

FEDERAL COURT REJECTS PLEA  
FROM MISSISSIPPI NEGROES

NEW ORLEANS, LOUISIANA, October 2--A federal appeals court has rejected a Justice Department plea that Mississippi be forbidden to proceed with prosecution of 45 Negroes jailed after a voter registration meeting.

The court, however, granted a request to speed up its handling of an appeal filed for the 45.

The three judge panel - Warren Jones of Jacksonville, Griffin Bell of Atlanta and Elbert P. Tuttle of Atlanta - said a hearing on the appeal will be set after January 1, 1964.

The appeal is from a ruling in which United States District Judge Claude Clayton refused to enjoin prosecution of the Negroes in state court.

The 45 - among them volunteer workers from the Student Nonviolent Coordinating Committee (SNCC) - were arrested in Itta Bena on June 18. Police charged them with marching toward town after a church meeting and with throwing rocks and bottles, and arrested them on "breach of the peace" charges.

The Justice Department said the Negroes were forced out of the church where they had discussed voter registration - by either a tear gas or "stink" bomb and were walking toward the sheriff's home to seek protection when they were set upon by another group of Negroes hired for that purpose.

At their trial, the males were sentenced to six months in prison and a 500 fine each. The women were given four months and \$200 fines.

The injunction petition was requested by Burke Marshall, head of the Civil Rights division of the Justice Department.