

GOBER ET AL. v. CITY OF BIRMINGHAM.

CERTIORARI TO THE COURT OF APPEALS OF ALABAMA.

No. 66. Argued November 6-7, 1962.—
Decided May 20, 1963.

In Birmingham, Ala., which has an ordinance requiring racial segregation in public eating places, ten Negro students were convicted of criminal trespass on private property for sitting at white lunch counters in department stores and failing to leave when requested to do so. *Held*: The convictions are reversed. *Peterson v. City of Greenville*, *ante*, p. 244.

41 Ala. App. 313, 133 So. 2d 697, reversed.

Constance Baker Motley argued the cause for petitioners. With her on the brief were *Jack Greenberg, Arthur D. Shores, Peter A. Hall, Orzell Billingsley, Jr., Oscar W. Adams, Jr., Leroy Clark, William T. Coleman, Jr., William R. Ming, Jr., James M. Nabrit III* and *Louis H. Pollak*.

Watts E. Davis and *J. M. Breckenridge* argued the cause for respondent. With *Mr. Davis* on the brief was *Earl McBee*.

Solicitor General Cox, by special leave of Court, argued the cause for the United States, as *amicus curiae*, urging reversal. With him on the brief were *Assistant Attorney General Marshall, Ralph S. Spritzer, Louis F. Claiborne, Harold H. Greene, Howard A. Glickstein* and *Richard K. Berg*.

PER CURIAM.

The judgments are reversed. *Peterson v. City of Greenville*, *ante*, p. 244.

[For opinion of MR. JUSTICE HARLAN, see *ante*, p. 248.]