

SS020.mp3

Walter Bailey- Do we do this in a narrative or do we do this...

David Yellin- Oh we will ask you a few questions just to get started.

Walter Bailey- Oh ok.

David Yellin- This is June 26, 1968 and we at the offices for the Memphis Search for Meaning Committee and our purpose is to interview Walter Bailey, attorney in Memphis and present are Joan Beifuss, Bill Thomas, and David Yellin.

Joan Beifuss- Do you want a cup of coffee before we start, I should have asked you that before.

Walter Bailey- No not now.

David Yellin- It should be recorded in history that you are refusing coffee. (Laughs) Actually we kind of get people started to tell about themselves, but I think we will sort of come to that you don't seem like a shy fellow and we think we don't need to warm you up as we do other people, I think you are used to kind of talking across the table, however, we do want to know how you became a lawyer.

Walter Bailey- Well, I was attending Southern University back in, which is located in Baton Rouge, Louisiana incidentally back in 1962, is when I was a senior in college. I had done my undergrad work. To be perfectly blunt about it, prior to my senior year, I had no notion I was going into law school. Because I am a pretty outstanding athlete, playing center guard on my collegiate football team. And I got involved at a civil rights demonstration down at Southern during that year.

David Yellin- This is Southern...

Walter Bailey- University.

David Yellin- University.

Walter Bailey- Yup, and as a result of the civil rights demonstration and my participation in it, it was recommended I move off campus to the, well not exactly off campus but out of the student dormitory, over to the section where the faculty members were staying. Which was what I did.

.David Yellin- It was recommended.

Walter Bailey- Yeah, so I was housed, I was on a football scholarship so they couldn't put me off campus. They were bound by the contract to provide living facilities for me.

David Yellin- I see.

Walter Bailey- So they said, well, we can't put you off campus...

David Yellin- I'll remember that phrase, like my teacher recommended that I sit in front with her when we went to the zoo. (Laughs)

Joan Beifuss- What kind of a civil rights demonstration was it Lee.

Walter Bailey- Well it was a mass demonstration by students against two things mainly, number one against the racial situation in the city of Baton Rouge at the time, and number two also involved a demonstration against the stringent control of students by faculty. As a result my brother incidentally, I think he led the latter portion of it. He wasn't in at the inception of it.

David Yellin- Was he a student there also?

Walter Bailey- Yes, and he was expelled and they refused to re-admit him.

Joan Beifuss- He didn't have an athletic scholarship?

Walter Bailey- No. But anyway, now he was in political science and he (muffled). Also because he was always desirous of going to law school, so I was sort of influenced by him and in addition I had changed my major from physical education to political science I thin about my sophomore year.

David Yellin- Now did you live in Memphis?

Walter Bailey- Yeah.

David Yellin- You were born in Memphis?

Walter Bailey- Yes. I left Memphis and went to Southern.

David Yellin- What high school did you go to here?

Walter Bailey- Booker Washington.

David Yellin- And you played bal there obviously.

Walter Bailey- Yeah. So after the family's participation in the civil rights demonstration at Southern, I was more keenly enthused about getting into some spectrum of the whole economics and politics and things were I could be of some benefit along these lines. I thought that law was the best avenue. Now after I had gotten expelled from Southern, not expelled, but kicked out of the senior men's dormitory, I was sent out to live with the faculty. There was a dormitory out there that houses law students. There was a fellow out there that was always suggesting to me that I should try law school. Give it a try, give it a try, give it a try.

David Yellin- Were you such a good clubhouse lawyer?

Walter Bailey- No, they were very much interested in recruiting more students, more undergrads into law, because the law school was pretty much dying and had very few students at the time, a handful. So he kept suggesting to me to try law

school at least a year and put it in the form of a challenge. I just had no conception that I could make it through law school, because I never was what you consider being highly academically qualified to undertake a very learned profession like law, at least I always thought that I wasn't. But anyway, I accepted his challenge and the influence from my brother, the subtle influence from my brother. I was involved, my only involvement in a civil rights demonstration it was at the law school, that was how I got there.

David Yellin- What law school did you go to?

Walter Bailey- Southern University's law school.

David Yellin- Oh you still went to Southern.

Walter Bailey- Yes, we had a law school right there on campus.

David Yellin- So you were away from Memphis for 7 years or...

Walter Bailey- No, not exactly because in the summer months I would always return when I was an undergrad, but when I started law school I got married my first year and I just started obtain facilities in the student dormitory. Not the student dormitory, but the merit students facilities out there.

David Yellin- Did you come right back to Memphis?

Walter Bailey- Yeah.

David Yellin- After law school.

Walter Bailey- Yeah.

David Yellin- And what did you do? Did you clerk somewhere?

Walter Bailey- No, I undertook to take myself to pass the Tennessee Bar which I did.

David Yellin- How long did that take?

Walter Bailey- It took from June until about February. AI hung around the law library.

David Yellin- Where?

Walter Bailey- Shelby County Law Library. I also took a BAR review course that was sponsored by a few lawyers in town, which was designed to help you get by the BAR.

David Yellin- After you passed the BAR what was your first association in the business, yourself or who did you go in with?

Walter Bailey- After I passed the BAR, well...

David Yellin- When was this?

Walter Bailey- This was in....

David Yellin- 63'? 64'?

Walter Bailey- No, it had to be at least 66', I believe it was. After I passed the Bar in 66' I had an operation and it took me about 10 days to fully recuperate from it. So then I went, while I was home recuperating from the operation I got a call from A.W. Willis to come down and consider coordinating a registration drive in western Tennessee under the offices of the southern regional council. Atlanta, Georgia, so I accepted and I got projected onto that. In the meantime, I went ahead and set up a law office down in (Muffled), and I started my law business and my political business out of the same office.

David Yellin- And this was your own law office to say you were...

Walter Bailey- Yeah, but I was loosely associated with Russell Sugarman who was located in that building and had the office that was net to mine.

David Yellin- This is before they combined...

Walter Bailey- Yeah, yeah, I was loosely associated with A.W. with a (muffled) That was my first contact professionally.

David Yellin- And what were some of your ca...early you handled any specific kinds of case or any kind. Or you took whatever you could get?

Walter Bailey- Well I took pretty much whatever I could get.

David Yellin- What were they primarily?

Walter Bailey- They were primarily, well, criminal matters, and because poor people are always good praise for young lawyers who have just opened shop. So I undertook to defend some indigent, pretty much indigent people, on the criminal level. Then I also had several just routine office matters that I handle, like helping people with their contracts and estate problems and will problems, drafting wills, and things along that line. Advising people and charging them a consepation fee.

Joan Beifuss- What were you doing with the West Tennessee Registration project?

Walter Bailey- I served as the so called general coordinator and my role was to, well I was assigned the task of registering and politically educating and socially making aware of people throughout western Tennessee.

Joan Beifuss- What does west Tennessee include there with?

Walter Bailey- All the way back to the Tennessee river. I think, I don't recall the counties up around there.

Bill Thomas- Tennessee River and west.

Joan Beifuss- Big area isn't it?

Walter Bailey- Well it was, but here is what I did, I had it broken down into this fashion. I had local coordinators representing just about each of the various counties. Local coordinator, of course I look to primarily in terms of getting a job done in that locale. Because, as a matter of fact I never even made a visit up on the far eastern edge.

David Yellin- You were about to say that you wouldn't dare. (Laughs) really it wasn't good for you to go in there?

Walter Bailey- No, no, it was just too much in terms of just effort and work.

David Yellin- Was there anything in the racial situation where you wouldn't go up there?

Walter Bailey- No, no, no. The way I ran the project was I pretty much vested the responsibility of people getting registered with the local coordinators. However, I was called upon to go out sometime during the week at night and meet with a group of people at what they call a mass meeting. So it was more or less a pep rally.

David Yellin- Did you make speeches? Did you actually make speeches?

Walter Bailey- Yeah, I loved it. (Laughs)

David Yellin- Well I think we got a pretty good background.

Joan Beifuss- Can I ask one other thing. Was there any trouble by 1966 or this late.

Walter Bailey- In terms of voter registration? Well my local coordinator has problems trying to get people to go and register for various and sundry reasons mainly, for example, some people were afraid if they registered they would be evicted as tenants from where they were residing. So that always posed a problem, this element of fear.

Joan Beifuss- Did this in fact ever happen, that anyone was evicted that registered?

Walter Bailey- Well, yes, and I believe it was Hayward county, yes it was Hayward county. It has a lot of activity up there were people were getting their homes burned and the insurance companies, not insurance companies, yeah they title insurance companies were refusing to issue title insurance on people's homes, as a result of the activity of opponents who were opposed to any civil progress on a part of negroes.

Joan Beifuss- Up in that area had there been any large voter registration guys before?

Walter Bailey- Oh yeah you have had people up there that have been very dedicated all along, they were old veterans at the game.

Bill Thomas- I was going to say most of that difficulty , it happened earlier about 64', The evictions and the home burning was in Hayward county.

Walter Bailey- Well I would think it would be pretty perpetual.

Bill Thomas- Was it?

David Yellin- Is it still going on?

Walter Bailey- Anytime any major activity is undertaken up there, they meet with opposition, violent opposition. Matter of fact, there were, I don't recall these fellows names, white fellow, I don't recall where he was from. He was from the New England states I believe. He and a, I believe she was an Indian girl, were very active up there. In terms of trying to get people oriented.

David Yellin- They lived there or they came in from outside.

Walter Bailey- They came in from outside, but they have been up there for about 3 years I believe. They were very fearful all of the time of somebody coming by and taking a shot into one of the homes where they could be staying at given times.

David Yellin- Could you help us now to get back to Memphis and starting around February. What we are trying to find out as much as possible are the few events before the actual strike itself. Particularly, well they are not mentioned here, but the two sanitation workers who were killed on the truck. Any of those in the sanitation department who were sent home and not paid, which many people consider to be almost the direct incident that set off this particular strike. Are you familiar with any of that area?

Walter Bailey- I am not familiar with any of the background no more than what I gathered from reading newspapers and listening to the other media. With our tie in with the whole sanitation movement was strictly from a legal point of view.

David Yellin- Yes.

Walter Bailey- When I say our, I am talking about my law firm.

David Yellin- Yes, and would you read out your law firm so that we now have it on the record.

Walter Bailey- Well my law firm consists of partners being, Rattner, Modern Rattner, Louis Lucas, Russell Shiverman, and A.W. Willis. We did have when we first organized about a year ago Russell X. Thompson who branched off and started another law firm.

Joan Beifuss- Now this was the first integrated law firm in Memphis right?

Walter Bailey- Yes.

David Yellin- And one of the first in the country as a matter of fact, or (muffled) wasn't the first.

Walter Bailey- I don't know about that.

David Yellin- As I recall when it was formed it was considered to be the second or the third in the big city.

Walter Bailey- I would hazard to make a guess by saying, that it would be among the first 10. I am being pretty liberal in my estimate.

David Yellin- Yes. So when was the actual first association with the strike in anyway.

Walter Bailey- Well our, actual, direct association or direct contact with the whole sanitation movement commenced the evening the sanitation workers refused to leave the city chambers.

David Yellin- And that's on February 23<sup>rd</sup>.

Walter Bailey- Yeah.

David Yellin- Or later?

Bill Thomas- It would have been later because the 23<sup>rd</sup> is when the march.

David Yellin- Yeah, the macing.

Walter Bailey- It was on March 6<sup>th</sup>. I see that you have it set out here.

David Yellin- Oh that is the arrest that is right.

Bill Thomas- That was after the picnic luncheon in the council chambers.

Joan Beifuss- And after the macing.

Walter Bailey- That is when we got directly involved because we had (muffled) We wanted to remain as professional as we could. We didn't exactly at that point consider ourselves civil rights vocalists as such. I say vocalists, I am talking about people out in the forefront, advocating and leading. Our roles mainly, and our roles exclusively was in the capacity of lawyers.

David Yellin- Was this a company policy or and organization policy or did you just determine this amongst yourselves, or how did this come about?

Walter Bailey- Well, knowing the personality of each one of us it was generally assumed that no one would get out there on the, before podium and lead a sanitation march.

David Yellin- But as a law firm you certainly wouldn't...

Walter Bailey- Exactly.

David Yellin- Again just to keep us clear, were you involved personally in any way outside of the law?

Walter Bailey- Outside of the law? Well I marched in that first Dr., King's march. That was my only non-legal I reckon allotment.

David Yellin- Nothing before March 6<sup>th</sup>?

Walter Bailey- Oh no. no.

David Yellin- Ok. How did you get involved on March 6<sup>th</sup>?

Walter Bailey- On March 6<sup>th</sup> I got a call from I believe it was Jesse Turner who is the local NAACP leader. He called and behalf of the organization COME, which is listed on this sheet here and suggested to me that I make some arrangements to come down and get the people out that had been arrested, the 117 people. Which I proceeded to do, but when I got down there, Dave Kaywood and, well he had already gotten there and had already made contract and arrangements for the juries to have the people released on their own recognizance. So that pretty much terminated my activities in that particular.

David Yellin- Nothing that you can recall came out of that?

Walter Bailey- No, no.

David Yellin- We are searching and we are digging...

Walter Bailey- No, because they were put on probation by Judge (muffled)

David Yellin- Did you come down late at night or was this after the arrest the was arranged and they were over there....

Walter Bailey- This was after the arrest was arranged and they were over there. That's when I got the call.

David Yellin- Were you at your office?

Walter Bailey- Yes.

David Yellin- Was it late in the afternoon wasn't it?

Walter Bailey- Yes it was, rather late.

Bill Thomas- This is kind of a back up question, just going back just it will be quick and you will know as an attorney I am sure. But there were no cases at all that came



out of the march in which the marcher's were maced, and that would be on the 23<sup>rd</sup> I think?

Walter Bailey- No, no.

David Yellin- Nobody brought charges against the city as I recall.

Walter Bailey- Oh you mean cases where the city prosecuted.

Bill Thomas- No, or where the people one of the people complained.

Walter Bailey- No, no civil rights action leveled by any of the ones involved.

Bill Thomas- I wonder why that was.

Walter Bailey- I guess they thought it was pretty minor in terms of the major objective. It was just a matter of tactics and weighing priorities.

David Yellin- Ok then what would be the next association you had?

Walter Bailey- Well my next association involved Reverend Blackburn and several others had gotten them...incidentally Otis Higg also, one of these persons who had been released on his own recognizance on March 6<sup>th</sup>, the 117. When they appeared before Judge Ray Churchill, Otis W. Higgs, who is my law partner, one of the junior members of my firm, represented those persons in city court the next morning.

David Yellin- Now is he negro?

Walter Bailey- Yes.

Joan Beifuss- Were those cases taken one by one or could they do it in a whole bunch?

Walter Bailey- They did them sort of in a bunch and they made them settle with the, well not with the city the city wasn't necessarily in agreement with the settlement, but the court put these people on probation and pointed out that, it was not, the court viewed it primarily as a labor dispute. And the court said that it would not get itself involved in a labor dispute, in the middle of a big labor dispute between the city and the sanitation workers, its own employees.

David Yellin- So are those men still on the docket for still being on probation?

Walter Bailey- I don't recall those cases being dismissed. They may have been sometime, you don't have to return for the judge to dismiss those cases when he puts you on probation for a given period of time.

David Yellin- Are you notified? Oh you are given a given period of time.

Walter Bailey- Well he will tell you not to come back down here as a result of being arrested in connection with something like this between now and the next date.

David Yellin- Because I recall some incidents where somebody said I better not because I am on probation. But then automatically if you don't get involved you are off probation.

Walter Bailey- That's right.

David Yellin- So there are no fines, no penalties are levied as a result of this.

Walter Bailey- That's right.

David Yellin- The worst that happened to anybody was that they were put on probation?

Walter Bailey- That's right.

David Yellin- On March 5<sup>th</sup> you were about to say something with Reverend Blackburn. Was that the day before when he was involved in Democratic Rd.

Walter Bailey- Yeah, stopping the sanitation trucks. Yeah, That is on March 5<sup>th</sup>, March 5<sup>th</sup>?

David Yellin- Yeah.

Walter Bailey- Well, Thurman Solki, who is one of the junior members of my law firm represented Reverend Blackburn and a few others in city court and they were bow nova on state charges of disorderly conduct and blocking, in connection with blocking the trucks and not letting the trucks become mobile and move. Now there, I don't see the date here and I don't exactly recall the date that it was, I represented, I think, during that same day, or the day after.

David Yellin- Oh yes. Union leaders held in contempt, was it any of this?

Walter Bailey- This was another blocking of sanitation trucks.

David Yellin- Oh, it may be the day after.

Walter Bailey- I don't recall what day it was, but anyway. Hara Millbrook made that demonstration that I recall. It was a group of (undeterminable word).

Bill Thomas- Yeah I believe that was the next night. And Mrs. Crenshaw, was she there at the time?

Walter Bailey- No, no, this demonstration involved minors, NAACP youth workers and under the leadership of Harold Maybrook, Reverend Harold Maybrook.

David Yellin- Right.

Walter Bailey- They had surrounded a driver's truck and were singing hymns and were arrested. I represented them in city court. I arranged to have them put on probation.

Joan Beifuss- With no fines?

Walter Bailey- With no fines or anything.

What kind of charge is that, was that a disorderly conduct charge?

Walter Bailey- They were charged with disorderly conduct yeah. Condition of course on their meeting of course with Judge Brandon Wyland who presided, meeting with him weekly for a given period of time, which I understand later he discontinued the meetings, after they got into heated dialogues. (Laughs)

David Yellin- That's kind of funny. He was going to calm them down and ...

Walter Bailey- He told them you don't have to come back until you hear from me.

David Yellin- I am kind of curious, what do you do as a lawyer when this kind of situation comes up? Obviously they did this thing how do you plea, or how do you plead their case?

Walter Bailey- Well, what I did, my first obligation was, and my first obligation always is when I represent a person to try and get them off with a not guilty verdict. So I undertook it along that line, I followed that procedure, I tried to first show that there wasn't sufficient identification on the part of the police officers. I had the defendant asked to sit there was about thirteen of fourteen of them and I had them to sit in the court room and I made all of the officers stand out in the hall and come in one at the time and relate or narrate their version of what occurred. AS the officer would come in under my cross examination I would ask him, Mr. Officer do you see them in the court room? I was banking on the fact, and hoping that the officer wouldn't be able to associate the name with the personality itself. I asked him do you see that young man that you accused of standing out in front of the truck singing I the courtroom that you identified as Richard Roe if so point him out. With all the fellow citizens on the first row of Judge Wyndman's court. The officer in some occasions, well I got away with it on the first two or three times but then they went out and got pictures. (Laughs)

Walter Bailey- So then they brought the pictures in. (Laugh)

David Yellin- I see, I see.

Walter Bailey- So then they simply made the association that....

David Yellin- Couldn't you confine the officers in the cells.

Walter Bailey- Then after I found, after I had concluded that the judge had enough evidence from the pinpoint of a lawyer's analysis of the problem that the judge had enough evidence to convict a person of disorderly conduct. Then I undertook which of course is the next phase which was of course to ask leniency and understanding and tolerance.

David Yellin- And you then admit that they are the people...

Walter Bailey- Well I conceived that there are sufficient facts in the court.

David Yellin- You be big about it.

Walter Bailey- Yeah.

Joan Beifuss- What exactly is a simple definition of disorderly conduct?

Walter Bailey- Well disorderly conduct just about covers the whole...

Joan Beifuss- Yeah because they seem to have used it on practically everyone for anything.

Walter Bailey- Anybody's activities that become an anomaly from the prejudicial attitudes of the status quo.

Joan Beifuss- That's the legal definition.

David Yellin- Well that is sociology's definition.

Walter Bailey- Well anything that a person does that doesn't meet social approval as such, social sanction as such, when I say social sanction I am talking about it doesn't meet the quote middle class notion of how people should conduct themselves unquote.

David Yellin- Anything that in anybody in anyway acts that is not acceptable.

Walter Bailey- Eccentric behavior.

David Yellin- Behavior and so on.

Joan Beifuss- So you can apply it to almost anything.

Walter Bailey- Yeah. That is why we are attaching it and contending that it is unconstitutional.

David Yellin- I mean having long hair is disorderly conduct isn't it. It's, people, it gives them the willies. Ok. Can we have a next one.

Bill Thomas- One more thing on that, Reverend Middlebrook he was charged too.

Walter Bailey- Yes.

Bill Thomas- And the same dispensation with a very member of the officers.

Joan Beifuss- He had to meet with Judge Wynman too.

Walter Bailey- Before he was added to accepting the judge's recommendation that they be put on probation, he called Reverend Lawson to go ahead and get the green light, as to well I think they should go ahead and do it and Reverend Lawson gave them the go ahead to submit themselves to the courts probation.

David Yellin- Was it established that Reverend Middlebrook was the leader of this group?

Walter Bailey- Oh yeah.

David Yellin- I mean just a matter of honor why wouldn't he get a more difficult charge?

Walter Bailey- I don't think that Judge Wyndman viewed it as such.. I don't think he was too much concerned about who was bleeding as much as he was concerned about who was involved.

Joan Beifuss- What was the alternative if they had not submitted themselves at the court's decision?

Walter Bailey- They would have been held to the state on a disorderly conduct charge. Bound then by action by the Shelby County Jury on disorderly conduct. Which means at that point they would have to have their cases disposed of over in State Criminal Court.

David Yellin- So this became a matter for Reverend Lawson who was in essence the leader of the group movement, it became a matter of strategy didn't it?

Walter Bailey- Yeah.

David Yellin- It wasn't just their own decision to make.

Walter Bailey- No.

David Yellin- So that when Reverend Lawson said this he didn't want at this point to cause this difficulty to go on.

Walter Bailey- Right because they would have had to have made bonds in order to get themselves out pending the action of the grand jury and the action of the court subsequent to the jury's action.

David Yellin- Anything else in this list of activity?

Walter Bailey- No. Being, after the rumors had spread that Dr. King would leave the second march assuming we have gotten that far.

David Yellin- In other words, in the first march when he was to come in and the snow you had nothing to do with the snow?

Walter Bailey- No.

Bill Thomas- Can I ask real quick. There was a question brought up about a parade permit much later on. But I am wondering if this applied at all earlier for instance when there were I think it was, Barry Justice down at city hall, I don't know if that can be considered a parade or not, there were numerous marches and that sort of thing. Did the parade question, the parade permit question ever come up?

Walter Bailey- Yes, it did. Now after the rumors had circulated that Dr. King would lead a second march. And of course after he had vowed he would lead a second march.

David Yellin- This is now, you are talking after the 28<sup>th</sup>.

Walter Bailey- Yeah after , the first march, which was pretty much.

David Yellin- Should we come back to that with you, were you involved in any way?

Walter Bailey- Well, yes I was, I represented some of the persons who were arrested and beaten and charged and had various charges placed against them.

David Yellin- But would you care to go into the other thing and then go back to it or do you want to take this up now?

Walter Bailey- I guess we better stay in the chronological sequence of things. Well during the first Dr. King march, I was right in the middle of it with my wife and my 4 year old boy who was out in the street with my wife and Reverend Cowell's wife, and their 4 or 5 year old boy. They were companions the 4 of them, my wife his wife and our two kids. I was walking on the sidewalk with Johnny Spencer from the civil rights office in connection with this first march, I thought it would go pretty peaceful with no difficulty. The Whole aura or atmosphere indicated to no difficulty. However, after the marches had gotten to Main and Beale that is when the disorder broke out as you well know. The first thing I noticed was I saw a group of young fellows with sticks hitting the pawn shop window. And I said to myself, good heavens what the hell are they trying to do to all of us, get all of us shot as a result of trying to break I the pawn shop to get some...use some pretty myself northern language in describing what they were trying to do. I was terribly frightened because I had lost trace of my wife and my little boy and I didn't know if they would get trampled in the process of people panicking or just what the situation would develop into. Then police officers became very, very stern and pretty rough. I understand that immediately after the window breaking occurred Dr. King had left the march in an automobile. I was out there in the middle of it and I said to myself, Here I am right in the middle of a riot. And not being able to locate my little boy and my wife and I was very panic-stricken.

David Yellin- That was the first occasion or experience for you. That other time back in college there was no riot.

Walter Bailey- No, well yes there was too. We experienced tear gas being thrown at us and dispersing us but we didn't hurl any rocks and we didn't break any windows.

David Yellin- And you had no children.

Walter Bailey- No children, no everybody, I was collegiate age. So I wasn't nearly as frightened as then at the first Dr. King's march. So anyway none the less I represented some of those people charged with rioting and looting and...

David Yellin- Did anything else happen to you in the march? How did you find your children?

Walter Bailey- Well, fortunately my wife was frightened enough to grab the first cab that she saw in the area. She jumped in and insisted that the cab driver take her out of there. So she was transported home.

David Yellin- Was this a white cab driver or a negro cab driver?

Walter Bailey- Negro cab driver.

David Yellin- And Gwyn Kyle stayed behind.

Walter Bailey- Gwyn Kyle had three, or two or three daughters out there also in the march and she was panic stricken looking for them. I ran into her and asked where did Elsie go, my wife. And she said that she didn't know and asked me had I seen her daughters. The whole thing was in a state of pandemonium.

David Yellin- And how did you get out of it?

Walter Bailey- I retreated to the church, no I wasn't maced, I retreated to the church. Hoping that I would find my wife and child there. Everybody in the church was in a state of fright and shock not believing that it had happened because it really started out very peacefully. The church smelled and had that gassed smell about it on the inside where I was. I don't know if you ever smelled that stuff or not, but it has a very penetrating smell. It is not an offensive smell, it has no odor, but it is sort of a harsh stimulation to your nervous system.

David Yellin- We are talking about Clayborne Temple.

Walter Bailey- Yeah, Clayborne Temple.

David Yellin- And then so nothing, how did you know that your wife and son were back home, did you call them?

Walter Bailey- Eric Anderson I think it was asked me to call my office, and my wife had called the office and let word that she and my child had gotten home safely.

Joan Beifuss- When you were in Clayborne Temple was anybody in charge, was anyone trying to speak for the people?

Walter Bailey- This fellow Judd Smith had taken the roster and he was trying to command the audience at that point and Jim was also down in the audience trying to get people tranquilized. Judd Smith was up at the rostrum trying to make some

announcement and nobody would listen to him. I thought at that point like pulling him off, I don't know what he was trying to say but I just erroneously felt that he in some sort of way was responsible because of his very militant attitude and I thought that he, I just assumed as I said before very erroneous in my assumption but I assumed that he was in some sort of way connected.

Joan Beifuss- Did you think gas had been used inside Clayborne Temple? Or do you think it just kind of wafted in?

Walter Bailey- Clothing, you know that stuff will get in your clothing and stay in for a long period of time and get in your skin and stay for days. It would saturate the whole place.

David Yellin- Can we do something here and I want to come back and ask about your representation, but can we make a shift while we are a little fresh and that is can we go to Dr. King and your first association with Dr. King in this whole thing and then we will come back to your representation. When did your firm or you personally whichever came earlier become associated with Dr. King in this early period.

Walter Bailey- I was in my office and I got a call from New York from one of the staff members of the legal defense fund.

David Yellin- Do you remember when this was?

Walter Bailey- This was the.

David Yellin- There is a calendar up there...

Walter Bailey- I don't think the calendar will help me much my memory is documented, punctuated by events. This was the...the day the injunction was issued.

David Yellin- Oh I see.

Bill Thomas- The injunction against the march.

Walter Bailey- By the city.

David Yellin- That's the second march.

Joan Beifuss- Yeah.

Walter Bailey- Well the day the injunction was issued I got a call from one of the staff members of the NAACP legal defense fund. I was instructed to have my firm get on Dr. King's case right away. Get on the injunction, and stay on top of it. The legal defense fund had represented Dr. King a good much on other matters, on most of his matters.

Joan Beifuss- This is the NAACP?



Walter Bailey- Not exactly it is an autonomously functioning body strictly independently of any connection with

David Yellin- Any organization.

Walter Bailey- Any organization.

David Yellin- Do you remember who called you just again for the record.

Walter Bailey- I believe it was Mel Zaar.

David Yellin- Zaar, Z double 'A' R?

Walter Bailey- Yeah.

David Yellin- Zaar.

Walter Bailey- 'Z' 'A' 'R' 'R' I believe is how you spell it.

David Yellin- Oh Z A R R.

Walter Bailey- Either Michael Melshner, I am not sure which one of those. I got a call from one of them and he asked me what was going on down here number 1. I apprised on the situation. He told me to get on it, what are you doing about it, get on it right away. Of course we do get a, we are Americana as our local lawyer says.

David Yellin- I see the legal aid, so how did you get on it? What did you do? As minutely as you can recall.

Walter Bailey- The first thing I did was I went in and informed Louis Lucas that I had gotten this call and Louis Lucas the senior of the firm, I asked him of course I left it to him where we went and what we would proceed to do. So he got in touch with Judge Bailey Brown's secretary to find out whether an injunction had been tended to the clerk's office and signed by the judge. He was informed that one had not at that point but we had better get over there, pretty confidentially, she told him that he had better get over the because these lawyers from the city were in the chambers at that point. So the court wouldn't sign it in chambers the court had, to be honest with you the court was a judge. So the court required the city lawyers to come out in open court.

David Yellin- I see, do you remember what time this was?

Walter Bailey- This was about 9:30.

David Yellin- In the morning?

Walter Bailey- Yeah, in the morning. That is what time that court convenes. So Lucas and I were, we got on over there and then the city attorneys were of course asking for an injunction. The court granted the injunction, temporary restraining order, against any further marches or activities on, not the local folks here, all the

people outside of the state. It was an injunction geared towards those outside the state. They did it as a matter of tactics, pleading tactics. Because they would have been unable to go into federal court and get an injunction against the state and the out of town folks. City of Memphis would have been unable to do that because there is a requirement every time you go into federal court under the civil rights statute to get someone conjoined, either there must be a federal question involved or it must be under diversity of citizenship and there was no diversity of citizenship between the city of Memphis and the local residents of Shelby County. They had to make it between the city of Memphis and the out of town people. Which would have included Dr. King but not (undeterminable word). So they left out, they excluded the local people as a matter of strategy.

David Yellin- Now these are the city attorneys you are saying.

Walter Bailey- So.

Joan Beifuss- I'm sorry I don't quite understand the point while we are here. Did you argue that before the judge granted that injunction?

Walter Bailey- Well we asked the court for time to evaluate, I mean to thoroughly read the city's pleadings and all.

Joan Beifuss- Did they grant you time?

Walter Bailey- No. they did not.

Bill Thomas- I am sort of confused too. I had understood that this was an injunction against the march but that is not so. Right?

Walter Bailey- Well you have to enjoin persons from doing things.

Bill Thomas- But all this enjoined was the people coming from outside Memphis and anyone else could march.

Walter Bailey- That's right, that's right. As a matter fact, that very point was raised during the course of our various discussions. Well as a matter of fact that became a big issue in court proceeding and that is one of the main reasons the court allowed the march anyway. Because the whole, we set up the notion that the march would not be led by Dr. King, and this was the whole strategy on our part. If you all allow Dr. King to led this march then you subject yourself to having the march be led by some local folks who may get quite (muffled).

David Yellin- I see.

Bill Thomas- So there never really was an injunction against the march as such?

Walter Bailey- No, no, just against the entity.

David Yellin- And Dr. King could have marched but he had nothing to do with organizing or even leading it or...

Walter Bailey- He was enjoined for marching.

David Yellin- And that was comprehensive, if you were enjoined for marching you would be enjoined from organizing...

Walter Bailey- Enjoined from anything.

David Yellin- Right, Alright. OK fine. After the city, after the injunction was issued...

Walter Bailey- After the injunction was issued, then Lucas and I went and met with Dr. King at Jim Lawson's church.

David Yellin- Now this becomes Wednesday morning. Then April 3<sup>rd</sup>.

Walter Bailey- Yeah, that 's the same day the injunction was issued.

David Yellin- Wednesday morning.

Walter Bailey- We met with Dr. King I guess about 10:30. Dr. King and Dr. Abernathy.

David Yellin- Just the two of them?

Walter Bailey- Well, we first met with Jim Lawson and Dr. King and Dr. Abernathy were in a meeting with the other ministers, with some 100 I believe or more ministers. After Dr. King could get away then he met with Lucas and me.

David Yellin- Oh yes. That is before he had anything to eat, remember and Billy Kyles and everybody tried to get him to meet with you. He met with all the ministers to sort of explain what they were doing. And this was afternoon.

Bill Thomas- Where was that meeting?

Walter Bailey- This was at Jim Lawson's church.

Bill Thomas- Oh I see, and that's where you all were?

Walter Bailey- We went there to confer with him and advise him.

Joan Beifuss- Now had he already received the injunction at the time?

Walter Bailey- No, no. Lucas called the federal marshals and told them where Dr. King would be and where he could get Dr. King and the others there.

Bill Thomas- And this call was made from Jim Lawson's church.

Walter Bailey- Jim Lawson's church, and Dr. King agreed to stay around a few minutes and give time enough for the marchers to get there and serve him, however, there was some delay on the part of the marchers so Dr. King told Dr. Abernathy, I believe that Dr. King had a meeting later that afternoon and he wanted to eat, he was

hungry and Reverend Abernathy. So they told us they were going to the Laredo Motel to eat and meet some other people there.

David Yellin- Did they make any statements such as let them come and find me, can you recall?

Walter Bailey- Dr. King did not, but Reverend Abernathy did if I can recall correctly.

David Yellin- What did he say?

Walter Bailey- I believe he indicated that we had waited enough time on the marchers now, let them come where we will be and serve us. I don't see why we should have stay around here and continue to wait and accommodate them.

Bill Thomas- The meeting had ended then had it? With the ministers.

Walter Bailey- No I don't believe I, I am not quoting him.

David Yellin- You are paraphrasing him.

Walter Bailey- I am recalling and supplying...

David Yellin- We are trying to get some flavor too, if you can say you know he said, let them come and get us or something you know it was just be kind of interesting.

Joan Beifuss- When you talk to Dr. King and Dr. Abernathy then that morning was there any kind of decision made on what kind of legal strategy would be followed when the injunction was served?

Walter Bailey- Now Dr. King left it all up to us he doesn't try and run the rule of the lawyers.

David Yellin- Now in order to be clear about the time sequence. When you went over to Jim Lawson's church, Dr. King was not in town he arrived there?

Walter Bailey- No, he was in town.

Walter Bailey- You had met with him before?

Walter Bailey- No we had not, that was our first encounter, direct encounter with Dr. King.

Walter Bailey- Had you ever met him before?

Walter Bailey- I had never met him before.

David Yellin- And you met him then.

Walter Bailey- Right. Lucas had never met him before.

David Yellin- And you announced who you were and he accepted you as such?

Walter Bailey- Jim Lawson introduced us and he introduced us to Dr. King and after Dr. King, after Dr. oh this man would color. I was tremendously impressed with it. Jim Lawson introduced me and Lucas to Dr. King. Then Dr. Abernathy came in, in Jim Lawson's office. And then Dr, King introduced me and Louis Lucas to Abernathy.

David Yellin- And he remembered your name?

Walter Bailey- Yes because I was very, observant as to whether or not he would.

David Yellin- And he did.

Walter Bailey- And he did. Without any difficulty.

David Yellin- You were quite proud and quite pleased.

Bill Thomas- Wonderful. During this time were you talking low or...

Walter Bailey- Well we were just bringing hi up to date up to the minute as to what had developed, I mean in relationship to the injunction. Incidentally Jim Lawson was on the phone when we got there. He was talking to Lucius Birch about Lucius Birch's law firm representing Calm, you see, Calm would intervene on the behalf of Dr. King.

David Yellin- In the injunction?

Walter Bailey- As a separate part of course, but intervene.

David Yellin- Therefore, your firm and Lucius Birch's firm were amicus curie, where friends in court.

Walter Bailey- No, no, no. no.

David Yellin- You were each defending your own segment. You were defending Dr. King and his group and they were defending Calm...

Walter Bailey- That is the way it originally started. However, we just, well after Dr, King and Dr. Abernathy left the church, Lucius Birch along with Michael Cody, and Charlie Newman and Dave Kaywood came over to the church. Then we had a brief discussion, and we said why don't both law firms just represent all of the parties, as opposed to, I represent Dr. King and you are representing Calm, so why don't we just all represent all the parties and sign all of the pleadings in that fashion. Luis Lucas name went first, mine went second, Lucius Birch went third and...

David Yellin- All of you however were in on it. It didn't represent...

Walter Bailey- No, no, no.

David Yellin- I see.

Joan Beifuss- Did Dr. King have any reaction finding out that the injunction had been granted by the judge.

Walter Bailey- He sort of anticipated that. He was a man of great humility and he was very professional in his approach to his problems.

David Yellin- What do you mean by that?

Walter Bailey- Well, I mean he was always calm and pretty sedate.

Bill Thomas- He didn't disturb anybody I found out.

David Yellin- He had been through this before. So you had a short discussion with him at the church and then you arranged to meet with him again.

Walter Bailey- We told him that we would be over to, that we would meet with him alter at the Lorraine Motel, or hotel whatever that is.

David Yellin- Yes. And you did?

Walter Bailey- And we did.

David Yellin- Do you remember time?

Walter Bailey- Well it was very shortly after he had departed. It was, oh well, maybe an hour at most. Because Lucius Birch came on and Jim Lawson was very much concerned about Lucius Birch's (Muffled). So we decided to go ahead and meet with Dr. King over at the Lorraine Hotel. When we got to the Lorraine Hotel we were escorted to Dr. King's room.

Joan Beifuss- Now how many people went over to Lorraine...people from Birch's law firm and you all?

Walter Bailey- Yeah, yeah.

David Yellin- 5 or 6 in all?

Walter Bailey- 6 of us. I drive a Volkswagen...he was driving a blue 1950 something Buick.

David Yellin- You had a Volkswagen the little one?

Walter Bailey- Yeah.

David Yellin- How many were in there? 5 in there?

Walter Bailey- I was in there with either Louis Lucas or Charlie Newman, I don't recall who it was. But anyway we went on over to Lorraine Hotel.

Bill Thomas- Now who all were the attorneys, did you name them?

Walter Bailey- Charlie Newman, Dave Kaywood, Michael Coley, Louis Lucas and myself.

David Yellin- And Lucius Birch.

Walter Bailey- And Lucius Birch.

David Yellin- So you went over to the Lorraine Hotel in Dr. King's room?

Walter Bailey- We went to Dr. King's room directly. Dr. King was in the meantime meeting with a group of so-called militants. (muffled) I believe it was. In fact, one of them stopped me, Judd Smith stopped me and he asked me about what was I going to do about his case that I had erupted him on. He as also arrested in connection with Millbrook.

David Yellin- He was one of those.

Walter Bailey- But he wasn't out blocking a church, I mean blocking a garbage truck, sanitation truck. It was on the side walk and arrested for not moving on.

Joan Beifuss- Is that disorderly conduct?

Walter Bailey- Yeah. That's what they charged him with.

David Yellin- If he were floating in air he would have been arrested for floating.

Walter Bailey- So he called me off to the side and he asked me, he said, what was I going to do about his matter, while we were headed to Dr. King's room. After Dr. King I talked to him later and he said I have a meeting with him too as a matter of fact I am meeting with him right now. And he went on to have lunch with him. The first thing that came to my mind was the militant appearance of course the afro look, all natural hair style and all. Because I briefly peeked in there to see what was going on and they were sitting around a table eating lunch. Then we went to Dr. King's room. When we got there I guess we waited about 15 minutes and Dr. King didn't show. He was still in conference that's what it was. So Billy Kyles went to get him. He asked us had Dr. King gotten there yet, and we told him no, 4 of us, 4 or 5 of us were sitting on his bed and we left one chair open. Somebody else had one of the other chairs in the room.

Bill Thomas- Was it twin beds two in a room?

Walter Bailey- I believe it was one bed, one or two, I don't recall, you could be right.

Bill Thomas- I thought he was sharing a room with Abernathy that's why.

Walter Bailey- Anyway, here is the thing that really struck me. When Dr. King got there, got to the room, then of course he was introduced to Birch and the other.

David Yellin- And they had never met before?

Walter Bailey- No, no. And Birch was very direct with him. Birch said, if I can recall, he said. I am quoting him as best I can, he said, Well, I may point this out as a footnote. We lawyers just sort of naturally took backseat to Birch's forwardness.

David Yellin- Let's call it age. I can imagine that any company that works with Birch would..

Walter Bailey- The Mr. Birch says, Dr. King I am going to get right to the point, you are a very important man in this town and we want to assure you that we are going to give buyout eh best representation that we could possibly muster. With that in mind I want to ask you a few questions and find out a few things. He went on to ask him some questions and things, I think the questions were in the nature of what have you planned in mind in relationship to the march and when did he want to march and a few other things that I just can't recall. They have escaped me at the moment,

David Yellin- Yeah, maybe they will come back. What were Dr. King's answer, were they as equally as direct?

Walter Bailey- Well, here is one of the things that really impressed me about Dr. King too. When he was introduced to Birch, I do recall him saying oh yes, because he had been informed that birch would be representing him and the respect that he gave Birch.

David Yellin- Yeah he immediately knew who he was.

Walter Bailey- Yeah he, and in the way in which he said oh yes, as if to say, you are the feller I have heard so much talk about.

David Yellin- He was properly briefed. One point, you said you were escorted to the room. Was Billy Pals one of those who escorted you to the room?

Walter Bailey- I think he was.

David Yellin- Yeah so he was there to meet you and...

Walter Bailey- Now Abernathy came up with Dr. King, and I will never forget this, Abernathy had a plate of fish in his hands. Fish or chicken, it was a paper plate, he was very informal he was still eating..(Laughs) So there were always (muffled)

David Yellin- So how long were you in the room with Dr King then?

Walter Bailey- We were there, I guess, no more than 15 minutes.

David Yellin- In a sense Lucius Birch gave him a commentary on what his rights were, did that ever come up?

Walter Bailey- No, no not the rights not in terms of, he warned him of what Dr. King had in mind and Birch just wanted to get a few things confirmed and then we just,



Birch said, Birch approach Walls and said I need these few details and after I get them we are going to move ahead. That was Birch's approach.

David Yellin- Did Dr, King ask what you were going to do?

Walter Bailey- No, no he didn't get into that.

David Yellin- And the whole point of this was that you wanted to get the injunction, what do you call it, lifted?

Walter Bailey- Dissolved.

David Yellin- Dissolved. And that was the whole point and that he was going to have the march on...

\_Right, right, and I think Birch asked him that directly. If we don't get the injunction lifted what are you going to do, march anyway? And I think Dr, King responded with yes he would.

David Yellin- Were there any questions that he asked him could Lucius Birch go in and say we will have the march under certain conditions, we agree to these conditions, or were there any conditions.

Walter Bailey- No, no we didn't detail it like that we left it pretty general because, as a matter of fact we had been advised by New York to not try and...just represent Dr. King and not try to advise him as to what to do in terms of how he wanted to approach his problems.

David Yellin- But he was to tell you.

Walter Bailey- Yes. More or less.

Joan Beifuss- Let me cut in here just one second. In all this time that SCLC has been in existence there has been no lawyer as such attached to SCLC?

Walter Bailey- Yes SCLC has a staff lawyer by a name, I don't recall the name?

David Yellin- Is that Chauncey Eskridge?

Walter Bailey- Eskridge?

Joan Beifuss- In Chicago.

David Yellin- Yes.

Walter Bailey- Clay's Lawyer.

Joan Beifuss- I see yeah.

David Yellin- Yes.

Because he met with us in conference, because we went left Dr, King we had a conference that evening with the city attorneys and the court in chambers.

Joan Beifuss- And Chauncey Eskridge? Was he...

Walter Bailey- That was the next morning I believe it was. Wait a minute now, where did we first meet at? No, we first met him the next morning we had the court hearing over the injunction and that is when we first met him.

Joan Beifuss- Ok I am sorry I am jumping ahead, when you left Dr. King that night what that afternoon.

Walter Bailey- Pardon me?

Joan Beifuss- When you left Dr. King that afternoon then did you meet with him again at all that evening?

Walter Bailey- No, no he spoke at the church that night and so he marched and his lawyers were taking care of the legal aspect of it.

Joan Beifuss- Did you go to that meeting?

Walter Bailey- No I didn't. I was in the library. The 6 lawyers, we met over at Lucius Birch's office and we worked on the injunction and we stayed up until about 3 that morning and I don't think Lucius Birch went home that night at all, I think he slept up at the office.

Bill Thomas- Was this urging precedence and that sort of thing?

Walter Bailey- Well we wanted to be sure that we had everything under control and we wanted to be sure we were in a position to defeat in the event that we couldn't work something out by compromise.

David Yellin- I think...go ahead. Excuse me we are coming to the end of the tape. Do you mind another 15 or 20 minutes?

Walter Bailey- No, no. (Tape Ends)