be seated in the rear, the side, the
10 front, the middle and everywhere, and why. Four people at
11 one table, all left except one and go to another table.
12 Very evident that the purpose was to let my customers know
13 that they are there and why do they want them to let them
14 know they're there? That I would like to know, when they
15 know and have been told my policy, they are not going to
16 be served.

17 Q What happened, sir ?

18 A I ordered Mr. Warfel to call the police. He
19 called the police. We read the ordinance in the presence
20 of the police. They were asked to leave.

21 Q You're referring to Article 27, Section 577?

1 A The one you just read to Mr. Warfel. The Lusby
2 ordinance. Then the police called the wagon and took them
3 down to Central. Of course we had to go.

4 Q You went down and got warrants?

5 A We got warrants.

6 Q And you brought the warrants back?

7 A We were even in Judge Kolodney's office. Before
8 we ever issued the warrants we called up. I was reluctant
9 to even have these people arrested and give them one more
10 chance to leave the restaurant.

11 Q They refused to leave?

12 A Yes, sr. Judge Kolodney called to Mr. Watts in
13 our presence. I didn't want to have them arrested but they
14 refused to leave.

15 Q Were they taken down to the station house?

16 A They were. They were released on bond.

17 Q Well, their names were taken by the police at
18 your place of business, is that correct?

19 A That's right.

20 Q And then they were told to be at the station house
21 the following morning?

1 A That's right.

2 Q At that time they placed the bond at that time?

3 A Yes, sir.

4 Q But they weren't actually taken in physical
5 custody by the police on this Friday, were they sir?

6 A Well, I can't remember. They have been in about
7 six or seven times. In fact one time they came in --

8 MR.WATTS: I object.

9 THE WITNESS: And I think this is important too.

10 THE COURT: Yes?

11 MR. WATTS: I object to this, if your Honor please.

12 THE COURT: The same defendant, do you know?

13 THE WITNESS: Yes, the same group.

14 THE COURT: The same defendants?

15 THE WITNESS: Same defendants.

16 THE COURT: Overrule the objection. Go ahead.

17 THE WITNESS: At the Shriner's Convention, at
18 12:30, with a hundred people waiting for seats and the
19 bar and lounge, it's three deep and three of them come in
20 the rear entrance, minors under 21, into a bar and lounge
21 and we got to call the police to get them out there, blocking

1 the way, people can't get out. They couldn't have been
2 served a drink because everyone here has testified they're
3 under 21.

4 MR. WATTS: I'll object to this unless he can
5 specifically identify who it was. Someone who came in on
6 another occasion shouldn't have any effect.

7 THE COURT: That's why I asked him if any of the
8 same defendants here were in the other episode?

9 THE WITNESS: Yes, sir.

10 THE COURT: Can you point out the ones?

11 THE WITNESS: This man right here and that one
12 next to him.

13 MR. MURPHY: He is indicating --

14 THE WITNESS: That's two of them right there.

15 MR. MURPHY: Robert Johnson and Richard McKoy.

16 THE WITNESS: They came in the bar during the
17 Shriner's convention and we had a hundred people waiting
18 for seats and blocked the aisle. We had to call the police
19 to get them out. Into a bar and lounge under 21.

20 MR. MURPHY: Witness with you.

21 THE COURT: Mr. Murphy, I have one of two names,

1 I don't have the second.

2 'MR. MURPHY: Richard McKoy. Robert M. Johnson.

3 THE COURT: Is is McKoy or McKay?

4 MR MURPHY: K-O-Y.

5

6 CROSS EXAMINATION BY MR. WATTS:

7 Q Mr. Hooper, you made a lot to do about the age of
8 these people. Do you serve anyone under 16 in your restau-
9 rant?

10 A What do you mean I made a lot to do about the age.

11 Q Answer my question? Do you serve anybody -- ?

12 A Before I can answer I must know what you're re-
13 ferring to.

14 Q You made a lot to do about the fact these people
15 were under 16?

16 A I'm merely just stating I heard what they said.

17 Q You do serve white people under 16?

18 A Not in the bar. We serve food in the dining room.

19 Q All right. You mean if a white person enters your
20 bar -- You serve meals in the bar, do you?

21 A Only to people over 21.

1 Q You don't serve meals to a family in the bar?

2 A No.

3 Q When they came into your bar they were on their
4 way to the restaurant, were they not?

5 A Well, I don't know. They got as far as the door.
6 I don't know where they were going to stop.

7 Q They have to go through your bar to get in the
8 restaurant . You stopped them at the bar?

9 A The front door is a distance of fifteen feet to
10 the dining room door. They were stopped at the dining room
11 door.

12 Q In the bar nobody asked you to serve them a
13 drink of whiskey, isn't that correct?

14 A They were not given the chance. They couldn't
15 even get to the bar. They were three deep.

16 Q Their presence in the bar have nothing to do with -

17 A We have a neon sign on the entrance to the bar.
18 That's where they came in.

19 Q But you stopped them there, is that correct?

20 A That's right.

21 Q Now, what I'm trying to get at Mr. Hooper, you

1 gave the Court the impression these minors were in there
2 to buy whiskey. That's not true?

3 A I did not give them that impression. I'm stating
4 the facts. I didn't get that impression.

5 Q Now, when Mr. Quarles and you sat down and you
6 told him that you would not serve him and why doesn't he
7 leave --

8 A Tony Adano and Quarles too.

9 Q -- didn't they ~~then~~ tell you they wanted to stay
10 to demonstrate the immorality and the unfairness of your
11 racial discrimination, isn't that correct?

12 A Mr. Watts, --

13 Q Answer my question?

14 A I'm going to answer it.

15 Q Did they tell you that?

16 A Can I answer it?

17 Q I don't want to get in any argument?

18 A It's not an argument. I want to answer you ques-
19 tion. I go on record as I favor what you people are trying
20 to do and I told Quarles that.

21 Q I say didn't they ?

1 A But I don't approve of your method in trying to
2 reach it.

3 Q Didn't they say even though you won't serve them
4 they were going to stay because they were demonstrating
5 and assembling against your racial policies so that the
6 sympathy of the public might come on their side? Did they
7 explain that to you?

8 A Well now, you're putting words there. I couldn't
9 say that he said that. We had a long conversation about
10 this thing. I told Mr. Quarles that I felt personally that
11 it was an insult to human dignity. I sympathize with it
12 and also told them that my customers govern my policy.

13 Q Didn't they say they wanted to show your customers
14 that people can sit peaceably and be served?

15 A In other words then you're trying to tell methat
16 Mr. Quarles has a better opinion about how I conduct my
17 business than I do.

18 Q I'm not arguing with you?

19 A That's what you're saying.

20 Q I'm trying to get evidence --

21 THE COURT: Just a minute. Mr. Hooper, I think it

1 would be more helpful if you didn't get too emotional. Mr.
2 Watts wants to know what Quarles said to you was the reason
3 these people were in your place? Did Mr Quarles or anyone
4 give any reason?

5 THE WITNESS: Well, Mr. Quarles said in the course
6 of our conversation -- Your Honor, it's very difficult for
7 me to say verbatim, but --

8 THE COURT: What was the substance ?

9 THE WITNESS: The gist of it was this: That they
10 had gained a lot through these peaceful sitins demonstra-
11 tions, particularly in the South and they felt that, I
12 told them that, Mr. Quarles, that they had come a long way.
13 Five years ago such a thing would be unheard of and I thought
14 if time would take care of what they were trying to do -
15 He said "we're not waiting for time. We're going to force
16 this thing and we're going to accomplish it and it definite-
17 ly has been proven we have gotten results by forging ahead
18 and trying to exert our rights whether we violate the law
19 or not."

20 Q (Mr. Watts) Didn't Mr. Quarles tell you that
21 this was a peaceful non-violent demonstration?

1 A He didn't have to tell me. It was evident, other
2 than the time he shoved the hostess aside.

3 Q It was evident they were peaceful?

4 A After they got seated they were peaceful. They
5 read books. They did not want to be served food.

6 Q Now, Mr. Hooper, stand up. You remember seeing
7 this gentleman before?

8 A Maybe I have. I can't remember.

9 Q Mr. Mitchell, stand up?

10 A Yes, sir. That's the leader. I have talked to
11 him too.

12 Q That's all we'd like to ask.

13

14

15

SGT. JOHN SAUER,

16

produced on behalf of the State, having first been
17 duly sworn according to law, was examined and tes-
18 tified as follows:

19

THE BAILIFF:

20

Q Your name and assignment?

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A Sgt. John Sauer. Central.

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DIRECT EXAMINATION BY MR. MURPHY:

Q Sgt. Sauer, I want to direct your attention to June 17th of this year, did you receive a call or did someone ask you to come over to Hooper's Restaurant, Fayette and Charles Street here in Baltimore City?

A Lt. Redding and I were standing on the corner, as a result of the crowd that was there on the corner when Mr. Warfel come out of the restaurant and requested we come in while he read the trespassing ordinance to these people in the restaurant.

Q Now, did you and Lt. Redding go over to the restaurant then?

A We did. We went inside.

Q About what time was that, sergeant?

A It was about 4:30.

Q P.M?

A Yes, sir.

Q And you describe to his Honor what occurred, what you observed when you went in the restaurant and what occurred thereafter?

A When we got into the restaurant there were several

1 people sitting around at different tables. I think it was
2 about oneto a table.

3 Q Were these white or colored people?

4 A They were colored people.

5 Q Did they appear to be older people or younger
6 people?

7 A Most of them appeared to be younger.

8 Q Go ahead?

9 A The general group were young. Mr. Warfel request-
10 ted we stand there while he read the ordinance to them
11 relative to the trespassing act.

12 Q Article 27, Section 577 of the Maryland Code?

13 A That's right, sir.

14 Q And you were present when Mr. Warfel read that
15 to the defendants?

16 A Yes, I was.

17 Q Go ahead?

18 A After reading it to the people in the upper part
19 of the restaurant, he requested then that they leave. They
20 refused. So he asked his clerks and the waitresses to go
21 about the group and get their names and addresses and have

1 them identify themselves. All of those there who did
2 identify themselves stayed. Some refused to identify them-
3 selves at that time. After reading the ordinance upstairs
4 we went down to the basement restaurant which is more or
5 less of a cafeteria arrangement and the same thing followed
6 down there. He read the ordinance down there and of the par-
7 ties left. Some of them stayed and identified themselves.
8 After this was all through the group were requested to
9 leave again and refused. We advised then Mr. Hooper he
10 would have to get warrants if he wished to have the people
11 arrested. He said that he would, and he left to go the
12 Central District. I went down to pick up the warrants, When
13 I got down there it seemed that Magistrate Kolodney had had
14 some conversation with Mr. Quarles or one of the group on
15 the telephone at the restaurant and arrangements were made
16 whereby they could come down on Monday to a trial volun-
17 tarily.

18 Q All right. Well, you then secured the warrants
19 from the magistrate?

20 A The warrants were secured but they weren't served
21 at that time.

1 Q And they were not placed in custody at that time?

2 A No, sir.

3 Q Did you go back to the restaurant?

4 A Yes, I went back. The time I went back the people
5 had left.

6 Q They had left at that time?

7 A Yes, sir.

8 Q All right. Now what were the names of the people
9 that identified themselves at that time? The ones that were
10 so requested to do so by the employees of Mr. Hooper?

11 Well, all right. Counsel, your Honor, has stipula-
12 ted between the State and the traversers, Robert M. Bell,
13 Lovellen P. Brown, Arimentha D. Bullock, Rosetta Gainey,
14 Annette Green, Robert M. Johnson, Richard McKoy, Aliceteen
15 E. Mangum, John R. Quarles, Muriel B. Quarles, Lawrence M.
16 Parker and Barbara F. Whittaker, that they are the same
17 individuals that were in Hooper's Restaurant on June 17th
18 of this year. The same persons that refused to leave at
19 that time after being refused service because of their race
20 and that they are the people that gave their names to the
21 employees of Hooper's Restaurant at that time and that they

1 are the same defendants on trial here today. Is that so
2 stipulated counsel ?

3 MR. WATTS: That is so stipulated.

4 MR. MURPHY: No question about the identification
5 of the various individuals?

6 MR. WATTS: None whatever.

7 MR. MURPHY: Your witness.

8

9 CROSS EXAMINATION BY MR. WATTS:

10 Q Sergeant, there was no disorder while you were
11 there?

12 A No, Everybody was peaceful.

13 Q Sergeant, you are a member of the City Police
14 Department?

15 A That's correct.

16 Q And who pays you, the State of Maryland or the
17 City of Baltimore?

18 A That's a difficult question.

19 Q But you are, you were acting as a police officer?

20 A Yes, sir.

21 Q Paid by either the city or the State, is that

1 correct?

2 A Yes, sir.

3 Q That's all.

4 THE COURT: Sergeant, do you know the overall time
5 the group might have been in Hooper's, from the time they
6 went in until the time they left?

7 THE WITNESS: I'd say approximately an hour to
8 an hour and a half, your Honor.

9 THE COURT: Thank you.

10 MR. MURPHY: Thank you sergeant. The State will
11 rest if your Honor please.

12 MR. WATTS: If your Honor please, at this time
13 at the end of the State's case, under the rules, we'd like
14 to submit for your Honor's consideration a motion for a
15 directed verdict. If your Honor will read it hurriedly?
16 Most the parts follow the same pattern.

17 THE COURT: I guess I should reserve a ruling on
18 the motion at this time.

19 MR. WATTS: I'd like a ruling on the technical
20 procedural matters, if your Honor please? Are you going
21 to withhold your ruling on a directed verdict? Can we put

Proposed Motion for a directed verdict

1 on some evidence and you rule on it later?

2 THE COURT: Yes.

3

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5

JOHN R. QUARLES, SR.,

6

produced on his own behalf, having first been duly

7

sworn according to law, was examined and testified

8

as follows:

9

THE BAILIFF:

10

Q Your name and address?

11

A John R. Quarles, Sr. 409 W. Lafayette Avenue.

12

13

DIRECT EXAMINATION BY MR. WATTS:

14

Q Mr. Quarles, are you one of the defendants?

15

A Yes, sir.

16

Q And you are a student at Morgan College, is that

17

correct?

18

A Yes, sir.

19

Q What year are you in now?

20

A My second year at Morgan.

21

Q Are you a member of a civic interest group that

1 staged this ; how do you classify this, demonstration, is
2 that right?

3 A Yes, sir.

4 Q Now tell his Honor, I think Mr. Hooper referred
5 to the fact that he talked to you when you first went in
6 the restaurant, is that correct?

7 A Well first, after entering the restaurant I was
8 greeted first by the hostess and she asked me, as she said,
9 "Can I help you please?" I asked her, I said "Well, we
10 would like a table for all of us". She said "I'm sorry but
11 we haven't integrated as yet".

12 Q At that time were you prepared to pay for meals
13 if all of you had been served?

14 A Well, we have a treasury. At that time I had
15 some fifty-five or sixty dollars in my pocket.

16 Q Go ahead?

17 A And after she stated she would not serve us
18 because she was an employee there and she could not go
19 over the orders of Mr. Hooper I asked her, well, why was it
20 that Mr. Hooper had a segregated restaurant, didn't he
21 think that we were of a caliber, of the caliber of human

1 beings to be served as humans. She stated she had nothing
2 to do with this, she was only a person who was employed
3 there. Later, about two or three minutes later the manager
4 walked up to me and he proceeded to explain to me Mr.
5 Hooper's policy of segregation. At the time that he was
6 explaining this to me, we all had our backs turned to the
7 group of students who were seeking service at the restaurant,
8 and they were in a line waiting to be seated and at the
9 time we were talking and had our backs to them, some of
10 the students proceeded to come up the flight of steps, two
11 or three steps and set themselves at tables. Well, after
12 the manager and the hostess became aware of this they ran
13 over, which was only about two or three steps and threwed
14 up their arms to block the students that were coming in.
15 The students who were blocked, they had been instructed
16 prior to entering the restaurant if anything came about
17 where they were blocked or obstructed by any of the employ-
18 ees of the restaurant they were to stop, stand still and
19 not force their way into the restaurant or force their way
20 to be seated. This procedure they carried out. The students
21 who were not able to be seated in the upper part of the

1 restaurant went downstairs to the grill and after the
2 students were seated upstairs, about 10 or 12 students
3 were seated upstairs and about the same number downstairs,
4 Mr. Hooper came in and he proceeded to talk to me about
5 this. He was telling me how he had negro employees in his
6 restaurant and he had negroes in his business, for the
7 duration of his business every since he had been in business.
8 I was asking him, well, why wasn't it these negroes he
9 thought so much of weren't capable of sitting at his tables
10 to eat? He said, well, it's because my customers don't want
11 to eat with negroes. I then asked him why was it or how
12 was it that he knew that his customers did not want to
13 eat with negroes? He couldn't answer that question and he
14 asked me why we were sitting there. I explained to him
15 we were there to be served and also to let his customers
16 become aware of the problem of segregation in Baltimore
17 City and then he proceeded to say, give me his views on
18 how he felt about it. He didn't believe this was the way
19 to do it and so forth and so on. I explained to him then
20 when he said this, ^{were} we/not there to interrupt his business
21 and we were not there to distort or destroy his business.

1 We were simply there seeking service as humans and also
2 as citizens of the United States of America.

3 Q Now you describe this as a demonstration. Were
4 you there as pickets in the process of assembling in pro-
5 test against these policies as such?

6 A Yes, we were there and there were also some
7 pickets who were outside picketing with placards, stating
8 Mr. Hooper's policy so that the persons passing by or
9 customers coming in would realize that Mr. Hooper had a
10 segregated policy in his restaurant?

11 Q Those who went in were part of those who were
12 outside?

13 A That's right.

14 Q No further questions.

15

16 CROSS EXAMINATION BY MR. MURPHY:

17 Q Well your actual purpose then was to demonstrate
18 rather than to eat, isn't that correct?

19 A The actual purpose first of all was to eat. After
20 being refused service, that was when the demonstration
21 came about.

1 Q Well is it normal for you when you go out to eat
2 someplace to get together a group of fifty persons? Is
3 that the number that you have at a dinner party when you
4 go out usually?

5 A Well I have known this group to eat at dinner
6 parties as many as 33 students.

7 Q Well I mean actually, you went over there and
8 the group went over there to demonstrate, isn't that
9 correct?

10 A No. First of all we went there to eat.

11 Q When asked by your counsel you said that it was
12 a demonstration at this restaurant, isn't that correct?

13 A Yes, that's what it turned out to be, a demon-
14 stration.

15 Q You characterized it as a demonstration, right?
16 Is that correct?

17 A I don't quite get your question.

18 Q You characterized it to your counsel as a demon-
19 stration, that you were demonstrating at the restaurant,
20 isn't that right?

21 A We were demonstrating after being refused.

1 Q You went there as pickets?

2 A We went there with students waiting, seeking
3 service.

4 Q Did they have pick~~et~~ signs?

5 A The picket signs were not brought out until after
6 we were refused service. They were sent for.

7 Q Well, you had already had these signs prepared
8 did you not to use to picket?

9 A Those signs were prepared for the Hecht Company
10 Rooftop Restaurant.

11 Q Now, where did your group meet before you went
12 over there?

13 A Where did the group meet?

14 Q Yes?

15 A The group met at Dunbar High School, around 3:30
16 p.m.

17 Q And did you organize the group at that time?

18 A No, I did not.

19 Q And tell them where you were going to go?

20 A I didn't organize the group. Mr. Bell stated
21 there were some students, his Student Council, he was Presi-

1 dent of the Student Council at Dunbar High School, and I
2 stated to him that some of the students from Morgan were
3 going downtown to seek service from a restaurant. I did
4 not give him a specific restaurant. He said he had students
5 in his student council, members of his student council who
6 wanted to go along.

7 Q To swell your numbers down at the restaurant,
8 isn't that correct?

9 A I don't quite follow your question.

10 Q It's very simple. You were getting additional
11 people from the high school so that you would have more
12 people in your group when you went downtown?

13 A No. This all came about at a conference where Mr.
14 Bell was present. He said he'd like his students to attend.

15 Q In order to add to your number when you went
16 downtown?

17 A It did make the number larger.

18 Q That's what I mean. Isn't that why you wanted
19 them to go?

20 A I wanted them to go to seek service.

21 Q Do you know if any of the young girls had money

1 to pay for the meals in the restaurant?

2 A Yes, sir.

3 Q They all --

4 A They all had their own individual money. I asked
5 them prior to leaving from the highschool.

6 Q You only know what someone told you, right?
7 You don't know if they had any money or not of your own
8 knowledge?

9 A That's true. I only go along with what they said.
10 I don't think they'd have a reason to tell an untruth.

11 Q When you went there, did you expect to get a
12 separate table for each person that went in the restaurant?
13 Did you?

14 A Well I went there and I seated myself at a table.
15 Mr. Parker joined me at my table and it was up to each
16 student whom they decided they want to sit at a table with.

17 Q I see. They were going from table to table, were
18 they not?

19 A No, they were not. Once they seated themselves
20 they remained at the table they were seated in.

21 Q Well, didn't they try to occupy as many tables

1 as they could?

2 A No.

3 Q Weren't there plenty of tables where only one
4 person was sitting?

5 A There were plenty of tables. If I'm not mistaken
6 there were 12 to 14 empty tables in the restaurant.

7 Q You say this was not calculated to interrupt
8 Mr. Hooper's business?

9 A No, it was not.

10 Q By taking seats at separate tables it was not
11 calculated to interrupt his business?

12 A No it was not calculated to interrupt his business.

13 Q Why did some of the students go downstairs? Didn't
14 you say they went downstairs because they couldn't be
15 seated upstairs?

16 A After they were blocked forcibly by the manager
17 and hostess, they proceeded downstairs to seek service.

18 Q Well, wasn't it the purpose in going there was
19 to occupy as many tables as you could? Isn't that correct?

20 A No. If that were the purpose, if you, if that was
21 the purpose in mind and having an idea that he had some 30

1 to 35 tables, it wouldn't make any sense at all with that
2 in mind to go in with 12 to 24 students.

3 Q Well you did occupy as many tables as you all
4 could, didn't you?

5 A No. As I said each student seated him or herself
6 with the persons they decided to go to eat with. As I said
7 I was joined by Mr. Parker.

8 Q And after you were seated did you give your
9 order to anybody and tell anybody what you wanted to eat?

10 A After I was seated there was no more discussion
11 until Mr. Hooper came up and seated himself beside me. Then
12 his son came after he did, about five minutes after he sat
13 down at the table with me and we had a discussion on the
14 same thing.

15 Q Well, did you ask for a menu when you got seated?

16 A I asked for a menu when I walked in.

17 Q You say you asked to be seated, right? But after
18 you were seated did you ask for a menu or a waitress to
19 come to you?

20 A The waitress came over and informed me she could
21 not serve me.

1 Q Do you know if any of these other people in your
2 group asked for a menu?

3 A No, I don't know if any of the other group -

4 Q Really you didn't go in there to get served at
5 all?

6 MR. WATTS: I'll object to this, if your Honor
7 please. The reason, if your Honor please, the State's
8 case indicates Mr. Hooper advised these students he was
9 not going to serve, which makes it ^a useless gesture to order.
10 That is his case he's trying to make a lot out of. Mr.
11 Hooper said he wasn't going to serve him.

12 THE COURT: I think ^{the} the last question is in order,
13 although I think its been answered before.

14 Q (Mr. Murphy) All right. Let me ask you this.
15 You were asked to leave, were you not?

16 A Yes, sir.

17 Q All of you?

18 A Yes, sir.

19 Q And Mr. Warfel, the manager, read the statute
20 to you on trespassing?

21 A He did.

1 Q And as a matter of fact some of your group did
2 leave?

3 A Yes, they did.

4 Q But you and these other young people that were
5 with you refused to leave, is that correct?

6 A We remained still seeking service. We were in
7 hopes that Mr. Hooper would change his policy and serve us.

8 Q You refused to leave when you were asked to
9 leave, is that right?

10 A Yes, sir. I stated why I refused to leave.

11 Q Mr. Hooper told you or one of the employees told
12 you if you did not leave that they would try to have the
13 police place you under arrest?

14 A That's right, they did.

15 Q And you and these others still refused to leave,
16 right?

17 A Still sat there seeking service.

18 Q You also have referred to this, these happenings
19 at Mr. Hooper's restaurant as an assembly, is that correct?

20 A No, I don't recall.

21 Q An assembly of students? I believe your counsel

1 asked you if you had pickets there, whether you were assemb-
2 ling there and your answer was yes. You were trying to
3 assert your right to assemble under the constitution, is
4 that right, your free right to assemble?

5 A That's right.

6 Q Well, you were trying to use Mr. Hooper's restau-
7 rant to assemble on private property to assemble your group,
8 is that it?

9 A Well isn't it true they also have --

10 Q I'm not here to answer the questions. You're here
11 to answer the questions. My question to you is this; you
12 were using Mr. Hooper's restaurant to assert your right to
13 free assembly? Is that what you're telling the Court?

14 A That's right.

15 Q On private property?

16 A That I don't know about.

17 Q All right. I have no further questions.

18
19 REDIRECT EXAMINATION BY MR. WATTS:

20 Q Now Mr. Quarles, you remained even though you knew
21 you were going to be arrested?

1 A Yes, sir.

2 Q Is that part of your technique in these demon-
3 strations?

4 A Yes, sir.

5 Q Why would you be willing to be arrested?

6 A Because I think arrest is a small price to pay
7 for your freedom as a human being.

8 MR. MURPHY: Well, I'll have to move that that be
9 stricken out, your Honor?

10 THE COURT: No, I'll permit it.

11 Q (Mr. Watts) Now you have been in other restau-
12 rants before is that correct?

13 A That's right.

14 Q And you sat there like you did in Mr. Hooper's
15 restaurant?

16 A That's right.

17 Q Did the business continue as usual?

18 MR. MURPHY NOW, I'm going to object to that.

19 MR. WATTS: Well, he raised a question about
20 interrupting Mr. Hooper's business. He said he went there
21 not to interrupt. I want to show he's been demonstrating

1 and hasn't interrupted --

2 THE COURT: That would go to the policy.

3 MR. WATTS: He made a lot to do, stating the fact
4 this was intended to interrupt Mr. Hooper's business. I'm
5 trying to show this has been done on many occasions when
6 business was not interrupted so that by following through
7 it indicates this was not the intention of these people.

8 MR. MURPHY: I still object to it.

9 THE COURT: I'm not sure it's admissbile Mr. Watts,
10 but I'll let him answer it.

11 Q (Mr. Watts) Have you been on other demonstra-
12 tions and sat like this and business continued?

13 A Yes, sir.

14 Q People sat and ate and were served, is that
15 correct? You have also been in restaurants as you did on
16 this particular occasion and been served?

17 A Yes, sir.

18 Q You were informed then that the policy had been
19 changed?

20 A That's right, sir.

21 Q Did you have this in mind when you went to Mr.

1 Hooper's ?

2 A Yes, sir. A number of places we went to seeking
3 service, even maybe prior to entering, the restaurant was
4 segregated but after entering the manager has changed his
5 policy and served us right then and there.

6 Q Are you a member of the R.O.T.C. at Morgan State
7 College?

8 A Yes, I am.

9 Q After you graduate, what are your plans?

10 MR. MURPHY: Well, I'll have to object.

11 THE COURT : Yes. I sustain that.

12 MR. WATTS: That's all.

13 Q Mr. Quarles, you knew you were under arrest, is
14 that right, by the police department?

15 A Yes, sir.

16 Q And you appeared on Monday voluntarily, in the
17 station house?

18 A Voluntarily.

19 Q To submit to an arrest by the State, is that
20 correct?

21 A That's right.

1 Q All right, that's all.

2

3 ROBERT JOHNSON,

4 produced on his own behalf, having first been duly
5 sworn according to law, was examined and testified
6 as follows:

7 'THE BAILIFF:

8 Q Your full name and address?

9 A Robert Johnson. 1711 N. Castle St.

10

11 DIRECT EXAMINATION BY MR. WATTS:

12 Q Are you a student?

13 A I'm a student at Morgan State College.

14 Q What year are you in?

15 A Freshman.

16 Q You admit that you were there on the date alleged
17 in the indictment?

18 A I was there.

19 Q Have you ever been in any Hooper's any other
20 occasion?

21 A No, I haven't.

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CROSS EXAMINATION BY MR. MURPHY:

Q When you went to Mr. Hooper's restaurant on this day, how much money did you have in your pocket?

A I had nineteen dollars in my pocket.

Q When had you eaten lunch that day?

A I hadn't eaten lunch.

Q You didn't eat lunch? You didn't go over to Mr. Hooper's to eat, did you?

A Yes, I did.

Q You went over as part of this demonstration actually?

A I went there seeking service as Mr. Quarles stated.

Q Your primary purpose was to demonstrate?

A No. Only if I had been refused service was I to demonstrate.

Q You anticipated you were going to be refused service because the pickets signs had already been prepared, hadn't they?

A No. I hadn't anticipated any such thing.

Q I see. At the table you sat at, who sat with you

1 or did you sit by yourself?

2 A I sat downstairs in the Grill and there were
3 several others at the counter which I was seated.

4 Q All right. No further questions.

5

6 REDIRECT EXAMINATION BY MR. WATTS:

7 Q In other words, you never went through that
8 little opening there where the hostess was standing?

9 A No.

10 Q How many of you who are defendants in this case
11 went downstairs and did not go through that place?

12 A About 12 of us.

13 Q Who are defendants here of this group?

14 A All of them.

15 Q Were downstairs with you?

16 A No, not all of them.

17 Q Approximately how many ?

18 A About six.

19 Q That's all.

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RICHARD MCKOY,

produced on his own behalf, having first been duly sworn according to law, was examined and testified as follows:

THE BAILIFF:

Q Your full name and address?

A Richard McKoy. 159 N. Colvin St.

DIRECT EXAMINATION BY MR. WATTS:

Q Mr. McKoy, just one question I'd like to ask you too. Mr. Hooper pointed out you as having been to his restaurant on an occasion other than alleged in the indictment. Have you been to Mr. Hooper's restaurant on any other occasion?

A No, I haven't.

Q Are you a student?

A Yes, sir.

Q Where are you a student?

A Dunbar High School.

Q What year are you in?

A I'm a senior.

1 Q CROSS EXAMINATION BY MR. MURPHY:

2 Q When did you first become associated with these
3 demonstrations in restaurants? When did you first get
4 interested in that?

5 A Well, the first time I had heard about dining
6 at Hooper's was, at least dining at a restaurant was when
7 Robert Bell said that we were, we would, he would, well,
8 said that there were some students went into Hooper's to
9 seek service. Well, I agreed that I'd like to go because,
10 well, I hadn't eaten lunch for a while. Since we were going
11 to eat I said I'd go too.

12 Q So you thought you'd go down and get a little
13 lunch down at Hooper's?

14 A That's right, a little lunch.

15 Q But you thought you would go down with this big
16 group, is that right?

17 A Since they were all friends of mine.

18 Q I see.

19 A Yes, sir, they --

20 Q When did you first know, -- My question merely
21 was this. Maybe I didn't make it quite clear to you. Have you

1 ever previously demonstrated in any other restaurants?

2 A No, I hadn't.

3 Q As a matter of fact wasn't there or isn't there
4 some sort of instruction that they give you before you go
5 down to the restaurant as to how to conduct yourself?

6 A Instructions? I don't understand.

7 Q Well, don't Mr. Quarles or doesn't Mr. Quarles
8 or whoever is in charge of the group tell you to act
9 peacefully when you go in a restaurant?

10 A Well, I think the only thing stated is that he
11 wants to make sure that each person is dressed properly.
12 While, you know --

13 Q I see. Before you ever go down to lunch at
14 Hooper's, Mr. Quarles or whoever is in charge of the group
15 asked you to be dressed properly, right?

16 A Yes, sir.

17 Q To conduct yourself peacefully in the place, is
18 that right?

19 A He didn't say anything about conducting myself.

20 Q Not you in particular. I mean the group in
21 general when he is addressing the group, doesn't he say that?

1 A Well, as I remember, well, it was quite a while
2 ago. He said that on entering, on entering the restaurant
3 we weren't to force our way through anyone.

4 Q I see. Well, I mean he does give you, like a
5 football coach would do before the game, he gives you
6 instruction on how to operate when you go down there, right?

7 A Not exactly operate. He gives us -

8 Q How to conduct yourself?

9 A The rules of etiquette.

10 Q The rules of etiquette? I see. Does he give you
11 money to pay for the meals?

12 A No, he doesn't.

13 Q Did you have any yourself?

14 A Yes, I did.

15 Q I'm not going to ask you how much. Well then,
16 before you ever do go down to the restaurant they tell you,
17 they give you the guide posts or the rules on what to do
18 when you get there?

19 A What is this, a sheet or something?

20 Q I don't mean a sheet. They do instruct you, Mr.
21 Quarles or whoever is in charge of the group,, get the group

1 together and gives them a pep talk and tells them what to
2 do?

3 A I previously stated.

4 Q Are you not instructed to sit at many tables or -

5 A No.

6 Q You occupied a table by yourself?

7 A Yes, I did. Anyone was invited to come and sit
8 with me if they like.

9 Q If you were going to lunch and you wanted to go
10 with this big group of 25 or more people, why did you sit
11 at a table by yourself? Had somebody done something to
12 offend you that you had to leave the group?

13 A No. No one had done anything to offend me. I
14 just sat at the first table empty that I saw.

15 Q You sat at a table by yourself?

16 A Yes, sir.

17 Q Nobody else sat with you even though -

18 A Unconsciously I sat at a table.

19 Q Even though you had all been assembled to go,
20 before you went down, you didn't sit with anybody, is that
21 correct?

1 A No, I didn't.

2 Q And did you attempt to place an order?

3 A Well, I had thought that when you sit in a
4 restaurant or at least when you enter a restaurant and have
5 a seat, someone would come to the table and ask you if -
6 give you a menu and ask you what you would like.

7 Q Did you ask for a menu? Did you ask for service?
8 Did you place a specific order for any food?

9 A Well, thinking as I did, I didn't think it was
10 necessary for me to call anyone's attention to the fact
11 that I wanted to be served.

12 Q Well now, Mr., I think it was Mr. Warfel did read
13 this Maryland Statute on trespassing, is that correct?

14 A Yes, he did.

15 Q And didn't he tell you and the other people in
16 the restaurant that if you did not leave peacefully, after
17 he had read the statute, that you were going to be placed
18 under arrest?

19 A Yes, sir.

20 Q And you still refused to leave at that time, is
21 that correct?

1 A Yes, sir. I refused because, well, I think my
2 reason is the same as Mr. Quarles.

3 Q Well in any event you refused?

4 A Yes, I refused.

5

6 REDIRECT EXAMINATION BY MR. WATTS:

7 Q While you were there did they serve any white
8 people?

9 A Yes, sir. There was one man sitting in the
10 restaurant.

11 Q Were any ladies in the downstairs where you were?

12 A I was upstairs.

13 Q Well, he was served is that correct?

14 A Yes, he was.

15 Q All right.

16

17 PHILLIP H. SAVAGE,
18 produced on behalf of the defendants, having first
19 been duly sworn according to law, was examined and
20 testified as follows:
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THE BAILIFF:

Q Your full name and address?

A Phillip H. Savage. 3226 Carlisle Avenue.

DIRECT EXAMINATION BY MR. WATTS:

Q Mr. Savage, are you still a member of a civic interest group?

A Yes, sir.

Q And Mr. Hooper who previously testified in this case made mention of the fact at the time that the Shriners were there a large group of teenagers or subteen-agers, people under 16, entered his restaurant. Now first of all, were you there on that occasion?

A Yes, sir.

Q When the Shriners were there?

A Yes, sir.

Q Tell his Honor what happened on that occasion?

A We had just come from the Honorable Mayor Grady's office seeking additional mobile registration units at Cherry Hill and Lafayette market. After leaving Mayor Grady's office, we went to Mr. D'Alesandro's office to

1 discuss this matter with him further. When we left Mr.
2 D'Alesandro's officer I think there were 12 of us altogether.

3 Q Just a moment. For the record, Mr. D'Alesandro
4 you're referring to -

5 A Supervisor of Elections. We proceeded up Fayette
6 Street and we decided we would go in Hooper's and eat.
7 Since there were a great number of us, we divided. One
8 group went in the side door, the other group went in the
9 front door.

10 Q How many of you were there?

11 A I think there were 12 altogether. I think, I'm
12 not sure of the exact number. When we entered through the
13 revolving doors, three or four of us were able to actually
14 get into the premises of the restaurant at that time, be-
15 cause the gentleman, I don't recall who he was, proceeded
16 to hold the door, blocking a number of us from entering.
17 In fact he tried to push the door back causing one girl's
18 arm to be caught in to the door but after realizing this he
19 did release it. The three or four who were in, were being
20 pushed around and trying to be removed from the restaurant,
21 and the gentlmen who was standing at the door was telling

1 the young lady to try and get a police officer. Well,
 2 finally he went out the revolving door, enabling the rest
 3 of the group to enter while they went for the police officer
 4 who was at the corner there directing the traffic. This
 5 officer proceeded to push his way through the door and we
 6 were then entered or seated on a couch that - there were
 7 three of us seated and three standing. This officer then
 8 told us with an abusive manner --

9 MR. MURPHY: I'll object to the characterization.
 10 He can tell us what it is?

11 THE WITNESS: The officer then said to us that
 12 we had to leave.

13 Q (Mr. Watts) What I'm trying to get at, what
 14 was the age group of the people?

15 A Well, most of us were over 21.

16 Q Was there anybody under 16?

17 A Oh no, definitely not.

18 Q Do you remember who the youngest one was?

19 A I really don't know who is the youngest because
 20 I don't know their ages.

21 Q There wasn't anybody under 16?

1 A I don't think there were anybody under 16 as I
2 know of.

3 Q Who all left at that time?

4 A What happened was that this officer finally asked
5 the lady to read the ordinance. After reading the ordinance
6 we did leave. The first group. I'd like to say this Mr.
7 Watts, because I think it's important. When we got on the
8 outside, we were out and then the police officers came,
9 seemingly because there was a riot or something. When the
10 other group was read out we left.

11 Q All right.

12

13

14 CROSS EXAMINATION BY MR. MURPHY:

15 Q Well then, the altercation was such inside of the
16 restaurant that a number of police came, as you have said,
17 as if there were a riot in the place, is that correct?

18 A It seemed that way because of a number of officers.

19 Q Don't you think your conduct and the conduct of
20 your associates at the time amounted to a breach of the
21 peace?

1 A It did not.

2 Q Well, you were forcing your way physically into
3 this restaurant after the owners had told you that they
4 didn't want you in there?

5 A We never forced our way in there. There were
6 three of us who got in. The others were forcibly prevented
7 from coming in.

8 Q Well, you were all trying to push your way in,
9 weren't you?

10 A No, we were not. At no time. When the door was
11 held, we stopped.

12 Q Well, you were describing somebody being caught
13 in the door and everything else, weren't you?

14 A Yes, but this was only that they were trying to
15 enter the restaurant at the time.

16 Q And the owners or their agents were trying
17 through physical force to keep you from entering, right ?

18 A Only that - What I mean by physical force that
19 he held the door preventing it from revolving.

20 Q The people that were with you, although you had
21 been told you could not enter, and it was obvious to you

1 that physical force was going to be used by the owner and
2 his agents to keep you from entering, you still attempted
3 to enter and did as a matter of fact enter, isn't that
4 correct?

5 A We only entered after the door was moved by the
6 police officer allowing us to get in.

7 Q And you don't feel that this contributed, your
8 conduct contributed to a breach of the peace, sir?

9 A In no way.

10 Q I have no further questions.

11 MR. WATTS: Of course we'd like to impose an
12 objection to this manner of cross examination on the
13 ground that Mr. Savage isn't on trial and this was on
14 another occasion and not on the 17th. Let the record
15 indicate that.

16 THE COURT: Very well.

17 MR. WATTS: That's extraneous cross-examination.

18 MR. MURPHY: I didn't put him on. Counsel put him
19 on. I just cross-examined him exactly about the same things
20 that he asked him about in direct examination.

21

1 REDIRECT EXAMINATION BY MR. WATTS:

2 Q You had no reason -- You didn't call the police?

3 A No, we didn't.

4 Q And actually any conflict that was, was a breach
5 of the peace is when the police came --

6 MR. MURPHY: I object to that.

7 THE COURT: I didn't hear --

8 MR. WATTS: I said the only breach of the peace
9 if any, was when the police came?

10 A When the police came.

11 Q At that time -

12 A This caused more excitement then our presence.

13 Q You had left?

14 A Yes, we had left.

15 Q All right. That's our case, your Honor.

16 THE COURT: I think a reference was made by this
17 witness and others to the reading of the ordinance? It's
18 agreed the ordinance was really a statute?

19 MR. MURPHY: Yes, sir.

20 MR. WATTS: That's our case.

21 MR. MURPHY: The State has no rebuttal.

Renewal of motion for a directed verdict 76

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MR. WATTS: Of course we move again for our motion for a directed verdict.

THE COURT: I'll reserve my ruling. I think you would like to have an opportunity to present a brief?

MR. WATTS: I'd like to be heard briefly now. It might be we could submit our brief at a later date and argue it at a later date.

THE COURT: I think it might be better.

(Conclusion of the Testimony)

STATE OF MARYLAND

VS.

ROBERT MACK BELL, LOVELLEN
P. BROWN, ARIMENTHA D. BULLOCK,
ROSETTA GAINY, ANNETTE GREEN,
ROBERT M. JOHNSON and
RICHARD MCKOY, ALICETEEN E.
MANGRUM, JOHN R. QUARLES, SR.,
MURIEL B. QUARLES, LAWRENCE
M. PARKER and BARBARA F. WHITTAKER

* IN THE CRIMINAL COURT OF

*

BALTIMORE CITY - *Maryland*
Part III

*

Ind. No. 2523Y

*

*

*

* * * * *

✓ APPEAL - *filed April 12, 1961*

MR. CLERK:

Please enter an appeal of the conviction of the Defendants,
in the above-entitled case to the Court of Appeals of Maryland.

121 *Robert B. Waits*
ROBERT B. WAITS
1520 E. Monument Street
Baltimore 5, Maryland

121 *Juanita J. Mitchell*
Juanita J. Mitchell
1239 Druid Hill Avenue
Baltimore 17, Maryland

121 *Tucker R. Dearing*
TUCKER R. DEARING
627 N. Aisquith Street
Baltimore 2, Maryland

Attorneys for Defendants

(FILE RECORDS MUST QUALIFY)

COSTS

Defendant's costs \$89.00
Preparation of Record None
Stenographer's costs 79.00
Total \$168.00

STATE OF MARYLAND, CITY OF BALTIMORE, To Wit:

I HEREBY CERTIFY, that the foregoing is a true Copy of the Record in the aforesaid Case, taken and copied from the Record of Proceedings of the Criminal Court of Baltimore.

IN TESTIMONY WHEREOF, I hereto set my hand and affix the Seal of the Criminal Court of Baltimore, this Twenty-second day of May, A. D., 1961.

Lawrence R. Mooney

Clerk of the Criminal Court of Baltimore

Clerk's Certificate to foregoing
transcript omitted in printing.

Supreme Court of the United States

No. -----, October Term, 1961.

ROBERT MACK BELL, ET AL.,

Petitioners,

v.

MARYLAND

(FILED)

✓ ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF CERTIORARI - *april 5, 1962*

UPON CONSIDERATION of the application of counsel for petitioner(s),

IT IS ORDERED that the time for filing petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including

June 8 _____, 1962.

Wm. J. Brennan
Associate Justice of the Supreme Court of the United States.

Dated this *5th* _____ day of *April* _____, 19 *62*.

Supreme Court of the United States

No. 167 -----, October Term, 19 62

Robert Mack Bell, et al.,

Petitioners,

vs.

Maryland

✓ ORDER ALLOWING CERTIORARI. Filed June 10 -----, 1963.

The petition herein for a writ of certiorari to the
of Appeals
~~Supreme Court~~ of the State of Maryland ----- is granted, and
the case is placed on the summary calendar.

And it is further ordered that the duly certified copy
of the transcript of the proceedings below which accompanied
the petition shall be treated as though filed in response to
such writ.

IN THE
COURT OF APPEALS
OF MARYLAND

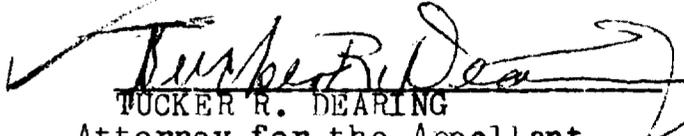
ROBERT M. BELL, ET. AL. :
APPELLANTS : SEPTEMBER TERM, 1961
V. : NO. 91
STATE OF MARYLAND :
APPELLEE :

STIPULATION EXTENDING TIME FOR FILING
APPELLANTS' AND APPELLEE'S BRIEF

Pursuant to the Provision of Rule 830 Paragraph (3) of the rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, counsel for the Appellants and counsel for the Appellee, do hereby enter into the stipulation, agreeing to extend the time for filing the briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing of said brief of the appellant Robert M. Bell and the other Appellants, due to be filed in this Court on September-15- 1961 is this 13th day of September, 1961, extended to September-25-1961.

It is further stipulated and agreed between the respective counsels that the time for filing the Appellee's, the State of Maryland's brief shall be extended to October-28-1961.


TUCKER R. DEARING
Attorney for the Appellant


LAWRENCE F. RODOWSKY
Assistant Attorney General of
Maryland

*also
State's atty (Harris)*

9/14/61
JLL

IN THE
COURT OF APPEALS
OF MARYLAND

ROBERT M. BELL, et. al. :
Appellant :
September Term, 1961
VS. :
No. 91
STATE OF MARYLAND :
Appellee

STIPULATION EXTENDING TIME FOR FILING
APPELLANT'S AND APPELLEE'S BRIEFS

Pursuant to the Provision of Rule 830 Paragraph (3) of the Rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, Counsel for the Appellants and Counsel for the Appellee, do hereby enter into a stipulation, agreeing to extend the time for filing the Briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing of said Brief of the Appellant^s Robert M. Bell and the other Appellants, due to be filed in this Court on August-15-1961 is 14th day of August, 1961, extended to September-15-1961.

It is further stipulated and agreed between the respective counsels that the time for filing the Appellee's, the State of Maryland 's Brief shall be extended to October-18-1961.

*also
State's atty (Harris)*

Tucker R. Dearing
TUCKER R. DEARING
Attorney for the Appellant

Lawrence F. Rodowsky
Lawrence F. Rodowsky
Assistant Attorney General of
Maryland

9
8/15/61
jkk

IN THE
COURT OF APPEALS
OF MARYLAND

ROBERT M. BELL, et al
Appellant

vs.

September Term, 1961

No. 91

STATE OF MARYLAND
Appellee

* * * * *

STIPULATION EXTENDING TIME FOR FILING
APPELLANT'S AND APPELLEE'S BRIEFS

Pursuant to the Provision of Rule 830 Paragraph (3) of the rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, Counsel for the Appellants and Counsel for the Appellee, do hereby enter into a stipulation, agreeing to extend the time for filing the Briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing the said Brief of the Appellant Robert M. Bell and the other Appellants, due to be filed in this Court, on July 5, 1961 is this 3rd day of July, 1961, extended to August 15, 1961.

It is further stipulated and agreed between the respective counsels that the time for filing Appellee's the State of Maryland's Brief shall be extended to October 2, 1961.

✓ Tucker R. Dearing
Tucker R. Dearing
Attorney for the Appellant

✓ Lawrence F. Rodowsky
Lawrence F. Rodowsky
Assistant Attorney General of
Maryland

*also
state's atty (Harris)*

5 7/5/61
jll

December 10, 1964

E. P. Cullinan, Esquire
Chief Deputy Clerk
Supreme Court of the United States
Washington, D. C. 20025

Dear Mr. Cullinan:

I enclose the Petition for Rehearing, filed in this Court on November 23, 1964, in the case of Robert Mack Bell, et al. v. State of Maryland, No. 91, September Term, 1961, and a copy of the letter advising counsel of the action of the Court.

I hope this information will be of assistance.

Very truly yours,

Clerk

JLY/mjm
Enclosure

File
"Pending" Document
JTB

December 8, 1964

Tucker R. Dearing, Esq.
Attorney at Law
627 Aisquith Street
Baltimore, Maryland 21202

Dear Sir:

The Court has considered your "Petition for Rehearing," filed on November 23, 1964, in the case of Robert Mack Bell, et al. vs. State of Maryland, No. 91, September Term, 1961, and, for your information, the Court has granted the petition, but has instructed the Clerk not to reschedule this appeal awaiting the outcome of similar issues now pending before the United States Supreme Court. ✓

Very truly yours,

Clerk

JLY/ojr

cc: Office of the Attorney General
Office of the State's Attorney of
Baltimore City
Mrs. Juanita Jackson Mitchell,
Attorney at Law
Jack Greenberg, Esq. (N.Y.C.)

LAW OFFICES

DEARING & TOADVINE

627 AISQUITH STREET

BALTIMORE 2, MD.

PEABODY 2.6651

November 19, 1964

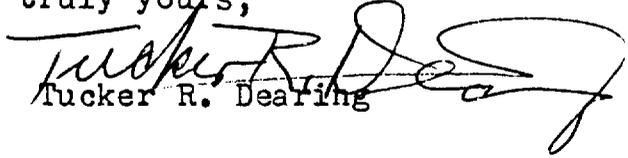
TUCKER R. DEARING
WILLIAM M. TOADVINE

Clerk of Court of Appeals of
Maryland
Annapolis, Maryland

Dear Sir:

Enclosed find the original and six copies of a motion which we have prepared requesting a rehearing in The Case of Robert Mack Bell, et al v. State of Maryland, No. 91, which was decided October 22, 1964.

Very truly yours,


Tucker R. Dearing

11/23/64 - Dearing pl. Is sending
check to cover filing fee. — ^{at} rec'd GR

Copies of petition mailed to judges.

GR

IN THE COURT OF APPEALS OF MARYLAND

No. 91

SEPTEMBER TERM, 1961

ROBERT MACK BELL, et al.,

v.

STATE OF MARYLAND.

FILED NOV 23 1964
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

PETITION FOR REHEARING

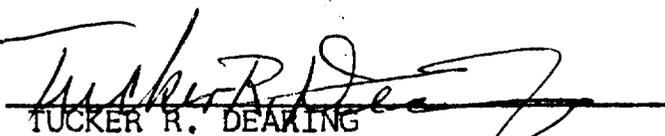
The appellants herein, by their attorneys, respectfully request that the court grant rehearing in this case on the grounds set forth below.

The opinion on remand filed herein on October, 22, 1964, decided that the Civil Rights Act of 1964 did not require abatement of these prosecutions or prohibit punishment of appellants. It is submitted that this issue presents substantial federal statutory and constitutional questions not yet decided by the United States Supreme Court. However, these very same issues are now pending before the United States Supreme Court in two cases which have already been briefed, argued and taken under advisement. Hamm v. City of Rock Hill, cert. granted, 377 U.S. 988, and Lupper v. Arkansas, cert. granted, 377 U.S. 989 (both cases argued October 12, 1964; 33 U.S.L. Week 3141). Appellants submit that, particularly in view of the prior opinion of the Supreme Court in this case on the abatement question (Bell v. Maryland, 378 U.S. 226), there is a substantial likelihood that the Supreme Court may hold that the Civil Rights Act of 1964 abates such

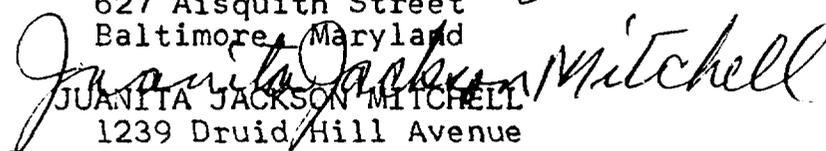
prosecutions. Such a decision would, of course, be determinative of this case and binding upon this Court.

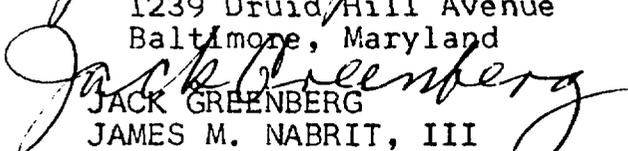
In view of these circumstances, it is respectfully requested that this Court grant rehearing and defer final action on this appeal until the effect of the Civil Rights Act of 1964 is authoritatively determined. We believe that this course of action would be consonant with sound judicial management, in that, whatever the outcome of the pending cases in the United States Supreme Court, this Court can, by postponing final decision, avoid a possible unnecessary appeal concerning a settled question. Basic equity considerations favor the avoidance, where possible, of unnecessary appeals for the convenience of the courts and the parties.

Respectfully submitted,


TUCKER R. DEARING

627 Aisquith Street
Baltimore, Maryland


JUANITA JACKSON MITCHELL
1239 Druid Hill Avenue
Baltimore, Maryland


JACK GREENBERG
JAMES M. NABRIT, III
10 Columbus Circle
New York 19, New York

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 1964, I served a copy of the foregoing Petition for Rehearing on the Honorable Thomas B. Finan, Attorney General of the State of Maryland; Robert C. Murphy, Esq., Deputy Attorney General, Baltimore, Maryland; and William J. O'Donnell, Esq., State's Attorney for Baltimore City, by United States mail, postage prepaid, addressed as indicated above.


Attorney for Appellants

April 9, 1965

Tucker R. Dearing, Esq.
Attorney at Law
627 Aisquith Street
Baltimore, Maryland 21202

Dear Sir:

The Court has considered the motion for order vacating judgment, etc. in the case of Robert Mack Bell, et al. vs. State of Maryland, No. 91, September Term, 1961. For your information, an Order of Court was filed in the matter today and a copy is enclosed.

The Clerk of the Criminal Court of Baltimore has been instructed to attach a copy of this Order to the supplemental mandate issued from this office on October 23, 1964.

Very truly yours,

Clerk

JLY/ojr
Enclosure

cc: Lawrence R. Mooney, Esq.,
Clerk, Criminal Court of Baltimore
Office of the Attorney General
Mrs. Juanita Jackson Mitchell,
Attorney at Law
Office of the State's Attorney of Baltimore City

ROBERT MACK BELL, et al

v.

STATE OF MARYLAND

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In The
Court of Appeals
of Maryland
No. 91
September Term, 1961

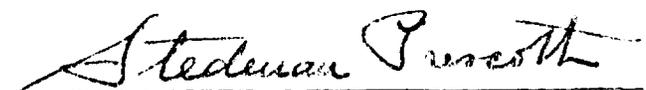
O R D E R

Upon consideration of the motion for order vacating judgment of conviction, or in the alternative, to set case for argument on rehearing,

It is, this 9th day of April, 1965, ORDERED by the Court of Appeals of Maryland that the supplemental mandate of this Court filed on October 23, 1964, affirming the judgments of the Criminal Court of Baltimore be, and the same is hereby, vacated, and it is further

ORDERED that the judgments of the Criminal Court of Baltimore be, and they are hereby, reversed with costs, and it is further

ORDERED that the Mayor and City Council of Baltimore pay the court costs below and in this Court, and that the State of Maryland pay the sum of four hundred and sixty-two dollars and ninety-three cents (\$462.93) to Robert Mack Bell, et al, for their costs expended in the prosecution of their appeal to the Supreme Court of the United States, as directed by that Court.


Chief Judge

FILED APR 1 1965
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

IN THE COURT OF APPEALS OF MARYLAND

No. 91

SEPTEMBER TERM, 1961

ROBERT MACK BELL, et al.,

Appellants,

v.

STATE OF MARYLAND,

Appellee.

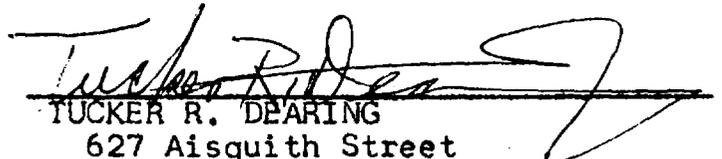
MOTION FOR ORDER VACATING JUDGMENT OF
CONVICTION OR, IN THE ALTERNATIVE, TO
SET CASE FOR ARGUMENT ON REHEARING

This Court filed an opinion, October 22, 1964, again affirming appellants' convictions after remand of this case by the United States Supreme Court. Appellants requested rehearing, directing the court's attention to the pendency of similar issues in the United States Supreme Court. This Court granted rehearing and deferred argument awaiting the outcome of those cases which were Hamm v. City of Rock Hill and Lupper v. State of Arkansas.

The issues involved have been settled by the Supreme Court in accord with the appellants' arguments that such prosecutions are abated by the Civil Rights Act of 1964. The abovementioned cases were decided in a single opinion, sub nom. Hamm v. City of Rock Hill, 379 U.S. 306, on December 14, 1964. The Hamm opinion was again followed in Blow v. North Carolina, 33 U.S.L. Week 3264 (U. S. Sup. Ct., February 1, 1965). Appellants submit that these rulings are completely dispositive of the present

case and that the convictions should be reversed without further argument. However, if the court desires further argument, we request that the case be set as early as may be convenient because numerous trial courts in the State of Maryland are awaiting the final disposition of this case.

Respectfully submitted,


TUCKER R. DEARING
627 Aisquith Street
Baltimore, Maryland

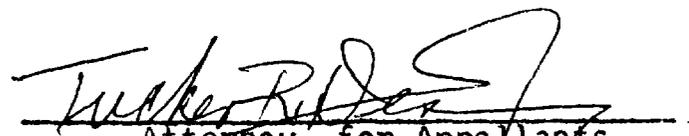
JUANITA JACKSON MITCHELL
1239 Druid Hill Avenue
Baltimore, Maryland

JACK GREENBERG
JAMES M. NABRIT, III
10 Columbus Circle
New York 19, New York

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 1965, I served a copy of the foregoing Motion for Order Vacating Judgment of Conviction Or, in the Alternative, to Set Case for Argument on Rehearing on the Honorable Thomas B. Finan, Attorney General of the State of Maryland; Robert C. Murphy, Esq., Deputy Attorney General, Baltimore, Maryland; and William J. O'Donnell, Esq., State's Attorney for Baltimore City, by United States mail, postage prepaid, addressed as indicated above.


Attorney for Appellants

[1965]

the the first stipulation of this case, because numerous other courts in the State of Maryland are satisfied beyond that the case be set as early as any one convenient argument, however, it the court decide further arguments, we case and that the conviction should be reversed without further

Respectfully submitted,

Motion for Order
Vacating judgment
of conviction or,
in the alternative
to set case for
argument and
hearing.

granted
4-9-68
See Order of
Court attached
hereto.
COURT FOR ALLEGEDLY
NEW YORK 12, NEW YORK
CO. COMPANY OF
W. M. WILSON
RESIDENCE
1000 BROADWAY
NEW YORK 10
1000 BROADWAY
NEW YORK 10
1000 BROADWAY
NEW YORK 10

OFFICE OF SERVICE

I hereby certify that on this 1st day of March, 1968,

Filed, April 1 - 1965

April 19, 1965

Tucker R. Dearing, Esquire
627 Aisquith Street
Baltimore, Maryland 21202

Re: Bell v. Maryland

Dear Tucker:

#91-1961

I am now in receipt of the Order dated April 9, 1965 by the Court of Appeals of Maryland in connection with the above captioned case, wherein it reverses the judgments of the Criminal Court of Baltimore, with costs, the same to be paid by the Mayor and City Council of Baltimore.

In reviewing the several mandates of the Court of Appeals, it appears to me that the following costs are payable to you:

Costs in the Supreme Court of the United States	\$462.93
Costs in the Court of Appeals of Maryland	604.66
Costs in the Criminal Court of Baltimore	<u>79.00</u>
TOTAL	\$1,146.59

By letter dated August 14, 1964, Jack Greenberg, Director-Counsel, requested that check for the costs be made payable to him and that he would make the necessary adjustments with other counsel.

